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Thematic Study

Housing Conditions of Roma and
Travellers

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Executive summary

The main legal framework for housing in Romania consists of Law 114/1996, the Housing Law, and Law 50/1991, which regulates the authorization of construction. Law 114/1996 defines adequate housing and contains provisions for building social housing. The Roma are not included among the target groups for social housing.

There are no provisions in national legislation against forced evictions. The only provision is based on a renting relationship in which private property is involved, where a tenant cannot be evacuated without a court decision, according to Law 114/1996.

In order to be able to build a house, a number of costly authorizations is needed for final authorization for construction under Law 50/1991. The same law regulates the possibilities for demolition. Demolition can generally happen any time in the case when dwellings are built on state property (prescribed however after 2 years if authorities ignore the situation) or on private property without authorization from the owner, or in the case of houses without a construction authorization.

The Romanian legal framework in the area of housing indirectly discriminates against the Roma by simply not taking into account their special situation as most Roma, due to historical conditions, do not own land or are too poor to pay for authorizations (this situation also affects poor persons from the majority population as well, but in their situation, demolition hardly ever happens as the interviews reveal) or have been forcefully settled without property documentation and have been living in a place for years.

The provision of alternative accommodation is also not clearly regulated, the possibilities to contest the decisions of local authorities in a situation of illegal settlement are also almost non-existent in the law, leaving those at risk of being evacuated at the arbitrary decisions of local authorities, which often times provide alternative accommodation at the outskirts of towns, in ghettos, or in environmentally dangerous places next to industrial plants or waste collection sites.

Taking into account that Travellers are no longer recorded to exist as such on Romanian territory due to the forced settlement policies during communism, there are no provisions for travellers, although many Roma communities live in a state of permanent relocation following evictions or pursuing survival means.

At the level of policies, the most important Document is the Romanian Government Strategy for the Improvement of the Condition of Roma adopted in 2001 under pressure from the EU and amended in 2006. Independent evaluations of the Strategy implementation in the area of housing show this field to be the least developed of all fields. The amended Strategy includes an

area of action in the field of child protection. Women are also mentioned under this area as desirable human resources to be included in the system. No mention of women, children or the elderly is made in relation to housing. Also, the Strategy lacks adequate administrative strength. The National Agency for the Roma, the central body responsible for Strategy implementation and Roma issues mainstreaming, was restructured many times under different names, and in 2006, lost its implementation component, being left with monitoring and evaluation only. Furthermore, this structure does not have the institutional capacity to hold Ministries to account, being a third rank institution, directly subordinated to the General Secretariat of the Government, while the NAR President cannot participate in Government meetings. The interview with the NAR housing representative also revealed a lack of personal interest in the issue, based on lack of concern to even collect data, coupled with racist remarks. Another international initiative to which Romania is party, the Roma Decade, does not yet have adopted action plans, and, since the elaborated plans have not been adopted a budget for the Decade implementation was not adopted either, including in the area of housing.

The Romanian Government only started to allocate money for Roma issues in 2001 under PHARE agreements with the EU. The first and only Government driven and funded initiative in the area of housing for the Roma came in 2008 through Government Decision 1237/2008 which provided for the building of a maximum of 300 houses for the Roma.

Quantitative data collection on the housing situation of Roma does not exist as an official Government initiative to map out the situation throughout the country. Government authorities, even when they do collect general data, do not distinguish ethnicity based on the argument that this would be against data protection legislation. However, this is not the case, since data collection legislation does not prevent them from collecting statistical data to be able to design policies which serve the national interest.

The data that does exist is based on surveys in various areas, combined with qualitative research. This data comes from NGOs or from the implementation of PHARE programmes where the Government is also involved. It is not clear what percentage of the Roma population as a whole live in precarious living conditions, but it is quite clear from the surveys that the percentage is a few times higher than for the majority population, also associated with the poverty rate which is significantly high for the Roma.¹ The statistics, although they do not coincide in all aspects, generally reveal poverty associated with segregation, a significantly larger percentage of Roma not having security of their dwelling and being exposed to eviction, poorer living conditions in general, with low comfort dwelling or even improvised dwellings, much lower access to utilities

¹ A UNDP report from 2006 shows that the unemployment rate for Roma is 44 per cent as opposed to 28 per cent for the rest of the population: UNDP, *At Risk: Roma and the Displaced in Southeast Europe* available at: <http://europeandcis.undp.org/home/show/A3C29ADB-F203-1EE9-BB0A277C80C5F9F2> (20.03.2009)

and much lower number of goods in the houses. Overcrowding is also a problem which leads to precarious health. Segregation associated with poverty seems to be synonymous with less access to jobs and income, education and services.

Qualitative data shows a number of types of dwellings, which also seem to pass the test of time, as their outlook is the same over the reporting period. In the rural area one can find isolated Roma communities, communities at the periphery of villages or communities in the centre of the village occupied after the Saxons living in them left for Germany. The last type has the best living conditions, while the first have the poorest ones, forming the 'invisible communities'. In the urban area there are three types identified as well: in the city centre, in old houses in an advanced stage of degradation, in ghettos, or at the periphery, usually next to waste collection sites.

Qualitative data also reveal discrimination from local authorities with regards to forced evictions as well as illegal and abusive interventions of the authorities accompanied by the police when they evict in certain cases, many documented and legally assisted by the NGO Romani CRISS. Throughout the reporting period, instances of segregation and of relocation to environmentally unsafe areas without utilities in what has been called environmental racism have also been registered and reported by the US Department of State Human Rights Reports for Romania. Few have been sanctioned by the equality body, the National Council for Combating Discrimination, as the number of cases reported by them shows.

At the level of good practice initiatives, these are most of the time connected with community development initiatives, and they generally come from NGOs. There is no comprehensive survey of these initiatives, and there does not seem to yet exist an intervention model or a coordinating strategy. The Ministry of Regional Development and Housing is reported to be in the process of elaborating an intervention methodology for severely poor communities, which it intends to put at the disposal of local authorities.

Another problem in the area of housing identified in the interviews is the fact that, unlike in other areas, local authorities with competence in the area of housing are elected by the local community and are not accountable to the Ministry, which, in the Romanian context, can be a problem for implementation of policies.

The main finding is that during the reporting period, very little has changed with regards to the situation of Roma housing compared to the majority population, and no concerted policy or legislative initiative was implemented to tackle the housing situation of Roma in connection with discrimination and abuse. Overall, the situation of Roma housing seems to have been the last priority on the Agenda of the Romanian Government.

1. Desk research

1.1. Legal and policy framework

1.1.1. Protection of the right to adequate housing

According to the Romanian Constitution, treaties ratified by Parliament become part of the national legislation without the need for further legislation and, when they concern human rights, they take precedence over national legislation unless the national legislation is more favourable.² Romania is party to the International Covenant on Civil and Political Rights and its Optional Protocol, to the International Covenant on Economic, Cultural and Social Rights, to the International Convention on the Elimination of All Forms of Racial Discrimination, to the Convention on the Elimination of All Forms of Discrimination Against Women and its Optional Protocol, to the Convention on the Rights of the Child and its Optional Protocols, to the Convention Against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment, to the Convention on the Prevention and Punishment of the Crime of Genocide, etc. Romania recognizes the competence of the Committee on the Elimination of Racial Discrimination and of the Committee on the Elimination of All Forms of Discrimination Against Women to receive and consider complaints from persons within its jurisdiction.³ Romania has signed and ratified the European Social Charter but does not recognize the collective complaints procedure. In addition, Romania has not ratified Article 31 of the ESC concerning the right to housing. Romania is also party to the Framework Convention for the protection of national Minorities and to the European Charter of Regional or Minority Languages. Romania is party to the European Convention for the Protection of Human Rights and Fundamental Freedoms and has ratified its Protocol 12 on the prohibition of discrimination.⁴

The Romanian Constitution of 2003 includes the following provisions on preventing and combating discrimination: Unity of the people and equality among citizens, under Art 4, para 2 reads as follows: ‘Romania is the common and indivisible homeland of all its citizens, without any discrimination on account of race, nationality, ethnic origin, language, religion, sex, opinion,

² Romania/Constitutie Romaniaei, Art 11 and Art 20

³ General Assembly, Human Rights Council, Universal Periodic Review, National Report on Romania, 02.05.2008, available at:
<http://daccessdds.un.org/doc/UNDOC/GEN/G08/132/28/PDF/G0813228.pdf?OpenElement> (16.05.2009)

⁴ Information available at:
<http://conventions.coe.int/Treaty/Commun/ListeTraites.asp?PO=ROM&MA=999&SI=2&DF=&CM=3&CL=ENG> (16.05.2009)

political adherence, property or social origin.’ Art 6, para 2, regarding the right to dignity, reads as follows: ‘The protection measures taken by the Romanian State for the preservation, development and expression of identity of the persons belonging to national minorities shall conform to the principles of equality and non-discrimination in relation to the other Romanian citizens.’ Art 16, para 1, on Equality of rights, reads as follows: ‘Citizens are equal before the law and public authorities without any privilege or discrimination.’⁵

The general legal framework for housing in Romania is the housing law, Law 114/1996 with subsequent amendments. This act regulates the social, economic, technical and legal aspects of building and usage of dwellings.⁶ Adequate dwelling is defined as ‘convenient dwelling’ and it is taken to mean: ‘the dwelling which, through the degree of satisfaction of the ratio between the requests of the user and the characteristics of the dwelling, at a certain point, covers the essential resting needs, preparation of food, education and hygiene, ensuring minimal requirements’. The minimal requirements, enumerated in an annex, include access to electricity, fresh water, controlled evacuation of residual water and housing waste and 110 square meters of usable surface space for an 8 person family. These minimal requirements also apply to social dwellings. ‘Social dwelling’ is defined as: ‘the dwelling which is allocated with a subsidised rent to individuals or families, whose economic situation does not allow them to have access to a dwelling in their own property or to the renting of a dwelling under market conditions’.⁷

According to the law, local councils may build out of special financial reserves dwellings whose price they can control and allocate to the following categories, in order of priority: married couples under 35; people wounded in wars, their followers, participants to and victims of the 1989 revolution⁸; persons with a qualification in agriculture, education, health, public administration and cults (religious cults or religious denominations), who settle in the rural communities; and other categories established by the local councils. These categories may benefit from up to 30 per cent from the house value and of the facility of paying their house in monthly payments over a period of 20 years after the minimum 10 per cent down-payment upon contracting.⁹ The categories above, with the exception of the third one, benefit from the facility if they do not own another dwelling or if their dwelling does not satisfy the minimum surface requirements provided by the law¹⁰ according to the number of people in their family.¹¹ There is no information as to whether the Roma actually benefit from these provisions. What is clear is that they are not among the target groups as such.

⁵ NCCD (2009), *The situation of Roma in Europe and relevant activities of the Council of Europe – support document*, Targu Mures, 18 May 2009, on file with the author

⁶ Romania/Romanian Parliament/Lege 114/1996 (11.10.1996), Art 1

⁷ Romania/Romanian Parliament/Lege 114/1996 (11.10.1996), Art 2, b) and c)

⁸ According to Romania/Romanian Parliament Lege 42/1990 (18.12.1990)

⁹ Romania/Romanian Parliament/Lege 114/1996 (11.10.1996), Art 7.

¹⁰ Romania/Romanian Parliament/Lege 114/1996 (11.10.1996), Art 10.

¹¹ Family, for the purposes of this law is defined as ‘the husband, the wife, the children and the parents of the spouses who all live and do housework together’ Art 17.

The funds for public infrastructure to the newly built area come from the local budget and from other sources legally constituted. Public utilities to the area must be brought by the autonomous companies delivering them, out of their own budgets, credits contracted for this purpose, as well as from other sources legally constituted.¹² There is no information regarding problems encountered when building for Roma, just as there is no information on local initiatives in this sense, targeting Roma. The NHR interviewed is of the opinion that it would be extremely difficult to build houses for the Roma only because of the social unrest that would be created. He considers that no local mayor would take such a chance.

The Law also specifies that in a renting relationship, the tenant can be evacuated only on the basis of a final court decision.¹³ An amendment to the Law introduces as a first mention, with priority, among the groups which receive priority in social houses: “persons and families evacuated or who are to be evacuated from houses returned to their former owners”.¹⁴ At least theoretically, some Roma should be the beneficiaries of this law.

With regards to social housing, Law 114/1996 contains several provisions which can be of relevance for the condition of the Roma.

Social housing either comes from the building of new houses, or from the retrofitting of old houses. In the case of new houses, the minimum surface requirements as provided by the law have to be respected, whereas for old houses, only the minimum requirements have to be met.¹⁵ Minimum requirements, according to the Law mean: free individual access to the space inhabited, without disturbing the exclusive possession and usage of the space owned by another person or family, space for resting, space for preparing food, bathroom, and access to electricity and fresh water, controlled sewerage of used water and house waste.¹⁶

Beneficiaries of social housing with a view to renting can be: ‘families or persons with a monthly net medium income per person, in the last 12 months, under the medium net income from salary for the whole economy, communicated by the National Statistics Institute in the last statistic bulletin previous to the month when the request is being taken into consideration, as well as previous to the month when the dwelling is being allocated’.¹⁷ The rent will not be higher than 10 per cent of the monthly net income.¹⁸ The exact beneficiaries as decided by local authorities according to annually established criteria, and in the order of priority established by the law can be: persons and families evacuated, or who are to be evacuated from the houses returned to

¹² Romania/Romanian Parliament/Lege 114/1996 (11.10.1996), Art 12.

¹³ Romania/Romanian Parliament/Lege 114/1996 (11.10.1996), Art 25

¹⁴ Romania/Romanian Government/ Ordonanta de Urgenta 57/2008, Art. I

¹⁵ Romania/Romanian Parliament/Lege 114/1996 (11.10.1996), Art 38 and 41

¹⁶ Romania/Romanian Parliament /Lege 114/1996, Annex 1

¹⁷ Romania/Romanian Parliament/Lege 114/1996 (11.10.1996), Art 42

¹⁸ Romania/Romanian Parliament/Lege 114/1996 (11.10.1996), Art 44

former owners, young people up to 35 years old, young people coming from social protection units who have turned 18, people with physical disabilities of degree I and II, ‘handicapped’ persons, pensioners, war veterans and widows, the beneficiaries of the Law 341/2004 for the recognition towards martyr-heroes and fighters who have contributed to the victory of the Romanian revolution of December 1989 as well as towards the persons who have sacrificed their life and have suffered as a consequence of the workers’ anticommunist revolt from Brasov 1987 and of Law 118/1990 (persons who have suffered for political reasons, during communism), and other persons or families with a right in this sense.¹⁹ The Roma or other people from segregated communities are not mentioned among the eligible groups. Also, the law does not provide for adapted housing included under social housing even if people with disabilities are among the eligible groups.

1.1.2. Protection against forced evictions

To our knowledge, there are no provisions in the Romanian legislation protecting against forced evictions or for the provision of alternative accommodation in such cases of forced evictions, which, from the point of view of the state authorities doing the eviction, restore the legality of a situation. There is no legislation specific to Roma in this sense either.

1.1.3. Laws and regulations

There are no laws or regulations of relevance to the housing of Roma and Travellers in particular, and no laws specific to Travellers or regulations regarding halting sites or regulation of mobile homes. In the Romanian context, travellers no longer exist as a group.

Law 50/1991²⁰ with subsequent amendments regulates the authorization of constructions. In order to build, an authorization from the local administration is needed. To get this authorization, a host of other authorizations are needed in the fields of urbanism, territorial planning and environment. These authorizations, as one of the interviewees stated, are extremely expensive, and poor persons, Roma included, usually cannot afford them. The price depends on many things, such as location, size, etc. According to the website of a construction firm in Romania, the price is between 500 – 2000 EURO.²¹ An exception from preliminary authorizations (the ones regarding approved urbanism and territorial planning authorizations) in order to get the final construction authorization can be made for, among others, ‘the setup of tent

¹⁹ Romania/Romanian Parliament/Lege 114/1996 (11.10.1996), Art 43

²⁰ Romania/Romanian Parliament/Lege 50/1991 (29.07.1991)

²¹ Information available at: <http://www.roborto-construct.ro/>

camps'.²² Art 3 enumerates all the types of constructions which need a construction authorization among which there is also 'the setup of tent camps, bungalows or trailers'.²³ However, the possibility for travellers to use these camps is not mentioned in this context. It is highly probable that the reference concerns holiday arrangements for hikers for example. Either way, under this context, whoever builds should own the land on which the construction is made.

