

## ENHOJUST for an antiracist environmental and housing justice <sup>1</sup>

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In the research carried out by the ENHOJUST project, we used a multidisciplinary methodology to reveal the phenomenon of housing in a toxic environment. In what follows I am briefly describing the applied methods, and – related to each of them – I am formulating our major conclusions and as well as recommendations. (In the written form of this presentation one may also read our conclusions under each dimension of the research).

### 1) As a first dimension of our research, we conducted a case study in an area of Cluj-Napoca, Romania named Pata Rât via three methods:

1.1. We used official documents and oral histories that revealed the historical formation of the residential area under our scrutiny and of the landfill from its proximity. Both show the accountability of the local and county public authorities in the creation of the housing, environmental and health crisis faced by the Roma living in this area.

We concluded:

- The formation of a residential area nearby the landfills would not have happened if the Romanian state and local authorities had complied with international treaties on ensuring the right to adequate housing for all, banning and preventing evictions, and as well regarding the placement of residential areas nearby toxic sites or vice versa.
- The situation in Pata Rât would not have become more acute and permanent if the city government with an annual budget of over 400 million euros have had the political will

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in the past 30 years to invest in relocating the residents of Pata Rât to adequate social housing in the city.

Beyond our case study, generally referring to housing in toxic environment, our recommendation is that the Romanian state should take the following measures:

- Strictly regulate the use of lands for residential purposes that are hazardous due to previous pollution or the current existence of toxic platforms.
- Prohibit the placement of toxic sites under 1000 meters from a formally or informally inhabited area, and vice versa.
- Safeguard access to adequate housing for all in a clean environment. For this purpose, the following are required:
  - Guarantee the effective access to adequate social housing in a healthy environment, which provides affordable homes according to people's income.
  - Prevention of forced evictions through integrated housing and social measures.
  - Legally banning the relocation of the Roma, the poor or homeless people from other areas of the locality under 1000 meters from toxic platforms, and the placement of such sites nearby existing formal or informal housing areas.
  - Immediately relocate the persons/groups/communities living in toxic environments to suitable dwellings in healthy areas of the localities.
  - Ensure that each urban regeneration project has a housing program protecting the vulnerable victims of these transformations and provide them with suitable housing alternatives.

1.2. Between June and December 2021, we measured the air pollution in the residential area from Pata Rât created for Roma by the City Hall in 2010 in the proximity of the landfill. We noticed that the daily average pollution with Hydrogen sulfide exceeded the limit of 0.006 ppm defined by the Romanian national standards as dangerous for a long-term exposure. In what regards the level of the pollution with particular matter we observed that it went well beyond the limits allowed by World Health Organization rules: in the case of PM2.5 this happened for 86 days, and in the case of PM10 for 97 days.

1.3. On the summer of 2021 we made a medical survey on a sample including 283 adult persons living in three out of the four Roma communities from Pata Rât, asking them about their illnesses and perceptions about living in the proximity of the landfill. One of our first and most shocking discovery was that in the communities including approximately 1500 persons, we could find only 15 people above the age of 65.

As a result of the two above investigations, we concluded:

- The long-lasting exposure of people to a toxic environment is an act that not only inferiorizes, dehumanizes, and stigmatizes people, but also endangers their health and lives as if their life would not matter. This is the strongest sign of institutional racism that poor Roma are faced with.

- Marginalization and territorial segregation in this case, and in similar cases, means vulnerability to life-threatening diseases and reduces people's life expectancy.

Therefore, regarding air pollution and its effects on health, our recommendations are the following:

- Measurements of air pollution in residential areas in the vicinity of toxic platforms must also be carried out by public authorities, not just by the polluters, or the measurements of the latter must be monitored by a specialized commission. Besides, the results of these measurements must be communicated to the people affected, and actions must be taken both against the polluters and in favor of those affected.
- People must be informed and consulted about any infrastructural development that affects their safety and health.
- Those who (still) live in toxic areas should be provided with free periodic screening services, special medical consults and treatments.

