



FUNDAȚIA DESIRE

pentru Deschidere și Reflexie Socială

Str. Vântului nr. 35, 400221 Cluj, România,

Tel/Fax: +40-364/143220, +40 -740-137561

E-mail: desire_cluj@yahoo.com, eni_personal@yahoo.com

www.desire-ro.eu

INTEGRATED HOUSING PROGRAM FOR MARGINALIZED COMMUNITIES, INCLUDING ROMA. THE CASE OF PATA RAT, CLUJ-NAPOCA.

RECOMMENDATIONS TO ROMANIAN PUBLIC AUTHORITIES¹

January 2013

Arguments

Residential segregation is a manifestation of social exclusion that exacerbates poverty by the impossibility of the economically and symbolically marginalized to maintain a dignifying status and participate in the societal life. Residential segregation implies reduced access to school education, decent jobs, healthcare and other public services, so it is a major factor of social segregation and reproduction of cumulated disadvantages. Residential segregation (living in a physically isolated and culturally stigmatized space) reduces people's social contacts and social capital, damages their (self)-identifications and sense of dignity, lowers their educational and career expectations, and shapes people's envisaged life trajectories so that reproduces vulnerability inter-generationally.

The phenomenon of spatialization and racialization of social exclusion is something that happens under our eyes in the city of Cluj, too, mostly affecting the four different Roma communities settled in Pata Rat, near the municipal garbage dump. With the technical assistance of United Nations Development Program, in 2012 the City Hall of Cluj-Napoca started elaborating a pilot project committed to the territorial desegregation and integration of Pata Rat area.² Recommendations from below are based on an approach according to which this pilot integrated housing project should

¹ This text is a compilation of the documents elaborated by its author, president of Foundation Desire, founder member of the Working Group of Civil Society Organizations (Grupul de Lucru al Organizatiilor Civice, www.gloc.ro) in 2012, in order to sustain the local strategies and policies for the territorial desegregation and integration of the area of Pata Rat located near the landfill of Cluj-Napoca. This text was sent among the background documents of the "*Briefing to the Romanian Government on the right to adequate housing with regard to the marginalized Romani communities*" issued in January 2013 by Amnesty International, European Roma Rights Center and Foundation Desire.

² Within the "*Preparatory Phase for Model Project: making the most of EU Fund for Sustainable Housing and Inclusion of disadvantaged Roma (explicitly but not exclusively targeted) in Cluj Metropolitan Area*", implemented by the Municipality of



FUNDAȚIA DESIRE

pentru Deschidere și Reflexie Socială

Str. Vântului nr. 35, 400221 Cluj, România,

Tel/Fax: +40-364/143220, +40 -740-137561

E-mail: desire_cluj@yahoo.com, eni_personal@yahoo.com

www.desire-ro.eu

be conceived within the framework of a human rights, social inclusion and area-based urban development plan targeting the advancement of Cluj-Napoca as an inclusive city. Or, differently put, it should be elaborated and implemented both as an integral part (or a first phase) of a long-term integrated housing program addressing the social inclusion and spatial integration of people from the Pata Rat area, and as part of a long-term strategy targeting social inclusion through housing policies for the whole Cluj Metropolitan Area (2014-2020).

The implementation of such short-, medium- and long-term strategies, programs and projects needs the full political, technical and financial support of the Romanian Government under its National Strategy for the Social Inclusion of Roma and other social policy frameworks. It needs, among others, legislative changes supporting access to housing rights and social inclusion, and changes in the Romanian operational programs administering European funds in order to use the housing-related integrated approach foreseen in the European Regional Development Fund modified Regulation.³

International regulations supporting the integrated housing program

My recommendations regarding the way in which the housing component of the pilot integrated housing project should be tackled in order to be mainstreamed into a broader housing policy for social inclusion (or a larger social inclusion policy accomplished through housing measures), are based on the international regulations from below. They were defined during the last decade by different international organizations regarding the need to assure adequate and affordable housing to disadvantaged categories, among them ethnic Roma, and as such became elements of documents towards which Romania too, expressed its political commitments:

- ***Adequate housing is a basic human right, and it has to meet, at a minimum, the following seven criteria:*** security of tenure; availability of services, materials, facilities and infrastructure; affordability; habitability; accessibility; location; and cultural adequacy: “the right to adequate housing covers measures that are needed to prevent homelessness, prohibit forced evictions, address discrimination, focus on the most vulnerable and marginalized groups, ensure security of tenure to all, and guarantee that everyone’s housing is

Cluj in a partnership with the North-West Regional Development Agency and United Nations Development Program, enjoying the support of Open Society Institute’s Making the Most of EU Funds for Roma, the author of this text acted on a voluntary bases as an external observer and watchdog.

³ EC, 9 February 2011, *Guidance note on the implementation of integrated housing interventions in favour of marginalized communities under the ERDF*, approved by the Committee of Coordination of the Funds.



FUNDAȚIA DESIRE

pentru Deschidere și Reflexie Socială

Str. Vântului nr. 35, 400221 Cluj, România,

Tel/Fax: +40-364/143220, +40 -740-137561

E-mail: desire_cluj@yahoo.com, eni_personal@yahoo.com

www.desire-ro.eu

adequate. These measures can require intervention from the Government at various levels: legislative, administrative, policy or spending priorities.”⁴

- ***Social inclusion provided by housing policies should address the affordability constraints of the urban poor and socially vulnerable groups:*** “Governments of transition countries have largely retreated from providing ‘social’ housing in favor of ‘enabling the market’, yet the market has not provided land and housing that is affordable to low-income households.... Rising socio-economic inequalities are gentrifying and dividing cities and making housing increasingly unaffordable for low- and middle-income households. ... All these are highlighting the need for policy responses to address the critical needs of vulnerable, marginalized and low-income groups in a more effective and efficient manner... Therefore, the time is now for government leadership and action to ensure universal access to adequate and affordable land and housing ... for example by facilitating the direct production of new housing units for low-income households, with a special focus on income-based housing subsidies.”⁵
- ***Policies for Roma – among others on the domain of housing – should combine human rights goals with social inclusion measures, and should ensure the active participation of Roma in all the decisions that affect their life:*** as far as housing conditions are concerned, “states should put in place mechanisms and institutional procedures to clarify property rights, resolve questions of ownership and regularize the legal status of Roma living in circumstances of unsettled legality... they should involve Roma people in the design of housing policies, as well as in the construction, rehabilitation and/or maintenance of public housing projects meant to benefit them, and should ensure that housing projects do not foster ethnic and/or racial segregation...”⁶
- ***Local housing policies addressing the needs of low-income and socially vulnerable categories should aim at the desegregation and spatial integration of marginalized communities:*** according to the initiatives of the European Regional Development Fund, “housing interventions should include

⁴⁴ *The Right to Adequate Housing. Fact sheet nr. 21/ Rev. 1.* The Office of the United Nations High Commissioner for Human Rights and UN-HABITAT. November 2009. http://www.ohchr.org/Documents/Publications/FS21_rev_1_Housing_en.pdf. The document reminds us, among others, that adequate housing was recognized as part of the right to an adequate standard of living in the 1948 *Universal Declaration of Human Rights* and in the 1966 *International Covenant on Economic, Social and Cultural Rights*. The characteristics of the right to adequate housing are clarified mainly in the general comments No. 4 (1991) on the right to adequate housing and No. 7 (1997) on forced evictions of the *United Nations Committee on Economic, Social and Cultural Rights*.

⁵ *Affordable land and housing in Europe and North-America.* UN-HABITAT. 2011.

⁶ *Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area.* Ministerial Decision No. 3/03. Maastricht, The Netherlands. 2003.



