



CENTRE ON
HOUSING RIGHTS
AND EVICTIONS



**Submission to the Office of the High Commissioner for
Human Rights**

ROMANIA

**To assist in preparation of documents for the
first cycle of the Universal Periodic Review**

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Introduction

United Nations General Assembly resolutions leading to system-wide human rights institutional reform have brought about major opportunities for the implementation of human rights in all UN Member States. One of the most important of these developments is the new institution of the Universal Periodic Review (UPR), slated to become operative in 2008. Romania is among countries to be reviewed during the second cycle of the Universal Periodic Review during 2008. At the same time, Romania currently holds the presidency of UN Human Rights Council.

The organizations joining this communication are of the view that, in light of the leadership role currently played by the Romanian government in the international arena, there should be no obstacle to the successful and swift resolution of the cases set out below. We believe that the continued obstruction by public authorities in Romania to providing just, adequate resolution of these evident miscarriages of justice, casts a negative light on Romania's human rights record, precisely at a time when it is called upon to demonstrate the highest possible standards of human rights compliance. We urge the Romanian government to resolve these cases successfully by the time Romania is reviewed by the Universal Periodic Review, and to report publicly on the current state of these cases at the time of the Universal Periodic Review.

Cases of Concern

Bucharest

On 24 January 2006, approximately one hundred local authorities, police and special forces in Bucharest forcibly expelled from their housing approximately fifty Romani persons from the Bucharest district of Chitila Triaj. The evictions took place when temperatures outside were circa minus fifteen degrees Celsius. Authorities reportedly presented no authorizations to the persons being evicted, and verbally justified the acts by telling them that they had stolen iron and were therefore being expelled from Bucharest. Seven of the housing structures concerned were destroyed during the evictions, along with all of the property inside at the time. Authorities also destroyed the identity documents of the persons concerned. A number of the victims had to be hospitalized as a result of physical abuse by the authorities during the eviction. The persons affected were informed a mere 24 hours before the evictions took place, and given no viable opportunity to challenge the acts. No alternate accommodation was provided to the evicted persons. Legal challenges to the evictions were filed before Romanian courts, but were later reportedly abandoned. Without further delay, the persons evicted from their housing in Chitila Triaj should be provided with just remedy in connection with their illegal forced eviction, as well as with adequate alternate accommodation.

More recently, according to the Romanian media, on 13 December 2007, authorities in Bucharest forcibly evicted a group of Roma from eleven shanty dwellings constructed in Bucharest Sector 6. The Roma, who were originally from outside Bucharest, were ordered to leave the city. Authorities justified the eviction on grounds that the Roma were considered a public health threat to a nearby cistern. Thirteen of the Roma concerned refused to move and so were forcibly removed. Authorities provided no alternative accommodation to the persons concerned.

Cluj

The Pata Rat settlement, located on a municipal waste disposal site in Cluj has been the focus of international attention since the early 1990s. The site was the subject of an award-winning documentary film, and for a number of years the organization *Medicins sans Frontieres* undertook humanitarian activities there, succeeding among other things in persuading local schools to accept Romani children from Pata Rat, above the mobilised opposition of some school administrators and non-Romani parents. No forces have to date succeeded in ending the inhuman living conditions prevailing among the more than 1000 persons now reportedly living in the Pata Rat settlement.

On 2 August 2006, representatives of the Cluj-Napoca City Hall and the community police reportedly burnt 10 Roma shacks in the Pata Rat settlement to the ground. According to statements by local Roma, the community police participating in the action have also physically abused three Romani women during the action. One was reportedly slapped and the other two subjected to shock by an electrical device. The August 2006 was reportedly preceded by a similar raid in November 2005, in which approximately 80 police officers and special intervention forces organized two raids in the Pata Rat community. These actions resulted in injuries to at least five Roma and the burning to the ground of 15 Roma dwellings.

