

Poland
RAXEN National Focal Point

Thematic Study

Housing Conditions of Roma and
Travellers

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Executive summary

Desk research

Legal and policy framework

The Polish Constitution requires public authorities to pursue policies conducive to satisfying the housing needs of citizens, while particular statutes set the general framework concerning housing construction, social housing construction, tenant rights, and protection against homelessness. *Gminas* (counties, the lowest administrative units) **are responsible for assuring housing**, social housing, replacement housing and satisfying the housing needs of low-income households, by setting their own detailed regulations in these realms. **There is no evidence that any *gmina* has introduced regulations that privilege or discriminate the Roma** or women. In practice, the Roma are primarily subject to the social housing framework and the law protects tenants against evictions that result in homelessness.

There are no regulations prohibiting housing discrimination, aside from the Constitution's general clause proscribing discrimination in political, social or economic life (no grounds are mentioned, which should be understood in a way that discrimination is fully prohibited). The Racial Equality Directive is implemented only in the field of labour law.

There is no strategic document on housing development in Poland – housing policies are implemented by drafting appropriate statutes. The Roma are not singled out as a group requiring special support among the addressees of the general housing policy. However, **special government assistance programmes for the Roma do exist**; they are of a comprehensive nature and include housing. These are the already completed *Pilot government programme for the Roma community in the Małopolska Voivodship for the years 2001-2003* and the still ongoing *Programme for the Roma Community in Poland*.

Quantitative data

According to the last national census conducted in 2002, **there are 12,731 Roma in Poland**. However, this seems to be underreported. All Roma in Poland are sedentary: **92.55 per cent live in cities**, 88.41 per cent of which live in cities with populations over ten thousand. The only available quantitative data concerning Roma living conditions concern their access to public utilities, household size and the number of indebted dwellings. The data is from 2001 and covers only the *Świętokrzyskie* Voivodship. It indicates that **Roma live in**

standards far inferior to the general population. For example, 44 per cent of Roma families are cramped in spaces of 30 m² or less, 84 per cent of dwellings have no bathrooms, and 87.5 per cent have rent arrearages.

Qualitative information

Roma from the *Bergitka* group are in the most difficult housing situation, especially families populating over a dozen Roma settlements in southern Poland. The situation is more differentiated in the rest of Poland. Though the great majority of the Roma live in communal flats of a low or very low standard, there are also wealthy homes owned by the Roma.

The Roma's generally poor economic situation, resulting primarily from extensive unemployment in this group, influences their inferior housing. Low and irregular incomes result in **problems with payment of rent, utilities, and purchase of heating fuels.** Further, rent arrearages prevent Roma families from receiving housing subsidies. Many Roma **dwellings are overcrowded.** The situation is difficult to solve as *gminas* **lack available social housing** that the Roma could be moved to. Interviews conducted for purposes of this report indicate that evictions of Roma families are rare or do not happen at all.

Some households have no running water, heating, electricity, toilets or sewage. Poverty prevents the Roma from performing periodic general renovations as well as keeping up necessary maintenance. As a result, the dwellings are in a terrible condition and some buildings erected without building permits violate the building safety code.

The decided majority of Roma do not establish large Roma concentrations and live adjacent to non-Roma communities. This means their access to employment options, health-care services, schools and other social facilities does not differ from the access available to the general Polish population. **Aside from a few exceptions, there is no spatial segregation in Poland** – Roma settlements separated from nearby towns, located in southern Poland. Reports from throughout the country indicate that non-Roma protest in situations when the Roma are supposed to move into other dwellings and live next to non-Roma neighbours.

The Roma's poor living conditions influence other areas of their lives, such as education, employment and especially health. The lack of appropriate sanitation in housing leads to a rapid spread of diseases and difficulty in their eradication, resulting in serious health problems.

Case law and complaints

There are **no cases where a court or an institution that deals with discrimination found and ruled on discrimination of Roma in the housing area**. No other court, specialised body or tribunal decisions on Roma housing have been identified.

Good practices

Basically, **all activities conducted in the past or present to improve Roma housing are part of the government Pilot Programme (completed) and the Programme for the Roma Community in Poland**. They include renovation of existing flats and buildings, construction of social apartments, clearing title to real property, granting property for construction, building small private accommodations, expediting the processing of technical documentation of structures, purchasing building materials, assuring architectural supervision during construction, connecting dwellings to water supply and sewage systems, building wayside biological sewage treatment plants, constructing wayside cesspools or purchasing sanitary containers/portable toilets and helping in the repayment of back rent by e.g. breaking it up into instalments. Work is organised for the Roma as part of the programme to help pay off rent arrearages. Overall, the programme is leading to quantifiable results. However, it does not sufficiently engage the Roma in construction and renovation work.

Field research

Two interviews were conducted with national authorities and three with representatives of civil society organisations. **Interviewees note the historical underpinnings of the Roma's situation**, especially the forced settlement by the government beginning in the 1960s, **and gmina officials' lack of knowledge about the cause and origins of this group's housing problems**. The highest numbers of activities are **conducted as part of government programmes**. The activities of social organisations concerning housing focus mainly on mediations between the Roma and local officials in conflict situations, and providing the Roma with technical support in contacts with the administration (e.g. drafting applications). The government programme is valued by social organisations, though they point out the resultant removal of responsibility from *gminas* for the modernisation of communal housing populated by the Roma. **None of the interviewees has heard of any cases of Roma discrimination in housing ruled on by a court**. Members of social organisations note *gmina* officials' hostility toward the Roma, which results in a certain limitation of Roma rights to adequate housing and problems with legalising real property illegally occupied by the Roma.

1. Desk research

1.1. Legal and policy framework

1.1.1. Protection of the right to adequate housing in national legislation

Poland is part of the International Convention on the Elimination of All Forms of Racial Discrimination, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention for the Protection of Human Rights and Fundamental Freedoms, the Framework Convention for the Protection of National Minorities of the Council of Europe, the European Social Charter (revised).

According to Paragraph 1 of Article 75 of the Constitution of the Republic of Poland, ‘public authorities shall pursue policies conducive to satisfying the housing needs of citizens, in particular combating homelessness, promoting the development of low-income housing and supporting activities aimed at acquisition of a home by each citizen.’¹ EU citizens, refugees, people granted subsidiary protection and third-country nationals with a stay permit take advantage of social protection, including in the housing area.²

The minister responsible for social protection issues is in charge of drafting new social policies, their monitoring and implementation. Pursuant to the Act on the Protection of Tenants’ Rights, *Gmina* Housing Resources and Amendment of the Civil Code, satisfaction of the local community’s housing needs lies within the province of the *gmina*, i.e. the lowest administrative unit.³ This means the *gmina* is responsible for assuring housing (referred to as ‘communal housing’), social housing, and temporary housing as well as for assuring housing for low-income households – to which Roma households often belong. The act contains general guidelines concerning the rights and obligations of tenants and the terms for awarding them housing. *Gmina* councils introduce detailed regulations through their own resolutions. As a result, any decisions benefiting or detrimental to the Roma may be made at that level. However, there is no evidence that any *gmina* has introduced regulations privileging or discriminating against the Roma.

¹ Constitution of the Republic of Poland, Poland / Dz. U. 1997/78/483 (02.04.1997).

² Art. 5 of the Act on Social Assistance, Poland / Dz. U. 2004/64/593 (12.03.2004), as later amended.

³ Art. 4, p. 1, Act on the Protection of Tenants’ Rights, *Gmina* Housing Resources and Amendment of the Civil Code, Poland / Dz. U. 2001/71/733 (21.06.2001), as later amended.

The law provides for the following forms of housing assistance to individuals in difficult economic situations: dormitories, homes for the homeless, social housing and protected housing.⁴ In that realm, the law does not specify the Roma as a separate group requiring support. In practice, it is primarily regulations concerning social housing and, to a lesser extent, protected housing, that apply to the Roma. Dormitories and homeless shelters provide support to the homeless, but homelessness has not been observed among the Roma in Poland.⁵

Social housing is housing with the fixtures and technical utilities that make it habitable, the per capita size of which cannot be less than 5 m², and 10 m² in the case of a single person household, though such a facility may be of a lower standard.⁶ The rent for social housing may not exceed 50 per cent of the lowest rent applicable in the *gmina* housing resources.⁷ Individuals without housing, experiencing indigence, whose income is insufficient to rent housing on general principles, may apply for social housing. Social housing shall, in first order be awarded to individuals who have lost housing due to acts of God, e.g. natural disasters or fire. Persons granted the right to apply for social housing pursuant to a court order (usually an eviction notice) may also receive social housing. A *gmina* is then required to assure such persons social housing and conclude an appropriate lease agreement with them. Persons unlawfully holding tenancy evicted by court order do not have the right to social housing, unless awarding social housing would be particularly justified in light of social coexistence principles (e.g. health protection, children interests).⁸ If social housing tenants do not pay the rent or do not respect the rules, their rent contract may be not renewed, or they might be subject to eviction or debt vindication.

Protected housing is awarded to individuals who, due to their difficult situation, age, disability or illness, require support to function in daily life. In particular, these include individuals with psychological impairments, those leaving foster families, care and rearing facilities, youth rearing and education centres, youth

⁴ Act on the Protection of Tenants' Rights, *Gmina* Housing Resources and Amendment of the Civil Code, Poland / Dz. U. 2001/71/733 (21.06.2001), as later amended; Act on Social Assistance, Poland / Dz. U. 2004/64/593 (12.03.2004), as later amended.

⁵ No report on the situation of Roma in Poland mentions homelessness as a significant problem. Also, according to persons interviewed for this report, the homelessness may affect just a few Roma individuals. According to cultural values cherished by Roma communities, Roma are inclined to host homeless fellow individuals, even in overcrowding, instead of leaving them alone (interview with the President of the Roma Consulting and Information Centre Association in Poland for this report, 02.03.2009; interview with the main specialist in the Department of Denominations and National and Ethnic Minorities in the Ministry of Interior and Administration for this report, 03.03.2009).

⁶ Art. 2, p. 1, item 5, Act on the Protection of Tenants' Rights, *Gmina* Housing Resources and Amendment of the Civil Code, Poland / Dz. U. 2001/71/733 (21.06.2001), as later amended.

⁷ Art. 23, p. 4, Act on the Protection of Tenants' Rights, *Gmina* Housing Resources and Amendment of the Civil Code, Poland / Dz. U. 2001/71/733 (21.06.2001), as later amended.

⁸ Art. 24, Act on the Protection of Tenants' Rights, *Gmina* Housing Resources and Amendment of the Civil Code, Poland / Dz. U. 2001/71/733 (21.06.2001), as later amended.

correctional facilities, as well as refugees. Protected housing is a form of social assistance that prepares its tenants, under the care of specialists, to live independently, or provides housing in lieu of a facility that assures 24-hour care. Protected housing is to provide the conditions for independent functioning in and integration with the local community.⁹ Protected housing may be granted to an individual or a family. Local authorities define the rules and requirements for granting protected housing, who also set the list of the documents they require, depending on the reason why one asks for the protected housing. For example, in the case of disabled people, a medical opinion, while in case of refugees the decision on granting refugee status is required.

Both the owner of the building/flat and the renter are obliged to do repairs when needed (something is broken); the renter inside the flat, and the owner on the outer side of the building. Also, when moving out, the renter is obliged to leave the flat in the condition it was in when he/she moved in.¹⁰

Polish law provides extensive protections to tenants against eviction (irrespective of their ethnic origin). Pursuant to the Act on Protection of Tenants' Rights, Gmina Housing Resources and Amendment of the Civil Code, evictions are proscribed in the period between 1 November through 31 March of the following year, unless the evicted party has been assigned housing to which he or she is to be transferred. Evictions are performed unconditionally if the underlying reason for the decision is cruelty to family. In the eviction decision, a court rules on the right to receive social housing (or lack thereof). In certain cases, a court must award social housing. Such cases include pregnant women, minors, the disabled, incapacitated, immobile, and the unemployed.¹¹ Social housing is always temporary. The rent period is defined by respective *gmina* authorities. The contract may be prolonged as long as the tenant's situation does not change (especially improve). Social housing may be granted to an individual or a family, including those not registered as married. It depends on the particular case – each case is investigated by a social worker.

In the absence of a court ruling assigning social housing, an amendment of the Code of Civil Procedure in force since 5 February, 2005, protects against eviction 'into the street'. It provides that an executor shall suspend eviction until the *gmina*, owner or debtor provides temporary housing of at least 5 m² per capita living space located in the same or a nearby locality.¹² There is no provision that the alternative housing should not result in segregation. The ruling of the Minister of Justice dated 26 January, 2005, provides detailed

⁹ Art. 53 of the Act on Social Assistance, Poland / Dz. U. 2004/64/593 (12.03.2004), as later amended.

¹⁰ Act on the Protection of Tenants' Rights, Gmina Housing Resources and Amendment of the Civil Code, Poland / Dz. U. 2001/71/733 (21.06.2001), as later amended.

¹¹ Act on the Protection of Tenants' Rights, Gmina Housing Resources and Amendment of the Civil Code, Poland / Dz. U. 2001/71/733 (21.06.2001), as later amended.

¹² Art. 1046 of the Code of Civil Procedure, Poland / Dz. U. 1964/43/296 (17.11.1964), as later amended.

conditions temporary housing must meet. All such facilities should have access to water and a toilet (these may be located outside the building), natural light, electricity and heating; the walls may not be damp with water, and the evicted party should have the possibility of installing an implement to cook meals.¹³

The Act on the Protection of Tenants' Rights, *Gmina* Housing Resources and Amendment of the Civil Code defines the minimal size of per capita social housing. It cannot be less than 5 m², and 10 m² in the case of a single person household.¹⁴ There are no other legal regulations related to overcrowding.

1.1.2. Specific protection in national legislation

Roma in Poland are recognised as an ethnic minority.¹⁵ The Polish Constitution assures Polish citizens belonging to national and ethnic minorities the freedom to maintain and develop their own language, maintain customs and traditions, and develop their own culture. National and ethnic minorities have the right to establish educational and cultural institutions, institutions designed to protect religious identity, as well as to participate in the resolution of matters connected with their cultural identity.¹⁶ Detailed regulations concerning national and ethnic minority rights are contained in various lower laws. The most important of these is the Act on National and Ethnic Minorities and Regional Language.¹⁷ Article 6 of this Act contains a general clause prohibiting discrimination based on national or ethnic minority status and requires public authorities to take appropriate steps to support complete and actual equality in spheres of economic, social, political and cultural life among members of the minority and majority. Authorities are also required to protect individuals subject to discrimination, hostility or violence due to their minority status. Further, item 2 of art. 21 of the Act requires the minister with jurisdiction over religious denomination and national/ethnic minority issues to, amongst other things,

¹³ Regulation of the Minister of Justice regarding: detailed procedures in cases regarding clearing out of premises or rooms, or issuance of real property and detailed conditions that temporary rooms must meet, Poland / Dz. U. 2005/17/155 (26.01.2005).

