

PROPOSAL
to include “The Right to Adequate Housing” on the List of Issues
for monitoring the implementation
of the International Covenant on Economic, Social and Cultural Rights in Romania

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By Ioana Florea and Enikő Vincze,
on behalf of the Block for Housing¹ from Romania

I. Introduction

1. The goal of our Proposal is to argue for **adding “the right to adequate housing” on the List of Issues for monitoring the implementation of the International Covenant on Economic, Social and Cultural Rights in Romania.**

2. We argue for adding “the right to adequate housing” on the List of Issues for monitoring the implementation of the International Covenant on Economic, Social and Cultural Rights in Romania, based on:

- the Article 11 (1) of the Covenant, which states that States parties “recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions”;
- the General Comment no 4 – which states that „the human right to adequate housing, which is thus derived from the right to an adequate standard of living, is of central importance for the enjoyment of all economic, social and cultural rights”;
- the General Comment no 7 – which states the right not to be forcibly evicted, where forced evictions are “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 provisions of, and access to, appropriate forms of legal or other protection.

¹ We are a network of NGOs and grassroots groups involved in supporting and organizing with households and groups whose right to adequate housing is violated or at risk. We converged as “The Block for Housing” at the national level in 2017, with organizations active in Bucharest (Common Front for Housing Rights), Cluj-Napoca ([Desire Foundation](#), [Căși sociale ACUM!/ Social Housing NOW!](#)), Focșani (RomaJust), Alexandria, Giurgiu, Mizil, Valea Seaca (E-Romnja), Timișoara (Right to the City), but our members have been active locally since the 2000s. Our direct experience in the field and our militant research revealed the structural factors that lead to the right to adequate housing being violated and put at risk in a multitude of cases.

II. Argument

3. For about a decade, after the right-to-buy policy implemented in the 1990s by the Romanian state, it was considered that there were no housing issues in Romania due to the high percentage of homes being in private property, mostly in the property of small home-owners. The political construction of taking homeownership for granted has had an important contribution to making invisible several processes, such as: how the restitution policies of formerly nationalized buildings rendered many former renters of state-owned apartments homeless; how the very low income people losing their jobs as a result of privatization and deindustrialization left their homes in cities that became too expensive to them; or how - starting with the 2000s - housing became accessible almost only through the market; and how - due to urban regeneration programs and real estate development - housing became unaffordable for the many, under conditions in which the state drastically reduced its investments into public housing, while housing became a financial asset and a privilege. After 30 years of transformation of really existing socialism towards neoliberal capitalism, it's about time to start raising awareness about these manifestations of the housing crisis, and to elaborate policies effectively ensuring adequate homes for all. Monitoring the right to adequate housing in Romania would be an important element of the desired changes.

4. Currently, neither the right to adequate housing, nor the prohibition of forced evictions are ensured in Romania, leaving space for abuses and the violation of economic, social and cultural rights for many vulnerable groups, with low incomes, who cannot afford the high costs of housing (private rents and housing costs on the market, and/or utilities). This is especially serious as Romania has a wide population at risk of poverty even after social transfers, which, by the way, has a very little effect on reducing poverty: in 2018, according to Eurostat, 21.5% of the total population, and 28.5% of not-employed population was faced with monetary poverty; even more, almost 16% of the employed were poor according to their income level; 47.8% of the population was unable to face unexpected expenses; more than 31% of the population was faced with material deprivation, not being able to satisfy several important items necessary for a decent life; around 35% of the total population suffered of the effects of poverty-and-social-exclusion.

