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Discrimination against Roma and Travellers in the field of housing

Report[1]
Committee on Equality and Non-Discrimination
Rapporteur: Mr František KOPŘIVA, Czech Republic, Alliance of Liberals and Democrats for Europe

Summary

Centuries-old dynamics of hatred, contempt and discriminatory policies have left many Roma and Travellers in Europe consigned to racially segregated, inadequate housing, often lacking the most basic facilities, and often highly vulnerable to forced evictions, demolition or attack. Communities that wish to maintain an itinerant lifestyle are frequently confronted with a severe shortage of adequate sites, leading to unsuitable, overcrowded living conditions for them and tensions with local residents and authorities.

Antigypsyism and anti-nomadism in society, including amongst politicians remain a fundamental cause of the grave human rights violations faced by Roma and Travellers in the field of housing. Inertia, indifference, inaction, neglect, resistance and sometimes overt hostility constitute major obstacles to resolving these issues. A lack of capacity in this field compounds the problems faced.

States must tackle these issues, in co-operation with local and regional authorities and in close consultation with representatives of Roma and Travellers. They must adopt sustainable solutions, notably by mapping needs, putting an end to forced evictions, strengthening antidiscrimination legislation, adopting broad support measures, allocating adequate funding including by making use of available European and international funds, and working to overcome stereotypes and prejudice within society.

1. Reference to committee: Doc. 14590, Reference 4399 of 8 October 2018.

Contents **Page**

A. Draft resolution 3
B. Explanatory memorandum by Mr František Kopřiva, rapporteur 6
1. Introduction 6
2. Segregation and isolation 7
3. Evictions and demolitions 8
4. Inadequate living conditions 10
5. Lack of access to the private housing market or to social housing 11
6. Impact of the lack of legal title on other rights 11
7. Inadequate provision of and inadequate living conditions on halting sites 11
8. Threats and violent attacks against areas where Roma and Travellers live 13
9. Antigypsyism and anti-nomadism in public and political discourse and policy 13
10. Covid-19 and the housing conditions of Roma and Travellers 14
11. Key international human rights standards 14
11.1. European Convention on Human Rights 14
11.2. European Social Charter (revised) 15
11.3. International Covenant on Economic, Social and Cultural Rights 15
11.4. ECRI General Policy Recommendation No. 13 on combating antigypsyism and discrimination against Roma 16
12. Inclusion and integration strategies and international co-operation 16
13. Conclusions 17

A. Draft resolution[2]

1. The right to adequate housing is a recognised international human rights standard, applicable in all Council of Europe member States. Yet for far too many of the estimated 10-12 million Roma and Travellers living in Europe today, access to this right remains illusory. This is the case regardless of whether they seek housing in the form of permanent (fixed) homes or mobile homes adapted to an itinerant lifestyle.

2. The Parliamentary Assembly condemns the fact that many Roma still live segregated from the rest of society, often in isolated settlements on the outskirts of urban centres, through no choice of their own. Such spatial segregation aggravates social isolation and also contributes to the segregation of Roma children in schools. The lack of public transport to isolated, segregated settlements moreover exacerbates difficulties in accessing the labour market and adequate healthcare.

3. The Assembly deplores the fact that lack of access to both the private property market and social housing forces many Roma to live in informal settlements, with no access to electricity, gas or running water, and in unsafe and unhealthy constructions. Far too often, Roma are pushed into living on land that is itself insalubrious and unsafe. Such living conditions harm their health and life expectancy, and hinder access to education and employment.

4. Where Roma do not have legal title to their homes or to the land on which they are built, they are highly vulnerable to forced evictions – without due notice, legal assistance or the provision of alternative accommodation, in violation of international human rights law – and to the demolition and destruction of their property. Such evictions have a devastating impact on other rights, as children lose access to schooling and parents to sources of employment. Where no sustainable alternative accommodation is provided, those concerned may furthermore become homeless or locked into an increasingly harmful cycle of forced evictions. The latter are moreover frequently conducted under high media scrutiny, which casts the evicted persons in a negative light, fuelling antigypsyist stereotypes and sentiments.

5. In many States, insufficient sites are provided for Travellers wishing to maintain an itinerant lifestyle, forcing them to stop in unauthorised locations, whether on public or private property, and exposing them to being violently expelled and moved on – but with nowhere to go. The sites that are provided are often not adequately equipped or maintained. Travellers too are thus frequently exposed to insalubrious living conditions, with all the human rights violations these entail.

6. The Assembly deplores the antigypsyism and anti-nomadism that are frequently at the heart of these grave human rights violations. Instead of seeking to build trust and mutual confidence and combating these phenomena, local authorities often use their prevalence among inhabitants as an excuse for taking no action to remedy these violations, or for carrying out forced evictions. Images of Roma and Travellers living in inadequate conditions are moreover frequently used by both politicians and the media to fuel such racist sentiments further. In both cases, the failure to provide long-term solutions not only prolongs the human rights violations experienced by Roma and Travellers but also increases tensions and sources of conflict within communities.

7. The Assembly strongly condemns the numerous violent racist attacks that have been carried out in recent years in many member States against villages, settlements, sites, houses, dwellings, caravans and other places where Roma and Travellers live. It underlines that segregated living conditions aggravate the risks of such criminal actions, by making these areas easy targets for attack.

8. The Assembly moreover underlines that the situations described above violate numerous international human rights instruments and standards, including but not limited to the European Convention on Human Rights (ETS No. 5), the European Social Charter (Revised) (ETS No. 163), the Framework Convention for the Protection of National Minorities (ETS No. 157) and the International Covenant on Economic, Social and Cultural Rights, as well as General Policy Recommendation No. 13 on combating antigypsyism and discrimination against Roma adopted by the European Commission against Racism and Intolerance (ECRI). They are also regularly denounced by ECRI and the Advisory Committee on the Framework Convention in their country monitoring work.

9. The Assembly observes that situations of inadequate housing, including the failure to provide sufficient halting sites for Travellers, may result in some cases from a failure to analyse the needs of Roma and Travellers in this field and to make provision for them in consequence. They may also in part be due to

2. Draft resolution unanimously adopted by the committee on 15 September 2021.

inadequate legislation at national level, inadequate implementation of it by local authorities, or both. Frequently, local authorities that fail to respect their obligations under national law in the field of housing face few or no sanctions, allowing these violations to persist for many years.

10. The Assembly welcomes the adoption by many European States in recent years of strategies for Roma inclusion which include elements devoted to improving the access of Roma and Travellers to adequate housing. However, it regrets that these strategies are frequently not accompanied by the allocation of sufficient funding, and local, regional and national authorities often do not make use of funds provided at European and international level that could contribute to eliminating human rights violations in this field. It is clear that much remains to be done in order to make the right to adequate housing and accommodation a lived reality for Roma and Travellers in Europe.