Building without a construction authorization, on private land, is sanctioned through a fine after the public authorities have made a findings report, after which the building may either obtain the necessary authorization, or be demolished in a term established in the findings report. The decision as to what to do is left to the public authorities in charge: 'The decision to maintain or to demolish the constructions made without a construction authorization or without observing the provisions of the authorization will be made by the public administrative authority with a competence, on the basis of relevant urbanism plans and regulations, stamped and approved under the law, or, as the case may be, by the court of law.'²⁴ If the construction has been halted, but the offender has not entered legality under the term established by the findings report, the sanctioning body will bring the case in front of a court of law in order to dispose either the entering into legality or demolition in the time frame established by the court of law. The decisions of the court of law will be implemented by the mayor and the police at the expense of the offender.²⁵

The right to establish the existence of a contravention under this law for building without authorizations for example, and to apply fines and ask for demolition is prescribed after 2 years from the offence.²⁶ The FNP interviewed declared that the Roma do not know their rights, and do not make use of this provision, while the RCR mentioned that many people build without a construction authorization but it is mainly the Roma whom authorities target for control and sanctioning.

However, if constructions without a construction authorization are built on the public or private domain belonging to the state, these constructions may be demolished administratively, without having to go to a court of law, by the public authorities administering the respective domain, at the expense of the offender.²⁷

Art 15 of Law 50/1991 provides for the possibility of conceding after payment of royalties, or with the purpose of usage for a limited period, without an auction, lands for construction in the following situations: for building public utility or charity sites, for buildings made by the National Housing Agency, for

²² Romania/Romanian Parliament/Lege 50/1991 (29.07.1991), Art 2, (4), e)

²³ Romania/Romanian Parliament/Lege 50/1991 (29.07.1991), Art. 3, g)

²⁴ Romania/Romanian Parliament/Lege 50/1991 (29.07.1991), Art 28

²⁵ Romania/Romanian Parliament/Lege 50/1991 (29.07.1991), Art. 32

²⁶ Romania/Romanian Parliament/Lege 50/1991 (29.07.1991), Art 31

²⁷ Romania/Romanian Parliament/Lege 50/1991 (29.07.1991), Art 33

housing destined to young persons under 35, for transferring households affected by disasters, for extension of constructions on joint lands at the request of the owner or with the agreement of the owner, or for constructions at historic sites. Traveller camps are not included here.

Building without a construction authorization is against the law as well as the approval of public utilities for such constructions.²⁸

The specific situation of the Roma population makes them particularly vulnerable to the observance of these laws, which, although apparently neutral, result in indirect discrimination. The Roma, much more than majority population, for historical considerations (connected with the forced settlement during communism without proper legal documents or the fact that the Roma were historically excluded from land property²⁹) as well as considerations connected to their economic situation, generally lack the proper documentation to be able to secure their tenure and their household, which makes them particularly vulnerable to the abuse of authorities as they are often the victims of forced evictions, as the Romani CRISS NGO interviewee explained.

A 2001 study by Ina Zoon was mentioning the following problems in the area of housing: the uncertain property status for the land and houses or valid lease contracts, problems which made the Roma particularly vulnerable to forced evictions. The study also mentioned the houses built on land which did not belong to the families living in those houses, a situation particularly encountered in the rural area.³⁰

In 2008, a Romanian Government-commissioned study elaborated through a PHARE programme called 'Methodology for solving the problem of lack of civil status, identity and housing documentation' made a thorough legal and situational analysis of the problems faced by the Roma in this field and identified in more detail the same problems as identified in the 2001 study, showing that they remained unsolved by a proper legal framework and package of measures.³¹ These problems are elaborated below.

The exclusion mechanism as identified in the 2008 study, leads to certain situations such as: families which do not own the lands where their houses are built or the houses themselves, or they lack a construction authorization. The Roma who migrate from the rural area to the urban area, usually end up building precarious houses on the land of the state or on private land, or buy houses with receipts in hand which are legally invalid (but can make a

²⁸ Romania/Romanian Parliament/Lege 50/1991 (29.07.1991), Art 26, c)

²⁹ V. Achim (1998), *Tigani in istoria Romaniei*, Bucuresti: Editura Enciclopedica

³⁰ I. Zoon (2001), *On the Margins, Roma and Public Services in Romania, Bulgaria and Macedonia*, New York: Open Society Institute

³¹ I. Florea, M. Mandache, C. Manea, C. Rughinis, A. Vasile, D. Vasile (2007) *Metodologie pentru solutionarea problemei lipsei actelor de stare civila, de identitate si locative*

difference for adverse possession³² should the case arise). Another situation, usually in urban areas, is the situation where the Roma live in houses for which they do not possess a lease contract. A particularly difficult case is where the Roma live in houses which had been confiscated by the communist regime and are now in the process of being returned by the state, to their former owners,³³ or have already been returned,³⁴ while the Roma are usually not offered alternative accommodation.

The legal framework of Law 50/1991 leaves the Roma to the arbitrary decisions of the local administration which, according to the 2008 study, do not even observe the legal procedure strictly. During the eviction of 250 people from Piatra Neamt living in blocks of flats belonging to the local administration which wanted to retrofit the buildings, several violations of the law occurred, such as: contradictory justifications for evictions, lack of prior notification of eviction, not providing a place for the deposit of personal belongings, lack of proper alternative housing.³⁵ Furthermore, local authorities, when they evacuate, instead of providing alternative accommodation or in any case a decent alternative, practice what has been called environmental racism, relocating the evacuated communities next to waste collection sites, purification stations or industrial sites at the outskirts of towns, with children being the most affected.³⁶ The study also proposes a series of measures for each situation. The findings in the study are supported by international bodies such as the European Commission against Racism and Intolerance which, in its Third Report on Romania noted that ‘some members of the Roma minority continue to live in insalubrious housing, often as a result of discriminatory measures by local authorities’ and that ‘some local authorities still evict Roma from their housing without observing the legal procedure for the purpose. ECRI has also received

³² According to Wikipedia, adverse possession is a concept in [law](#) which concerns [title](#) of a [real property](#). In [common law](#), adverse possession is the process by which title to another's real property is acquired without [compensation](#), by holding the property in a manner that conflicts with the true [owner's rights](#) for a specified period of time. In this case it concerns the procedure in the court of law by which adverse possession is established. Such cases would concern Roma inhabiting a house for a long time, without having proper documentation for its ownership, and who ask to become the owners of the house by virtue of having inhabited that house for a long time. In such cases, having a receipt at hand to prove possession, could be accepted as proof of possession.

³³ Romania/Parlamentul Romaniei/Lege 10/2001 on the legal status of dwellings abusively seized during the period 6 March 1945 – 22 December 1989. Dwellings have to be returned as such, or the equivalent compensation if return of the dwelling is not possible.

³⁴ I. Florea, M. Mandache, C. Manea, C. Rughinis, A. Vasile, D. Vasile (2007) *Metodologie pentru solutionarea problemei lipsei actelor de stare civila, de identitate si locative*, p. 51

³⁵ Delia-Luiza Niță and Iustina Ionescu, *ENAR Shadow Report 2006, Racism in Romania*, p. 18-19

³⁶ I. Florea, M. Mandache, C. Manea, C. Rughinis, A. Vasile, D. Vasile (2007) *Metodologie pentru solutionarea problemei lipsei actelor de stare civila, de identitate si locative*, p. 54

reports of Roma being expelled from municipal sites in the middle of winter, in the presence of media'.³⁷

Furthermore such eviction actions are presented as good public management. A November 2008 press release from the Mayor's Office of District 4 from Bucharest, read as follows: 'At the request of the Mayor of District 4, Cristian Popescu-Piedone, the inspectors of the Religious Cults / Religious Denominations and Minority Integration Office from the Mayor's Office of District 4, have verified and identified in the area of street Cretestilor, next to the block of flats F3, a group of 50 persons of Roma ethnicity living in improvised house-like dwellings. The Roma have been identified by the representatives of the National Police, being accompanied to their residence localities based on the principle of territorial competence. "We wish that the Roma from District 4 feel part of the local community and obey the law, like every citizen. This is why, through the Cults and Minority Integration Office, we offer counselling and support in order to benefit of their citizenship rights", Cristian Popescu – Piedone, the Mayor of District 4 declared.'³⁸ The Roma were thus evicted and forced to go back to the places where their IDs said they had their residence. It is worth mentioning in the context of this press release, that in November 2008, Romanian parties were in the midst of an electoral campaign for the new Parliament.

The Romanian legal framework regarding housing simply eludes the situation in which many Roma find themselves, while many local authorities commit abuses, taking advantage of the legal gap.

1.1.4. Specific protection of Roma rights in national legislation

There is no specific protection of the Roma as such in national legislation. Discrimination against the Roma in all areas of life enters under the incidence of Government Ordinance 137/2000³⁹ for the prevention and sanctioning of all forms of discrimination with amendments, which transposes into national legislation Directive 2000/43/EC. The Ordinance is implemented by the National Council for Combating Discrimination,⁴⁰ a body under Parliament control.

³⁷ European Commission against Racism and Intolerance (2005), *Third report on Romania*, Strasbourg: Council of Europe, p. 34

³⁸ District 4 Mayor's Office, *Comunicat de presa: Mediator sanitar si scolar, in sprrijinul etniei rrome [Press release: Sanitary and school mediator, to the support of citizens of Roma ethnicity]* (03.11.2008) available at: <http://www.atitudinea.ro/articole/educatie/mediator+sanitar+si+scolar,+in+sprijinul+cetatenilor+de+etnie+rroma> (20.03.2009)

³⁹ Romania/Romanian Government/ Ordonanta 137/2000 (31.08.2000)

⁴⁰ Established through the Romania/Romanian Government/Hotarare 1194/2001 (27.11.2001)

The Ordinance defines discrimination as ‘any distinction, exclusion, restriction or preference, based on race, nationality, ethnicity, language, religion, social category, convictions, sex, sexual orientation, age, disability, chronic non-contagious illness, HIV infection, belonging to a disfavoured category, as well as any other criterion which has as its aim or effect the restriction, elimination of recognition, usage or exercise, in conditions of equality, of human rights and fundamental freedoms or of rights recognized by law, in the political, economic, social and cultural field or in any other fields of public life’.⁴¹

The impact of the Race Equality Directive in the area of housing can be assessed in relation to the number of cases brought before the equality body and courts of law in relation to GO 137/2000, which transposed the directive. According to the NCCD, since 2000, when the directive was transposed, only 8 petitions in the area of housing came from Roma (see Annex 1). With regards to court of law jurisprudence invoking GO 137/2000, the NCCD, in its annual report, mentions that the overwhelming majority of these cases are related to salary rights. No case before a court of law, invoking GO 137/2000 and asking for civil damages or the return to the status quo antes was related to discrimination of the Roma in access to housing.⁴²

Under section II, ‘Access to public, administrative and legal services, health services, other services, goods and facilities’ contravention according to the ordinance is considered to be ‘the refusal to sell or rent land or a building used as housing, with the exception of the situation where this restriction is justified objectively by a legitimate aim, and the methods to attain this aim are adequate and necessary’ and ‘the refusal to grant a bank loan or to close any other type of contract, with the exception of the situation where this restriction is justified objectively by a legitimate aim, and the methods to attain this aim are adequate and necessary’.⁴³ The part of these provisions of the law which allows for exemptions in the area of housing and social services is however in breach of Directive 2000/43, which only provides for this possibility in relation to genuine and determining occupational requirements.⁴⁴

1.1.5. Legislative or administrative decisions regarding “ethnic” data collection

Statistical data with regards to Roma housing is scarce and does not come from public authorities. Authorities competent to collect such data on the basis of which to develop policy invoke a provision of the Law 677/2001 on the protection of persons regarding the use of personal data and the free movement

⁴¹ Romanian Government Ordinance 137/2000 (31.08.2000), Art 2 (1)

⁴² NCCD Annual Activity Report 2008, available at: <http://www.cncd.org.ro/presa/CNCD-a-prezentat-raportul-de-activitate-al-institutiei-pe-anul-2008-26/> (16.05.2009)

⁴³ Romania/Romanian Government/Ordonanta 137/2000 (31.08.2000), Art 10, c) and d).

⁴⁴ FRA Thematic Legal Study on impact of the Race Equality Directive, April 2009, on file with the NFP

of personal data which prohibits under Art 7 (1): ‘the use of personal data regarding the racial or ethnic origin, political, religious, philosophical or similar beliefs, trade union membership, as well as personal data regarding the health status or sexual life’. However, the same Law provides under Art 7 (2) for an exemption if, among others, such usage would serve the public interest.⁴⁵ Making use of this justification, Romanian authorities, in the area of housing, and in general, justify the lack of a policy for Roma housing, on the lack of data with regards to the situation of Roma housing on which to ground the policy. One example of such a justification was presented above, in the way the 2008 National Action Plan for Social Protection and Social Inclusion was drafted, justifying the lack of policies with the lack of data.

1.1.6. General public policy

Law 116/2002 regarding the prevention and combating of social marginalization targets specifically young people under 35, with a special group under 35 coming from social protection institutions. In the area of housing, persons under 35 are granted financial aid under specific circumstances. Roma are not mentioned.⁴⁶

According to Government Emergency Ordinance 5/2003, financial aid for heating is allocated to households with a low per capita income which use centralized heating. It falls upon the authorities of local public administrations to identify families in this situation which have acquired debts as a consequence of their status⁴⁷ (and which, as a consequence, risk having their heating cut off). Roma are not mentioned as a particular group.

According to the Law of local public administration, citizens belonging to a national minority with a percentage of over 20% of the total population of the respective administrative unit, have the right to use their mother tongue in interactions with the local administration. They also have the right to be informed of the decisions of the local administration in their mother tongue, while inscriptions with the name of the locality have to be bilingual.⁴⁸

According to the Romanian Constitution, organizations of citizens belonging to national minorities which do not gather the number of votes necessary to make it to the Romanian Parliament, are granted a deputy seat. Each minority can only be represented by one organization.⁴⁹ There are 19 such organizations, 18

⁴⁵ FRA Thematic Study on the impact of the race equality directive for Romania, 2009, on file

⁴⁶ Romanian Parliament/Law 116/2002 (15.03.2002)

⁴⁷ Romania/Romanian Government/Ordonanta de Urgenta 5/2003

⁴⁸ Romania/Romanian Government/ Hotarare 1.206/2001 (27.11.2001) for the approval of norms for the implementation of regulations regarding the rights of national minorities to use their mother tongue, comprised in the Law of local public administration No. 215/2001 published in the Official Journal No. 781/07.12.2001

⁴⁹ Romanian Constitution, Art 62 (2)

of which form the Parliamentary Group of National Minorities.⁵⁰ The Roma are represented by the 'Pro Europe' Roma party, and the representative is the chairperson of the Committee for Human Rights, Cults and National Minorities Issues.⁵¹

According to the Romanian Constitution, the only official language is Romanian.⁵² According to Law 282/2007⁵³ for the ratification of the European Charter for Regional or Minority Languages⁵⁴, there are 20 minority languages used on the Romanian territory, Romani being one of them.⁵⁵

1.1.7. Positive action measures

In 2001, at the pressure of EU progress towards accession country reports which had a separate section commenting on the situation of the Roma community⁵⁶ the Romanian Government adopted the Strategia Guvernului Romaniei de imbunatatire a situatiei romilor [Strategy of the Romanian Government for the improvement of the situation of the Roma (the Strategy)].⁵⁷ The implementing structure included the following: a mixed committee for implementation and monitoring at the central level, the ministerial commissions for the Roma, the county offices for the Roma, and local experts for the problems of the Roma. The Strategy included all areas of life and a plan of measures in each area with specific deadlines.

For the area of housing, the priorities established were: 1. solving problems connected with the right to property over lands and houses belonging to the Roma and problems connected with the implementation of legal acts regarding the establishment or reestablishment of the right to land property, including through the promotion of legislative initiatives in the field; 2. conceiving and implementing programmes for the retrofitting of housing and the environment

⁵⁰ Romanian Parliament Chamber of Deputies website available at: http://www.cdep.ro/pls/parlam/structura_gp?idg=5&idl=2 (20.03.2009)

⁵¹ Romanian Parliament Chamber of Deputies website available at: <http://www.cdep.ro/pls/parlam/structura.mp?idm=228&cam=2&leg=2008&idl=2> (20.03.2009)

⁵² Romanian Constitution, *Art 13*

⁵³ Romania/Romanian Parliament/Lege 282/2007 for the ratification of the European Charter for Regional or Minority Languages, published in the Official Journal No. 752 / 06.11.2007, *Art 2*

⁵⁴ There is to date no report on its implementation. The Ethnocultural Diversity Resource Center is in the process of undertaking such an evaluation in three sectors: education, public administration and mass-media under a PHARE programme: http://www.edrc.ro/projects.jsp?program_id=6&project_id=70 (20.03.2009)

⁵⁵ These languages are: Albanian, Armenian, Bulgarian, Czech, Croat, German, Greek, Italian, Yiddish, Macedonian, Hungarian, Polish, Romani, Russian, Ruthenian, Serbian, Slovak, Tartar, Turkish and Ukrainian.

