

**UNNATURAL
DISASTER:**

**ENVIRONMENTAL
RACISM AND
EUROPE'S ROMA**

CIVIL RIGHTS DEFENDERS

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TABLE OF CONTENTS

INTRODUCTION	2
ENVIRONMENTAL RACISM: DEFINITIONS AND WARREN COUNTY ORIGINS.....	3
EUROPEAN VARIANTS.....	4
EUROPE’S ‘PERSISTENT FAILING’ ON ROMA INCLUSION	9
ROMA RIGHTS AND THE COVID-19 PANDEMIC	11
CLIMATE CRISIS AND ENVIRONMENTAL RACISM.....	12
FORCED EVICTIONS OF ROMA: ‘EUROPE’S SILENT SCANDAL’	15
FORCED EVICTIONS IN 2020S EUROPE: CORRUPTION, CRUELTY AND ‘CLEANSING’	16
CLEAN WATER AND SANITATION: ACCESS DENIED.....	19
THE NORMATIVE CONTENT OF THE RIGHT TO WATER AND THE OBLIGATIONS OF STATE PARTIES	19
THIRSTING FOR JUSTICE	20
UNSAFE WATER IN 21 ST CENTURY EUROPE	21
2018 EUROPEAN PARLIAMENT: CONSERVATIVES AND LIBERALS DILUTE DRINKING WATER DIRECTIVE	24
ITALY: ‘NOMAD CAMPS’, EMERGENCY DECREES, MASS EVICTIONS AND ENVIRONMENTAL ANTIGYPSYISM.....	26
CAMPLAND ITALY: “THE ONLY COUNTRY IN EUROPE TO BOAST A SYSTEMATIC, PUBLICLY ORGANISED AND SPONSORED NETWORK OF GHETTOS”	26
EMERGENCA NOMADI 2008-2011	28
BEYOND THE NOMAD EMERGENCY: THE PERSISTENCE OF ENVIRONMENTAL RACISM	29
ROMA IDPS IN KOSOVO: LEAD-POISONING, RACIAL PREJUDICE, AND OFFICIAL NEGLECT	34
TIMELINE.....	35
UN HUMAN RIGHTS ADVISORY PANEL FINDINGS	38
PATA RÂT, ROMANIA: ENVIORNMENTAL RACISM AT ITS MOST TOXIC	41
CLUJ: NO ROOM FOR ROMA IN ‘THE SILICON VALLEY OF EASTERN EUROPE’	44
ENVIRONMENTAL RACISM: THE ROMA CASE FILES 2018-2022.....	46
ANNALS OF SHAME: VIOLATIONS OF HUMAN DIGNITY, DIRECT AND INDIRECT DISCRIMINATION	46
CONCLUSION	53

INTRODUCTION

Across Europe's worst-off 'multiply-disadvantaged' regions, entire communities of Roma subsist in deep poverty, many are forced to live in close proximity to landfills or toxic sites. They are often spatially segregated from the rest of society, living in 'settlements', slum neighbourhoods, or improvised camps, and routinely denied equal access to clean water and sanitation, often cut off from affordable heating and electricity supplies.

The evidence gathered in this report leaves little doubt about the extent of environmental racism faced by Roma across Europe, and that it is a deliberate and structural form of racism. Over the past two decades, many have been forcibly displaced due to armed conflict, or evicted to make way for gentrification, tourism or corporate development projects. Mass demolitions and evictions frequently banish Romani communities to sites beyond the pale, out of sight and out of mind, to desolate locations, devoid of infrastructure or public transport or services.

The efforts of the European Union to promote Roma inclusion in member states and candidate countries have failed to make a dent on environmental racism. By the European Commission's own reckoning, the first EU Framework on Roma inclusion was an 'inexcusable' failure. Despite Commission communications, Council conclusions, parliamentary resolutions, and the relentless gathering of data, anti-Roma racism worsened in many member states. Across Europe's worst-off 'multiply-disadvantaged' regions, entire communities of Roma subsist in deep poverty, and found themselves at the 2020 end-point of the first Framework, just as excluded as they ever were.

Despite the improved language and belated recognition that combating racism and discrimination must come first, it is already apparent that the new Roma inclusion package is unlikely to deliver the change that would make a tangible difference to the everyday lives of excluded communities by its end-date of 2030. Much was made of the Framework's alignment with the UN Sustainable Development Goals (SDGs). These included:

- **SDG 1** to reduce the exposure of the poor and those in vulnerable situations to climate-related extreme events and other economic, social and environmental shocks and disasters;
- **SDG 3** to substantially reduce the number of deaths and illnesses from hazardous chemicals and air, water and soil pollution and contamination;
- **SDG 6** to achieve universal and equitable access to safe and affordable drinking water for all, access to adequate and equitable sanitation and hygiene for all and end open defecation, paying special attention to the needs of women and girls and those in vulnerable situations; and to improve water quality by reducing pollution, eliminating dumping and minimizing release of hazardous chemicals and materials;
- **SDG 11** to ensure access for all to adequate, safe and affordable housing and basic services and upgrade slums; to provide access to safe, affordable, accessible and sustainable transport systems for all; to enhance inclusive and sustainable

urbanization and capacity for participatory, integrated and sustainable human settlement planning and management in all countries.¹

On current form, none of the provisions in these SDGs will be achieved in Europe for marginalised Romani communities by 2030, and the conversation about environmental racism has barely begun in either Brussels or the capital cities of EU member states and candidate countries.

ENVIRONMENTAL RACISM: DEFINITIONS AND WARREN COUNTY ORIGINS

The term emerged in the United States, coined by Benjamin Chavis after he participated in the 1982 protests against the siting of a hazardous waste landfill in Warren County, North Carolina:

“Environmental racism is racial discrimination in environmental policy-making and enforcement of regulations and laws, the deliberate targeting of communities of colour for toxic waste facilities, the official sanctioning of the presence of life-threatening poisons and pollutants for communities of colour, and the history of excluding people of colour from leadership of the environmental movement.”²

Issues surrounding the siting of hazardous waste facilities in racial ethnic communities gained national prominence when the Commission for Racial Justice joined ranks with residents of Warren County, in protests which culminated in a nonviolent civil disobedience campaign and more than 500 arrests. As a result of the protests in Warren County, subsequent studies of the racial and socio-economic status of communities surrounding four landfills in south-eastern United States found that Blacks comprised the majority of the population in three of the four communities studied.

Prior to the Warren County demonstrations, Chavis noted that Black communities had been marginally involved with issues of hazardous wastes. One reason could be traced to the nature of the environmental movement “which has historically been white middle and upper-class in its orientation.” Another was that Black communities beset by poverty, unemployment and problems related to poor housing, education and health have little time to be concerned about “the quality of their environment when confronted by a plethora of pressing problems related to their day-to-day survival.”³

¹ UNDP, SDGs in Action, Available at: <https://www.undp.org/sustainable-development-goals>

² Ryan Holifield, Progress Report: Defining Environmental Justice and Environmental Racism, Urban Geography 2001, Vol. 22 (1) pp. 78-90. Available at: https://www.nypl.org/sites/default/files/holifield_defining_ej_and_environmental_racism.pdf

³ Benjamin Chavis, Foreword to *Toxic wastes and race in the United States*. Commission for Racial Justice/ United Church of Christ, 1987. Available at: <https://www.nrc.gov/docs/ML1310/ML13109A339.pdf>

In its 1987 study, the Commission for Racial Justice found that race proved to be the most significant among variables tested in association with the location of commercial hazardous waste facilities. In what represented a consistent national pattern, while socio-economic status appeared to play a role in the location of commercial hazardous waste facilities, *race still proved to be more significant.*⁴

EUROPEAN VARIANTS

In its 2020 report, the European Environmental Bureau (EEB) found that unequal exposure to environmental burdens is one of many dimensions of antigypsyism, and that “*environmental racism against Roma communities is a structural and widespread problem in the countries researched in the EU and its immediate neighbourhood.*” Most of the 32 situations identified in the EEB mapping report *Pushed to the Wasteland* were cases of water and waste management and access to related infrastructure. The report defined three main categories of environmental racism against Roma:

- (i) CUT OFF where Roma communities are disconnected or not provided with access to clean water, sanitation, and waste collection, while neighbouring areas receive these environmental services;
- (ii) PUT IN DANGER when Roma communities are compelled to live and work in environmentally degraded and polluted sites including landfills, contaminated industrial sites such as mining complexes or smelters, or in areas prone to environmental hazards such as floods.
- (iii) PUSHED ASIDE Roma communities fall victim to forced evictions from land and water resources or other locations with high economic value to make place, for instance, for new housing or road projects, tourism facilities or for nature protection measures.⁵

Istanbul: The Sulukule Affair

Some of the most notorious examples of anti-Roma environmental racism have combined these categories, and the demolition of Sulukule in Istanbul where urban renewal (to replace existing housing stock with purportedly more earthquake-resistant construction) resulted in the disintegration of an historical community, its dispersal in a manner that deprived members of social networks, solidarity and the means of earning a living. In December 2007 the ERRC, the Helsinki Citizen’s Assembly (hCa) and the Edirne Association for Research of Romani Culture and Solidarity (EDROM) initiated a court case aiming to cancel this urban renovation project targeting the oldest Romani neighbourhood in Europe.⁶

⁴ *Ibid.* Executive Summary

⁵ Patrizia Heidegger and Katy Wiese, *Pushed to the Wastelands: Environmental racism against Roma communities in Central and Eastern Europe*. European Environmental Bureau 2020. Available at: <https://eeb.org/wp-content/uploads/2020/04/Pushed-to-the-Wastelands.pdf>

⁶ Hacer Foggo, The Sulukule Affair: Roma against Expropriation. *Roma Rights Quarterly*, Number 4, 2007. ERRC Available at: http://www.errc.org/uploads/upload_en/file/02/F6/m000002F6.pdf

However, the ruling from the Istanbul court on 12 June 2012 came too late to save Sulukule. The court established that the municipality's renovation project was "not in the public interest", and was in violation of laws protecting immovable historic and cultural properties. By the time the court had issued its ruling, all that remained of the neighbourhood and its inhabitants was one Romani-owned, wooden Ottoman house that was preserved on historic grounds, and "*for its thousands of former inhabitants, relocated many miles away or living in the ruins of the settlement, the ruling was of cold comfort.*" The demolition of the neighbourhood went ahead in February 2010 despite an international campaign to ensure democratic consultation with the residents.

As the authors described it, "*the crumbling Ottoman wooden tenements were bulldozed as crowds of Romani people watched, to be replaced with neo-Ottoman, two-storey villas complete with parking for every household. A shopping mall and sports centre complemented this gentrification and the much-promised culture centre for the Romani people who used to live there never materialized.*"

The alternative for a few of the 3,000 residents was the newly-built Taşoluk village, 45 km outside of away Istanbul, where families of seven were offered 50 square metres to live in. The village had no hospital, no school, and no regular transport to the city. The rent for these apartments was too high for the former residents of Sulukule, "*many of whom moved back to live in shanties in the newly renamed "Karagümruk" neighbourhood, on the ruins of their former homes.*"⁷

France: Evict, demolish and 'deliver them back to the borders'

A state policy of collective punishment effectively kicked off with President Sarkozy's declared intent in 2010 to raze Roma camps to the ground and deport Roma en masse back to Romania and Bulgaria. The inflammatory rhetoric was followed by punitive policy measures and the deliberate infliction of hardship upon Roma through forced evictions and deportations. In a speech in July 2010, Sarkozy vowed to "put an end to the wild squatting and camping of the Roma", and promised that half of the alleged 539 Romani camps in France would be gone within three months.

By September France was on an unprecedented collision course with the EU following a European Parliamentary resolution which called for an immediate suspension of all expulsions of Roma and condemned the use of inflammatory and openly discriminatory rhetoric. Then, on 14 September, EU Justice Commissioner Viviane Reding provoked outrage from the French government when she branded the expulsions "a disgrace", accused French ministers of duplicity, and described the situation as one she thought that "*Europe would not have to witness again after the Second World War*". Following a leaked memo from the French Interior Ministry which explicitly called for the clearance of 300 Roma camps within three months, Finland's Foreign Minister Alexander Stubb warned that the EU risked looking hypocritical if it

⁷ Martin Demirovski and Adrian Marsh, To Start Roma Integration, Stop Roma Evictions, *Open Society Voices* 10 July 2012. Available at: <https://www.opensocietyfoundations.org/voices/start-roma-integration-stop-roma-evictions>

took no action: *"When we promote free trade, climate change and human rights around the world we need to have our own backyard in order."*⁸

A change of government brought no respite for Roma in France. The new Interior Minister, Manuel Valls proved to be even more enthusiastic about mass evictions than Sarkozy, and infamously declared in 2013 that *"the majority [of Roma] should be delivered back to the borders. We are not here to welcome these people"; that Roma lifestyles were "clearly in confrontation" with French ways of life – they could never be integrated; and that "the majority should be delivered back to the borders. We are not here to welcome these people."*

Mass evictions continued unabated. The *Ligue des droits de l'Homme* and the ERRC reported that more than 11,000 Roma people were forcibly evicted by the authorities in France in 2015 alone. In February 2016, 300 Roma were evicted from their informal *'Petite ceinture'* camp in the 18th district of Paris. While some were offered emergency shelter, most were left on the street. It quickly emerged that this eviction was illegal, carried out in defiance authorising the families to stay on the site until June.

The Secretary General of the Council of Europe Thorbjørn Jagland, condemned this illegal act and warned the French authorities that "forced evictions can prove counter-productive as they often disrupt the schooling of Roma children and hamper the efforts of those who provide basic healthcare to Roma communities, for example through vaccination campaigns." Jagland called on the French authorities "to provide all those who have been forced to leave the 'Petite ceinture' camp – including children and elderly people – with adequate, alternative accommodation, particularly as they have decided to take this action during winter."⁹

Evictions just carried on. On the morning of 13 April 2016, the Mayor of Cogolin filmed an eviction of Roma and in his Facebook posting described their personal possessions as "stolen goods", and added, "Fortunately for those watching (the video), you cannot smell the bad odour ... which at 8:30 in the morning is quite something ..."¹⁰

Ireland: local authorities culpable for 'totally avoidable' squalor and deprivation

While in France, environmental racism against Roma was characterised by official connivance between national, regional and local authorities, in Ireland the blame for the oppression of Irish Travellers lies squarely with local and city councils many of whom have deliberately

⁸ ERRC News, *The French Recipe: Evict, Demolish And "Deliver Them Back to The Borders"*, 9 January 2020. Available at:

<http://www.errc.org/news/the-french-recipe-evict-demolish-and-deliver-them-back-to-the-borders>

⁹ Council of Europe News, *Secretary General responds to reports that French police have cleared hundreds of Roma in Paris*. 3 February 2016. Available at: https://www.coe.int/en/web/portal/news-2016/-/asset_publisher/StEVosr24HJ2/content/secretary-general-responds-to-reports-that-french-police-have-cleared-hundreds-of-roma-in-paris

¹⁰ ERRC News, *The French Recipe: Evict, Demolish And "Deliver Them Back to The Borders"*, 9 January 2020. Available at:

<http://www.errc.org/news/the-french-recipe-evict-demolish-and-deliver-them-back-to-the-borders>

failed to draw down earmarked funds or administer social housing allocations to ameliorate the living conditions endured by Travellers.

“It’s like an abandoned place that people forgot about, it’s like we’re forgotten, we feel like garbage”.

These were the words of a 12-year-old Traveller girl describing life on a halting site run by Cork City Council. A report entitled *No End in Site*, found that “undesirable administrative practice” has left 66 Traveller children living in filthy, overcrowded and rat-infested conditions. At the publication of the damning report, the Ombudsman for Children, Dr Niall Muldoon said: *“The conditions we found on the halting site in question were deplorable. To think that children in Ireland in 2021 are living like this is utterly shocking. Under no circumstances can this be accepted or allowed to continue.”*

The report found that Cork City Council was violating the human rights of Traveller children, and that conditions on the site pose a serious risk to life and limb. The Council’s failure to administer its social housing allocation scheme in a transparent and accountable manner, contributed greatly to the severe overcrowding on this site.¹¹

ECRI’s 2019 report on Ireland was sharply critical of the “totally avoidable situations” that leave many Travellers living in squalor and deprivation. ECRI expressed regret that nothing has changed since the last report concerning the abject failure of local authorities to provide adequate and culturally appropriate accommodation, and was “shocked” that 4.1 million Euro of available funding was returned unspent. The report found that prejudice and opposition from local residents translates into a lack of political will on the part of the local authorities; nine local authorities had not spent one cent on accommodation, and ECRI expressed regret that nothing had changed since its last visit:

“ECRI’s delegation witnessed the consequences of this situation during a visit to a Traveller site (Saint Mary’s) in north Dublin. It was alarmed at the deplorable conditions in which Travellers were living. The site notably had only one water connection point and one toilet facility for fourteen families, including more than 40 young children, and no waste collection services; the living environment was insalubrious and hazardous.”¹²

ECRI suggested imposing dissuasive sanctions on local authorities for failure to spend allocated funding, or removing the responsibility for Traveller accommodation from local authorities. On 24 March 2021 the European Committee of Social Rights (ECSR) found that the human rights of Travellers continue to be violated by inadequate housing and accommodation that is damp, mouldy and rat-infested. Families are stuck in “totally avoidable squalor”. Back in 2016, the ERRC and the Irish Traveller Movement took a case against Ireland to the ECSR, which found the state to be in breach of Article 16 of the European Social Charter, which covers the provision of family housing. Five years later, the ECSR found

¹¹ ERRC News, *What kind of country? Ireland’s ombudsman for children describes conditions on traveller site as ‘utterly shocking’* 31 May 2021. Available at: <http://www.errc.org/news/what-kind-of-country-irelands-ombudsman-for-children-describes-conditions-on-traveller-site-as-utterly-shocking>

¹² ECRI, *Fifth Report on Ireland*, 4 June 2019. Available at: <https://rm.coe.int/fifth-report-on-ireland/168094c575>

the situation “has still not been brought into conformity with the charter” and that Traveller sites “are in poor condition, lack maintenance and are badly located”.¹³

These examples illustrate how official policies and institutional habits perpetuate environmental racism, which places racialized communities in hazardous living conditions, spatially segregates them, denies them access to essential services, endangers their lives, and violates their fundamental human rights. Subsequent sections of the report examine in more detail how environmental racism against Roma manifests itself in forced evictions, and denial of access to clean water and sanitation.

