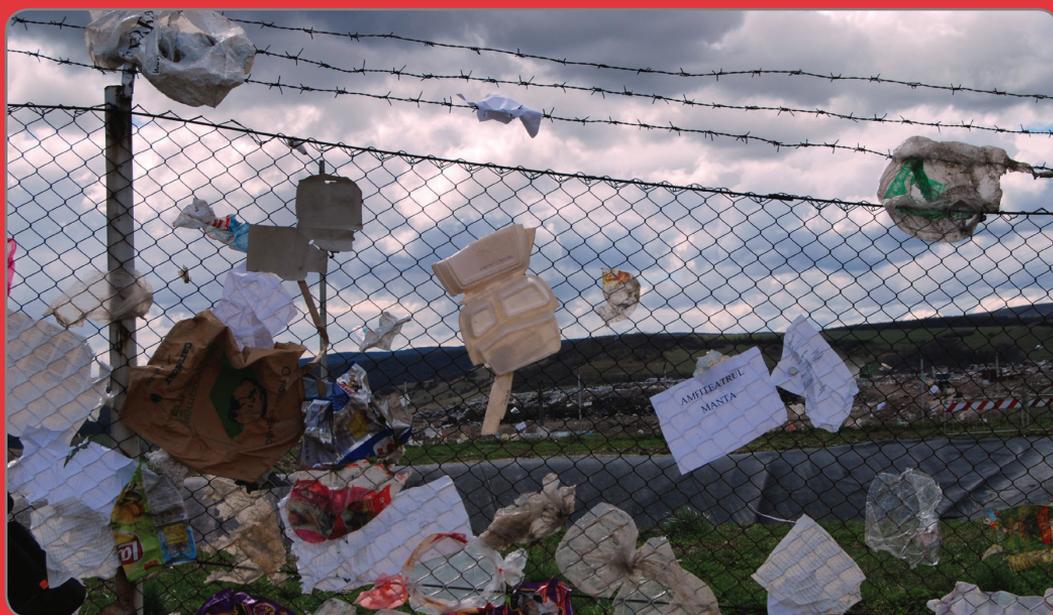


TAKEN FROM THE CITY

A REPORT BY THE EUROPEAN ROMA RIGHTS CENTRE



Romanian Roma Evicted to a Rubbish Dump

DECEMBER 2012

CHALLENGING DISCRIMINATION PROMOTING EQUALITY



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1 Introduction

“There is a constant unpleasant smell in the atmosphere, and the air becomes unbreathable when the garbage is being burnt in the pit next to us. Both smoke and smell intoxicate us. We can’t keep our windows open, to aerate the house. We must dry our clothes inside the house, because, if left outside, the smell infiltrates in them.”

We don’t even feel safe here. There are packs of dogs everywhere, in huge numbers. We have to accompany our wives and children when they go to the bus, in order to protect them from the animals. Once the evening comes, most of the people retreat in their house, and very few dare to go out.

Interview with a 62-year-old Romani man, Pata-Rât, November 2012

On 17 December 2010 56 Romani families including some 270 people and at least 106 minors were evicted from Coastei Street in the centre of Cluj-Napoca in north-western Romania. The families were given just one day’s notice of the eviction. They had been living in Coastei Street for over 20 years. The families were taken to Pata-Rât, a polluted industrial area which is also the location of the city’s rubbish dump. Municipal authorities provided accommodation for 40 families in 18 metres squared substandard modular shelters. The remaining 16 families were given no accommodation and had to stay with families who had received accommodation, greatly increasing overcrowding.

The National Council for Combating Discrimination held that the eviction, relocation and isolation of the families in Pata-Rât amounted to ethnic discrimination, and the municipality was fined approximately 2000 EUR.¹ To date, there has been no resolution to the situation in which the evicted families find themselves, no provision of adequate alternative accommodation for them, and no compensation for property which was lost in the eviction and subsequent destruction of houses.

The European Roma Rights Centre (ERRC) is supporting people now living in Pata-Rât in a number of domestic legal proceedings including administrative proceedings against the municipality. On behalf of the evicted families, the ERRC is seeking damages and relocation, and has also instigated proceedings requesting public information and documents relating to the eviction and the building of modular housing.

