

19 December 2011

President of Romania, Traian Băsescu
Prime Minister of Romania, Emil Boc
Interim Mayor of Cluj-Napoca, Radu Moisin

Dear Sirs,

The European Roma Rights Centre (ERRC) and the Grupul de Lucru al Organizațiilor Civice (GLOC) are writing to express concern about the situation of Romani residents in Pata-Rât. These residents were forcibly evicted from their homes on Coastei Street in Cluj-Napoca on 17 December 2010.¹

The ERRC has monitored the situation of the community in Pata-Rât since the forced eviction. In particular, the ERRC conducted participatory research between September and November 2011, which shows there has been a serious decline in living standards for this community. The research indicates that housing conditions, access to work, education and healthcare have all been badly affected. Romani individuals face increased discrimination and are at risk from environmental health hazards.

The municipality provided small one-room apartments of up to 19 square metres, which are occupied by an average of five people and up to 13. There are no kitchens, no gas provided and families have to rely on their own limited resources for wood stoves. Some families did not even receive this limited accommodation, and have had to build their own homes on the land, which means they do not have a formal address.

The families were given just a day's notice of the eviction. As a result, they had to leave behind almost all their belongings, including key household items such as fridges and washing machines.

Families are further away from public services and face significant difficulties in finding transport. The nearest bus stop to get to the city is two kilometres away and only 13% of families now have a car. Transport problems have a negative impact on education, employment and the economic situation of the families.

The Romani community has suffered from a loss of formal and informal work, and has seen a drop in income since the eviction. Almost a fifth (19%) of individuals lost their main source of income primarily due to the destruction of social networks and the distance from work. Romani families face further problems accessing employment due to an increase in discrimination and lack of formal address.

Following the eviction, the average monthly family income per capita dropped by 33%. Families have less to spend on basic commodities including food, while transportation costs are much higher.

The health condition of the community appears to have deteriorated since the eviction. 89% of respondents described their health situation as well or very well before relocation while only 46% reported themselves to be well after the eviction (none said very well).

¹ The ERRC previously wrote a letter of concern, available at: <http://www.errc.org/cikk.php?cikk=3804>

A family doctor for the community has noticed an increase in respiratory diseases, such as bronchitis, particularly among young children. Many adults have become ill due to the high level of humidity inside the houses and because they have nowhere to sleep except on linoleum-covered cement floors.

Access to healthcare has also been severely limited, with no doctors or pharmacies in Pata-Rât. Reliance on emergency health services has taken prevalence over visits to doctors. Of the 53% of the respondents without health insurance, 36% have developed illnesses since the relocation.

The community lives close to the city rubbish dump. Numerous international studies have indicated a correlation between environmental contamination near dump and landfill sites and negative effects on the health of nearby communities. Local government research on the site in 2005 confirmed the presence of heavy metals in the soil, including some at unsafe levels. Independent research in 2009 examined the negative impact of the environmental conditions on one of the communities already living in Pata-Rât. In 2011 a governmental study of soil and air quality found that the values of all elements (except one) to be within a normal range. The most recent results are surprising, as they are not in line with the previous studies, even though there has been no cleanup of the site that we are aware of. The ERRC is therefore calling for new, independent analysis of the environmental conditions on the site.

Children's education has been negatively affected by the eviction. The problems of transport have limited their access to education and afterschool activities. Six children failed to advance into the next school year group, primarily because of absences, compared to just one child who failed to advance in the year before the relocation.

Parents also face discrimination in the enrolment process. In 2011 all the children due to be enrolled in primary school for the first time (that the ERRC is aware of) were rejected by mainstream schools on the basis of alleged insufficient space in the classrooms. Emotionally, the eviction has taken its toll on the Romani children, who face increasing discrimination at school.