11. In the light of the above considerations, the Assembly urges member States of the Council of Europe, in co-operation with local and regional authorities having competencies in the field of housing, including the provision of halting sites for Travellers, and always in close consultation with representatives of Roma and Travellers, to:

11.1. map the housing and accommodation needs of Roma and Travellers living in or travelling through the areas for which they are responsible, and co-operate with neighbouring authorities to ensure that a holistic perspective is taken, guaranteeing that these needs will be fully provided for;

11.2. explore all measures that could respond to the needs identified in their State and that would enable Roma and Travellers seeking permanent housing to accede to it, including measures such as the legalisation of existing homes, including caravans; ensuring that persons living without legal title to property can benefit from security of tenure; providing or facilitating access to microcredits enabling the acquisition of property; increasing the provision of social housing and revising the criteria of access to it in order to ensure that Roma and Travellers are not arbitrarily excluded from it;

11.3. ensure that the measures implemented provide sustainable and holistic solutions, including by providing necessary infrastructures such as access to running water, sewerage systems, electricity and gas, as well as adequate roads, ensuring access to indispensable public services such as schooling, healthcare and public transport;

11.4. ensure that the measures implemented do not themselves contribute to creating or maintaining the segregation of Roma and Travellers, but on the contrary encourage their full inclusion in local communities;

11.5. allocate sufficient funding to these measures, and make use to the fullest extent possible of European and international sources of funding;

11.6. put an immediate end to forced evictions of Roma and Travellers, and notably:

11.6.1. carry out evictions only as a last resort and in the most exceptional circumstances, where no other alternative exists, and following full consultation of and negotiation with the persons concerned;

11.6.2. provide adequate notice of any planned evictions, ensure that all Roma and Travellers subject to eviction are fully informed of their rights and make available to them effective and affordable legal remedies, including access to legal assistance;

11.6.3. propose adequate alternative accommodation to all individuals concerned prior to any eviction, ensuring that such accommodation does not lead to or perpetuate segregation;

11.6.4. ensure respect for the best interests of the child at all times, and take full account in this context of the need to ensure that families are not separated and that equal access to education and healthcare is guaranteed;

11.6.5. ensure that any evictions effectuated are carried out without violence, harassment or discrimination and without endangering the health, life or well-being of the persons evicted, and that no evictions are carried out during the winter or periods of cold weather;

11.6.6. ensure that Roma and Travellers subject to eviction are able to salvage their belongings and are not coerced into destroying their homes.

12. The Assembly considers that fulfilling the right of Roma and Travellers to adequate housing requires broader support measures, and therefore calls upon member States to:

12.1. ensure that international human rights standards with respect to the right to adequate housing, including with respect to the prevention of forced evictions, are fully incorporated in domestic legislation, and that such legislation also covers the right to live in mobile housing;

12.2. enact and strictly enforce legislation to prevent the carrying out of evictions contrary to the above safeguards;

12.3. ensure that national anti-discrimination legislation applies to the right to housing and that acts of discrimination against Roma and Travellers in this field are effectively sanctioned;

12.4. support civil society organisations working to combat discrimination against Roma and Travellers and ensure that Roma and Travellers are not arbitrarily excluded from access to legal aid and assistance in cases concerning the right to adequate housing and to be free from discrimination in this field;

12.5. work together with local authorities and communities, including with civil society representatives and other relevant stakeholders, to improve communication, mutual understanding and trust, as the most effective means of identifying and implementing long-term solutions to prevent human rights violations in this field.

13. The Assembly welcomes the continued attention paid by the Committee of Ministers to the realisation of the rights of Roma and Travellers, through the adoption of the Council of Europe Strategic Action Plan for Roma and Traveller Inclusion (2020-2025). It welcomes the latter's recognition that antigypsyism and discrimination in the field of housing perpetuate the marginalisation of Roma and Traveller communities and individuals and hinder policy initiatives to improve their situation, and considers it crucial that these issues are covered in the monitoring of the implementation of the Action Plan.

14. It also welcomes the continuing co-operation between the Council of Europe and the European Union in this field, notably through the implementation of their ROMACT and ROMACTED Joint Programmes, which aim to assist mayors and municipal authorities to work together with local Roma communities to develop policies and public services that are inclusive of all, including Roma, and to improve the responsiveness and accountability of local authorities towards marginalised Roma communities.

15. Given the unique mandate of the Council of Europe Development Bank (CEB) to promote social cohesion in Europe, the Assembly calls for local, regional and national policymakers to consider collaboration opportunities with the Bank in provision of such housing needs, given the Bank's unique mandate to promote social cohesion in Europe, and in particular through loans for financing sustainable and affordable housing for vulnerable populations.

16. The Assembly urges all member States to tackle antigypsyism and anti-nomadism effectively, recognising these phenomena as forms of racism that must be covered by criminal and civil law provisions prohibiting racism and racial discrimination, and working together with Roma and Travellers to overcome stereotypes and prejudice within the broader community, as well as to overcome mutual distrust.

17. The Assembly further invites national parliaments to support the No Hate Parliamentary Alliance, its mandate and its functioning.

B. Explanatory memorandum by Mr František Kopřiva, rapporteur

1. Introduction

1. Centuries-old, deeply ingrained dynamics of hatred, contempt, indifference, inaction or overtly discriminatory policies have left many Roma and Travellers[3] in Europe consigned to racially segregated, inadequate housing, often lacking the most basic facilities, and often vulnerable to eviction, demolition or attack. Communities who wish to maintain an itinerant lifestyle are frequently confronted with a severe shortage of adequate sites, leading to an explosive combination of unsuitable, overcrowded living conditions for them and tensions with local residents and authorities.

2. This experience of discrimination in the field of housing – a term that I use in this report to refer to both permanent (fixed) homes and mobile homes adapted to an itinerant lifestyle – is still a reality for far too many Roma and Traveller communities and individuals in Europe today, and remains inseparably intertwined with antigypsyism[4] and anti-nomadism.

3. Activists and others who raise these issues are sometimes accused of feeding into stereotyped images of Roma and Travellers focusing on poverty, criminality or differing lifestyles. The real issues at stake, however, are justice, segregation and harassment.

4. These realities not only amount to violations of the prohibition on inhuman and degrading treatment and of the right to respect for private and family life and the home under the European Convention on Human Rights (ETS No. 5) (Articles 3 and 8), as well as of the right to housing, recognised notably under the European Social Charter (revised) (ETS No. 163) (Article 31) and the International Covenant on Economic, Social and Cultural Rights (Article 11), but they may also have dire consequences for the health and access to employment of Roma and Travellers, and for their children's access to education. All of these human rights violations severely diminish both the life chances and the life expectancy of Roma and Travellers across Europe.

5. Shockingly numerous examples of discrimination against Roma and Travellers in the field of housing have been highlighted by the European Commission against Racism and Intolerance (ECRI), the Advisory Committee on the Framework Convention for the Protection of National Minorities and the Commissioner for Human Rights in their regular monitoring work concerning almost all Council of Europe member States.

6. The extent and gravity of the issues faced by Roma and Travellers in the field of housing may vary considerably from country to country and from one town, city or region to the next, as well as between individuals. Many governments and international organisations, including the Council of Europe, have moreover adopted strategies and measures designed to promote the inclusion of Roma and Travellers. Many of these cover housing. However, as my report shows, there is still a long way to go to eliminate discrimination in this field.

7. As lawmakers, it is our duty to bring these human rights violations to an end. We must ensure that our governments fulfil their responsibilities to put an end to discrimination against Roma and Travellers in the field of housing, and to the antigypsyism and anti-nomadism that underly it, and we must intensify our own efforts as parliamentarians in this field.

8. My report examines the broadest possible range of realities faced by Roma and Travellers in the field of housing, and the human rights violations these entail. I have cited numerous examples raised notably in the monitoring work of the Council of Europe and by civil society. For every example given, there are however unfortunately many others. The questions raised are fundamental and urgent; the measures I propose to respond to these situations will, I hope, be part of the solution.

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3. The term "Roma and Travellers" is used at the Council of Europe to encompass the wide diversity of the groups covered by the work of the Council of Europe in this field: on the one hand a) Roma, Sinti/Manush, Calé, Kaale, Romanichals, Boyash/Rudari; b) Balkan Egyptians (Egyptians and Ashkali); c) Eastern groups (Dom, Lom and Abdal); and, on the other hand, groups such as Travellers, Yenish, and the populations designated under the administrative term "Gens du voyage", as well as persons who identify themselves as Gypsies. The present is an explanatory footnote, not a definition of Roma and/or Travellers.

