

## Amnesty International

### **Statement for Working Session 6: Roma and Sinti, with a focus on empowerment of Romani women to access their human rights**

Amnesty International wishes to highlight the human rights violations experienced by Romani women as a result of forced evictions, as well as other violations of the right to adequate housing. The organization calls upon OSCE Participating States to take all necessary measures to address these concerns as a matter of priority.

The information and analysis in this statement is based on Amnesty International's research on the right to adequate housing and forced evictions of Roma in **France, Italy, Macedonia, Romania, Serbia and Slovenia**.

As the Director of the Office for Democratic Institutions and Human Rights of the OSCE, Ambassador Lenarčič, highlighted in April 2012, "*[t]he dire living conditions and lack of a registered legal place of residence endured by many of Europe's Roma have a profoundly negative effect on all aspects of their lives.*"<sup>1</sup> These negative effects result in numerous human rights violations, including violation of the right to adequate housing. The impact of these human rights violations is particularly severe on Romani women who face discrimination not only because of their ethnicity but also their gender.

Amnesty International has been working with Romani women living in camps and informal settlements across the region, who are speaking up and are fighting for their rights, and the rights of their families and communities. In many cases, Romani women, despite the multiple obstacles they face, are at the forefront of campaigning to end forced evictions and segregation, and should be further empowered and supported to do so.

#### **Forced evictions**

Across Europe, Romani communities continue to face discrimination and serious obstacles in securing their rights to housing, health care, education and work.

For many Roma, who are unable to afford private accommodation, or who are discriminated against when seeking to access it, social housing represents the only avenue of securing their right to adequate housing. Unfortunately, however, the lack of social housing programmes for Roma, or the exclusion of Roma from them, are recurring problems throughout Europe.

Millions of Roma are therefore forced to live in segregated settlements or slums, often without access to running water or electricity. They are at greater risk of illness, but less able to access the health care they need. Lacking security of tenure in informal settlements, Roma communities remain at risk of forced evictions.

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<sup>1</sup> "OSCE rights chief calls for improved housing and living conditions for Roma", available at: <http://www.osce.org/odihr/89512>

According to international human rights standards, evictions may be carried out only as a last resort, once all other feasible alternatives have been explored and genuine consultation has taken place with communities, and only after appropriate procedural and legal safeguards are in place. Governments must also ensure that no one is rendered homeless or vulnerable to other human rights violations as a consequence of an eviction.<sup>2</sup>

In most cases concerning Roma, however, local authorities fail to put in place the required legal and procedural safeguards.

For example, the requirement for genuine consultation with affected communities is often omitted in national laws. As a result, local authorities frequently ignore this obligation. In many cases, local authorities simply inform affected persons about the eviction once the decision has been made and then proceed with demolitions. Despite the requirement in international standards that for consultation on eviction to be effective, women must be included, through adoption of special measures if necessary, even where some form of consultation with Romani communities takes place, it is rare for Romani women to be effectively included.

For example, in the recent case of evictions in Baia Mare, Romania, in May 2012, Amnesty International was concerned that the relocation had not been preceded by genuine consultation of all affected individuals and that the alternatives provided were inadequate. During Amnesty International's visit in May 2012, many residents with whom the organization spoke did not have detailed information about the proposed locations or the terms of their resettlement. Local authorities had visited Craica, but many residents said they had not been given the opportunity to raise their concerns directly with them and that negotiations were being undertaken only with self-proclaimed representatives of the community. Amnesty International expressed concern that the consultation process had not allowed for the genuine participation of all individuals potentially affected, including as a result of a climate of alleged intimidation by local political leaders.<sup>3</sup>

The organization was particularly concerned about the disadvantaged position in which single Romani mothers and women-headed households found themselves with regard to the consultation process. One woman from the Craica settlement in Baia Mare told Amnesty International: "*Nobody listens to me. Whenever I try to speak, they tell me to shut up.*" The woman told Amnesty International she was afraid of self-proclaimed leaders who try to speak for the whole community, she is constantly threatened and she felt unprotected as she did not have a man in the house.

Authorities also often make no attempt to offer Roma residents adequate alternative housing and many are rendered homeless and continue to live in temporary and makeshift accommodation. Many are also likely to be repeatedly evicted.