⁵⁶ Romani CRISS (2007), *Legal Protection against discrimination and public policies towards Roma*, Bucharest: Romani CRISS, p. 65-66

⁵⁷ Romanian Government/ Hotarare 430/2001 (25.04.2001)

in the areas inhabited by the Roma; 3. the development of Government or partner-financed programmes in order to ensure the minimum living standards in the Roma communities (electric energy, fresh water, sewerage, gas, sanitation service); 4. the development of the programme of social housing for numerous families who lack subsistence means; 5. the direct involvement of Roma in the Governmental programmes of building and retrofitting of houses.

Specific activities with set deadlines included: a national action plan for solving in 4 years at most the problems connected with the right to property, a national action plan for the retrofitting of houses and the environment, including those inhabited by the Roma (for a period of 10 years, with urgent measures for the Roma in the first 4 years), a financing programme for projects which aim to bring basic utilities to areas inhabited by Roma, the establishment of financing criteria for local projects which involve the Roma community in housing projects, a national action plan for social houses for large families with low income with non-discriminatory access for Roma, and the partial financing of projects aiming at the retrofitting or construction of houses in Roma communities in the 2002-2004 period.

The Strategy was subsequently amended in 2006 and included a new set of objectives and measures.⁵⁸ The wording of the new objectives in the area of housing reflects the failure to implement the previous ones, as well as the fact that the previous objectives were vaguer and addressed fewer problems. Thus, the new objectives read the following: 1. the improvement of access of Roma to a decent housing and to public services like water, electricity, sewerage, and heating systems; 2. the allocation of local financial resources to the construction of houses for disadvantaged groups, including for persons belonging to the Roma minority; 3. the establishment of a database and of a strategy regarding the rehabilitation of dwellings affected by natural calamities; 4. the implementation of the strategy for construction/retrofitting of dwellings. The specific measures for 2006-2008 have a 26.5 million euro budget attached in the document. The measures included mention the right to property over the houses and lands of the Roma and the reestablishment of the right to the land, financing programmes for house construction and infrastructure, as well as the involvement of the Roma community in the process. The strategy includes a focus on Roma women in the health and employment sectors. The institution responsible for the implementation of the Strategy is the Romania/Agentia Nationala pentru Romi [National Agency for the Roma (NAR)] which is supposed to coordinate and control the activities outlined in the general plan of implementation measures. Roma NGOs are also no longer directly included in the consultation process.⁵⁹ The former NAR staff interviewed recounts how the Strategy amendment also brought the transfer of the implementing unit for community building from the NAR to the General Secretariat of the Government to which the NAR is subordinated, without anyone from the NAR

⁵⁸ Romania/Romanian Government/Hotarare 522/2006 (19.04.2006)

⁵⁹ Romani CRISS (2007), *Legal Protection against discrimination and public policies towards Roma*, Bucharest: Romani CRISS, p. 54

to oversee it. In the opinion of the respondent, the programme was lost because of this transfer, while the NAR lost many of its powers.

A 2005 evaluation of the Strategy found several problems in the Strategy implementation which seem to continue being a problem. The fact that the Strategy is directed at Roma but ministries and local authorities adopt an inclusive perspective rather than a Roma-targeted one is the first problem identified. Lack of proper funding (amounting to about 10 per cent of what the Government had pledged) as well as a lack of local initiatives is the second problem. The third problem is political interference from the Roma Social Democrat Party which was allowed to monopolize positions at all levels, leading to suspicion of corruption and mistrust at local level. The fourth problem is the fact that there is a lack of implementation and coordination capacity which has resulted in an inability to identify problems and solutions. Other problems are the chronic lack of adequate data based on the mistaken idea that it goes against data protection legislation, lack of monitoring, and discrimination at the level of institutions.⁶⁰

In 2002 the Romanian Government adopted Decision 829 for the approval of the Anti-Poverty and Social Inclusion National Plan. This document had a special section treating the problems of the Roma, and it seems that, as of 2002, the Romanian Government was acutely aware of the problems the Roma were facing. Furthermore, the approach shows that the Government was also aware of exclusion mechanisms determined by discrimination. The Roma are considered an at-risk group as a consequence of social polarization and lack of opportunities. In the area of housing, the Strategy mentions the following: 'the specificities of social exclusion at the Roma population consists precisely in the existence of exclusion sources which do not exist or are encountered extremely rarely for the rest of the population, such as the lack of legal identity or a legal housing situation' and goes on to say that 'it can be considered that in the past 20 years, the situation of the Roma population has worsened much more than that of the rest of the population. The big majority of the population confronting extreme poverty in Romania is of Roma ethnicity'. Going back to the area of housing, the Strategy mentions: 'The situation of the Roma population in the rural environment is particularly dramatic. Due to historic considerations, and the complete ignoring of the problem after 1989, a great part of the Roma population from the rural environment does not own land (the source of survival for many inhabitants of villages); many families do not even have property of land for houses'.⁶¹

The actions proposed under Objectives 5 and 6 for the Roma include: financial support for income-generating activities and for house construction, providing the Roma in the rural environment with farming land and land for houses, and

⁶⁰ Focus Consultancy (2005), *Assessment of the Roma Strategy Implementation Mechanism, Evaluation Report* p. 37-47, available at:

http://www.anr.gov.ro/docs/rapoarte/Focus_Final_Evaluation_Report_181.pdf (20.03.2009)

⁶¹ Romania/Guvernul Romaniei/Hotarare 829/31.07.2002

solving the legal problems for house/land ownership. These objectives are included in the general measures with clear dead-lines (although quite ambitious and without clearly established responsible authorities for each).

After the adoption of the Strategy, and this plan, the Prime Minister who signed them, Mr. Adrian Nastase, declared in a video-conference with the county and Bucharest Prefect Office in September that 'The Strategy is excellent, we adopted it, everybody was happy and then we left it in the drawer'.⁶² Although these documents turned out to be valid only on paper, they managed to identify the problems of the Roma and to establish plans for action much better than subsequent documents regarding the Roma.

In 2006 and 2008, at the request of the European Commission, Romania adopted national strategic reports concerning social protection and social inclusion.⁶³ The documentation is not a reference document for NGOs since it is relatively unknown in the Romanian context, and the plans, to our knowledge, were not at any point the subject of public debate or consultation with NGOs and social partners. The former NAR staff interviewed mentioned that they had difficulties forwarding their agenda to the drafting of the first Strategy and in securing sufficient funding for the NAR. The 2006 National Agency for the Roma Annual Report mentions that the implementation was done through an agreement with the World Bank. The NAR received the smallest amount, for institutional building, while the Romanian Fund for Social Development cooperating with the NAR was going to implement community development and infrastructure projects for Roma communities.⁶⁴

Under the two-year Strategies elaborated the Romanian Government in both 2006 and 2008, one of the priorities established under social inclusion was to improve the living conditions of the Roma population. In 2006, the description of the actual situation, of measures to be taken and of indicators, comprised two pages altogether. The approach was to present the situation of the Roma as being tackled by the Government and the only thing that needed to be done was to continue efforts to implement the Strategy. What has been criticized as continuous and thus debilitating restructuring of the Roma policies coordinating body, the National Agency for the Roma,⁶⁵ the 2006 Strategy presents as an achievement: 'In the last years, institutional mechanisms for coordinating policies regarding the Roma population were developed. The National Agency for Roma was created as well as its regional offices, in order to provide a

⁶² Romani CRISS (2007), *Legal Protection against discrimination and public policies towards Roma*, Bucharest: Romani CRISS, p. 43-44

⁶³ Reports available at: http://ec.europa.eu/employment_social/spsi/strategy_reports_en.htm (20.03.2009)

⁶⁴ Agentia Nationala pentru Romi, *Raport Anual 2006*, p.6

⁶⁵ Decade Watch (2005-2006), *Activisti pentru drepturile romilor evalueaza progresele realizate in cadrul Deceniului de Incluziune a Romilor* p. 59-60, available at: [http://demo.itent.hu/roma/portal/downloads/DecadeWatch/DecadeWatch%20Romania%20\(Romanian%20-%20Final\).pdf](http://demo.itent.hu/roma/portal/downloads/DecadeWatch/DecadeWatch%20Romania%20(Romanian%20-%20Final).pdf) (20.03.2009)

“mechanism for sustainable development” and a mechanism for monitoring Roma public policies.’ The implementation of PHARE programmes is mentioned as an achievement after which a series of general measures are enumerated. In the area of housing the ‘elaboration of “communitary” development programs focused on housing policies, development of Roma’s entrepreneurial capacity and revitalising of traditional trades that are still demanded in the labour market’ is mentioned. There is no indicator for monitoring progress in the area of housing, and no central authority in the area is included as responsible.⁶⁶

The 2008 strategic report makes a one page evaluation of what has happened in the 2006-2008 period for the Roma. It can boast the employment of 15, 987 persons as a result of employment stimulation activities, and the continuation of positive measures in the area of education (which would have continued anyhow).⁶⁷ The Roma priority remains for the 2008-2010 period as ‘The continuation of efforts to improve the quality of life for Roma citizens’ The presentation of the situation, is once again about two pages and starts with the statement that ‘the promotion of national policies aiming at the improvement of the quality of life for the Roma can only be made if there is available information regarding the socio-economic situation of this category’. This statement is at least strange for several reasons. Firstly, as shown above, at the level of 2002, the Romanian Government seemed to be perfectly aware of the socio-economic situation of the Roma. Secondly, this issue should have been tackled in the 2006-2008 period if this had been the case. Thirdly, information, by 2008, produced by Romanian and international NGOs and bodies, but also by the Romanian Government under PHARE programmes actually existed. Measures in the area of housing are not envisaged under the Strategy, although the problem of poor living conditions and overcrowding is mentioned.

The report goes on to quote income and employment data showing social exclusion, from a recent and otherwise thoroughly drafted Government commissioned study under a PHARE programme. The drafters of the report consider the 10 years lower life expectancy of the Roma to be ‘a relatively interesting situation’ and misquote from the study to say that ‘the common opinion of the medical community is that many illnesses in the Roma communities are caused by bad nutritional habits’ leaving out one the actual conclusions of the study drafters which reads: ‘Unhealthy eating habits and smoking dependency make victims both among the Roma and the gadje,

⁶⁶ Ministry of Labour, Social Solidarity and Family (2006), *National Strategic Report Concerning Social Protection and Social Inclusion*, Bucharest, September 2006, p. 20-21, available at: http://ec.europa.eu/employment_social/spsi/strategy_reports_en.htm (20.03.2009)

⁶⁷ Romania (2008) *Strategic National Report Regarding Social Protection and Social Inclusion (2008-2010)*, Bucharest, September, 2008, p. 18-19 available at: http://ec.europa.eu/employment_social/spsi/strategy_reports_en.htm (20.03.2009)

probably to a higher degree in poor households'.⁶⁸ The report also mentions the poor living conditions of the Roma households, but no measures for their improvement are mentioned. The new measures no longer have a series of indicators attached to them and no specific authorities for implementation are mentioned.⁶⁹

The way the Romanian Government chose to draft the Strategic National Reports Regarding Social Protection and Social Inclusion as far as the Roma minority, identified as one of the target groups, is concerned, shows either a complete lack of concern for this minority or a complete disregard for the plans as such. The reports also do not show any awareness of what Government commitments, both at national and international level with regards to the Roma minority actually entail, let alone coordination with these programmes and strategies.

Romania is also part of the Decade of Roma Inclusion 2005-2015 initiative, assuming the first presidency of the Decade.⁷⁰ Under the Decade, Romania should have elaborated national action plans for each priority of the Decade, housing included. These plans, in the form of charts with objectives and actions, some without an estimated budget, clear indicators or time frame, have not yet been adopted.⁷¹ Roma activists monitoring the Decade implementation criticized the plan drafts for copying the Strategy for Roma with its inherent problems. They also point to the fact that the National Agency for the Roma, the implementing body for the Strategy as well cannot finance the Strategy since it is dependent for funding on the General Secretariat of the Government. This problem has also been raised by a former high official of the NAR interviewed who, in addition, pointed to the difficulty of furthering Roma problems in general within Government structures because of insufficient strength attached to the institution (see interview). The budgetary allocation from the state budget for the Decade, since there are no adopted Action Plans on the basis of which to make the allocation, does not exist either.⁷²

In 2005, the Romanian Government issued Decision 1.128/2005 for the approval of the Memorandum of agreement among the Government General Secretariat of the National Agency for the Roma and the United Nations Development Programme regarding the co-financing and management of the

⁶⁸ G. Fleck and C. Rughinis (2008), *Vino mai aproape, Inclusiunea si excludiunea romilor in societatea romaneasca de azi [Come closer, Inclusion and Exclusion of Roma in the Romanian Society of Today]* Bucharest: National Agency for the Roma, p. 100

⁶⁹ Romania (2008) *Strategic National Report Regarding Social Protection and Social Inclusion (2008-2010)*, Bucharest, September, 2008, p. 28-29

⁷⁰ Decade website available at: <http://www.romadecade.org/index.php?content=1> (20.03.2009)

⁷¹ Available on the Decade website: <http://www.romadecade.org/index.php?content=70> (20.03.2009)

⁷² Decade Watch (2005-2006), *Activisti pentru drepturile romilor evalueaza progresele realizate in cadrul Deceniului de Incluziune a Romilor* p. 58-59, available at: [http://demo.itent.hu/roma/portal/downloads/DecadeWatch/DecadeWatch%20Romania%20\(Romanian%20-%20Final\).pdf](http://demo.itent.hu/roma/portal/downloads/DecadeWatch/DecadeWatch%20Romania%20(Romanian%20-%20Final).pdf) (20.03.2009)

Programme ‘Activities of implementation and monitoring of the Strategy for the improvement of the condition of the Roma “Partnership for the support of the Roma - 2005”’.⁷³ According to the Memorandum, the Romanian Government was supposed to contribute 1,810,000 lei (aprox. 430,000 EUR today) and the UNDP with 60,000 USD.⁷⁴ The implementation is done through an open call for projects. Since there is no monitoring at the level of the NAR, we cannot assess the implementation in the area of housing. The memorandum includes a review of activities implemented within the Strategy with PHARE 2002 funding and mentions, specifically for small infrastructure and social housing 14 projects coming from local authorities.

The Roma Decade Watch first report mentioned in the area of housing that in the period 2003-2005 the Romanian Ministry of Transportation, Housing and Tourism could boast around 10,017 social houses and systems of fresh water accessing in 42 villages. These were however not done under the Strategy for the Roma.⁷⁵

A 2006 evaluation of programmes targeting Roma communities in Romania shows that until 2001, the Romanian government had not spent any money on projects for the Roma, and, until 2004, Government allocations only came as part of PHARE programmes contribution mainly in the field of education and totalled 6,230,000, as compared to 35,654,736 Euros coming from the EU.⁷⁶ Of the 20 projects evaluated 6 included housing components.⁷⁷

Under PHARE 2006, ‘Speeding up the implementation of the National Strategy for the Improvement of the Situation of the Roma’, the General Secretariat of the Government announced that it had received 318 applications out of which 206 are in the field of small infrastructure and housing.⁷⁸

In 2006, the National Agency for the Roma developed a community development programme for the community of Hadareni costing 3,487,000 lei for three years.⁷⁹ This programme came as an ECHR decision from 2005 against Romania for events in the 1990s when, as a result of ethnic conflict, Roma houses were burnt and Roma persons killed, while the Romanian

⁷³ Romania/Romanian Government/Hotarare 1.128/2005 (29.09.2005)

⁷⁴ Romania/Romanian Government/Hotarare 1.128/2005 (29.09.2005), Art. 3

⁷⁵ Decade Watch (2005-2006), *Activisti pentru drepturile romilor evalueaza progresele realizate in cadrul Deceniului de Incluziune a Romilor* p. 64, available at: [http://demo.itent.hu/roma/portal/downloads/DecadeWatch/DecadeWatch%20Romania%20\(Romanian%20-%20Final\).pdf](http://demo.itent.hu/roma/portal/downloads/DecadeWatch/DecadeWatch%20Romania%20(Romanian%20-%20Final).pdf) (20.03.2009)

⁷⁶ S. Cace, G. Duminca, M. Preda (2006), *Evaluation of Programmes Targeting Roma Communities in Romania*, Cluj-Napoca: AMM Design, p. 17

⁷⁷ S. Cace, G. Duminca, M. Preda (2006), *Evaluation of Programmes Targeting Roma Communities in Romania*, Cluj-Napoca: AMM Design, p. 92-93

⁷⁸ According to Amos News Agency (23.09.2008), available at: <http://2008.informatia.ro/318-proiecte-au-fost-depuse-in-cadrul-Proiectului-Phare-Accelerarea-Implementarii-Strategiei-Nationale-de-Imbunatatire-a-Situatiei-Romilor-256497> (20.03.2009)

⁷⁹ Adopted through Romania/Romanian Government/ Hotarare 523/2006 (19.04.2006)

Government failed to prosecute the offenders adequately. The ECHR adopted two other decisions for similar cases. In all three cases, the Romanian Government took to implement community development programmes in the affected villages. In October 2008, only Hadareni had such a programme on paper. The same month, a member of the National Council for Combating Discrimination, a former civil society activist particularly involved in these cases, went on hunger strike because the Government was not properly implementing the Decision on Hadareni, delaying the budgetary transfers until close to the end of the year, the unspent money having to be returned to the state budget at the end of the year. The building of houses was also one of the things not even started in the programme implementation.⁸⁰ A series of NGOs (the NFP included) went to meetings with state authorities responsible for the implementation of ECHR decisions. An agreement with UNDP was reached for implementation and to extend the spending period according to the UNDP fiscal year. Also, a Government Decision was adopted⁸¹ for educational programmes in the case of the other two communities, implemented by the NCCD (without the housing component which is not part of the NCCD mandate). However, at the time of writing, no progress seems to have been made in the case of Hadareni, while the NGO coalition is evaluating the situation. In the three programmes it is clear that the housing component presents the most difficulties for implementation.

