



## Briefing

to the Romanian Government  
on the right to adequate housing with regard to the marginalized Romani  
communities

## Introduction

Amnesty International, the European Roma Rights Centre (ERRC) and Foundation Desire (founder member of the Working Group of Civil Society Organizations, gLOC) submit this briefing jointly to bring to your attention the inadequate housing conditions of approximately 1,500 residents – mostly of Romani origin – of the Pata Rât area in Cluj-Napoca. Our organizations consider that these conditions amount to breaches of Romania's domestic legislation, EU legislation and policies, as well as violations of international human rights law and standards which are applicable to Romania with respect to the right to adequate housing and other related economic and social rights, access to an effective remedy and protection from discrimination. It should be emphasised that the case of Pata Rât is illustrative of much wider patterns of abuse. As the research of Amnesty International indicates, a number of Romani communities throughout Romania live in similar conditions to those experienced in Pata Rât and continue to suffer multiple violations of the right to adequate housing.<sup>1</sup>

Amnesty International, the ERRC and members of the Working Group of Civil Society Organizations (gLOC) from Cluj have documented the situation of people forcibly evicted from Coastei street and actively supported their struggle for justice since the process began.

In advance of evictions, the organizations have brought to the attention of both local authorities the negative social consequences of their actions in forcibly relocating individuals and families to Pata Rât. Subsequently, Amnesty International has brought the case to the attention of the international community, including to thousands of activists and media around the world.<sup>2</sup> The ERRC is involved in litigating a case before the Romanian courts with the aim of ensuring access to legal remedies for those affected by the forced eviction. Members of gLOC have supported the empowerment of families from Pata Rât through street protests, petitions claiming non-discrimination and demanding measures to ensure decent living conditions and cultural programs for children. An NGO, Romani CRISS, successfully challenged in the courts the request for an eviction order against residents of Pata Rât's Cantonului Street.

According to authoritative academic research,<sup>3</sup> the withdrawal of the state from housing provision and the privatization of housing after 1990 created a shortage of affordable and adequate housing across Romania. As a result, a number of socially vulnerable groups who suffer from disproportionately high levels of unemployment and low incomes lack access to adequate housing, including after being subject to forced evictions. As well as being pushed to the margins of society, they are literally "pushed" to the margins of cities as they are forced to relocate to segregated ghettos. ERRC research in November 2012 with the community in Pata Rât examined both the inadequacy of housing, and the discriminatory effect of living in isolation. The ERRC research found that residents reported an increase in discrimination against them

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<sup>1</sup> *Mind the Legal Gap*, Amnesty International EUR 39/00/2012; *Unsafe Foundations*, Amnesty International EUR 39/002/2012

<sup>2</sup> See for example: Romania: Forced evictions of Roma in Romania, Amnesty International EUR 39/007/2010. Available at: <http://www.amnesty.org/en/library/info/EUR39/007/2010/en>; *Romania urged to provide accommodation for homeless families after eviction*, Amnesty International, 22 December 2010. Available at: <http://www.amnesty.org/en/news-and-updates/romania-urged-provide-accommodation-homeless-families-after-eviction-2010-12-22>.

<sup>3</sup> *Landfill: Space of advanced and racialized urban marginality in today's Romania*. Analysis produced within the ongoing research project *Spatialization and racialization of social exclusion. The social and cultural formation of 'gypsy ghettos' in Romania in a European context* (2012-2014), <http://sparex-ro.eu/?p=487>

because of their new address. The overall unemployment rate among adults in the community has increased by over 20 per cent since being forcibly evicted and relocated.<sup>4</sup>

Our main concern is that the lack of (a) legal protection for the right to adequate housing including security of tenure for all, (b) oversight over the implementation of housing policies at the level of local governments,<sup>5</sup> and (c) available affordable housing options, as well as other factors,<sup>6</sup> has resulted in a situation where thousands of people, mainly the socially marginalized and vulnerable – in particular the Roma – are either already, or are at serious risk of experiencing housing rights violations, including forced evictions and homelessness.