The ERRC has also supported the community in establishing an NGO, *The Roma Community Association from Coastei*, through which the individuals concerned can have a stronger voice in advocating for their own rights.

¹ Consiliul National Pentru Combaterea Discriminării (NCCD), *Comunicat de presa referitor la deciziile Colegiului director al CNCD din data de 15.11.2011*, available at: <http://www.cncd.org.ro/presa/Comunicate-de-presa/Comunicat-de-presa-referitor-la-deciziile-Colegiului-director-al-CNCD-din-data-de-15-11-2011-124/>.

This briefing measures the impact of the Coastei Street eviction on the families involved two years after it was conducted. It is based on interviews carried out by the ERRC in November 2012 with 199 of the Roma who were evicted and relocated to Pata-Rât, where they are living in 40 modular homes and 14 improvised homes.

Key Findings

Housing conditions:

- The average living space is 4.01 metres squared. Each available bathroom is shared between at least 17 people.
- 92% of residents report the presence of mould in their accommodation.
- 89% of residents report that they do not have adequate cooking facilities.
- There is no water connection in any of the modular homes, and no hot water. Heating is provided only through wood-burning stoves, and 11 homes are without electricity.

Employment and economic well-being:

- Average income has fallen by 30%, while all individuals face extra living and transport expenses in their new location.
- 28% of working age adults who were working before the eviction are now out of work.
- The overall unemployment rate among adults in the community has increased by over 20% since the eviction and is now 49%.

Education:

- 25% of children report being subjected to racist remarks at school, an increase from 5.7% before the eviction.
- 14 children (19.4 %) were refused admission to their school after the eviction and had to enrol in another school.
- 10% of children have been placed in special education for pupils with mild mental disabilities since the eviction, even though they were not previously in those classes.

Health:

- 30% of residents report some physical illness since the eviction, an increase of 14%.
- When asked to self-assess their health 17% of individuals reported a drop in their level of health.
- The average waiting time for an ambulance is estimated at about 92 minutes. It was 11.5 minutes before the eviction.
- On several occasions ambulances refused to respond to calls and on others residents had to wait between 2.5 and 3 hours for an ambulance to arrive.

2 The Eviction

On 15 December 2010 representatives of the Cluj-Napoca municipal authority informed the residents of Coastei Street that they had to submit a request for social housing for homeless people by noon of the following day. The next day the residents were instructed to pack all of their belongings. On 17 December several hundred local authority staff and law enforcement officers with bulldozers and trucks evicted the 56 families: 40 families were living in public housing rented from the City Council while the others were living in informal housing. Their homes were immediately demolished. The authorities did not provide legal authorisation for the eviction. The eviction was carried out in temperatures that reached minus 10 degrees Celsius, and in contravention of a prohibition on evictions during winter months in Romania.² During the demolitions, furniture, flooring, windows and personal possessions of the residents were destroyed. The land on Coastei Street was given to the Romanian Orthodox Church shortly before elections; because of this, the eviction is seen by some observers as a politically calculated move.

They evicted us in the middle of the winter. I was in the cold for seven hours with my three-week-old daughter. We were told that we would have firewood in the new houses. When we arrived we found dampness, cold air, and nothing else. The firewood was brought three months later when it was almost spring.

Interview with a 25-year-old Romani woman, Pata-Rât, November 2011

Upon arrival at Pata-Rât, municipal authorities compelled 40 families to sign lease agreements for alternative accommodation without having an opportunity to read the agreements or to view the accommodation being provided.



Roma were forcibly evicted and relocated to Pata-Rât, where they live completely segregated from the rest of the city.

PHOTO CREDIT: MIRELA CHIOREAN

² Romania, *Civil Procedure Code*, Article 578, index 1.