The first Government-only financed action in the area of housing, under the Strategy, took place when the Romanian government adopted Decision 1.237/2008 for the approval of the pilot programme 'Social houses for the Roma'.⁸² The Ministerul Dezvoltării Regionale și Locuintelor [The Ministry of Regional Development and Housing (MRDH)] will be responsible for the building of a maximum of 300 houses, while the local administration will provide the land and will build the infrastructure for public utilities.⁸³ The Roma community is not involved in the building of the houses.

The building projects will take place in the localities approved by the MRDH at the proposal of NAR and local administration. After the building of the houses, or the retrofitting of other houses in public property, these will be administered by the local administration and will be part of the public domain. These will be allocated in the same conditions as social housing with the exception that the Roma with a low income will have priority.⁸⁴ The commissions for examining the house allocations at the local level will also have to have as member a representative of the County Office for the Roma or a local expert for Roma issues.⁸⁵

⁸⁰ See Raxen Bulletin 3/2008

⁸¹ Romania/ Romanian Government/Hotarare 1283/2008 (08.10.2008)

⁸² Romania/Romanian Government/Hotarare 1.237/2008 (01.10.2008)

⁸³ Romania/Romanian Government/Hotarare 1.237/2008 (01.10.2008), Art. 1.

⁸⁴ Romania/Romanian Government/Hotarare 1.237/2008 (01.10.2008), Art. 12

⁸⁵ Romania/Romanian Government/Hotarare 1.237/2008 (01.10.2008), Art. 12

Aside from families, these houses, built according to minimal comfort requirements provided by the law⁸⁶, will also be available to 'Roma households' which, as defined through the law means 'one or more family nuclei made of husband-wife, children and their parents, as well as other persons who live and do household work together with them'.⁸⁷ This provision takes into account the specificities of Roma communities.

If there are no eligible requests from the families and households from the Roma communities, the houses may be allocated and rented to other families coming from different ethnic communities under the same conditions. The National Agency for the Roma is supposed to support the families in putting together their file for requesting such a house. In practice, these provisions may lead to discriminatory situations, in which Roma requests are considered ineligible because they do not comprise all the necessary documentation.

The implementation should be done on the basis of a framework agreement between the MRDH and the NAR.

The law also does not have a specific number of houses which should be built as the wording 'maximum 300' may mean anything below 300, and there is no time limit for building these houses. There is also no obligation for the houses to be built in mixed areas and not in segregated ones. One of the MRDH representatives interviewed when asked what the dead-line is, replied 'until the maximum 300 is built'. The same interviewee stated, when asked, that there is an agreement with the NAR for the implementation, but the agreement was not readily available.⁸⁸ The programme is at the stage of approval of the criteria to select the proposals from over 200 localities for financing, with a budgetary allocation of 6.5 million euro for 2009. (see interviews section)

In 2003 a Government Decision approved the programme for the elaboration of legislative acts necessary to be able to give agricultural lands to the Roma.⁸⁹ There is no record that this Decision has produced effects.

1.1.8. Housing components in national disability legislation

Law 448/2006 regarding the protection and promotion of the rights of persons with disabilities does contain provisions for housing facilities for persons with serious disabilities but no reference is made to the Roma persons with disabilities.⁹⁰

⁸⁶ Romania/Romanian Parliament/Lege 114/1996 described above

⁸⁷ Romania/Romanian Government/Hotarare 1.237/2008 (01.10.2008), Art 2

⁸⁸ It has not been made public either.

⁸⁹ Romania/Romanian Government/Hotarare 256/2003 (04.03.2003)

⁹⁰ Romania/Romanian Parliament/ Lege 448/2006 (06.12.2006)

1.1.9. Housing components in national gender equality legislation

Law 202/2002 regarding the equality of chances between women and men⁹¹ and the Romanian Government Emergency Ordinance 61/2008 regarding the implementation of the principle of equality of treatment between women and men with regards to access to goods and services and the provision of goods and services⁹² do not mention the area of housing as such or Roma women. The issue is not addressed in Romanian law.

The main social housing programme of the Romanian Government is addressed to young people (18-35) who are offered access to newly built houses. The selection criteria however, which are done on the basis of point accumulated, contain a field for education where, the higher the educational level, the more points one gets. This provision indirectly discriminates against the Roma, whose educational level and accessing of higher education is much lower than for the general population.⁹³

With regards to general housing policy according to the MRDL website, the Romanian Government has as its objective the improvement of living conditions, through ensuring access to housing for Romanian citizens, by developing the construction of social housing in order to help persons with modest income, especially young people, in order to have them be stable (and probably prevent brain drain). Another objective is to provide housing for tenants evacuated from houses returned to their former owners before having been confiscated during the communist regime. The Ministry also announces that on the basis of an internal methodology, a legal definition of vulnerability from the point of view of housing will be developed as well as a computer application for keeping track and reporting on the situation of the persons without houses in order to document policies for the building of social houses. The definition and the application do not seem to have been developed. Also, the general housing policy of the Romanian Government is focused on building houses for young people and not social houses. The plans of the Ministry for social and necessity houses for 2009 for the whole country include 1,415 apartments for 2009 and 531 for 2010. By comparison, the plans for building houses for young persons include 3,222 apartments for 2009 and 7,500 for 2010.⁹⁴

⁹¹ Romania/Romanian Parliament/Lege 202/2002 (19.04.2002)

⁹² Romania/Romanian Government/Ordonanta de Urgenta 61/2008 (14.05.2008)

⁹³ National Agency for Housing website available at: http://www.anl.ro/ro/program2_4.php (20.03.2009)

⁹⁴ Ministry of Regional Development and Housing website, available at: <http://www.mdrl.ro/index.php?p=1033> (07.05.2009)

1.2. Quantitative data on the housing situation of Roma and Travellers

1.2.1. Number of Roma in the country

The first problem encountered when trying to develop Roma policies is the fact that it is not known how many Roma there are in Romania. The 2002 national census reported 535,250 self-declared Roma.⁹⁵ However, NGOs and other studies estimate their number to be around 1,500,000-2,000,000.⁹⁶

1.2.2. Data on housing conditions, household type and size and access to public utilities

During communism the Roma entered a programme of forced settlement and inclusion in the mainstream economy. They were no longer allowed to practice their traditional crafts as everyone had to be included in the state economy. The Roma identity was also no longer recognized as such due to the nationalistic policies of the communist state. The policy had mixed results. On the one hand, the Roma generally received better housing, children were forced to go to school, and everyone had to have a job, offered by the state, even if Roma usually occupied the unqualified positions (and therefore were the most vulnerable in the transition period after communism being the first ones to be laid off). On the other hand, the Roma lost a large part of their identity, crafts and ways of life.⁹⁷ Due to the assimilation-oriented policies of the communist state, the Roma in Romania have lost their traditional nomadic lifestyle. If travellers still exist in Romania, there is no record of them.

The 2007 Roma Inclusion Barometer of the Open Society Foundation Romania, conducted on the basis of two opinion polls, one at national level (1215 persons of age 18 and over with a 2.9 per cent margin of error) and one for the Roma population (1387 persons of age 18 and over with a 2.6 per cent margin of error) offers valuable data on the situation of Roma housing conditions.⁹⁸

⁹⁵ Romania/Institutul National de Statistica [National Statistics Institute] available at: <http://www.insse.ro> (20.03.2009)

⁹⁶ Focus Consultancy (2005), *Assessment of the Roma Strategy Implementation Mechanism, Evaluation Report* p. 37, available at: http://www.anr.gov.ro/docs/rapoarte/Focus_Final_Evaluation_Report_181.pdf (20.03.2009)

⁹⁷ Centrul de Documentare si Informare despre Minoritatile din Europa de Sud-Est (CEDMIR-SE), *Romii din Romania*, available at: http://www.edrc.ro/docs/docs/Romii_din_Romania.pdf (20.03.2009)

⁹⁸ G. Badescu, V. Grigoras, C. Rughinis, M. Voicu, O. Voicu, (2007) *Roma Inclusion Barometer*, Bucharest: Open Society Foundation

To start with, there seem to be more Roma in rural areas than in urban areas – 60 per cent as compared to 40 per cent. 68 per cent of Roma assert that they live on the outskirts as compared to 48 per cent of the rest of the population. The condition of local roads is considered to be bad by 63 per cent of the Roma (1 per cent declaring that they have no roads at all) and by 42 per cent of the rest of the population. The study asserts that the perception is supported by relevant data since 72 per cent of the Roma have country roads as opposed to 48 per cent of the majority. This finding is correlated with poorer access to community services coupled with insufficient means of transportation, 50 per cent of the Roma declaring that in their area transportation means are lacking or function badly as opposed to 31 per cent of the majority population. The study also mentions that in Roma communities there are fewer shops, schools and kindergartens than in other communities.⁹⁹

With regards to access to utilities, the Roma are at a greater disadvantage than the majority population. Thus, in rural areas 95 per cent of Roma do not have access to gas (compared to 89 per cent of the majority), 95 per cent do not have sewerage (87 of the majority), 95 per cent do not have running water in the house (84 per cent of the majority population), 14 per cent do not have electricity (3 per cent of the majority) and 10 per cent heat their homes with wastes or do not heat them at all (1 per cent of the majority). In urban areas the differences are much bigger. Thus, 75 per cent of the Roma do not have access to natural gas (21 per cent of the other ethnicities), 72 per cent have no sewerage (15 per cent the rest of the ethnicities), 73 per cent have no running water in the house (10 per cent of the rest of the population), 12 per cent of the Roma have no electricity (1 per cent for the rest of the ethnicities) and 14 per cent of the Roma use wastes for heating their homes or do not heat them at all (2 per cent of the other ethnicities).¹⁰⁰

With regards to the quality of housing, considerable differences can be observed in the urban area. Thus, 79 per cent of Roma live in a house (the study mentions that they usually live in very old and damaged houses rented from the state), 6 per cent live in a block of flats with a I or II comfort level, 7 per cent live in a block of flats with a III or IV comfort level or in social hostels, 3 per cent live in deserted houses and 5 per cent in improvised dwellings. Compared to these figures, 43 per cent of other ethnicities live in a house, 53 per cent in a block of flats with I or II comfort level, 4 per cent live in blocks of flats with III or IV comfort level or in social hostels, 0 per cent live in deserted houses and 0 per cent live in improvised dwellings.

Overcrowding is also an important problem for Roma houses with of the rate of overcrowding more than double for Roma (13 per cent as opposed to 25.6 per cent), and also much less square meters per person (8 sq m/person as opposed

⁹⁹ G. Badescu, V. Grigoras, C. Rughinis, M. Voicu, O. Voicu, (2007) *Roma Inclusion Barometer*, Bucharest: Open Society Foundation, p. 32

¹⁰⁰ G. Badescu, V. Grigoras, C. Rughinis, M. Voicu, O. Voicu, (2007) *Roma Inclusion Barometer*, Bucharest: Open Society Foundation, p. 33

19.5 sq m/person). The difference is even more stark in the 2002 census data which reveals that 48.4 per cent of the Roma households have less than 5.9 square meters per person as opposed to 8.41 for the Romanian population.¹⁰¹ According to Law 114/1996, minimal surfaces include 110 square meters for an eight person family, which would mean almost 14 square meters per person.¹⁰²

Around 70 per cent of Roma households with a kitchen also use it as a bedroom to save heating money, while 11 per cent of Roma households do not have a kitchen as opposed to 2 per cent of the other ethnicities.¹⁰³

In terms of the goods which the Roma own, the economic gap is again very visible. Thus in both urban and rural areas, 6 per cent of Roma own a car, 28 per cent a mobile phone, 8 per cent a land line, 37 per cent a fridge, 9 per cent a washing machine, 4 per cent a computer and 64 per cent a colour TV. In comparison, 36 per cent of members of other ethnicities own a car, 57 per cent a mobile phone, 47 per cent a land line, 88 per cent a fridge, 50 per cent a washing machine 29 per cent a computer and 91 percent a colour TV.¹⁰⁴ Another study makes a comparative chart between the Roma Inclusion barometer findings and the findings of PHARE – Social Inclusion programmes' evaluation from 2007. Thus, according to the latter report, 68 per cent of Roma owned a colour TV as opposed to 90 per cent of the comparative sample, 43 per cent owned a mobile phone as opposed to 58 per cent of the comparative sample, 26 per cent of the Roma owned a satellite antenna as compared to 37 of the comparative sample, 53 per cent owned a refrigerator as compared to 92 per cent of the comparative sample, 12 per cent owned a CD player as opposed to 24 of the comparative sample, 12 per cent had a car as opposed to 30 per cent of the comparative sample, 14 per cent had a washing machine as compare to 40 per cent of the majority sample, 8 per cent owned a computer as opposed to 24 per cent of the comparative sample, and 10 per cent had a land line as opposed to 40 per cent of the comparative sample.¹⁰⁵

The household situation is also connected with the low income which the Roma are able to produce. Thus, in October 2006 the medium income for a Roma person as shown in the Roma Inclusion Barometer was 1.5 million lei per month (aprox. 35 euro today) as opposed to 3.7 million lei per month other ethnicities (aprox. 88 euro today). Another aspect is the fact that around 10 per cent of Roma households did not produce an income in the previous month as opposed to 1.2 per cent of other households. With regards to children, over 11 per cent of Roma children lived in homes where no person had an income as

¹⁰¹ Data available at: <http://www.anr.gov.ro/docs/statistici/statistici/t26.pdf> (20.03.2009)

¹⁰² Romania/Romanian Parliament/Lege 114/1996, Annex I, B.

¹⁰³ G. Badescu, V. Grigoras, C. Rughinis, M. Voicu, O. Voicu, (2007) *Roma Inclusion Barometer*, Bucharest: Open Society Foundation, p. 34

¹⁰⁴ G. Badescu, V. Grigoras, C. Rughinis, M. Voicu, O. Voicu, (2007) *Roma Inclusion Barometer*, Bucharest: Open Society Foundation, p. 43

¹⁰⁵ G. Fleck and C. Rughinis (2008), *Vino mai aproape, Inclusiunea si excluziunea romilor in societatea romaneasca de azi [Come closer, Inclusion and Exclusion of Roma in the Romanian Society of Today]* Bucharest: National Agency for the Roma, p 114

opposed to 2 per cent of the other children. At the same time, in rural areas the Roma own around 0.2 hectares as opposed to other ethnicities which own a median of 2 hectares resulting in a much lower possibility for the Roma to produce and consume their own food and goods (80 per cent of rural Roma did not consume goods produced by themselves as opposed to 35 per cent of other ethnicities in the rural area).¹⁰⁶

Roma also incur debts in paying their utilities, which often results in inability to maintain a house. 38 per cent of the Roma had debts as opposed to 20 per cent of other ethnicities with the biggest debts coming from non-payment of electricity bills (16 per cent for Roma and 7 per cent for other ethnicities).¹⁰⁷

Another study, *Broadening the agenda: the status of Romani women in Romania*, conducted in 2006 in Romania, specifically looked at the situation of Roma women in Romania and demonstrated the particularly difficult situation of Roma women as an effect of multiple discrimination. The study comprised a survey including an extended questionnaire for 717 adult women in both rural and urban areas and 14 focus groups comprising about 100 Roma women.