The report also traces the histories of three emblematic episodes in the sordid story of European antigypsyism: (i) Italy’s crisis of racism and Roma camps, and its policies of spatial segregation, forced evictions, displacements and camp demolitions that have only served to stigmatise and further exclude Roma; (ii) the crime against Roma IDPs in Kosovo left to languish in lead-contaminated camps in conditions described by a UN panel of inquiry as ‘particularly distressing’; and (iii) the notorious case of Pata Rât in Romania which involved the forced eviction of 270 residents from their homes with scarcely a day’s notice, the illegal demolition of their houses, and forced relocation to a site between a landfill and a pharmaceutical waste deposit.

As Enikő Vincze observed, there is nothing remotely neutral about housing and real estate policies which support privatization and marketization of the sector, and construct distinctions among ‘deserving’ and ‘undeserving’, or responsible and welfare-dependent citizens, or those who can secure a dwelling on the “free housing market” and those who are “not able to do that because they do not like to work”. The spatial segregation that emerges maintains this differentiation, *“for when public authorities evacuate and relocate Roma in segregated areas they may create a feeling of moral superiority among majority people, including poor, who can feel themselves as ‘normal citizens’ that are not banished in polluted, isolated areas, which are unworthy of human beings.”* Mass evictions of Roma are legitimised by explanations about ‘their’ inability to integrate or adapt to changing times, some non-Roma even *“classify their ability to live under sub-human conditions as ‘natural trait of their ethnicity’; others even say that they deserve to live in the polluted and isolated environment of the landfill.”*¹⁴

The insidious normalisation of antigypsyism, the acceptance that banishing Roma to the physical margins of society is somehow part of the natural order of things, means that when French or Italian ministers of the interior speak of chasing Roma to the borders, that Roma lifestyles were “clearly in confrontation” with French ways of life, that Roma could never be integrated, or that what Italy needed was a massive cleansing of Roma ‘piazza by piazza’ there was little outcry, and even less by way of damage to the politician’s reputation. Environmental racism somehow ceases to be remarkable, and post-conflict Kosovo provided a stark reminder of how profound was the rot among those mandated to “promote and protect

¹³ Kitty Holland, Rights of local authority tenants and Travellers violated, European body says, *The Irish Times*, 24 March 2021. Available at: <https://www.irishtimes.com/news/social-affairs/rights-of-local-authority-tenants-and-travellers-violated-european-body-says-1.4518271>

¹⁴ Enikő Vincze, Urban Landfill, Economic Restructuring and Environmental Racism, *Philobiblon – Vol. XVIII (2013) No. 2*. Available at: https://www.philobiblon.ro/sites/default/files/public/imce/doc/2013-nr2/philobiblon_2013_18_2_10.pdf

human rights”. When the UN Human Rights Advisory Panel held the Interim Administration Mission in Kosovo (UNMIK) accountable in 2016 for leaving Roma families exposed to lead poisoning in IDP camps for more than a decade, it found that UNMIK’s failure to address the life-threatening situation was tainted by racial prejudice.

The panel rejected arguments that the health crises in the camps were due to the ‘unhealthy’ lifestyle of the Roma IDPs, or that UNMIK could not move them to an alternative safe location that was ‘acceptable’ to all stakeholders as having been driven by discriminatory stereotypes. The remark by the Special Representative of the Secretary-General (SRSG) that the Roma have historically lived in substandard living conditions, even prior to the conflict, was rejected as “*discriminatory and debasing*” since it suggested that the social and economic marginalisation of Roma is based on race and on their own actions and, as such, may be perpetuated without responsibility.¹⁵

The final section provides summary accounts of a selection of strategic litigation cases between 2018 and 2022 which not only provides a snapshot of the persistence and forms of environmental racism against Roma and Travellers, but also one aspect of the resistance to this relentless and pitiless confluence of neo-liberal avarice and racial prejudice. This resistance is comprised of coalitions of local and international Roma and pro-Roma CSOs, civil rights, anti-racist and housing activist groups, environmentalist organisations and directly affected communities, who have waged long-running campaigns, protests and advocacy actions against powerful vested interests.

EUROPE’S ‘PERSISTENT FAILING’ ON ROMA INCLUSION

At the launch of its EU Framework for Roma integration in 2011, the European Commission stated “*a significant part of the 10-12 million Roma in Europe lives in extreme marginalisation in both rural and urban areas and in very poor socio-economic conditions. The discrimination, social exclusion and segregation which Roma face are mutually reinforcing. They face limited access to high quality education, difficulties in integration into the labour market, correspondingly low-income levels, and poor health which in turn results in higher mortality rates and lower life expectancy compared with non-Roma.*”¹⁶

In its 2018 survey, the European Union Agency for Fundamental Rights (FRA) revealed that, despite years of inclusion efforts, on average one out of three Romani people surveyed had experienced some form of racially motivated harassment; and that 80% of Roma in the nine Member States surveyed in 2016 still live at risk of poverty. Moreover, an average of 27% of Roma live in households where at least one person had to go to bed hungry at least once in the previous month; in some Member States, this proportion is even higher.

¹⁵ UNMIK, *The Human Rights Advisory Panel History And Legacy Kosovo, 2007-2016, Final Report* 30 June 2016. Available at: https://unmik.unmissions.org/sites/default/files/hrap_final_report_final_version_30_june_2016.pdf

¹⁶ European Commission, *Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions The social and economic integration of the Roma in Europe*. See: <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1444909812175&uri=CELEX:52010DC0133>

The FRA data showed that a high share of Roma still have no regular access to basic sanitation or live in overcrowded conditions, hampering progress in other areas, such as education, health or employment. Moreover, the share of Roma experiencing discrimination in housing had actually increased in a number of countries. A third of the Roma surveyed continue to live in housing that has no tap water inside the house; 38% do not have a toilet, shower or bathroom inside their home – in stark contrast to the general population average recorded by Eurostat. Roma in Romania – the country with the highest number of Roma in the EU – enjoy access to safe water in rates similar to those in Bhutan, Ghana or Nepal.

Such was the evidence of widespread anti-Roma discrimination that FRA was of the opinion that the Racial Equality Directive “is not effective” when it comes to Europe’s Roma. The report concluded that “the scourge of antigypsyism has proven to be a formidable barrier to efforts to improve the life chances and living standards for Roma, with many facing discrimination, harassment and hate crime because of their ethnic origin.”¹⁷

The FRA report was significant in squarely identifying racism as the root of the problem of Roma exclusion, and stressing the need to recognize anti-Roma racism or antigypsyism as a specific form of racism. Back in 2011, the European Commission against Racism and Intolerance (ECRI) in its General Policy Recommendation No. 13 on combatting discrimination against Roma stressed that antigypsyism is “*an especially persistent, violent, recurrent and commonplace form of racism*”, a phenomenon that needs to be combatted ‘at every level and by every means’. ECRI defined antigypsyism as “*a specific form of racism, an ideology founded on racial superiority, a form of dehumanisation and institutional racism nurtured by historical discrimination, which is expressed, among others, by violence, hate speech, exploitation, stigmatisation and the most blatant kind of discrimination*”.¹⁸

A more complicated understanding of institutional and structural racism is evolving across the European Union institutions. However, the ‘mainstreaming’ of the concepts of environmental racism and the demands of environmental justice have yet to percolate. The European Commission in its EU Anti-racism Action Plan 2021-2025 called on Member States to identify and tackle potential manifestations of structural racism and their impact, and to take the following actions:

“Acknowledge that structural racism and intersecting inequalities are mirrored in socio-economic divides in different areas of life. Set out concerted efforts to identify potential racial bias – conscious or unconscious - and patterns of discrimination in rules, norms, routines, algorithms, attitudes and behaviour in institutions and other societal structures that, consciously or unconsciously, present obstacles to groups or individuals, including in

¹⁷ FRA, *A persisting concern: anti-Gypsyism as a barrier to Roma inclusion*. See: https://fra.europa.eu/sites/default/files/fra_uploads/fra-2018-anti-gypsyism-barrier-roma-inclusion_en.pdf

¹⁸ European Commission against Racism and Intolerance (ECRI) General Policy Recommendation Nos. 3 & 13: Key Topics. Council of Europe. Available at: <https://rm.coe.int/ecri-general-policy-recommendation-nos-3-13-key-topics-fighting-racism/16808b763c>

accessing the same rights and opportunities as others, and/or that contribute to less favourable treatment or outcomes for them than for the majority of the population.”¹⁹

In 2019, the European Parliament passed a resolution calling for a “strengthened post-2020 Strategic EU Framework for National Roma Inclusion Strategies and stepping up the fight against anti-Gypsyism”, and urged the Commission to commit to a specific anti-discrimination goal and to ensure that “*multiple and intersectional discrimination, gender mainstreaming and a child-sensitive approach are properly addressed.*”

In 2020, the new strategic Roma framework aimed to step up action to address the ‘persistent failing’ on Roma inclusion, and the Commission called for Member States and candidate countries to show a “strengthened commitment to tackle persistent discrimination”, and among other things, to increase effective equal access to adequate desegregated housing and essential services. The Commission also asserted that mainstreaming Roma equality, inclusion and participation in all relevant Commission initiatives would be key to achieving the objectives set out in the strategic framework, and made a ‘compelling case’ for addressing Roma equality, inclusion and participation in the EU and Western Balkans in the same way, including application of the same objectives for the period up to 2030.²⁰

ROMA RIGHTS AND THE COVID-19 PANDEMIC

Beyond the realm of good intentions, the outbreak of the COVID-19 pandemic in 2020, quickly laid bare the existing precarity facing the most marginalised Roma communities. The extreme deprivation and exclusion of their lived environments which left many Romani people so exposed was a direct consequence of structural racism; and it was predictable that when emergency measures were adopted across EU Member States, anti-Roma racism became a feature of the policy responses to COVID-19.

The danger for marginalized Romani communities was highlighted by Marija Pejčinović Burić, Council of Europe Secretary General, who expressed concern at measures “*that could result in further compromising the human rights of Roma and hampering their equitable access to the provision of basic public services, most importantly health care, sanitation, and even fresh water*”; and her worry that “some politicians blame Roma for the spread of the virus.”

In addition to hate speech blaming Roma for the contagion, there was a surge in reports of police brutality and discriminatory lockdowns of Romani neighbourhoods during the first two waves of the Covid-19 pandemic. Incidents in countries such as Bulgaria and Romania provoked international expressions of concern and condemnation from UN, Council of Europe, and European Union representatives. Commissioner for Human Rights, Dunja

¹⁹ European Commission, *Common guiding principles for national action plans against racism and racial discrimination*. Available at: https://commission.europa.eu/system/files/2022-05/common_guiding_principles_for_national_action_plans_against_racism_and_racial_discrimination.pdf

²⁰ European Commission, *Proposal for a Council Recommendation on Roma equality, inclusion and participation* Brussels, 7.10.2020 COM(2020) 621 final. Available at: https://commission.europa.eu/publications/new-eu-roma-strategic-framework-equality-inclusion-and-participation-full-package_en

Mijatović was quick to warn of the dangers of scapegoating and hate speech against Roma in the context of the pandemic:

“In Bulgaria, for instance, politicians and some media have referred to Roma people as a threat to public health and requested special measures targeting them on this basis. Local authorities have set up police checkpoints around Roma settlements to enforce quarantine measures and, in one place, erected a fence around a Roma settlement to better control movements. While action to ensure adherence to confinement rules can be justified in the present circumstances, these cannot be selectively applied to people, neither fully nor partially, on the basis of ethnicity.”

In a statement, issued on the 13th May 2020, two UN Special Rapporteurs on racism and minority issues expressed deep concern “at the discriminatory limitations imposed on Roma on an ethnic basis that are overtly supported by Bulgarian State officials as part of the broader measures to prevent the spread of COVID-19.” This over-securitised and ethnic-specific approach was harshest in Yambol, which was fully quarantined and blockaded for 14 days. One day after the statement from the UN Special Rapporteurs, on the morning of the 14th May, a police helicopter sprayed nearly 3,000 litres of detergent to ‘disinfect’ the Romani neighbourhood. The ERRC report *Roma Rights in the Time of Covid*, which covered 12 countries from February to June 2020, found that a significant number of actions taken by law enforcement in ‘policing the pandemic’ clearly violated the principles of non-discrimination and equality, and constituted cruel and inhumane behaviour.²¹

CLIMATE CRISIS AND ENVIRONMENTAL RACISM

Climate change has been described as the defining crisis of our time, and one of the greatest existential threats to humankind. As the warnings of irreversible damage done, and more catastrophic consequences ahead become ever more pressing, the realization is slowly dawning on political elites that nowhere on the globe will remain immune from the devastation being wrought by climate and weather extremes. In its call for bold collective action, the UN warned of the perils:

“Rising temperatures are fuelling environmental degradation, natural disasters, weather extremes, food and water insecurity, economic disruption, conflict, and terrorism. Sea levels are rising, the Arctic is melting, coral reefs are dying, oceans are acidifying, and forests are burning.”²²

For Europeans, the summer of 2022, with its crippling droughts followed by torrential rains and massive flooding, ushered in a very public realisation that ‘business as usual’ is no longer an option, and that the continent is “far more vulnerable than expected to changing environmental conditions.” Amidst this deepening crisis, climate expert Giulio Boccaletti states

²¹ Bernard Rorke and Jonathan Lee, *Roma Rights in the time of Covid*, September 2020. ERRC Brussels. Available at: http://www.errc.org/uploads/upload_en/file/5265_file1_roma-rights-in-the-time-of-covid..pdf

²² UN75, *The Climate Crisis – A Race We Can Win*. Available at: <https://www.un.org/en/un75/climate-crisis-race-we-can-win>

that the EU has failed to establish a coherent and resourced framework for climate adaptation to make Europe “greener, more digital and more resilient” that is commensurate to the scale of the problems it faces.²³

In its recent report on the climate crisis, ENAR describes the efforts in states and the climate movement in general across Europe as inadequate. Revolving around reduction of carbon emissions and sustainable development, they are likened to “a band-aid on the bullet-wound.” ENAR maintains that ‘greening’ production and cutting emissions are necessary but insufficient ingredients to the ‘bullet wound’ ENAR maintains is rooted in a crisis of late capitalism, a colonial crisis that has “racist roots and consequences.” While impoverished communities in the Global South are hardest hit by climate disruption, the ENAR report reveals how racialized communities in Europe are specifically and disproportionately impacted:

“To be clear, this is not some future threat for these communities. Many European climate movements discuss taking action for future generations, but the climate crisis is unfolding here and now for many racialised communities.”²⁴

While concerns about the varied impacts of these events on individuals, communities and regions have prompted tentative moves in Brussels in pursuit of ‘just resilience’, the racist factors at play have yet to permeate mainstream policy-think. The European Environmental Agency (EEA), in its February 2023 briefing, noted that although EU and national climate policies draw attention to vulnerable groups and emphasise the need for equitable adaptation solutions, the practical implementation of such solutions remains scarce.²⁵

The EEA briefing calls on policy makers to focus on equity and engagement of vulnerable groups at all stages of planning, implementation and monitoring to ensure “that no one is left behind.” The briefing makes mention of how climate change impacts differently on individuals, communities and regions, and the most vulnerable groups, including older people, children, those of low socio-economic status and health problems.

Conspicuous by its absence is any mention of racism as a factor that has been proven to render some groups more vulnerable to climate change impacts than the general population. When it comes to racialized minorities, there is one mention that “a disproportionate exposure of ethnic minorities, such as Roma communities, to flood risks has been found in some countries”. This is followed by a speculative suggestion that “this may indicate that some

²³ Giulio Boccaletti, *The New European Frontier*, *Project Syndicate*, 27 January 2023. Available at: https://www.project-syndicate.org/onpoint/europe-climate-change-new-modernization-and-political-project-by-giulio-boccaletti-2023-01?utm_source=Project+Syndicate+Newsletter&utm_campaign=22fb126f85-sunday_newsletter_01_29_2023&utm_medium=email&utm_term=0_73bad5b7d8-22fb126f85-105609873&mc_cid=22fb126f85&mc_eid=01ab2d1366

²⁴ Archana Ramanujam, *The Climate Crisis Is A (Neo)Colonial Capitalist Crisis: Experiences, responses and steps towards decolonising climate action*, European Network Against Racism, 2022. Available at: https://www.enar-eu.org/wp-content/uploads/2022_report-climatechangeandrace_final.pdf

²⁵ European Environmental Agency, *Briefing – Towards ‘just resilience’: leaving no one behind when adapting to climate change*, 7 February 2023. Available at: <https://www.eea.europa.eu/publications/just-resilience-leaving-no-one-behind/towards-just-resilience-leaving-no>

areas at higher risk of flooding are inhabited by populations either unable or unwilling to move to safer locations.” A history of environmental racism is completely elided; in this fleeting mention, the glib and prejudiced implication is that Roma may be just ‘unwilling or unable’ to move somewhere safer.²⁶

In the colourblind quest for a climate-resilient society that *leaves no one behind*, one that requires “striving towards an equitable distribution of the benefits and burdens of adaptation measures” there is no room to acknowledge the impact of systemic racism targeting Europe’s largest ethnic minority, policies that have spatially segregated communities, denied them access to clean water and sanitation, forcefully evicted families and relocated scores of the poorest Roma to toxic waste dumps, polluted wastelands, derelict barracks and disused industrial sites.