PROTECTIONS AGAINST FORCED EVICTIONS IN ROMANIA

Article 11 of the Constitution of Romania states that Romania pledges to fulfill its obligations as deriving from treaties it is party to, and further states that treaties ratified by Parliament are part of national law. Romania is a State Party to the International Covenant on Economic, Social and Cultural Rights (ICESCR), which recognises at Article 11(1) “the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. [...]”. The UN Committee on Economic, Social and Cultural Rights which oversees the ICESCR’s implementation has found forced evictions to be *prima facie* incompatible with the Convention. It defined in its General Comment 7 appropriate protections against forced evictions as including:

- an opportunity for genuine consultation between those affected and state officials;
- adequate and reasonable notice for all affected persons prior to the scheduled date of eviction;
- information on the proposed evictions, and, where applicable, on the alternative purpose for which the land or housing is to be used, should be made available in reasonable time to all those affected; especially where groups of people are involved,
- government officials or their representatives should be present during an eviction;
- all persons carrying out the eviction should 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 of legal aid to persons who are in need of it to seek redress from the courts.

Pata-Rât is the site of the municipal landfill and dump, located approximately seven kilometres from the city centre of Cluj-Napoca. It is the only waste disposal site for the city, and has been in operation since 1973. Although the site was supposed to be closed down some time ago, ERRC research indicates that it is still in use. An environmental assessment of the conditions around Pata-Rât showed that surface water contained large amounts of pollutants and categorised the environmental impact as “degraded environment, improper for life”.³ According to ERRC research, a pharmaceutical company based in Cluj-Napoca also dumps waste at the site. Although the dump has officially been closed due to failure to comply with EU waste management obligations,⁴ it is still in use.

The area around Pata-Rât rubbish dump was already home to a number of Romani communities and there are strong negative perceptions in Cluj-Napoca of the Romani communities living in that area, due mainly to the fact that they live on the site of the city rubbish dump.

³ Gabriela-Emilia Popita, *Contributions to the Efficiency of the Household Waste Management Systems (Case Study: Cluj county)*, Summary, available at: 193.231.20.119/doctorat/teza/fisier/373, .Section 6.1.3.5.

⁴ See: <http://www.errc.org/cms/upload/file/romania-pata-rat-17-january-2011.pdf>.

3 Measuring the Impact of the Eviction

This ERRRC survey was carried out with 199 residents of 50 homes in Pata-Rât: 35 families living in the substandard modular homes provided by municipal authorities and a further 15 living in improvised housing at the same location. Those living in improvised homes were not provided with accommodation because they had not been registered officially on Coastei Street. These people have themselves built shelters in Pata-Rât.

3.1 Discrimination, exclusion, and loss of security

The eviction from Coastei Street and relocation to Pata-Rât has had an enormous negative impact on the lives of the people involved. From a long-standing and well-established community living close to public amenities, the evicted individuals have been moved to the edge of the city dump, far from the city centre.

The stigma associated with living in this area has had a strong impact on the evicted people. While only 5.5% of residents reported that they had felt discriminated against before the eviction, 37.1% reported being discriminated against after the eviction. People who had not experienced discrimination previously reported feeling discriminated against in the fields of education, employment and health after the eviction because they were now living in Pata-Rât.

A significant number of residents lack personal documents since the eviction: 50.7% of residents do not have a national ID for their new address and 20.1% of individuals report not having public health insurance for their new address. Residents report that they are reluctant to register for new documents at their address in Pata-Rât because of widespread discrimination against Roma from this location. One Romani woman reported completing all stages of an interview procedure with a cleaning company, only to be told that they would not hire her when she reported Pata-Rât as her address. Another Romani woman reported that once the staff of a medical clinic saw that she was living in Pata-Rât they removed the clean dressing from an examination table and replaced it with a sheet which was dirty and had already been used.

All 199 residents of Pata-Rât who were surveyed reported that they do not feel safe for themselves or for their children in their new location, although they reported feeling safe when living on Coastei Street. The isolation of the site outside of the city and its location on the edge of a large municipal dump are both factors which explain this. There are also other security issues, such as a problem with large packs of aggressive stray dogs. Many residents report being bitten by stray dogs. The ERRRC's local monitor was confronted by a pack of approximately 30 wild dogs on one visit to Pata-Rât and had to seek assistance from residents.