FUNDAȚIA DESIRE

pentru Deschidere și Reflexie Socială

Str. Vântului nr. 35, 400221 Cluj, România,

Tel/Fax: +40-364/143220, +40 -740-137561

E-mail: desire_cluj@yahoo.com, eni_personal@yahoo.com

www.desire-ro.eu

measures to improve spatial integration and should be part of an integrated approach.”⁷ **Mainstreaming Roma policies: programs targeting explicitly but not exclusively marginalized Roma “should be linked to the overall social inclusion policies so that Roma inclusion is mainstreamed and not kept separate from other policy measures.”**⁸

Suggested principles for the human-rights and social inclusion based integrated housing pilot program from Cluj

1. The prioritization of marginalized Roma communities living in Pata Rat, which are amongst the groups most vulnerable to human rights violations (including sub-standard housing conditions and residential segregation, reduced access to quality and non-segregated education, decent jobs and healthcare).
2. Besides observing their universal right to adequate housing and the need for desegregation, it should be recognized that people living today in the Pata Rat area (the whole group evicted from Coastei, but as well as many families from Cantonului street) should receive remedies for the human rights violations suffered by them due to their eviction from the city and their relocation near the polluting municipality garbage dump under substandard housing conditions starting with 2002; moreover, in the case of people settled in Dallas and on the waste hill, remedies should be provided for the exploitation they suffered during many decades as a cheap labor force assuring the selection of the municipality’s garbage under toxic, subhuman and life-threatening conditions.
3. The empowerment of marginalized Roma communities as a precondition for their effective participation (increasing their capabilities to participate in decision-making and in the process of implementing the project, and involving them into each project phase).
4. The accountability of local public authorities regarding the elimination of residential and social segregation of marginalized ethnic Roma (increasing the organizational capacity of local stakeholders to absorb European funds for an integrated pilot project for people from Pata Rat and for long-term strategic programs addressing the Pata Rat area, and the Cluj Metropolitan Area, and

⁷ *Guidance Note on the Implementation of Integrated housing interventions in favor of marginalized communities under the ERDF*, EC, January 2011.

http://www.euromanet.eu/upload/86/94/Guidance_note_Housing_interventions_art_7_2_ERDF.pdf

⁸ The recommendations of DG Justice, European Commission in *Working together for Roma inclusion. The EU Framework explained*, 2011,

<http://www.coe.int/t/congress/Sessions/Alliance/EC-roma.pdf>



FUNDAȚIA DESIRE

pentru Deschidere și Reflexie Socială

Str. Vântului nr. 35, 400221 Cluj, România,

Tel/Fax: +40-364/143220, +40 -740-137561

E-mail: desire_cluj@yahoo.com, eni_personal@yahoo.com

www.desire-ro.eu

strengthening their political commitments towards transforming the national strategy for Roma inclusion into concrete local action plans).

5. Measures assuring access to quality services on the domains of housing, education, employment and healthcare, should be completed by campaigns for eliminating the anti-Gypsy attitudes of the majority (Romanian and Hungarian) population and the discriminatory practices faced by poor ethnic Roma.
6. The respect of the international/ European and national human rights legal framework regarding socio-economic rights (housing, education, employment, health, legal and social protection, free movement, non-discrimination).
7. The use of EU tools (policies and related funds) for developing and implementing multi-fund and multi-sectoral local community-led strategies and programs.

Recommendations regarding the integrated housing program from Cluj dedicated to marginalized communities, among them Roma

Applying the principles from above to the case of our pilot integrated housing project from Cluj-Napoca, the following suggestions should be seriously considered:

- 1) the pilot (integrated housing/social inclusion) project dedicated for people living in Pata Rat should be mainstreamed into the local social housing/social inclusion policies dedicated to marginalized social categories, among them Roma living in poverty;
- 2) the human rights perspective should be among the approaches used in developing the (pilot) integrated housing project
- 3) if the Pata Rat area as industrial/waste management area is not suitable for residential purposes, people living today in Pata Rat should be relocated from there; the municipality should have a long-term strategy for handling the human dimension of the spatial transformations of that area (linked to closing the old garbage dump and the opening of the new waste management center), or differently put, for the desegregation of Pata Rat or the spatial integration of people from Pata Rat to the city;
- 4) the pilot integrated housing project should put into practice the envisioned spatial desegregation measures by providing adequate and affordable housing in mixed neighborhoods with access to social goods and services, for a number of marginalized Roma individuals and families from Pata Rat, through a diverse housing plan that will also benefit disadvantaged non-Roma families; criteria for choosing the beneficiaries of the pilot housing scheme should be developed with the participation of people from Pata Rat;
- 5) the housing component of the pilot integrated housing project centered around desegregation should be sustained by appropriate employment, school education and