This colourblind spot is perhaps indicative of what has been described by the *#BrusselsSoWhite* movement and racial justice activists, as the ‘whiteness problem’ in Brussels, both in the EU institutions and the equally white environment movement. In an opinion piece, authors Chloé Mikolajczak and Marianna Tuokkola accuse the green movement of failing to properly represent the diversity of the EU population and the interests of those most affected by the climate crisis. Calling on for the green NGOs to take action and truly commit to anti-racism and intersectionality, the authors warn that failure to do will deny people from racialised communities – who are already systematically marginalized – the chance to influence policies that will affect them and to be part of the wider struggle for environmental justice.²⁷ Leaving racism out of the equation in the mainstreaming pursuit of ‘equitable adaptation solutions’ and ‘just resilience’ carries great risk that millions of Roma across Europe – many of whom are among the most vulnerable in the climate crisis – will in fact be ‘left behind’.

²⁶ *Ibid.*

²⁷ Chloé Mikolajczak and Marianna Tuokkola, In Brussels, green still means white, *Euractiv* 17 March 2021. Available at: <https://www.euractiv.com/section/energy-environment/opinion/in-brussels-green-still-means-white/>

FORCED EVICTIONS OF ROMA: 'EUROPE'S SILENT SCANDAL'

Nils Muižnieks former Council of Europe Commissioner for Human Rights, described Roma evictions as 'Europe's silent scandal'. He dismissed the wrong-headed notion that there is something inevitable about poverty among Roma, and described the appalling housing conditions as the most visible result of discrimination and social exclusion:

Roma are regularly forced to live in segregated settlements. Lacking basic infrastructure, they are victims of repeated forced evictions, and face much discrimination in attempting to access social housing or rent accommodation in the private market. With access to education, health care, and other social services – not to mention employment opportunities – often dependent on the possession of an official address, the lack of proper housing only reinforces Roma marginalisation.²⁸

The EU Framework for National Roma Integration Strategies up to 2020 called on Member States to draw up national integration strategies to prioritize access to education, employment, healthcare, and housing for Roma. By the 2020 end-date, the verdict from civil society, a range of expert opinions, and the European Commission itself, was that in terms of implementation and actually making a difference to the lives of Roma, those national strategies were, by and large, a dismal failure.²⁹

In the EU's Roma inclusion efforts, housing remains the least successful policy area, the blame lies primarily with national and local authorities, and forced evictions and demolitions continue apace, with many Roma 'relocated' to remote, sometimes toxic sites, with no access to basic services. Such actions serve to banish Roma, to uproot and displace communities even further out of sight and out of mind.

In 2016, the *Operational Platform for Roma Equality (OPRE)*, which included FRA, the OSCE, Equinet, the CoE and the UN,³⁰ called for sustainable solutions and an end to further evictions of Roma and Travellers. The joint statement drew attention to the emotional trauma wrought by the constant threat of evictions, and to the disproportionately negative effect such evictions have on Romani and Traveller children:

²⁸ Nils Muižnieks and Michael Georg Link, Roma evictions: Europe's silent scandal, *Open Democracy*, 29 June 2016. Available at: <https://www.opendemocracy.net/en/can-europe-make-it/roma-evictions-europes-silent-scandal/>

²⁹ Center for Policy Studies Central European University, Roma civil monitor pilot project, *A synthesis report on implementation of national Roma integration strategies*. March 2018. Available at: <https://cps.ceu.edu/sites/cps.ceu.edu/files/attachment/basicpage/3034/rcm-civil-society-monitoring-report-1-synthesis-cluster-1-2017-eprint-fin.pdf>

³⁰ The Operational Platform for Roma Equality (OPRE) consists of the European Network of National Human Rights Institutions (ENNHRI), the European Network of Equality Bodies (Equinet), the European Union Agency for Fundamental Rights (FRA) and the Council of Europe (CoE), as well as associate partners, including the OSCE's Office for Democratic Institutions and Human Rights (OSCE/ODIHR) and the UN's Office of the High Commissioner for Human Rights (OHCHR), all signatories of this joint statement.

While evictions are traumatic for any individual, they can particularly traumatise children. Evictions ruin efforts of integration through education, heighten the risk of family separation and leave children and young adults vulnerable to trafficking and other abuses. Evictions of Travellers from unauthorised residential sites without offering alternatives, hinders their children's access to education and healthcare. International human rights standards, as well as national legislation, require public authorities to ensure that the best interests of the child remain a primary consideration in any decision, including decisions concerning evictions.³¹

In its Communication on the new improved Roma inclusion framework up to 2030, the European Commission blandly noted that “the housing situation remains difficult,” and aimed to reduce the gap in housing deprivation by one third, cut overcrowding by half, and to ensure that at least 95% of Roma have access to clean water – all very commendable ‘quantifiable headline targets’ – but the Communication makes no mention of ‘Europe’s silent scandal’; and nowhere calls on Member States to halt forced evictions of Roma, and despite frequently citing SDGs, makes no mention of environmental justice.

FORCED EVICTIONS IN 2020S EUROPE: CORRUPTION, CRUELTY AND ‘CLEANSING’

Thousands of Roma continue to live in squalid conditions in segregated camps and emergency shelters, in slum neighbourhoods and irregular settlements, under constant fear of eviction, harried and harassed, without any security of tenure and no prospect whatsoever of social integration. Worse still, evictions often serve to ‘cleanse’ certain municipalities of their Romani inhabitants, banishing them to remote outskirts or containing them in segregated slums.

According to the European Agency for Fundamental Rights (FRA) the Czech Republic has the largest share of Roma (almost half) that perceive themselves as threatened by evictions.³² Discrimination in the rental sector has forced some 100,000 Roma into 4,000 substandard hostels and dormitories, where they are charged up to three times the market value of an ordinary flat by slumlords. The European Commission against Racism and Intolerance (ECRI) stated:

Housing support is provided for tenants to pay exorbitant rents to the ‘slumlords’ and ECRI is astonished that the authorities are complicit in this corrupt and degrading practice, which is contributing further to the segregation of Roma, and calls for a halt to this practice.³³

Czech Roma are increasingly being evicted from developed urban areas to structurally disadvantaged regions and socially excluded localities. Frequent policy changes concerning subsidies for people living in hostels have made things even more precarious, by allowing

³¹ OPRE Joint Statement On Evictions Of Roma And Travellers In Europe, 29 June 2020. Available at: <https://rm.coe.int/1680682b0a>

³² FRA, EU Midis Reports. Available at: https://fra.europa.eu/sites/default/files/fra_uploads/fra-2016-eu-minorities-survey-roma-selected-findings_en.pdf

³³ ECRI, *Country monitoring in Czech Republic*, 10 December 2020. Available at: <https://www.coe.int/en/web/european-commission-against-racism-and-intolerance/czech-republic>

local governments to curtail such benefits. Legal provisions adopted in 2017 enabled municipalities to designate whole territorial areas as ineligible for certain forms of housing support (officially known as OOP but referred to informally as “benefit-free zones”). The explicit justification has been to combat exploitation of poor people, but in reality, municipalities that have instituted these bans see them as a way to rid their territories of the mostly Romani people who draw on such benefits. As of November 2018, over 80 municipalities had implemented an OOP, or announced an intention to do so. Legal challenges were initiated, and joint complaints are currently pending in the Constitutional Court.³⁴

In neighbouring Slovakia, housing policy has long been characterized by mass forced evictions and the erection of walls separating Roma from non-Roma. Surveys have confirmed that increasing numbers of Roma in Slovakia live in poor and segregated settlements in substandard housing, unprotected from environmental hazards that include toxic industrial waste, rubbish tips, seasonal flooding, and the intermingling of waste and drinking water.

According to the Slovak Anti-Poverty Network “housing and the protection of the right to housing is the weakest component of public policies”. There is an acute shortage of affordable accommodation; just 2.7% of dwellings are publicly owned (EU average 18%).³⁵ Commissioner Nils Muižnieks noted that partly as a result of lack of tenure, many Roma in Slovakia live with the threat of forced eviction and that although there are several state mechanisms allowing for the construction of flats for marginalised communities, housing interventions remain limited, with many municipalities reluctant to use existing resources to promote inclusion.³⁶

Between 2015 and 2020, the situation in Bulgaria worsened considerably. Evictions of Roma in 2015 were precipitated by violent anti-Roma protests orchestrated by nationalist groups and gangs of football ultras laying siege to Roma neighbourhoods. In response to such pressure, a number of local authorities followed up with forced evictions and house demolitions. Such actions prompted the UN Committee against Racism and Discrimination to issue a blunt rebuke to the Bulgarian authorities:

Stop the persistent practice of forcibly evicting and destroying Roma settlements without offering alternative housing or adequate compensation, and take measures to legalize existing settlements to the extent possible while facilitating access to basic services in these settlements.

This call has had little effect and has gone largely unheeded. In 2019, as more ‘spontaneous’ far right attacks on Roma neighbourhoods took place, Deputy Prime Minister Krasimir

³⁴ Bernard Rorke, *Forced Evictions of Roma: “Europe’s Silent Scandal”* FEANTSA, Available at: https://www.feantsa.org/public/user/Resources/magazine/2020/Winter%20Roma/Forced_Evictions.pdf

³⁵ ERRC, *Written Submission by The European Roma Rights Centre Concerning Slovakia*

To the Committee on the Elimination of Racial Discrimination, for consideration to the 94th Session (20 November - 8 December 2017) Available at: http://www.errc.org/uploads/upload_en/file/slovakia-cerd-submission-5-november-2017.pdf

³⁶ Council of Europe: Commissioner for Human Rights, *Report by Nils Muižnieks Commissioner for Human Rights of the Council of Europe following his Visit to the Slovak Republic from 15 to 19 June 2015*, 13 October 2015. Available at: <https://www.refworld.org/docid/5633601d4.html>

Karakachanov, head of the extremist Internal Macedonian Revolutionary Organization party (IMRO), upped the tension by calling for harsh measures “because Gypsies in Bulgaria have become exceptionally insolent.” This was followed by local authorities demolishing fifteen family dwellings as a form of collective punishment. Video footage of the violence in Gabrovo showed the mob attacking houses, throwing rocks through windows and demolishing chimneys, while bystanders cheered and applauded. Over recent years one clear pattern has emerged in Bulgaria: anti-Roma rhetoric, forced evictions, and attacks on Roma neighbourhoods coincide with electoral cycles.³⁷

In 2020, the Council of Europe Commissioner for Human Rights warned that forced evictions may lead to violations of a wide spectrum of human rights, must therefore be avoided and stressed that the problem of evictions of Roma in Bulgaria can only be effectively addressed in the context of a broader effort to tackle the widespread prejudice and institutional racism against Roma:

“For the vicious circle of evictions to be stopped, the authorities have to move away from punitive approaches and start addressing the housing situation of Roma on the basis of the relevant international human rights standards.”³⁸

International standards clearly provide that a state’s right to evict must be counterbalanced by its duty to provide adequate alternative housing, respecting people’s dignity, and to provide those being evicted with an effective chance to seek judicial redress. The ECtHR established that forced evictions could amount to an infringement of the right to respect for the home and right to family life. In several other judgments, the court has underscored that Roma “require special protection” because of their specific disadvantages and vulnerability and that evictions should not result in homelessness. In addition to this legally binding jurisprudence, European countries have committed to uphold other standards they themselves adopted, within the Council of Europe, the UN, the EU and the OSCE, many of which they transposed into domestic legislation.³⁹

Yet, this wealth of legal standards and international commitments adds up to very little when it comes to protecting Roma from this pernicious form of environmental racism. Unnecessary coercive approaches continue to be the norm in too many places and far too often. In the European Union and candidate countries, despite inclusion frameworks, the Race Equality Directive, the accession process, forced evictions of Roma without the provision of adequate housing alternatives continue unabated, causing untold trauma to their lives, displacing them, and deepening their exclusion from their localities and the wider society.

³⁷ ERRC News, *Bulgarian Government Set for Sweeping Victory in EU Elections After Anti-Roma Violence*

16 April 2019. By Radost Zaharieva. Available at: <http://www.errc.org/news/bulgarian-government-set-for-sweeping-victory-in-eu-elections-after-anti-roma-violence>

³⁸ Council of Europe, *RULE 9: Bulgarian authorities should prevent forced evictions, tackle the stigmatisation and marginalisation of Roma and improve their access to adequate housing, including social housing*, 2 November 2020. Available at: <https://www.coe.int/en/web/commissioner/-/bulgarian-authorities-should-prevent-forced-evictions-tackle-the-stigmatisation-and-marginalisation-of-roma-and-improve-their-access-to-adequate-housi>

³⁹ Bernard Rorke, *Forced Evictions of Roma: “Europe’s Silent Scandal”* FEANTSA, Available at: https://www.feantsa.org/public/user/Resources/magazine/2020/Winter%20Roma/Forced_Evictions.pdf

CLEAN WATER AND SANITATION: ACCESS DENIED

Research published by the ERRC in 2017, found that across Europe significant numbers of Roma suffer disproportionately from the failures of public authorities to secure access to clean water and sanitation. The most severely affected are those Roma who have been forced to live on the outskirts of towns or in completely segregated settlements without adequate infrastructure. Many have no access to running water in their homes, their water sources are often far from where they live, with the burden to obtain water falling disproportionately on women and girls.⁴⁰

These sources are often not tested to ensure their safety and are exposed to a wide range of contaminants, including dry toilets (pit latrines), insect, and wild animals. Even in neighbourhoods where water supply infrastructure is available, Roma often cannot afford to pay connection and regular usage charges. The research confirmed that lack of access to clean water and sanitation is not a matter of droughts and other sundry acts of nature, but a deliberate consequence of decision-making processes that deny Romani citizens the human right to water, a right described in a resolution passed by the UN General Assembly in 2010, as “indispensable for leading a life in human dignity and a prerequisite for the realization of other human rights”.⁴¹

THE NORMATIVE CONTENT OF THE RIGHT TO WATER AND THE OBLIGATIONS OF STATE PARTIES

The UN Committee on Economic, Social, and Cultural Rights (CESCR) in its General Comment 15 defines the ‘normative content of the right to water’ which includes the following components:

- *Availability*, i.e. the water supply for each person must be sufficient and continuous for personal and domestic uses;
- *Quality*, i.e. the water required for each personal or domestic use must be safe;
- *Accessibility*, i.e. water and water facilities and services have to be accessible to everyone without discrimination. This includes:
 - (i) *Physical accessibility*, i.e. water, and adequate water facilities and services, must be within safe physical reach for all sections of the population;
 - (ii) *Economic accessibility*, i.e. water, and water facilities and services, must be affordable for all;

⁴⁰ ERRC, *Thirsting for Justice: Europe’s Roma Denied Access to Clean Water and Sanitation*. March 2017. Available at: http://www.errc.org/uploads/upload_en/file/thirsting-for-justice-march-2017.pdf

⁴¹ UN Human Rights, *OHCHR and the right to water and sanitation* Available at: [https://www.ohchr.org/en/water-and-sanitation/about-water-and-sanitation#:~:text=On%2028%20July%202010%2C%20the,RES%2F64%2F292\).](https://www.ohchr.org/en/water-and-sanitation/about-water-and-sanitation#:~:text=On%2028%20July%202010%2C%20the,RES%2F64%2F292).)

- (iii) *Non-discrimination*, i.e. water and water facilities and services must be accessible to all, including the most vulnerable or marginalized sections of the population, without
- (iv) discrimination on any of the prohibited grounds; and
Information accessibility, i.e. accessibility includes the right to seek, receive and impart
- (v) information concerning water issues.

The CESCR emphasized that States “*should take steps to remove de facto discrimination on prohibited grounds, where individuals and groups are deprived of the means or entitlements necessary for achieving the right to water.*” Furthermore, States should guard against inappropriate resource allocation that can lead to discrimination:

“For example, investments should not disproportionately favour expensive water supply services and facilities that are often accessible only to a small, privileged fraction of the population, rather than investing in services and facilities that benefit a far larger part of the population.”⁴²

In terms of states’ legal obligations, while the Covenant allows for progressive realization and acknowledges resource constraints, it also imposes various obligations which are of immediate effect. States’ immediate obligations include the guarantee that the right to water will be exercised without discrimination of any kind, and the obligation to take deliberate, concrete and targeted steps towards the full realization of the right to water.⁴³

THIRSTING FOR JUSTICE

The UN 2030 Development Agenda is unequivocally anchored in respect for human rights, and Sustainable Development Goal Six (SDG 6) calls for universal and equitable access to safe and affordable drinking water, sanitation and hygiene facilities for all by 2030. The ERRC’s research findings provide a clear pattern of state failures to meet their immediate obligation to guarantee the right to water without discrimination, and the widespread denial of the right to water to vulnerable Roma communities amounts to environmental racism. Furthermore, it is clear that without a dramatic step-up, many states with substantial Roma populations will fail to meet SDG by 2030. Over a two-year period beginning in 2014, the ERRC conducted extensive field research on access to safe and affordable drinking water and sanitation in 93 Romani neighbourhoods across seven countries: Albania, France, Hungary, Macedonia, Moldova, Montenegro, and Slovakia.

One illustrative example is **Prášnik, Slovakia**, where the Roma settlement, smack in the middle of town is the only neighbourhood without water, while scattered non-Roma neighbourhoods on the outskirts and in the mountains are all piped up and connected. The Roma have to fetch their water from an unprotected mountain stream, which regularly freezes in the winter. What registers to many as blatantly unjust is the fact that this is a relatively

⁴² UN Committee on Economic, Social and Cultural Rights, General Comment 15, *The right to water* (Twenty-ninth session, 2003), U.N. Doc. E/C.12/2002/11 (2002), pp. 5-7. Available at: https://www2.ohchr.org/english/issues/water/docs/cescr_gc_15.pdf

⁴³ *Ibid.* p. 8.

prosperous spa town, which has attracted outside investors who are constructing a satellite neighbourhood in the hills to accommodate foreign visitors who wish to 'take the waters'. For this project, the town provided the investors with all necessary public infrastructure, including drinking water and sanitation pipes.⁴⁴

While in some instances, researchers found that both Roma and non-Roma experienced similar problems with access to potable water supply and sanitation; more often that case was that Romani households remained without water and sewerage due to discrimination. The ERRC research revealed that many Roma, especially those living on the margins or in completely segregated settlements were treated differently by local authorities when it comes to the provision of public utilities, and suffered disproportionately from the failures of those authorities to guarantee their Romani citizens the human right to water, "indispensable for leading a life in human dignity"

In 62 out of the 93 sites visited, the conditions for Romani communities to access affordable drinking water were either more difficult, or more expensive than their non-Roma neighbours, or they were forced to use lower quality and often contaminated water from wells and other unprotected and unchecked resources.