As well as being physically isolated, the area is also poorly served by public transport. The nearest bus stop is two and a half kilometres away and the nearest school is five kilometres away. Other amenities such as medical clinics, as well as most employment opportunities, are also located five kilometres or more from Pata-Rât. This causes difficulties for maintaining employment, attending schools, and accessing other services such as health care.



Romani families who were evicted to Pata-Rât face discrimination and isolation in their new location.

PHOTO CREDIT: MIRELA CHIOREAN

Even now in Pata-Rât the residents provided modular housing by the municipality lack security of tenure: their contracts for this accommodation expire in 2013 and they report that municipal authorities have told them unofficially that this housing may not be available after that time. Having already been evicted once from their homes in Coastei Street, residents fear that they may be evicted again and moved to an even more isolated location. The situation is particularly precarious for those living in improvised housing. These individuals report that the local authorities instructed them to build their own shelters in Pata-Rât, but they have no documentation or official permission for this accommodation which decreases even further the likelihood that they will be provided adequate alternative accommodation in case of another eviction.

3.2 Housing conditions

The housing provided by municipal authorities after the eviction is modular accommodation, with a one room space of just 18 m² for one family in which they must live, eat, bathe and sleep.

Residents responded that their average living space dropped from approximately 6.33 square metres per person before the eviction to 4.01 square metres per person after the eviction.

This is well below the standards set by Romanian law for social housing. The average family size reported by respondents to the survey in Pata-Rât is 4.3 people. Romanian housing law requires a minimum of 115 square metres for four people in social housing, with a useable area of 74 square metres. In addition, each social housing unit should include a bathroom and separate living and sleeping quarters.⁵ The housing units at Pata-Rât consist of four individual living spaces joined together which share one common bathroom, meaning that each available bathroom is shared by four families, with over 17 people. There is no water supply in the living area. Each block of four modular homes shares one water connection which provides only cold water.

ADEQUATE HOUSING STANDARDS

General Comment No. 4 of the Committee on Economic, Social and Cultural Rights sets out the meaning of adequate housing as guaranteed under Article 11(1) of the ICE-SCR. It includes seven aspects under which the adequacy of housing should be assessed. These are legal security of tenure; availability of services, materials, facilities and infrastructure; affordability; habitability; accessibility; location; and cultural adequacy.

Some of the elements of General Comment No. 4 which are most relevant to the residents of Pata-Rât include the following:

- All persons should possess a degree of security of tenure which guarantees legal protection against forced eviction, harassment and other threats;
- 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;
- Adequate 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 health, structural hazards, and disease vectors;
- Adequate housing must be in a location which allows access to employment options, health-care services, schools, child-care centres and other social facilities; and
- [H]ousing should not be built on polluted sites nor in immediate proximity to pollution sources that threaten the right to health of the inhabitants.

Among survey respondents, 89% do not have any proper cooking facilities whereas 83% of households reported satisfactory cooking facilities when living in Coastei Street. Cooking is done on wooden stoves with improvised chimneys which the families had to install themselves. With no running water available directly in the accommodation, and no hot water supply at all, water must be drawn and heated for both cooking and cleaning. The stove is also the only source of heating in the accommodation. When one person wishes to bathe the others must wait outside the accommodation as there is no private space available for this.

⁵ Romania, *Housing Law 114/1996*, Annex No. 1, available at: <http://www.cdep.ro/legislatie/eng/vol49eng.pdf>.

Because food, hot water, etc. is prepared in such a confined space, the air inside the modular houses is warm and moist, creating perfect conditions for mould and dampness. The accommodation is poorly ventilated, and residents report that they cannot leave windows and doors open due to the strong smells emanating from the nearby dump, exacerbating these problems. Pata-Rât residents in all 35 modular homes and in 11 of the 15 improvised shelters included in the survey reported the presence of mould. In comparison, only four families reported the presence of mould in their homes on Coastei Street. The presence of mould is a main indicator of dampness, and the World Health Organisation recognises it as a threat to health. Exposure to mould and dampness in accommodation increases the risk of respiratory infections and asthma. Children and people of an advanced age are particularly at risk.⁶

In addition, 14 homes do not have a water supply, including seven modular homes; five homes remain without heating, including three modular homes; four homes do not have a connected electricity supply, including two modular homes.