¹⁴ Art. 2, p. 1, item 5, Act on the Protection of Tenants' Rights, *Gmina* Housing Resources and Amendment of the Civil Code, Poland / Dz. U. 2001/71/733 (21.06.2001), as later amended.

¹⁵ In Polish law, an ethnic minority is defined as a group of Polish citizens that collectively meets the following conditions: it is smaller in number than the remainder of the Polish population; it differs in a significant manner from other citizens in language, culture and tradition; it seeks to maintain its language, tradition and culture; it is conscious of its own historic national community and is inclined to express and protect it; and it has resided in the Republic of Poland for at least 100 years. The definition of national minority is the same as that of ethnic minority, except that a national minority additionally identifies with a nation organised in its own state. Art. 2 of the Act on National and Ethnic Minorities and Regional Language, Poland / Dz. U. 2005/17/141 (06.01.2005).

¹⁶ Art. 35 of the Constitution of the Republic of Poland, Poland / Dz. U. 1997/78/483 (02.04.1997).

¹⁷ Act on National and Ethnic Minorities and Regional Language, Poland / Dz. U. 2005/17/141 (06.01.2005).

implement the principle of equal treatment irrespective of ethnic origin. However, in the Act on National and Ethnic Minorities or in other legal regulations, there are no more specific regulations concerning the housing situation of national/ethnic minorities.¹⁸

1.1.3. Legislative or administrative decisions regarding 'ethnic' data collection

According to the Act on the Personal Data Protection, the processing of personal data revealing racial or ethnic origin shall be prohibited. Processing of such data shall not constitute a breach of the Act where: (1) the data subject has given his/her written consent, unless the processing consists in erasure of personal data, (2) the specific provisions of other statutes provide for the processing of such data without the data subject's consent and provide for adequate safeguards, (3) processing is necessary to protect the vital interests of the data subject or of another person where the data subject is physically or legally incapable of giving his/her consent until the establishing of a guardian or a curator, (4) processing is necessary for the purposes of carrying out the statutory objectives of churches and other religious unions, associations, foundations, and other non-profit seeking organisations or institutions with a political, scientific, religious, philosophical or trade-union aim and provided that the processing relates solely to the members of those organisations or institutions or to the persons who have regular contact with them in connection with their activity and subject to providing appropriate safeguards of the processed data, (5) processing relates to the data necessary to pursue a legal claim, (6) processing is necessary for the purposes of carrying out the obligations of the controller with regard to employment of his/her employees and other persons, and the scope of processing is provided by the law, (7) processing is required for the purposes of preventive medicine, the provision of care or treatment, where the data are processed by a health professional subject involved in treatment, other health care services, or the management of health care services and subject to providing appropriate safeguards, (8) the processing relates to those data which were made publicly available by the data subject, (9) it is necessary to conduct scientific research including preparations of a thesis required for graduating from university or receiving a degree; any results of scientific research shall not be published in a way which allows identifying data subjects, (10) data processing is conducted by a party to exercise the rights and duties resulting from decisions issued in court or administrative proceedings.¹⁹

¹⁸ There is however a series of detailed regulations on minority education, use of minority language, access to media, participation in election and prohibition against ethnic discrimination in employment.

¹⁹ Art. 27, Poland / Dz. U. 1997/133/883 (29.08.1997), as later amended.

1.1.4. General public policy on housing

Poland faces a significant housing shortage, with 13 million dwelling units as of 2007.²⁰ This means there are 341 dwelling units per a thousand residents, one of the lowest ratios in Europe. Over two million households have to share dwellings. According to the data from the 2002 national census, a large portion of the general population lives in overcrowded housing: 23.3 per cent live in flats with two or three persons per room, and about 12 per cent with more than three persons per room.²¹ Furthermore, many dwellings lack basic sanitation and/or technical infrastructure.²² A serious shortage of social housing is also a problem.

State housing policy focuses primarily on removing the quantitative housing disparity, i.e. equalising the number of households and dwellings available. Secondly, it aims to satisfy every income group's housing needs.

There is no strategic document concerning the development of housing in Poland. The government implements its housing policy through laws and executive regulations,²³ which are prepared by the Ministry of Infrastructure. The Roma are not singled out as requiring special support among housing policy target groups. In practice, a large section of the Roma minority is in the lowest income group. Efforts to increase construction of social housing aim to: improve the situation of this economic group as a whole (for more see: section 1.1.9.).

1.1.5. 'Positive actions' measures

Though the Roma are not distinguished as a group that requires particular support in documents related directly to state housing policy, nor is there anti-discrimination legislation to improve the Roma housing situation, other government programmes address their housing needs. The *National Programme against Racial Discrimination, Xenophobia and Related Intolerance 2004-2009* adopted in connection with Poland's obligations arising under the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (Durban, 2001) strategic goals include improvement of the Roma's economic situation. Refurbishing and renovation of existing housing resources

²⁰ Poland/Główny Urząd Statystyczny, *Housing Economy in 2007*, p. 17, available at: http://www.stat.gov.pl/cps/rde/xbcr/gus/PUBL_WZ_gosp_mieszkan_2007.pdf (29.03.2009).

²¹ OECD, *Report on Poland 2008*, p.113.

²² 95.3 per cent of dwellings have running water, 87.8 per cent have toilets, 86.7 per cent have a bathroom, 55.7 per cent have gas from the network, and 77.8 per cent have central heating. See: Poland/Główny Urząd Statystyczny, *Housing Economy in 2007*, p. 22, available at: http://www.stat.gov.pl/cps/rde/xbcr/gus/PUBL_WZ_gosp_mieszkan_2007.pdf (29.03.2009).

²³ Interview with the Department of Housing and Construction Strategy in the Ministry of Infrastructure for the purpose of this report, 06.03.2009.

in areas chiefly populated by the Roma minority is to serve these ends.²⁴ Strategic documents concerning social policy do not single out the Roma as a separate target group of priority activities in the realm of housing, however these documents do note their poor housing situation.²⁵ Separate complementary programmes, the *Pilotażowy program rządowy na rzecz społeczności romskiej w województwie małopolskim na lata 2001-2003* [Pilot government programme for the Roma community in the *Małopolska* Voivodship for the years 2001-2003 (hereafter Pilot Programme)] and its successor, the government *Program na rzecz społeczności romskiej w Polsce* [Programme for the Roma Community in Poland], support this ethnic group, *inter alia*, in the housing area.

The *Pilot Programme* was the first of the two initiatives. In explaining the need to establish an assistance programme for the Roma at the government level, Polish authorities officially admitted that the position of the Roma in the *Małopolska* Voivodship (in the south of Poland) differs considerably from modern civilised conditions, while local governments were unable to deal with the problems.²⁶ The local governments' incapability was underpinned by their position that the Roma were being treated equally with other Polish citizens. Meanwhile, the Roma accused authorities of insensitivity to their specific

²⁴ Poland/Pełnomocnik Rządu ds. Równego Statusu Kobiet i Mężczyzn (2004) *Krajowy Program Przeciwdziałania Dyskryminacji Rasowej, Ksenofobii i Związanej z nimi Nietolerancji 2004-2009*, available at: <http://www.mswia.gov.pl/index.php?dzial=100&id=208> (29.03.2009).

²⁵ For example, in the *National Report on Strategies for Social Protection and Social Inclusion 2006-2008* (document adopted by the Council of Ministers on 9 October 2006), the priorities related to housing include support for lowest income and homeless persons. Separate mention is made of the Roma's poor housing situation with indication of activities as part of the government *Programme for the Roma Community*, which concern investment in the infrastructure of Roma settlements and households (renovations, construction, water and sewage networks). See: Poland/ Ministerstwo Pracy i Polityki Społecznej (2006) *National Report on Strategies for Social Protection and Social Inclusion 2006-2008*, available at: http://ec.europa.eu/employment_social/spsi/docs/social_inclusion/2006/nap/poland_en.pdf (29.03.2009). Similarly, in the *Social Policy Strategy for 2007-2013* (document accompanying the implementation of the National Development Plan for 2007-2013, adopted by the Council of Ministers on 13 September 2005), the Roma are not designated as a separate social group targeted by priority activities, but mention is made of families with children, the disabled, elderly and immigrants, while in the housing context – of the homeless and those threatened with social exclusion due to lack of economic incapacity. The Roma are indicated as particularly threatened by poverty and social exclusion along with groups such as the homeless, persons living in or leaving social assistance or post-penitentiary facilities, drug dependant, victims of violence, immigrants and refugees, the 'working poor', children from dysfunctional families. See: Poland/Ministerstwo Polityki Społecznej (2005) *Strategia Polityki Społecznej na lata 2007-2013*, available at: <http://www.mps.gov.pl/userfiles/File/mps/strategiaps.pdf> (29.03.2009).

²⁶ Poland/Ministerstwo Spraw Wewnętrznych i Administracji (2001) *Pilotażowy program rządowy na rzecz społeczności romskiej w województwie małopolskim na lata 2001-2003* [Pilot government programme for the Roma community in the *Małopolska* Voivodship for the years 2001-2003], available at: http://www.mswia.gov.pl/porta1/pl/192/285/Tresc_pilotazowego_programu_rzadowego_na_rzecz_spolecznosci_romskiej_w_wojewodzt.html (29.03.2009).

issues. Therefore, it was deemed necessary to resort to central administration in activities to improve the Roma situation.

A publication on Roma issues in Poland also contributed to the establishment of the *Pilot Programme*. The ECRI Second Report on Poland found that prejudice against the Roma continues in Poland, that the group is generally excluded from the Polish communities next to which it lives and that it encounters discrimination from local authorities in provision of services. The ECRI called on Poland to immediately deal with Roma issues and ensure that any discrimination by authorities should be illegal.²⁷ A pre-accession European Commission report evaluating Poland's (and other candidate states') preparations for European Union membership, noted the absence in Poland of a strategy to integrate the Roma community at the government administrative level. It found the Roma's economic and social conditions inferior to those of other members of society. This report further stressed the need to finance aid programs for the Roma from the government budget.²⁸ Due to its extremely critical tone, another work that elicited a powerful response was a report for the British Westminster Foundation for Democracy.²⁹ The report was drafted as part of the *Roma Project* implemented by the European Institute for Democracy, and financed by the Embassy of Great Britain in Poland and the Know How Fund.³⁰ At the turn of the 21st century, the British financed several projects benefiting the Roma in Poland. Extensive Roma migration from Poland to Western Europe characterised the 1990s, especially to Great Britain, Ireland, Norway, and Finland. Assistance programs for Polish Roma as well as pressure from Western states to improve their situation in Poland are likely to have stemmed from the fear of increased Roma immigration to those states after Poland's accession to the EU. This was expressed through bilateral contacts

²⁷ ECRI (2000) *Second Report on Poland*, available at: http://hudoc.ecri.coe.int/XML/ECRI/ENGLISH/Cycle_02/02_CbC_eng/02-cbc-poland-eng.pdf (29.03.2009).

²⁸ Open Society Institute (2001) *Monitoring of the EU Accession Process: Minority Protection in Poland*, available at: http://www.eumap.org/reports/2001/minority/sections/poland/minority_poland.pdf (30.03.2009).

²⁹ J. Beesley (1999) *Wyjazd do Polski: Projekt Romski*, Council of County Hertfordshire, unpublished. This is a very short report consisting mainly of photos of devastated Roma dwellings in *Nowy Sącz* and nearby villages. According to the author, the living conditions in those places are worse than in South Africa twenty years earlier.

³⁰ A result of the *Roma Project* was the formulation of the most important tenets concerning the Roma situation, mainly in access to education, employment and living conditions. These were presented to the *Sejm* [Lower House] Commission on National Minorities, deputies, senators and local officials from the *Tarnów* and *Nowy Sącz* regions during a seminar held in March 2000 in *Nowy Sącz*. Experience gained during *Roma Project* implementation was to be used in creating the *Pilot government programme for the Roma community in the Małopolska Voivodship for the years 2001-2003*.

including with British, Finnish, Irish officials in the two years preceding the launch of the *Pilot Programme*.³¹

Finally, in creating a special assistance programme for the Roma, Poland's obligations arising under international agreements and recommendations of international institutions were cited, in particular, those included in the Convention for the Protection of Human Rights and Fundamental Freedoms, International Convention on the Elimination of All Forms of Racial Discrimination, Framework Convention for the Protection of National Minorities of the Council of Europe, UN resolutions and Council of Europe recommendations concerning the Roma (Resolution No. 65 of the UNHCR, 4 March, 1992, On the protection of Roma/Gypsies; Parliamentary Assembly of the Council of Europe Recommendation 563 of 1969, On the situation of Gypsies and other nomads in Europe; Parliamentary Assembly Recommendation 1203 of February 1993, On Gypsies in Europe; Congress of Local and Regional Authorities of Europe (CLRAE) Resolution 243 of 16-18 March, 1993, On Gypsies in Europe: the Role and Responsibility of Local and Regional Authorities; CLRAE resolution 11 of 1995, Toward Tolerance in Europe: the contribution of Roma/Gypsies; Recommendation of the European Commission Against Racism and Intolerance of the Council of Europe No. 3 of 1997, Combating Racism and Intolerance toward the Roma/Gypsies, and the Brussels Declaration of 12 July, 1996, of the participants of roundtable discussions at the European Parliament in Brussels concerning the Roma/Gypsies in Europe.

The *Pilot Programme* was established by a resolution of Poland's Council of Ministers on 13 February, 2001.³² It targets seven selected areas of life: education, employment (preventing unemployment), health, material situation, safety, culture, the Roma's knowledge about their community, with education deemed the priority. Improving living standards, especially living conditions was the programme's second priority. After the end of the *Pilot Programme*, another began in 2004 with the same priorities but this time with a national scope, the government *Programme for the Roma Community in Poland*.³³ It is

³¹ Poland/Ministerstwo Spraw Wewnętrznych i Administracji (2001) *Pilotażowy program rządowy na rzecz społeczności romskiej w województwie małopolskim na lata 2001-2003* [Pilot government programme for the Roma community in the Małopolska Voivodship for the years 2001-2003], available at: http://www.mswia.gov.pl/portal/pl/192/285/Tresc_pilotazowego_programu_rzadowego_na_rzecz_spolecznosci_romskiej_w_wojewodzt.html (29.03.2009).