Many Roma communities visited in the course of the field research had no access to public sewage (mechanical toilets and drainage), while the houses of their nearest non-Roma neighbours were fully connected. In almost half (48%) of the researched communities, where Romani-owned dwellings were not legalised due to a missing construction permits or land titles, conditions were notably worse in terms of access to potable water.

However, the findings suggest that in the sites visited, even where houses were legalized, Roma were no less likely to be deprived of water. Where land ownership was disputed, or permit documents lacking, local authorities generally refused to connect them to the public water system. The authorities justified this failure to act by claiming that regulations prevent the building water and sewage system infrastructure in these neighbourhoods, and rejected any suggestions from researchers of direct or indirect anti-Roma discrimination.

UNSAFE WATER IN 21ST CENTURY EUROPE

In the absence of a public water supply, the ERRC researchers found that 20% of Romani households investigated relied entirely Roma on untreated and unprotected water sources like self-made wells, natural springs, and rivers. Although the public authorities were aware that self-made wells provided the only available drinking water for these communities, they failed to check the quality of the water in those wells. Many Roma interviewed also stated that their only water source was also used by wild and feral animals, and was unprotected from

⁴⁴ ERRC News, *Everyday Racism: Roma Denied Access to Clean Water Right Across Europe*, 16 August 2018. Available at: <http://www.errc.org/news/everyday-racism-roma-denied-access-to-clean-water-right-across-europe>

contamination by insects. More than half of the Romani neighbourhoods and settlements visited (63.44%) reported that their water sources regularly dried out during summer and froze during winter.

Ground water in shallow wells was contaminated by agricultural pesticides or pit latrine faeces in 27% of sites considered, according to the Roma residents we interviewed. High levels of natural arsenic, boron, fluoride or manganese, and contamination from animal corpses and insects were also problems. In 43% of the sites investigated, the wells in Romani neighbourhoods were situated next to rivers which contaminated the water in the wells.

Moreover, many Roma settlements are located in river overflow and heavy rain collecting zones and thus they are at the permanent risk of flooding. Floods not only put Roma at immediate risk of drowning and property damage, they also have more long-term consequences such as drinking water supply contamination, damage of sanitation facilities and epidemics.

The situation with the public sewage infrastructure in Romani neighbourhoods was equally alarming. Fewer than 12% of Romani communities had a functioning mechanical flush toilet and drainage systems. Many of these neighbourhoods do not even have a private sewage facility and houses discharge the sewage (a mix of waste water and excrement) to nearby surroundings. Three quarters of Romani households surveyed resorted to use either self-made pit latrines located in some distance from the house or they defecated in the open.

The following is a snapshot of the living conditions concerning water access on some of the sites visited by researchers:

Konik 2, Montenegro was a large camp for Roma Internally Displaced Persons (IDPs) from Kosovo situated on the outskirts of the capital, Podgorica. In 2014, Camp 2 had only one functioning make-shift water tap fixed by local Roma at the corner of the camp. At the time of the ERRC visit, none of the other water taps, public showers or public toilets, previously installed by international relief aid donors, had functioned for a long time. Neither the international agencies nor the Montenegrin authorities had compelled the local authorities to repair these facilities. The one functioning tap served several hundred people, and there is a communal waste dump adjacent to the camp. These conditions prevailed despite the presence of international development agencies including the Italian Red Cross and UNHCR.

Nikšič/Trebejsa & Železova, Montenegro: Roma Internally Displaced Persons (IDPs) from Kosovo and Montenegrin Roma live on the outskirts of the city in an industrial zone, sandwiched between the iron ore mines and the iron works factory. Some Roma have water taps installed in their yards, but many live in shacks with no direct access to drinking water and sanitation facilities. The air and land in the settlements is permanently contaminated by iron ore dust from passing trucks.

Poligon settlement in Skopje, North Macedonia is a large Romani settlement located on the bank of the Vardar River in the centre of the city. Some two hundred people share a water pump supplied by the contaminated water from the river (tests have repeatedly demonstrated the high levels of pollutants in the Vardar River). The pump was previously used as a water supply for agricultural production. There is no sewage and waste removal, people either use self-made pit-latrines or defecate in the open among waste piles. In June 2016, as part of its work on the right to water, the ERRC wrote to the municipality Centar, in Skopje, where the site is located, to ask about this community and others who did not have adequate access to water.

About a month later, without any warning, the authorities issued an order to ‘cleanse’ the settlement. On the morning of 1 August 2016, the authorities destroyed the sole water pump, evicted the residents and bulldozed their dwellings. The people evicted had nowhere to go, so remained on the site, but the authorities kept watch over them to prevent them from rebuilding. The authorities proposed to accommodate members of the community in a shelter, which was overcrowded, violent and squalid, and completely unsuitable for families and vulnerable individuals. About 120 people were evicted, over half of whom were children, as well as two pregnant women.⁴⁵

The ERRC findings were confirmed by the Fundamental Rights Agency, which found that antigypsyism has proven to be a formidable barrier to efforts to improve the life chances and living standards for Roma, and its data and highlighted glaring inequalities between Roma and the general population. The report also looked at how Roma in EU countries fare with respect to select UN SDGs, including access to clean water and sanitation. FRA found that one third of the Roma surveyed continue to live in housing that has no tap water inside the house; 38 % do not have a toilet, shower or bathroom inside their home – in stark contrast to the general population average recorded by Eurostat. FRA found the gap between Roma and the general population has remained highest in Romania, where, in 2016, 68% of Roma were living without tap water in their dwelling: *“To put this in a global context, Roma in Romania – the country with the highest number of Roma in the EU – enjoy access to safe water in rates similar to those in Bhutan, Ghana or Nepal.”*⁴⁶

The issue is not confined to the newer member states of Central Europe and the neighbouring candidate countries. Léo Heller, UN Special Rapporteur on the human rights to safe drinking water and sanitation, described how in Portugal, he found the living conditions of Roma “disconcerting and certainly comparable to the worst of situations I have seen thus far in previous missions to much less developed countries in Central Asia, Southern Africa and Central America”.⁴⁷

In Italy, the living conditions in both official and unofficial ‘nomad camps’ has long been recognised as especially precarious. As far back as 2005, research has shown higher incidences of asthma, diarrhoea and bronchitis among children living in the camps, and established the connection with overcrowding, rats, the presence of stagnant water, the state of the dwellings, the limited access to proper sanitation, and the lack of drinking water.

Over the years, mass evictions have only served to exacerbate the situation. National and international organisations have documented the appalling living conditions inside ‘authorised camps’ – overcrowded, in poor state of repair, with ever deteriorating hygiene and sanitary

⁴⁵ ERRC, *Thirsting for Justice: Europe’s Roma Denied Access to Clean Water and Sanitation*. March 2017. Available at: http://www.errc.org/uploads/upload_en/file/thirsting-for-justice-march-2017.pdf

⁴⁶ Fundamental Rights Agency, *A persisting concern: anti-Gypsyism as a barrier to Roma inclusion*, 2018. Available at: <https://fra.europa.eu/en/publication/2018/persisting-concern-anti-gypsyism-barrier-roma-inclusion>

⁴⁷ Léo Heller, Foreword *Thirsting for Justice: Europe’s Roma Denied Access to Clean Water and Sanitation*. ERRC March 2017. Available at: http://www.errc.org/uploads/upload_en/file/thirsting-for-justice-march-2017.pdf

conditions. Conditions in the segregated emergency shelters and unofficial camps are even worse in terms of access to clean water and sanitation.⁴⁸

The Roma Civil Monitor report uncovered a disturbing trend in France where mayors and municipal staff, openly declared that if they offered sanitation services and facilities to dwellers in shantytowns, they could no longer proceed with speedy mass evictions. In these conditions, the Romani inhabitants have to trudge often long distances to transport water from pumps and fire hydrants.⁴⁹

2018 EUROPEAN PARLIAMENT: CONSERVATIVES AND LIBERALS DILUTE DRINKING WATER DIRECTIVE

In 2018 Members of the European Parliament voted on the Drinking Water Directive (DWD) on 23 October, some four years after 1.8 million citizens mobilized behind the first successful European Citizens' Initiative (ECI) Right2Water and called on the EU to recognize access to safe water as a basic human right. The European Federation of Public Service Unions (EPSU), the driving force behind the ECI, welcomed the fact that a majority of MEPs supported a mandate for the human right to water to be included in the DWD, but expressed their disappointment *“that a majority of the right-wing in the European Parliament put time and effort into watering down the demands of civil society”*; and called it a shame that a majority did not support calls for a clearer recognition and implementation of the Human Right to water in EU legislation.

The Socialists and Democrats coupled their welcome with strong regrets that Parliament did not support their call to introduce concrete obligations on member states to guarantee universal access to water. The Greens/EFA group likewise expressed their disappointment that while there was mention of universal access to safe drinking water, there were no concrete requirements for Member States to act on this. Benedek Jávor described it as *“shameful that the conservative and liberal groups have watered down progressive changes to the Drinking Water Directive ... which would have set increased requirements for water utility companies including on transparency, long-term maintenance of infrastructure and banning disconnections.”*⁵⁰

For its part the European Commission welcomed the vote as proof that the EU was listening to citizens' demands. Commissioner Karmenu Vella stated that, *“thanks to EU laws, most people living in the EU already enjoy very good access to high quality drinking water.”* However, the reality behind the blithe expression 'most people' excludes tens of

⁴⁸ ERRC News, *Everyday Racism: Roma Denied Access to Clean Water Right Across Europe*, 16 August 2018. Available at: <http://www.errc.org/news/everyday-racism-roma-denied-access-to-clean-water-right-across-europe>

⁴⁹ Centre for Policy Studies, *Civil society monitoring report on implementation of the national Roma integration strategy in France*, CEU 2018. Available at: <https://cps.ceu.edu/sites/cps.ceu.edu/files/attachment/basicpage/3034/rcm-civil-society-monitoring-report-1-france-2017-eprint-fin.pdf>

⁵⁰ Greens/EFA Press release Quote from Benedek Jávor MEP, 23 October 2018. Available at: <https://www.greens-efa.eu/en/article/press/drinking-water-directive>

thousands of racialised and excluded 'others' across the European Union – and it's not leaky pipes but racial discrimination that deprives many Roma of the fundamental right to clean water and sanitation.⁵¹

⁵¹ ERRC News, *Dilute to Taste: EU Drinking Water Directive Calls for Universal Access But Fails to Impose Concrete Obligations on Member States*, 26 October 2018. Available at:

<http://www.errc.org/news/dilute-to-taste-eu-drinking-water-directive-calls-for-universal-access-but-fails-to-impose-concrete-obligations-on-member-states>

ITALY: 'NOMAD CAMPS', EMERGENCY DECREES, MASS EVICTIONS AND ENVIRONMENTAL ANTIGYPSYISM

Environmental racism in Italy achieved notoriety in 2008 with the declaration of a State of Emergency to combat the so-called 'Roma menace'. The move prompted global media coverage and international criticism as it exposed the desperate and hazardous living conditions endured by Roma in authorised and unauthorised camps. The demonisation of Romani people in this overtly racist and populist get-tough approach, with its mass evictions and destruction of camps, served only to exacerbate communal tensions, legitimise human rights abuses, and seriously damage any prospects for social inclusion of Roma.

The State of Emergency heralded a prolonged period of harassment, expulsions, mob violence and pogroms against Roma communities. The European Roma Rights Centre and its partners challenged the State of Emergency decree before the Italian courts, and on 4 November 2011, the Council of State ruled that the emergency decree was illegal.

However, the roots of the crisis could be traced back to official policies in the 1990s which placed Roma in segregated 'nomad camps'; and the legacy of this illegal state of exception still affects Roma as successive governments have failed to honour the commitment to 'get beyond the system of camps.' The extent to which environmental racism had become normalised in Italy was evident not just in the persistence of mass evictions and demolitions of Roma camps, but in the dehumanising language that accompanied threats of expulsion and banishment targeting Roma, from the highest level of political office, such as Foreign Minister Matteo Salvini and his notorious call in 2018 for a "mass cleansing street by street, piazza by piazza, neighbourhood by neighbourhood."⁵²

CAMPLAND ITALY: "THE ONLY COUNTRY IN EUROPE TO BOAST A SYSTEMATIC, PUBLICLY ORGANISED AND SPONSORED NETWORK OF GHETTOS"

In **December 1997**, the ERRC sent a letter to the Italian Parliament expressing its concerns about the treatment of approximately 50,000 ex-Yugoslav Roma residing in Italy and described their living conditions in the following terms:

Independent field research conducted in Italy in September 1997 revealed that the conditions in which the estimated 50,000 immigrant Roma are forced to live are deplorable and in no way meet even most elementary human needs. Despite the fact that some of them arrived in Italy thirty years ago, there has been no ambition whatsoever by the authorities to provide them with adequate housing. Instead, Roma live on the outskirts of towns in primitive camps

⁵² Tom Embury-Dennis, Italy's deputy PM Salvini called for 'mass cleansing, street by street, quarter by quarter', newly resurfaced footage reveals. *The Independent*, 21 June 2018. Available at: <https://www.independent.co.uk/news/world/europe/italy-matteo-salvini-video-immigration-mass-cleansing-roma-travellers-far-right-league-party-a8409506.html>

*ranging between 20 and 2,000 people. Their homes consist of vans or huts they have built for themselves. The more fortunate have chemical toilets and water-taps placed in the centre of the settlement, while numerous others have no sanitary facilities whatsoever. Most of them do not have legal residence in Italy and live under the constant threat of expulsion.*⁵³

The ERRC urged Italian authorities to normalise the status of immigrant Roma, grant them legal residence concomitant with the provision of basic amenities such as adequate water, electricity and sanitation, and to initiate programs aimed at their integration in society.

In April 1999, UNCERD in its Concluding Observations concerning Italy, condemned the racial segregation of Roma in housing, and expressed concern at the situation of many Roma who, ineligible for public housing, live in camps outside major Italian cities," and stated that "in addition to a frequent lack of basic facilities, the housing of Roma in such camps leads not only to a physical segregation of the Roma community from Italian society, but a political, economic and cultural isolation as well."⁵⁴

In its **November 2000** Country Report *Campland: Racial Segregation of Roma in Italy*, the ERRC described Italy as "the only country in Europe to boast a systematic, publicly organised and sponsored network of ghettos aimed at depriving Roma of full participation in, or even contact or interaction with, Italian life."

The laws adopted in many regions in the late 1980s for the "protection of nomadic cultures" paved the way for the construction of segregated camps. Italian authorities asserted that the desires of Roma and Sinti to live in flats or houses was 'inauthentic' and despatched them to "camps for nomads".

In addition to detailing the segregation of Roma in 'nomad camps'; violence and abuse by state and non-state actors; denial of the right to education and other essential services, the report highlighted a disturbing pattern of racist speech by public officials. One mayor in the province of Milan promised 5 million Lire of public money to any farmer willing to spray manure on an area temporarily settled by Roma: "a bath of manure is the only way to even the score with the Gypsies, an act of justice equal to the manure they leave us when they move on." Umberto Bossi, leader of the Lega Nord, distributed fliers during the campaign for recent regional elections which stated, "If you don't want Gypsies, Moroccans and delinquents in your house, be the master of your own home in a liveable city and vote Lega Nord."⁵⁵

Conditions in Camp Via Salone 323, Rome: This was the largest formal settlement in Rome, often presented by the Italian authorities as innovations for so-called "nomads". The Via Salone camp exemplified the disastrous consequences of municipal policies towards Romani. The camp was situated far from essential services: the nearest pharmacy was 4.2 km, the nearest hospital 10.6 km, and the nearest post office and grocery store about 3 km from the camp. As for public transport, the nearest bus stop was 1.5 km away, the route is unlit and there are no pavements or road crossings. The area was surrounded by a metal

⁵³ ERRC *Letter Of Concern To The Italian Parliament*, 18 December 1997. Available at: <http://www.errc.org/cikk.php?cikk=152>

⁵⁴ UN Committee on the Elimination of Racial Discrimination: Concluding Observations, Italy, 7 April 1999. Available at: <https://www.refworld.org/docid/3ae6af357.html>

⁵⁵ ERRC, *Campland: Racial Segregation of Roma in Italy*, 3 November 2000. Available at: <http://www.errc.org/press-releases/campland-racial-segregation-of-roma-in-italy>

fence and equipped with about 30 video cameras around the perimeter of the settlement. Originally home to around 600 inhabitants, from Bosnia, Serbia, Montenegro and Romania, by 2008 the number had grown to about 1,100 people crowded into 198 container houses. This caused a further deteriorations in already dismal living conditions. The health of the inhabitants of the camp, especially children, is further endangered by the presence of an incinerator for toxic and harmful waste just 800 metres from the camp.⁵⁶

EMERGENCA NOMADI 2008-2011

The declaration of a state of emergency effectively defined the presence of Roma as one of “serious social alarm” endangering public order and security. The day after a murder caused outrage and alarm, the Italian Council of Ministers adopted an emergency decree for the expulsion of citizens of other European Union countries “for imperative reasons of public safety” defined as “behaviour that compromises the protection of human dignity or fundamental human rights or of public safety.”

On **11 May 2008**, *La Repubblica* reported Minister of Interior Roberto Maroni’s public declaration that “All Romani camps will have to be dismantled right away, and the inhabitants will be either expelled or incarcerated.” That same day, the Via Navora camp in Milan was burned to the ground with Molotov cocktails by an unknown number of assailants, forcing the Romani inhabitants to flee, their personal possessions destroyed.