4. ECRI has defined antigypsyism as "a specific form of racism, an ideology founded on racial superiority, a form of dehumanization and institutional racism nurtured by historical discrimination, which is expressed, among others, by violence, hate speech, exploitation, stigmatization and the most blatant kind of discrimination" (see its General Policy Recommendation No. 13, discussed further below). For a detailed examination of this and other definitions of the term "antigypsyism", see EU High Level Group on combating racism, xenophobia and other forms of intolerance (2018), Antigypsyism: increasing its recognition to better understand address its manifestations, Brussels, November 2018.

2. Segregation and isolation

9. Housing has been described as providing the most palpable evidence of the widespread inequalities encountered by Roma.[5] Unfortunately, this experience is true across many European countries, where Roma live segregated in isolated settlements, on the outskirts of urban centres. The ECRI has for example dealt expressly with the segregation or spatial isolation of Roma and its consequences in its fourth-, fifth- and/or sixth-cycle monitoring reports on Albania, Bulgaria, Croatia, Cyprus, the Czech Republic, France, Greece, Hungary, Italy, Lithuania, Montenegro, North Macedonia, Portugal, Romania, Serbia, the Slovak Republic, Slovenia, Spain, Sweden and Ukraine – but segregation is also implicit in ECRI's references to Roma settlements in many other States.[6] Such issues have also been examined extensively by the Advisory Committee on the Framework Convention in many of its third, fourth and/or fifth-cycle opinions, notably under Article 15 of the Framework Convention.[7] Segregation moreover persists over the long term, affecting generation after generation of Roma.

10. The case of Italy unfortunately exemplifies two forms of segregation faced by Roma. First, many Roma who do not have access to publicly or privately owned housing live in unauthorised settlements on the periphery of Italian towns or cities. With extremely precarious shelters and without paved streets, running water, electricity or other basic facilities, and in some cases situated on toxic wasteland, these settlements quickly become insalubrious. As discussed further below, public health concerns are used as grounds to evict the Roma families installed there, but often without offering adequate alternative accommodation. Second, some authorities have set up "authorised" settlements for Roma, providing the necessary amenities and more solid (container) housing. However, these are often isolated from town centres and enclosed by fences, and all persons wishing to enter or leave these settlements must submit to identity controls. Overcrowding may moreover rapidly lead these sites to become insalubrious too. Both of these situations involve multiple human rights violations, as noted by Council of Europe monitoring bodies and other international organisations. As the Commissioner for Human Rights also underlined, "the segregated conditions in these [authorised] camps offer no prospect of gainful employment to the inhabitants, or even the possibility to interact with non-Roma persons and integrate into society."[8]

11. In some States, walls have been erected around Roma settlements. In Portugal, for example, a concrete wall approximately 100m long and 3m high was built around the Pedreiras neighbourhood in Beja. This district was built in 2006 to rehouse approximately 50 Roma families, and is situated several kilometres from the main town, without access to basic amenities or public transport. The wall – justified by the authorities as a security barrier against a main road, but in fact situated around 200m from the road – was only demolished in 2015.[9] In the Slovak Republic, ECRI reported in 2014 that "some 14 walls segregating predominantly Roma neighbourhoods ... have been erected in various locations since 2008; the latest was erected in Košice ... in June 2013. The walls differ in size and scope, but all [have] resulted in deepening the segregation between the poorer Roma communities from their better-off neighbours".[10]

12. Some countries, regional or local authorities have launched commendable initiatives to build new housing for Roma or to legalise existing Roma settlements and houses.[11] However, where they are carried out without concomitant efforts to foster integration between Roma and other inhabitants of the locality concerned, there is a danger that such initiatives may entrench still further the spatial segregation of Roma, and again deepen their social isolation.[12] The Pedreiras neighbourhood mentioned above is one such case;

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5. UNDP (2012), Reports on the living conditions of Romani households in Slovakia, cited in ECRI, Report on Slovakia (fifth monitoring cycle), CRI(2014)37, paragraph 98.
6. For access to all of ECRI's country-by-country reports, see https://hudoc.ecri.coe.int.
7. For access to all of the Advisory Committee's opinions, see https://hudoc.fcnm.coe.int.
8. ECRI (2016), Report on Italy (fifth monitoring cycle, CRI(2016)19; ECRI (2012), Report on Italy (fourth monitoring cycle), CRI(2012)2; ACFC (2016), Fourth opinion on Italy, ACFC/OP/IV(2015)006; Council of Europe Commissioner for Human Rights, Report following his visit to Italy from 3 to 6 July 2012, CommDH(2012)26.
9. European Roma Rights Centre (ERRC) (2010), "Portugal brought before European tribunal for Roma housing situation", 7 May 2010, linking to the full text of the collective complaint against Portugal. For other documents linked to this complaint, see the website of the European Committee on Social Rights, collective complaint no. 61/2010. See also Environmental Justice Atlas, "Roma protest against wall built by authorities to "protect them from heavy traffic", Beja, Portugal".
10. ECRI (2014), Report on Slovakia (fifth monitoring cycle), CRI(2014)37.
11. See ECRI (2020), Report on Belgium (sixth monitoring cycle), beginning of paragraph 88.
12. See for example ECRI's Fifth cycle reports on Albania, Bosnia and Herzegovina, France, North Macedonia, Portugal, the Russian Federation, Slovakia, Slovenia and Spain.

others include the Konik camps in Montenegro and some examples in Spain, although strategies drawn up to eradicate shanty towns and slum dwellings and relocate families into standard housing in Spain have on the whole been assessed as positive.[13]

13. Furthermore, spatial segregation in housing often contributes to the segregation of Roma children in schools – a human rights violation that directly impacts the life chances of the children affected, and which has been condemned by the European Court of Human Rights in a series of important cases as well as by ECRI in its country reports.

14. The lack of public transport to outlying areas makes it much more difficult for Roma to access both schools and the labour market, and this is exacerbated where settlements are situated far from town centres.[14] Isolated locations for housing are moreover often situated far from medical centres, making access to medical care more difficult. This can be particularly harmful for Roma women needing regular access to care during pregnancy.

15. Spatial segregation both results from and deepens the social isolation of Roma. It also, as examined further below, makes areas where Roma live highly vulnerable to stigmatisation and even to violent attacks.

3. Evictions and demolitions

16. A high number of cases brought by Roma before the European Court of Human Rights concern forced evictions. As of 2019, the Court had already found violations of the Convention in at least four such cases (*Connors v. United Kingdom* (2004); *Yordanova and Others v. Bulgaria* (2012); *Winterstein and Others v. France* (2013); *Bagdonavicius and Others v. Russia* (2016)).[15] As the European Roma Rights Centre pointed out in its third-party intervention in the case of *Yuseinov and other v. Bulgaria* in July 2019, the fact that at least nine cases concerning such issues were then pending simultaneously before the Court (four cases against France, two against Bulgaria and one each against North Macedonia, Poland and Serbia) demonstrates a pattern of such conduct by authorities in member States, and a failure of domestic courts to deal with them adequately.[16] Since then, at least one additional case has been communicated to the authorities of the Slovak Republic; due to the non-exhaustion of domestic remedies, a case concerning the repeated forced evictions and threat of future eviction of ten Roma families in Romania was however declared inadmissible in October 2019.[17]

17. Roma frequently do not have legal title to their homes or to the land on which they are built. This may be because they lack the necessary identity documents or property registration displacement due to armed conflict (notably in the countries of the former Yugoslavia) or changes to national borders (notably following the break-up of the USSR), or because, following the collapse of communism, they built homes on unused public land or land with no clear ownership (Albania). Migrant Roma in some countries settle in unauthorised camps, as they face extreme difficulties finding access to adequate housing.

