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Romania: Roma in Miercurea Ciuc continue to suffer violations of their right to adequate housing

Amnesty International called on the Government of Romania and relevant local authorities to urgently address the violations of the right to adequate housing of approximately 75 Roma, including families with children, who were resettled by the local authorities next to a sewage treatment plant in Miercurea Ciuc, in central Romania. Their housing and living conditions are inadequate and do not comply with international standards. The approaching winter, during which the temperature in Miercurea Ciuc can be below -25 °C, is a reminder of the need for an alternative site to be found without further delays. The Romanian authorities must consult with all the affected individuals on alternative sites and provide them with adequate alternative housing.

These individuals and families had been forcibly evicted by municipal authorities from a building located in the centre of Miercurea Ciuc, on Pictor Nagy Imre street, in June 2004 and were resettled by the authorities in metal mobile cabins on the outskirts of the town at the end of Primaverii street, next to a sewage treatment plant, reportedly as a temporary measure. Although the relocation of the Romani families to Primaverii Street next to the sewage plant was supposed to be temporary, more than six years later, Amnesty International is deeply concerned that approximately 75 Roma, including families with children, remain in these inadequate housing and living conditions. In addition, Amnesty International is concerned by the failure of the local authorities to consult with members of the community and ensure that an alternative site and adequate housing is provided as a matter of urgency.

The evicted families continue to live in extremely precarious conditions that do not fulfil the human right to adequate housing and continue to be excluded and cast to the fringes of the city. The cabins and shacks are connected to the electricity grid, there is one tap for drinking water, garbage collection services are provided free by the municipality and children are bussed free of charge to school. However, the living conditions are inhumane, the metal cabins are overcrowded, and the sanitation facilities are woefully inadequate with only four toilet cubicles for the entire community. The conditions are deeply inadequate for human habitation as neither the cabins nor the shacks provide enough space or protection from damp, heat, rain and wind.

The metal cabins and shacks are very close to the sewage plant and are within the 300-metre protection zone established by national law to separate human habitation from potential toxic hazards. A sign on the fence of the sewage plant warns of "toxic danger". The authorities placed the Romani community in an area that could be hazardous to their health and have done nothing to investigate the potential danger. An unpleasant smell of human excreta permeates the air around the metal cabins and shacks. Many Roma living there referred to the impact the smell had on their daily lives and their fears that it was hazardous to their and their families' health.

Amnesty International is extremely concerned at the failure of the local authorities in Miercurea Ciuc and the Government of Romania to take appropriate action, in line with Romania's obligations under international and regional human rights treaties to guarantee the

rights to adequate housing and health to all persons without discrimination. Amnesty International considers that urgent measures are required to redress the situation.

Amnesty International urged the Romanian authorities to:

- Engage in a genuine consultation with members of the Romani community living in Primaveraii Street to identify a relocation site and alternative housing, which complies with requirements under international and regional human rights standards;
- Provide adequate housing to all the Roma, who had been evicted from 27 Pictor Nagy Imre Street, regardless of the nature of their tenancy there – whether legal or illegal – in a safe location;
- Ensure that all those who were forcibly evicted have access to effective remedies and reparations, which may include restitution, rehabilitation, compensation, satisfaction and guarantees of non-repetition;
- Devise a plan to facilitate the integration of the Roma within the broader community of Miercurea Ciuc; and
- Ensure that evictions are only carried out, as a last resort after all other feasible alternatives to eviction have been explored and only when procedural protections required under international human rights law are in place.

Background

The UN Committee on Economic, Social and Cultural Rights has emphasized, in its General Comment 7, that evictions may be carried out only as a last resort, once all other feasible alternatives to eviction have been explored. Even when an eviction is considered to be justified, it can only be carried out when appropriate procedural protections are in place. Evictions must be planned and implemented in consultation with affected persons or groups and adequate alternative housing and compensation for all losses must be made available to those affected prior to the eviction, regardless of whether they rent, own, occupy or lease the land or housing in question. Evictions must not “render individuals homeless or vulnerable to the violation of other human rights”¹.

According to international human rights standards, relocation sites must fulfil the criteria for adequacy of housing under international human rights law including those identified by the Committee on Economic, Social and Cultural Rights in its General Comment 4.² The Committee on Economic, social and Cultural Rights has identified the following aspects which are crucial to determine whether any particular form of shelter can be considered to constitute adequate housing under Article 11 (1) of the International Covenant on Economic, Social and Cultural Rights: 1) legal security of tenure; 2) availability of services, materials, facilities and infrastructure; 3) location; 4) habitability; 5) affordability; 6) accessibility; and 7) cultural adequacy.³

The Committee on Economic, Social and Cultural Rights has highlighted that “Adequate housing must be in a location which allows access to employment options, health-care services, schools, and other social facilities; at the same time adequate housing should not be built on polluted sites, or in immediate proximity to pollution sources that threaten the right to health of the inhabitants”.⁴ The Committee on Economic, Social and Cultural Rights has emphasised that “[a]dequate housing must be habitable, in terms of providing the inhabitants with adequate space and protecting them from cold, damp, heat, rain, wind or other threats to

¹ UN Committee on Economic, Social and Cultural Rights, General Comment No. 7, The Right to Adequate Housing, paragraph 16.

² UN Basic Principles and Guidelines on Development-Based Evictions (Basic Principles), Annex 1 to UN.Doc, A/HRC/4/18, Principle 55. These Basic Principles were developed by the UN Special Rapporteur on Adequate Housing as a Component of the Right to an Adequate Standard of Living. The Basic Principles reflect and elaborate upon existing human standards and jurisprudence on forced evictions. Though primarily addressed at the human rights implication of development-linked evictions, in Amnesty International’s view, these Basic Principles offer useful guidance to States on steps that they should take prior to, during and following other categories of evictions as well.

³ UN Committee on Economic, Social and Cultural Rights, General Comment No. 4, para 8.

⁴ Ibid., para 8 (f).

health, structural hazards, and disease vectors”.⁵ It must also contain “certain facilities essential for health, security, comfort and nutrition. All beneficiaries of the right to adequate housing should have sustainable access to natural and common resources, safe drinking water, energy for cooking, heating and lighting, sanitation and washing facilities, means of food storage, refuse disposal, site drainage and emergency services.”⁶

Read more

Treated like waste: Roma homes destroyed, and health at risk, in Romania

<http://www.amnesty.org/en/library/info/EUR39/001/2010/en>

Appeals for action: Roma families forcibly evicted in Romania

<http://www.amnesty.org/en/appeals-for-action/roma-families-forcibly-evicted-romania>

Europe: Stop forced evictions of Roma in Europe

<http://www.amnesty.org/en/library/info/EUR01/005/2010/en>

For editors:

This work is part of Amnesty International’s Demand Dignity campaign which aims to end the human rights violations that drive and deepen global poverty. The campaign will mobilise people all over the world to demand that governments, corporations and others who have power listen to the voices of those living in poverty and recognise and protect their rights. For more information visit <http://www.amnesty.org/en/demand-dignity>.

End/

⁵ Ibid., para 8 (d)

⁶ Ibid., para 8 (b).