Two days later on **13 May 2008**, after a 16-year-old Romani girl was charged with attempted kidnapping, a series of attacks on Roma camps and individuals around the Ponticelli district of Naples, culminated in a mass attack by a baying mob of about 300 to 400 locals led by women, and armed with baseball bats and Molotov cocktails. The largest camp was razed forcing Roma families to flee without their possessions through a gauntlet of violent locals. By the end of the day on the 15 May, all Roma residents had been forced out of the Ponticelli camps; and images of the burning camps and frightened faces of Roma children on pickups watching their former homes in flames made the headlines on television and in newspapers.⁵⁷

In the aftermath, Umberto Bossi stated that “People do what the state can’t manage” and Minister of Interior Roberto Maroni stated, “that is what happens when gypsies steal babies, or when Romanians commit sexual violence.” According to the results of a poll by the national Italian newspaper *La Repubblica* conducted in May 2008, 68% of Italians wanted to deal with the “Roma Gypsy problem” by expelling all of them.⁵⁸

31 May 2008: The Italian Government proclaimed a one-year state of emergency, allowing extraordinary powers to state and local officials, *de facto* going so far as to equate the

⁵⁶ Associazione 21 Luglio, *Esclusi e ammassati*, Report on the living condition of Roma minors in the camp in via di Salone, Roma 2010, available at: <https://www.21luglio.org>

⁵⁷ EU Agency for Fundamental Rights (FRA), *Incident Report: Violent attacks against Roma in the Ponticelli district of Naples, Italy*. 2008. Available at: https://fra.europa.eu/sites/default/files/fra_uploads/196-Incid-Report-Italy-08_en.pdf

⁵⁸ ERRC News, *From the Archives: The Italian File 1997-2000*, 13 October 2014. Available at: <http://www.errc.org/news/from-the-archives-the-italian-file-1997-2000>

presence of Roma with natural calamities, catastrophes or other events that, due to their intensity and extension, must be tackled with extraordinary means and powers, as envisaged by legislation in the field of emergency civil protection.

6 June 2008: Italian authorities stated that “Gypsies would be monitored, and a census would be carried out” and that “Gypsies would also be fingerprinted and photographed and this would allow the authorities to identify them.” On the back of round-ups and racialised hysteria, the fingerprinting of children in the absence of informed parental consent prompted widespread international condemnation, and analogies with anti-Jewish laws under Mussolini.

4 August 2008: The Italian government declared an emergency situation and intent to deploy 3000 soldiers on the streets of Rome, Milan, Naples, Bologna, Verona and Palermo, supposedly to combat crime. The so-called ‘Nomad Emergency’ with its demonization of Romani people heralded a prolonged period of harassment, expulsions, mob violence and pogroms against Roma communities.⁵⁹

The European Roma Rights Centre and its partners challenged the State of Emergency decree before the Italian courts, and on **4 November 2011** the Council of State ruled that the emergency decree was unfounded, unmotivated and unlawful. In May 2013, Italy’s Cassation Court rejected the government’s appeal and upheld this ruling. The Italian National Strategy for the Inclusion of Roma, Sinti and Camminanti communities (NRIS), approved by the Italian government in February 2012, stated that it was time to overcome “emergency policies” towards Roma and clarified that most Roma in Italy are not nomads and that housing solutions such as “nomad camps” are not adequate or suitable solutions. But these shifts on the surface brought no reprieve on the ground and no liberation from the camps for Roma.

BEYOND THE NOMAD EMERGENCY: THE PERSISTENCE OF ENVIRONMENTAL RACISM

ERRC’s submission to the UN Human Rights Council in 2014, revealed the impact of environmental racism on Romani children raised in these camps, under guard or video surveillance. The children were prone to a number of severe and debilitating conditions. They were more frequently born underweight than other children, and became ill with respiratory disease in greater numbers than their Italian peers. They suffered more often from poisoning, burns and accidents at home. There was a greater incidence of “diseases of poverty”, such as tuberculosis, scabies, and lice. The children exhibited high incidences of anxiety and sleep disorders, suffer from phobias, are hyperactive and have attention deficits, and have learning difficulties - conditions which “are also predictive of more serious disorders in adolescence and adulthood.”⁶⁰

⁵⁹ Bernard Rorke, Smells like fascism: Italy’s Emergenza Nomadi, pogroms and persecution pp. 31-36. *Roma Rights Review, Eyes Wide Shut: Collective Punishment of Roma*, pp. 31-36. ERRC Winter 2019. Available at: http://www.errc.org/uploads/upload_en/file/5195_file1_errc-newsletter-1-2019.pdf

⁶⁰ ERRC, *Written comments by the ERRC concerning Italy to the Human Rights Council, within its Universal Periodic Review*, for consideration at the 20th session (27 October to 7 November 2014). Available at: http://www.errc.org/uploads/upload_en/file/italy-un-upr-submission-20-march-2014.pdf

July 2015: Litigating La Barbuta: The Italian NGOs Associazione 21 Luglio and Associazione per gli Studi Giuridici sull’Immigrazione brought an antidiscrimination action before the Court of Rome to challenge the existence of La Barbuta camp as discrimination. The camp was set up by the Municipality of Rome as part of a plan which involved the relocation of all the Roma living in the city’s informal camps to “formal camps” on the outskirts during the ‘nomad emergency’. Despite the Italian Supreme Court confirming the illegality of the State of Emergency upon which the plan was designed and financed in 2011, the Italian authorities decided to go forward with building the camp. *La Barbuta* was officially opened in June 2012 to host around 650 Roma.

The *La Barbuta* ruling was a landmark judgment, in that for the first time, a court recognised that building segregated camp accommodation for Roma in the deprived outskirts of large cities amounts to racial segregation. The Court took into account the various characteristics of the camp, such as its function, location, permanent nature, the facilities and rules governing it, as well as the provisions regulating access to social houses for its inhabitants, and declared that this treatment amounts to indirect discrimination unjustified by any concerns regarding public order.

The court made specific references to the [Racial Equality Directive](#) and the International Convention on the Elimination of All Forms of Racial Discrimination; and stressed that the general recommendations and concluding observations issued by the “guardians” of these instruments (EU and UN bodies) must be followed in order to ensure compliance with the instruments themselves.⁶¹

In **January 2016**, the Council of Europe Commissioner for Human Rights, Nils Muižnieks expressed his regret at the continuation of ‘past policies’ associated with the Nomad emergency; his deep concern about the living conditions endured by Roma in camps; and called on the authorities to halt forced evictions, end homelessness, close Roma- only camps and segregated emergency facilities “by offering genuinely integrated ordinary housing alternatives to the families concerned.”⁶²

On **26 February 2016**, Amnesty International, Associazione 21 Luglio and the ERRC issued a joint statement expressing concern that despite the launch of Italy’s National Strategy for Roma Inclusion in 2012, thousands of Roma are denied their housing rights, forced to live in segregated camps, excluded from access to social housing and victim to repeated forced evictions. The organisations called on the European Commission, as Guardians of the Treaties to launch infringement proceedings against Italy for systematic breaches of the Race Equality Directive

“While the Strategy promised to ‘overcome camps’, stating that ‘the liberation from the camp as a place of relational and physical degradation of families and people of Romani origin, and

⁶¹ Nicole Garbin, Litigating Housing Segregation: The La Barbuta Case, *ERRC News*, 27 July 2015. Available at:

<http://www.errc.org/news/litigating-housing-segregation-the-la-barbuta-case>

⁶² Council of Europe Commissioner for Human Rights, Nils Muižnieks, *Letter to the President of Italy*. Strasbourg 26 January 2016, Available at: [https://rm.coe.int/ref/CommDH\(2016\)11](https://rm.coe.int/ref/CommDH(2016)11)

their relocation to decent housing, is possible', very little action has been taken by the authorities to this end." Worse still, new camps were being built or planned. The NGOs cited the February agreement between the municipal and regional authorities jointly with Prefecture of Naples and the Ministry of Interior to build a new camp with 44 pre-fabricated units for the Roma living in the "Masseria del Pozzo" camp.

Masseria del Pozzo: This camp had been set up by local authorities in 2013 – over a year after the approval of the Strategy – to house Romani families who had already suffered a number of forced evictions. Families were then authorised to build their shacks in a remote area presenting serious health and safety concerns, due to the location's proximity to landfills stocking toxic waste. Living conditions in the camp quickly deteriorated and the camp became uninhabitable, also due to problems with the sewage and water infrastructure. The judicial authority ordered the demolition of the camp due to the living conditions and in response the authorities planned to set up a new camp a few kilometres away.

The NGOs agreed that the families needed to be relocated away from the camp as a matter of urgency, they found it worrying that the authorities had no plan for the longer-term inclusion of the Roma beyond transferring them to another segregated mono-ethnic camp: *"While 1.3 million Euros have already been designated by the Ministry of Interior and Region Campania for the pre-fabricated units, no funds have been secured for wider integration measures as envisaged by the project."*⁶³

On **12 July 2016**, the Council of Europe Advisory Committee on the Framework Convention for the Protection of National Minorities in a very forthright denunciation of institutional anti-Roma racism, condemned the continued use of the term "nomads" in public and official discourse as *"perpetuating an outdated and discriminatory reference, which has little to do with reality today."* The Committee stated that the designation "nomad" had served too long and too effectively as justification for "settling" these communities in segregated camps; forcing them to live apart from society in often deplorable conditions; and *"shifting the blame for poverty, hostility and systematic discrimination on the shoulders of Roma and ultimately maintaining the inertia of the status quo."*⁶⁴

In **2017**, the European Committee for Social Rights repeated concerns about *"the tolerance on the part of the authorities for inflammatory anti-Roma statements stimulates an attitude of impunity in which the far-right extremists feel emboldened to stage anti-Roma demonstrations and physical attacks"*; and called for measures to be taken particularly with regard to racist misleading propaganda against Roma and Sinti *"indirectly allowed or directly emanating from the authorities"*.

As for living conditions: *"No specific legislation for the protection from discrimination of these communities has been adopted, in spite of numerous proposals being submitted in*

⁶³ Amnesty International, Associazione 21 Luglio and European Roma Rights Centre on 26 February 2016, *Joint Public Statement, Italy: The National Strategy for Roma Inclusion: a short-lived hope for Roma in Italy*, 26 February 2016. Available at: <https://www.amnesty.org/en/documents/eur30/3520/2016/en/>

⁶⁴ Council of Europe, Framework Convention for the Protection of National Minorities Italy: publication of the 4th Advisory Committee Opinion 3 August 2016

<https://www.coe.int/en/web/minorities/-/italy-publication-of-the-4th-advisory-committee-opinion>

*Parliament. Roma, Sinti and Caminanti remain socially and economically marginalised. Residents of segregated housing, in particular camps commonly referred to as “nomad camps”, continue to live in deplorable conditions, in spite of court rulings confirming that assigning housing in prefabricated containers surrounded by fencing constitutes discrimination”.*⁶⁵

On **6 April 2017**, *The Financial Times* reported that the European Commission had repeatedly blocked publication of a report which recommended sanctions against Italy for mistreatment of its Roma minority, in an attempt to avoid a damaging public row. Officials in Brussels “declined to have it released because they do not want a further fight with the Italian government, according to people familiar with the situation.” In response to an FT request for comment, the Commission said it was “monitoring the situation concerning Roma housing in Italy and is in contact with the Italian authorities on this matter.”⁶⁶

A new wave of anti-Roma hatred, scapegoating and collective punishment was orchestrated by Matteo Salvini in his quest to become the most powerful politician in Italy. On 26 July 2018, Italian police launched a dawn raid and mass eviction of the River Village camp outside Rome, in defiance of the European Court of Human Rights. In a gloating tweet, Salvini declared “*Legalità, ordine e rispetto prima di tutto!*” (Legality, order and respect before all). But his racist demagoguery, with his calls for an ethnic census and cleansing of Roma “piazza by piazza” has shown great hatred and little room for respect and legality.

The number of racially motivated attacks tripled between 2017 and 2018, when his far-right *Lega* became coalition partners in government. In one shocking incident, efforts by the municipality of Roma to house 70 Roma including 33 children in a reception centre were thwarted by a 300-strong far-right mob, who set fire to dumpsters and blocked firefighters at the scene. Earlier in the afternoon the crowd seized and trampled sandwiches and snacks intended for the Roma, shouting, “They must die of hunger”. The violent protests were backed by neo-fascist groups CasaPound, Frontal Action, and Forza Nuova which declared itself “ready to barricade against ethnic substitution.”⁶⁷

On **5 December 2019**, in its response to the call by Amnesty International, Associazione 21 Luglio and the ERRC, the Commission closed its dossier on an infringement procedure altogether. This decision was based on the argument that forced evictions are not covered in the scope of the directive, and the belief that the Italian government is no longer directing Roma towards segregated government camps.

Despite international condemnation, court rulings, changes of government and notwithstanding the perceptions of the European Commission, forced evictions of Roma continued unabated. According to a census conducted by the ERRC, from January 2017 to March 2021, the Italian authorities carried out at least 187 evictions of living places inhabited

⁶⁵ European Committee of Social Rights Follow-Up To Decisions On The Merits Of Collective Complaints Findings. December 2018. Available at: <https://rm.coe.int/findings-2018-on-collective-complaints/168091f0c7>

⁶⁶ Financial Times, Brussels blocks report on Italy’s mistreatment of Roma minority, 6 April 2017. Available at: <https://www.ft.com/content/4c2f83d8-1a11-11e7-bcac-6d03d067f81f>

⁶⁷ ERRC News, *Smells Like Fascism II: New Outbreak of Anti-Roma Mob Violence In Italy*. 3 April 2019. Available at: <http://www.errc.org/news/smells-like-fascism-ii-new-outbreak-of-anti-roma-mob-violence-in-italy>

by Romani people, affecting 3,156 people who were in most cases made homeless, or otherwise put into unstable housing solutions. Italian NGO Associazione 21 luglio, estimated that there were still at least 119 segregated camps and shelters in operation across Italy. Where formal camps have been closed, scant attention has been paid to the human rights of the former residents, the majority of whom have become instantly homeless, or provided with temporary accommodation in overcrowded and poorly-maintained emergency shelters. This invariably leads to them makeshift tents in informal camps, where they face the threat of repeated evictions.⁶⁸

Salvini's abrupt fall from power in 2019 marked only a temporary lull in the public hate speech against Roma, migrants and other minorities; and the decidedly ominous 2022 election victory for Giorgia Meloni's 'post-fascist' *Fratelli d'Italia*, alongside coalition partners Silvio Berlusconi and Matteo Salvini, does not augur well for Roma inclusion, environmental justice, or Italy's 2012 integration strategy promise to "get beyond the system of the camps".

⁶⁸ ERRC Press Release, *Italy has Evicted More Than Three Thousand Roma since 2017*. 24 May 2021. Available at: <http://www.errc.org/press-releases/italy-has-evicted-more-than-three-thousand-roma-since-2017>

ROMA IDPS IN KOSOVO: LEAD- POISONING, RACIAL PREJUDICE, AND OFFICIAL NEGLIGENCE

In a bluntly critical report published in April 2016, the Human Rights Advisory Panel called on the United Nations Interim Administration Mission in Kosovo (UNMIK) to publicly acknowledge its abject failure to comply with applicable human rights standards and apologise to Roma, Askali and Egyptian IDPs placed in lead contaminated camps, and to compensate victims for material and moral damage.

Families were forced to flee and abandon the Roma Mahala in Mitrovica in the face of attacks by Albanian extremists who looted and burnt down the entire neighbourhood in June 1999. According to the statement of the Ombudsman Institution in Kosovo in 2004, the Roma Mahala was still the largest area of destroyed houses in Kosovo.

The victims of the pogrom were resettled in camps which were highly contaminated. This appalling situation, intended to be temporary, lasted for about a decade under UNMIK's tenure and during this time the Roma, Ashkali and Egyptian IDPs were stranded in hazardous living conditions and without badly needed medical attention. The Panel found UNMIK responsible for discriminatory inaction and neglect, which caused IDPs to suffer inhuman and degrading treatment.

The Panel deemed the living conditions in the camps to be “sub-standard”, “particularly distressing”, and “appalling”; and rejected the argument of the Special Representative of the Secretary-General for UNMIK (SRSG) that undue suffering was not caused, in light of the fact that prior to the conflict, Roma historically lived in substandard conditions. This comment was slammed as “discriminatory and debasing,” since it suggested that social exclusion and deprivation of Roma is “based on race and on their own actions and, as such, may be perpetuated without responsibility.”⁶⁹

This report took so long to surface, and because the events were shrouded in official obfuscation and underreported for over a decade, the wider public was largely unaware of what happened to Roma in Kosovo, and even among the environmentally concerned, the reactions to the verdict were muted, and to the relief of the UN, the story was quickly submerged in the nonstop news cycle. Below is a timeline of UNMIK-style environmental racism, a chronicle of tragic events culled from the ERRC archives and Human Rights Watch reporting.⁷⁰

⁶⁹ ERRC News, *UNMIK and Lead-Poisoned Roma IDP Camps: Suffering Contaminated by Racial Prejudice*, 7 September 2016. Available at: <http://www.errc.org/news/unmik-and-lead-poisoned-roma-idp-camps-suffering-contaminated-by-racial-prejudice>

⁷⁰ Human Rights Watch, *Kosovo: Poisoned by Lead: A Health and Human Rights Crisis in Mitrovica's Roma Camps*

TIMELINE

21 June 1999: On the same day the first KFOR troops and UNMIK personnel were deployed in Kosovo to establish a secure environment for safe IDP returns, the Mitrovica Roma Mahala was looted and burnt to the ground by Albanian mobs. The Mahala had comprised around 750 houses, with an estimated 8,000 inhabitants. All were forcibly expelled and the entire neighbourhood destroyed while the French KFOR3 stood idly by. Half the population fled to other countries, the remainder occupied several public buildings around northern Mitrovica.