In this briefing, we would like to take this opportunity to provide you with:

- details about the forced evictions and relocations of Roma to the Pata Rât in Cluj-Napoca (*Cluj-Napoca: Segregated Pata Rât*);
- a summary of the current legal and policy gaps that allowed the forced eviction and the relocation to inadequate housing to occur (*Legal Gaps; Policy Gaps*);
- information about ongoing Pata Rât-related projects in the city of Cluj-Napoca and recommendations to local authorities;
- legal and policy recommendations to assist with and ensure compliance with Romania's international obligations.

Forced evictions, i.e. evictions without the necessary safeguards (including ensuring that no one is rendered homeless as a result), are unlawful under international law applicable in Romania.<sup>7</sup> It is the responsibility of the government to ensure that the Romanian Housing Law protects the citizens' right to adequate housing in line with international human rights law and standards. Under the Romanian Constitution, the treaties ratified by the parliament are part of national law.<sup>8</sup> International human rights treaties adopted by Romania are thus directly applicable and the national authorities are bound to reflect their provisions the same way they reflect the provisions of domestic law. Consequently, the Romanian authorities will be held accountable for measures – or lack of them – to ensure compliance with these international human rights standards.

At the EU level the EU Race Equality Directive imposes specific obligation on member states to implement measures ensuring that access to housing is not subject to discrimination, including segregation. The government appointed in December 2012 will be held accountable for ensuring

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<sup>4</sup> ERRC, *Taken from the City: Romanian Roma evicted to a rubbish dump*, December 2012, available at: <http://www.errc.org/cms/upload/file/romania-report-pata-rat-17-dec-2012-en.pdf>.

<sup>5</sup> And lack of other policies that have an impact on the right to housing.

<sup>6</sup> Such as rise of unemployment as a result of the transition from centrally-planned to market economy, coupled with discrimination in access to labour market resulting in diminishing job opportunities and thus also disposable income.

<sup>7</sup> The UN Human Rights Committee has stated that forced evictions contravene Article 17 of the International Covenant on Civil and Political Rights, which provides for the right to the protection of the law against arbitrary or unlawful interference with a person's privacy, family or home. Forced evictions also amount to a violation of the International Covenant on Economic, Social and Cultural Rights (CESCR, General Comment no. 7 on the right to adequate housing).

<sup>8</sup> Article 11 (1)

the enforcement of the provisions of the Race Equality Directive and also ensuring that expenditure of EU structural funds for the new programming period (2014-2020) comply with the *EU Framework for National Roma Integration Strategies*, and also with the objectives of the Europe 2020 strategy targeting a smart, sustainable and inclusive growth.<sup>9</sup>

### **Cluj-Napoca – relocation to Pata Rât : Multiple human rights violations and segregation**

Pata Rât is an industrial area on the outskirts of Cluj-Napoca which also is the location of the city's landfill. In the course of the past forty years it has become an area where people – mostly Roma – who had been experiencing difficulty finding more appropriate accommodation had started to reside. Currently, about 1,500 persons, half of them children, live in Pata Rât. They live in four settlements: *Dallas*, *Cantonului Street*, *Colina Verde* and the landfill.

Around 42 per cent of the residents were moved to Pata Rât by the local authorities. This applies to all of the families settled in *Colina Verde* who were relocated there following a forced eviction on the 17 December 2010. Approximately half of the families from *Cantonului Street* have been living there for over a decade having been moved there in 2002. According to Amnesty International's research and a survey by the UNDP, about 10 per cent of those who live on the landfill site have also been moved there by the local authorities. The oldest settlement in Pata Rât is *Dallas*, which has developed since the 1980s when people had started moving there due to the proximity of the landfill that had become for a source of livelihood for most of them. The land in *Dallas* is now privately owned by a Dutch Foundation (Pro Roma) that has been providing humanitarian and housing support for the inhabitants for more than 15 years. Despite these efforts, *Dallas* continues to be an informal settlement whose residents continue working (informally) on the municipality's landfill.