### **Inadequate housing offered for resettlement**

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<sup>2</sup> CESCR, General Comment 7, The Right to Adequate Housing: forced evictions

<sup>3</sup> See public statement "*Romania: Authorities of Baia Mare should not relocate Roma in inadequate housing*", AI Index: EUR 39/009/2012, available at: <http://www.amnesty.org/en/library/info/EUR39/009/2012/en>

When the authorities offer alternative housing, it is often built in very precarious conditions and lacks essential services such as water, sanitation, heating, electricity which particularly impact on Romani women who, because of their gender roles, have primary responsibility for household chores and care of children.

When alternative housing is provided it is often inadequate, overcrowded, without infrastructure and with limited access to services. Amnesty International has documented many cases where Roma were resettled to metal cabins, containers or other type of inadequate housing falling short of international – and often national – legal requirements on adequacy.

In some cases, resettled Roma also have to confront discrimination and hostility from host communities.

In many cases where no alternative housing is provided, Romani families have been left homeless following forced evictions and have been forced to live outside, in makeshift tents or move to other informal settlements.

Amnesty International is extremely concerned that in many cases following forced evictions authorities separated women and men, offering only to provide alternative accommodation to either all women and children or to women with children.

Further, women – the primary child-carers in Roma communities – often fear that their children may be taken and placed into care from them when they are rendered homeless as a result of forced evictions .

In March 2009, more than 250 Roma living in a settlement at Blok 67 in Belgrade, **Serbia**, were forcibly evicted in advance of the World Student Games. Hostile local residents in the suburb where containers had been hastily prepared for their resettlement, attempted to set fire to the containers. The authorities made provisions to separate all women and children from the men; while some women agreed to be taken to a social welfare centre, most of the women refused to leave their families. With no other options for families to stay together, many (?) Roma were rendered homeless, attracting local and international protest.

Amnesty International has documented cases in **France** and **Italy**, where temporary shelter or emergency accommodation following evictions is frequently offered to women with children only. In most cases families prefer to reject the offer and not be split up. Temporary shelter is not offered to adult males or adult women without children, apparently on the grounds that the authorities are only obliged to help 'vulnerable' individuals such as children, elderly and sick people. In some cases in Italy such shelter is only offered to women and children only up to six or seven years old, thus mothers may be separated from their older children as well. *"I do not know what parent would accept to be separated from his or her children. You can only accept that if you do not love your children. I have been together with my husband every single day for the past 23 years. Only God can separate us,"* Madalina, a Romani woman in **Italy** told Amnesty International in July 2011.

## **Segregation**

Segregated housing provided for Roma as resettlement also has negative impacts on Romani women. According to testimonies from Romani women in Rome, **Italy**,

for example, camps are isolated and poorly connected to neighbourhoods, shops and services by public transport or roads with safe pavements to walk along. Shopping for essential items, visiting doctors and picking up children from schools and childcare facilities – responsibilities allocated to women in Romani communities, become time-consuming and difficult to carry out.

Erzsébet, A Romani woman forcibly evicted with her community from Miercurea Ciuc, **Romania**, in 2004, and resettled to metal cabins next to the sewage treatment plant in the outskirts of the town, explained how following the forced evictions and their relocation to segregated housing impacted on her life as it disrupted their existing networks: *"It was good [in the former location]. We had the possibility to buy on credit from a small store and we would pay when we had the money. The owner of the small shop gave me bread on credit for my children."* Following resettlement, such networks were disrupted and this had a significant negative impact on Erzsébet, mother of eleven children.

## Health

Despite provisions in international standards that identified relocation sites must fulfill criteria for adequate housing in accordance with international human rights standards, including ensuring that evicted people are not resettled in areas where their health may be placed at risk by the environment, this provision is often ignored.

In recent years several cases have been documented where Romani communities have been forcibly evicted and relocated in segregated areas next to garbage dumps, sewage treatment plants, or industrial areas on the outskirts of cities that could be hazardous for their health or have been provided with inadequate housing, for example in metal containers. These conditions fail to fulfil the 'habitability' requirement as per international human rights standards and also violate the right to a healthy environment.