September 1999 – June 2000: The IDP camps of Žitkovac, Česmin Lug and Kablare established in close proximity to the Trepca mining and smelting complex. Intended as a temporary measure (45-90 days) for Roma, Ashkali and Egyptian IDPs, living conditions in these lead-contaminated sites were appalling, resulting in frequent illnesses, and particularly hazardous for pregnant women and children.

14 August 2000: SRSG Bernard Kouchner orders the closure of the Trepca smelter: “The people of Mitrovica are at risk because of this smelter. As a doctor, as well as chief administrator of Kosovo, I would be derelict if I let this threat to the health of children and pregnant women continue for one more day. Recent tests indicate that current levels of lead exposure are approaching the most extreme in decades.” KFOR contingents implemented measures to protect their personnel, including removing personnel with high blood lead levels from the area, *but not Roma IDPs*.

November 2000: UNMIK commissioned a report “First Phase of Public Health Project on Lead Pollution in Mitrovica Region” which was not released to the public. Human Rights Watch (HRW) quoted from this report that in 2000 lead contamination in Mitrovica exceeded acceptable standards by 176 times in vegetation samples and by 122 times in the soil, with high concentrations of lead in dust. UNMIK did not make the report public; did not act on its recommendations; did not report the situation to the UN Security Council. UNMIK deliberately failed to provide information about the high levels of lead concentrations in the camp to the residents of the camps.

October 2001: UNMIK takes over responsibility for managing the camps from UNHCR. The IDPs had been there for two years.

May, June, and July 2004: Romani activists bring the first cases symptomatic of lead poisoning among the children living in the camps to the attention of the authorities and the media from early 2004. The death of a four-year-old girl in the Žitkovac camp prompted the World Health Organisation (WHO) to conduct a health risk assessment during May, June and July 2004. Random blood and soil tests conducted by WHO showed that most children living in the IDP camps in Mitrovica and Zvečan had BLL above acceptable levels and that more than 80% of soils in the camps were “unsafe” because of lead contamination.

Available at: <https://www.hrw.org/report/2009/06/23/kosovo-poisoned-lead/health-and-human-rights-crisis-mitrovicas-roma-camps>

July-October 2004: The WHO warned about the chronic irreversible effects of lead on the human body and urged UNMIK to immediately evacuate children and pregnant women from the camps. Similar appeals were subsequently made by both the International Committee of the Red Cross (ICRC) and Amnesty International, which publicly requested UNMIK to immediately evacuate the camps.

September 2004: Five years on, WHO releases a report demonstrating very high levels of lead contamination among the Roma population in all the camps.

January 2005: In January 2005, the WHO, UNICEF and the United States Centre for Disease Control and Prevention (CDC), initiated a Blood Lead Surveillance Programme conducting periodic rounds of blood testing to monitor the BLLs of children living in the camps. The results of these tests were not made public.

11 July 2005: The Ombudsperson Institution in Kosovo described the living conditions in the camps of Žitkovac, Kablare and Česmin Lug as “appalling ... marked by poverty, malnutrition and a lack of the most basic hygiene and health services.” It called on the authorities to evacuate the camps immediately as a separate measure from any plans to reconstruct the Roma Mahala.

September 2005: A local Roma activist, Argentina Gidzic, files a criminal complaint against unknown perpetrators in the Pristina court alleging a violation of article 291 of the Kosovo Provisional Criminal Code (which outlaws actions impacting the environment that endanger human life).

October 2005: The UN Special Rapporteur on the rights of IDPs expresses his shock to see first-hand that the Roma, Ashkali and Egyptian IDPs had been settled on “highly contaminated land” and appealed to the international community to immediately evacuate the camps.

19 October 2005: The Society for Threatened Peoples organized testing for toxic heavy metals in the three IDP camps near Mitrovica. Hair samples were collected from 48 children between the ages of 1-15. The readings range from 20 to 1200 $\mu\text{g/g}$ while “normal” readings would be in the range 3 to 15.

2 December 2005: The ERRC sent letters asking the United Nations Secretary General, the United Nations High Commissioner for Human Rights, and four Special Rapporteurs to take immediate action for the preservation of the lives and health of children in three Romani IDP camps in Kosovo. The ERRC asked the Secretary-General Kofi Annan to rectify this human rights tragedy, and commence an internal investigation to ascertain how this dereliction of duty was allowed to continue for more than six years.

3 February 2006: The ERRC filed a complaint with the European Court of Human Rights on behalf of Roma IDPs alleging violations of the European Convention on Human Rights. The complaint was ruled inadmissible by the Court within weeks, on the ground that it lacked jurisdiction. Even though the court acknowledged that UNMIK was acting as “a government or “state” in Kosovo” which therefore granted it immunity, it called for “an examination of the application of immunity in terms of international human rights norms.”

13 February 2006: The ERRC filed a third party complaint under the United Nations General Assembly Resolution A/RES/52/247 in which the UN agrees to compensate those who have

been injured in their missions, and later filed a complaint with the UN Oversight Body requesting an investigation into the mismanagement of the IDP camps in Kosovo.

June 2006: WHO facilitates the third blood testing on a group of around 50 children from the camps in Cesmin Lug, Osterode, and Leposavic. Zoran Savic, one of the local Serb doctors recalled: “In some analyses, lead levels went above the amount we could measure – these are some of the highest levels registered in the world”; and added that the unsanitary conditions in the camps were also a major factor in susceptibility to lead poisoning.

WHO subsequently arranges the first of two distributions of oral chelation therapy to a group of about 40 children from the Osterode camp.

July 2008: A complaint is filed by a Roma rights activist on behalf of Roma families from all the camps with the Human Rights Advisory Panel alleging criminal negligence leading to severe environmental contamination causing a severe health hazard to the camps’ inhabitants, as well as violation of the rights to life and family life, and lack of a legal remedy.

October 2008: Mitrovica Institute for Health conducted blood tests on children in Cesmin Lug, Osterode, and Leposavic. Out of 53 tested, 21 had life-threatening blood lead levels requiring immediate medical intervention and only two children had results within the norm.

January 2009: WHO visits Kosovo and publicly called for the closure of the Osterode and Cesmin Lug camps.

5 June 2009: The Human Rights Advisory Panel rules the claim filed by Roma to be admissible on multiple counts, including in relation to allegations of violations of the right to life, the prohibition of inhuman and degrading treatment, respect for private and family life, the prohibition against discrimination in general, the prohibition of discrimination against women, and the rights of children.

25 October 2010: *Balkan Insight* reported that the camps were finally closed after ten years with several organisations claiming credit for the move. UNMIK actually had the *chutzpah* to issue a press statement claiming that it “has demolished a controversial settlement inhabited by uprooted members of the Roma community, which was contaminated with lead from a nearby plant.” Four days later, a press release from the European Commission Liaison Office in Kosovo stated that a “joint EU and USAID effort had brought Cesmin Lug camp in north Mitrovica to a successful closure.”⁷¹

⁷¹ ERRC News, *Kosovo Lead Poisoning: A Tragic Timeline of Poisoned Neglect*, 9 September 2016. Available at:

<http://www.errc.org/news/kosovo-lead-poisoning-a-tragic-timeline-of-poisoned-neglect>

UN HUMAN RIGHTS ADVISORY PANEL FINDINGS

Inhuman and degrading treatment

With respect to UNMIK's obligations under Article 2 of the ECHR, the Panel considers that UNMIK did not take adequate steps to remove the complainants from a situation where they suffered inhuman and degrading treatment in fulfilment of its obligations under Article 3 of the ECHR. The level of UNMIK's willful neglect was laid bare by the UN panel's findings. The panel noted that:

- UNMIK was fully aware of the extent and scale of lead contamination, and that the main source of exposure to lead was the proximity of the camps to the Trepca smelter and complex.
- As a result of UNMIK's inactivity, the health risks stemming from lead contamination in the camps persisted and likely increased due to the prolonged exposure of the IDP population to lead and the continued lack of access to basic services such as adequate food, hygiene and medical care.
- UNMIK provided far from adequate medical care to the affected IDPs, including those found to have elevated lead blood levels. Basic medical services, as well as the administration of chelation therapy to those IDPs severely affected by lead contamination, was initiated only in January 2007 and was discontinued, a few months later, in October 2007 without any alternative care being offered to the IDPs.
- UNMIK did not disclose or communicate to the IDPs affected or their family members the results of the blood tests conducted by WHO in 2004 and 2005.

Prima Facie Discriminatory

The Panel found UNMIK's actions in placing the Roma in contaminated camps and later failure to relocate them to a non-contaminated area and to provide access to living conditions commensurate with human rights standards, was prima facie discriminatory.

- "Only Roma Ashkali and Egyptian IDPs were accommodated in those areas of northern Mitrovica known to be highly contaminated, and the consequent humanitarian and health crisis affected disproportionately the RAE minority."
- "The reconstruction of the destroyed Roma Mahala, and thus the displacement of the Roma Ashkali and Egyptian, was delayed for much longer than the reconstructions undertaken in favour of other communities of IDPs."
- The Roma complainants have also established a prima facie case of discrimination with respect to UNMIK's failure to initiate any investigation following the filing of a criminal complaint by the ERRC concerning the suspicious deaths, including of children, in the camps.

The suffering of women and children

From the outset UNMIK was aware of the high health risks posed by lead poisoning to pregnant women and children. This was why the former SRSG Bernard Kouchner decided to stop the operation of the Trepca complex in August 2000. But this measure hardly benefited the IDPs since they continued to be exposed to lead poisoning in highly contaminated camps.

- The Panel noted that on two occasions in 2004, WHO highlighted the particularly serious situation of pregnant women (and children) in the camps, warning UNMIK that they needed to be urgently evacuated from the camps and that their cases amounted to medical emergencies.
- UNMIK was obliged under the CEDAW to adopt positive measures to adequately respond to the particular disadvantage of pregnant women in the camps.
- The Panel concluded that while all complainants had their rights violated, the female complainants were also “subject to multiple discriminations in the enjoyment of their fundamental rights, as women, as IDPs and as members of the Roma, Ashkali and Egyptian community.”
- The Panel considered that the lives and health of children should have been the overriding consideration guiding UNMIK’s response to the situation. UNMIK did not explain (nor provided any documentation in this respect) how the best interest of the children in the camps was considered, assessed and determined when deciding and enacting measures in response to the situation in the camps.
- Consequently, the Panel finds that, through its actions and omissions, UNMIK was responsible for compromising irreversibly the life, health and development potential of the complainants that were born and grew as children in the camps, in violation of Articles 3, 6, 24, 27 and 37 of the CRC.

Prima Facie Discriminatory Conclusion: UNMIK “tainted by racial prejudice”

The Panel noted that no objective and reasonable justification was offered by the SRSG to explain why no action whatsoever was taken by UNMIK as a follow-up to this criminal report filed by ERRC. The excuses made by UNMIK for a decade of damaging neglect were given short shrift by the Panel. The UNMIK suggestion that the health crisis in the camps was generated by the “unhealthy” life-style of the RAE IDPs was deemed to be “tainted by racial prejudice”, contradicted by scientific evidence, “and certainly not objective or reasonable justification.” The excuse that UNMIK could not move the Roma, Ashkali and Egyptian IDPs to an alternative, safe, location that was “acceptable” to all local stakeholders was rejected on the grounds that “such political considerations and discriminatory attitudes of local stakeholders should not in a democratic and pluralistic society take priority over the life, health and well-being of those in a vulnerable situation.”⁷²

The head of UNMIK, Zahir Tanin, issued a statement expressing “regret regarding the adverse health conditions suffered by the complainants and their families at the IDP camps”, but did not offer compensation.

On **7 September**, the ERRC launched an #UNJustToRoma campaign and gathered over ten thousand signatures in the months following the publication of a report and called on the United Nations Interim Administration Mission in Kosovo (UNMIK) to publicly acknowledge its abject failure to comply with applicable human rights standards and apologise to Roma, Askali and Egyptian IDPs placed in lead contaminated camps, and to compensate victims for material and moral damage.

At the time it was hoped that this report, described in the New York Times as “a stunning rebuke” containing “extraordinarily strong language” and an embarrassment to the UN, would

⁷² UNMIK Human Rights Advisory Panel opinion 15 April 2016. Available at: <http://www.unmikonline.org/hrap/Eng/Cases%20Eng/26-08%20NM%20etal%20Opinion%20FINAL%2026feb16.pdf>

help deliver justice. But, as the authors of a new report by Harvard researchers and Roma activists found that six years on, UN Secretary-General António Guterres' sole response was to announce a voluntary trust fund for Roma in general without any specific mention of compensation for the camp victims. The Fund depends on voluntary contributions from member states, and the UN has struggled to mobilize funding. In five years, it has received a single, solitary contribution of \$10,000 from Qatar. Today, any hopes of justice for this egregious exercise in environmental racism have *"been dashed by the UN's complete failure to comply with the panel's recommendations."*⁷³

⁷³ Harvard Law School, International Human Rights Law Clinic, *UN Still Denies Justice to Lead Poisoning Victims in Kosovo*, 20 November 2022. Available at: <https://humanrightsclinic.law.harvard.edu/un-still-denies-justice-to-lead-poisoning-victims-in-kosovo/>

PATA RÂT, ROMANIA: ENVIRONMENTAL RACISM AT ITS MOST TOXIC

The Pata Rât saga stands as an emblematic example of environmental racism against Roma. The forced eviction of 270 residents from their homes with scarcely a day's notice, the illegal demolition of their houses, and forced relocation to a site between a landfill and a pharmaceutical waste deposit was not an isolated act. It was rather part of a wider phenomenon of Roma ghettoization in Romania, where poor neighbourhoods situated on geographic peripheries of localities are formed *“as a result of the non-interventionist policy of authorities (lack of inclusive development strategies, or adequate social housing programs), and/or of measures administered by them (forced evictions, relocations) directed against the dispossessed.”*⁷⁴

In many cases, these neighbourhoods are informal settlements situated nearby polluted environments. Geographically isolated, lacking access to public transport, essential services and infrastructure, the residents are segregated from public life, stranded in neighbourhoods that fall outside urban development plans and programs. The formation and maintenance of such neighbourhoods violates several fundamental rights, and results in the intergenerational transmission of disadvantage, exclusion and poverty.

In Romania, as UN Special Rapporteur Philip Alston noted, *“all too often, evictions have taken place with little advance notice, have been carried out in an abusive fashion, result either in homelessness or relocation far away from jobs, schools, hospitals, and other facilities, and end up reinforcing residential segregation of a discriminatory nature.”* The Housing Law contains no protections against forced evictions, which is defined under international law 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.”* As a result, Roma are not consulted, not given reasonable notice, and can be evicted in the middle of winter. Alston expressed deep concern about the lack of safeguards, grounds and legal remedies to challenge and suspend forced evictions, which *“are not only a violation of the human right to housing, they are also just the beginning of a new set of problems for the people that are affected by it.”*⁷⁵

The three categories of environmental racism identified by the European Environmental Bureau (EEB) apply to the situation in Pata Rât: Romani communities find themselves CUT OFF, isolated from the city and denied equal access to basic services; PUT IN DANGER, forced to live in environmentally degraded, polluted and toxic sites; PUSHED ASIDE, forcibly

⁷⁴ Lefteast, *Pata Rât Roma Socio-Territorial Segregation and Ghettoization*, 31 March 2014. Available at: <https://lefteast.org/pata-rat-roma-socio-territorial-segregation-and-ghettoization/>

⁷⁵ Philip Alston, United Nations Human Rights Council Special Rapporteur on extreme poverty and human rights, *End-of-mission statement on Romania*, 11 November 2015. Available at: <https://www.ohchr.org/en/statements/2015/11/end-mission-statement-romania-professor-philip-alston-united-nations-human>

evicted from locations with high economic value to make way for new housing or road projects or tourism facilities.⁷⁶

Pata Rât makes for a particularly hazardous form of environmental racism. As Klara Kuemmerle noted, the landfill is not solely composed of household waste, nearby factories dump their chemical refuse onto the landfill, contaminating the soil and nearby waterways with high levels of lead and copper. When people come to Pata Rât to illegally burn their waste, they release chemicals into the air that severely sicken Roma families. As one Pata Rât resident described it, “They come at night, we don’t know who they are, but rumours say that they are private people who burn toxic waste that they can’t process in their recycle plants.”⁷⁷

On **7 December 2010**, the homes of 270 Romani residents of Coastei Street were demolished and the residents forcibly removed to Noul (New) Pata Rât, 18 km away an area created by the municipality’s ‘social housing’ project. Romania’s moratorium on winter evictions was ignored, as was the fact that many of the affected Roma were paying rent to the municipality, working and attending school in the city centre.