The city landfill dwellers lead a particularly precarious existence: characterized by inadequate housing conditions, severe poverty, lack of access to health care,<sup>10</sup> education or any form of social assistance, polluted environment<sup>11</sup> ethnic segregation, and stigmatization and discrimination in access to services and work opportunities resulting in multiple human rights violations.

Residents of *Colina Verde* interviewed by Amnesty International<sup>12</sup> repeatedly emphasized that they did not want Pata Rât entered as their domicile address on their identity papers due to fear that would be subjected to discrimination in access to services such as hospitals, schools and employment. According to recent research by the ERRC, currently less than half (approximately 49 per cent) of the residents of *Colina Verde* have identity papers registered with an address at Pata Rât. This fear is borne out by the fact that a number of residents have reported that they have been rejected by potential employers when their residence was revealed.<sup>13</sup> Consequently, it

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<sup>9</sup> Available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2010:2020:FIN:EN:PDF>

<sup>10</sup> Due to lack of health insurance, they can access healthcare mostly only in emergency situations.

<sup>11</sup> In Annex 8 of Cluj-Napoca's General Urban Plan (Plan Urbanistic General, PUG) entitled *Polluted sites in the administrative territory of Cluj-Napoca Municipality*, Pata Rat is mentioned as a public site whose toxic nature is analytically proved. Available at: [http://www.primariaclujnapoca.ro/userfiles/files/PUG%20aprilie%202012/cd2%20Raport%20de%20med/Piese%20scrise/RLU\\_2012\\_04\\_03\\_aprilie/ANEXE/Anexa8\\_situri%20contaminate.pdf](http://www.primariaclujnapoca.ro/userfiles/files/PUG%20aprilie%202012/cd2%20Raport%20de%20med/Piese%20scrise/RLU_2012_04_03_aprilie/ANEXE/Anexa8_situri%20contaminate.pdf)

<sup>12</sup> Interviews conducted in October 2011, March 2012 and October 2012.

<sup>13</sup> Amnesty International interviews with the inhabitants of Colina Verde, October 2012; ERRC's survey in Colina Verde, November 2012.

is unsurprising that many residents' socio-economic situation has significantly worsened after their forced eviction and relocation to Pata Rât.

Access to education and healthcare have also been negatively impacted. On several occasions ambulances refused to respond to calls from *Colina Verde* and, even when they did, residents had to wait between 2.5 and 3 hours for an ambulance to arrive. 25 per cent of children report being subjected to racist remarks at school while 10 per cent of children have been placed in special education classes since being relocated to Pata Rât despite having never previously been in such classes. Other children have been refused enrolment in the schools attended by their older siblings because they are now living in Pata Rât.<sup>14</sup>

In 2004 and 2005, through the efforts of an NGO project – and with the agreement of the Cluj municipality – half of the residents of *Cantonului* settlement were provided with temporary houses. Despite these limited positive developments, the inhabitants still faced the potential risk of forced eviction in 2011 when the local branch of the Romanian Railway Company (CFR) claimed the land on which the houses were constructed. Although the court rejected the request, the inhabitants of *Cantonului Street* continue to lack security of tenure placing them at ongoing risk of forced eviction.

The residents of *Cantonului Street*, *Dallas* and the landfill continue to not register these areas and streets as their domiciles on their identity papers. A number of them do not possess identity cards at all.

**In a context where more than 80 per cent of Roma in Romania live in households at risk of poverty (double the percentage of non-Roma individuals living in the same areas)<sup>15</sup> the actions of the local authority in forcibly evicting and relocating individuals and families to Pata Rât further marginalizes Roma and make them even more economically vulnerable, and requires strong scrutiny and appropriate remedial action by the central government authorities.**

All state authorities, both at the national and local level, have an obligation under international law to respect, protect and fulfil the human rights – civil, political, economic, social and cultural – of all of Romania's people without discrimination. This includes the need to develop and implement policies, plans and programmes which are in line with the country's international human rights obligations thereby ensuring inclusion of those who were marginalized and segregated as a result of their decisions and policies.