Only 5% percent of the respondents reported cases of discrimination and degrading treatment before relocation, rising to 25% after relocation. Almost three-quarters (72%) of the cases were perpetrated by state actors and 28% by non-state actors. Despite the occurrence of discrimination, cases are rarely reported to the authorities, which tacitly encourages impunity.

The eviction and relocation of the Romani community to Pata Rat was in violation of relevant domestic² and international law.

Romania is bound under international law to ensure the availability of adequate housing. Forced evictions may only be justified under the most exceptional circumstances, and procedural protections, along with alternative accommodations, must be provided by the municipality.

The eviction was in violation of the Romanian law's moratorium on winter evictions, procedural regulations concerning evictions, as well as Romania's obligations under the National Strategy for Improving the Situation of Roma.

We would also like to draw your attention to the broader problem of Roma residential segregation, racial stigmatisation and social marginalisation affecting approximately 2000 families who inhabit the area of the city's rubbish dump.

The ERRC and GLOC are calling on the authorities to act on the following recommendations:

- Plan and implement an alternative integrated housing project involving members of the community. Any plans should take full account of the community's needs, and should consider the necessity of territorial desegregation and the urgency of mainstreaming social inclusion into local development plans.

² Law 114/1996 House Law, available at: www.oar.org.ro/upload/legea_114_1996.doc

- Take measures to improve the social and cultural capital of these communities so they can fully participate in the city's social, economic and political life,
- 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.
- Counteract the negative effects of forced eviction by helping the community to access work, education, health care and public services.
- Provide adequate alternative accommodation and legal permanent addresses for all evicted individuals.
- Bring to justice any state actors and non-state actors responsible for discriminating against Roma in accessing health care, education and work.
- Compensate Roma who have been subject to degrading treatment on the basis of multiple forms of discrimination.
- Conduct an independent assessment of soil, air and water in Pata-Rât to assess the levels of health hazardous contaminants.
- Encourage meetings between schools, school inspectorates, doctors, the municipality and the community to provide an integrated response to the community's needs.
- Encourage meetings between the local self-government and the county council to evaluate the social impact of closing down the city's rubbish dump on families who, by force of circumstance, have made a living from waste for decades, as well as clarifying the status of this area from the point of view of the current urban development plans.
- Encourage meetings between the Municipality and the National Railway Company, as the latter sued more than 125 families living on Cantonului Street, of which at least 50 families are now at risk of eviction.

Sincerely

Dezideriu Gergely
Executive Director
European Roma Rights Centre

Dr. Enikő Vincze
Founder Member
Grupul de Lucru al Organizațiilor Civice (gLOC)

TO:

Prime Minister Emil Boc
Piata Victoriei 1
Sector 1, Bucuresti

President Traian Băsescu
Palatul Cotroceni Strada Geniului nr. 1-3
Sector 6, Bucuresti
Cod postal 060116

Interim Mayor of Cluj-Napoca, Radu Moisin
Strada Motilor Nr. 5.
400001 Cluj-Napoca, Romania

CC:

Viviane Reding
Vice-President in charge of Justice, Fundamental Rights and Citizenship
European Commission
BE-1049 Brussels Belgium

Janez Potočnik
European Commissioner for the Environment
European Commission B-1049 Brussels, Belgium

László Andor European Commissioner for Employment, Social Affairs and Inclusion European
Commission B - 1049 Brussels, Belgium

Jerzy Buzek
President of the European Parliament Rue Wiertz 60 1047 Brussels, Belgium

Morten Kjærum
Director
European Union Agency for Fundamental Rights
Schwarzenbergplatz 11
1040 Vienna, Austria

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

Thomas Hammarberg
Commissioner for Human Rights
Council of Europe
F-67075 Strasbourg Cedex, France

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

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

Knut Vollebaek
OSCE High Commissioner on National Minorities Prinsessegracht 22 2514 AP The Hague Netherlands

Andrzej Mirga
Senior Adviser on Roma and Sinti Issues
OSCE/ODIHR Contact Point for Roma and Sinti Issues

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