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Joint Statement by

Council of Europe Commissioner for Human Rights Thomas Hammarberg

and

UN Special Rapporteur on the Right to Adequate Housing Miloon Kothari

**“Governments Should Take Positive Steps
to Protect the Housing Rights of Roma in Europe”**

Housing rights of Roma are abused in several parts of Europe. Our offices have received an increasing number of complaints about this problem in a great number of European states including Albania, Bosnia and Herzegovina, Bulgaria, Czech Republic, France, Greece, Hungary, Ireland, Italy, Romania, Russian Federation, Serbia, Slovak Republic, Slovenia, Spain, Turkey and United Kingdom.

Most of these communications have reported of evictions of Roma communities and families which have been carried out in violation of human rights standards especially as regards the right to adequate housing and privacy, procedural guarantees and remedies.

In recent years, there has been an undeniable growth of anti-Romani sentiment or “anti-Ziganism” in Europe. It is regrettable that the actions of many public authorities – particularly at the local level – have been to acquiesce in this intensification of anti-Romani hatred. As a result, the rate and number of forced evictions of Roma have grown dramatically, and segregation and ghettoization in the housing field appears to have intensified and become entrenched in recent years.

Forced evictions often involve acts of violence or threats of violence against Roma. There is also a tendency that market considerations and contempt toward persons regarded as “Gypsies” coalesce in the actions of municipalities carrying out urban renewal programs, in which the eviction of Roma from city center – and public view – is an active component of public policy. These are issues of deep concern for social justice in Europe.

The major international human rights instruments codifying the right to adequate housing include the International Covenant on Economic, Social and Cultural Rights and the Revised European Social Charter. Many other UN treaties, the European Convention on Human Rights and EU legislation in the field of non-discrimination are also relevant.

The right to adequate housing is crucial for the enjoyment of other rights. Therefore, violations in this area have far reaching impacts on the abilities of Roma and Traveller individuals and communities to effectively enjoy the right to privacy, freedom from degrading treatment, education, employment, food, health, social security, freedom of movement, as well as electoral rights such as voting and the right to stand in elections. Slum housing of Roma has in recent years resulted in refused ambulance services in cases of medical emergency, and denied or failed postal services, causing missed scholarship opportunities and other obstructed goods.

The substandard education of Roma noted in many European countries is often a result of placement far from decent schools or repeated eviction. There is a gender dimension to housing rights as well and the multiple discrimination and violence experienced by Romani women must be taken into account when positive measures are carried out.

We are of the view that concerted effort is required at national, local and pan-European level to end the housing crisis of the Roma. There is an evident need to improve laws, policy and practice:

- Domestic legal provisions should be strengthened – instead of eroded - to ensure security of tenure for all vulnerable groups and individuals;
- Legal protection against forced eviction should be brought into conformity with international law; national authorities are encouraged to apply the Basic Principles and Guidelines on Development-Based Evictions and Displacement prepared by the Special Rapporteur under the auspices of the UN Human Rights Council¹;
- Where persons and/or communities have been expelled from their housing or land, either as a result of ethnic or other conflict or as a result of arbitrary acts by the public administration or persons acting on their behalf, due remedy and restitution should be swiftly forthcoming; persons or entities culpable for violations of law should be brought to justice;
- The use of criminal law measures to thwart nomadism should be ended, and adequate site provision should be provided for Travellers in countries, regions or areas where there are such communities;
- Roma settlements lacking recognized tenure should be formalized and brought up to standards adequate to ensure the dignity of the inhabitants. There should be full and meaningful consultation with affected Roma communities;
- Robust national legal frameworks should be enacted to ensure compliance by local authorities with the international law in the field of housing rights;
- European legal standards on anti-discrimination law should be rigorously enforced to ensure an end to arbitrary treatment based on racial animus against Roma.

¹ For the full text of the guidelines see UN Document [A/HRC/4/18](#) at <http://www.ohchr.org/english/issues/housing/annual.htm>