It is on this bases that authorities at all levels should cooperate to deliver housing-related integrated projects and programmes,<sup>16</sup> including measures for the residential desegregation of Pata Rât. These should be elaborated with the genuine consultation and participation of affected people and involvement of civil society organizations. During this process, principles of territorial desegregation, social cohesion and inclusion should be translated into concrete plans, targets with timelines and benchmarks, including appropriate affirmative action to effectively

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<sup>14</sup> ERRC, *Taken from the City: Romanian Roma evicted to a rubbish dump*, December 2012, available at: <http://www.errc.org/cms/upload/file/romania-report-pata-rat-17-dec-2012-en.pdf>.

<sup>15</sup> European Union Agency for Fundamental Rights and the United Nations Development Programme. "The situation of Roma in 11 EU Member States", May 2012, p. 24.

<sup>16</sup> This also applies to projects such as the "Integrated Waste Management System in Cluj County" which will result in closing down of the landfill in Pata Rât; or the local development plans for 2014-2020.

address the needs and rights of the most vulnerable and marginalized communities, including the Roma.

### **Legal gaps *vis-à-vis* Romania's international obligations**

Romania is party to a range of international and regional human rights treaties, which guarantee the protection of the right to adequate housing without discrimination. These treaties include the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Convention on the Rights of the Child, the International Convention on the Elimination of All Forms of Discrimination, the European Convention on the Protection of Human Rights and the Revised European Social Charter. Under the obligations stemming from these treaties, Romania has to ensure that the right to adequate housing, including the right to be protected from forced evictions, is respected throughout the country.

However, these provisions have been inadequately transposed into Romanian legislation.<sup>17</sup> The Romanian Civil Code provides some safeguards against forced evictions. However, rather than guaranteeing security of tenure for all (as required under international law) the safeguards only apply to tenants or owners who have formal tenure status. The Code explicitly excludes protection against forced evictions for those who live in informal dwellings (Law no. 202/2010: Art. 578 (1) which modifies the Code of Civil Procedure). A number of local authorities interviewed by Amnesty International justified the forced evictions of Romani families and the demolition of their houses by specifically relying on the lack of legal protection available to those living in informal settlements.<sup>18</sup>

Article 3(1)(h) of the EU Race Directive Equality Directive<sup>19</sup> (Race Directive) prohibits racial discrimination in the area of housing. The Race Directive also emphasizes that the enforcement of the equal treatment principle requires a cross-sectoral approach:

*“[S]pecific action in the field of discrimination based on racial and ethnic origin should go beyond access to employed or self-employed activities and cover areas such as education, social protection including social security and healthcare, social advantages and access to supply of goods and services.”<sup>20</sup>*

At odds with these obligations, the gaps in Romanian legislation contribute to an environment in which individuals and communities who live in informal dwellings and settlements are discriminated against. Many of the informal settlement dwellers make up the 2.2 million Roma living in Romania. They are exposed daily to the risk of forced evictions violating their right to adequate housing and other human rights. As a result of the lack of legal protection, Roma and other vulnerable people also suffer from lack of access to remedies against these violations. This

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<sup>17</sup> *Unsafe Foundations: Secure the Right to Housing in Romania*. Amnesty International EUR 39/002/2012, 8 May 2012, pp. 2-3

<sup>18</sup> Amnesty International interviews with: the vice mayor of Cluj-Napoca (December 2010), the local authorities of Tulcea (April 2011), the mayor of Baia Mare (October 2011, May 2012, October 2012).

<sup>19</sup> The European “Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin”. According to Article 3(1)(h) the Directive “shall apply to all persons, as regards both the public and private sectors, including public bodies”, in relation to “access to and supply of goods and services which are available to the public... including housing.”