³² Resolution Establishing the Programme – *Resolution of the Council of Ministers* no. 11/2001 dated 13.02.2001.

³³ Resolution of the Council of Ministers on 19 August, 2003. Poland/Ministerstwo Spraw Wewnętrznych i Administracji (2003) *Program na rzecz społeczności romskiej w Polsce* [Programme for the Roma community in Poland], available at: http://www.mswia.gov.pl/palm/en/10/55/Programme_for_the_Roma_community_in_Poland.html (29.03.2009).

slated to last through 2013, with a possibility for extension (for details of activities conducted within the programme, see: section 1.6.).

The *Programme for the Roma Community in Poland* establishes that ‘participation of the local communities is a necessary condition for attaining programme goals’.³⁴ In fact, however, only to a very small degree are the Roma engaged in renovation and construction work. In its report from the visit to several *gminas* covered by the Roma housing programme, UN-Habitat notes deficiencies in *gminas*’ participatory planning.³⁵ *Ochotnica Górna* is a positive example, where the Roma assist in constructing a building that will replace an illegal Roma settlement (residents should complete moving into the building in summer 2009). However, such a way of going forward requires an active attitude from the Roma and a favourable attitude from *gmina* officials; it is rarely implemented in practice. In awarding funding, the Ministry of Interior and Administration requests that the hiring of Roma workers be considered during the renovations. This recommendation is not formalised and *gmina* authorities usually ignore it, arguing they are subject to regulations on public tenders for contracts in the *gminas*. Meanwhile, with a bit of good will, they could include the requirement to hire Roma workers in the requests for tender offers.³⁶ The respondent with OSCE/ODIHR also underlined the need to clearly define requirements for Roma participation in constructing their housing, pointing out the psychological aspects of the matter, which create a feeling of responsibility and respect for the benefits flowing from the government programme.³⁷ Enforcing such a requirement would be difficult, given the limited staffing resources at the Ministry of Interior and Administration coordinating and monitoring the programme.³⁸

Though there are obvious benefits flowing from activities to improve the Roma housing situation, they sometimes lead to increased tensions. These arise within the Roma communities due to unmet expectations and conflicts stemming from access to assistance, as well as between Roma and the non-Roma majority not enjoying such aid and questioning the point of giving aid to the ‘Gypsies’. The programme recommends that the lowest income non-Roma residents should also be included in the projects to prevent misunderstandings and ease conflicts

³⁴ Poland/Ministerstwo Spraw Wewnętrznych i Administracji (2003) *Program na rzecz społeczności romskiej w Polsce* [Programme for the Roma community in Poland], available at: http://www.mswia.gov.pl/palm/en/10/55/Programme_for_the_Roma_community_in_Poland.html (29.03.2009).

³⁵ UN-HABITAT (2007) *Raport z misji* [Mission Report], 10.12.2007, pp. 6-7, made available upon request.

³⁶ Interview with the Department of Denominations and National and Ethnic Minorities in the Ministry of Interior and Administration for the purpose of this report, 03.03.2009.

³⁷ Interview with the OSCE/ODIHR for the purpose of this report, 05.03.2009.

³⁸ Interview with the Department of Denominations and National and Ethnic Minorities in the Ministry of Interior and Administration for the purpose of this report, 03.03.2009.

between local Roma and non-Roma communities.³⁹ However, not all *gminas* follow this recommendation. By only renovating Roma housing, they engender non-Roma neighbours' envy and complaints toward this minority.⁴⁰

There are also cases where the effectiveness of renovations and modernisations seems doubtful. Roma representatives have been the first to point out this problem. They feel the funds could be used more efficiently, as by tendering *gmina* authorities do not always select the cheapest offers, thus wasting significant portions of the funds.⁴¹ Program coordinators are also aware of the problem, but are unable to completely control the situation due to the programme's scale and the limited number of personnel employed to coordinate activities throughout the country.⁴²

The welfare-prone attitude of certain *gmina* officials toward the donors is another noticeable problem arising from programme participation. An expectation sometimes arises that donors will support numerous projects neglected over the years, which is unrealistic due to the programme's limited financial resources.⁴³ Additionally, Roma leaders point out that the possibility of receiving funds from the Roma programme for renovations removes responsibility from many *gmina* officials for modernising communal housing resources populated by that minority. *Gmina* funds designated for housing are then directed to benefit non-Roma, making the situation of the Roma completely dependent on any funds awarded to the *gmina* by the programme.⁴⁴

Apart from what is done by governmental authorities, also the Polish ombudsman, *Rzecznik Praw Obywatelskich (RPO)* (Commissioner for Civil Rights Protection (CCRP)) systematically reviews the situation of the Roma and persistently addresses their housing issues in its annual report. CCRP's representatives visit Roma settlements from time to time and sometimes intervene or mediate in conflict situations.

³⁹ Poland/Ministerstwo Spraw Wewnętrznych i Administracji (2003) *Program na rzecz społeczności romskiej w Polsce* [Programme for the Roma community in Poland], available at: http://www.mswia.gov.pl/palm/en/10/55/Programme_for_the_Roma_community_in_Poland.html (29.03.2009).

⁴⁰ Interview with the Department of Denominations and National and Ethnic Minorities in the Ministry of Interior and Administration for the purpose of this report, 03.03.2009.

⁴¹ Interview with the Polish Roma Union for the purpose of this report, 04.03.2009.

⁴² Interview with the Department of Denominations and National and Ethnic Minorities in the Ministry of Interior and Administration for the purpose of this report, 03.03.2009.

⁴³ Interview with the Department of Denominations and National and Ethnic Minorities in the Ministry of Interior and Administration for the purpose of this report, 03.03.2009.

⁴⁴ Interview with the Polish Roma Union for the purpose of this report, 04.03.2009.

1.1.6. Housing components of gender equality legislation and policy

There is no special gender equality legislation in Poland. However, the Act on Social Assistance lists mothers, especially those with many children, among the main target groups of the social assistance system. Pregnant women and mothers with children who are victims of domestic violence or facing another crisis situation might be sheltered in special houses for them.⁴⁵ Also, the Act on Protection of Tenants' Rights, *Gmina* Housing Resources and Amendment of the Civil Code gives special protection to pregnant women. In case of eviction, social housing must be awarded to them.⁴⁶

1.1.7. Housing components of disability legislation and policy

The Act on Social Assistance lists the disabled among the main target groups of the social assistance system. The disabled, both mental and physical, who are unable to function on their own, have the right to be settled in social welfare homes.⁴⁷ The disabled who have a chance for independent functioning may be granted protected housing.⁴⁸ Also, the Act on Protection of Tenants' Rights, *Gmina* Housing Resources and Amendment of the Civil Code gives special protection to the disabled. In case of eviction, social housing must be awarded to them.⁴⁹

⁴⁵ Art. 47 of the Act on Social Assistance, Poland / Dz. U. 2004/64/593 (12.03.2004), as later amended.

⁴⁶ Art. 14 of the Act on the Protection of Tenants' Rights, *Gmina* Housing Resources and Amendment of the Civil Code, Poland / Dz. U. 2001/71/733 (21.06.2001), as later amended.

⁴⁷ Art. 56 of the Act on Social Assistance, Poland / Dz. U. 2004/64/593 (12.03.2004), as later amended.

⁴⁸ Art. 53 of the Act on Social Assistance, Poland / Dz. U. 2004/64/593 (12.03.2004), as later amended.

⁴⁹ Art. 14 of the Act on the Protection of Tenants' Rights, *Gmina* Housing Resources and Amendment of the Civil Code, Poland / Dz. U. 2001/71/733 (21.06.2001), as later amended.

1.1.8. The impact of legislation and especially of the Race Equality Directive on the housing situation of Roma and Travellers

The Polish Constitution prohibits discrimination in political, social or economic life.⁵⁰ There are no other regulations concerning housing discrimination aside from this general clause.

The Racial Equality Directive has been implemented only in the realm of labour law. Work has been ongoing for several years on a law that would adapt Polish regulations to standards set by the European Union's antidiscrimination directives. The government's draft bill to implement certain EU regulations in the realm of equality dated 30 January, 2009, contains a provision prohibiting discrimination in access to services, including housing, because of sex, race, ethnic origin, nationality, denomination or belief, political views, disability, age or sexual orientation, civil or family status or for any other reasons.⁵¹

1.1.9. The impact of general public policies on the housing situation of Roma and Travellers

Near the end of 2006, a package of legal and economic support went into effect to support *gminas* and public organisations propagating social housing. The basis is the Act on Financial Support to Establish Social Dwellings, Protected Housing, Dormitories and Housing for the Homeless. Pursuant to this act, additional financing for dwellings for individuals in particular need is available from *Fundusz Dopląt* [Grant Fund] established at the *Bank Gospodarstwa Krajowego* (the only state bank in Poland).⁵²

So far, the percentage of funds used for social housing available from the Grant Fund has been relatively low; about 50 per cent of the available funds was disbursed in 2007.⁵³ To encourage *gminas* and public service organisations to fully utilise the money, the government amended the Act on Financial Support to Establish Social Dwellings, Protected Housing, Dormitories and Housing for the Homeless as well as the Act on Certain Forms of Supporting Housing Construction, which will become law on 1 April 2009. Pursuant to this amendment, a *gmina* may use Grant Fund money to construct communal

⁵⁰ Art. 32 of the Constitution of the Republic of Poland, Poland / Dz. U. 1997/78/483 (02.04.1997).

⁵¹ The draft act has not reached Parliament yet. It is available at: http://www.radalegislacyjna.gov.pl/userfiles/RL-0303-9_09_us.pdf (20.05.2009).

⁵² Act on Financial Support to Establish Social Dwellings, Protected Housing, Dormitories and Housing for the Homeless, Poland / Dz. U. 2006/251/1844 (08.12.2006).

⁵³ Poland/ Ministry of Labour and Social Policy, <http://www.mpips.gov.pl/index.php?gid=1111> (29.03.2009).

housing provided it appropriates an equivalent number of dwellings for social or protected housing purposes.⁵⁴ This approach will contribute to lowering the standards of social housing as compared to what was originally planned. It is however, a necessary response to residents' dissatisfaction reported by the *gminas*, which stems from the fact that tenants evicted (usually for non-payment of rent) would receive the attendant right to social housing with a minimum rent payment, when moving into housing of a higher standard than their neighbours in communal housing who had maintained their rent payments.⁵⁵

1.2. Quantitative data

1.2.1. Number of Roma and Travellers in the country

According to the latest National General Census of Population and Dwellings conducted in 2002, 12,731 Polish citizens declared Roma origin, breaking down by voivodships, i.e. the largest administrative units, as follows: *Małopolskie* – 1,678, *Dolnośląskie* – 1,319, *Mazowieckie* – 1,291, *Śląskie* – 1,189, *Wielkopolskie* – 1,086, *Łódzkie* – 1,018, *Opolskie* – 847, *Podkarpackie* – 712, *Zachodniopomorskie* – 699, *Lubelskie* – 670, *Kujawsko-Pomorskie* – 634, *Warmińsko-Mazurskie* – 426, *Podlaskie* – 365, *Świętokrzyskie* – 338, *Lubuskie* – 272, *Pomorskie* – 187.

Nonetheless, these figures seem to be underreported. Voivodship offices' estimates regarding the number of Roma based on information from local government authorities estimate this number at 20,750 (*Małopolskie* Voivodship – 3,500, *Dolnośląskie* – 2,500, *Mazowieckie* – 1,600, *Śląskie* – 2,300, *Wielkopolskie* – 600, *Łódzkie* – 1,200, *Opolskie* – 800, *Podkarpackie* – 1,500, *Zachodniopomorskie* – 1,000, *Lubelskie* – 800, *Kujawsko-Pomorskie* – 1,400, *Warmińsko-Mazurskie* – 1,000, *Podlaskie* – 700, *Świętokrzyskie* – 650,

⁵⁴ Act on the Amendment of the Act on Financial Support to Establish Social Dwellings, Protected Housing, Dormitories and Housing for the Homeless as well the Act on Certain Forms of Supporting Housing Construction, art. 1, p. 15c, Poland / Dz. U. 2009/39/309 (12.02.2009).

⁵⁵ Interview with the Department of Housing and Construction Strategy in the Ministry of Infrastructure for the purpose of this report, 06.03.2009.

Lubuskie – 700, *Pomorskie* – 500).⁵⁶ Other estimates of the total Roma population in Poland range between fifteen and fifty thousand.⁵⁷

Census data indicates that 49.75 per cent of the Roma population are women, with men making up 50.25 per cent. In the Polish population, these numbers are 51.57 per cent and 48.43 per cent, respectively.⁵⁸

All Roma in Poland are sedentary. One of the groups, the *Bergitka* Roma, living in the southern outreaches of Poland, has lived this way for centuries. Other Roma were forced to settle by communist authorities pursuant to the resolution of the Government Presidium of 24 May 1952 (forced settlement was conducted especially intensively from 1964). The large majority of the Roma today are dispersed and do not live in large Roma concentrations.

According to national census data, 92.55 per cent of the Roma reside in cities, while only 61.76 per cent of the Polish population is urban and 38.24 per cent rural.⁵⁹ 88.41 per cent of the Roma live in cities with over ten thousand residents, and only 11.59 per cent of the Roma live in villages or small towns with populations under ten thousand (See: Annex 1, Graph 1).⁶⁰ The greatest number of Roma live in the *Małopolskie* Voivodship – 13.18 per cent of the total Polish Roma population, followed by the *Dolnośląskie* Voivodship – 10.36

⁵⁶ Poland/Ministerstwo Spraw Wewnętrznych i Administracji (2003) *Program na rzecz społeczności romskiej w Polsce* [Programme for the Roma community in Poland], available at:
http://www.mswia.gov.pl/palm/en/10/55/Programme_for_the_Roma_community_in_Poland.html (29.03.2009).

⁵⁷ OSCE/ODIHR (2007) *Field assessment report: the situation of Bergitka Roma in the Małopolska Region of Poland*, p. 2, available at:
http://www.osce.org/documents/odhr/2007/10/27381_en.pdf (29.03.2009).

⁵⁸ Poland/Ministerstwo Spraw Wewnętrznych i Administracji (2007) *2nd Report for the Secretary General of the Council of Europe on the Realisation by the Republic of Poland of the Provisions of the Framework Convention on the Protection of National Minorities*, Annex 2, available at:
http://www.mswia.gov.pl/portal/en/10/54/Ethnic_and_national_minorities_in_Poland.html (29.03.2009).