Approximately 80 people were resettled by the local authorities into two derelict former military buildings at Pichet, the industrial port 4km from the city following their forced eviction in October 2006 from the centre of Tulcea in **Romania**. The building is surrounded by industry and located next to an unloading bay for ships carrying bauxite ore. Mariana, a Romani woman, whose sick nephew suffered because of the bauxite dust and mould caused by damp conditions, told Amnesty International in April 2011: *"In this place you can die before it's your time. When you wash a blouse it comes out red not white... and you can't keep the window open because all the dust and bauxite comes in. You can clean everything again and again but it will still be covered in dust."*

Romani women's health is frequently put at risk by the authorities during forced evictions. Despite specific provisions in the UN Basic Principles and Guidelines on Development-Based Evictions and Displacement that the health needs of women and children, including access to female health-care providers where necessary, and to services such as reproductive health care, must be ensured following, Amnesty International has spoken to Romani women in Romania, who were forcibly evicted and had been left homeless to sleep on the street while being pregnant. Some have

had complications. In **Serbia** in April 2012, a pregnant girl (aged 16) was forcibly evicted and then accommodated in a warehouse without access to water; her baby was born five days after the eviction.

### **Water and sanitation**

Access to water and sanitation is one of the core contributors to the right to health and are a core component of the right to adequate housing (access to public goods and services). Amnesty International is deeply concerned that Roma are regularly denied access to water and sanitation, either in informal settlements or after resettlement. In some cases, Roma dwellings are not connected to water as local authorities refuse this service for their “illegal” constructions. This impacts particularly on Romani women who, because of their gender role, are responsible not only for the collection of water, but for many household tasks – cooking, washing and cleaning, as well as childcare, which all require access to water.

Amnesty International has researched cases where people had to share a water pump with dozens – in one case with hundreds – of other families, or had no access to water at all. In **Serbia**, families forcibly evicted in April 2012 from the Belvil settlement in Belgrade were provided with alternative accommodation in a warehouse in the city of Nis, where the city authorities failed to provide them with water and sanitation for almost three months. Access to the nearest water-point in a market was limited by officials; otherwise Roma residents had to take a round trip of 1.5 hours to collect water.

In **Slovenia**, Amnesty International was told by many residents of Roma settlements, particularly women, that on a daily basis they did not have enough water to cover all their domestic needs – drinking, cooking, personal hygiene, washing clothes and had to walk long distances to look for available sources of water, such as cemeteries, pumps in old factories, or individual households who agree to assist them. Lili Grm living in the informal settlement of Dobruška vas in Škocjan municipality told Amnesty International in May 2010: *“Water means more than anything to me. I spend most of the day fetching water, keeping our hut clean, washing clothes for my children. When we go visit my mother in Krško, I put my two sons in her bathroom and I just can’t get them away from the water. My heart breaks when I see that. We are lucky to have a car so we can drive to get water. But when Milan [partner] gets his severe migraine attack, I have to walk more than two kilometres to get 25 litres of water. On those days I don’t cook, I don’t wash. Sometimes we are without water for the whole day.”*<sup>4</sup>

Women and girls living in these informal settlements are particularly affected by the lack of adequate access to toilets and bathing facilities. Silvana from the informal settlement of Ponoava vas in Grosuplje municipality described to Amnesty International in October 2010 how having no water and access to sanitation is very

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<sup>4</sup> Following Amnesty International’s campaign for access to water in Roma settlements in Slovenia and after intense engagement on the issue with the Roma community, the Ombudsman, and Roma non-governmental organizations and others, in October 2011 at the Dobruška vas settlement in Škocjan municipality, three out of the 19 Romani families without it gained access to water through a public access point built by the local authorities. Due to various reasons, but largely as a result of municipal inaction, the remaining families still do not have access to water and have to keep up with various efforts to provide their families with water.

difficult for women and children: *"I cannot wash myself in front of my husband or my sons. If men are not home we women wash ourselves in the stream. In the winter we can only wash our hair and face. We cannot be naked in front of our children. We go to the toilet behind the house – as far away from the house as possible, to the trench... In the dark I must take the torchlight to go to the toilet, in the daylight we have to check all the time that there is no one around who could see us."*<sup>5</sup>

A Romani woman from Žabjak told Amnesty International in September 2010: *"I go to the toilet in the forest, children go behind the barrack. I'm afraid in the dark and I don't feel comfortable. I have to go out even if it's raining and if it snows."* Lack of water and adequate sanitation facilities is particularly a problem for women during menstruation.