<sup>20</sup> Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin, (preamble) para. 12.

situation places Romania in breach of its own anti-discrimination legislation<sup>21</sup> transposing the Race Directive into domestic law.

### **Continued failure to implement progressive EU housing policies and strategies**

Romania, as a member state of the EU, has agreed to and is obliged to implement a range of progressive housing policies and strategies. However, as the EU Commission itself has recognized, the government is making insufficient concrete progress.

In January 2011, the European Commission issued a *Guidance note on the implementation of integrated housing interventions in favor of marginalized communities under the European Regional Development Funds*, encouraging member states to apply an integrated approach to housing “in favor of marginalized communities, including marginalized Roma communities.”<sup>22</sup> This approach requires the implementation of appropriate housing projects “together with other types of interventions including interventions in the areas of education, health, social inclusion and employment.”<sup>23</sup> EU structural funds should be used in such a manner that they “improve spatial integration”.<sup>24</sup>

The *Europe 2020 Strategy* aims to ensure a “smart, sustainable and inclusive growth”, and recommends using an area-based approach or a territorial perspective that among other things promotes the social objective of inclusion and cohesion. The fight against poverty is one of the flagship aspects of the Strategy: it aims to ensure that the benefits of growth and jobs are widely shared and people experiencing poverty and social exclusion are enabled to live in dignity and take an active part in society.<sup>25</sup>

The centrality of housing to social inclusion is also reflected in EU Regulation no. 437/2006 governing the European Regional Development Fund, which opened up the possibility to use EU structural funds for housing interventions in member states. In October 2011, in preparation for the next programming period for the structural funds, the European Commission adopted a legislative proposal for the cohesion policy. *Community-led local development: Cohesion policy 2014-2020*<sup>26</sup> which envisages the integrated use of the EU funds to deliver cohesive and multi-sectoral local development strategies.

With particular reference to the Roma, the *EU Framework for National Roma Integration Strategies* (EU Framework) aims at eliminating persistent economic and social marginalization, breaking the vicious circle of poverty, ensuring an active dialogue with the Roma. It seeks to ensure that public authorities assume responsibility for these matters, including addressing prejudices amongst the majority population whilst tackling the mindset of the Roma themselves,

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<sup>21</sup> Ordinance No. 137/2000

<sup>22</sup> Guidance Note on the Implementation of Integrated housing interventions in favor of marginalized communities under the European Regional Development Funds, EC, January 2011, [http://www.euromanet.eu/upload/86/94/Guidance\\_note\\_Housing\\_interventions\\_art\\_7\\_2\\_ERDF.pdf](http://www.euromanet.eu/upload/86/94/Guidance_note_Housing_interventions_art_7_2_ERDF.pdf)

<sup>23</sup> Id. note 18, p. 3

<sup>24</sup> Id. note 18, p. 4

<sup>25</sup> Europe 2020: A strategy for smart, sustainable and inclusive growth. COM(2010) 2020 final, p. 32.

<sup>26</sup> Community-led local development. Cohesion policy 2014-2020, EC, October 2011, [http://ec.europa.eu/regional\\_policy/conferences/od2012/doc/community\\_en.pdf](http://ec.europa.eu/regional_policy/conferences/od2012/doc/community_en.pdf)

ensuring nondiscrimination and equal access to fundamental rights, using a targeted approach towards Roma (measures that explicitly, but not exclusively target them), whilst acting in four crucial areas (education, employment, healthcare and housing). Last, but not least, authorities must ensure proper funding for such interventions, whilst developing and implementing effective and transparent monitoring and evaluation systems. Following the adoption of the EU Framework, member states are under obligation to develop national strategies for Roma integration which should provide for concrete measures in the areas identified the EU Framework (including housing).