3.3 Education

School children have faced serious problems since they were evicted to Pata-Rât: 25% of children have reported racist remarks towards them at school since the eviction, while the number stood at only 5.7% before the eviction. Children are called “Gypsy from Pata-Rât” and “Gypsy from the dump” at school.

Fourteen children (19.4% of those counted in the survey) were forced to change school since the eviction. Half of those who have had to change schools reported racist comments towards them. These children had been attending a school in Cluj-Napoca but were refused continued education in this school from their new address in Pata-Rât. According to the residents, parents of non-Romani children threatened to move their children when they heard that there were Romani children from Pata-Rât registered at the school. Faced with this threat the school director refused to allow the Romani children to continue their studies at the school. One respondent noted that their child who previously had no difficulties at school received a series of bad grades from one teacher and then a recommendation from that teacher that he should go to a special education class. His parents took him to a specialist, who confirmed their belief that he did not need to be enrolled in such a class. He then changed schools and his grades reportedly improved dramatically.

Survey respondents reported that 10% of the school-aged children from Pata-Rât have been placed in special education for children with mild mental disabilities even though they had previously not been enrolled in those classes. The parents of these children report that they were enrolled in segregated education simply because they are living in Pata-Rât.

⁶ World Health Organisation, *Damp and Mould. Health Risks, Prevention and Remedial Actions*, available at: http://www.euro.who.int/__data/assets/pdf_file/0003/78636/Damp_Mould_Brochure.pdf, 3.

In addition, eight children who previously had no problems at school reported having other difficulties since the eviction, while four children aged 14 and 15 had stopped going to school since the eviction.

The schools attended by children in Pata-Rât are between five and eight kilometres from Pata-Rât. There is a school bus service, but it leaves only once per day at approximately 7.00 AM and returns only once at 2:00 PM. The children have different school hours depending on their age and the school they attend. Even if school starts at 10:00 AM, the only bus service available is the one leaving at 7:00 AM. Some children also miss afternoon classes because the bus returns to Pata-Rât at 2:00 PM pm.

After-school activities have suffered greatly because of the distance and the time consumed simply with traveling to and from such activities. The majority of children have given up these activities. Sports, dancing, craftsmanship classes and charity work are all a thing of the past. The Romani children forcibly relocated to Pata-Rât no longer have access to a suitable environment for exercising their skills and socialising with other young people.

3.4 Health

“After waiting three hours for the ambulance, they didn’t even want to come up to our house, and required me to go downhill, by foot, although I wasn’t physically able to do so.”

Interview with a 28-year-old Romani women, Pata-Rât, November 2012

The overall health of those evicted has worsened significantly in the two years since the eviction: 30% of respondents report having a physical illness now, as compared to only 16% before the eviction. When asked to self-assess their health, 17% of respondents noted deterioration in their health since the eviction. Respondents have reported breathing problems and lung problems, which may be associated with the presence of mould in the housing. Six report discrimination in access to health services since the eviction, which they had not experienced previously.

Overall many of the evicted people still have access to their family doctor or health service provider but the physical remoteness of their new location and lack of public transportation has made it more difficult to seek medical attention. As a result, the evicted families more often rely on emergency health services. Residents report that ambulances are reluctant to travel to Pata-Rât. On four occasions, including one when a mother called for medical assistance for her 3-year-old child, the ambulance refused to come. On several occasions people reported waiting for 2.5 to three hours for an ambulance to arrive. In another incident the ambulance came only after 2 hours and five phone calls requesting assistance.

Residents also estimated the reaction time for a call to emergency services. On Coastei Street in the city the average time was estimated at about 11.5 minutes. In Pata-Rât the figure is 92

minutes. This is not only a huge difference in waiting time, but it is clear that 92 minutes is an unacceptable waiting time and an inappropriate response in an emergency.

3.5 Employment and economic well-being

“I honestly don’t even want to change my ID to the new address. My neighbours told me how drastically changes the attitude of an employer, or a doctor, once they see where you live. The employer never calls you back, and the doctor inserts offensive remarks, or simply pays less attention. The same goes for the police officers. Even during random checks, if they see Pata Rat written in your ID, they automatically become suspicious and quickly find something to fine you.”