The modular houses are placed at about 800 meters from the landfill and 200 meters from a former pharmaceutical waste deposit. Out of the 76, mostly Roma families, 40 were offered alternative housing far below the acceptable standards (one room of 16 or 18 square meters given for one family with up to even 12 members, sharing one bathroom of 6 square meters with other three similar rooms). These modular homes lack heating, hot water and kitchens; the rest of the families were informally given small pieces of nearby land with the cynical invitation to build their houses as they usually do, i.e. ‘illegally’.⁷⁸

19 December 2011: Participatory research conducted by the ERRC and Grupul de Lucru al Organizațiilor Civice (GLOC) found that one year after the forced evictions, almost one-fifth of individuals had lost their main source of income from formal and informal work; the average family income per capita had dropped by 33%; reported cases of discrimination and degrading treatment jumped from 5% before the eviction to 25% since. In 2011 all the children due to be enrolled in primary school for the first time were rejected by mainstream schools on the basis of alleged insufficient space in the classrooms. Both organisations called for an alternative integrated housing project involving members of the community; financial compensation for all the losses suffered since the eviction; and a fully integrated response from schools, the school inspectorate, doctors and the municipality to meet the community’s needs.⁷⁹

⁷⁶ Patrizia Heidegger and Katy Wiese, *PUSHED TO THE WASTELANDS Environmental racism against Roma communities in Central and Eastern Europe*, European Environmental Bureau, 2020. Available at: <https://eeb.org/wp-content/uploads/2020/04/Pushed-to-the-Wastelands.pdf>

⁷⁷ Klara Kuemmerle, “Social Pollution”: The Pernicious Effects of Environmental Racism on Roma Communities in Europe, *Harvard International Review*, 2023. Available at: <https://hir.harvard.edu/social-pollution-the-peculiar-effects-of-environmental-racism-on-roma-communities-in-europe/amp/>

⁷⁸ ERRC Press Release, *ERRC Raises Eviction Concerns as Roma Protest in Romania*, 19 January 2011. Available at: <http://www.errc.org/press-releases/errc-raises-eviction-concerns-as-roma-protest-in-romania>

⁷⁹ ERRC Press Release, *ERRC AND GLOC Call For Action On Evicted Romani Families In Romania*, 19 December 2011. Available at: <http://www.errc.org/cikk.php?cikk=3951>

17 December 2012: On the second anniversary of the mass eviction, Ernest Creta, recalled the circumstances of that fateful morning: *“We were overwhelmed and terrified by the number of police officers. Following pressure and verbal threats from the local authorities, we accepted the housing they proposed without knowing the exact location and the condition it was in.”*

As regards his changed life circumstances, Creta stated: *“We were integrated in the life of the city when lived in Coastei Street. We used to have jobs, the children went to high school, we had decent living standards, we had access to the park, etc. Here, by the garbage dump, we feel like in a ghetto, we feel discriminated against from all points of view.”*⁸⁰

On **7 January 2014**, the Cluj-Napoca County Court (Tribunal) that the City Mayor’s decision to forcibly evict around 300 Roma in December 2010, to a site adjacent to a waste dump, was illegal. The court ordered the city authorities to pay damages to the Romani applicants for their eviction and relocation to Pata Rât, and for the inadequate conditions of that housing. The Court also required the city to provide the applicants with adequate housing in line with the minimum standards set out in Romanian law.⁸¹

On **1 December 2014**, in its Concluding Observations the UN Committee on Economic, Social and Cultural Rights expressed its concerns regarding the significant challenges related to the right to housing for *“Roma who continue to live in substandard housing conditions, without safe drinking water or sanitation facilities, electricity, heating, sewage, waste disposal or legal security of tenure which exposes them to the risk of eviction”* and also noted the *“limited number of social housing units available and the absence of a monitoring mechanism to ensure that the allocation of social housing is transparent and non-discriminatory”*; and continuing *“cases of forced evictions of Roma from irregular settlements, and their relocation to unsafe or polluted sites threatening their lives and health”* (para 19). It concluded that forced evictions of Roma should be prevented *“until they have been consulted, afforded due process guarantees and provided with alternative accommodation or compensation enabling them to acquire adequate accommodation”* (para 19).⁸²

In 2017, the European Commission took Romania to the European Court of Justice (ECJ) for its failure to close and rehabilitate 68 illegal landfills, including Pata Rât, even though it had received support from the Regional Development Fund to replace them with a new waste disposal system. In 2018, the ECJ ruled in favour of the Commission.⁸³

⁸⁰ ERRC Press Release, *Bring Roma Back to The City of Cluj-Napoca!* 17 December 2012. Available at: <http://www.errc.org/press-releases/romania-bring-roma-back-to-the-city-of-cluj-napoca>

⁸¹ ERRC Press Release, *Romanian Court Victory – Forced Eviction of Roma to Pata-Rât Was Illegal*, 7 January 2014. Available at: <http://www.errc.org/cikk.php?cikk=4239>

⁸² ERRC Press Release, *Romania Falls Short of Its International Human Rights Obligations on Economic, Social and Cultural Rights*. 3 December 2014. Available at: <http://www.errc.org/press-releases/romania-falls-short-of-its-international-human-rights-obligations-on-economic-social-and-cultural-rights>

⁸³ Elize Mazaud, *Marginalisation and racism force hundreds of Roma in Romania to live in Pata Rât, Europe’s largest waste-related ghetto*, META, EEB, 29 August 2019. Available at:

Despite the litigation, the protests and foreign donor-funded projects little has changed in the intervening years. In a 2021 protest action by Căși Sociale ACUM! - Social Housing NOW! to prevent evictions of families from the modular houses near the landfills in Pata Rât, the group accused the City Hall of Cluj-Napoca of “*failing to fulfill anything from its Development Strategy 2014-2020 in this regard: it did not build any social housing, and did not develop and implement a concrete relocation plan from the polluted and segregated environment of Pata Rât in social housing from the city.*” Neither did the city develop a system to prevent evictions that leave those evicted without alternative accommodation.⁸⁴

As Căși Sociale ACUM! noted, the Romani families were evicted to make way for the construction of a university campus and church, public buildings and a 120 ‘premium apartment’ complex, where the going price for such apartments is €2000 per m² and €1000 for a garage. At the site of her former home in Coastei Street, Silviu Zsiga remarked that while everything looked beautiful “*what is not so beautiful is that everything that has been done, has been done on the suffering and on the tears of others. But that’s the way people are, they only look after their own well-being, even if they push others out of the way. They don’t care who was left behind in tears, who was beaten. These things could have been done in a different way, not necessarily with the suffering, sorrow and tears from so many people. They could have come and told us, we don’t like how this place looks like, we want to clean it, but we are also moving you to a place where you will be well, not to suffering and torment.*”⁸⁵

CLUJ: NO ROOM FOR ROMA IN ‘THE SILICON VALLEY OF EASTERN EUROPE’

Căși Sociale ACUM! has revealed how this immiseration of Roma communities has dovetailed with the rebranding of Cluj as the Silicon Valley of Eastern Europe; and how despite unparalleled economic success for the city between 2015 and 2020, no new public housing units had been developed. Cluj was designated 2015 European Capital of Youth. In 2020, the mayor announced that “Cluj is once again on top!” when the city had been selected among the six most innovative in the European Union.⁸⁶ Hailed by the Smart Cities Council as the Silicon Valley of Eastern Europe, Cluj was credited with investing in its tourism and cultural attractions, boosting sustainability improving connectivity and municipal services, even reducing air pollution in the city.⁸⁷ 2017 World Bank report on “magnet-cities” deemed it the

<https://meta.eeb.org/2019/08/29/treated-like-trash-how-roma-in-romania-are-forced-to-live-by-city-dumps/>

⁸⁴ Căși Sociale ACUM! - Social Housing NOW! *Increased Risk of Eviction in Pata Rât of Cluj, Romania – Solidarity Call*, 7 July 2021. Available at: <https://lefteast.org/increased-risk-of-eviction-in-pata-rat-of-cluj-romania-solidarity-call/>

⁸⁵ *Ibid*

⁸⁶ Căși Sociale ACUM! - Social Housing NOW! *Countering housing dispossession in Cluj, the Silicon Valley of Eastern Europe* 20 June 2022. Available at: <https://lefteast.org/countering-housing-dispossession-in-cluj-the-silicon-valley-of-eastern-europe/>

⁸⁷ Everyone Smart Cities Council, *Cluj-Napoca: the “Silicon Valley” of Eastern Europe*, 14 August 2018. Available at: <https://www.smartcitiescouncil.com/article/cluj-napoca-silicon-valley-eastern-europe>

most sought after urban location where “more than 15% of people in Romania would consider moving to Cluj-Napoca.”⁸⁸

With the successful rebranding of the ‘smart’ city real estate prices rocketed, with the square metre value surpassing that of Bucharest. George Iulian Zamfir pointedly observed, *“The invitation to join the urban utopia is not addressed to the city’s Roma population. On the contrary, dislocating Roma appears to be precisely the sign of a European project ... Banishing Roma from cities stands as a key feature of post-89 Romanian policies.”* And in Cluj, it gradually became clear that mass evictions constituted a required foundation for real estate redevelopment. Zamfir makes the important point that the frantic branding of resilience, revitalization and connectivity is policy-driven, and *“the municipality of Cluj masters this urban marketing discourse which naturalizes forced evictions. Against it, we (Căși Sociale ACUM!) continue to focus on what is being hidden under the fancy conceptual umbrella: housing and racial inequalities.”*⁸⁹

The juxtaposition of ‘Smart progress’ in the metropolis with the fate of the Roma banished to the landfill makes for a particularly jarring example of environmental racism. In 2020, the first smart street in Romania was pompously inaugurated in Cluj in 2020 and entailed sensor-based irrigation systems for green spaces, charging stations for electric vehicles, free Wifi and USB plugs. Meanwhile dispatches from Pata Rât reveal how the climate warming means that air pollution and odours emitted by the landfill get far worse. Warmer winters mean that temperatures are no longer cold enough to kill off rodents, mosquitoes and other illness-vectors, giving both the people and land a break. As temperatures get warmer, according to Roma activist Alexandru Fehete, this ‘break’ is reduced, meaning that Roma communities at Pata Rât are increasingly exposed to vector-borne disease.⁹⁰

Even in Pata Rât, Romani families will not be safe from forced evictions. In December 2021, Cluj-Napoca’s local council approved the construction authorization for the first phase of the “Transylvania Smart City” mega project. It’s on the hill opposite the Roma evicted from Coastei street in 2010. This construction will occupy 4.6 acres and include five apartment buildings with “smart” homes inside, a kindergarten and nursery, a shopping mall and a recreation area. The developers will make home deliveries by drone and the future residents will be able to get to the city’s airport by cable car.⁹¹

⁸⁸ World Bank Blogs, *Come for the job, stay for the city: The attraction of magnet cities in Romania*. 14 July 2017. Available at: <https://blogs.worldbank.org/europeandcentralasia/come-job-stay-city-attraction-magnet-cities-romania>

⁸⁹ Căși Sociale ACUM! - Social Housing NOW! *Countering housing dispossession in Cluj, the Silicon Valley of Eastern Europe* 20 June 2022. Available at: <https://lefteast.org/countering-housing-dispossession-in-cluj-the-silicon-valley-of-eastern-europe/>

⁹⁰ ENAR, *The Climate Crisis Is a (Neo)Colonial Capitalist Crisis*, Section 5 Antigypsyism, p.36. 2021. Available at: https://www.enar-eu.org/wp-content/uploads/2022_report-climatechangeandrace_final.pdf

⁹¹ Căși Sociale ACUM! - Social Housing NOW! *“Missing social housing” – Activist city tour in Cluj-Napoca*. 16 April 2022. Available at: <https://lefteast.org/missing-social-housing-activist-city-tour-in-cluj-napoca/>

ENVIRONMENTAL RACISM: THE ROMA CASE FILES 2018-2022

Across a continent where nativist political actors have mainstreamed racism, and prejudice has become the propaganda of choice, truth is often the first casualty, and efforts to make headway with reasoned debate and evidence-based advocacy in pursuit of justice have fallen on hard times. That is why strategic litigation matters in the struggle against environmental racism, its powerful perpetrators, and the systems that reproduce it. For the slow violence of environmental racism is legitimised by institutional discrimination which “covertly or overtly, resides in the policies, procedures, operations and culture of public or private institutions – reinforcing individual prejudices and being reinforced by them in turn” (*Ambalavaner Sivanandan*).⁹²

This selection of cases since 2018, covering seven countries, provides a snapshot of the state of play in the pursuit of environmental justice for Roma, and some inkling into the level of deprivation and racist exclusion that characterises everyday life for the most excluded in 2020s Europe. Two of the cases concern access to clean water and sanitation in North Macedonia and Albania; one concerns electricity supply to a Romani neighbourhood in Serbia, the remainder mass evictions in France, Italy, North Macedonia, Romania, Serbia and Slovakia. All of the cases bear testimony to the desperate circumstances of these people and the terrible toll exacted by environmental racism.

ANNALS OF SHAME: VIOLATIONS OF HUMAN DIGNITY, DIRECT AND INDIRECT DISCRIMINATION

North Macedonia, Skopje, 23 August 2022: Authorities in the Municipality of Prilep were ordered to provide access to clean water for the Romani neighbourhoods of "Debarca" and "Tri Bagremi" in Prilep, North Macedonia. The Commission for Prevention and Protection against Discrimination found that the Municipality of Prilep and PUC Water and Sewerage Prilep had directly discriminated against Roma in the city by not ensuring equal access to water. The finding came after a complaint by the European Roma Rights Centre (ERRC) on behalf of Romani people from these communities. The public institutions have six months to implement the decision.

Despite having lived in those neighbourhoods for many years, these Romani communities were never connected to mains-supplied running water. Part of the reason is that many of the homes in these neighbourhoods have never been legalised by the municipality. The Commission's decision compels the authorities to circumvent obstacles regarding the legalisation of the neighbourhood, and provide temporary solutions that will provide all Romani families access to clean water. *The decision issued by the Commission found direct*

⁹² Gary Younge, *Ambalavaner Sivanandan* obituary, *The Guardian*, 7 February 2018.

<https://www.theguardian.com/world/2018/feb/07/ambalavaner-sivanandan>

*discrimination on the basis of race, skin colour, ethnicity, social origin and property status in the area of access to goods and services.*⁹³

Slovakia, Košice, 24 January 2022: The District Court Košice II ruled in favour of nine members of a Romani community, who were forcibly evicted from their homes in the district of Nižné Kapustníky, Košice in 2012 under the pretext of waste removal by the city authorities. The plaintiffs were awarded a total of €9000 in compensation.

On 30th October, 2012, the City of Košice forcibly evicted 156 people, including 63 children, from their homes in Nižné Kapustníky, where they had been living in informal housing for close to a decade. The forced eviction was carried out by municipal police, without a court order or decision from an administrative authority, and the affected people were not given prior written notice. City representatives described the eviction as the clearing of an illegal landfill where “inadaptable people” had built their dwellings. Their homes were demolished by excavators and the displaced Romani people were sent by bus to other parts of the country where they were supposedly registered. *The Court ruled, in its first instance judgment, that the City of Košice violated human dignity and the right to privacy of the plaintiffs and committed illegal discrimination on the basis of their ethnic affiliation.*⁹⁴

Romania, Eforie, 8 July 2021: The Court of Appeal in Romania confirmed the previous judgment of the Constanța Tribunal and ruled that the Mayor of Eforie and the Administrative Territorial Unit of Eforie must pay a sum of approximately €36,000 to each of the 12 Romani persons evicted from Agricola Street in 2013, as well as provide social housing for each family. The ruling backdated the compensation due to the families by adding a €20 per person per day penalty for every day the people were left homeless since 11th April 2017 (the date when the judgment had to be implemented by). The case was brought by the European Roma Rights Centre (ERRC) and RomaJust, and the eviction judged to be illegal by the first instance court.

The eviction occurred on 27th September 2013, targeting a Romani community living on Agricola Street in some 22 houses who had been living there for 40 years. It was carried out by around 80 police officers accompanied by municipality workers and bulldozers, under the direct supervision of the Deputy Mayor of Eforie who attended the eviction. Over 100 people, including 55 children, were made homeless when their homes were destroyed without consultation or provision of adequate alternative housing. Local media reported that the Deputy Mayor was heard threatening resisting Roma, saying “*if you don’t come out, we’re going to kill you here.*”

In the days that followed, the evicted people had to live outdoors in temporary shelters until some could eventually take refuge in an abandoned school building without windows or electricity. Others were housed in an equally grim disused dormitory. Some of these people were evicted a second time in July 2014 by the Deputy Mayor and relocated to shipping containers out of the city. These containers were too small to house all members of the

⁹³ ERRC Press Release, *Authorities Ordered to Provide Water for Romani Communities in Prilep*, North Macedonia, 25 August 2022. Available at: <http://www.errc.org/press-releases/authorities-ordered-to-provide-water-for-romani-communities-in-prilep-north-macedonia>

⁹⁴ ERRC Press Release, *Slovak Roma, Whose Homes were Destroyed under Environmental Law, win Case before Košice Court*, 24 January 2022. Available at: <http://www.errc.org/press-releases/slovak-roma-whose-homes-were-destroyed-under-environmental-law-win-case-before-kosice-court>

families and had inadequate access to basic facilities. The rest of the families received no accommodation of any kind.

After another attempted eviction of the Roma from container housing was halted by the European Court of Human Rights in March 2016, the original eviction was finally judged to be illegal and discriminatory on 1st June 2016 in a case brought by the ERRC.⁹⁵

Serbia, Belgrade, 29 June 2020: After a five-year-long legal battle, two Roma who were evicted from their homes in Belgrade and placed in an abandoned warehouse in Nis have finally been awarded more than €2,600 each (plus interest) in compensation by the Belgrade Court of Appeal. The European Roma Rights Centre (ERRC) represented them and another third litigant, who has unfortunately died in the years awaiting the court's decision.

Despite awarding damages, the court rejected the ERRC's argument that forced evictions disproportionately target Roma in Serbia and constitute indirect discrimination. They also failed to address the vulnerable position of Roma living in segregated settings, which requires special attention from the authorities, or the fact that the Romani families were living without any papers to regulate their habitation in their place of living and were therefore at risk of further evictions.

The litigants, their families, and around 1000 other Roma were forcefully evicted on 26th April 2012 from an informal site in Belgrade which was known as "Belville". Many of the people living there were internally displaced families from Kosovo who were relocated to shipping containers on the outskirts of the city. Some of the Romani families represented by the ERRC had registered permanent addresses in Nis, so the authorities sent them to live there in an abandoned warehouse without access to water, sanitation, or electricity.

The ERRC filed a complaint in April 2015 against the Republic of Serbia, the City of Belgrade, and the City of Nis for violating these people's right to housing and right to be free from discrimination. The recent decision by the Belgrade Court of Appeal partially reverses the first instance judgment of the Civil Court. This judgment stated that the litigants' rights to housing and discrimination (based on place of residence) were violated because they were put in a less favourable position compared to other evicted Roma who were eligible to stay in Belgrade and benefit from different kinds of support.⁹⁶

France, Strasbourg, 14 May 2020: After a seven-year battle justice was finally done when the European Court of Human Rights (ECtHR) ordered France to pay more than €40,000 in compensation to six Roma who were evicted from their homes in 2013. The European Roma Rights Centre (ERRC) supported the Roma to take their case first to the French courts and then to Strasbourg. The court emphasised the fact that the litigants belonged to "an underprivileged social group" and that the authorities had failed to their particular needs into account when they made the decision to evict them.