### **Pata Rât-related projects in Cluj-Napoca and recommendations to local authorities**

Since June 2012, with the support of Open Society Institute, the United Nations Development Program has been involved in providing technical assistance to the mayor's office of Cluj-Napoca. The main goal of this assistance is to develop an integrated housing pilot project specifically aimed at marginalized Roma from Pata Rât.<sup>27</sup>

To ensure that the project delivers effective and adequate remedies for the human rights violations suffered by the communities living in Pata Rât and that it leads to their reintegration, Amnesty International, ERRC and members of the Working Group of Civil Society Organizations from Cluj call on the authorities to ensure that:

- the integrated housing pilot project is designed and implemented in line with the country's relevant international human rights obligations to ensure that it guarantees the right to adequate housing for all participants and is socially inclusive
- the pilot project delivered in 2013-2014 will be elaborated and implemented both as an integral part (or a first phase) of a long-term integrated housing program addressing the human rights and social inclusion of people from the Pata Rât area, and as part of a long-term strategy targeting social inclusion through housing policies for the whole Cluj Metropolitan Area (2014-2020);
- that people living in the Pata Rât area will receive effective and adequate remedies for the range of human rights violations they have suffered since the last decade, including forced evictions and relocation to substandard housing conditions.

### **Recommendations for the Romanian Government**

It is recognized that in the wider context of macroeconomic policies continuing to result in austerity cuts in social benefits and services, it is difficult to envisage how integration projects themselves – such as those being planned and implemented in Cluj-Napoca – will adequately address marginalized ethnic Roma's social exclusion. Hence, these local initiatives must be complemented by appropriate legislative measures at the national level. Indeed, locally integrated housing projects such as the one elaborated in 2012 in Cluj-Napoca by the local authorities with the technical assistance of the UNDP *cannot* be successfully implemented if not adequately supported by central government.

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<sup>27</sup> "Preparatory Phase for Model Project: Making the Most of EU Funds for Sustainable Housing and Inclusion of disadvantaged Roma (explicitly but not exclusively targeted) in Cluj Metropolitan Area"



Accordingly, the new parliament and government should urgently take the necessary measures – both legal and practical – to ensure that the projects will be designed and implemented in line with the country’s relevant international human rights obligations. At the same time government action should facilitate the inter-connected and integrated use of the EU Structural Funds to deliver cross-sectoral inclusion programs (including housing) targeting disadvantaged and marginalized communities, including the Roma.

These actions by the Romanian Government would also be in line with the commitments it has made on a number of occasions to take measures to ensure the social inclusion of marginalized ethnic Roma. For example, in 2001 it adopted the Strategy for the Improvement of the Condition of Roma<sup>28</sup> This was followed by the development of an Action Plan covering housing, health, education and employment within the *Decade for Roma Inclusion 2005-2015*. Most recently, in 2011, within its obligation under the "EU Framework for National Roma Integration Strategies up to 2020" Romania developed its *National Strategy for Roma Inclusion*. The National Strategy acknowledges that “[l]ack of decent housing and utilities, of documents of property on houses and lands leads to social exclusion, blocking the access to social assistance, medical assistance, education and, in general, to all citizen rights.”<sup>29</sup> In response to this need the government has made a commitment to build social housing for vulnerable groups such as the Roma.

However, all of these commitments appear not to be translating into concrete action. This was recognized by the European Commission itself when, in May 2012, it presented its evaluation of the Romanian National Strategy stating that it:

*“does not appropriately address access to (social) housing. Detailing a calendar, targets, indicators, and budget are needed to secure the effective implementation. The strategy could be improved by identifying areas with extremely poor communities and defining targeted measures to address the specificities of the situations.”*<sup>30</sup>

To sum up, the Romanian government has obligations – under its own strategic plans, EU legislation and policies and international human rights law – to address the lack of access of vulnerable individuals and groups, in particular the Roma, to adequate housing. A sustainable solution to the existing problem of marginalization and inadequate housing for Roma requires an integrated approach which links housing to other services, such as education, healthcare and social services. For this reason, the Romanian government, and in particular the Ministry of European Funds and the Ministry of Regional Development and Administration should seriously consider the recommendation of the European Commission regarding the need for better support Roma targeted projects, and to align them with their national Roma integration strategies:

*The Commission will examine with Member States changes to their operational programs in order to address new needs, simplify delivery and speed up the implementation of*

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<sup>28</sup> Government Decision no 430/2001

<sup>29</sup> Strategy of the Government of Romania for the Inclusion of the Romanian Citizens Belonging to Roma Minority for the Period 2012-2020, 2011, p. 8. Available at: [http://ec.europa.eu/justice/discrimination/files/roma\\_romania\\_strategy\\_en.pdf](http://ec.europa.eu/justice/discrimination/files/roma_romania_strategy_en.pdf)

<sup>30</sup> European Commission’s assessment of the National Strategy for Roma Inclusion. Available at: [http://ec.europa.eu/justice/discrimination/files/country\\_factsheets\\_2012/romania\\_en.pdf](http://ec.europa.eu/justice/discrimination/files/country_factsheets_2012/romania_en.pdf)

*priorities, including the use of the housing-related integrated approach foreseen in the European Regional Development Fund modified Regulation* <sup>31</sup>

## **Specific recommendations**

### **Prohibit forced evictions**

To ensure that the implementation of these projects is compliant with Romania's international human rights obligations, it is recommended that the government enshrine the right to adequate housing in domestic law and, specifically, prohibit all forced evictions and require that appropriate legal and procedural safeguards (as set out under international law) are complied with prior to any eviction being undertaken (See Appendix 1: Unsafe Foundations).

It is further recommended that the government take the following measures to ensure that it delivers the right to adequate housing for all its people:

### **Ensure legal security of tenure for all**

- ✓ Establish a framework that will confer legal security of tenure on people who currently lack the minimum degree of tenure status, in genuine consultation with the affected communities.

### **Ensure affordability of housing**

- ✓ Introduce regulations to oversee levels of rents and other housing related costs, increases in rents, mortgages and other forms of housing finance to ensure that housing related costs do not threaten other needs.
- ✓ Strengthen the enforcement of the Law for the Prevention of Social Marginalization, including through provisions facilitating the development of the public housing stock, and through programmes that would adequately respond to the existing needs for provision of housing subsidies, or other forms of assistance to people who cannot otherwise obtain affordable housing, prioritizing the most disadvantaged groups.
- ✓ Construction policies and identifying unoccupied units to facilitate provision of low-cost housing.

### **Ensure adequacy of housing**

- ✓ Introduce standards setting out requirements of habitability, durability, location and availability of services, facilities and infrastructure, in line with the international standards.
- ✓ Introduce mechanisms to ensure that all local authorities comply with these standards while constructing any new housing or while resettling communities.

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<sup>31</sup> [EC, 9 February 2011, Guidance note on the implementation of integrated housing interventions in favor of marginalized communities under the ERDF, approved by the Committee of Coordination of the Funds.

- ✓ Guarantee minimum essential levels of water for personal and domestic uses and sanitation, irrespective of their ability to pay.
- ✓ Review of the existing subsidy programmes to ensure that people are able to heat their homes in winter.
- ✓ Setting up programmes and policies to facilitate the upgrading of homes that do not comply with the adequacy standards, prioritizing the most disadvantaged groups and areas where people's health and lives are at risk because of poor quality of housing.

#### **Ensure monitoring and accountability**

- ✓ Effective mechanisms for monitoring all authorities, whether at the national or local levels, to ensure that they act consistently with these legal provisions.
- ✓ Provide for effective and adequate remedies and reparations to all persons whose right to adequate housing is violated, including through recourse to the courts where necessary.

Amnesty International, the ERRC and members of the Working Group of Civil Society Organizations from Cluj would welcome an opportunity to discuss with you these recommended measures in greater detail, together with the government's short and medium term plans on implementing the National Plan for Roma Inclusion, as well as the situation of the marginalized communities in Pata Rât in Cluj-Napoca.