Miercurea Ciuc

In May 2004, 140 Roma persons were evicted from a building located in the center of Miercurea Ciuc, Harghita County, and were rehoused by municipal authorities on the outskirts of the town, in the very neighborhood of a wastewater treatment facility in very precarious living conditions: 12 Roma families (about 40-50 persons) now live in 8 barracks on an 800 square metre field that has a common fence with the water filtering station. On the fences of the water filtering station there are tags warning with regard to the toxic danger. There are another seven houses made of wood. The dwellings are connected to the electricity and water system of the filtering station. The people heat the barracks provided by the municipality with stoves, using solid fuel. The persons concerned still have ID cards with their previous address as their official domicile. According to the testimony of local Roma, the living conditions are an extreme danger to health and have reportedly caused the death of at least two infants. Moreover, the Roma told Romani CRISS that the mayor of the locality stated that he did not care about the Roma's health and that they had too many children anyway. They also contested having to live in the isolated area.

Legal complaints in connection with the case have been filed by the victims with the National Council for Combating Discrimination (NCCD) had been informed about a case through a complaint lodged by the people in question. In a meeting, Miercurea Ciuc Vice-Mayor Mr. Szoke Domokos reportedly stated that the case did not concern discrimination, as the Roma in question had been provided free-of-charge with state-owned land and paid for their connection to electricity and running water. Local authorities did no similar thing in case of other ethnic minorities, he said. He stated that Roma were not forced to be moved, they were just proposed to do this. They did not have to continue living in that area, he contended, and they might leave if they wanted to. Concerning the fact that the persons concerned were still registered as living at their previous addresses, the vice-mayor stated that Roma should probably be fined for this, but they would not, given the Roma's social condition.

Despite that fact that a municipal commission had proposed four options in regard to the place to move the Roma, Vice-Mayor Domokos stated that he did not know where the other three locations were. He contended that the commission had probably taken into account the opposition of non-Romani inhabitants to having Romani neighbors. He said that other lands were available also, in the centre of the city, but they could not be allocated to the Roma, because "as matter of culture, one of the Roma rules was not to care about other people."

The NCCD has imposed a fine of 4,000 RON (about 1100 EURO) on the municipality, the maximum according to the Romanian anti-discrimination law, as it existed at the time of the ruling. The action of the Miercurea Ciuc municipality to move the Romani families right next the city's wastewater treatment facility constitutes environmental racism, since the harmful environmental conditions disproportionately affect one ethnic group – Roma.

Romani CRISS filed a criminal complaint against the vice mayor of the Miercurea Ciuc locality for discriminatory abusive behavior by a public official, as banned under Article 247 of the Criminal Code. Following the prosecutor's decisions not to open criminal proceedings in the matter, Romani CRISS filed a complaint at the Miercurea Ciuc first instance court, which subsequently decided to send the file back to the prosecutor to initiate criminal proceedings. Following a cursory investigation, the prosecutor decided not to bring any criminal measures against the vice-mayor. The decision has been challenged at the Miercurea Ciuc first instance court, where it is currently pending.

The Romani community of Miercurea Ciuc currently lives in racially segregated, inhumane conditions. As a matter of extreme urgency, all members of the community should be moved out of the area, since it poses a serious threat to their health.

Piatra Neamt 1

Beginning in 2001 and continuing for a number of years thereafter, the municipality of Piatra Neamt undertook a number of efforts to racially segregate Roma by moving them to isolated container housing. Early efforts concerned efforts to evict the inhabitants of apartment buildings at 18 Siret Street, D2 Aleea Tiparului and 40 Aleea Ulmilor. These apartment buildings are inhabited mostly by Roma and the living conditions are precarious – the buildings feature damp walls, damaged attic and windows without wooden frames.

The Deputy Mayor of Piatra Neamt, Mr. Vasile Ouatu, was reported in national media as having stated, "We have purchased and arranged 28 containers where Roma have all the necessary living conditions, including drinkable water, toilets and a cafeteria, and the area will be guarded by community police officers in order to ensure order and to avoid Gypsies' migration to other localities. The municipal management has registered the persons living in the three buildings, considered nests of delinquents."