**2) The second dimension of our research consisted in approaching the county level public institutions and agencies from Romania that are having responsibilities regarding environmental protection, asking them about their knowledge on cases of housing in toxic environment across Romania.**

We concluded:

- In the Romanian institutional system, it is not clear who is responsible for violating the right to live in a healthy environment, or the existing legislation on human settlements in relation to toxic sites (such as landfills, water treatment plants, and the like).
- In this whole horizontal and vertical institutional network, nobody is made accountable or sanctioned or stopped in cases of housing in a toxic environment.

Related to this aspect of the problem, our recommendation is to make institutional changes at central and local governmental levels considering the following principles:

- Clearly define the institutional responsibilities in what regards the effective insurance for all the right to adequate housing in a healthy environment.
- The ministry of health, the ministry of environmental protection, the ministry of development should coordinate their measures for effectively ensuring the right to adequate housing in a healthy environment for all.
- At the local level, the city halls, the county public health directorates and environmental agencies should collaborate to assure that nobody is constrained or enforced to live in a toxic environment.
- Integrated policies and measures at central and local levels should address and solve the problem of unequal exposure to environmental pollution and inadequate housing, and should tackle the most vulnerable, including the poor Roma whose health and life are endangered by living in a toxic environment.

**3) Through the third dimension of our research we studied the international and the Romanian legislation in what regards the right to a healthy environment and the right to adequate housing.**

Comparing the two sets of legislations, we concluded that regarding their harmonization, in environmental matters the situation in Romania is better than in housing matters.

In environmental matters we observed the following:

- By Law no. 86 of May 10, 2000, Romania ratified the Aarhus Convention, so it has assumed that it will comply with it. However, there are many cases in which citizens do not have access to information, are not entitled to participate in decision-making and are not able to have access to justice in environmental matters, and do not receive assistance in exercising this right.
- By the revision of Law no. 429/2003, the Romanian Constitution included articles according to which the state recognizes the right of every person to a healthy and ecologically balanced environment, and it provides the legislative framework for the exercise of this right.

Nevertheless, we recommend that to effectively fulfill the existing legal requirements about the right to a healthy environment, the state should impose strict concrete measures, which enforce and, in cases of noncompliance, penalize the accountable institutions to respect their duties in this domain.

In housing matters the situation is even worse in Romania:

- The international law on adequate housing, established by the United Nations Committee on Economic, Social and Cultural Rights through General Comment no. 4, is not transposed and respected by the Romanian state. Thus, in Romania, the seven criteria of adequate housing are not ensured, among them, the provisions regarding living in a clean and healthy environment are also neglected, alongside the provision of a housing infrastructure (water, sewerage, sanitation) necessary for a healthy life.
- The General Observation no. 7 of the United Nations Committee on the Right to Adequate Housing has provisions on banning and preventing forced evictions. Unfortunately, these directives are not transposed in the Romanian legislation. So, besides the seven criteria of adequate housing not being respected in this country, forced evictions are not tackled by public authorities and in the courts as human and social matters, but only as issues regarding the protection of private property or urbanistic discipline.
- Romania did not ratify the renewed version of the European Social Charta, i.e., the articles referring to housing.

Therefore, we recommend to the Romanian state to harmonize its housing legislation with the European and international one, and in particular:

- Romania must guarantee the right to adequate housing and protection against forced evictions for all. It must improve its Constitution and the national housing law and

should harmonize the latter with the social and non-discrimination legislation and as well as with its law against anti-Gypsism.

**As an overall conclusion, ENHOJUST recommends to the Romanian state to respect the following principles in its housing, environmental and healthcare policies, including legislation and institutional system:**

- Elaborate and implement explicit provisions about the assurance of housing and environmental justice for all, which means ensuring the right to live/ to be housed in a healthy environment.
- Tackle the unevenness of how housing in a toxic environment effects people belonging to different classes, social statuses and ethnicity, i.e., explicitly ban institutional racism, and its special form, environmental racism affecting the Roma, the poor and the homeless. This is key to assure an anti-racist environmental and housing justice, i.e., to guarantee that everybody enjoys their right not to be excluded from the right to live/ to be housed in a healthy environment.