III. The violation of the right to adequate housing in Romania (according to the General Comment No. 7 and General Comment No. 4)

5. The Legal Security of Tenure

Currently, there is no protection against forced evictions in Romania, i.e. the security of tenure is not assured for everybody and it is even less so in the case of the impoverished, low-income and socially marginalized and excluded people. There is no national rule that would legally ban forced evictions, and no effective system at local level for preventing them. Low income people without a private home, but as well as those who own a home but cannot pay for utilities, persons/ households living in informal homes and/ or settlements, or occupying empty public or private spaces in lack of other housing alternatives, do not have any legal protection against forced evictions, i.e. they are not offered an adequate alternative home in the case of being evicted. There are some extreme cases of large groups of people, mostly of Roma ethnicity, who suffered from such evictions several times in their lifetime, or are under forced eviction risk as we speak. One of them is the case of the Roma communities Pata Rât from Cluj-Napoca, which was documented in several waves by the Căși sociale ACUM!/ Social Housing NOW! movement from the same city, among others in a Report sent to the Special Rapporteur for

Adequate Housing in 2010, or in a recent [Appeal](#) to international organizations and state authorities. Another case we have been involved with is placed in Sector 3 in Bucharest, in the area of Ghetu Anghel street. There, a predominantly Roma community of about 100 persons has been living without the possibility to formalize their tenure for about 30 years. It [is now at risk of eviction and demolition](#), as the local authorities refuse to attest its existence as an informal housing area - and in May 2021 came close to living the entire community without any water source.

6. Availability of Services, Materials, Facilities and Infrastructure

In the majority of the cases, the informal homes and/ or settlements are lacking elementary conditions (drinking water, electricity, heating, sanitation facilities, disposal and emergency services), being characterized by severe forms of housing deprivation and as well as by spatial segregation and lack of access to public transport. Likewise, the “alternatives” that evicted people are looking for or are provided with, do lack adequate infrastructural and housing conditions. Moreover, the Eurostat indicators of housing deprivation demonstrate that - beyond such extreme cases of poverty and deprivation - Romania’s population is faced with the lack of proper housing conditions at a higher rate than other EU Member States, i.e. there are many households with poor amenities such as leaking roof, no bath/shower and no indoor toilet, or a dwelling considered too dark. Even though there has been an improvement in our country in this sense since 2010 (when 10.8% of our country’s population was suffering from housing deprivation), in 2017 the housing deprivation rate was still 6.3%, which is quite high compared to the EU-27 average (0.6%). If, furthermore, one looks at the indicator of severe deprivation rate, the figures are even more alarming: in 2018, in Romania 16% of the total population suffered from this phenomenon compared to the 4% of the EU-27 average. Looking at the rate of overcrowded homes in Romania, one makes an even more alarming image the access to adequate housing in this country: in 2019, 45.8% from the total population lived in overcrowded homes (compared to the EU-27 average of 17.1%), while this percentage was even higher in the case of people faced with the risk of poverty (54.4%), compared to the EU-27 average of 29.5% in this category.

7. Affordability

Due to the high percentage of working people earning the national minimum income (around 270 euro/ month) and due to the high costs of housing (private rent, purchase of a home from the market, utilities), for many working households the cost of adequate housing prevents the satisfaction of other basic needs (such as food, education, healthcare). In 2018, out of the total population, in Romania 10.3% were faced with housing cost overburden (compared to the EU-27 average of 9.6%), but the housing cost overburden rate was higher in the case of tenants who rented a home at market price (46.3%, compared to the EU-27 average of 25.1% from this category) and those low-income people who were living in a social rent or for free (20.5%, compared to the EU-27 average of 10.2%). But even the homeowners with mortgages or housing loans - out of whom, in Romania, 46.3% were faced with this phenomenon compared to the lower EU-27 average of 25.1%. Today even in the big cities of Romania, such as Bucharest and Cluj-Napoca, where the average income (circa 700 euro/ month) is much higher than the average national level, people cannot afford paying a market rent (at around 420 euro/ month) from one salary, while also providing for the other household needs. Thus, many are required to take up a second job or rely on wider family support or even take on household debt. Although the Roma are disproportionately affected by housing exclusion, the lack of an adequate legal and economic

framework ensuring the right to housing affects a much wider population. The majority of workers earn well below the average income, and can hardly afford a market rent even from two salaries; they are often forced to look for cheaper housing characterized by overcrowding. FEANTSA's *Fifth Overview on Housing Exclusion in Europe* noted that, in 2018, 37.4% of the poor suffered from severe housing deprivation and 56.4% of them lived in overcrowded homes. Paying for the utilities was another challenge that people earning below the relative poverty line were facing: 20.3% of them were in arrears on utility bills. This phenomenon is increasingly worrying due to the further liberalization of prices on electricity and gas, while the fundamental right to water is not accessible for everybody: 14.4% of the total Romanian population had utility debts. In addition, there are a high number of households disconnected from utilities that they can't afford.