On 11-12 September 2004, Romani CRISS visited Piatra Neamt and ascertained that, indeed, the municipality additionally intended to transfer Roma living in the neighborhoods Gara Veche (apartment building 18) and Darmanesti (apartment buildings D2 and 40) to the outskirts of the city, in Valeni area, near the garbage dump and the shooting grounds and, a part of them, to the social houses in Speranta neighborhood.

On 1 October 2004, Romani CRISS filed a complaint with the National Council for Combating Discrimination (NCCD), regarding the declared intentions of the City Hall Piatra Neamt to segregate the Roma and limiting their right to free movement. On 1 January 2005, the NCCD ruled that, notwithstanding the evident intention of the municipality to racially segregate, there was no violation of law.

On 22 April 2005, a delegation of Romani CRISS carried out a documenting visit in Piatra Neamt, and ascertained that inhabitants of apartment building 18 had been moved to warehouse F2 in the Speranta neighborhood; some of the inhabitants of apartment building D2 had been moved to warehouse F3 and some had been moved to Valeni. As a result, the Piatra Neamt municipality forcibly created a new, racially segregated area on the outskirts of the town.

Piatra Neamt 2

On the 7 August 2006, the Piatra Neamt municipality evicted circa 35 Roma families (approximately 250 people) from Block 40, at Ulmilor St. in Piatra Neamt. The total population of the apartment block is 91 families, preponderantly Roma. Although it was raining outside, the City hall representatives left the evicted people's belongings outside, in the rain and only after the Romani CRISS representatives had told them to ensure a storage place for these belongings, as per the current laws, they took the necessary

measures to store the goods in a room owned by the community police in block no.40. At the meeting with Vice-Mayor Vasile Oatu, Romani CRISS reported the fact that approximately 25 people don't have a roof above their head and asked for solutions to be identified, but municipal representatives offered no solutions for the evicted persons. Numerous law enforcement officials participated in the eviction process, including the community police, the gendarmerie and the Piatra Neamt city police. One Romani woman, Ms. P.S., stated that she had been physically abused by a representative of the community police during the evacuation process. Ms. P.S. stated that a police official grabbed her neck with his hands and pushed her against the wall, hitting the wall with her head. Her testimony was corroborated by other witnesses.

As of the date of this submission, no alternative housing is being offered for the evicted persons, who are now threatened with homelessness, a fact implicating Article 11(1) of the International Covenant on Economic, Social and Cultural Rights, as elaborated by UN Committee on Economic, Social and Cultural Rights under General Comments no. 4 and 7 of the CESCR. Also, there is a trend to move Roma from the town to the outskirts, implicating the international law ban on racial segregation, as banned *inter alia* under International Convention on the Elimination of Racial Discrimination (ICERD) Article 3. Also, the Roma concerned have been repeatedly moved from one block to another, according to temporary needs. Thus there is a clear need to add more coherence to the housing policies of the Piatra Neamt municipality, based on fundamental human rights standards.

Piatra Neamt 3

On 7 June 2007, the Piatra Neamt municipality forcibly evicted 52 Romani families from an apartment building in the center of the city to a place outside Piatra Neamt, at Muncii Street 40. Municipal officials told representatives of Romani CRISS that, in the cases, there had been no need to respect the procedure established in the Civil Procedure Code (a irrevocable court order, citation, etc.) as the contracts of the inhabitants of the evacuated building had expired and many of them had not paid the bills on public utilities and the rent. The site to which the Roma concerned had been relocated was approximately 2-3 km outside the city, and 1-2 km away from the nearest bus stop. There was no sewerage system or running water in the houses. In addition, all the houses are built on a former garbage dump. The community is approximately 300 metres from a local waste-water treatment station; inhabitants of the community report an almost unbearable fetid odour during the day.