FUNDAȚIA DESIRE

pentru Deschidere și Reflexie Socială

Str. Vântului nr. 35, 400221 Cluj, România,

Tel/Fax: +40-364/143220, +40 -740-137561

E-mail: desire_cluj@yahoo.com, eni_personal@yahoo.com

www.desire-ro.eu

social services measures; the latter will target not only people benefiting from the housing component of the pilot project, but as well as other inhabitants of Pata Rata;

6) besides people's economic empowerment by job creation and by assuring their effective access to decent/ non-precarious work, the success of the housing pilot project and long-term program (improvement of housing conditions and territorial desegregation) should be sustained by several other inclusion measures, among them:

- 6.1. Capacity building of local public authorities to provide human-rights and social inclusion-based housing policies, including their training on participatory development and governance, social inclusion, equal opportunities, inclusive city.
- 6.2. Creating a consensus across the representatives of all political parties within the local council regarding the need for:
 - a long-term social housing program in Cluj-Napoca,
 - a firm political commitment towards desegregating Pata Rat,
 - changing the criteria of distributing social housing while introducing affirmative measures supporting the most disadvantaged,
 - providing from the local budget (and/or from extra-budgetary funds) rent subsidies, which could assure that the most disadvantaged might get a chance to sustain their homes within socially mixed neighborhoods.
- 6.3. Establishing a social inclusion unit at the Cluj mayor's office and strengthening its capacity to cooperate with other public and private stakeholders at local, national and international level.
- 6.4. Involvement of the municipality of Cluj-Napoca into networks and alliances of European cities implementing inclusive cities programs and/or integrated housing program for marginalized communities, among them Roma
- 6.5. Creating a consensus among people from Pata Rat regarding the criteria and priorities followed in choosing the beneficiaries of the first set of new homes outside of Pata Rat.
- 6.6. Involving the beneficiaries of the new homes in the construction plan and work on a paid bases, and for that reason, making the involved construction companies to accept the principles of affirmative measures and corporate social responsibility.
- 6.7. Empowerment of beneficiaries in order to assure the sustainability of the housing measures, among others by assuring their full access to social protection and assistance.
- 6.8. Assuring the broad access of people from Pata Rat to the pilot project services provided on the domains of employment, education, healthcare and social assistance.



FUNDAȚIA DESIRE

pentru Deschidere și Reflexie Socială

Str. Vântului nr. 35, 400221 Cluj, România,

Tel/Fax: +40-364/143220, +40 -740-137561

E-mail: desire_cluj@yahoo.com, eni_personal@yahoo.com

www.desire-ro.eu

- 6.9. Combating and changing anti-Roma attitudes of the majority population, for example their refusal to cohabitate with Roma in mixed neighborhoods.
- 6.10. Conducting broad educational campaigns in the city, with the involvement of people from Pata Rat on paid bases from planning the campaign, through producing the campaign materials to conducting them, and also with the involvement of the network of schools acting for inclusive education, and the local mass media.
- 6.11. Developing the long-term 2014-2020 integrated housing program dedicated for people from the Pata Rat area, as part of the Cluj Metropolitan Area strategy.
- 6.12. Legislative changes (modification of Housing Law and Law against Social Marginalization, elaborating a law on social economy) and concrete policy measures for assuring the mainstreaming of social objectives and the objective of social inclusion in all public policies, and for putting into practice the National Strategy for Roma Inclusion at all levels.

Elaborated by prof. dr. Enikő Vincze

President of Foundation Desire

Professor at Babes-Bolyai University, Cluj-Napoca