In the area of housing, the study revealed certain quantitative figures which confirm the poverty in which Roma households find themselves. Most women lived in one or two room dwellings with overcrowding being a common element. 27 per cent declared that they lived in houses with more than 3 people per room. This situation proved to be connected with the level of education of Roma women. Six per cent of women with secondary education lived in houses with more than four persons per room, 15 per cent with primary education lived in such houses, and 30 per cent of the women with no formal education lived in similar houses.¹⁰⁸

With regards to housing facilities, the *Broadening the Agenda* study showed that 10 per cent of households lacked electricity, 28 per cent had sewage systems, 51 per cent did not have a separate kitchen (the kitchen was also used for sleeping), 82 per cent did not have running water and less than 15 per cent had indoor toilets, a bathroom and gas connection. 69 per cent used wood or coal to heat their homes, 10 per cent had central heating or used gas for heating, 16 per cent used waste (wood or paper) for heating, and 1 per cent did not use any kind of heating. Also, 79 per cent had a TV set, 60 per cent had a tank stove, 35 per cent a refrigerator 32 per cent a radio, 20 per cent a washing machine and only nine out of every one hundred owned a car. Sixty-seven per

¹⁰⁶ G. Badescu, V. Grigoras, C. Rughinis, M. Voicu, O. Voicu, (2007) *Roma Inclusion Barometer*, Bucharest: Open Society Foundation, p. 35-36

¹⁰⁷ G. Badescu, V. Grigoras, C. Rughinis, M. Voicu, O. Voicu, (2007) *Roma Inclusion Barometer*, Bucharest: Open Society Foundation, p. 37

¹⁰⁸ L. Surdu, M. Surdu (2006) *Broadening the Agenda: the status of Romani women in Romania*, New York: Open Society Institute, p. 65

cent of women declared they would buy a washing machine if they had the money, followed by a refrigerator (41.1 per cent).¹⁰⁹

A 2006 UNDP study called *At risk: Roma and the displaced in Southeast Europe* using data collected in 2004 from Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Macedonia, Montenegro, Romania, Serbia and Kosovo with a sample size for Romania of 601 non-Roma households and 1771 non-Roma persons and 601 Roma households with 2905 Roma persons, offers correlations for the housing situation of the Roma. Overall, it shows that 25 per cent of Roma households live in dilapidated houses or shacks as opposed to 3 per cent of non-Roma households.¹¹⁰

1.2.3. Data on housing tenure

With regards to house ownership or legality of living, 66 per cent of Roma declared having a house contract as opposed to 82 per cent of persons from other ethnicities. Of the Roma with a contract, about 9 per cents pay a rent (to the state in the great majority of cases) while only 1 per cent of non-Roma having a valid contract live in state houses. Of the total, only about 58 per cent of Roma have security of tenure (either because they own the house or someone close to them does) as opposed to 81 per cent of the other ethnicities.¹¹¹

1.2.4. Data on segregated communities

There is no data as to the real number of segregated Roma communities in Romania.

A 2008 Government-commissioned report combining qualitative and quantitative research called *Come closer, Inclusion and Exclusion of Roma in the Romanian Society of Today* with the quantitative results drawn from a sample of 2155 Roma and non-Roma individuals offers correlated data connected to housing.

Multivariate analysis shows that the percentage of those living in a house with no lease contract is higher for the 18-60 age group, for those with a lower educational level, for those who are poorer and for those who live in segregated Roma areas but do not speak Romani. Thus only 71 per cent of the 18-60 age group have a legal lease contract as opposed to 84 per cent of the Roma over 60. This situation is connected with the transition period, with rural-urban migration

¹⁰⁹ L. Surdu, M. Surdu (2006) *Broadening the Agenda: the status of Romani women in Romania*, New York: Open Society Institute, p. 66-67

¹¹⁰ UNDP (2006) *At Risk: Roma and the Displaced in Southeast Europe*, Bratislava: UNDP, p. 58

¹¹¹ G. Badescu, V. Grigoras, C. Rughinis, M. Voicu, O. Voicu, (2007) *Roma Inclusion Barometer*, Bucharest: Open Society Foundation, p. 35

and with children leaving their parents' houses more often. With regards to education, 69 per cent of the Roma with no or unfinished primary education own a lease contract, 71 per cent of those with finished primary education and unfinished secondary or specials schools own such a contract, 76 per cent of the Roma with finished secondary school and unfinished high-school own a contract and 86 per cent of those with finished high-school or with further education as well have a contract. The number of durable goods in the house (such as a fridge, colour TV, washing machine, etc...), associated with the legality of living also shows a connection between welfare and having a lease contract, which indicates the possibility of a vicious circle. Thus 62 per cent of the houses with no durable goods have a legal lease contract, compared to 65 per cent of the houses with one durable good, 74 per cent of the houses with two durable goods and 83 per cent of those with three or more durable goods. Another interesting correlation exists between the Roma and non-Roma areas, Romani language usage in households, and the existence of a legal lease contract. Thus, in the areas inhabited by non-Roma, if the Roma families do not use Romani, they have an 83 per cent chance to have a legal lease contract and 72 per cent chance if they use Romani. In an area inhabited by the Roma, 68 per cent of families who do not speak Romani have a valid lease contract, as opposed to 72 per cent of families who use Romani.

In order to correlate segregation with other variables, the researchers used 'living in a poor neighbourhood', 'living in a Roma neighbourhood', 'living in next to Roma, and 'living next to neglected houses' as segregation indicators. They found that 29 per cent of the 'unattended' areas do not have access to electricity as opposed to 7 per cent of the other ones. Access to water is highly influenced by segregation indicators. Thus, 89 per cent of those living in a Roma neighbourhood declare not having access to water, compared to 73 per cent of those from a poor neighbourhood, 82 per cent of those living in Roma vicinity, and 76 per cent of those in 'unattended' vicinity. In poor and unattended areas it is more likely that children in schools are mostly Roma. Their finding with regards to segregated education is that residential segregation is not necessarily the driving force for school segregation but rather the economic and ethnic homogeneity of an area.¹¹² However, residential segregation and lack of access to means of transportation does negatively affect school attendance.¹¹³

The study also correlates other variables with spatial segregation and finds that the social and ethnic composition of a locality and a region had an effect on economic activity. The most favourable places for stable jobs are those where poorer and richer people live together (25.1 per cent of the Roma do regular

¹¹² G. Fleck and C. Rughinis (2008), *Vino mai aproape, Inclusiunea si excluziunea romilor in societatea romaneasca de azi [Come closer, Inclusion and Exclusion of Roma in the Romanian Society of Today]* Bucharest: National Agency for the Roma, p. 117

¹¹³ G. Fleck and C. Rughinis (2008), *Vino mai aproape, Inclusiunea si excluziunea romilor in societatea romaneasca de azi [Come closer, Inclusion and Exclusion of Roma in the Romanian Society of Today]* Bucharest: National Agency for the Roma, p. 147

work in a mixed community as opposed with 19.9 per cent of the Roma in a poor locality and 19.2 of the Roma in a locality where the majority is not poor). Daily workers can be found in a higher proportion in socially segregated communities. Also, when Roma live with a majority of non-Roma in the same locality, the Roma tend to be inactive from an economic point of view (31.5 per cent of Roma do not work at all in a segregated community as opposed to 37.4 per cent in a community where the majority is non-Roma). However, being in a segregated community is overall a disadvantage. Only 18.4 per cent of the Roma in a segregated community are involved in regular work as opposed to 23.3 per cent of the Roma in a community where the majority is non-Roma. The statistical difference grows if we speak of the ethnic composition of the larger area where the Roma live (19.6 per cent of the Roma who live in a segregated area are involved in regular work as opposed to 36,4 per cent of the Roma living in an area where the majority is non-Roma)

Thus, in a Roma majority locality 18.4 per cent do regular work, 20.3 do occasional work, 26.6 do household work and 31.5 do not do any kind of work while 3.2 are students. In a community with a non-Roma majority 23.3 do regular work, 16.7 do occasional work, 20.1 do household work, 37.4 do not work at all and 2.4 are students.¹¹⁴

The same study computes the correlation between the ethnic composition of the locality and the access of Roma to at least one type of income. Thus 60.2 of Roma respondents living in a non-Roma vicinity have the chance to an income and 51.4 of Roma have this chance if they have a Roma community in their vicinity.¹¹⁵

Aside from the fact that segregated communities generally have poorer access to social services in general with health services included, the same study shows that Roma communities have a lower life expectancy: out of 1142 Roma households only 31 persons were over 80, and 121 between 71-80. In the comparative sample, out of 1013 households, there were 118 persons who were over 80 and 276 between 71-80.¹¹⁶

¹¹⁴ G. Fleck and C. Rughinis (2008), *Vino mai aproape, Inclusiunea si excluziunea romilor in societatea romaneasca de azi [Come closer, Inclusion and Exclusion of Roma in the Romanian Society of Today]* Bucharest: National Agency for the Roma, p. 128

¹¹⁵ G. Fleck and C. Rughinis (2008), *Vino mai aproape, Inclusiunea si excluziunea romilor in societatea romaneasca de azi [Come closer, Inclusion and Exclusion of Roma in the Romanian Society of Today]* Bucharest: National Agency for the Roma, p. 137

¹¹⁶ G. Fleck and C. Rughinis (2008), *Vino mai aproape, Inclusiunea si excluziunea romilor in societatea romaneasca de azi [Come closer, Inclusion and Exclusion of Roma in the Romanian Society of Today]* Bucharest: National Agency for the Roma, p. 100

1.2.5. Data on forced evictions

There is no official record on the number of forced evictions of Roma held by public authorities. Romani CRISS NGO has been monitoring cases, but no statistics exist.

1.2.6. Impact on health

Also, the health of the Roma is influenced by the precariousness of their living conditions. It is recognized that the Roma have a life expectancy a full ten years lower than the majority population.¹¹⁷ The study mentioned above based on the findings in the Roma communities included in the research, correlates poverty – which determines poor living conditions – with illnesses associated with poverty and overcrowding, caused and maintained by cold, humidity, precarious hygiene because of the closeness to waste collection sites, lack of fresh water sources and access to highly polluted ones instead as well as consuming food with a low nutritional value prepared in inadequate conditions. Examples include: anemia, parasites, tuberculosis (children have died of TBC in a community comprised in the study because of lack of access to medical services), skin diseases, intoxications, malnutrition, stomach illnesses, dentition problems, rachitism, heart diseases, alcoholism, wounds (caused by overcrowding) and frostbite.¹¹⁸

1.3. Qualitative information on the housing situation of Roma and Travellers

1.3.1. Quality of housing

ECRI urged the Romanian authorities ‘to take steps to ensure that members of the Roma community have access to decent housing. It also calls on them to

¹¹⁷ European Parliament, *Motion for a European parliament Resolution on the social situation of the Roma and improving their access to the labour market in the EU*, 28.01.2009 available at: <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+REPORT+A6-2009-0038+0+DOC+XML+V0//EN#title2> (07.05.2009)

¹¹⁸ G. Fleck and C. Rughinis (2008), *Vino mai aproape, Inclusiunea si excluziunea romilor in societatea romaneasca de azi [Come closer, Inclusion and Exclusion of Roma in the Romanian Society of Today]* Bucharest: National Agency for the Roma, p.89

impose penalties on local Government officials who engage in discriminatory practices against Roma in, amongst others, the area of housing'¹¹⁹

A 2001 study¹²⁰ analysing findings from nine exemplary Roma communities in Romania, on accessibility of public services for the Roma in Romania identified several problems connected to housing for the Roma. The researcher, Ina Zoon, firstly identified a strong ethnic character of what she calls mahalas (after the old Turkish name for neighbourhood), of urban ghettos and of slums. The mahalas are traditionally inhabited by Roma communities usually included in the urban plans of the locality. The houses are acceptable, but the infrastructure is poor. Urban ghettos include apartment buildings abandoned by enterprises and municipalities. It is usually the homeless who occupy these dwellings. Slums include shacks and hovels, with scarce water resources, unpaved roads with holes in them, lack of electricity and improvised connections instead. According to the author, the origin of many slums comes from communist times when their houses were destroyed to build industrial parks. What is striking about slums is that they are located right next to non-Roma blocks of flats enjoying all of the facilities lacking in the slum. The justifications for the lack of facilities which local authorities gave range from the fact that the slums were not within their territorial jurisdiction, or that the hovels and shacks were built on land which did not belong to the inhabitants, or that the local community was not organised or the easiest justification, which is the lack of money. The main problems identified were: poverty, overcrowding and lack of infrastructure. Lack of in-house conditions many times depended on the local administration which owned the buildings but never bothered to repair them.¹²¹

In rural areas, Zoon, without excluding the possibility of discrimination of Roma communities in the process of resource allocation, considered that the lack of infrastructure was connected with the general poverty of Romanian rural areas.¹²²

Among the problems identified by Ina Zoon is that of property ownership. Aside from the legality of settlement which is very problematic for the Roma because of the legislative gap which does not take into account their particular situation or the situation of the poor in general, the researcher also identifies an exclusion mechanism from agricultural land connected with land privatisation and restitution. Because of historical reasons (connected to slavery and the fact that they never received land from the state like all other Romanian peasants did during the 19th and 20th centuries) the Roma did not own agricultural land.

¹¹⁹ European Commission Against Racism and Intolerance (2005), *Third Report on Romania*, p. 34 available at: http://hudoc.ecri.coe.int/XML/Ecri/ENGLISH/Cycle_03/03_CbC_eng/ROM-CbC-III-2006-3-ENG.pdf (17.05.2009)

¹²⁰ I. Zoon (2001), *On the Margins, Roma and Public Services in Romania, Bulgaria and Macedonia*, New York: Open Society Institute

¹²¹ I. Zoon (2001), *On the Margins, Roma and Public Services in Romania, Bulgaria and Macedonia*, New York: Open Society Institute, p. 110-120

¹²² I. Zoon (2001), *On the Margins, Roma and Public Services in Romania, Bulgaria and Macedonia*, New York: Open Society Institute, p.121

However, most Roma could be found in the rural area. When communism came, everybody had to give away their land to the large state farms for which everybody, the Roma included, had to work. After communism fell, the restitution of land in the first transition years was marred by the corruption of local authorities. Later, through a law, those who had not brought in land for the state farms were entitled to land provided there was enough. It never seemed to be enough for the Roma.¹²³

1.3.2. Issues of spatial and social segregation, social cohesion and access to utilities and infrastructure

The profiles of segregated communities Ina Zoon did were based on examples for the 1990s. She asserted that segregation is moreover the rule rather than the exception for Roma communities. The first type identified is that of forcibly displaced communities which have either been relocated during communism or have had to leave their apartments in communist blocks owned by the local authorities because they could no longer afford the rent. The second type is made of communities in converted pigsties and garages. This type of community appeared as the solution offered to people who were evicted for no longer being able to pay the rent, by their local authorities. Another type is walled-off communities which sometimes extremely impoverished Roma communities separated from the rest of the population.¹²⁴

Aside from access to electricity the 2001 report gives examples of Roma communities cut off from the transportation system, and those which have transportation generally have less frequent connections, in older buses than the rest. Garbage collection could also be a problem in some Roma settlements, especially in ghettos. Clean running and drinking water was also identified as a serious problem in many Roma communities leading to illnesses. Improving the water situation in such communities did not seem to be a priority for a local authority which preferred to invest in sports facilities. Another serious problem of the 1990s was inter-ethnic violence and police abuse of the Roma communities.¹²⁵

A 2005 qualitative study focusing on 16 Roma communities again identified the types of Roma communities, and described their outlook.¹²⁶ The study asserts that housing exclusion mechanisms are very different, depend on a host of

¹²³ I. Zoon (2001), *On the Margins, Roma and Public Services in Romania, Bulgaria and Macedonia*, New York: Open Society Institute, p. 123

¹²⁴ I. Zoon (2001), *On the Margins, Roma and Public Services in Romania, Bulgaria and Macedonia*, New York: Open Society Institute, p. 123-126

¹²⁵ I. Zoon (2001), *On the Margins, Roma and Public Services in Romania, Bulgaria and Macedonia*, New York: Open Society Institute, p. 126-132

¹²⁶ Agentia Impreuna (2005), *Accesul romilor la servicii sociale – Realitati si tendinte in anul 2005 – [Roma access to social services – Realities and tendencies in the year 2005 -]*, Bucuresti: Fundatia pentru o Societate Deschisa Romania

factors and housing conditions in general describe different communities. What has been noticed is that housing exclusion is more dramatic in generally poorer areas.¹²⁷