8. Habitability

In the case of those people who are faced with housing deprivation and are living in overcrowded homes and/ or in informal settlements/ homes (as discussed in paragraph 6) the habitability criteria of affordable housing remains also unfulfilled. Even more, the insecurity of tenure, the evictions and the lack of public housing at affordable costs are making the impoverished and disadvantaged people more vulnerable in the face of being constrained to accept housing solutions that do not protect its inhabitants from cold, damp, heat, rain, or other health threats and structural hazards. We documented the case of [Alexandria](#), where people evicted from a block of flats that was supposed to be renovated were offered container homes by the City Hall, as a housing alternative. We were also closely involved in the case of [Cantonului street from Cluj-Napoca](#) (where people were constrained to accept as a temporary solution, becoming permanent in the past 20 years, container homes provided by a charity organization), and in the case of [Eforie Nord](#). In these cases, not only the principles of adequate home, but also the World Health Organization's Health Principles of Housing (1990) were violated.

9. Accessibility

This criteria of adequate housing means that all people are entitled to adequate housing, and disadvantaged groups in particular must be accorded full and sustainable access to housing. Even if in the Romanian particular laws there are some legal regulations regarding children's rights, the rights of persons with disabilities, the rights of marginalized persons or the rights of people living in informal settlements (to a home), they are not translated into effective concrete measures at the local level. Thus, children's rights, marginalized persons' rights, disabled persons rights, the right to adequate housing of those living in informal settlements, continue to be violated by the national and local public administration. In some localities, the social housing allocation criteria system offers some additional points in the process of evaluating peoples' social housing requests for such cases. But considering that the number of social housing or other forms of public housing is so critically low or is totally missing from a locality, this means almost nothing from the point of view of real access to an adequate social home. Even more, in several localities from Romania the local authorities are applying social housing distribution criteria that, instead of prioritizing their needs, disadvantage the already disadvantaged. In addition, the access to rent subsidies (a program implemented in big cities) is very limited in time - 1 or 2 years after which impoverished people are supposed to be competitive on the private housing market - and is discriminatory in the case of those who cannot afford to pay for their fines and penalties towards the local authorities.

10. Location

Residential segregation (such as in the case of Pata Rât from Cluj-Napoca, or in several [cases documented by Romani Criss](#)), which places and keeps people's homes in stigmatized spaces that are far away from public transport, is preventing the inhabitants of such areas from access to quality education and better-paid jobs, but as well as to adequate health-care services and several social facilities accessible for the rest of the localities' population. In some cases of residential segregation, like Pata Rât of Cluj-Napoca (Roma moved nearby the garbage dump), or from Miercurea-Ciuc (Roma moved to the proximity of the local water treatment plant), or from Baia Mare (Roma moved to toxic former industrial sites), the location of people's home is definitely one that not only prevents them to have access to services, but exposes them to factors that endanger their health and life.

11. Cultural Adequacy

In Romania, cultural adequacy of a home is sometimes wrongly understood by national or local decision-makers, who wrongly assume that inadequate homes or housing placed in poorly equipped areas are "adequate" for Roma due to their supposedly cultural features (like enjoying living in poverty and misery, or like sacrificing adequate living on the altar of a kind of freedom or autonomy from strict legal regulations). Other times, the principle of cultural adequacy is confused with the social realities of an extended family whose economic activities for making a living are not compatible with living in a block of flats, but in a detached home. Activities geared towards development or modernization of housing should ensure that the cultural dimensions of housing are not sacrificed, while simultaneously ensuring modern technical facilities.