⁵⁹ Poland/Ministerstwo Spraw Wewnętrznych i Administracji (2007) *2nd Report for the Secretary General of the Council of Europe on the Realisation by the Republic of Poland of the Provisions of the Framework Convention on the Protection of National Minorities*, Annex 2, available at:
http://www.mswia.gov.pl/portal/en/10/54/Ethnic_and_national_minorities_in_Poland.html (29.03.2009).

⁶⁰ Poland/Ministerstwo Spraw Wewnętrznych i Administracji (2007) *2nd Report for the Secretary General of the Council of Europe on the Realisation by the Republic of Poland of the Provisions of the Framework Convention on the Protection of National Minorities*, Annex 4, available at:
http://www.mswia.gov.pl/portal/en/10/54/Ethnic_and_national_minorities_in_Poland.html (29.03.2009).

per cent, and *Mazowieckie* – 10.14 per cent. The remaining 66.32 per cent of the Roma are dispersed throughout the entire country (See: Annex 1, Graph 2).⁶¹

1.2.2. Data on the housing conditions

The only quantitative data concerning Roma living conditions, their access to public utilities, household size and the number of dwellings with rent arrearages may be found in the report on research conducted in 2001. However, this report is limited only to the *Świętokrzyskie* Voivodship. The research covered Roma who were present in their residences from July through September 2001 and consented to participate in the research. According to estimates, 30-40 per cent of the *Świętokrzyskie* Voivodship's Roma population participated. The results indicated 105 flats out of the 125 studied had no bathroom or toilet, 85 lacked running water, and central heating was installed in only five homes (for more details see: Annex 1, Table 1).⁶² There is no other official, non-official or research statistical data on the housing conditions of Roma. No quantitative research on the impact of housing conditions on the right to education, employment or the highest attainable level of health has been done in Poland.

1.2.3. Data on housing tenure of Roma and Travellers

The only quantitative data available comes from the research conducted in the *Świętokrzyskie* Voivodship in 2001 (referred to in the section 1.2.2.). Interviewee responses also indicated that 87.5 per cent of homes covered by the research (109 families) were indebted and 20 per cent of interviewees indicated they were threatened by eviction (See: Annex 1, Table 4).⁶³ Out of the 109 indebted families, 32 had arrears of about 1,000 PLN,⁶⁴ and 27 others over 1,600 PLN, which means the arrears had accumulated over three or more years,

⁶¹ Poland/Ministerstwo Spraw Wewnętrznych i Administracji (2007) *2nd Report for the Secretary General of the Council of Europe on the Realisation by the Republic of Poland of the Provisions of the Framework Convention on the Protection of National Minorities*, Annex 3, available at: http://www.mswia.gov.pl/portal/en/10/54/Ethnic_and_national_minorities_in_Poland.html (29.03.2009).

⁶² L. Zakrzewski (2002) *Report: 'Social Mapping of the Roma in Świętokrzyskie Voivodship 2001'*, Kielce: Office for Economic Policy and Regional Development, p. 36.

⁶³ As of 2007, the share of the number of tenants living in communal flats with rent arrearages was 40.5 per cent. See: Poland/Główny Urząd Statystyczny, *Housing Economy in 2007*, p. 27, available at: http://www.stat.gov.pl/cps/rde/xbr/gus/PUBL_WZ_gosp_mieszkan_2007.pdf (29.03.2009).

⁶⁴ 1,000 PLN = ca. 223 EUR (exchange rate of May 2009).

since the monthly rent for substandard flats occupied by the Roma was about 30-40 PLN (See: Annex 1, Table 5).⁶⁵

1.2.4. Number of Roma/Travellers living in regulated encampments

There are no Roma regulated encampments in Poland.

1.2.5. Number of Roma/Travellers living in unregulated encampments

There is no data regarding the number of Roma living in unregulated encampments, because such encampments basically do not exist in Poland. As reported by the press, sometimes itinerant Roma from Romania set up unregulated encampments,⁶⁶ though there are no official data or other publications on the subject.

1.2.6. Number of Roma/Travellers living in segregated settings

There are teens of Roma settlements in Poland, usually on the outskirts of small towns in the south of the country, although no precise data as to their number is available. Fragmentary data concerning the number of residents of particular communities are contained in reports drafted after visits to these communities, e.g. by an OSCE/ODIHR representative or the CCRP (See: section 1.3.). They rarely exceed 20 families in size.

1.2.7. Data on household type and size

The only quantitative data available comes from the research conducted in the Świętokrzyskie Voivodship in 2001 (referred to in sections 1.2.2. and 1.2.3.).⁶⁷ Survey showed, 44 per cent of surveyed families were ‘cramped’ in a space of

⁶⁵ L. Zakrzewski (2002) *Report: ‘Social Mapping of the Roma in Świętokrzyskie Voivodship 2001’*, Kielce: Office for Economic Policy and Regional Development, p. 37.

⁶⁶ Except from Romania, other countries of origin are not mentioned in this context.

⁶⁷ L. Zakrzewski (2002) *Report: ‘Social Mapping of the Roma in Świętokrzyskie Voivodship 2001’*, Kielce: Office for Economic Policy and Regional Development, p. 37.

30 m² or less, while a mere 14.4 per cent lived in standards approaching those set in 1989, i.e. 7 m² per inhabitant (See: Annex 1, Tables 2 and 3).⁶⁸

1.2.8. Data on the forced evictions

There is no quantitative data on forced evictions.

1.2.9. Data on access of Roma/Travellers to public utilities

The only data available is quoted in the section 1.2.2.

1.2.10. Data on available halting sites

There are no halting sites in Poland.

1.3. Qualitative information

1.3.1. Quality of housing available to Roma and Travellers

There is no publication or other work available that reflect the current housing situation of the Roma community in Poland.⁶⁹ The most recent such works were published in the early years of this decade, but used examples from an even earlier period. Implementation of the government *Programme for the Roma Community* began in Poland in 2004 and was preceded by a *Pilot Programme* implemented throughout a single voivodship. The programme includes a series of activities intended to improve the Roma housing situation, such as

⁶⁸ This is far below the national median. Data from the 2002 national census indicate the per capita living area in Poland is 21 m². See: Poland/Główny Urząd Statystyczny, *Concise Statistical Yearbook of Poland 2008*, p. 221, available at: http://www.stat.gov.pl/cps/rde/xbcr/gus/PUBL_maly_rocznik_statystyczny_2008.pdf (29.03.2009). In 2007, this living area rose to 23.8 m². See: Poland/Główny Urząd Statystyczny, *Housing Economy in 2007*, p. 19, available at: http://www.stat.gov.pl/cps/rde/xbcr/gus/PUBL_WZ_gosp_mieszkan_2007.pdf (29.03.2009).

⁶⁹ Authors of the UN-HABITAT report on their visit to Roma communities in Mielec, Tarnów, Ochotnica Górna and Maszkowice also note the lack of quantitative and qualitative data. UN-HABITAT (2007) *Raport z misji* [Mission Report], 10.12.2007, p. 7, made available upon request.

renovations, construction of social housing and container homes, connecting water and power utilities to Roma dwellings and settling questions of title (the *Pilot Programme* also paid off overdue rent payments, however limited funds do not allow this to be performed on a national scale). Though these initiatives certainly improve the Roma housing situation, the central authorities admit that funding limitations prevent them from fully responding to Roma expectations in this realm.⁷⁰ The extent of improvement may be judged only based on annual statistical data contained in the reports on the government programme, though the lack of base statistics does not make this data very informative (See: section 1.6. and Annex 1).

Currently, it is impossible to veritably report on the Roma housing situation in Poland without more comprehensive research. The reports from recent years cover only southern Poland, and they are cited below. They were drafted during projects for the Roma, though not directly related to their housing situation,⁷¹ or during visits to those regions by human rights institutions and organisations (CCRP and OSCE/ODIHR).

Generally, the situation is as follows: the *Bergitka* Roma, who populate teens of Roma settlements in southern Poland, face the most severe housing problems. Their buildings are in terrible disrepair, overcrowded, with many lacking access to public utilities, and some erected without building permits. In the remainder of the country and excluding Roma settlements in the south, their situation is somewhat better and more differentiated. The great majority of Roma live in communal housing of a low and very low standard, though there are some wealthier households that own their own homes.

The underlying reason for the disparity between Roma communities relates to the history. The issue has been widely discussed by the OSCE/ODIHR respondent: *There are two Roma communities in Poland and they differ from each other. The Bergitka Roma and all the rest: Polska, Keldrashi, Lovari, and Sinti. The former was always sedentary, the others nomadic. Poland's post-war programme focused on settling the nomadic Roma, especially from the 60s to the 80s. The Roma's dispersion is the result of this state settlement policy. The Roma in Poland are geographically dispersed, they live in many cities, here and there on the outskirts – barracks were made available to them there, while flats were given elsewhere. Even today, you can find the barracks here and there, but they're being replaced by homes the Roma are building themselves. (...) So, there are no big territorial concentrations of the Polska Roma group, etc. – they*

⁷⁰ Interview with the Department of Denominations and National and Ethnic Minorities in the Ministry of Interior and Administration for purposes of this report, 03.03.2009.

⁷¹ M. Zawicki (ed.) (2007) *Aktywizacja Zawodowa Romów* [Professional Activation of the Roma], Krakow: Małopolska Szkoła Administracji Publicznej Uniwersytetu Ekonomicznego, available at: http://www.msap.ue.krakow.pl/doki/publ/kx_Az_Romow.pdf (29.03.2009); Towarzystwo Interwencji Kryzysowej (2003) *Against Hate Crimes*, available at: <http://crisisintervention.free.ngo.pl/> (29.03.2009).

might live on a single street, but that's it. Dense construction exists among the Bergitka Roma, who lived mainly in villages or their outskirts. (...) Roma housing has also been influenced by the fact that, at some point, Polish Roma began to invest in houses. (...) In many cities, where they had previously lived in barracks, they moved to impressive houses they built themselves in the 80s and 90s. This is associated with the fact that they were in trade of various things, including cars, which could easily be transferred across borders, especially after '89. The houses and mansions are still there today: Pabianice, Łódź, Konin, and there are a lot near Warsaw, e.g. in Łomianki, Nowy Dwór Mazowiecki. Meanwhile, when it comes to the Roma in the south – for many reasons the situation there changed for the worse rather than the better. After '89, the Roma lost their jobs, before that most of them had had work. They ceased to have money, which was reflected in their living conditions. The situation had been bad in the past, and got even worse after '89. (...) The very poor living conditions basically do not apply to the Polska Roma. Of course, problems may crop up in some cities. Especially older people who are alone may not have money to pay the rent and so forth. But this is not a chronic issue. However, when it comes to the Bergitka Roma – here, the matter of improving living conditions is fundamental.⁷²

However, the status of the Polska Roma group caused by the state's forced settlement is seen less optimistically by the *Stowarzyszenie Centrum Doradztwa i Informacji dla Romów w Polsce* [Roma Consulting and Information Centre Association in Poland]: *When the Roma were being settled, they were unaware that these flats would be imposed on them forever. They thought it was only a temporary situation and that the next spring they would again travel in their caravans. As a result, there were various reasons for accepting any housing whatsoever. First of all, precisely because they thought they were going to travel again. Second, they didn't have the awareness that a larger flat would be needed. If someone had young children they did not consider that when the children grew, they would have their own children, and that 10 people would not be able to live in a single 20 m² room. And these flats were accepted, sometimes at their own request, as they thought it was a transition period. It is the same principle that drove the Roma in the late autumn to settle for the winter. Just imagine that in some cases, the Roma still live in those assigned flats. Flats that small. Conditions are terrible.⁷³*

The differences in affluence between certain Roma communities are also linked to economic differences between Polish towns. Furthermore, they depend on *gmina* support – some *gminas* participate in the government Programme for the Roma Community and receive financial support for housing, others do not. Some local authorities are not interested in improving Roma living conditions, which might be perceived as a discriminatory practice. It is the case of *Koszary*

⁷² Interview with the OSCE/ODIHR for the purpose of this report, 05.03.2009.

⁷³ Interview with the Roma Consulting and Information Centre Association in Poland for the purpose of this report, 02.03.2009.

(described in sections 1.3.1.2., 1.3.4., 1.3.5. and 1.3.6.), revealing the constant lack of good will of local authorities to resolve this group's housing problems. Some other authorities do not make much effort to obtain government funding. In several cases, Roma associations have intervened. This happened, for instance, in *Piotrków Trybunalski* (as described in section 1.3.1.2.). The Roma Consulting and Information Centre Association in Poland was invited by Roma of the location: *in Piotrków Trybunalski, we met with the Roma in early December 2008. The Roma asked me to come and hear them out. (...) They complained that they make requests and file applications [with the municipal office regarding improvement of the housing situation], but they are ignored, often there was no response even. As an Association, we suggested they organise and jointly file a petition to the [city] president to hear the Roma grievances. That is what happened.*⁷⁴ Authorities of *Piotrków Trybunalski* were encouraged to participate in the government programme.

The Roma's inferior living conditions affect other spheres of their lives, such as education, employment and, especially, health. Unsanitary conditions caused especially by the lack of running water and sewage, lack of heating (including lack of money for coal or wood), the inferior technical condition of structures as well as overcrowding lead to a rapid spread of diseases and hamper their eradication. Over time, this leads to serious health problems. A section of the Roma frequently experience illnesses that have been eliminated among the general population, such as tuberculosis.⁷⁵ The functioning of disabled persons in overcrowded housing is further hindered and proper rehabilitation is impossible, though there is no substantiated data in this regard.

An NGO *Towarzystwo Interwencji Kryzysowej (TIK)* [Crisis Intervention Society (CIS)] noted living conditions as one of the factors having negative impact on Polish Roma women's physical and mental health: 'Many Roma dwellings are inferior to the average living conditions of other citizens in the states where they live. The majority of Roma settlements, e.g. in the region of *Małopolska* are outside other settlements and are deprived of potable water, sewage and roads that allow for ambulance access. The problem also concerns roadblocks to obtaining settlement permits, especially in city centres, which necessarily results in them moving to the outskirts, away from infrastructure that allows for decent living conditions. Evictions from illegally inhabited abandoned structures or those illegally erected (...) affect physical, but especially mental health, as constant fear of eviction and the attendant

⁷⁴ Interview with the Roma Consulting and Information Centre Association in Poland for the purpose of this report, 02.03.2009.

⁷⁵ Poland/Ministerstwo Spraw Wewnętrznych i Administracji (2003) *Program na rzecz społeczności romskiej w Polsce* [Programme for the Roma community in Poland], available at:
http://www.mswia.gov.pl/palm/en/10/55/Programme_for_the_Roma_community_in_Poland.html (29.03.2009).

insecurity in difficult moments such as illness or pregnancy have a decidedly negative effect on women's mental health'.⁷⁶

The Roma's inferior living conditions also hinder their children's education. Overcrowding means children frequently have no place of their own, which is in the way of doing homework and studying. The Roma's low education levels make it difficult to find employment, resulting in poverty, which in turn influences living conditions.