In rural areas there have been identified three types of communities. The first type are communities living in shacks on polluted lands or on garbage collection sites or next to them which are isolated from all points of view which can also be called 'invisible communities'. The second type is para-rural communities which are part of the community but always at the periphery. Their poverty is more severe, but is however in synch with the general poverty of the community. The third type consists of Roma communities at the centre of the community. This type of communities appeared after buying the houses of a different community. It is typically the Transylvanian case where the houses of the Saxons who left for Germany have been occupied by the Roma. The problem most of these dwellings have is physical degradation.¹²⁸

In the urban area, there are also three types of dwellings. The first type is that of communities in the city centre. Most families were placed in nationalized houses in an advanced stage of degradation and having an uncertain legal status, which makes the security of these houses precarious. Most people living here are very poor. The second type is represented by urban ghettos. Many of them have been formed next to dismantled industrial sites after 1989. Most of them are inhabited by persons who have lost their jobs in industry and had to leave their apartments because they are no longer able to pay rent. Police raids are most common in these areas with a rather high criminality rate according to the study, and weak social cohesion. The third type includes Roma communities at the peripheral part of the town, but forming different administrative structures, and which usually live off the garbage collection sites also at the periphery.¹²⁹

The general problems identified are: illegal occupation of houses or lands (which seems to be a perpetual problem), overcrowding, inadequate housing and poor or non-existent infrastructure.¹³⁰

Another study, this time an architectural study conducted in 2006 in 36 Roma communities, generally identifies the same types of Roma dwellings as the 2005

¹²⁷ Agentia Impreuna (2005), *Accesul romilor la servicii sociale – Realitati si tendinte in anul 2005 – [Roma access to social services – Realities and tendencies in the year 2005 -]*, Bucuresti: Fundatia pentru o Societate Deschisa Romania, p. 40

¹²⁸ Agentia Impreuna (2005), *Accesul romilor la servicii sociale – Realitati si tendinte in anul 2005 – [Roma access to social services – Realities and tendencies in the year 2005 -]*, Bucuresti: Fundatia pentru o Societate Deschisa Romania, p. 41-42

¹²⁹ Agentia Impreuna (2005), *Accesul romilor la servicii sociale – Realitati si tendinte in anul 2005 – [Roma access to social services – Realities and tendencies in the year 2005 -]*, Bucuresti: Fundatia pentru o Societate Deschisa Romania, p. 42-43

¹³⁰ Agentia Impreuna (2005), *Accesul romilor la servicii sociale – Realitati si tendinte in anul 2005 – [Roma access to social services – Realities and tendencies in the year 2005 -]*, Bucuresti: Fundatia pentru o Societate Deschisa Romania, p. 43-45

study and proposes an intervention methodology.¹³¹ A similar kind of study was commissioned by the Ministry of Regional Development and Housing, this time on a specific Roma community from Valea Rece, Targu Mures having the aim of proposing intervention methodologies for poor communities. The methodology, which is going to comprise several adaptable possibilities, as the MRDH representative interviewed stated, is in course of being approved and will be put at the disposal of local authorities.

The Government-commissioned study from 2008 comprising both qualitative and quantitative information from the Roma, the majority population and local authorities, included in its qualitative research part 36 localities where 15-20 interviews were conducted. The research is very rich in information regarding not only the living situation of the Roma but also life expectations and attitudes.¹³²

Living in an urban ghetto does not necessarily mean, as the research shows, ethnic homogeneity, but it does mean generalised poverty, and due to overcrowding, an unwanted intimacy with people living in small rooms, ill equipped, problematic sewage and waste collection. People here have a common history of moving around, being evacuated, having sold a better house which they could no longer afford, accumulating debt and having poor access to social services.

There is also the story of working hard for minor improvements to their house, while many people see the ghetto as a transit space hoping for a better life outside of the ghetto.¹³³

The attitudes towards the urban ghetto can be discerned from the different explanations of how the ghetto appeared given by the ghetto inhabitants and local authorities. The inhabitants speak of abandoned blocks of flats from the communist times which they occupied and tried to make them habitable especially for the winter, but did not have the resources to fix the exterior as well. Local authorities speak of people occupying the already rehabilitated social dwellings which they destroyed in the meanwhile.¹³⁴

The people in the ghetto rely on social capital to survive, that is, on networks of personal connections. When they can no longer afford to pay the rent, they are

¹³¹ C. Berescu, M. Celac, O. Ciobanu, C. Manolache (2006), *Housing and extreme poverty. The case of Roma communities*, Bucharest: Ion Mincu University Press

¹³² G. Fleck and C. Rughinis (2008), *Vino mai aproape, Inclusiunea si exclusiunea romilor in societatea romaneasca de azi [Come closer, Inclusion and Exclusion of Roma in the Romanian Society of Today]* Bucharest: National Agency for the Roma

¹³³ G. Fleck and C. Rughinis (2008), *Vino mai aproape, Inclusiunea si exclusiunea romilor in societatea romaneasca de azi [Come closer, Inclusion and Exclusion of Roma in the Romanian Society of Today]* Bucharest: National Agency for the Roma, p. 102

¹³⁴ G. Fleck and C. Rughinis (2008), *Vino mai aproape, Inclusiunea si exclusiunea romilor in societatea romaneasca de azi [Come closer, Inclusion and Exclusion of Roma in the Romanian Society of Today]* Bucharest: National Agency for the Roma, p. 103

evacuated to the only possible worse place, which are improvised dwellings. It is also worth mentioning that if the municipality does improvements on the block where they live, the rent also rises.¹³⁵

Housing insecurity creates a vicious circle of poverty best revealed in a quote from the study: ‘During communism, many Roma were living in blocs of flats or nationalized houses, or houses which are now town property, having a stable residence and their identification documents at that address. If they have too much debt for utilities in the blocks of flats or if they are behind with the rent or the houses claimed get to their former owners, they can be evacuated from these houses. The evacuation is done at the decision of the Local Council, through the involvement of the community police of public health representatives and of the gendarmerie while most of the time the evacuation is done by surprise and in a violent manner. Depending on the case “the people evacuated” move somewhere with their relatives (“too numerous families” then generate complaints from the neighbours, which can, in their turn, become arguments for new evacuations), leave town to go to the village, where they build shacks from available materials (card boards, nylon, wood, iron) at the outskirts of the town, on fields, or take refuge for the night in the city homeless centres. It becomes very clear that forced evictions do not solve their problems; it happens that the evacuated apartments remain unoccupied while those evacuated have to live in conditions which generate further complaints (also resulting in sanctions) from their neighbours, from the local administration, etc¹³⁶

Another problem revealed by the study is conflict situations of various degrees. The most common one is the fact that there is a conflict due to the lack of housing in general connected to the fact that people in need of housing consider that housing allocation or building is corrupt. Typical cultural manifestations such as shiny roofs of the Roma who are well-off are condemned by the Romanian intellectual elite as kitsch, while the Roma find them a symbol of the wealth and hard work of the richer Roma. The extreme conflict situation where the communities simply cannot share a space existed in the 1990s when Roma houses were burnt in interethnic conflicts. The problem comes when houses continue to be destroyed by local authorities this time in ‘public sanitation’ campaigns as an evacuation initiative in 2006 revealed. This quote is exemplary: ‘Last year the police and public sanitation came to them to “clean up”: they burnt shacks, they also burnt the documents which were there, they showed up at their place in the morning at five, they took them out of their shacks and put them on fire. As they told me when I went there, they slowly

¹³⁵ G. Fleck and C. Rughinis (2008), *Vino mai aproape, Inclusiunea si exclusiunea romilor in societatea romaneasca de azi [Come closer, Inclusion and Exclusion of Roma in the Romanian Society of Today]* Bucharest: National Agency for the Roma, 104

¹³⁶ E. Magyari-Vincze, (2007), *Exclusiunea sociala a romilor. Studiu de caz din Timisoara. [The social exclusion of the Roma. Timisoara Case study]* in G. Fleck and C. Rughinis (2008), *Vino mai aproape, Inclusiunea si exclusiunea romilor in societatea romaneasca de azi [Come closer, Inclusion and Exclusion of Roma in the Romanian Society of Today]* Bucharest: National Agency for the Roma, p. 105

started to rebuild the shacks, they have nowhere to go and either way they have identity documents in Timisoara'.¹³⁷

A 2007 research in 15 rural communities revealed specific problems for the rural areas such as: unemployment and lack of employment opportunities (which generally affect the whole community), the low level of the human capital mainly associated with school attendance and the level reached (though there are exceptions to this pattern), the access to medical services and health problems in general (associated with the lack of identity papers for some, lack of employment which prevents getting medical insurance, rejection of vaccination by the Roma), overcrowding of houses and residential areas, lack of ownership of houses and land, passivity and lack of involvement of the Roma in the solving of their own problems. The last problem is identified both in the personal and public sphere. Roma community members, but non-Roma as well, expect the state to offer social benefits to them. In the case of the Roma, they have the same attitude with regards to their community problems where they seem to expect someone from the outside to come and solve their problems. There are also exceptions when a local leader is able to mobilise the community. Members of more modern Roma communities declare that they cannot trust others to solve their problems in the relationship with authorities, while people are not aware that they can help themselves. The social capital is very low according to the study, and this is a problem for the Roma community which both Roma and non-Roma identify.¹³⁸

1.3.3. Forced evictions

With regard to forced evictions, Romani CRISS NGO has been monitoring cases of forced eviction, and their reports are included in the US Department of State annual Human Rights Reports on Romania. The 2008 report still recorded forced evictions and Police violence, without alternative accommodation or without adequate alternative accommodation. Since 2001, hundreds of people have been evicted. In 2008, the US Department of State Report was mentioning 390 people who had been evicted in previous years, some relocated to environmentally hazardous areas, whose situation was still pending. Until 2004 most cases were evictions of Roma who had migrated to towns and settled on public property on the basis of returning to their residence. The evictions sometimes included the destruction of the shelter on grounds of lack of proper sanitation (tents in one case). After 2004, Romani CRISS reported an increase

¹³⁷ E. Magyari-Vincze, (2007), *Excluziunea sociala a romilor. Studiu de caz din Timisoara. [The social exclusion of the Roma. Timisoara Case study]* quoting E.L. and L.L. from Blascovics neighbourhood, Timisoara, in G. Fleck and C. Rughinis (2008), *Vino mai aproape, Inclusiunea si excluziunea romilor in societatea romaneasca de azi [Come closer, Inclusion and Exclusion of Roma in the Romanian Society of Today]* Bucharest: National Agency for the Roma, p. 105

¹³⁸ M. Voicu, I Precupetiu, 'Diagnosis of social problems in the Roma communities and community development strategies' in M. Voicu (2007) *Needs and Resources in the Roma Communities*, Bucharest: Soros Foundation Romania, p. 223 – 232.

in evictions coupled with regular police raids, with cases of police violence, beatings, detention for a short period, and even burning of houses. Other cases included the demolition of dwellings, sometimes in the middle of winter, even when the Roma had been living at the location for a long time, because they were living there illegally according to the requirements of the law. Legal procedures were not followed, however. Romani CRISS provided legal assistance to many of the persons affected, and managed to stop some of the demolitions, but slowness in the legal procedures was also noticed, with cases lasting for years. A worrying issue was the fact that NGO workers monitoring the evictions and police abuses in 2004 received threats and were harassed. Another justification which local authorities have started to use is the relocation of Roma families in order to retrofit the buildings where they lived, and which were on most occasions social dwellings. The relocation was often done in the proximity of industrial areas with environmental and health hazards, in poor living conditions, or in segregated areas. Aside from the National Council for Combating Discrimination which applied a couple of sanctions but did not manage to restore the situation, no state authority sanctioned police behaviour, or the situation in general.¹³⁹

One exemplary eviction action by the local authorities documented by Romani CRISS is the eviction of around 35 Roma families in 2005, comprising about 250 people, accompanied by police abuse during adverse weather conditions. The official reason was that the Mayor's Office wanted to rehabilitate the building where they were living. Some of the Roma were relocated to a somewhat rehabilitated poultry farm at the outskirts transformed into social houses (out of which they were going to be evacuated as well for not having paid for utilities), and others next to the garbage collection site of the municipality of Piatra Neamt where containers were to be brought and transformed into dwellings. The reasoning of the Mayor was of a racist nature. He declared he wanted put them in a place where they would no longer cause problems for the others, and have community police guard them. Romani CRISS protested and reportedly started a lawsuit against the Mayor's Office and reported the case to the NCCD (though no sanction seems to have come from the NCCD).¹⁴⁰ In 2008, the US State Department Report on Human Rights reported that the 250 evacuated Roma had not been able to return to the houses from which they had been evacuated.¹⁴¹

A 2009 press report talks about a mayor in Tarlungeni, Brasov county, who, a year and a half ago, built a wall to separate the Roma community from the Romanian and Hungarian one, following complaints from Romanians and Hungarians. The Roma have to walk more, around the wall, to get to school or

¹³⁹ US Department of State, Bureau of Democracy, Human Rights and Labor, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008 *Human Rights Report: Romania*, available at: <http://www.state.gov/g/drl/rls/hrrpt/> (20.03.2009)

¹⁴⁰ Divers (2005), *Istitutionalised racism in Piatra Neamt* available at: http://www.divers.ro/focus_ro?func=viewSubmission&sid=4074&wid=37452 (20.03.2009)

¹⁴¹ US Department of State, Bureau of Democracy, Human Rights and Labor, 2008 *Human Rights Report: Romania*, available at: <http://www.state.gov/g/drl/rls/hrrpt/> (20.03.2009)

to shops. There are 1100 Roma (locksmiths by trade but most living off social aid), 700 Hungarians and 1900 Romanians in the community. The Hungarians and the Romanians seem to be happy with the situation, but the Roma feel they are being treated like plagued persons, while the mayor acts as if he owns the Roma, declaring: 'I give them social aid, I kill them'.¹⁴² The case is pending with the National Council for Combating Discrimination.

Another mechanism identified in interviews is that in which local authorities apply for funding at the central level saying that they want, for example, to build a road for the Roma, and actually, when the road is built, it stops where the Roma community starts. The former NAR official confirms this situation, giving the example of a project in a community during her mandate when the mayor wanted to build a bridge which apparently had nothing to do with the Roma community. On the site, the respondent found that the mayor had made an agreement with the Roma community to allocate a piece of land to them for houses on the agreement that they appear as focus group for the project. The land was a recently cleared waste collection site, also a health hazard. The former NAR staff mentions in this context that the Roma did not seem to be bothered. The environmental racism problem which the Romani CRISS representative mentions is the last problem on the mind of seriously impoverished Roma in the view of the FNP. The Romani CRISS representative confirms the fact that there are very many cases, especially in the rural area, where utilities and infrastructure such as running water, electricity or roads stop at or pass by Roma communities. Connected to this, the NAR housing representative is of the opinion that in the field of housing, it is difficult to have targeted policies because lack of houses is a general problem in Romania and that positive measures in this field would create riots.

1.3.4. Campaigns undertaken by authorities

There is no information of a Government programme to inform Roma persons of their housing rights. There is also no specific information connected to how the housing situation of the Roma affects particularly vulnerable groups. In the interviews, it came up that forced evictions affect children the most, while general precariousness of dwellings affects the elderly the most, who are usually placed in the worst part of the already poor house.

1.3.5. Private housing

There is no specific information about what the Romanian private housing market looks like for the Roma. What can be said is that in Bucharest, with the

¹⁴² L. Toma, 'In Brasov, anti-Roma wall like on the West Bank', in *Romania Libera* (23.01.2009) available at: <http://www.romanalibera.ro/a144392/dezbaterile-r-l-la-brasov-zid-antiromi-ca-in-cisiordania.html>

economic crisis, rents have gone down. Nevertheless, if a studio would be now 200 euro per month,¹⁴³ this would still be too much for the majority of Roma families.

1.3.6. Legality and legalization

Regarding the legality and legalization of settlement, there is very little information as to instances where local authorities have taken a proactive attitude and legalized the situation of a Roma community. However, the Soros representative interviewed mentioned the case of a vice-mayor who started the procedures to place the lands the Roma were living on in a situation of legality. However, after elections she was no longer vice-mayor and her initiative was abandoned.

The Romani CRISS representative interviewed also mentioned cases (less frequent in recent years) of owners not wanting to rent houses to Roma families because of prejudice, or because of neighbours opposing it. In the past, Romani CRISS sustained a campaign of complaints to the NCCD regarding racist announcements in newspapers, housing included, and the NCCD sanctioned them. This led to the decrease and eventually the disappearance of such announcements in newspapers.