12. Prohibiting forced evictions

General Comment No. 4 refers to security against forced evictions as a part of 'security of tenure,' which is an integral aspect of the right to adequate housing. Today, the observation of the Committee from 1997, according to which it happens that during the course of evictions the families are forced to live in deplorable conditions and at the end of the day the evicted are not offered an adequate alternative home is still relevant in the case of Romania. In 2019, as a result of the research of The Block for Housing we could [Report](#) on the lack of legal provisions against forced evictions, on the lack of local systems for preventing them, but also on the lack of a clear evidence of eviction cases across the country and across responsible institutions; with these, came also a lack of acknowledgement of their short and long-term impact on the evicted. Our research and report offer us an extra argument for proposing to include adequate housing on the list of issues to be monitored in Romania.

IV. Conclusions

13. Our document demonstrated that a large part of Romania's population is faced with different manifestations of the housing crisis. This means that in this country, not all people enjoy all of the key elements of adequate housing.

14. At the same time, we acknowledge that the Romanian legislation has huge gaps in regards to the effective assurance of the right to adequate housing irrespective of people's income or economic resources or belonging to a social class or having a particular ethnic background:

- In Romania housing is not recognized as a constitutional right; however, “decent housing” is part of “decent living” which has to be constitutionally assured by the state.
- There is a lack of explicit legal norms in regard to housing affordability and housing security for all.
- The government did not fulfill its obligations in regard to the right to adequate housing.
- The Romanian state did not adopt the judicial enforcement mechanisms for protecting housing rights.

15. In the past 30 years it has become more apparent that a general decline in living and housing conditions occurred in Romania, and this is directly attributable to policy and legislative decisions of the Romanian governments and parliamentary bodies:

- The government tolerated a decline in housing conditions that it could have prevented.
- The government did not promote enabling strategies, did not look for international assistance for housing, and did not give priority to disadvantaged groups in its programs.
- The Romanian state did not initiate a national plan of action to prevent forced evictions and to assure access to social housing in accordance with the needs across the country.

16. The Romanian state did not pay adequate attention to housing rights and to the right of adequate housing, nor in times of economic growth, nor in periods of crisis. More precisely, it favored the formation of the housing market as part of the development of the market economy and it supported the real estate developers and other private actors making profit out of housing. There is a lack of regulation of real estate development and of the private rental sector.

17. Under these conditions, the Romanian Government should be obliged to fulfill some **progressive obligations** in this domain, for the next 5 years, such as:

- (a) improving national legislation on the domain of housing;
- (b) enforcing some local mechanisms that would prevent forced evictions;
- (c) supporting and enforcing the local governments to assure adequate social housing as a solution to several manifestations of the housing crisis, including housing overcrowdedness, indebtedness with housing costs, and inadequate housing conditions.

18. In what regards the Romanian Government’s **immediate obligations** (starting with 2021), acknowledging that resource constraints are not an excuse for not respecting the right to adequate housing for all, and that during the exceptional times of the pandemic the recognition of housing as a core element of people’s healthy life is a must, we consider that the Romanian state needs to immediately do the following:

- (a) monitoring people’s housing conditions with respect to the right to adequate housing, including: the situation of people under the risk of eviction, the situation of the homeless (in the wide sense of the term, i.e., people living in inadequate conditions), the housing conditions of the socially marginalized and excluded, the housing conditions of those with low incomes who cannot afford adequate housing from the market;
- (b) adopting a national housing strategy with a chapter - and proper budget allocation - on public and social housing as a means of solving several manifestations of the housing crisis;

- (c) adopting local housing strategies, each with a chapter - and proper budget allocation - on public and social housing;
- (d) allocating financial resources to identify the real need for social housing at local levels, and to fulfill these needs via a clear medium- and long-term planning for the increase of the social housing stock;
- (e) seeking international assistance for the increase of the social housing stock if immediate obligations appear to be beyond the State's financial capacity;
- (f) monitoring the social housing allocation criteria at local levels, to ensure that any discriminatory criteria are excluded from this system, and that positive measures are included in order to prioritize the cases with the worst housing conditions;
- (g) ensuring at local levels that evictions are carried out in accordance with duly enacted laws, and include resettlement in adequate homes or compensation;
- (h) improving the Romanian judicial system so that it can act immediately to protect those whose right to adequate housing is violated in a way or another (through forced evictions, through not solving their request for social housing in two years, through discriminatory housing policies, etc.).

Cluj-Napoca and Bucharest, Romania

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