Further, academics at the Cracow University of Economics have found that lack of home ownership by the Roma hinders their ability to establish businesses, as they cannot obtain loans secure with their property.⁷⁷

1.3.1.1. Affordability

The general inferior economic circumstances of the Roma, resulting mainly from the very high unemployment rates in this group, naturally affect their housing situation. According to 2002 national census data, only 8.3 per cent are active professionally, and about 80 per cent are unemployed.⁷⁸ The incomes of a significant proportion of families are below the poverty line.⁷⁹ The income base for many families consists of various welfare payments as well as income earned abroad or in temporary jobs.

Generally, the Roma cannot afford to rent or purchase their own homes at market prices. This is why they often reside in typically low-standard communal housing (which are sometimes social houses) . No research is available on the subject; estimates are that about 80 per cent live in communal homes and 20 per cent own their own flats or houses.⁸⁰ The low and irregular

⁷⁶ Towarzystwo Interwencji Kryzysowej (2003) *Against Hate Crimes*, available at: <http://crisisintervention.free.ngo.pl/> (29.03.2009).

⁷⁷ M. Zawicki (ed.) (2007) *Aktywizacja Zawodowa Romów* [Professional Activation of the Roma], Krakow: Małopolska Szkoła Administracji Publicznej Uniwersytetu Ekonomicznego, p.41, available at: http://www.msap.ae.krakow.pl/doki/publ/kx_Az_Romow.pdf (29.03.2009).

⁷⁸ Poland/Ministerstwo Gospodarki i Pracy (2005) *Program Operacyjny – Zatrudnienie i Integracja Społeczna*, p. 21, available at: <http://www.funduszeuropejskie.gov.pl/informator/npr2/po/zatrudnienie.pdf> (29.03.2009).

⁷⁹ Poland/Ministerstwo Spraw Wewnętrznych i Administracji (2003) *Program na rzecz społeczności romskiej w Polsce* [Programme for the Roma community in Poland], available at: http://www.mswia.gov.pl/palm/en/10/55/Programme_for_the_Roma_community_in_Poland.html (29.03.2009).

⁸⁰ This is the estimate of ownership by the representative of the Polish Roma Union (interview for the purpose of this report, 04.03.2009). The OSCE/ODIHR Senior Adviser on Roma and Sinti Issues suspects that slightly over 20 per cent of Roma own their own housing (interview for the purpose of this report, 05.03.2009). Meanwhile, the President of the Roma Consulting and Information Centre Association in Poland, with reference to central Poland, speaks of about 90 per cent of communal flat residency and 10 per cent purchased from *gminas*.

incomes of the Roma mean they have problems paying the rent for flats, even when renting at relatively low prices. The same applies to payments for utilities, with money being insufficient even to purchase wood or coal for heating. Arrearages in rent payment preclude Roma families from taking advantage of rent subsidies.⁸¹ The Roma complain about hostile officials in certain *gminas* not informing them of available rent subsidies before they get into debt.⁸²

1.3.1.2. Habitability

The conditions of Roma dwellings differ widely depending on the town. Wealthy Roma families that can afford to conduct necessary renovations and install useful devices reside in certain localities, such as *Pabianice*, *Poznań*, and *Gorzów Wielkopolski*.⁸³ The case is similar in *Konstantynów Łódzki*, a town of thirty thousand residents in central Poland with a 200-strong Roma community, where about 90 per cent of the homes are renovated and have all basic facilities (kitchens, bathrooms, etc.). The Roma, however, argue that these are dwellings from the *gmina*'s communal resources and it is the *gmina* that should cover the costs of necessary repairs which the Roma paid for out of their pocket during the years of their increased prosperity (late 1980s and early 1990s).⁸⁴

Meanwhile, a mere 50 km away from *Konstantynów Łódzki*, in the town of *Piotrków Trybunalski*, most of the Roma also live in communal flats, but the situation is diametrically different. The Roma population in *Piotrków Trybunalski* totals about 30 families subsisting in extremely difficult living conditions.⁸⁵ The main problems stem from heating, the condition of windows and doors, high moisture levels in the dwellings, their small size given the number of users, no conditions for children to do schoolwork, lack of lavatories and toilets, and arrearages in rental fees.⁸⁶ The situations of particular persons are indicative of the greater problem. For example, a sick octogenarian Roma woman lives on the third floor, without running water and central heating. She

Furthermore, a small number of Roma could afford to build their own homes, especially at the watershed of the 1980s and 1990s, when their economic situation was somewhat improved (interview for the purpose of this report, 02.03.2009).

⁸¹ Poland/Ministerstwo Spraw Wewnętrznych i Administracji (2003) *Program na rzecz społeczności romskiej w Polsce* [Programme for the Roma community in Poland], available at: http://www.mswia.gov.pl/palm/en/10/55/Programme_for_the_Roma_community_in_Poland.html (29.03.2009).

⁸² Interview with the Roma Consulting and Information Centre Association in Poland for the purpose of this report, 02.03.2009.

⁸³ Interview with the OSCE/ODIHR for the purpose of this report, 05.03.2009.

⁸⁴ Interview with the Roma Consulting and Information Centre Association in Poland for the purpose of this report, 02.03.2009.

⁸⁵ Interview with the Roma Consulting and Information Centre Association in Poland for the purpose of this report, 02.03.2009.

⁸⁶ Minutes from the meeting of Roma community representatives with the President of the City of Piotrków Trybunalski on 9 February 2009, made available upon request.

must walk down to the basement to fetch coal and water from outside the building. The flat is extremely cramped and water infested. Another nearly 80-year-old woman, lives in a flat with concrete flooring, making the home extremely cold. She applied for a heater from the city office in early spring, and was finally awarded one in late fall.⁸⁷

Some Roma residents in other parts of Poland also lack running water, heating, electricity, washrooms or sewage. Financial shortfalls prevent periodic total renovations of flats and ongoing maintenance such as painting, removing fungus from walls, heating installation, repair of windows, broken water, sewage, heating or electrical installations. As a result, these dwellings remain in a terrible state of disrepair. Buildings erected without building permits are in the worst condition and some even violate the building code.⁸⁸

Many Roma dwellings are overcrowded. In *Piotrków Trybunalski*, six people reside in a flat of approximately 20 m².⁸⁹ There are also entire multigenerational families (often as many as ten people) sharing a single room.⁹⁰ The highest number recorded has been in the town of *Nowy Sącz*, where 21 people lived in a one-room flat.⁹¹

The most dramatic housing situation is in southern Poland, especially in Roma settlements in the towns of *Maszkowice*, *Koszary* and *Krośnica*.

In *Maszkowice* the Roma settlement consists of about 20 wooden homes. Most of the homes have two tiny rooms of 6-10 m² in size, one of which is accessed directly from the outside. The ceilings are extremely low, about 180-200 cm. Many of the homes have mud floors covered with rugs. All are coal heated with unsealed installations. None of the old homes have running water. The settlement has a well with a frequently broken pump, which freezes in the winter forcing residents to draw water from a nearby creek. Sewage is also missing.⁹²

⁸⁷ Interview with the Roma Consulting and Information Centre Association in Poland for the purpose of this report, 02.03.2009.

⁸⁸ M. Zawicki (ed.) (2007) *Aktywizacja Zawodowa Romów* [Professional Activation of the Roma], Krakow: Małopolska Szkoła Administracji Publicznej Uniwersytetu Ekonomicznego, p.16, available at: http://www.msap.ae.krakow.pl/doki/publ/kx_Az_Romow.pdf (29.03.2009).

⁸⁹ Interview with the Roma Consulting and Information Centre Association in Poland for the purpose of this report, 02.03.2009.

⁹⁰ Poland/Ministerstwo Spraw Wewnętrznych i Administracji (2003) *Program na rzecz społeczności romskiej w Polsce* [Programme for the Roma community in Poland], available at: http://www.mswia.gov.pl/palm/en/10/55/Programme_for_the_Roma_community_in_Poland.html (29.03.2009).

⁹¹ M. Kołodziejczyk (2008) 'Rozśrodkowanie', in: *Polityka* (30.08.2008), p. 21.

⁹² Rzecznik Praw Obywatelskich, *Raport z badania warunków życia społeczności romskiej żyjącej w Maszkowicach (14-15 grudnia 2006 r.)* [Investigative report on Maszkowice Roma

In *Krośnica*, 11 families live in a Roma settlement where most of the houses are illegally constructed. Living conditions in general are extremely poor. There is no running water or sewage system. The situation is just as bad in *Koszary*.⁹³ This community was ultimately provided with running water, though after lots of conflicts with local authorities. For years, they had taken part in government programmes for the Roma community, and several times received programme funding to connect water and sewage to the community in *Koszary*. However, when ultimately the water provision network was built, connections were not provided to the Roma homes. As a result, in 2007, the area inhabited by the Roma contained two wells with taps and one equipped with a pump. Only two families had running water, as they built those connections at their own expense, while the remainder of the people used the wells. The well installations frequently malfunctioned and tended to freeze in the winter. As a result, the Roma had to draw water from a stream.⁹⁴ Problems related to this project were a frequent subject of discussions between the Ministry of Interior and Administration, the *Małopolska* Voivodship Office and *gmina* authorities, as well as Roma living in *Koszary*. The CCRP as well as the Senior Adviser on Roma and Sinti issues OSCE/ODIHR visited the location. The opinion-leading weekly *Przekrój* that publicised the case interpreted the situation as a consequence of the *gmina* *voit's* (leader's) hostility toward the Roma.⁹⁵ Meanwhile, the Ministry of Interior concluded that the entire case was related to issues of unsettled property rights but also underscored the problem of 'tense relations between *gmina* authorities and the Roma'.⁹⁶

The terrible technical condition of many Roma buildings e.g. disintegrating window and doorframes, mean the Roma cannot feel secure there. Southern Poland presents the worst situation in terms of safety. Some homes situated near rivers and upon floodplains are subject to flooding. To purchase insurance, families must prove title, which is impossible if the buildings are located on land with unclear title.⁹⁷ For example, floods had affected four families in *Czarna Góra*, until finally government programme activities moved them to

community (14-15 December 2006)], available at:
<http://www.rpo.gov.pl/pliki/1171026985.pdf> (29.03.2009).

⁹³ OSCE/ODIHR (2007) *Field assessment report: the situation of Bergitka Roma in the Małopolska Region of Poland*, pp. 9-10, available at:
http://www.osce.org/documents/odihr/2007/10/27381_en.pdf (29.03.2009).

⁹⁴ Unpublished internal note of the Commissioner for Civil Rights Protection for cases RPO-558281-X/07/MS and RPO-558905-X/07/MS, made available upon request, letter from CCRP to HFHR dated 08.10.2007, p. 2.

⁹⁵ A. Szulc (2007) 'Romowisko', in: *Przekrój* (01.02.2007), available at:
http://przekroj.pl/wydarzenia_kraj_artykul,1570.html (29.03.2009).

⁹⁶ Poland/Ministerstwo Spraw Wewnętrznych i Administracji (2007) *Memorandum: Notatka w sprawie doprowadzenia instalacji wodno-kanalizacyjnej do osiedla romskiego w Koszarach k/ Limanowej* [Note on connecting water and sewage installations to the Roma community in Koszary near Limanowa], made available upon request, letter from Ministry of Interior and Administration dated 21.09.2007, ref. No DWRMniE-6522-85(2)/07/DD.

⁹⁷ Interview with the OSCE/ODIHR for the purpose of this report, 05.03.2009.

newly erected container housing.⁹⁸ Illegal structures that violate building codes are an additional problem in the south of Poland, as they may constitute a threat to the residents' physical safety.

1.3.1.3. Accessibility

Most Roma live in communal housing. Due to their low incomes, they cannot afford to pay rent, or they live in such poor quality homes caused at best by overcrowding. Some squat in dwellings that violate building code standards, while in all these cases the Roma have the right to social housing. However, *gminas* do not have sufficient social housing resources, and the dwellings available are in extremely bad condition. This relegates the Roma to continue living with no access to adequate housing (more on the issue see: section 1.3.4.).

1.3.1.4. Location

The great majority of Roma live in cities adjacent to non-Roma communities, where they do not establish large Roma concentrations. Consequently, their access to employment options, health-care services, schools and other social facilities does not differ from what is available to other members of the Polish population, and is not limited, even for Roma living in low-income neighbourhoods. The situation of Roma communities in southern Poland, located on the outskirts of villages and small towns, is far worse. As noted by the OSCE/ODIHR representative in 2007, in *Krośnica*, the Roma settlement is situated far from the main village and school. There is no bus stop nearby and this causes problems for the Roma children attending school and in accessing other public services.⁹⁹ In addition, during a visit to four Roma clusters in southern Poland, a representative of the CCRP learned that school bus drivers do not want to drive Roma children to school. The CCRP discussed this matter with local authorities.¹⁰⁰

⁹⁸ Interview with the Department of Denominations and National and Ethnic Minorities in the Ministry of Interior and Administration for the purpose of this report, 03.03.2009.

⁹⁹ OSCE/ODIHR (2007) *Field assessment report: the situation of Bergitka Roma in the Małopolska Region of Poland*, p. 10, available at: http://www.osce.org/documents/odihr/2007/10/27381_en.pdf (29.03.2009).

¹⁰⁰ Unpublished internal note of the Commissioner for Civil Rights Protection to cases RPO-558281-X/07/MS and RPO-558905-X/07/MS, made available upon request, letter from CCRP to HFHR dated 08.10.2007, p. 4.

1.3.1.5. Cultural adequacy

There is no data available on the cultural adequacy of Roma housing, and there are no reports of any discriminatory practices toward the Roma in this realm.

1.3.2. Issues of spatial and social segregation

Spatial segregation does not exist in Poland aside from several exceptions in southern Poland where Roma clusters are separated from the remainder of the locality. Most Roma are dispersed throughout towns with populations of more than 10 thousand. This is the result of government policy in communist Poland, which quartered Roma in ways that would facilitate their assimilation. This was not always successful, as *gminas* did not always have sufficient housing resources in various parts of a given locality. As a result, and also due to their own preferences – as the Roma sometimes wanted an appropriate location for their horses – it happened that the Roma were settled near each other on the outskirts of towns. Over the years, some moved to other parts of the city, while the cities themselves expanded. Consequently, there are some large Roma communities /neighbourhoods, though clusters of several Roma homes are far more frequent.