Prislop

According to information provided by *Women in Europe for a Common Future*, an organization working directly in the community, Prislop is a Romani settlement of approximately 300 inhabitants near the town of Sibiu. The inhabitants of Prislop do not own the land on which they live. It formally belongs to the community property of the nearby town of Rasinari. The area where the Prislop settlement is located is formally pasture land. The Rasinari authorities have to date tolerated the fact of the Romani community at Prislop. Residents have been permitted to stay where they are, but at the

same time the local authorities do not pay any attention to the basic needs of the Roma concerned. The accessibility of the village is very bad, the infrastructure is very poor and the informally constructed housing is in the main overcrowded and lacking proper roofing. In order to improve the living conditions in Prislop, we believe that secure tenure is necessary. As long as the community is not legally recognized, residents cannot fully participate in society. In the context of Romanian leadership of the UN Human Rights Council, we urge that the Prislop be provided proper, adequate and fully secure tenure, such that infrastructural and other improvements may follow in the community.

Timisoara 1

According to information provided by the Timisoara-based organizations *Parudimos* and *Gypsy Women for Our Children*, in September 2007, Timisoara authorities forcibly evicted thirty-nine Romani individuals informally residing in shanty-structures in the Timisoara district of Blaskovic, near the Timisoara municipal dump. The persons concerned, who came from various parts of Romania to scavenge on the Timisoara dump, were provided with no advanced warning and no alternate accommodation, apparently because authorities believed they had no rights whatsoever to be there, and held that no due process protections applied. The evicted persons have been provided with no form of justice as a result of the acts of local authorities. All of the persons concerned were expelled from Timisoara to their places of origin, based on their official residence as set out in their identity documents.

Timisoara 2

The entirety of the area of the neighborhood known as “Kuntz”, on the outskirts of Timisoara, and all of its circa 800 residents, are currently threatened with forced eviction from their housing, notwithstanding the fact that they have resided there with the toleration of the local authorities for around 80 years. The land under the Kuntz neighborhood is owned by public authorities, although the exact authority holding the official title, and the nature of the title, is apparently under dispute. However, public authorities apparently intend to develop the area as a shopping center, and have to date undertaken no acts sufficient to provide title and adequate tenure to the persons living in the area. We are of the opinion that in light in particular of the length of time which the Kuntz area has been in existence with the toleration of the public authorities, the persons living there now currently enjoy title to the land on which they live. Authorities should, without delay, provide formal recognition of title to all of the persons concerned.

Tulcea

On 11 October 2006, 25 Romani families, comprising approximately 110 individuals, were evicted from the building situated at 5 Alunisului Street, Tulcea, in which they had lived for up to seven years. Eighteen of those families were relocated into two derelict buildings situated four kilometers away from Tulcea, in an enclave inside the industrial port (popularly known as ‘Pichet’). At that time, the two buildings were in an advanced state of disrepair, with no access to electricity, hot water, sanitation and only limited

access to drinking water. There was no public transport to the town, and no other form of utilities made available. Moreover, the area was polluted as a result of the heavy industries located in the area.

The rest of the persons evicted from Alunisului Street, for whom there was not enough room in the buildings in the industrial port or who refused to move there, were left sleeping rough in the streets outside the building on Alunisului Street. Those people, including the elderly, children and disabled persons, lived for more than two months in extreme conditions in a tent provided by the local branch of the Red Cross. Eventually, in mid-December 2006, the authorities managed to provide them with mobile homes. These homes are placed on a recently-closed municipal garbage dump which represents an imminent danger for the health of the people forced to leave thereon. This type of habitat is extremely inadequate for winter conditions, and is further exacerbated by the fact that they are not connected to any utilities except electricity.

Despite repeated urging by domestic and international human rights organizations, as well as legal action undertaken to secure adequate housing for the persons concerned, to date the Roma evicted in October 2006 continue to live in extremely substandard conditions.

Zalau

On 10 September 2004, Hostel I.A.I.F.O. in Zalau was put up for sale by auction, and it was bought by S.C. Mediserv S.R.L. The new owner of the building, along with the Zalau municipality and the County Prefect's Office decided not to evict the inhabitants of this hostel until spring only if they paid their rent and other administrative costs.

On 21 September 2004, the Deputy Mayor Onorica Abrudan stated that some of the hostel's inhabitants would be moved to the building nearby, which had only 60 rooms, no electricity, water, sewerage or any other facility. On 25 February 2005, around 5 p.m., over 250 persons were forcibly evicted from Hostel I.A.I.F.O. Building A by representatives of the Zalau municipality, along with Gendarmes and public guards. The evicted persons moved to Buildings B and C of Hostel I.A.I.F.O. They preferred to move here and live in extreme conditions than to end up in the street.