18. The lack of legal title leaves Roma extremely vulnerable to forced evictions, which are often accompanied by the demolition of their homes and the destruction of all their belongings. Alternative accommodation is often not provided, which is in breach of international human rights standards (see further below) and creates a vicious cycle in which Roma again settle in unauthorised settlements where they are exposed to the risk of eviction.[18] Often they are forced to move considerable distances, communities are broken up, and children's schooling is interrupted.

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13. ECRI (2017), Report on Montenegro (fifth monitoring cycle), CRI (2017)37; ECRI (2015), Interim follow-up conclusions on Montenegro (fourth monitoring cycle), CRI(2015)7; ECRI (2018), Report on Spain (fifth monitoring cycle), CRI(2018)2; ECRI (2011), Report on Spain (fourth monitoring cycle), CRI(2011)4.

14. See for example ECRI's Fifth cycle reports on Albania, Bulgaria, Cyprus, the Czech Republic, Lithuania, Montenegro, Portugal, Serbia, Slovenia, Ukraine; ECSR, Collective complaint no. 104/2014, European Roma and Travellers Forum v. Czech Republic.

15. Applications nos. 66746/01, 25446/06, 27013/07 and 19841/06 respectively.

16. ERRC (2019), Third-party intervention in the case of *Yuseinova and others v. Bulgaria* (application no. 30472/17). The other eight cases then pending were *Hirtu and Others v. France* (application no. 24720/13); *Caldaras and Lupu v. France* (application no. 13561/15); *Aydarov and Others v. Bulgaria* (application no. 33586/15); *Caldarar and Others v. Poland* (application no. 6142/16); *Stan v. France* (application no. 41969/16); *Sisu and Others v. France* (application no. 45871/16); *Bekir and Others v. Macedonia* (application no. 46889/16*);* and *Selimović v. Serbia* (application no. 24942/18).

17. *Salay and Zemanová v. Slovakia* (application no. 43225/19); *Memet and others v. Romania* (application no. 16401/16).

19. In Albania, for example, many Roma and Egyptians built homes on unused public land or land with no clear ownership following the fall of the communist regime, and local authorities have largely tolerated such housing over the past three decades. Economic development has however created growing demand for land and Roma and Egyptians living in informal housing have increasingly faced eviction (sometimes multiple evictions). Finding solutions to these situations can be complex, for instance because the supply of social housing is insufficient. Some Roma and Egyptian communities also wish to remain together, in order to preserve their cultural identity and support networks.[19] Legalisation (granting legal title to the land on which existing homes have been built) may provide a simple solution in such cases, but at the same time, risks entrenching segregation, as described earlier in this report.

20. In Bulgaria, Roma family homes were destroyed in the Lozenets neighbourhood of Stara Zagora in August 2020, though Roma had lived there for three decades, paying electricity and water bills. A total of 300 homes have reportedly been demolished in this neighbourhood since 2014. Roma who sought to purchase the land on which their homes were built, and which had been tolerated there for 30 years, were reported to have received only evasive replies from the municipality, and those who tried to apply for social housing were told that they did not meet the conditions for access.[20]

21. In France, Roma living in unauthorised encampments on the outskirts of cities continue to be subjected to evictions and demolitions of their homes and personal belongings. Those legally resident in France are in many cases targeted by repeated, mass evictions, and those without a residency permit are expelled. The European Roma Rights Centre and Ligue des droits de l'homme reported that in 2017, 11 309 Roma people (or people designated as such) were evicted from 130 living areas, slums and squats in France. 8 161 of them were forcefully evicted by the authorities during 98 operations, while 1 093 were evicted following fires that occurred in 12 informal settlements. The other 2 055 persons left twenty living places before the arrival of the authorities under pressure of an imminent eviction. This represented a 12% increase compared with the previous year (10 119 evictees). The enactment of the Equality and Citizenship Act of January 2017 was intended to provide increased protection against eviction over the winter months to persons living in makeshift accommodation; however, it did not protect Roma effectively, as hundreds were evicted in November 2017 (in some cases, for the fourth time in three years), while the number of evictions carried out immediately prior to the winter months increased.[21]

22. Similar issues have been reported over many years in Italy, where Roma have been repeatedly evicted from unauthorised settlements, notably on public health grounds. These evictions are frequently carried out without the necessary procedural guarantees such as prior notification in writing, and without alternative housing being made available; at best, local authorities offer temporary housing. Most often, the effect of such measures is simply to force the evicted Roma to move to another unauthorised settlement. As ECRI has underlined, these forced evictions do nothing to improve the precarious and insalubrious conditions that justified them, but simply lead to these conditions being reproduced elsewhere.[22]

23. In Serbia, the inhabitants of the Belvil slum were forcibly evicted in 2012, when the authorities were working to improve social housing. However, the criteria for access to social housing put Roma at a disadvantage. Thus, they were not only pushed out from their existing (inadequate) homes, but also denied access to the social housing built in their place. Some families ended up living in an abandoned warehouse over 200km away in Niš (the last town where they had had a registered place of residence, to which they were sent back following the eviction), with no running water for three months and no electricity for a further six.[23] Two of the Roma relocated to Niš were eventually awarded damages through the domestic courts in June

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18. See for example ECRI, Fifth cycle reports on Albania, the Czech Republic, Hungary, Italy, North Macedonia, Romania, Turkey; ECSR, Collective complaint no. 104/2014, European Roma and Travellers Forum (ERTF) v. Czech Republic and Collective complaint no. 119/2015, ERTF v. France; Council of Europe Commissioner for Human Rights, letters addressed on 26 January 2016 to the governments of Albania, Bulgaria, Hungary, Serbia, Sweden and Turkey; UN Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination, Report of the mission to Serbia and Kosovo*, A/HRC/31/54/Add.2, 26 February 2016; UN Special Rapporteur on minority issues, Report of the visit to Slovenia, A/HRC/40/64/Add.1, 8 January 2019.

*All reference to Kosovo, whether to the territory, institutions or population, in this text shall be understood in full compliance with United Nations Security Council Resolution 1244 and without prejudice to the status of Kosovo.

19. ECRI (2020), Report on Albania, Sixth monitoring cycle, CRI(2020)23.

20. Stoyanov A. (2020), "Despair in Stara Zagora as Roma family homes are destroyed", ERRC, 10 August 2020.

21. Ligue des droits de l'homme and ERRC (2018), Census of forced evictions in living areas occupied by Roma (or people designated as such) in France: Annual results for 2017, and sources cited therein.

22. ECRI (2019), Interim follow-up conclusions on Italy, Fifth monitoring cycle, CRI(2019)24.

23. Advisory Committee on the Framework Convention for the Protection of National Minorities, Third Opinion on Serbia, adopted on 28 November 2013, ACFC/OP/III(2013)006, paragraph 77.

2020. While this award was welcomed, civil society actors regretted that the court had not found indirect discrimination due to the disproportionate targeting of Roma for eviction. Nor had it addressed either the need to pay special attention to the vulnerability of Roma living in segregated settings or the risk of further eviction faced by the families concerned.[24] I would also stress in this context the high obstacles faced in bringing such cases before domestic courts. Few of those affected have the legal knowledge or financial resources to do so, and cases such as this cannot be brought without significant support from civil society actors.

24. In the context notably of urban development plans, Roma who hold legal title to their property have also been evicted, from the centre of towns, where they had access to regular employment, to areas far from any public services including public transport. In these cases, Roma have lost both their homes and their livelihoods, and in some cases, centuries of historic ties, as for example in the Sulukule neighbourhood in Istanbul. The destruction of significant parts of this neighbourhood around 2009 to make way for urban development left numerous Roma families homeless, following the demolition of their houses without the provision of affordable and accessible alternative accommodation. Priceless Roma cultural heritage dating back to the 11th century was also lost.[25]

4. Inadequate living conditions

25. Insalubrious living conditions, without access to electricity, water and sewage, without paved roads, and in precarious, draughty, leaky constructions, whether in isolated settlements as mentioned above, in shanty towns set up on unused land closer to town centres, or overpriced "residential hotels" such as exist in my country, leave children, in particular, highly vulnerable to disease. They damage the health and reduce the life expectancy of all who live there. The Covid-19 pandemic has unfortunately made especially clear how the lack of running water and overcrowded, unhealthy living conditions make taking effective preventive measures against the spread of the virus impossible and pose a direct risk to the health, and in the longer term the life expectancy, of Roma.[26] Moreover, where there is no electricity, families are often forced to light and heat their homes with naked flames, increasing the risk of fires.