### **Employment and an adequate standard of living**

Amnesty International is concerned about the impact of forced evictions and resettlement to segregated housing, on access to jobs and livelihood. In some cases researched by Amnesty International, Romani women's access to work was particularly reduced following relocation by local authorities to the outskirts of cities. In December 2010, 356 people, the vast majority Roma, were forcibly evicted from Coastei Street in the centre of Cluj-Napoca, in **Romania** and moved to inadequate housing to the Pata Rât area in the outskirts of the city. Living on Coastei street was convenient: there was access to work, especially for women with young children who could hold full- or part-time jobs, for example as cleaners in the city centre which was a ten-minute walk away. Schools and a kindergarten were also within a walking distance.

Being forcibly moved to poor quality housing on the outskirts of a city, with limited access to services and little or no income, means that established daily routines are disrupted. For example, Elena one of the women resettled to Pata Rât, in Cluj-Napoca, takes the school bus into the city centre with her children at 7.15 every morning. She has to get up at 5am as she shares a bathroom with 40 other people. Her children are at school until 12.30pm, and Elena spends this time in the city centre looking for a job or helping her friend who sells flowers. She is still hopeful of finding a job, but after the eviction it has become increasingly difficult. Pata Rât is 9km away from the city centre, it is not a residential area and transport is infrequent and expensive. Roma resettled there identified the lack of affordable public transport as one of the key problems they face. Other issues include lack of easy access to schools and pre-school education and to health services. The closest bus stop is 2.5km away, the closest school 9km, and shopping centre 10km.

### **Risk of violence**

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<sup>5</sup> Following Amnesty International's campaign in December 2011 the Grosuplje municipality provided an immediate but temporary solution for access to water – a 700 litres water tank – to the Ponoava vas settlement in Grosuplje and covered the cost for it. Unfortunately due to various reasons, the main being inaction by the municipality, sanitary issues and lack of any follow-up, the water tank fell to disuse only a month after. Sustainable access to water in the settlement remains a problem due to complete lack of initiative by the local authorities, not only in this settlement, but also on the outskirts of Smrekec Roma settlements in Grosuplje.

Many places of resettlement are far away from local transport or the fare is unaffordable for resettled Roma communities. In Tulcea, **Romania**, a Romani woman resettled following a forced eviction to an industrial area in the outskirts of the city, told Amnesty International that she worried about her daughter who had to walk to school alongside a street where trucks were passing, due to lack of transport into the city. She said she was afraid her daughter would get raped on her way to school. Many other women in Romania told Amnesty International they did not want to move to proposed locations as they were concerned that being relocated to remote areas would increase the risk of gender-based violence for themselves and their children. In the locations where they were living, they knew their neighbours, trusted them and felt safe.

Within Romani settlements in **Macedonia, Romania and Serbia**, Amnesty International has also been informed about forms of gender-based violence against Romani women. The organization has documented cases of Romani women leaving violent relationships with no alternative but to live in an informal settlement at risk of forced eviction. One woman in **Serbia** described how she had lived in Nis until she left her husband and moved in with her mother in Belgrade. She ended up moving to an informal settlement after she could not afford the electricity and received a large fine. Multiple discrimination against Romani women means that sometimes they are unable to access support services or protection from domestic violence.

### **Psychological stress**

Living in informal settlements at risk of forced eviction causes great uncertainty for Roma. Romani women's health is reported as being significantly worse than that of the general population as a result of inadequate living conditions, substandard housing, poverty and the disadvantaged position of Romani women within their domestic setting.<sup>6</sup>

Many experience great psychological stress, as in **Serbia**, where Amnesty International has found that women became dependent on anti-depressants and other medication. Romani women told Amnesty International of the stress of living in such circumstances: Valdeta Missini from the Belvil settlement told Amnesty International: *"It is extremely difficult to live here. It takes 10 trips to get enough water from the pump; sometimes it works, sometimes it doesn't. It's hard for the children to play outside because of the garbage and the mud and in summer there are lots of rats... and we all have to sleep in the same room."*

There is greater psychological stress caused by repeated evictions, carried out with no adequate notice, genuine consultations or provision of adequate alternative housing. A 54 year old Romani woman in Sucy-en-Brie, **France** told Amnesty International in 2012: *"It's very hard, to move from place to place. We can't even stay for a bit. As soon as I hear I'm going, it's like, I feel my heart ache."*