On 4 March 2005, around 11 a.m., in the presence of Gendarmes, public guards and representatives of the Zalau municipality, the inhabitants of former Hostel I.A.I.F.O. (Buildings B and C) were evicted from here too. The evicted persons with domicile in Zalau were to be moved in Building B of Middle School "Vasile Goldis" in hostel C4. The ones not residing in Zalau were to be sent back to the localities mentioned in their identity cards. The Deputy Mayor Onorica Abrudan declared that this situation was provisory, pending a durable solution.

On 6 June 2005, Romani CRISS facilitated a meeting with community representatives and the Zalau municipality, during which it was decided to set up an evaluation

commission formed of representatives of public authorities and of Roma, which would analyse the case of buildings C3 and C4, for possible resettlement of the persons concerned. After this meeting, the local authorities systematically harassed the human rights local monitor Robert Vaszi Janos. He was visited regularly by local police, and his wife received the same treatment.

During a meeting between Romani CRISS and the Zalau municipality on 18 January 2006, Zalau Vice-Mayor Onorica Abrudan stated that he was considering moving the Roma concerned to a former bird farm on the outskirts of the town. On 1 March 2006, the municipality ordered 14 families living in Hostel C4 to leave their homes by 13:00 the same day, and move into unused concrete hydrothermal silos. Following the intervention of Romani CRISS on 2 March 2006, no eviction took place.

Romani CRISS has protested against a possible eviction of the families living in the C4 block and moving them to disused hydrothermal silos, which are unacceptable for any type of housing. Following rehabilitation, the inhabitants (half of whom were Roma) of C3 block were relocated. The non-Roma were scattered in the town in various available housing, while the Roma were all relocated at the outskirts of the town, in a rehabilitated building that used to be an animal farm.

The situation in Zalau shows a continuous practice of housing rights violations, particularly against Roma. Forced evictions, racial segregation and substandard living conditions are constant features of the municipality's housing policies.

Conclusions

The submitting organizations are concerned that the foregoing cases indicate a pattern and practice of forced eviction and threatened forced eviction of Roma, leading to racial segregation in a number of localities. In the context of the first Universal Periodic Review of Romania – and in particular with regard to the key role played by the Romanian government in its role as Chair of the United Nations Human Rights Council during the first period of the Universal Periodic Review -- we urge that authorities act to resolve the cases summarized above in a manner consistent with the highest degree of respect for the fundamental human rights of the persons concerned. In addition, we urge that any and all necessary amendments to domestic law and/or policy necessary to ensure the end of the pattern of human rights abuses described above, be swiftly undertaken.

Submitting Organisations

The Centre on Housing Rights and Evictions (COHRE) is an international, non-governmental, human rights organisation with its head office in Geneva, Switzerland. COHRE works to promote and protect economic, social and cultural rights, including the rights to adequate housing, water and the prevention of forced evictions around the world. COHRE's work involves housing and water rights training and education programmes for civil society organisations, legislators, municipal councillors and human rights practitioners; research and publications; monitoring, documenting and preventing forced evictions; undertaking fact-finding missions; participation and advocacy within the United Nations and regional human rights bodies; and providing legal advocacy and advice to communities and organizations involved in housing rights campaigns. COHRE has Special Consultative Status with the Economic and Social Council of the United Nations.

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Romani CRISS is a Bucharest-based non-governmental organization, established in 1993, which defends and promotes the human rights of Roma in Romania. Romani CRISS provides legal assistance in cases of abuse and works to combat and prevent racial discrimination against Roma in all areas of public life, including the fields of education, employment, housing, and health. Romani CRISS represents Roma clients and beneficiaries by engaging in legal defence and advocacy before domestic and international authorities, and assists community development on a local level. Romani CRISS is an NGO in Special Consultative Status with Economic and Social Council of the United Nations (ECOSOC).

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