



17 January 2011

Naphegy tér 8
Hungary – 1016 Budapest
Office Tel: +36 1 413 2200
Office Fax: +36 1 413 2201
E-mail: office@errc.org
www.errc.org

President of Romania, Traian Băsescu
Prime Minister of Romania, Emil Boc
Mayor of Cluj-Napoca, Sorin Apostu

Re: Forced Eviction of Roma from Coastei Street, Cluj-Napoca, Romania

Dear Sirs,

The European Roma Rights Centre (ERRC), Amare Prhala and the Desire Foundation are writing to express concern about the 17 December 2010 forced eviction of 56 families from the Coastei Street Romani community in Cluj-Napoca, Romania, in violation of Romanian and international law.

According to ERRC witness statements from 47 of the affected individuals, on 15 December 2010, Cluj-Napoca municipal representatives informed Roma living in apartments on Coastei Street that they had to submit a request for social housing for homeless people by noon of the following day. Late in the afternoon on 16 December, law enforcement officials told them to pack all of their belongings because they would be moved the following morning.

According to documentation by the submitting organisations and media reports, without any further consultation and without providing the affected Roma any legal authorisation for the eviction, at 6:00 AM on 17 December, several hundred representatives of the local authorities, community police and gendarmes accompanied by bulldozers and trucks entered the Coastei Street Romani community and told the affected persons that their homes would be demolished whether or not they agreed to relocation. Local authorities and law enforcement officials proceeded to evict the community and demolish their homes. During the demolitions, furniture, flooring, windows and personal possessions of the residents were destroyed. The eviction took place while the temperature outside reached -10 degrees Celsius.

Fifty-six Romani families were moved to the Pata-Rat Romani settlement, 18 kilometres from the Cluj-Napoca city centre. In addition to being far from the families' previous homes, jobs and schools, the settlement is located dangerously close to a garbage dump and a toxic waste dump. While being transported to the new site in garbage trucks, furniture and electronic items owned by some of the affected people were damaged.

More than 270 people (at least 164 adults and 106 minors) were moved into 40 social apartments provided by the local authority in Pata-Rat. Upon arrival in Pata-Rat, 40 families were forced to sign lease agreements for social apartment units allocated to them, without having the opportunity to read the contracts or view the apartments: the remaining 16 families were not provided lease agreements but were forced into apartments with other families.

The newly built houses were placed about 500 metres from the city garbage pit,¹ and about 250 metres from a drug factory's waste site. This proximity to hazardous waste raises significant concern as to the residents' present and future state of health and requires urgent action.

¹ Following pressure from the European Commission to comply with EU legislation on integrated waste management, Cluj-Napoca authorities have failed to bring the garbage tip at Pata-Rat up to standard and it was officially closed in July 2010. However, authorities continue to use the area for dumping waste in the absence of another solution. The potential for negative health and development consequences for Roma moved to the area is significant. See: Portalul National de Administratie

The new apartments are all one room of 15 to 18 square metres, each housing 7-13 people, with one bathroom of 5.6 square metres per four apartments, and no kitchen. There is electricity and cold water, but no hot water or gas for heating. The bathrooms are not heated. The families had to provide and install old wood stoves in their rooms. Municipal authorities provided each family with only 100 kilograms of wood for the entire winter. At the time of research in the first week of January 2011, the walls of the apartments were damp and there was a high level of humidity: furniture and clothing are rapidly deteriorating due to the humidity. Residents must walk two kilometres to reach the nearest bus-station to Cluj-Napoca for work, as many are formally employed. The overcrowded conditions make it extremely hard for the children to complete their homework. The residents report that ambulances have already refused to respond to their calls or came only after a few hours.

According to interviews with the evicted Roma, many families who lived on Coastei Street had rental contracts with the municipality until 2009: at that time the contracts were not renewed due to alleged urban development plans, but municipal authorities told them that they could remain in their homes and they continued to regularly pay rent up to and including December 2010. Municipal authorities were reportedly aware of and tolerated those who lived there informally for many years. Some residents reported that municipal representatives promised them 20 square metres of land in Pata-Rat to build new houses and provided some wood for construction. However, no property or rental documents had been provided to those promised land as of 6 January 2011.

The eviction and relocation of Roma to hazardous accommodation is inconsistent with both domestic and international law applicable in Romania. Romanian law² places a moratorium on evictions between 1 December and 1 March, a restriction derived from Romania's obligations under the International Covenant on Economic, Social and Cultural Rights (the Covenant). The Covenant, the European Social Charter and the European Convention for the Protection of Human Rights and Fundamental Freedoms protect the right to adequate housing and place limits on forced evictions.

