

2 October 2013

To:

Ion Ovidiu Brăiloiu, Eforie Mayor

Eugen Bola, Prefect of Constanța County

Nicușor Daniel Constantinescu, President of the Constanta County Council

**RE: Forced eviction of Roma from Eforie Sud**

The European Roma Rights Centre (ERRC), Romani Criss and Asociația “Șanse Egale”, non-governmental organisations working for the protection of human rights and combating discrimination against Roma, would like to express their concern over the recent demolition of houses in Agricola street, Eforie, which rendered homeless 100 Roma, including 55 children.

According to media reports, on 27 September 2013 22 houses were demolished under the direction of the deputy mayor of Eforie and with significant law enforcement presence.<sup>1</sup> Media also reported that the deputy mayor made threats during the eviction, saying, “if you don’t come out, we’re going to kill you here.” No alternative housing was provided and the people were forced to spend four days outdoors in makeshift shelters, in particularly bad weather.<sup>2</sup> On 1 October, some of them were offered shelter in an abandoned building, with no windows or electricity, which poses a threat to their safety and health.<sup>3</sup>

The forced eviction of the residents in Agricola street breaches international obligations undertaken by Romania through the International Covenant on Economic, Social and Cultural Rights (ICESCR), the European Social Charter and the European Convention on Human Rights. The authorities’ obligation to respect the right to adequate housing<sup>4</sup> entails, *inter alia*, the provision of a well-heated and well-lit space, posing no structural danger and no health threat. Forced evictions can only be justified under exceptional circumstances, with adequate procedural safeguards, and must not render the evicted people homeless or vulnerable.

As a State Party to the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights (ICCPR), Romania is legally obliged to respect, protect and fulfil the right to adequate housing, including the prohibition on forced evictions. The UN Committee on Economic, Social and Cultural Rights has defined in General Comment 7, appropriate protections from forced evictions as including the following:

- an opportunity for genuine consultation with those affected [and state officials];
- adequate and reasonable notice for all affected persons prior to the scheduled date of eviction

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<sup>1</sup> Feri Predescu, “Cartier de romi ras de buldozerele primăriei”, evz.ro, 29 September 2013, available at:

<http://www.evz.ro/detalii/stiri/eforie-sud-cartier-de-romi-distrus-de-buldozerele-primariei-1059547.html> (in Romanian)

<sup>2</sup> The National Meteorological Administration issued a “code orange” alert for dangerous weather phenomena consisting of very strong winds and heavy rains.

<sup>3</sup> Feri Predescu, “Romii din cartierul distrus de buldozere primăriei Eforie sunt abandonati sub cerul liber”, evz.ro, 1 octombrie 2013, available at <http://www.evz.ro/detalii/stiri/romii-din-cartierul-distrus-de-buldozere-primariei-eforie-sunt-abandonati-sub-cerul-liber-1059936.html> (in Romanian)

<sup>4</sup> Article 17(1)(2) of the ICCPR and Article 11(1) of the ICESCR, as interpreted by the Committee on Economic Social and Cultural Rights in General Comments 4 (right to adequate housing) and 7 (protection against forced evictions) available at: <http://www.unhchr.ch/tbs/doc.nsf/0/469f4d91a9378221c12563ed0053547e?Opendocument> and respectively at <http://www.unhchr.ch/tbs/doc.nsf/0/959f71e476284596802564c3005d8d50>

- information on the proposed evictions, and, where applicable, on the alternative purpose for which the land or housing is to be used, to be made available in reasonable time to all those affected;
- especially where groups of people are involved, government officials or their representatives to be present during an eviction;
- all persons carrying out the eviction to be properly identified;
- evictions not to take place in particularly bad weather or at night unless the affected persons consent otherwise;
- provision of legal remedies; and
- provision, where possible, of legal aid to persons who are in need of it to seek redress from the courts.

In addition, the Convention on the Rights of the Child stipulates that states “shall take appropriate measures to assist parents and others responsible for the child to implement this right and shall in case of need provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing”.<sup>5</sup>

For these reasons, we call for the authorities’ intervention to urgently provide alternative adequate accommodation, which takes account of the severe weather conditions. Authorities should also find sustainable housing solutions for the long-term health and safety of the community, in close consultation with the affected individuals.

We would like to respectfully ask you to keep us informed of any measures that your institutions have taken.

Sincerely,

Dezideriu Gergely, Executive Director, European Roma Rights Centre

Marian Mandache, , Executive Director, Romani Criss

Robert Vaszi, Coordinating Director, Asociația “Șanse egale”

To:

Ion Ovidiu Brăiloiu, Eforie Mayor

Eugen Bola, Prefect of Constanța County

Nicușor Daniel Constantinescu, President of the Constanta County Council

CC:

Victor Ponta, Prime Minister of Romania

Liviu Dragnea, Deputy Prime Minister, Minister for Regional Development and Public Administration

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<sup>5</sup> Convention on the Rights of the Child, Article 27, available at: <http://www2.ohchr.org/english/law/crc.htm#art27>.