What is striking with regards to data provided through both qualitative and quantitative information is that the social gap between the Roma and other ethnicities has not decreased much in the reporting period. As the 2006 ENAR shadow report for Romania states: ‘Grounded in a history of marginality, with five centuries of slavery discrimination against the Roma has become structural and pervasive, often times describing a vicious circle. In this circle, poor education leads to lack of employment and subsequent lack of economic means for adequate housing and healthcare. Housing and healthcare conditions also lead to school drop-out and low attainment, perpetuating the circle’.¹⁴⁴

1.3.7. Third country Roma

There is no information regarding third country Roma. The tendency however seems to be to migrate from Romania rather than come to Romania.

¹⁴³ DailyBusiness, *Chiriile “sub pretul pietei” la apartamente vor deveni regula in 2009* (15.05.2009), available at: <http://www.newz.ro/stire/85146/chiriile-sub-pretul-pietei-la-apartamente-vor-deveni-regula-in-2009.html> (16.05.2009)

¹⁴⁴ D.L. Nita, I. Ionescu (2006), *ENAR Shadow Report 2006, Racism in Romania*, p. 7, available at: http://cms.horus.be/files/99935/MediaArchive/national/Romania_2006.pdf (20.03.2009)

1.4. Case law and complaints relating to the housing of Roma and Travellers

The public body responsible for sanctioning any acts of discrimination, including in the area of housing,¹⁴⁵ which are not of a criminal nature is the National Council for Combating Discrimination¹⁴⁶. The Council applied Ordinance 137/2000 for the prevention and combating of discrimination, which can also be invoked in a civil court. However, the Council can only give an administrative fine, while the court may grant damages. There are no statistics of court decisions in the area of discrimination in general and of discrimination in the area of housing in particular.

In a reply to a request for public information from the NFP¹⁴⁷, the NCCD replied that they only began to segregate data in 2005. In the field of housing they had 7 petitions in 2005, 10 petitions (one ex officio since the NCCD can petition itself) in 2006, 11 petitions in 2007, 11 petitions in 2008 and 2 petitions until March 1st 2009. Out of all petitions 8 were on grounds of ethnicity, all coming from Roma. In none of the cases combining race/ethnicity and housing did the NCCD impose sanctions. The reply however mentions that in 2005 they did award a sanction for a petition when it was brought to the attention of the Council that the Mayor's Office in Miercurea Ciuc had evacuated a group of Roma against their will and moved them to the outskirts of the city. The sanction was a 4000 lei fine (aprox. 1000 euro today). In absence of clear grounds and methodology of compiling statistics these statistics, offered upon a request for public information from the NFP, may however not very accurate. One petition from 2006, based on segregation through the building of a wall in the 80s to separate communities, a wall which had not been demolished, could be found in an NCCD publication of selected decisions. In this case, the NCCD found discrimination was present. This problem may arise, because the NCCD, when compiling the statistics on housing discrimination requested by the NFP, did not consider this particular decision to have been concerned with a housing issue.

There is no available record of court decisions.

There is no relevant information on the situation of elderly Roma, women, Roma with disabilities, or children under this section.

¹⁴⁵ Romania/ Romanian Government/ Ordonanta 137/2000 (31.08.2000)

¹⁴⁶ Romania/ Romanian Government/ Hotararea 1194/2001 (27.11.2001)

¹⁴⁷ Romania/ Consiliul National pentru Combaterea Discriminariilor/ Reply 3790/03.04.2009

1.5. Identifying good practices

One example which most interviewees mention is the Habitat for Humanity project for the Roma, called 'Habitat Rommanes'. Implementing the Habitat working techniques, Habitat for Humanity Beius in partnership with Social Community Administration from Oradea have started a project for improving the living conditions for 700 Roma living in the blocks of flats on the street Voltaire in Oradea. According to Habitat's description, the area looks as if it were coming from a war period, with broken windows, some replaced with cardboard, iron boards or cloth, damaged walls covered with graffiti, holes all around filled with garbage, piles of iron and cardboard, a lot of poverty and dirt. There are over 150 families living in 96 apartments, with up to 22 persons in a 40 square meter apartment. Sometimes families who are not even related live together. The Roma families were forcefully moved here at the end of the 1970s when their houses were confiscated. The Habitat project includes the building of 20 houses on the land allocated by the Oradea Mayor's Office next to the blocks while the 96 apartments from the blocks of flats will be retrofitted for their inhabitants. The project is going to last for 3 years.

The beginning of the Habitat project, in 2008, involved the building of 10 houses for 10 of the families living in the blocks of flats within 5 weeks, together with volunteers and the families which were going to live in the houses. The five weeks also represented a campaign to promote volunteering and the idea of getting involved in the life of the community. Politicians, corporate directors, VIPs, journalists and other public persons also participated, among them the Minister of Development, Public Works and Housing who invited everyone to participate, the beneficiaries included, while Oradea became the national capital for volunteering for five weeks.

The project started in 2008 and is ongoing based on the fundraising activities of Habitat for Humanity.

The four aims of the project include: to offer decent housing for families living in inhumane conditions, to draw more attention to poverty housing, to increase public acknowledgement of common efforts in combating poverty housing, to attract new partners from all fields in the fight against living in inhumane conditions which do not only affect families living under such conditions, but also those surrounding them.

The 10 houses are duplex type. Each family, with 3-4 children, benefits from two bedrooms, a bathroom, a common living room together with the kitchen. The usable area of the house is 48 square meters.¹⁴⁸

¹⁴⁸ Habitat for Humanity website available at: http://www.habitatbeius.ro/despre_hr.html and <http://habitathome.habitat.ro/ro/media30.html> (20.03.2009)

Habitat for Humanity is also partner in a community development programme with Fundatia Soros Romania [Soros Foundation Romania], a programme starting in 2009 that targets Roma housing problems, according to the Soros Foundation representative. The partnership with Habitat represents the extension of an already existing Soros programme and is meant to create a best practice to be adopted by the Ministry of Regional Development and Housing.

The program of the Soros Foundation Romania which it has continued and developed in partnership with Habitat can also be considered an example of good practice. The aim of the programme, which is called Program de Dezvolatre Comunitara Integrata [Integrated Community Development Programme], is to create development models in localities in which a significant percentage of the population is Roma. By 'integrated', they mean approaching the community in a comprehensive manner, taking into account the fact that different areas of life such as economic development, education, housing and health services are interconnected. The programme was initiated in 2005.

The premises of the Soros programme as it started in 2005 are:

- That the healthy development of a community presupposes the consolidation and the involvement of all its members, regardless of religion, ethnicity economic status, etc.
- That infrastructure, economic development, education, etc.... projects become valuable and sustainable when they are part of a long term plan.
- The involvement of Roma as 'first hand citizens' with full and equal rights in the life of the community helps raise their self-esteem, reduces the distance which separates them from other ethnicities and brings long term benefits to the whole community.

The programme has three stages:

- Develop social capital in the community with the help of local facilitators, develop associations at the local level to put their issues on the administration's agenda
- Define concrete and realistic solutions to solve local housing, educational, health and economic development priorities with the help of local institutions and experts in the field.
- Disseminate the models developed to other communities and develop public policy recommendations to promote at the national level.

The project was supported by the CEE Trust with a budgetary allocation of \$US 155,880 for 2006/2007 and was conducted at the local level in partnership with local associations, local administration, county offices for the Roma, and regional offices of the NAR. The partners at the national level were: the National Agency for the Roma, The National Agency for Labour, Ville on

Transition organisation and the Urban Transition Association as well as ArtFusion Foundation.¹⁴⁹

The programme as it stands in 2009 is taking place in 6 poor communities in Romania which were part of the Soros programme from the beginning. The 2009 component involves the building of houses for Roma with Habitat for Humanity using Habitats methods, while the Soros Foundation is going to ensure the legal aspects of housing ownership for the new houses. According to the Soros representative interviewed, the project does not take into account the specific problems of Roma women, children and the elderly or of persons with disabilities. (For example, no adapted houses will be built.)

One of the most active NGOs in the field of community development with housing components is the 'Impreuna' Agency for Community Development which has been undertaking such projects since the 1990s with funding from various donors. Out of the 44 projects presented on their website, 18 of them include community development in various communities, large or small scale.¹⁵⁰

Through its projects, the Agency has sought to implement some of the measures included in the Government Strategy plan. In a report comprising activities of the Agency in the period 2001-2005 housing activities included: introducing electricity for 15 families in Nusfalau village, Salaj county, renovating 6 houses in the same village, linking the Roma community from Gagesti, Vrancea county, to the fresh water system, building a reintegration centre for 12 Roma young persons coming from placement centres in Sangeru de Padure, Mures county and training projects to make Roma communities more active in decision making processes which concern them, housing included.¹⁵¹

Title (in English and original language)	Habitat Rommanes
Organization/institution (in English and original language)	Habitat for Humanity Beius and Administratia Sociala Comunitara Oradea [Social Community Administration]
Type of organization/institution	Non-profit and local administration
Contact information and internet link	27 Nicolae Iorga St., 415200, Beius, Bihor, Romania Tel: 0040.259.320.678 www.habitatbeius.ro
Type of initiative	Building of houses
Total budget and sources of funding	Non-available, based on the fundraising activities of Habitat

¹⁴⁹ Information available at the Soros Foundation Romania Website:
http://www.soros.ro/ro/program_articol.php?articol=61 (20.03.2009)

¹⁵⁰ 'Impreuna' Agency for Community Development website available at:
<http://www.agentiainpreuna.ro/proiecte.php?tip=1&l=2> (20.03.2009)

¹⁵¹ 'Impreuna' Agency for Community Development Activity Report, available at:
http://www.agentiainpreuna.ro/documente/Raport_activitate.pdf (07.05.2009)

Rationale	To improve the living conditions for 150 Roma families
Objectives	to offer decent housing for the families living in inhumane conditions, to draw yet more attention to poverty housing, to increase public acknowledgement of common effort in combating poverty housing, to attract new partners from all fields in the fight against living in inhumane conditions which do not only affect families living under such conditions, but also those surrounding them
Target group	700 Roma, 150 families, living in inhumane conditions in 96 apartments in blocks of flats sometimes with 22 persons living in a space of 40 square meters.
Time frame and location	Three years, 2008-2010, blocks of flats inhabited by Roma families on Voltaire Street, Oradea
Brief description of main activities	The project includes the building of 20 houses on the land allocated by the Oradea Mayor's Office next to the blocks while the 96 apartments from the blocks of flats will be retrofitted for their inhabitants.
Involvement of Roma and Travellers	Roma are involved in the building of the houses where they are going to be living.
Any specific focus on Roma women, the elderly or persons with disabilities	No
Difficulties and limitations encountered	
Any impact assessment or other evaluations	The beginning of the project, in 2008, involved the building of 10 houses for 10 of the families living in the blocks of flats within 5 weeks, together with volunteers and the families who were going to live in the houses. The five weeks also represented a campaign to promote volunteering and the idea of getting involved in the life of the community.
Sustainability	The sustainability is based on the fundraising abilities of Habitat and on the support of the local administration.
Possibility for transferability and mainstreaming	The Habitat method has been adopted by other community development initiatives such as the Soros Foundation Integrated Community Development Programme for the Roma

Title (in English and original language)	Program de Dezvoltare Comunitara Integrata [Integrated Community Development Programme]
Organization/institution	Fundatia Soros Romania [Soros Foundation]

(in English and original language)	Romania]
Type of organization/institution	NGO
Contact information and internet link	33 Caderea Bastiliei St. Sector 1, Bucharest, 010613 Tel: +40 21 212 1101 www.soros.ro
Type of initiative	Community development
Total budget and sources of funding	The project was supported by CEE Trust with a budgetary allocation of \$US 155,880 for 2006/2007
Rationale	The community should be approached in a comprehensive manner, taking into account the fact that different areas of life such as economic development, education, housing and health services are interconnected.
Objectives	<ul style="list-style-type: none"> • Main objective: to create development models in localities with a significant percentage of Roma. <p>Specific objectives:</p> <ol style="list-style-type: none"> 1. To build up local Roma groups and their capacity of understanding and locally advocating for their rights 2. To support the efforts of local civil society representatives in advocating for the inclusion of specific policy plans regarding vulnerable categories on the local and county administration's agenda. 3. To strengthen the links between Roma, NGOs working for Roma inclusion and the institutions responsible for addressing critical social and economic issues. 4. To develop public policies based on successful field practice. The 2009 component implies the building of houses for Roma with Habitat for Humanity in the Habitat manner, while the Soros Foundation is going to ensure the legal aspects of housing ownership for the new houses.
Target group	Roma people from 6 poor Roma communities in Romania
Time frame and location	The project started in 2005 and is ongoing. The communities targeted are: Patrauti and Veresti – Suceava county, Geoagiu – Hunedoara county, Baltesti and Ploiesti (Mimiu neighbourhood) – Prahova county, Lehliu Village – Calarasi county
Brief description of main activities	- Six Local Action Groups (LAG), with the main role of developing local strategies for solving communities' problems and emphasize resources - 6 local Community Strategic Plans (in process),

	<p>with a special focus on Roma priorities</p> <ul style="list-style-type: none"> - Support of the local authorities in co-financing the small-grant component and other local actions - Proposal writing on important themes within communities (identity papers, employment, education) <p>Examples of actions:</p> <ol style="list-style-type: none"> 1. Training of the community facilitators on “Strategic planning” – Azuga, August 2006 2. Housing diagnosis in Patrauti, Suceava 3. Training of the local leaders “Participative strategic planning”, November 2006 4. School visit, Ploiesti 5. “Proposal planning and writing” – Geoagiu 6. Door-to-door activities – Baltesti, 2006-2007 7. “Proposal writing” regional training for community leaders – Zarnesti, April 2007 8. Educational activities of some French volunteers – Baltesti, August 2007
Involvement of Roma and Travellers	Roma were involved in all the project activities based on the idea that the involvement of Roma as ‘first hand citizens’ in the life of the community helps raise their self-esteem, reduces the distance which separates them from other ethnicities and brings long term benefits to the whole community
Any specific focus on Roma women, the elderly or persons with disabilities	None
Difficulties and limitations encountered	The reluctance of local authorities as mentioned by the Soros representative interviewed.
Any impact assessment or other evaluations	
Sustainability	Sustainability is ensured through the involvement of Roma in the activities of the project, through the action groups and strategic plans developed.
Possibility for transferability and mainstreaming	The model created is going to be proposed as policy to the MRDH

1.6. Major national projects targeting the housing situation of Roma and Travellers that are not included in the previous section

Aside from the recent Government Decision for the building of 300 houses for the Roma, no other initiative funded primarily by the Government could be found.

As mentioned above, following ECHR decisions in cases of ethnic conflict, the Romanian Government developed and approved a community development programme for the community of Hadareni¹⁵² in Mures county in 2006, and educational programmes for the prevention and combating discrimination against Roma in Casinul Nou and Plaiesii de Sus¹⁵³ in Harghita county to be implemented by the National Council for Combating Discrimination out of its own budget.

In the case of Hadareni, the housing and infrastructure component involved the building of ditches, the provision of street lighting, rehabilitation of local roads, connection to utilities (electricity, water, land lines) and the retrofitting and building of houses, the setup of public and community interest spaces, the building of a Pentecostal church and the fitting of the Pentecostal cemetery and connecting the locality through public transportation arrangements. As stated above, the implementation of the decision is precarious, especially in what concerns the housing component. A coalition of NGOs is currently conducting a fact-finding mission in Hadareni to be able to evaluate the exact stage of implementation, since the National Agency for the Roma has not conducted an evaluation since 2006.¹⁵⁴

The programmes for the other two communities included the drafting of a study on the infrastructure needs of the two communities. The activities of the programmes have been implemented and the study has been commissioned following a public acquisition procedure.¹⁵⁵

¹⁵² Romania/Romanian Government/Hotarare 523/19.04.2006 published in the Official Journal 385/04.05.2006

¹⁵³ Romania/ Guvernul Romaniei. Hotarare 1.283/08.10.2008 published in the Official Journal 700/15.10.2008

¹⁵⁴ See website of the National Agency for the Roma available at: www.anr.gov.ro

¹⁵⁵ According to an NCCD official, information provided to the NFP

2. Field research - interviews

People interviewed: Roma Civic Alliance representative (RCAR), Romani CRISS representative (RCR), Soros Foundation Romania representative (SFRR), Former official of the National Agency for the Roma also Roma activist and field worker (FNP), National Agency for the Roma Housing Representative (NHR) two Ministry of Regional Development and Housing Representatives (MRDH R1 and MRDH 2). The interviewees included 2 Roma men, one Roma woman, two Romanian women and two Romanian men.