Reports from all parts of Poland indicate that non-Roma communities are hostile to Roma neighbours. Such hostilities are expressed when the Roma move into a new flat/home.

In 2005, in the town of *Szczecinek*, protests erupted in the *gmina* office against a single Roma mother with three children moving to a communal flat in another part of the town. Ultimately, the move took place after interventions by *Związek Romów Polskich* [Polish Roma Union] at the *gmina* office and hardships suffered by the mother, including social workers conducting interviews regarding her case.¹⁰¹

Similarly, in October 2008, 69 people signed a protest delivered to the chair of the city council in the town of *Żary* against plans to accommodate Roma in social flats located on *Szkolna* Street. The protest letter claimed ‘such acts by authorities result in continued devastation and degradation of an already unseemly area’. Press reports indicate city authorities did not share the misgivings expressed by protesters.¹⁰²

¹⁰¹ Interview with the Polish Roma Union for the purpose of this report, 04.03.2009.

¹⁰² J. Todorow (2008) ‘Mieszkańcy dwóch budynków w Żarach nie chcą romskich sąsiadów’, in: *GazetaLubuska.pl* (25.10.2008), available at: <http://www.gazetalubuska.pl/apps/pbcs.dll/article?AID=/20081025/POWIAT18/379041015> (29.03.2009).

In early 2006, a conflict erupted between non-Roma and Roma residents of a social housing project on Roma Street in *Puławy*. A year prior, city officials housed Roma families and eight Polish families in a 78-flat building, as part of an integration programme. Four of the Polish families petitioned the city president to be moved, arguing that having the Roma as neighbours constituted an undue hardship.¹⁰³ The local officials did not change these families' assigned housing.

Another case of Poles' hostility toward living near the Roma occurred in 2007 in *Gmina Łącko*, and concerned transferring the residency of Roma living at the border of two villages, *Maszkowice* and *Jazowsko*. For years, it was deemed that the Roma clusters were located within the village of *Maszkowice* and this is where the Roma were officially registered. However, in connection with the *Programme for the Roma Community in Poland* implementation, it turned out that they in fact administratively belonged to the village of *Jazowsko*. The *Łącko* County Council, which administers both villages, decided to register the Roma according to the new location. This decision engendered severe protests from the residents of *Jazowsko*, who objected to the council decision, arguing they had not been consulted. However, according to observers and the authors of a *Field assessment report* drafted at the request of ODIHR, 'the cornerstone of this objection was that they did not wish to have troublesome neighbours associated with their community'.¹⁰⁴ The *Łącko* County Council refused to change the decision after the protests. As a result, the *Jazowsko* Village Council requested intervention from the CCRP. CCRP representatives explained to residents that registering the Roma in the new location 'was solely a formality not associated with changing the location of the cluster itself'.¹⁰⁵

1.3.3. Access to private housing

Due to their low incomes, the huge majority of Roma cannot afford to rent or purchase their own homes at market prices. There are no reports suggesting the Roma's access to private housing is limited by factors other than lack of affordability, e.g. landlords refusing to rent to Roma. Also, none of the persons interviewed for the purpose of this report recalled any typical case of this kind.

¹⁰³ H. Bednarzewska (2006) 'Sąsiedzi żyją jak pies z kotem', in: *KurierLubelski.pl* (20.01.2006), available at: <http://www.kurierlubelski.pl/module-dzial-viewpub-tid-9-pid-22512.html> (29.03.2009).

¹⁰⁴ OSCE/ODIHR (2007) *Field assessment report: the situation of Bergitka Roma in the Małopolska Region of Poland*, p. 5, available at: http://www.osce.org/documents/odihhr/2007/10/27381_en.pdf (29.03.2009).

¹⁰⁵ Unpublished internal note of the Commissioner for Civil Rights Protection to cases RPO-558281-X/07/MS and RPO-558905-X/07/MS, made available upon request, letter from CCRP to HFHR dated 08.10.2007, p. 3.

1.3.4. Access to social housing

The inferior condition and shortages of communal housing and material shortages in the number of social dwellings mean low-income Roma as well as ethnic Polish families have limited access to *gmina* housing assets or are offered dwellings that do not correspond to their needs and/or are in decrepit conditions. Impoverished Roma constantly face this situation.¹⁰⁶ For example, in *Szczecinek*, a seven-member family lives in an indebted communal flat. As a result, *gmina* officials want to assign them a social flat of only 27 m², which violates the regulatory norm of 5 m² per resident (See: section 1.1.1.). The situation has not yet been resolved and the Polish Roma Union is intervening with *gmina* officials.¹⁰⁷

Furthermore, a representative of the Polish Roma Union feels *gminas* purposely assign the Roma flats in less desirable districts to avoid protests by neighbours.¹⁰⁸

Certain local officials have exhibited passivity in the face of extremely dramatic Roma housing situations. The officials argue there is a shortage of communal and social housing and fail to make appropriate efforts to move the Roma. Such a situation took place in the Roma cluster in *Koszary*, where a Roma family lives in a cardboard house with walls so chewed through by rats that it is in danger of collapse. Only funds awarded by the *gmina* as part of the *Programme for the Roma Community* will allow the residents to be moved.¹⁰⁹

1.3.5. Forced evictions

It is primarily Roma families with rent arrearages that are threatened with eviction. Pursuant to the law, a *gmina* must provide social housing to evicted families (See: section 1.1.1.). There have been no reports on *gminas'* failure to meet this obligation. Interviews conducted for purposes of this report indicate Roma families are rarely evicted, if at all.¹¹⁰

¹⁰⁶ Interview with the Roma Consulting and Information Centre Association in Poland for the purpose of this report, 02.03.2009.

¹⁰⁷ Interview with the Polish Roma Union for the purpose of this report, 04.03.2009.

¹⁰⁸ Interview with the Polish Roma Union for the purpose of this report, 04.03.2009.

¹⁰⁹ Interview with the Department of Denominations and National and Ethnic Minorities in the Ministry of Interior and Administration for the purpose of this report, 03.03.2009.

¹¹⁰ Interview with the Roma Consulting and Information Centre Association in Poland for the purpose of this report, 02.03.2009; interview with the Department of Denominations and National and Ethnic Minorities in the Ministry of Interior and Administration for the purpose of this report, 03.03.2009; interview with Polish Roma Union for the purpose of this report, 04.03.2009; interview with the OSCE/ODIHR for the purpose of this report, 05.03.2009.

Roma families that hold illegal tenancy of buildings erected without building permits or are in abandoned buildings (which happens especially in southern Poland) also live under threat of eviction. For example, in *Koszary* the authorities started administrative proceedings against Roma families that had constructed their houses without official permits. In 2006, the office of the Regional Inspector of the Building Supervisor ruled that houses built by these six Roma families had to be razed and the violators fined. The fines were so high (up to PLN 45 thousand in some cases) that none of the Roma families could afford to pay them. After intervention of the *Małopolska* Voivodship office, this decision was stayed on the grounds that no alternative housing had been guaranteed for these families. The case, however, is not resolved and the Roma families continue to fear eviction.¹¹¹

1.3.6. Legality and legalisation of settlements

Construction of buildings without building permits was quite common among Roma living in separated or segregated settlements. These illegal settlements have not been included into local/urban planning. Authorities tolerated such situations during the communist period. Some settlements and many houses were constructed illegally, a situation which led to problems after 1989.¹¹² Section 1.3.5. describes a typical case.

Sometimes, *Programme for the Roma Community in Poland* funds resolve building permit issues. The funds allow Roma families to move from illegal buildings to new structures erected on property with legal title. Such a situation took place in *Ochotnica Górna*, where a new building is nearing completion.¹¹³

Clearing title to property can be difficult for formal reasons, as in cases where land held illegally by the Roma has multiple owners. The good will of the local administration is also needed to clear title. It seems such good will is lacking in the town of *Koszary*, where, despite interventions of the *Małopolska* Voivod ongoing since 2008, the problem has not been resolved. The *gmina* *voit* (leader) refuses to rule on the matter, arguing that it is within the jurisdiction of the *gmina* council, while the council keeps deferring the Roma issue to a next council meeting agenda.¹¹⁴

¹¹¹ OSCE/ODIHR (2007) *Field assessment report: the situation of Bergitka Roma in the Małopolska Region of Poland*, p. 8, available at: http://www.osce.org/documents/odihr/2007/10/27381_en.pdf (29.03.2009).

¹¹² OSCE/ODIHR (2007) *Field assessment report: the situation of Bergitka Roma in the Małopolska Region of Poland*, p. 7, available at: http://www.osce.org/documents/odihr/2007/10/27381_en.pdf (29.03.2009).

¹¹³ UN-HABITAT (2007) *Raport z misji* [Mission Report], 10.12.2007, p. 3, made available upon request.

¹¹⁴ Interview with the OSCE/ODIHR for the purpose of this report, 05.03.2009.

Pursuant to the law, an illegal building may be legalized if it is situated in accordance with a respective *gmina* territorial planning, and does not violate building codes in terms of technical standards.¹¹⁵ If the building fulfills these conditions and it was built before 1994 (when the new Building Code was passed), the legalization is just a formality. If built after 1994, the owner must pay a significant sum of money (amounting to several hundred thousand PLN) in order to legalize the building. From 20 June to 31 December 2007, owners of illegal buildings constructed between 1 January 1995 and 11 July 1998, against whom no administrative proceeding had been started before 11 July 2003, could legalize their buildings without paying legalization fees.¹¹⁶

1.3.7. Movement, encampment use of private land

The Roma in Poland are sedentary and do not establish encampments. There are no specific legal provisions about Travellers' encampments, however, due to regulations contained in certain pieces of law, e.g. the Misdemeanour Code, Act on Forests, legal encamping outside formalized camps is not allowed.

1.3.8. Access to public utilities

For information on access to public utilities such as sanitation see: section 1.3.1.2. Section 1.3.1.4 presents all available data about access to public transport.

1.3.9. Access and quality of housing for third country Roma/Travellers immigrants (especially for Roma/Travellers EU nationals)

There is no data on the situation of Roma immigrants in housing.

¹¹⁵ Art. 48 and art. 49 of the Act Building Code, Poland / Dz. U. 1994/89/414 (07.07.1994), as later amended. Technical standards are defined in the Decree of the Ministry of Infrastructure of April 7, 2004, Changing the Decree on Technical Conditions Buildings and Their Localization Have to Meet, Poland / Dz. U. 2004/109/1156 (07.04.2004).

¹¹⁶ This was pursuant to art. 3 of the Act of May 10, 2007, on the Amendment of the Act Building Code and Some Other Acts, Poland / Dz. U. 2007/99/665 (10.05.2007).

1.3.10. Campaigns to inform Roma of their rights to adequate housing

No campaigns have been conducted to inform Roma of their rights to adequate housing.

1.4. Case law and complaints

There are no cases where a court or an institution that deals with discrimination, namely the Department of Women, Family and Counteracting Discrimination at the Ministry of Labour and Social Policy, or the Monitoring Team on Racism and Xenophobia at the Ministry of Interior and Administration found and reported discrimination against Roma in the housing area.

The Polish ombudsperson, CCRP, sometimes gets involved in activities, chiefly through mediation, to explain the Roma housing situation (See: section 1.3.). In 2008, the CCRP received reports of housing discrimination alleged by a Roma. The case concerned multiple carbon monoxide poisonings of the members of a Roma family, resulting in the death of a prematurely born infant. In the applicant's opinion, problems with the gas system in the building started when the *Miejskie Zakłady Gospodarki Komunalnej i Mieszkaniowej* [Municipal Housing Authority (MHA)] under the *Programme for the Roma Community in Poland* renovated his apartment, and then got worse when his neighbour illegally modified the gas and ventilation system. Those problems were repeatedly reported to the MHA, but chimney sweep controls and other measures (e.g. knocking a hole in the wall) failed to remedy the defects.

In a letter of June 2008 addressed to the *Małopolskie* Voivodship Office, the applicant indicated that local officials were disrespectful of him and the Prosecutor's Office was reluctant to handle his case because of his Roma origins.¹¹⁷ The Governor of the *Małopolskie* Voivodship contacted the Building Inspection Office in the town of L. as well as the Prosecutor's Office, and also requested the CCRP to intervene.¹¹⁸ The CCRP addressed the relevant Prosecutor's Office on that matter and was informed in response that the investigation into the building modification and the child's death were still in progress.¹¹⁹

¹¹⁷ Letter from J.C. to the *Małopolska* Voivodship Office, received/registered on 16 June 2008.

¹¹⁸ Letter of the Plenipotentiary for National and Ethnic Minorities in the *Małopolskie* Voivodship to HFHR dated 12.08.2008, ref. no. SO.VIII.507-1-29-08.

¹¹⁹ Telephone conversation with a staff member of the Office of the Commissioner for Civil Rights Protection, dated 15 September 2008.

1.5. Identifying good practices

No activities other than those implemented as part of the government *Pilot Programme* and *Programme for the Roma Community in Poland* have been conducted to improve the Roma housing situation. Both programmes consist of complementary components, and deal with additional aspects of life other than housing (See: section 1.1.5.). Tasks from the ‘life situation’ sector of which housing is a part are implemented by *gminas* using central budget funding from a special budget provision, which are allotted by the programme coordinator, i.e. the Ministry of Interior and Administration. However, the programme notes that improving the Roma’s economic status cannot be an end in itself, but only a part of the overall goal, which is to improve this minority’s overall situation.¹²⁰

The *Pilot Programme* in 2001-2003 was implemented by *gminas* of the *Małopolskie* Voivodship, the voivodship identified as the most problematic with respect to Roma social status. The main stated goal of the *Pilot Programme* was to improve living conditions as the main factor in improving beneficiaries’ life situation. Planned activities included: renovate existing flats and buildings; construct social apartments; clear title to real property; grant property for construction; offer support to build small private accommodations; expedite processing technical documentation of the structures; purchase building materials; assure architectural supervision during construction; connect dwellings to water supply and sewage systems; build wayside biological sewage treatment plants; construct wayside cesspools or purchase sanitary containers/portable toilets; help in repaying back rent by e.g. paying it off in installments.¹²¹

These efforts were directed to all Roma in need of support, without segmentation into Roma women, children, the elderly or persons with disabilities.

Activities to improve the Roma housing situation were implemented as part of the *Pilot Programme* in 2002-2003, designating over two million PLN for that purpose. Numerous renovations (134 in 2002, no precise data for 2003) included installing windows, gas heaters, repair and replacement of water and

¹²⁰ Poland/Ministerstwo Spraw Wewnętrznych i Administracji (2001) *Pilotażowy program rządowy na rzecz społeczności romskiej w województwie małopolskim na lata 2001-2003* [Pilot government programme for the Roma community in the Małopolska Voivodship for the years 2001-2003], available at: http://www.mswia.gov.pl/portal/pl/192/285/Tresc_pilotazowego_programu_rzadowego_na_rzecz_spolecznosci_romskiej_w_wojewodzt.html (29.03.2009).