26. Examples unfortunately abound throughout Europe of inadequate, insalubrious and sometimes inhuman living conditions in places where Roma and Travellers have their homes – in particular where they are forced to live in makeshift settlements or accommodation or do not have access to adequate halting sites.

27. Here, I wish to draw attention to the findings of a recent report on environmental racism against Roma in Bulgaria, Hungary, North Macedonia, Romania and the Slovak Republic (the central and eastern European countries with the highest Roma populations).[27] Many Roma live in segregated sites or (semi-)urban ghettoes that do not provide basic environmental necessities and that are more prone to environmental hazards. Waste collection is often infrequent in these areas, there is often no public water supply and no sanitation system, inadequate drainage means the ground turns to mud after rain, homes are frequently damp, and where an electricity connection is available, it is often unaffordable for Roma families. To heat their homes in winter, the latter therefore have little choice but to burn whatever they can find. All of these problems endanger the health of the populations living there.

28. During the online event on "Environmental Rights and Climate Change: hearing the voices of minorities and indigenous peoples in Europe" held jointly by the Sub-Committee on the Rights of Minorities and the No Hate Parliamentary Alliance on 29 March 2021, Florin Botonogu of the Policy Centre for Roma and Minorities, ERGO Network, Romania, also highlighted the situation of Roma forced to live on or next to rubbish dumps in parts of Romania – often, as in the case of Pata Rat in the outskirts of Cluj-Napoca, following their forced eviction from town centres to make way for property development. Such living conditions expose inhabitants to pollution, toxic waste and fumes, in addition to the already grave problems mentioned above. In one case, proceedings were successfully brought against the municipality concerned, but the latter was fined only 2000€ – far less than it would have cost to rehouse in adequate accommodation the several dozen families affected. Thus, even successful court proceedings gave the authorities little incentive remedy the human rights violations caused by their own persistent neglect.[28]

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24. Roma win court case against Serbian authorities for 2012 forced eviction, ERRC, 29 June 2020.
25. Council of Europe Commissioner for Human Rights, Report following his visit to Turkey from 28 June to 3 July 2009, Issue reviewed: Human rights of minorities, CommDH(2009)30, paragraphs 133-146.
26. See my declaration of 27 March 2020, "Covid-19: Rapporteur denounces discrimination against Roma and Travellers".
27. Heidegger P. and Wiese K. (2020), Pushed to the Wastelands: Environmental racism against Roma communities in Central and Eastern Europe, Brussels, European Environmental Bureau, 8 April 2020.

5. Lack of access to the private housing market or to social housing

29. In societies where antigypsyism is high overall, it is perhaps unsurprising to find landlords discriminating against Roma on the private rental market. Such behaviour must be prohibited under domestic law and accessible remedies must also be available when such cases occur.

30. The situation is often aggravated by insufficient provision of social housing, lack of access to such housing, and sometimes even criteria of access that arbitrarily exclude Roma and/or Travellers.

31. In my country, the Czech Republic, the situation is made worse by the failure to introduce social housing at all, combined with high levels of discrimination on the private property market. As a result, many Roma can find accommodation only in so-called “residential hotels”, in which they are charged exorbitant rents – forcing them to rely on housing benefits – to live in appalling conditions. In effect, as a direct result of its failure to introduce a properly functioning social housing system, the State has for decades been using public funds to subsidise unscrupulous landlords and keep Roma living in inadequate, unhealthy environments. Amendments to the law on aid to those in material distress in 2017 made it possible for local authorities to declare certain areas “housing benefit-free zones”, with the aim of preventing influxes of inhabitants dependent on welfare payments. However, this merely served to displace the victims of human rights violations, while doing nothing to resolve the issues at stake. On 31 August 2021, the Czech Constitutional Court struck down this legislation, finding that it violated the right to adequate housing and did not differentiate between those responsible for the problems ostensibly being addressed by such zones and those who are their victims. This is a crucial step forward but must now be followed by effective measures to put an end to the exploitative system of residential hotels and guarantee access to adequate housing for all.

6. Impact of the lack of legal title on other rights

32. In addition to the heightened risk of forced evictions, already discussed above, the lack of legal title to their housing also often means that Roma cannot register their address, making it impossible for them to benefit from social welfare measures to which they would otherwise be entitled. This can entrench Roma in cycles of poverty from which it can be hard to break out. It also creates obstacles to investing in necessary repairs and improvements to the homes concerned, increases the likelihood that their inhabitants will not have access to basic facilities (such as running water or electricity), and makes service providers much less willing to resolve such issues.

7. Inadequate provision of and inadequate living conditions on halting sites

33. The lack of sufficient, adequately equipped halting sites and pitches not only forces many Travellers who wish to maintain an itinerant lifestyle into situations of illegality, which in turn expose them to repeated forced evictions together with many other serious human rights violations, but also forces increasing numbers of Travellers to abandon their itinerant lifestyle altogether. This denies an integral part of their culture and identity. Moreover, in States where it is necessary to have an itinerant lifestyle in order to be recognised by law as belonging to the Traveller minority, it deprives them of the rights that accompany such recognition. In other words, the failure by States to ensure that national and/or local authorities provide sufficient and adequate accommodation for Travellers directly harms the culture and identity of Travellers. I consider that this is in breach of the Framework Convention for the Protection of National Minorities, to which many of the States concerned are parties. It also reinforces the notions that Travellers and their lifestyle are undesirable, and further heightens tensions between settled and itinerant communities. Some Traveller organisations have called for anti-nomadism to be recognised as a specific form of racism and intolerance, and have underlined that certain government policies or practices based on anti-nomadic premises need to be ended as a matter of urgency.

34. On 26 June 2019, we were privileged to hold a joint hearing with the No Hate Parliamentary Alliance, with representatives of Traveller organisations from several member States. Their contributions testified clearly to the extent of the human rights issues at stake.

35. In Belgium, Marie Pinchault of the Centre de Médiation des Gens du voyage et des Roms explained that Travellers are often nationals of the country but live in caravans. Their housing situation is often fragile, in particular where caravans are not recognised as a legitimate residence, and due to the lack of sites. Many existing sites are moreover closed in winter. Funds made available by the State for local authorities to provide

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28. Heidegger P. and Wiese K. (2020), op. cit.; see also *Deutsche Welle* (2021), “Roma fight environmental racism in Romania”, 31 August 2021.

sites have not been taken up by municipalities. While some Travellers do settle for longer periods, they too face considerable challenges, such as the refusal of building permits. Forced evictions are the most violent form of discrimination, and there is should be a moratorium on evictions during winter. Evicted families are often left without alternative housing solutions, and evictions have an impact on other rights such as access to education or economic activities, while repeated evictions also reinforce the idea that Travellers are undesired. The legislative framework has recently improved in Wallonia, including through a decree recognising caravans as a legal type of housing, and another act making more sites available. It has been argued that there should be a legally enforceable obligation on local authorities to have sites available for travellers, and that caravans should be recognised as a legal form of housing.