Seven persons were interviewed in six interviews (the Ministry of Regional Development and Housing representatives preferred to be interviewed together) face to face.

Most interviewees identified the lack of legal documents, either for houses or for the lands on which their houses are built as one particular problem, many times associated with the lack of proper identity documents. The FNP however considers that the Roma do not actually lack IDs, but that they refuse to show the ID because they fear they would be sanctioned for some thing or another. She also mentions that many Roma leave their ID at the store when they buy on debt or when they borrow money from money lenders. The RCAR confirms the fact that Roma might refuse to have IDs because of fear of a potential threat. Access to utilities and social services sometimes coupled with segregation is another problem. Overcrowding and poor living conditions with poor material for the houses is another problem identified. Most of these problems have been identified by NGO representatives. Forced, selective (Roma communities are usually targeted even if they are not necessarily the only ones without proper documentation for their houses) and abusive eviction has been identified as a problem by the RCR. Another mechanism identified is that in which local authorities apply for funding at the central level saying that they want to build a road for example for the Roma, and actually, when the road is built, it stops when the Roma community starts. The FNP confirms this situation giving the example of a project in a community during her mandate when the mayor wanted to build a bridge which apparently had nothing to do with the Roma community. On the site, she found that the mayor had made an agreement with the Roma community to allocate a piece of land to them for houses on the agreement that they appear as focus group for the project. The land was a recently cleared waste collection site, and thus constituted a health hazard. The FNP mentions in this context that the Roma did not seem to be bothered. The environmental racism problem which the RCR mentions is the last problem on the mind of seriously impoverished Roma in the view of the FNP. The RCR confirms the fact that there are very many cases, especially in the rural area, where utilities and infrastructure such as running water, electricity or roads stop at or pass by the Roma community. Another reality identified is the fact that the Roma are not generally aware of their rights which makes them more vulnerable to forced evictions.

With regards to what contributes to this situation, NGO representatives have identified discrimination in the system and especially at the level of local authorities. The FNP also talks about a historical pattern of segregation and rejection of the Roma. The NHR also associates the attitude of local representatives with pressure from the community which generally does not like the Roma, while the local authorities in a populist manner answer to the pressure of potential voters. He also says that in the field of housing, it is difficult to have targeted policies because lack of houses is a general problem in Romania and that positive measures in this field would create riots. MRDH R identifies the inadequate forced settlement policies of the communist state as the root cause for the uncertain legal situation of Roma houses. The RCR also identifies a different subordination situation between the MRDH and local authorities with responsibilities in the area of housing. Unlike other ministries which have subordinated structures at the local level, the local authorities which should deal with housing are the mayors elected by their community. The MRDH R1 confirms this situation, and the fact that they cannot impose anything on local authorities, but rather recommend.

NGO representatives also criticise the activity of the National Agency for the Roma. The RCAR considers the NAR to be an impotent institution with no clue as to what the real situation looks like, because they do not collect statistics. The fact that they have no statistics was also clear from the interview with the NHR who was not able to offer any statistics, but who also, in general, did not believe the NAR to have a role or a duty in anything in general. The RCAR also mentions the fact that although the NAR should be asking ministries as to what they have done for the Roma according to the Strategy it is very hard for the NAR to hold a minister accountable. The FNP confirms and further explains the situation. The respondent mentions that the NAR is an institution of third rank, which did not have access to Government meetings. Furthermore, the NAR is completely under the control of the General Secretariat of the Government, which, according to the interviewed, does not care at all about Roma issues. The Minister GSG could go into Government Meetings, but the Roma agenda was never furthered at that level. The respondent had to rely on personal connections and interactions and even here she sustains that Ministers would exchange cards with her and then not answer the phone. She also asserts that the most efficient measure to draw attention was to have public appearances. In general, she is firm in asserting that the Roma have never been a priority on the Agenda of any Ministry. The respondent even recounted examples of GSG workers keeping her on his feet to explain to him the situation of Roma in Romania according to them, or the Minister GSG shouting at him. The respondent also mentions the difficulty of participating with expertise to the drafting of general strategies of the Romanian government.

Most interviewees do not believe that there are regional differences, but some mention differences associated with Romania's regions some being generally poorer than others, which is also visible in the situation of the Roma. The FNP mentions certain survival techniques which he has noticed, and which exist in

Transylvania, such as the fact that the other ethnicities help the Roma with food during the winter, while the Roma pay back with work in the spring.

Children and women are identified as the most vulnerable groups, children in particular when the community is segregated and they do not have access to schools. The FNP gives the example of a community encountered where the parents had gone to secondary school while the children only to primary school. When the interviewed wanted to find an explanation he was told that the parents had had a school in their community and a teacher who helped them. The SFRR also mentions the elderly who in a Roma family usually get the worst corner of the house. The respondent also mentions generally poorer health conditions in Roma communities. The RCAR identifies women as suffering more also as a result of a more patriarchal society in the case of the Roma.

The most striking example is that of the National Agency for the Roma, which, according to the Strategy for the Roma, is supposed to monitor and evaluate Roma policies and also to make sure that the Strategy is implemented. The FNP explained that the role of the NAR is to make sure that Roma issues are mainstreamed into policies. The situation of the institution is striking because the NAR does not have the institutional power to actually fulfil its mandate. What is even more striking is the attitude of the NHR who did not seem to be bothered by the situation. His declarations when asked whether the institution has enough human resources are telling of his attitude which can be qualified as racist: 'Yes, the answer is a definite yes the resources are enough, taking into account that we are not the Ministry for the Roma to build mansions for every person a bit more dark, may my colleague from Gorj excuse me, there may be some people a bit more tanned in Dolj as well (Romanian ethnics in the counties he mentions are generally known to have a darker complexion). We do not go out on the streets to find black haired people to give them houses. As long as we're not going to do this, we do not need too much funding, we only need a bit of cleverness, a good relationship with central authorities, means to pressure local authorities, not necessarily with the stick, but with the carrot.' One of the examples he gives as to how the NAR uses the carrot is a hypothetical example where NAR would go to a local mayor tell him that NAR can apply for funding together with that locality for the building of houses on the condition that 15 per cent of the houses go to Roma families. No clear example as to how the NAR, in his view, uses the stick could be discerned. The RCAR mentions the fact that in his view, the NAR has not done anything for the past two years.

The MRDH R2 mentions that the Ministry does not have action on behalf of Roma anywhere in its mandate, but that they implement policies which target Roma and gives the example of a recent Government project for the building of 'maximum 300 houses' for the Roma based on proposals from local authorities and in partnership with NAR. The budget for 2009 is 6.5 million lei (aprox. 1.5 million euro) and they have received proposals from over 200 localities which they have centralized, and are now at the stage of approving proposals based on the selection criteria. Asked about the partnership with the NAR, the MRDH R1

said that the agreement existed but it was not readily available to the interviewer. When asked about a deadline for the building of the houses, the MRDL R2 answered, irritated, that it is 'until the maximum 300 houses are built'. The respondent also wanted to mention that Roma have access without restriction to other programmes of the Ministry, to which the accessing criteria, as provided by the law, have been elaborated in relation to the situation of the general population (not taking into account the situation of the Roma as well). The MRDH R1 mentions that the department he runs, which is responsible for strategies, regulations and methodologies, has commissioned a study for the creation of an intervention methodology in disfavoured communities. The methodology, comprising various solutions to be adapted to various situations is in the process of being approved. The study was conducted in a Roma community living in appalling conditions. In general, the approach of the Ministry and of the department in particular, as far as the interviewer could discern, was to reduce housing disparities, and, if this included more Roma communities, that was an accepted reality as such. However, the methodology will only be put at the disposal of local authorities, without any obligation for them to even read it, let alone do something in that sense. The MRDH R1 stresses that the Ministry cannot do anything to impose anything on local authorities. The local authorities have to come up with proposals which they can finance. This is not quite the case, as the 300 houses initiative clearly shows. The RCAR and the SFRR on the other hand, believe that local authorities, with few exceptions, represent the biggest problem for solving the situation of Roma housing because of lack of interest or outright discrimination. The SFRR also mentions the example of a vice-mayor who had the initiative of legalizing the situation of Roma houses, but she was replaced after the elections, and the new vice-mayor did not continue the initiative. Electoral periods are considered to be a problem because everything stops at all levels. The NHR mentions that the Strategy no longer has an action plan for housing because they had an electoral campaign (the president of NAR was running for a Deputy position at the November 2008 elections) and did not adopt one for 2009-2010.

No impact of Roma housing policies is known because no institution seems to have monitored anything, according to interviewees. When asked about such a report, the NHR mentions that they may ask for reports from the county prefects which are very boring and inconclusive. He considers that in the area of housing it is normal to have a modest impact, mentioning that 'we don't start walking in the fields counting shacks'. The NHR also mentions the fact that the Strategy for the Roma no longer has a plan of measures since the last one expired last year and, given the background of an electoral campaign, none was elaborated. He believes that generally, monitoring should be done by specific Government bodies implementing components of the Strategy, while the National Agency for the Roma would have more of an advisory function. He believes the process in the area of housing to be working well. The MRDH representatives do not have an evaluation, or even a clear image of the situation of Roma housing. With regards to what has been done previously, none of the representatives can offer an answer, saying that they were either not employed with the ministry earlier than 2006 or that they did not have responsibilities in the field.

Most examples presented as “good practice” are actually examples of bad practice, or examples in which local authorities, trying to move a Roma community from appalling conditions in the city centre, built houses for them at the outskirts or even outside of the city domain, creating segregated communities. Some were relocated in a reconditioned chicken farm, others in blocks of flats. Among others, another problem is that many segregated communities accept the situation because their living standard has gone up a bit. The RCR gives more details since they have been involved in various campaigns to protect certain communities from forced evictions, or assisting them legally. Romani CRISS is the only NGO interviewed which does strategic litigation and deals with discrimination cases, other institutions either declining competence or simply not having it on their agenda. The FNP and the NHR do not give examples of cases which they solved through activating an institutional mandate which they should have had, but moreover through “informal” phone interventions and pressures at the level of stakeholders involved in determining and maintaining the situation of discrimination.

The good practice example mentioned is a Habitat for Humanity initiative. The FNP also mentions community development examples from her previous activist work connected to the “Impreuna” Agency for community development mentioned above.

With the exception of the SFRR who mentions the fact that in her experience, the elderly are somewhat discriminated against within their own family and thus get the worst living space in a house for example, no other interviewee could mention any specific impact of housing conditions on Roma women, children or Roma with disabilities.

3. ANNEXES

3.1. Annex 1 – Statistical data and tables

	2000 - 2009
Number of complaints regarding ethnic discrimination received by complaints authorities (such as ombudsperson's offices and national equality bodies)	National Council for Combating Discrimination 2005 – 7 2006 – 10 (one out of the office) 2007 – 11 2008 – 11 2009 – 2 (until March 1st) 8 of all complaints were made by Roma in the area of housing
Number of instances where ethnic discrimination was established by complaints authorities (such as ombudsperson's offices and national equality bodies)	One sanction (for 2005-2009 period)
Follow up activities of complaints authorities (such as ombudsperson's offices and national equality bodies), once discrimination was established (please disaggregate according to type of follow up activity: settlement, warning issued, opinion issued, sanction issued etc.)	No record of implementation supervisions. Sanctions are given, but the NCCD does not monitor whether those who are sanctioned actually pay those fines for example. However, according to the NCCD president, the NCCD as an institution does receive a copy of the receipts when payment of fines is done, but the NCCD does not have an organised activity of monitoring whether all fines are being paid (fines go to the state budget).
Number of sanctions and/or compensation payment in ethnic discrimination cases (please disaggregate between court, equality body, other authorities or tribunals etc.) regarding access to housing (if possible, disaggregated by gender and age).	One sanction of 4000 lei fine (aprox 1000 euro),

Range of sanctions and/or compensation in your country (please disaggregate according to type of sanction/compensation)	The NCCD can only give sanctions ranging from 400 to 8000 lei (approx. 100 euro to 2000 euro) for discrimination acts and from 2,000,000 to 10,000,000 lei (approx. 500,000 euro to 2,400,000 euro) for failing to cooperate with the NCCD investigation. There is no record of court decisions. One can make compensation claims in front of a court of law. Also, NCCD decisions can be contested in such a court.
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3.2. Annex 2 – Court, specialised body or tribunal decisions

Consiliulul National pentru Combaterea Disctiminarii [National Council for Combating Discrimination] (2007) Culegere de Hotarari ale Colegiului Director, Bucharest: NCCD available at <http://www.nccd.org.ro>

Case title	A.I. vs. the Mayor’s Office of Miercurea Ciuc, Harghita County
Decision date	23.08.2005
Reference details (type and title of court/body; in original language and English [official translation, if available])	Consiliul National pentru Comabterea Discriminarii [National Council for Combating Discrimination]
Key facts of the case (max. 500 chars)	10-11 families of at least 5 members each were forcefully evacuated from a damaged building where they had leasing contracts with the Mayor’s Office. The investigation found that the group had been moved to a waste water cleaning station at the outskirts of Miercurea Ciuc on a fence separated area of 700-800 sq m in 8 metallic shacks and 7 wooden built houses connected to electricity and running water from the station and wood stoves. There were warning messages as to the toxic environment. Because of the land orientation, water collected, blocking access to one of the dwellings. The Roma declared that it had been difficult to survive through the winter and that 2 children had died because of the toxic environment. The mayor declared he was not interested in the health of the children since they had too many children anyhow. The investigation also revealed that authorities considered this to be a positive measure since other inhabitants did not have their utilities paid for, and that this option was chosen because of opposition of the majority community in other areas.

<p>Main reasoning/argumentation (max. 500 chars)</p>	<p>Making reference to article 8 and 14 of the European Convention on Human Rights, to Protocol 1 of the ECHR and to ECHR jurisprudence, to the Framework Convention for the protection of national minorities and Romanian Constitution, the Miercurea Ciuc Council decision to evacuate the Roma was considered to be discriminatory (4 to 3 vote with dissenting opinion claiming lack of intent) breaching, beside the interdiction to discriminate, Art 13 of Government Ordinance 137/2000 which forbids any behaviour which has the aim to move or chase away a person or a group of persons from a neighbourhood or from a house because of their race, nationality, ethnicity, etc...</p>
<p>Key issues (concepts, interpretations) clarified by the case (max. 500 chars)</p>	<p>The decision found a breach of the right to a healthy environment and of the right to private life. Using ECHR jurisprudence, the NCCD clarified the fact that Art 8 of the ECHR also includes the right to live in a healthy environment which does not endanger life or health and also to be informed of the health risks of the area where they had been relocated. The dissenting opinion was possible on the basis of the fact that Art 13 of GO 137/2000 allows for an exception in the area of housing when it is possible to relocate if local authorities want to systematise or clean the land so long as the relocation is done according to the law. This exception in the Romanian law is not in accordance with Directive 43/2000/EC which only allows for exceptions in the area of employment.</p>
<p>Results (sanctions) and key consequences or implications of the case (max. 500 chars)</p>	<p>4000 lei fine (aprox. 1000 euro)</p>

<p>Case title</p>	<p>Pro Europe League vs. Sfantu Gheorghe Mayor's Office</p>
<p>Decision date</p>	<p>26.02.2006</p>
<p>Reference details (type and title of court/body; in original language and English [official translation, if available])</p>	<p>National Council for Combating Discrimination [National Council for Combating Discrimination]</p>
<p>Key facts of the case (max. 500 chars)</p>	<p>The NGO brought to the attention of the NCCD that a concrete fence built during communism in the 1980s was separating a Romanian and Hungarian community from a Roma community. The vice-mayor declared that there had been an attempt to pull down the wall, but that the community opposed it. An inhabitant of the separated area declared that he had been asking the</p>

	<p>mayor's office to pull down the wall several times. The mayor's office stated that the inhabitants of two blocks of flats did not want the wall to be pulled down so as to be protected from the dogs the Roma were raising. The mayor's office had the position that the wall should be kept to preserve peace and security of the blocks of flats inhabitants.</p>
<p>Main reasoning/argumentation (max. 500 chars)</p>	<p>The NCCD considered that discrimination existed also based on the provision of Art 12 which considers to be contravention: 'any actions consisting of threats, constraint, the use of force or any other assimilation means, relocation or colonisation of persons with the aim of modifying the ethnic, racial or social composition or a region, a country or a locality'</p>
<p>Key issues (concepts, interpretations) clarified by the case (max. 500 chars)</p>	
<p>Results (sanctions) and key consequences or implications of the case (max. 500 chars)</p>	<p>The NCCD only issued a recommendation to the Mayor's Office to take the necessary measure to eliminate the discriminatory situation. No sanction was given.</p>

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