¹²¹ Poland/Ministerstwo Spraw Wewnętrznych i Administracji (2001) *Pilotażowy program rządowy na rzecz społeczności romskiej w województwie małopolskim na lata 2001-2003* [Pilot government programme for the Roma community in the Małopolska Voivodship for the years 2001-2003], available at: http://www.mswia.gov.pl/portal/pl/192/285/Tresc_pilotazowego_programu_rzadowego_na_rzecz_spolecznosci_romskiej_w_wojewodzt.html (29.03.2009).

sewage pipes, and repair of roofs. Building materials were purchased and given to Roma families and renovations were conducted under *gmina* supervision. Further, a number of Roma settlements were connected to water and sewage. For example, in the *Czarny Dunajec gmina*, 35 Roma homes were connected to running water. Portable toilets were set up in a *gmina* where sewage connections were deemed impossible at the time and in the near future. A portion of the funding was allotted to pay off rent arrearages of flats rented by Roma families. In 2002, fifteen Roma families' rent arrearages in Tarnów were paid off, allowing them to avoid eviction.¹²²

Furthermore, in 2002, programme budgets were used in *gminas Nowy Targ* and *Szaflary* to clear title to real property with Roma settlements. Similarly, in 2003 *gminas Ochotnica Dolna* and *Szczawnica* purchased property and performed work and surveying activities; these were zoned and designated for construction of Roma family housing.¹²³

Several families moved to newly built container buildings. In *Nowy Sącz*, thirteen social dwellings were constructed with extensive financial support from the *gmina*. In addition, an integration community centre for children and youth was also completed.¹²⁴

¹²² Poland/Ministerstwo Spraw Wewnętrznych i Administracji, *The Report of the National Minorities Affairs Malopolski Governor's Attorney which talks about the execution of the Pilot government programme for the Roma community in the Malopolska province for the years 2001-2003 in years 2001-2002*, available at: <http://www.mswia.gov.pl/portal.php?serwis=en&dzial=10&id=55&poz=6&update=1> (29.03.2009); Poland/Ministerstwo Spraw Wewnętrznych i Administracji, *Sprawozdanie Pełnomocnika Wojewody Małopolskiego do spraw Mniejszości Narodowych z realizacji Pilotażowego programu rządowego na rzecz społeczności romskiej w województwie małopolskim na lata 2001-2003 za rok 2003*, unpublished document, made available upon request.

¹²³ Poland/Ministerstwo Spraw Wewnętrznych i Administracji, *The Report of the National Minorities Affairs Malopolski Governor's Attorney which talks about the execution of the Pilot government programme for the Roma community in the Malopolska province for the years 2001-2003 in years 2001-2002*, available at: <http://www.mswia.gov.pl/portal.php?serwis=en&dzial=10&id=55&poz=6&update=1> (29.03.2009); Poland/Ministerstwo Spraw Wewnętrznych i Administracji, *Sprawozdanie Pełnomocnika Wojewody Małopolskiego do spraw Mniejszości Narodowych z realizacji Pilotażowego programu rządowego na rzecz społeczności romskiej w województwie małopolskim na lata 2001-2003 za rok 2003*, unpublished document, made available upon request.

¹²⁴ Poland/Ministerstwo Spraw Wewnętrznych i Administracji, *The Report of the National Minorities Affairs Malopolski Governor's Attorney which talks about the execution of the Pilot government programme for the Roma community in the Malopolska province for the years 2001-2003 in years 2001-2002*, available at: <http://www.mswia.gov.pl/portal.php?serwis=en&dzial=10&id=55&poz=6&update=1> (29.03.2009); Poland/Ministerstwo Spraw Wewnętrznych i Administracji, *Sprawozdanie Pełnomocnika Wojewody Małopolskiego do spraw Mniejszości Narodowych z realizacji Pilotażowego programu rządowego na rzecz społeczności romskiej w województwie małopolskim na lata 2001-2003 za rok 2003*, unpublished document, made available upon request.

Activities constituting the *Pilot Programme* are being continued as part of the *Programme for the Roma Community in Poland* (See: section 1.6.), which differs from the *Pilot Programme* mainly in scale. Other projects to address Roma housing needs are neither conducted nor planned.

1.6. Major national projects

The government *Programme for the Roma Community in Poland* is a national project that began in 2004 and will run through 2013, with a possibility for extension into subsequent years, which takes advantage of experiences gained during the implementation of the *Pilot Programme*. The programme is coordinated by the Department of Denominations and National and Ethnic Minorities.

The programme's overarching goal is the Roma's complete participation in civil society and elimination of differences separating this group from the general population. Just as in the *Pilot Programme*, improving the life situation, especially living conditions, is one of the priorities; it is second in importance to education. The spectrum of planned activities in the housing area is identical to that in the *Pilot Programme* (See: section 1.5.) with the addition of 'making receiving housing allowances possible'.¹²⁵

To implement tasks intended to improve Roma housing, *gminas* usually augment programme financing somewhat, using their own and other funding sources. The entire budget dedicated to housing in the years 2004-2007 is over 11.5 million PLN (for details see: Annex 1, Table 6). Funds are designated primarily for renovations (several hundred renovations annually), construction of social housing or container buildings (several to over a dozen annually) and construction of water and sewage networks (over a dozen annually) (for precise data see: Annex 1, Table 7).¹²⁶

¹²⁵ Poland/Ministerstwo Spraw Wewnętrznych i Administracji (2003) *Program na rzecz społeczności romskiej w Polsce* [Programme for the Roma community in Poland], available at: http://www.mswia.gov.pl/palm/en/10/55/Programme_for_the_Roma_community_in_Poland.html (29.03.2009).

¹²⁶ Poland/Ministerstwo Spraw Wewnętrznych i Administracji, *Sprawozdanie z realizacji Programu na rzecz społeczności romskiej w 2004 roku*, available at: http://www.mswia.gov.pl/portal/pl/182/2966/Sprawozdanie_z_realizacji_Programu_na_rzecz_spolecznosci_romskiej_w_2004_roku.html (29.03.2009); Poland/Ministerstwo Spraw Wewnętrznych i Administracji, *Sprawozdanie z realizacji Programu na rzecz społeczności romskiej w Polsce w 2005 roku*, available at: http://www.mswia.gov.pl/portal/pl/183/3957/Sprawozdanie_z_realizacji_Programu_na_rzecz_spolecznosci_romskiej_w_Polsce_w_2005_roku.html (29.03.2009); Poland/Ministerstwo Spraw Wewnętrznych i Administracji, *Sprawozdanie z realizacji Programu na rzecz społeczności romskiej w Polsce w 2006 roku*, available at:

‘Working off debts’ is another programme activity not directly related to housing but one that supports it. A dozen to tens of Roma participate in this activity throughout Poland, implemented as part of the ‘counteraction of unemployment’ component. Some *gminas*, e.g. *Głubczyce*, *Legnica* and *Ziębice*, organise work for which the Roma are paid small wages, with the rest of their earnings credited against their communal housing rent arrearages. If the debts are high, a debtor will be unable to pay them off in full. However, once a Roma begins to work, the *gmina* begins to treat him/her as a responsible party and *gmina* regulations may provide for housing subsidies and, in the future, even for debt reduction.

Issues related to Roma involvement in the implementation of the programme, limitations encountered and some additional information provided by interviewees are covered in section 1.1.5.

http://www.mswia.gov.pl/portals/pl/184/4953/Sprawozdanie_z_realizacji_Programu_na_rzecz_spolecznosci_romskiej_w_Polsce_w_200.html (29.03.2009); Poland/Ministerstwo Spraw Wewnętrznych i Administracji, *Sprawozdanie z realizacji Programu na rzecz społeczności romskiej w Polsce w 2007 roku*, available at:
http://www.mswia.gov.pl/portals/pl/285/6024/Sprawozdanie_z_realizacji_Programu_na_rzecz_spolecznosci_romskiej_w_Polsce_w_200.html (29.03.2009).

2. Field research – interviews

2.1. Brief description of the methodology

Five interviews were conducted for purposes of this report, including two with national authorities and three with representatives of civil society organisations.

Roma policy is formulated and implemented by the Ministry of Interior and Administration, which includes a department specialising in matters related to national minorities in Poland, the Department of Denominations and National and Ethnic Minorities. This department is responsible for implementing the government *Programme for the Roma Community in Poland*. One of the interviewees is an employee of this department directly involved in coordinating the programme.

Because issues strictly concerning Roma policy are focused within a single ministerial department, it was difficult to identify another interviewee representative of national authorities. An interview with a representative of the Department of Women, Family and Counteracting Discrimination at the Ministry of Labour and Social Policy, or Monitoring Team on Racism and Xenophobia at the Ministry of Interior and Administration, which collects reports of ethnic discrimination, was considered. However, because neither of these entities has ever identified and reported discrimination of Roma in the housing area, conducting such an interview is unlikely to have proved useful to the report. Ultimately, a member of the Department of Housing and Construction Strategy at the Ministry of Infrastructure was selected as the second interviewee. Though Roma issues are not within the interviewee's direct province, he could point out the main vectors of state housing policy, taking into account activities benefiting disadvantaged groups.

The guiding criteria in selecting respondents from civil society was usefulness. Available publications primarily concern the Roma housing situation in southern Poland, while the situation in the rest of the country seems poorly documented. Therefore, interviews with members of national organisations, or at least those that focus on essential portions, were conducted. These were the respondents from the OSCE/ODIHR, the Roma Consulting and Information Centre Association in Poland (Roma organisation) and the Polish Roma Union (Roma organisation). Two of these respondents are women, including one Romani woman.

Three face-to-face and two phone interviews were conducted, the latter due to the long travel that would be required to reach the interviewees. Face-to-face interviews lasted about one and a half hours each, while the telephone interviews lasted for about one hour each. Interviews were conducted pursuant

to the script provided in the guidelines to this report and were recorded. The procedure for collecting and storing data strictly complies with EU and national data protection legislation.

2.2. Summary of main points

List of interviewees:

- **A** – Department of Denominations and National and Ethnic Minorities at the Ministry of Interior and Administration, interviewed personally on 3 March, 2009.
- **B** – Department of Housing and Construction Strategy at the Ministry of Infrastructure, interviewed personally on 6 March, 2009.
- **C** – OSCE/ODIHR, interviewed personally on 5 March, 2009.
- **D** – Roma Consulting and Information Centre Association in Poland, interviewed by phone on 2 March, 2009.
- **E** – Polish Roma Union, interviewed by phone on 4 March, 2009.

2.2.1. The most important features of Roma housing and accommodation

Summary of the main Roma housing problems by **A**: *Housing is of such low standard that in some cases it is an affront to a civilised country at the start of the 21st century. Plus, these people are unemployed, and that is widespread – which means an automatic problem with payment for housing. So, there are often problems with debts. The problem has not been quantified, but in my opinion, it is rather widespread. And all these problems are interlinked: poverty, deprivation, lack of home heating. Even if we install new windows that don't leak, people who save on heating do not open the windows to air out the flats – which in turn will soon become water and fungus infested, (...) diseases come in.* **D** and **E** add home overcrowding to the list of problems. **D** also points out the lack of social housing where *gminas* could move the Roma living in the harshest conditions.

E's responses focus on listing Roma housing problems, while **A**, **C** and **D** overview the entire situation. **C**: *Generally, in my opinion, this is a small-scale problem. The decided majority of the Roma are Polska Roma; in addition there are a few Keldrashi, Lovari and Sinti – their overall housing situation is not bad. There may be problems with current payments, especially in families with older people where the young have gone abroad and left them. The housing situation is far worse among the Bergitka Roma – but that is only one-fourth of*

the entire Roma population in Poland, or maybe even less, with a large portion of the Bergitka living in cities, (...) in Nowa Huta, Wrocław, Kłodzko and in various towns of Śląsk. And they live in flats, communal or private. So, things are not that dramatic here either. A: I wouldn't say that Roma live in conditions that are all that different from the rest of society – aside from a few dozen examples of Roma encampments, especially in southern Poland.

All interviewees agreed that history had an overwhelming impact on the current situation (See: section 1.3.1.). The problem of illegal buildings and unclear title to real property is also associated with historical shifts, especially by **A** and **C**, especially in the case of the *Bergitka* Roma group. **A** talks about the Roma settlement in *Koszary*: *Roma lived there, for example, in train cars without wheels – temporary barracks for workers, except that here temporary meant teens of years. (...) So, people who live in wagons, huts, very difficult conditions, wanted to get away, and built up structures. They bought bricks and built. (...) The only thing is that they erected houses, where they had previously lived, which was illegal. Illegal in the sense that the title to the real property was not clear and they didn't have the required building permits. In the past, the gmina was not especially active in moving these people out of wagons and barracks, but when the houses went up, they started to worry.*

The interviewees note that the Roma housing situation differs significantly depending on the *gmina* in which they live. **D**: *Each town has a different situation. A: Even near Warsaw there are two cases that are similar, but different. One is Baniocha, where there was a barrack for labourers from the 50s with very thin walls. Polska Roma nomads were settled there. Five years ago, the barrack started falling apart, people were fighting for themselves, there were problems with illegal structures – for example, a guy built his own porch using bricks. But the gmina wanted to take care of these problems and did so. The barrack is no longer there, and people live in new flats. On the other hand, there is Okuniew with barracks of grey brick – flats like garages, and a large family still living on teens of square meters. The flat is dry and warm, but terribly small. D* notes that lack of improvement in the Roma's status is often caused by *gmina* officials' lack of awareness about the group's problems: *They only see the current situation, and do not try to repair the mistakes of the past.* She adds that officials and some of *gminas* are still hostile to the Roma: *99 per cent all of the individuals who spoke at that meeting [of the Roma with the President of Piotrków Trybunalski] said that those families were in want of one thing or another. They talked of negligence at the municipal office, that for example, they don't want to receive them for an interview, or an application has not been reviewed; that they cannot get any assistance.*

None of the interviewees felt that the housing situation of Roma women, children, elderly or persons with disabilities differed from that of the general population.