Interview with a 40-year-old Romani man, Pata-Rât, November 2012

Families evicted to Pata-Rât report that their economic situation has been negatively affected by the eviction. Residents report that average income has fallen by 30% since the eviction. In addition, 90% of residents report having extra expenses related to the new place of residence, particularly in relation to transport to and from the city.

The unemployment rate has increased from 29% before the eviction to 49% afterwards. Twenty working-age adults who were working before the eviction are now out of work. Finding work has become difficult because of the increased distance to work, destruction of social networks, and discrimination against Pata-Rât residents. Respondents have reported being refused employment directly because they were living in Pata-Rât.

Among survey respondents, 50% of those who were in receipt of social allowances before the eviction are no longer in receipt of such benefits. Several respondents reported that because they do not have an ID card or other documents for their new address they have not been able to access social services. Respondents explained that the disadvantages associated with getting a new ID with their Pata-Rât address far outweigh the benefits of receiving social benefits: they reported that due to the discrimination they would experience if their ID showed their true address, they prefer to keep their old ID and manage without access to certain benefits.

4 Conclusions

The eviction of 2010 has had a significant negative impact on the residents of Coastei Street in all areas of life. Not only are the evicted people now living on the edge of the city rubbish dump, removed from their previous central location, but they face discrimination and other obstacles in access to a range of other human rights. The evicted residents have suffered economically, and their health status has worsened. Children face discrimination and segregation in education, and unemployment among adults has risen.

In the two years since the eviction, local authorities have failed to respond adequately to the gross violation of the rights of the evicted individuals. The substandard housing provided fails in any way to meet Romania's obligations concerning adequate housing or the needs of the residents, and is located in an unsafe and polluted area. The eviction of December 2010 has put the future of 270 people who had been living in a well-integrated and established community in Cluj-Napoca in jeopardy. Since the eviction three more children have been born, and also face an unsafe and uncertain future in Pata-Rât.

5 Recommendations

The ERRRC calls on local and national authorities to act on the following recommendations:

- Provide adequate alternative accommodation, in line with Romanian and international housing standards, and legal permanent addresses for all evicted individuals in an integrated area of Cluj-Napoca;
- Conduct an eviction impact assessment to calculate the economic costs faced by the community members due to the eviction, and provide compensation for all losses;
- Bring to justice any State actors and non-State actors responsible for discriminating against Roma in accessing health care, education and work;
- Counteract the negative effects of forced evictions by helping the community to access work, education, health care and public services;
- Conduct an independent assessment of soil, air and water in Pata-Rât to assess the levels of health hazardous contaminants and provide appropriate medical assistance to residents;
- Immediately address the enrolment of children from Pata-Rât in special education since the eviction and facilitate their transfer back into mainstream education, and address urgently other forms of discrimination and abuse of children from Pata-Rât in local schools; and
- Organise regular between school officials, school inspectorates, doctors, the municipality and the community to provide an integrated response to the community's needs.

The European Roma Rights Centre (ERRC) is an international public interest law organisation working to combat anti-Romani racism and human rights abuse of Roma. The approach of the ERRC involves strategic litigation, international advocacy, research and policy development and training of Romani activists. The ERRC has consultative status with the Council of Europe, as well as with the Economic and Social Council of the United Nations.

On 17 December 2010, 56 Romani families were evicted from Coastei Street in the centre of Cluj-Napoca, Romania. After living in Coastei Street for over 20 years, municipal authorities forcibly relocated the families to Pata-Rât, a polluted industrial area which is also the location of the city's rubbish dump. Romania's National Council for Combating Discrimination declared that the eviction and relocation of the families to Pata-Rât constituted discrimination. To date, there has been no resolution to the situation in which the evicted families find themselves, no provision of adequate alternative accommodation for them, and no compensation for property which was lost in the eviction. This briefing measures the impact of the Coastei Street eviction on the affected families two years after it was conducted, revealing significant problems in the areas of housing, education, employment, health and experiences of discrimination.

CHALLENGING DISCRIMINATION PROMOTING EQUALITY