36. Also during the hearing of 26 June 2019, Martin Collins, Co-Director of the Pavee Point Traveller and Roma Centre, described the situation in Ireland, where the lack of suitable accommodation is one of the most visible forms of discrimination faced by Travellers. Legislation has been enacted making it compulsory for local authorities to provide sites, and Travellers Accommodation Programmes (TAPs) are also in place. Despite these measures, however, the housing needs of Travellers are still not met. About 3 000 Traveller families live in inadequate sites, making it difficult for them to access services such as education and healthcare, and Travellers also represent 9% of the homeless population. Some argue that Travellers' accommodation should be taken out of the responsibility of local authorities which do not respond adequately to racism in their community and transferred to an independent national authority.

37. On 28 June 2019, the Irish Human Rights and Equality Commission (IHREC) announced that it had given the 31 local authorities 10 weeks in which to indicate whether they were complying with their human rights obligations to accommodate Travellers. It also highlighted that local councils were not drawing down the funding that the State had made available in this field: only 59% of funding allocated between 2009 and 2018 was drawn down, and as of the end of June 2019, only €1.84 million out of €13 million provided for 2019 had been spent.[29]

38. In May 2021, the Irish Ombudsman for Children's Office (OCO) published the results of an investigation it had carried out into the living conditions of children on one local authority halting site. It found overcrowding, persistent infestation by rodents, high numbers of children with respiratory problems and skin conditions, insufficient washing facilities, unacceptable risk to life due to overcrowding and electrical hazards, and damp housing in a state of serious disrepair. It concluded, *inter alia*, that the local authority concerned had failed to take into account the best interests of the children and to guarantee a safe, suitable standard of accommodation in circumstances where it was competent to do so. It had failed to guarantee clear passage of the children to school and to provide children living on the site with an equal opportunity to participate in leisure and recreational activities. Its failure to manage social housing in a transparent and accountable manner had furthermore contributed to the overcrowding on the site, and it had not taken due account of the disadvantages experienced by Travellers in securing accommodation.[30]

39. As regards the situation of Travellers in the United Kingdom, Adrian Jones of the National Federation of Gypsy Liaison Groups emphasised during our hearing that adequate site provision remains a pressing issue. Many local councils have been reluctant to provide additional pitches, frequently in a context of high resistance from communities. As a result, tensions and conflicts will continue to arise around issues related to Travellers' right to adequate housing, on the one hand, and, on the other hand, their obligation to respect the law and the interests of the settled community. Shocking living conditions have also been reported on the sites that are available.[31] Despite strong anti-discrimination legislation, derogatory statements targeting Gypsies and Travellers are still frequently made by politicians, including in parliament, and in the media. Such friction occurs in particular around Traveller sites. On 6 June 2019, the government announced the launch of a new strategy to tackle Gypsy, Roma and Traveller inequalities.[32] In February 2020, consultations with civil society on the strategy were reported to have begun, but with no clear timeline due to Brexit and other government priorities.[33]

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29. Holland K, "Councils' compliance with human rights of Travellers investigated", The Irish Times, 28 June 2018.
30. Ombudsman for Children's Office (OCO) (2021), No End in Site: An investigation into the living conditions of children on a local authority halting site, May 2021.
31. ECRI Report on the United Kingdom (fourth monitoring cycle), 2010; Report on the United Kingdom (fifth monitoring cycle), 2016; UN Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, report on visit to the United Kingdom in 2018, and sources cited therein.
32. New national strategy to tackle Gypsy, Roma and Traveller inequalities, Press release – Ministry of Housing, Communities & Local Government, 6 June 2019.
33. Gypsy, Roma and Traveller civil society welcomes UK announcement of national strategy, Centre for Policy Studies, 13 February 2020.

8. Threats and violent attacks against areas where Roma and Travellers live

40. In addition to the widespread discrimination mentioned above, I wish to underline some of the particularly egregious violations of human rights referred to during the hearing held by the No Hate Parliamentary Alliance in Stockholm on 18 May 2016. These cases illustrate clearly the complex links between discrimination in the field of housing and antigypsyism.

41. In Bulgaria in 2016, following a fight between Roma and non-Roma, violent protests were held. 2000 protesters demanded that Roma leave the village and that their housing be bulldozed. The mayor supported these calls.[34] Such incitement to violence is all the more reprehensible when it is done by a representative of public authorities. As the Managing Director of the European Roma Rights Centre, Adam Weiss, pointed out at the hearing, in addition to constituting incitement to violence, threatening to bulldoze homes is also an all-too-easy means of harassing Roma, and it is made much easier when Roma live together in a segregated area.

42. In Ireland, ten Travellers lost their lives in a fire on a Traveller housing site in Carrickmines in October 2015. The local authorities had recognised that this site did not meet health and safety standards but – even though Travellers had been living there for 8 years – the authorities were of the view that they did not have a duty to ensure compliance, as the site had originally been built under emergency provisions. Despite the lives lost in the fire, local residents objected to providing alternative accommodation for the Traveller community concerned. These events reveal the depths to which antigypsyism and anti-nomadism are embedded in society, making them extremely difficult to combat.

43. In Ukraine, in the case of *Patrama v. Ukraine*, police led Roma inhabitants out of the encampment where they were living, set fire to their tents with their personal belongings inside, fired shots in the air and shot a dog. This case, concerning events that occurred in 2012, is currently pending before the European Court of Human Rights. More recently, in 2018, a series of violent attacks were carried out against Roma settlements in Ukraine in which Roma inhabitants were driven out of their makeshift homes, which were then burned by the far-right assailants; police were reported to have done little to investigate these events.[35]

9. Antigypsyism and anti-nomadism in public and political discourse and policy

44. Antigypsyism and anti-nomadism in society, including amongst politicians, remain a fundamental cause of the serious human rights violations faced by Roma and Travellers in the field of housing, and a major obstacle to resolving these issues. These sentiments are variously expressed, as the examples cited earlier in this report make clear, as inertia, indifference, inaction, neglect, resistance and hostility. All contribute to the persistence of structural antigypsyism and anti-nomadism in our societies. Sometimes, as outlined above, Roma and Travellers' homes have been directly targeted by violent attacks. As parliamentarians, we must confront these issues, not only because it is our constant duty to combat all forms of racism in society, but also because the measures we adopt to put an end to the discriminatory practices and policies faced by Roma and Travellers in the field of housing will not be effective unless we also put an end to antigypsyism and anti-nomadism.

45. After comments in 2013 from the then prime minister seen by many observers as likely to incite hatred against Roma from Romania and Bulgaria,[36] more than 21 000 Roma were forcibly evicted in France in 2014, and numbers were reported to be rising again in 2016.

46. I also wish to highlight here the especially perverse tendency of some politicians and media to engage in victim-blaming. This occurs throughout Europe and affects both Roma and Travellers. At our online event of 29 March 2019 Florin Botonogu described striking examples of such discourse in Romania. Roma families living without access to or the means to pay for electricity often have little alternative but to collect and burn wood, rubber or other waste products, sometimes illegally, in order to heat their homes in the colder months. Such practices, which may themselves harm the health of Roma and increase the risk of fires in their settlements, have been portrayed by the media as causing the excessive deforestation occurring in Romania, or the pollution of entire cities dozens of kilometres away. Yet they are survival strategies developed in the face of lasting neglect and poverty, and of an abject failure to devise effective long-term solutions to the problems of Roma.

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34. Bulgarian officials ignite anti-Roma abuse, defying #Romaareequal movement, ERRC, 12 May 2016.
35. Roma sue national police in Ukraine after far-right attacks, ERRC, 26 June 2018.
36. Pour Valls, «les Roms ont vocation à rentrer en Roumanie ou en Bulgarie», *Libération*, 24 September 2013.