Romania is obligated under international law to ensure the availability of adequate housing, which must be, among other requirements, habitable (in terms of space and providing protection from hazards), accessible (including to children, the elderly and disadvantaged groups) and well located (in an area with access to necessary institutions and in an area free from pollution or health hazards).³

Forced evictions may only be justified in the most exceptional circumstances and procedural protections must be applied, including:

“[A]n opportunity for genuine consultation with those affected; adequate and reasonable notice for all affected persons prior to the scheduled date of eviction; [...] evictions not to take place in particularly bad weather or at night unless the affected persons consent otherwise [...] Evictions should not result in individuals being rendered homeless or vulnerable to the violation of other human rights. Where those affected are unable to provide for themselves, the State party must take all appropriate measures, to the maximum of its available resources, to ensure that adequate alternative housing, resettlement or access to productive land, as the case may be, is available.”⁴

It is clear that the aforementioned evictions took place in violation of these legal protections.

The ERRC, Amare Prhala and the Desire Foundation call for your urgent intervention to ensure that the Roma moved from Coastei Street to Pata-Rat are immediately moved from their current segregated, hazardous location and provided adequate alternative accommodation in Cluj-Napoca, in appropriate proximity to jobs, schools and other services. We request that responsible authorities immediately initiate consultation with all other Roma residing at Pata-Rat concerning the adequacy of their housing conditions and relocation to a safe location. We ask for your intervention to guarantee that no families are separated and that the affected residents are adequately consulted on their re-housing and that other procedural safeguards are ensured. We request that the government make public the identity of the owner of the land on Coastei Street, the terms of any sale of land on Coastei

Publica, “Mihaela Beu: “Problemele privind stocarea deșeurilor sunt departe de rezolvarea reală””, press release, 21 July 2010, available at: <http://www.administratie.ro/articol.php?id=32364>.

² Civil Procedure Code, Article 578, index 1.

³ UN Committee on Economic, Social and Cultural Rights (CESCR), General Comment No. 4 on the right to adequate housing, available at: <http://www.unhcr.ch/tbs/doc.nsf/0/469f4d91a9378221c12563ed0053547e?Opendocument>

⁴ CESCR, General Comment No. 7, available at:

<http://www.unhcr.ch/tbs/doc.nsf/0/959f71e476284596802564c3005d8d50?Opendocument>

Street from the government and the details of any planned development. We also ask that Roma from Coastei Street be provided an opportunity to return to Coastei Street in whatever new housing may be developed there. Finally, we ask that no other families are moved by the Government to this location.

We respectfully request to be informed of all actions undertaken by your individual offices.
Sincerely,

Robert Kushen
ERRC Executive Director

Pavel Doghi
Amare Prhala Association President

Dr Enikő Vincze
Desire Foundation President

TO:
Prime Minister Emil Boc
Piata Victoriei 1
Sector 1, Bucuresti
Fax: +40 21 313 98 46

President Traian Băsescu
Palatul Cotroceni Strada Geniului nr. 1-3
Sector 6, Bucuresti
Cod postal 060116
Fax: +40 21 319 31 31

Mayor of Cluj-Napoca, Sorin Apostu
Strada Motilor Nr. 5.
400001 Cluj-Napoca, Romania
Fax: +40 264.599.329

CC:
Viviane Reding
Vice-President in charge of Justice, Fundamental Rights and Citizenship
European Commission
BE-1049 Brussels Belgium
Fax: +32-2 296 07 46

Janez Potočnik
European Commissioner for the Environment
European Commission
B-1049 Brussels, Belgium
Fax: +32 2 298 82 88

László Andor
European Commissioner for Employment, Social Affairs and Inclusion
European Commission
B - 1049 Brussels, Belgium
Fax: +32 2 29 88493

Jerzy Buzek
President of the European Parliament
Rue Wiertz 60
1047 Brussels, Belgium
Fax: +32 2 28 49631

Morten Kjærum
Director
European Union Agency for Fundamental Rights
Schwarzenbergplatz 11
1040 Vienna, Austria
Fax: +43 (1) 58030-699

Polonca Končar
President of the European Committee of Social Rights
Secretariat of the European Social Charter
Council of Europe Directorate General of Human Rights and Legal Affairs
F-67075 Strasbourg Cedex, France
Fax: +33 (0) 3 88 41 37 00

Thomas Hammarberg
Commissioner for Human Rights
Council of Europe
F-67075 Strasbourg Cedex, France
Fax: + 33 (0)3 90 21 50 53

Raquel Rolnik
UN Special Rapporteur on Adequate Housing
Office of the United Nations High Commissioner for Human Rights
UNOG-OHCHR, 1211 Geneva 10, Switzerland
Fax: +41 22 9179006

Anand Grover
United Nations Special Representative on the right to the highest attainable state of physical and mental health
Office of the United Nations High Commissioner for Human Rights
UNOG-OHCHR, 1211 Geneva 10, Switzerland
Fax: +41 22 9179006

Knut Vollebaek
OSCE High Commissioner on National Minorities
Prinsessegracht 22
2514 AP The Hague
Netherlands
Fax: +31 70 363 59 10

Andrzej Mirga
Senior Adviser on Roma and Sinti Issues
OSCE/ODIHR Contact Point for Roma and Sinti Issues
Fax: +48 695 808 825

Jeroen Schokkenbroek
Special Representative of the Secretary General for Roma Issues
Council of Europe
F - 67075 Strasbourg Cedex