2.2.2. Organisations' and institutions' work on Roma housing and accommodation issues

B speaks about the tenets of the state housing policy established by his ministry, noting that supporting the lowest income persons is the province of *gminas*, rather than of central authorities: *Housing policy is not focused on satisfying the housing needs of any ethnic group in particular. We support citizens, local governments and public service organisations in satisfying the housing needs of all citizens, irrespective of their ethnic or racial origin, denomination, and so forth. (...) Appropriate housing is created [for lowest income level persons]. (...) We don't interfere in what local governments and social assistance organisations do with these resources. We assume they use them for their best ends. So, I can imagine a situation where a part of these resources may be used for needs of ethnic minorities that for some reason have difficulties in satisfying their own housing needs; for needs of asylum seekers, for needs of immigrants. But it is the gmina councils, private councils or appropriate public service organisations that decide how the money is spent.*

A talks about the government *Programme for the Roma Community*. He notes financing is primarily for activities that provide comprehensive solutions to problems as well as those that deal with emergency situations: *I at times have doubts whether us installing new windows for everyone solves anything. If I see that an activity is a triage and it does not solve the problem in the long term – we are not very willing to finance it. I prefer to direct money to those places where I see a longer-term perspective. For example, in Ochotnica we're building a housing project. That will lead to the disappearance of a Roma settlement stigmatised for years – though life was not that terrible there. The Roma will live in decent conditions – in a new building with all utilities. But there are also emergency situations we have to handle immediately, like the building in Koszary. Similarly in Maszkowice, where we put up 5-6 container houses. Also in Czarna Góra – there are two buildings that accommodate four families. We had to help those people, because they lived by a river that was eroding the foundations of homes that were barely standing anyway.*

Two people are involved in these efforts on behalf of the Ministry– which **A** considers decisively too few. In **A**'s evaluation, even the relatively large amount of funds is still insufficient for the programme: *our expectations are around 30-some million PLN, while we get only about ten million.* **C** however notes the funds are quite large: *You have to look at it comparatively. If you look at the state policy for the Roma in Poland against the broader background, you see the differences and scale. Poland looks very good. First, the [Roma] community is small in Poland. Second, the budget for the Roma programme is implemented annually over ten years, it's an obligation that has been signed, and each year there is over 3.3 million euros spent, which is a large amount for just implementing a government programme. More importantly, a government programme in Poland is an addition to regular government policy for every*

citizen, which is not necessarily obvious in other states, because they sometimes include funds spent by social policy on at-risk sections of society into programme implementation data.

C notes that his office is involved in improving the situation of the Roma primarily outside Poland, while his activity in Poland is limited: *In Poland, I sometimes assist in finding a solution, supporting something, helping, providing certain knowledge, and mobilising. (...) Several times, I have been on visits, for example, with the previous and current voivod [of the Małopolska Voivodship] plenipotentiary [for national and ethnic minorities]. I have been to Limanowa and Jazowsko, I was with the Commissioner for Civil Rights Protection in the matter of Maszkowice when a dispute erupted about which district the encampments are supposed to belong to. I met gmina authorities and other officials, mainly in the Małopolska region.*

D participates in mediations between the Roma and *gmina* officials and mobilises the Roma to act to improve their own housing situation (See: section 1.3.1.).

E primarily supports the Roma in contacts with officials, by writing appropriate documents and encourages *gminas* to participate in the government programme: *We can cooperate with gminas and encourage them to write applications to the government programme – and we do so. (...) [We write on behalf of the Roma] requests to assign social housing, or, if there is a protest [by the neighbours], we ask that the matter be investigated, we ask for arrearages to be broken down into payments.*

2.2.3. National, regional and local housing and accommodation policies related to Roma housing

All interviewees point to the *Programme for the Roma Community in Poland* in appreciation of officials' commitment to improving the Roma housing situation. **A** lists the positive and negative aspects of the programme. A positive example comes from *Ochotnica Górna* and concerns involving the Roma in construction work: *Here we are building a housing project, it is going great and the building would be finished if there was more money. (...) It is a brick structure for teens of families, actually everyone from Ochotnica, because it is a small encampment. What's more, this is a relatively nice building with a slanted roof rather than a revolting barrack. It is being built largely by the Roma, they provide assistance. That is also why it is cheaper. They want to work; they know they are building their own.* A bad example comes from south-western Poland: *You can encounter hostility from non-Roma toward these activities. That was the case in Bystrzyca Kłodzka. There are good people there, who want to help themselves. But, I remember this from the first year [of government programme implementation]: a tenement house with about six Roma families, and you walk*

and you know where the Roma live, because only they have new windows. I'm not sure that is what it should be about. It sets a bad example. We helped the Roma, but that was not the idea. E includes shrugging off responsibility by many *gmina* authorities for modernisation of communal housing populated by the Roma as one of the programme's negative side effects: *At gmina offices, they only give money for the Roma when there is money from the government programme and when living conditions cannot possibly get any worse.*

None of the interviewees knew of any national, regional or local housing and accommodation policies related to Roma housing other than the government programme.

2.2.4. Examples of 'good practice' related to Roma housing

None of the interviewees were familiar with any good practices other than the government *Programme for the Roma Community in Poland*.

2.2.5. Cases of housing discrimination or other violations of the housing rights of Roma

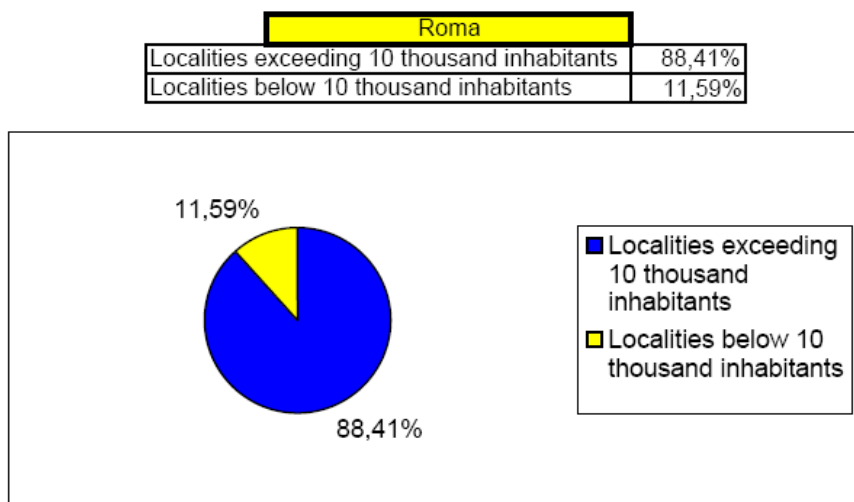
None of the interviewees had heard of any discrimination cases concerning Roma housing court cases. **A** and **C** had never heard of reports of such discrimination; they suspect that it very rarely occurs. Also, they view limitations of Roma rights to adequate housing in the broader context of the difficult housing situation in Poland, which also afflicts the non-Roma. **C**: *For example, being familiar with conditions in Krakow, I can say that most people there have communal housing in bloc housing communities. If there is any problem, it is with overcrowding or that young people want to move out. So there is a waiting list, but one that includes the Roma and non-Roma alike, and there should be no discrimination here. Of course, the way the Roma read it is another story. Maybe they feel that they are waiting for too long. But the wait is certainly long – many other people are also in line.*

D sees officials' hostility toward the Roma as an obstacle to their realisation of their rights to adequate housing, though provides no example thoroughly investigated by the Association. **E**, meanwhile, talks about a court case in progress before an administrative court: *In Góra Kalwaria, the Roma lived in a barrack and added on a flat. For about 20 years, they paid for electricity and all utilities, taxes, etc. Now, when the city began selling property, it turns out*

the plot is attractive and they want to evict the Roma. It has been dragging on for several years now. The adverse possession period has passed and they [the Roma] could stay there, but the local authorities deem that they live there illegally. So, then on what basis did they charge them for utilities and fees? For example, property taxes? They [the Roma] paid for everything. The case is not over yet. We are involved in the case as a social organisation.

Annex 1 - Statistical data and tables

Graph 1: Roma living in Poland (size of localities)

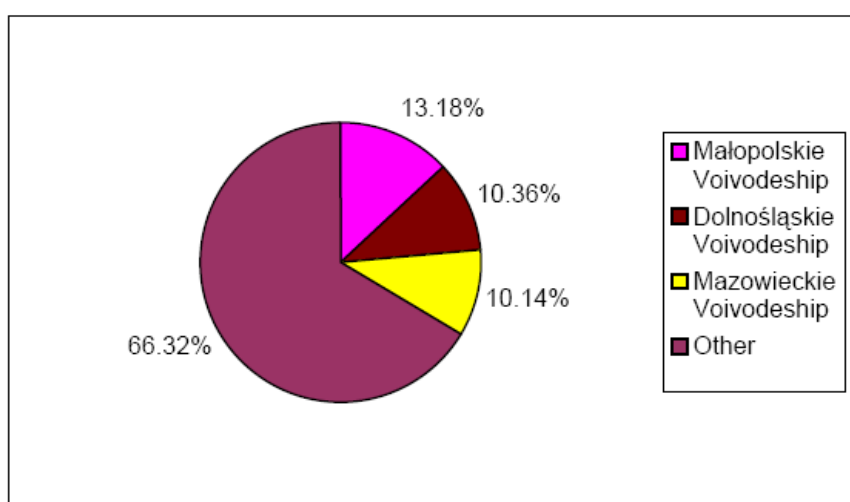


Source: Poland/Ministerstwo Spraw Wewnętrznych i Administracji (2007) 2nd Report for the Secretary General of the Council of Europe on the Realisation by the Republic of Poland of the Provisions of the Framework Convention on the Protection of National Minorities, Annex 4, p.3, available at: http://www.mswia.gov.pl/portal/en/10/54/Ethnic_and_national_minorities_in_Poland.html (29.03.2009).

Graph 2: Roma living in Poland (voivodships)

Roma

Małopolskie Voivodeship	13,18%
Dolnośląskie Voivodeship	10,36%
Mazowieckie Voivodeship	10,14%
Other	66,32%



Małopolskie, Dolnośląskie, Mazowieckie = names of Polish provinces

Source: Poland/Ministerstwo Spraw Wewnętrznych i Administracji (2007) 2nd Report for the Secretary General of the Council of Europe on the Realisation by the Republic of Poland of the Provisions of the Framework Convention on the Protection of National Minorities, Annex 3, p.4, available at: http://www.mswia.gov.pl/portal/en/10/54/Ethnic_and_national_minorities_in_Poland.html (29.03.2009).

Table 1: Living conditions of Roma (Świętokrzyskie Voivodship)

Living conditions	0	%	1	%	2	%	3	%	In total
Kitchen	5	4	120	96					125
Rooms	0	0	36	28.8	78	62.4	11	8.8	125
Bathroom	105	84	20	16					125
Toilet	105	84	20	16					125
Running water	85	68	40	32					125
Central heating service	120	96	5	4					125
Coal fired furnaces	3	2.4	122	97.6					125
Radio	12	9.6	113	90.4					125
TV set	3	2.4	122	97.6					125
Phone	95	76	30	34					125
Fridge	12	9.6	113	90.4					125
Washing machine	58	46.4	67	53.6					125
PC	125	100	0	0					125
Place for children's studying	97	77.6	28	22.4					125

Source: L. Zakrzewski (2002) Report: 'Social Mapping of the Roma in Świętokrzyskie Voivodship 2001', Kielce: Office for Economic Policy and Regional Development, p. 36.

Table 2: Surface area of flats (Roma in Świętokrzyskie Voivodship)

Surface area of the apartment, in total	N	%
25-30 m ²	55	44
31-35 m ²	38	30,4
36-40 m ²	25	20
41-45 m ²	7	5,6
46-50 m ²	0	0
over 50 m ²	0	0
	125	100

Source: L. Zakrzewski (2002) Report: 'Social Mapping of the Roma in Świętokrzyskie Voivodship 2001', Kielce: Office for Economic Policy and Regional Development, p. 37.

Table 3: Surface of living (Roma in Świętokrzyskie Voivodship)

Surface living area per one occupant	N	%
Up to 3 m ²	17	13.5
Up to 3,5 m ²	13	10.3
Up to 4 m ²	49	39.1
Up to 4,5 m ²	6	4.7
Up to 5 m ²	22	17.4
Up to 5,5 m ²	0	0.7
Up to 6 m ²	0	0
over 6 m ²	18	14.3
	125	100

Source: L. Zakrzewski (2002) Report: 'Social Mapping of the Roma in Świętokrzyskie Voivodship 2001', Kielce: Office for Economic Policy and Regional Development, p. 37.

Table 4: Apartments indebted (Roma in Świętokrzyskie Voivodship)

Are you in arrears with your rent?	N	%
No	16	12.8
Yes	84	67.2
Yes, family threatened with eviction for that reason	25	20
No data available	0	0
	125	100

Source: L. Zakrzewski (2002) Report: 'Social Mapping of the Roma in Świętokrzyskie Voivodship 2001', Kielce: Office for Economic Policy and Regional Development, p. 39.

Table 5: Amount of arrears (Roma in Świętokrzyskie Voivodship)

If yes, the debt in PLN is:	up to 600	601-800	801-1000	1001-1200	1201-1400	1401-1600	over	N
Rent	8	6	32	14	5	17	27	109
Power	5	0	0	0	0	0	0	5
Water	4	0	1	0	0	0	0	5

Source: L. Zakrzewski (2002) Report: 'Social Mapping of the Roma in Świętokrzyskie Voivodship 2001', Kielce: Office for Economic Policy and Regional Development, p. 37.

Table 6: Programme for the Roma Community in Poland: budget dedicated to housing (in PLN)

	2004	2005	2006	2007	In total (2004-2007)
Entire budget	no data	1,669,694	2,588,627	5,408,877	11,605,198
Including budget from governmental funds	1,938,000	882,312	1,080,331	4,207,613	8,108,256

Own compilation. Sources: Poland/Ministerstwo Spraw Wewnętrznych i Administracji, Sprawozdanie z realizacji Programu na rzecz społeczności romskiej w 2004 roku, available at:

http://www.mswia.gov.pl/portal/pl/182/2966/Sprawozdanie_z_realizacji_Programu_na_rzecz_spolecznosci_romskiej_w_2004_roku.html (29.03.2009);

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Table 7: Programme for the Roma Community in Poland: main work done in the housing area

	2004	2005	2006	2007	In total (2004-2007)
Number of renovations	237	177	237	453	1,104
Number of social houses or container buildings constructed	14	10	15	3	42
Number of water and sewage networks constructed	no precise data	34	56	91	181

Own compilation. Sources: Poland/Ministerstwo Spraw Wewnętrznych i Administracji, Sprawozdanie z realizacji Programu na rzecz społeczności romskiej w 2004 roku, available at:

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Annex 2 - Court, specialised body or tribunal decisions

No court, specialised body or tribunal decision on Roma housing has been identified.

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