10. Covid-19 and the housing conditions of Roma and Travellers

47. As I underlined in my statement of 27 March 2020, in the context of the Covid-19 pandemic, inadequate, insalubrious, overcrowded, unsafe living conditions, without access to running water, sanitation or other public utilities, have made preventive measures such as staying indoors, social distancing and regular handwashing all but impossible for many Roma and Travellers, while access to disinfectant gels, face-masks and even basic information about preventive measures is often illusory. In such conditions, when one person does become ill, it is moreover often impossible for them to self-isolate. Coupled with an often poor state of health, which is itself in large part attributable to poor living conditions as well as high levels of poverty, Roma and Travellers living in these conditions have been at particular risk of contracting the Covid-19 virus, and of becoming gravely ill from it.[37] A lack of halting sites in some countries has moreover left some Travellers living roadside during the pandemic, again in overcrowded conditions and with no sanitation, and at constant risk of eviction.[38]

48. Antigypsyism and anti-nomadism amplified these problems. Instead of redoubling their efforts to provide a clean water supply or disinfectant in order to reduce the risks faced by Roma and Travellers, certain measures taken by local authorities – placing Roma settlements in quarantine, installing checkpoint controls and building temporary walls around them; carrying out temperature controls by drone focusing only on Roma settlements – have not only failed to help Roma, but have implicitly signalled that Roma may be vectors of contagion. Other local authorities have directly stigmatised Roma as being unclean and lacking the discipline necessary to implement preventive measures.[39] Whether directly or indirectly, and as already occurs far too often outside times of crisis, such actions have reinforced stereotypes and exacerbated antigypsyism. Such outcomes are unacceptable, especially as the result of actions of the authorities.

11. Key international human rights standards

11.1. European Convention on Human Rights

49. A glance at the case law of the European Court of Human Rights in this field is instructive. Issues brought before it over the past decade include attacks on Roma villages and destruction of their houses and possessions; violent (sometimes fatal) attacks by private individuals on Roma communities or against Roma in their homes; police brutality during raids on Roma communities; and forced evictions and the failure to recognise specific ways of life and provide alternative accommodation.[40]

50. The European Convention on Human Rights does not expressly guarantee the right to housing. However, attacks on and the destruction of Roma villages, settlements, homes and possessions, deadly attacks on individual homes and/or on individuals in their homes, and forced evictions of Roma and Travellers from their settlements or camping sites have led in recent years to findings of violations of the Convention, under articles 2 (right to life – both substantive and procedural aspects), 3 (prohibition of inhuman or degrading treatment – both substantive and procedural aspects), 8 (right to respect for private and family life and home) and 13 (right an effective remedy), either independently or in conjunction with Article 14 (prohibition of discrimination).[41] Numerous cases concerning similar facts and issues are moreover pending before the Court.[42]

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37. Covid-19: Rapporteur denounces discrimination against Roma and Travellers, 27 March 2020.
38. Quarmby K, "'A disaster waiting to happen' – Traveller communities buckling from the impact of the pandemic", Liberty Investigates, 4 May 2020.
39. Amnesty International, "Stigmatising quarantines of Roma settlements in Bulgaria and Slovakia", 17 April 2020, EUR 01/2156/2020; ERGO Network, "The effects of COVID-19 on Roma communities in Europe", 10 May 2020; Korunovska, N. and Jovanovic, Z, "Roma in the COVID-19 crisis: An early warning from six EU member States", Open Society Roma Initiatives Office, Open Society Foundations, 2020; Elena Resnic, cited in Walker S., "Europe's marginalised Roma people hit hard by coronavirus", The Guardian, 11 May 2020.
40. Registry of the European Court of Human Rights, Factsheet – Roma and Travellers, November 2020.
41. See *Moldovan (no. 2) and Others v. Romania* (no. 41138/98), judgment of 12 July 2005; *Gergely v. Romania* (no. 57885/00) and *Kalanyos and Others v. Romania* (no. 57884/00), struck out on 26 April 2007 following a declaration by the Romanian Government, in which it recognised violations of Articles 3, 6, 8, 13 and 14 of the Convention*; Burlya and Others v. Ukraine* (no. 3289/10), judgment of 6 November 2018; *Fedorchenko and Lozenko v. Ukraine* (no. 387/03), judgment of 20 September 2012; *Lakatošová and Lakatoš v. Slovakia* (no. 24720/13), judgment of 11 December 2018; *Koky and Others v. Slovakia* (no. 13624/03), judgment of 12 June 2012; *Connors v. United Kingdom* (no. 66746/01), judgment of 27 May 2004; *Yordanova and Others v. Bulgaria* (no. 25446/06), judgment of 24 April 2012; *Winterstein and Others v. France* (no. 27013/07), judgment of 17 October 2013; *Bagdonavicius and Others v. Russian Federation* (no. 19841/06), judgment of 11 October 2016.

11.2. European Social Charter (revised)

51. The European Social Charter (revised) has been ratified by 34 member States and signed by a further 11. The Parties to the Charter accept that the aim of their policy is, inter alia, the attainment of conditions in which everyone's right to housing may be effectively realised (Part I). Amongst the specific undertakings by which Parties can elect to be bound, however, the obligation to ensure the effective exercise of the right to housing, by promoting access to housing of an adequate standard, preventing and reducing homelessness with a view to its gradual elimination and/or making the price of housing accessible to those without adequate resources (Article 31), has been accepted by only 14 States Parties.[43]

52. The European Committee of Social Rights has been called upon to examine collective complaints against a number of these States[44] concerning the situation of Roma and Travellers. It has found numerous violations of the right to housing, taken either independently or in conjunction with Article E of the Charter (prohibition on discrimination) in cases concerning Roma and Travellers affected by inadequate access to housing or accommodation, inadequate living conditions, insufficient numbers of stopping places, inadequate living conditions at these sites, evictions, lack of rehousing solutions for evicted families and inadequate access to affordable housing or social housing. It has also found violations of other provisions of the Charter, taken either independently or in conjunction with Article E of the Charter, due to the impact of evictions or inadequate living conditions on other rights, such as the rights to health, healthcare, primary and secondary education and vocational training.[45] Further collective complaints, concerning the continued perpetration of forced evictions, segregated and substandard housing, and the use of discriminatory criteria for the allocation of social housing with respect to Roma and Sinti, and concerning the large-scale seizure of caravans and other property of Travellers, are pending.[46]

11.3. International Covenant on Economic, Social and Cultural Rights

53. All Council of Europe member States except Andorra are parties to the International Covenant on Economic, Social and Cultural Rights, Article 11(1) of which provides that "States Parties…recognize the right of everyone to an adequate standard of living for himself and his family, including adequate…housing…. The States Parties will take appropriate steps to ensure the realization of this right…".

54. Regarding forced evictions specifically, the United Nations' Committee on Economic, Social and Cultural Rights has clarified that the fact that an eviction is carried out by force does not *ipso facto* make it a forced eviction, provided that the eviction is executed in accordance with the law and in conformity with the provisions of the International Covenants on Human Rights. It has defined forced evictions as "the permanent or temporary removal against their will of individuals, families and/or communities from the homes and/or land which they occupy, without the provision of, and access to, appropriate forms of legal or other protection" and has concluded that forced evictions are *prima facie* incompatible with the Covenant. It has emphasised that the right to be protected against arbitrary or unlawful interference with one's home (recognised under Article 17(1) of the International Covenant on Civil and Political Rights) complements the right not to be evicted without adequate protection and is not dependent on the availability of State resources. It has underlined that the State must refrain from forced evictions and ensure that the law is enforced against both State agents and third parties who carry them out.[47]

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42. *Patrama v. Ukraine* (no. 54476/14); *Hirtu and Others v. France* (no. 24720/13); *Bekir and Others v. North Macedonia* (no. 46889/16); *Memet and Others v. Romania* (no. 16401/16); *Caldarar v. Poland* (no. 6142/16); *Yuseinova and Others v. Bulgaria* (no. 30472/17).