### **Recommendations**

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<sup>6</sup> "Written Comments of the European Roma Rights Centre, Bibija, Eureka and Women's Space Concerning the Republic of Serbia For Consideration by the United Nations Committee on the Elimination of Discrimination against Women at its 38<sup>th</sup> Session", available at: <http://www.errc.org/cms/upload/media/02/27/m00000227.pdf>



Amnesty International urges OSCE Participating States to:

- Take all the necessary measures to ensure that Romani women can fully and effectively participate in all decisions affecting their lives as well as the lives of their families, including in consultations on evictions and relocation, regularization of settlements and housing upgrading programmes;
- Confer a minimum degree of security of tenure to Roma including Romani women;
- Take all necessary measures to end forced evictions of Roma including by: enacting and enforcing a clear prohibition on forced eviction through legislation in line with international human rights standards.
- Ensure that victims of forced evictions and other housing rights violations have access to effective remedies;
- Issue guidelines for carrying out evictions based on the UN Basic Principles and Guidelines on Development-Based Evictions and Displacement and international human rights law; including in this context ensuring that guidelines designed to ensure respect for the rights of women and girls are implemented including:
  - Adequate and effective consultation and representation;
  - Special measure to ensure that the specific health needs of pregnant women, among others groups requiring medical attention, are addressed before, during and after an eviction;.
  - Guarantee of the right to family life by ensuring families are relocated together;
- Ensure that new housing constructed to relocate Roma, including as a result of evictions, fulfils the requirement of 'adequacy' as defined in General Comment 4 of the UN Committee on Economic, Social and Cultural Rights and does not lead to family separation or racial segregation;
- Improve the inadequate housing conditions in Roma settlements through enabling people to regularize/"legalize" their housing where possible, and providing support for upgrading and improving housing through a process of genuine consultation with affected people. Ensure that Romani women are supported to participate in the consultation process;
- Review and amend national housing legislation, policies and practices to: remove discriminatory obstacles for Roma and other marginalized groups to access social housing, including eradicating the multiple discrimination faced by women from Roma and other marginalized groups; ensuring that there is no discrimination in the provision of housing and related services; and that those in need of it are provided with assistance and support to apply for social housing paying particular attention to women-headed households;
- Ensure at least the minimum essential levels of safe water for personal and domestic use and sanitation in all Roma settlements; including through



provision of safe and clean water which is accessible and available in sufficient quantities in the vicinity of homes while processes to regularize settlements or to provide access to piped water within settlements are pending;

- Ensure that Roma living in informal settlements and camps, in particular Romani women, have access to health centres, health education and services; when access to health centres is not possible immediately, this should be done temporarily through mobile clinics but should not lead to maintenance of ethnically segregated health-care facilities;
- Take steps to remove barriers that deny Romani women and girls living in informal settlements access to education, information and services relating to sexuality, reproductive health, contraception, pregnancy (including the availability of free pregnancy care) and treatment of gynaecological problems;
- Ensure that education, training and information, is provided by employment centres to Romani women on an equal basis in order to support their entry into the labour market;
- Take all necessary measures to address all forms of violence, including domestic violence, against Romani women and girls, including those living in informal settlements by ensuring:
  - special measures to ensure that law enforcement officials, lawyers and the judiciary are sensitized to the discrimination faced by Romani women and to ensure access to legal aid for Roma, and Romani women in particular;
  - equal access, without discrimination, to all public services and assistance, including programmes for prevention, protection, counselling and financial assistance, for Romani women suffering from violence;
  - the identification of economically viable solutions, including the provision of housing, for Romani women leaving violent partners;
- Establish training programmes for law-enforcement officers, social workers in order to challenge stereotyped perceptions of Romani women and girls living in informal settlements and establish an effective independent mechanism to investigate complaints of discriminatory treatment by officers.

Amnesty International invites the OSCE to increase its efforts to address human rights violations against Roma in the area of housing, especially forced evictions, with a particular emphasis on Romani women and girls with Participating States.

In order to fully realize the rights of Romani women, Participating States should take urgent measures to ensure the representation of Romani women in all aspects of public life, including by:

- Encouragement and support for training (including by the OSCE) which aims to ensure that Romani women play a full role in central government, municipal authorities, national municipal commissions on gender equality, and civil society;

- Taking further positive measures to increase the representation of Romani women, including in employment in government structures.