43. Andorra, Finland, France, Greece, Italy, Latvia, Lithuania, the Netherlands, Norway, Portugal, Slovenia, Sweden, Turkey and Ukraine.

44. Nine of the 14 States that have taken on obligations under Article 31 of the Charter have also accepted its system of collective complaints, namely Finland, France, Greece, Italy, the Netherlands, Norway, Portugal, Slovenia and Sweden.

45. See notably European Roma and Travellers Forum (ERTF) v. France, Collective Complaint No. 119/2015; ERTF v. the Czech Republic, Complaint No. 104/2014 (based on the 1961 Charter); European Roma Rights Centre (ERRC) v. Ireland, Complaint No. 100/2013; Médecins du Monde – International v. France, Complaint No. 67/2011; ERTF v. France, Complaint No. 64/2011; Centre on Housing Rights and Evictions (COHRE) v. France, Complaint No. 63/2010; ERRC v. Portugal, Complaint No. 61/2010; COHRE v. Italy, Complaint No. 58/2009; ERRC v. France, Complaint No. 51/2008; European Federation of National Organisations working with the Homeless (FEANTSA) v. France, Complaint No. 39/2006; International Movement ATD Fourth World v. France, Complaint No. 33/2006; ERRC v. Italy, Complaint No. 27/2004.

46. ERRC v. Belgium, Complaint No. 185/2019; Amnesty International v. Italy, Complaint No. 178/2019.

47. Committee on Economic, Social and Cultural Rights, Sixteenth session (1997), General Comment No. 7, The right to adequate housing (art. 11(1) of the Covenant: Forced evictions, paragraphs 1, 3 and 8).

11.4. ECRI General Policy Recommendation No. 13 on combating antigypsyism and discrimination against Roma[48]

55. ECRI General Policy Recommendation No. 13, in its paragraph 6, includes detailed standards for preventing and combating antigypsyism as regards housing and the right to respect for the home. It calls for non-segregation of Roma in respect of housing and action against prejudice and stereotypes concerning Roma and Travellers in the housing context. More specifically, it calls *inter alia* for action against the eviction of Roma without notice as well as for spatial planning regulations that do not systematically impede the traditional life of Travellers, while instead ensuring the existence of appropriate encampment areas in sufficient numbers for them, whether for permanent occupation or transit. As concerns Roma sites or dwellings built in breach of town planning regulations, ECRI takes the position that they should be legalised where the situation has been tolerated for a long period of time by the public authorities.

12. Inclusion and integration strategies and international co-operation

56. I welcome the attention paid by international organisations such as our own, the Council of Europe, and the European Union, to the need for States to develop and implement, in close co-operation with Roma and Traveller communities, strategies, policies and action plans to overcome the inequalities faced by these communities, including in the field of housing. The Council of Europe's Strategic Action Plan for Roma and Traveller Inclusion (2020-2025) recognises notably that antigypsyism and discrimination in fields such as housing perpetuate the marginalisation of Roma and Traveller communities and individuals and hinder policy initiatives to improve their situation. I consider it crucial that measures taken to address these issues are covered in the monitoring of the implementation of the Action Plan.

57. I also welcome the continuing co-operation between the Council of Europe and the European Union in this field, notably through two European Union/Council of Europe Joint Programmes, "Building capacity at local level for the integration of Roma (ROMACT)"[49] and "Promoting good governance and Roma empowerment at local level (ROMACTED)".[50] These programmes aim to assist local authorities to work together with Roma communities to develop inclusive policies and public services, and to improve the responsiveness and accountability of local authorities towards marginalised Roma communities. As we have seen earlier in this report, local authorities often contribute, through inaction, neglect or overt hostility, to perpetuating discrimination against Roma and Travellers in the field of housing. Yet they can play a critical role in overcoming these human rights violations and building better integrated, more inclusive and fairer communities in the process.

58. At the international level, the Council of Europe's former intergovernmental committee CAHROM has in the past conducted detailed and highly valuable thematic analyses of issues faced by Roma in the field of housing – and possible solutions – which remain highly relevant sources for authorities seeking to address these issues.[51] The OPRE Joint Statement on evictions of Roma and Travellers in Europe also sets out crucial recommendations to national, regional and local authorities in this field.[52]

59. I welcome the fact that many European countries have established national strategies for the inclusion of Roma, notably in the EU context, and that improving access to adequate housing is often one element of these strategies. However, as the European Commission's own analyses show,[53] these strategies are often underfunded, and indeed sometimes no budget is envisaged at all. Moreover, housing and urban planning almost invariably fall under the primary or exclusive competence of the local authorities, and the national authorities have few means by which to force local authorities to take action in this field.

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48. General Policy Recommendation No. 13 was adopted by ECRI on 24 June 2011 and amended on 1 December 2020.
49. European Commission/Council of Europe Joint Programme ROMACT: https://coe-romact.org.
50. European Commission/Council of Europe Joint Programme ROMACTED: https://pjp-eu.coe.int/en/web/roma-local-governance.
51. CAHROM thematic reports on (Re-)housing solutions for Roma and alternative measures to (forced) evictions, CAHROM(2014)4, and on Social housing for Roma (2012)8.
52. OPRE Joint statement on evictions of Roma and Travellers in Europe, 29 June 2016. The Operational Platform for Roma Equality (OPRE) brings together the European Network of National Human Rights Institutions (ENNHRI), the European Network of Equality Bodies (Equinet), the European Union Agency for Fundamental Rights (FRA), the Council of Europe, and associate partners OSCE ODIHR and the OHCHR.
53. European Commission, Midterm review of the EU framework for national Roma integration strategies, 30 August 2017, COM(2017) 458 final; Report on the implementation of national Roma integration strategies – 2019, 5 September 2019, COM(2019) 406 final.

60. I was also struck, when examining the reports of ECRI, at how frequently reference was made to local authorities' failure to apply for national or European funds, even when funds were available to finance measures in the field of housing. Sometimes local authorities' inaction seems simply to be due to inertia and/or lack of capacities. However, often it appears that local authorities are unwilling to request such funds due to the likely resistance or even hostility towards Roma and Travellers of other residents, who are unwilling to have them as neighbours, or because the local authorities themselves are hostile to the idea of desegregation and/or opposed to taking action to improve the living conditions of Roma.

61. In short, structural discrimination against Roma and Travellers in the field of housing, as well as inertia, indifference, inaction, neglect, resistance or outright hostility, whether amongst the general public or within authorities themselves, are all expressions of antigypsyism and anti-nomadism. Overcoming these sentiments and the direct or indirect harms that they cause is crucial to successfully tackling discrimination against Roma and Travellers in the field of housing, and must form an integral part of all inclusion or integration strategies designed to overcome it.

13. Conclusions

62. Our societies have left Roma and Travellers living far too often on the margins; indifference, neglect and racism, including institutional racism, underlie a situation where Roma and Travellers all too often live segregated from the rest of society, in woefully inadequate living conditions. Images of poverty feed into antigypsyism and anti-nomadism. While many member States have adopted at least some measures to address these human rights violations, the root causes are often not adequately tackled.

63. Every Council of Europe member State, whether or not it is mentioned by name in this report, needs to examine critically its legislation, policies and practices in this field, with a view to ensuring that Roma and Travellers have access to adequate housing, and that housing is a factor of inclusion rather than exclusion for all Roma and Travellers living on their territory.

64. Finally, I wish to stress that the human rights issues at stake in this report are urgent and fundamental. If we fail to address them, we are denying the human dignity of Roma and abandoning more and more Roma children to drastically reduced life chances and to an all-too-familiar vicious cycle of poverty and prejudice.

65. I firmly believe that we can break this cycle, and I call on all national parliaments to mobilise all their efforts to overcome the discrimination faced by Roma and Travellers in the field of housing.