⁹⁵ ERRC Press Release, *Romanian City of Eforie Ordered to Pay Over €430.000 For Evicting Roma in 2013*. 8 July 2021. Available at: <http://www.errc.org/press-releases/romanian-city-of-eforie-ordered-to-pay-over-EUR-430000-for-evicting-roma-in-2013>

⁹⁶ ERRC Press Release, *Roma win Court Case against Serbian Authorities for 2012 Forced Eviction*, 29 June 2020. Available at: <http://www.errc.org/press-releases/roma-win-court-case-against-serbian-authorities-for-2012-forced-eviction>

The Roma had been living in caravans for about six months on municipal land in Seine-Saint-Denis, near Paris, when they were ordered to vacate the area by the Prefect on 29th March 2013. The order required “the travellers unlawfully settled on the site at rue Politzer and rue de la Prévôté in the municipality of La Courneuve” to vacate the site within 48 hours or be forcibly evicted. After attempts to challenge the eviction failed, the Roma ended up leaving the site on the night of 11 April 2013 in order to avoid being forcibly removed. They tried to settle somewhere nearby but were moved on by the police on the morning of 12 April 2013.

At the time of the eviction all of the school-age children were attending school. No alternative accommodation was offered to the Roma, who were forced to sleep outside or in their cars before moving to an informal settlement in Bobigny where they had to share a caravan with other families.

The six Romani litigants were Romanian nationals, and most of them had been living in France for more than ten years with residence documents as EU citizens. They had been subjected to several forced evictions over the years, before the eviction in 2013 which they took to court. The court ruled that French authorities had violated their rights under Article 8 (right to respect for private and family life and the home) and Article 13 (right to an effective remedy) of the European Convention on Human Rights.⁹⁷

North Macedonia, Skopje, 23 March 2020: The UN Committee on the Elimination of Discrimination against Women (CEDAW) has found in favour of six young Romani women (brought in two cases) who were evicted from their homes without warning, whilst pregnant, in August 2016. Municipal authorities came and bulldozed the homes of approximately 130 Roma, including these six women, living on the riverside beneath the Kale Fortress in the centre of Skopje. They destroyed the water pump used by the community, and also many of their possessions which were in their dwellings, leaving them homeless and vulnerable in extreme weather conditions. The Committee has given North Macedonia six months to provide reparations to the six women, as well as suitable accommodation, access to clean water, nutrition, and immediate access to affordable health-care services.⁹⁸

The women had lived at the site for nine years before the illegal eviction took place. Afterwards they were left on the streets during extreme flooding without access to water or sanitation, and were later forced to see out their pregnancies in freezing tents and makeshift shelters. The six women were additionally unable to access social housing or medical care because they lacked identity documents.

The decision came after CEDAW responded to urgent requests from the ERRC in November 2016 and January 2017, telling North Macedonia to provide immediate emergency accommodation for the six Romani women. The authorities responded by providing inadequate and substandard accommodation for the women, as temperatures in Skopje had

⁹⁷ ERRC Press Release, *European Court Orders France to Compensate Evicted Roma*, 14 May 2020. Available at: <http://www.errc.org/press-releases/european-court-orders-france-to-compensate-evicted-roma>

⁹⁸ ERRC Press Release, *North Macedonia Ordered to Pay Compensation for Evicting Pregnant Roma*, 23 March 2020. Available at: <http://www.errc.org/press-releases/north-macedonia-ordered-to-pay-compensation-for-evicting-pregnant-roma>

by that time dropped to -20°C. These most recent decisions from CEDAW place an obligation on the state to provide suitable, secure accommodation and reparations. The ERRC is representing 54 Roma from this community in a case which is pending before the European Court of Human Rights.⁹⁹

Italy, Rome, 20 May 2019: The European Court of Human Rights ordered the Italian Government to provide suitable accommodation for Romani families who were forcibly evicted from Giugliano. The court recognised the right to family unity and the need to provide adequate housing to Romani families. The emergency case was brought before the court by Associazione 21 luglio and the European Roma Rights Centre (ERRC).

On 5 April 2019, a mayor's office ordinance announced the imminent eviction of around 450 Romani people residing in the Via del Vaticale camp in the Municipality of Giugliano, for public health reasons. The municipality issued a resolution for alternative housing solutions for Roma, but no proposal was ever made to the families.

On the morning of 10 May 2019, law enforcement arrived and forced the families to leave the settlement on Via del Viaticale. According to numerous testimonies gathered, both before and during the eviction, the Roma had been verbally ordered to leave the Giugliano area and threatened that if they refused, their residence would be cancelled and their children taken into state care. The 450 Roma ended up occupying an abandoned area in the Giugliano industrial area. Conditions were described as totally inadequate, without shelter the 73 families are forced to sleep in cars or outdoors, without access to electricity, toilets or clean water. Education was completely disrupted for 105 children who were attending school.

Associazione 21 luglio called an immediate press conference at the Chamber's Press Room and an online appeal to denounce the rights violated by the authorities during the forced eviction, including the rights of these children to an education. They called for an urgent intervention by the Municipality of Giugliano to provide appropriate accommodation for all affected, guaranteed access to basic services, and the re-establishment of school attendance for pupils, and with the ERRC called for urgent interim measures by the European Court of Human Rights. On 17 May, the ECtHR issued a decision compelling the Italian Government to guarantee adequate housing for minors and their families who were evicted from Via del Viaticale.¹⁰⁰

Serbia, Niš, Brussels, 7 January 2019: A six-month long power cut came to an end hours after the Higher Court in Niš issued an emergency order to switch the electricity back on in the segregated Crvena Zvezda Romani neighbourhood in the city. The electricity supply was cut off right in the middle of a lawsuit brought by the ERRC and community members that charged the public power authority, *Elektroprivreda Srbije* (EPS), with racial discrimination.

⁹⁹ See: ECtHR, Application no 46889/16 Erdjan BEKIR and Others against the former Yugoslav Republic of Macedonia lodged on 11 August 2016. Pending. Available at: <https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%22001-167970%22%5D%7D>

¹⁰⁰ ERRC Press Release, *European Court Orders Italy to Rehouse Roma Evicted from Giugliano*, 20 May 2019

Available at: <http://www.errc.org/press-releases/european-court-orders-italy-to-rehouse-roma-evicted-from-giugliano>

Several hundred Romani people have lived for decades in the racially segregated Crvena Zvezda neighbourhood in Niš. Authorities in the former Yugoslavia allowed Roma to move into the area after their homes were destroyed in floods. Since then, the land has become much more valuable and pressure applied to move on the Roma.

In tandem with that pressure comes regular power cuts. Almost the entire community is served by two collective electricity meters located off-site. This is not legal in Serbia: every household should have its own meter. But in this case, electricity consumption for about one hundred households is estimated and billed collectively. The community is in arrears and receives huge bills based on calculations that according to locals and their lawyers make no sense at all.

The fact that the off-site meters cover the neighbourhood and the bills are addressed to the “Roma settlement” and not to any specific individual convinced the ERRC and community members that this exceptional arrangement amounted to race discrimination. The ERRC hired a renowned local firm and the case went to court in December 2017. When issuing the order, the Higher Court in Niš found that the power cut was a health risk, and that depriving the neighbourhood of electricity adversely affected the education of local children.¹⁰¹

Albania, Tirana, 12 December 2018: A Romani community in Fushe Kruje, Albania won a case before the Commissioner for the Protection from Discrimination, after taking on the local municipality for refusing to provide them with clean drinking water and sanitation. The Commissioner found that the municipality of Kruje discriminated against Romani families living in the “Kastriot” neighbourhood based on their ethnicity and socio-economic status, and ordered the municipality to take immediate measures to correct the situation within 30 days or face a fine. The case was taken before the Commissioner by the Albanian Helsinki Committee (AHC) with the support of the European Roma Rights Centre (ERRC), who provided evidence of the ethnic divide in access to water in Albania.

Around 250 Romani families (1,200 people) live in the community which has existed since the late 1990s and has long suffered from a lack of clean water. A project led by a local Roma organisation in 2005 saw water supply delivered to the area, only to be cut off by the municipality sometime later. Residents of “Kastriot” had to rely on drilling private wells to access ground water. However, river water polluted by urban waste mixes with the well water and in 2014 resulted in an outbreak of Hepatitis A, especially amongst children. Though this made the news and authorities were aware of the health epidemic, no action was taken by state authorities. The water supply and sewerage company contracted to provide water in the municipality argued that the supply line runs to the Romani community, but as no residents turned up to voice their interest at the point-of-connection, they had fulfilled their legal duty to provide water. Commenting on the decision, Rovena Vuksani from the Albanian Helsinki Committee stated,

“The supply of drinking water is a human right, and in Albania it is a public service. The water company is charged by law to carry out this service and cannot arbitrarily refuse to supply

¹⁰¹ ERRC Press Release, *Serbian Court Issues Emergency Order to Turn the Lights Back on in Roma Neighbourhood*. 7 January 2019. Available at: <http://www.errc.org/press-releases/serbian-court-issues-emergency-order-to-turn-the-lights-back-on-in-roma-neighbourhood>

*water to an entire neighbourhood. This decision is an important step towards recognising and overcoming the institutional discrimination Roma face in Albania.”*¹⁰²

¹⁰² ERRC Press Release, *Albanian Authorities Ordered to Supply Clean Water for Roma After Discrimination Case*, 12 December 2018. Available at: <http://www.errc.org/press-releases/albanian-authorities-ordered-to-supply-clean-water-for-roma-after-discrimination-case>

CONCLUSION

“Humanity is on thin ice, and that ice is melting fast,” according to the United Nations Secretary-General, [António Guterres](#), at the launch of the latest report from the Intergovernmental Panel on Climate Change (IPCC) which warned that “Impacts on some ecosystems are approaching irreversibility, and the as the chances of catastrophe increase, so the options for adaptation will contract, with risks and disasters cascading across sectors and regions.”¹⁰³

In contrast to the ominous warnings from the IPCC, the **European Green Deal** sounds eerily upbeat and jaunty, marketed by European Commission President, Ursula von der Leyen, as “Europe’s new growth strategy” cutting emissions while creating jobs.¹⁰⁴ Complete with catchy tags, such as the boosting of the circular economy, a farm to fork strategy, a biodiversity strategy, and the European Climate Pact, “where everyone has a place ... each taking steps in their own worlds to build a more sustainable Europe.”¹⁰⁵

However, for environmental groups such as Greenpeace, the plan ‘barely scratches the surface’ and the measures envisaged are “too weak, half-baked or missing altogether”. Greenpeace EU spokesperson Franziska Achterberg said: “*The European Environment Agency rightfully recognises that economic growth won’t get us out of the crisis that capitalism has helped create, as well as the need to fundamentally change our systems of production and consumption. The new Commission must follow its own agency’s advice and rethink the economic system that for decades has rewarded pollution, environmental destruction and human exploitation.*”¹⁰⁶

The Commission does acknowledge that “the most vulnerable are the most exposed to the harmful effects of climate change and environmental degradation” and that “citizens, depending on their social and geographic circumstances, will be affected in different ways”. To ensure no one is left behind, and adaptation is fair and inclusive, the Just Transition Mechanism was put in place to protect citizens and workers so that “all EU initiatives live up to a green oath to ‘do no harm’.”

¹⁰³ Elizabeth Kolbert, The U.N. Issues a Final Warning on the Climate—and a Plan. *The New Yorker*, 20 March 2023. Available at: <https://www.newyorker.com/news/daily-comment/the-un-issues-a-final-warning-on-the-climate-and-a-plan>

¹⁰⁴ Elena Sánchez Nicolás, *Three EU chiefs present 'green revolution' at Madrid COP25*, 2 December 2019 <https://euobserver.com/green-economy/146786>

¹⁰⁵ European Commission, *Communication: The European Green Deal*. Brussels 11 December 2019. Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/DOC/?uri=CELEX:52019DC0640&from=EN>

¹⁰⁶ Greenpeace Press Release, *EU report warns pursuit of 'growth' is incompatible with environmental protection*, 4 December 2019. Available at: <https://www.greenpeace.org/eu-unit/issues/climate-energy/2505/eu-report-warns-pursuit-of-growth-is-incompatible-with-environmental-protection/>

But nowhere is there a mention of the harms done to marginalised and racialised communities in the European pursuit of a ‘prosperous society, with a modern, resource-efficient and competitive economy’. Environmental justice for racialised communities is not on this brave new world agenda, and huge numbers of Roma risk being ‘left behind’ once again.

The **EU anti-racism action plan** was yet another ‘lost’ opportunity. The Commission acknowledged that structural racism is often embedded in our societies and reflected in power relations and citizens’ interactions with state and public services; and endorsed an “intersectional perspective (which) deepens understanding of structural racism, and makes responses more effective.” The plan did note that high levels of inequality represent an obstacle to sustainable development and called for the ‘equality dimension’ to be integrated into all EU and national policies, including the Green Deal, to ensure such policies serve the interests of all people, irrespective of their racial or ethnic origin. But the ‘intersectional perspective’ in this action plan did not stretch to include concrete steps to end environmental racism, or to provide remedy for its associated injustices.

As far as the 2020 **EU Roma strategic framework for equality, inclusion and participation** is concerned, while environmental justice didn’t make it as a priority in the body text of the communication, it did finally surface in page 8 of Annex 1, which provided member states with guidelines for planning their national strategies. In a brief section entitled ‘*Delivering Environmental Justice*’ the Commission noted that ‘the long-neglected reality’ of environmental discrimination faced by numerous Roma communities is coming to public attention; and lifted five recommendations straight from the excellent 2020 *Pushed to the Wastelands* report.¹⁰⁷ The Commission urges that national strategic frameworks should tackle environmental discrimination and “promote understanding of how environmental discrimination and a lack of environmental services force marginalised Roma to live in environmentally degraded areas.”¹⁰⁸ Thus annexed, responsibility to tackle environmental racism has been consigned to the national level by the Commission, and pushed outside its own purview and competences as Guardian of the Treaties.

Despite the guidance in the Annex, delivering environmental justice has not emerged as a strategic priority in any single National Roma Strategic Framework (NRSF). The Roma Civil Monitor, in its 2022 review of the available NRSFs (for various reasons strategies from 16 states could not be considered in the report), concluded that concrete measures for tackling the most severe structural problems of Roma exclusion, including residential segregation and forced evictions were, by and large, missing from the NRSFs.¹⁰⁹ In its own assessment of the

¹⁰⁷ Patrizia Heidegger and Katy Wiese, *Pushed to the Wastelands: Environmental racism against Roma communities in Central and Eastern Europe*. European Environmental Bureau 2020. Available at: <https://eeb.org/wp-content/uploads/2020/04/Pushed-to-the-Wastelands.pdf>

¹⁰⁸ European Commission, *Annex to the Communication A Union of Equality: EU Roma strategic framework for equality, inclusion and participation*. Available at: https://commission.europa.eu/system/files/2020-10/guidelines_for_planning_and_implementing_national_roma_strategic_frameworks_en.pdf

¹⁰⁹ Roma Civil Monitor, *A synthesis of civil society’s reports on the quality of the national strategic frameworks for Roma equality, inclusion, and participation in the European Union, 2022*. Available at: https://romacivilmonitoring.eu/wp-content/uploads/2023/01/RCM_2022_Synthesis-report.pdf

NRSF, the Commission found that the important aspect of combatting discrimination in access to housing, is only acknowledged by a few Member States and “this is reflected even less in terms of concrete measures.”¹¹⁰

After two decades of little tangible progress, it is time to confront the limits of cautious, incremental and ‘soft’ social inclusion policies, and to recognise that the official and political neglect of environmental racism is no innocent or accidental oversight. Citizens need to disabuse themselves of the notion that the EU alone can deliver, that the Race Equality Directive, infringement proceedings, Commission Communications or parliamentary resolutions from Brussels and Strasbourg, will make much of a difference to the living conditions of millions of Roma. Indeed, the Commission itself has been at pains to insist that when it comes to justice, the primary responsibility lies with democratically-elected national governments. Now more than ever, with climate catastrophe looming, time is of the essence when it comes to environmental justice; and patiently waiting for policy frameworks, funding mechanisms and inclusion strategies to embed themselves in the common sense of everyday politics is just not an option.

In a recent editorial, the Lancet stated that while the roots of environmental racism are complex, they share some similarities with other types of social injustice:

“One of the major issues is the lack of resources in minority communities. Wealthier communities can afford to mount effective opposition to the building of potentially environmentally hazardous sites—with campaigns that are often characterised as taking the ‘Not in my back yard’, approach—whereas minority communities, who typically have fewer political, economic, and legal means at their disposal, are less able to do so.”

The editorial claimed that another problematic point in the US has been the “historical exclusion of people of colour from the leadership of the environmentalist community.” Whether or not this has been a deliberate omission is beside the point, the consequence is that *“minority groups do not feel engaged with the movement and the effects of a successful opposition campaign are not considered in a broader regional context, both of which contribute to further the preferential choice of minority communities as sites for polluting industries.”*¹¹¹

This colourblind-spot and ‘whiteness problem’ has its analogue in Europe, not just in the EU institutions but also in the green movement, which has been accused of failing to represent the diversity of the EU population and the interests of those most affected by the climate crisis. Racial justice activists have called on the big green NGOs to truly commit to anti-racism and intersectionality, and warned that failure to do so will deny people from racialised

¹¹⁰ European Commission, *Communication – Assessment of the Member States’ national Roma strategic frameworks*. Brussels. 9 January 2023. Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/DOC/?uri=CELEX:52023DC0007&from=EN>

¹¹¹ The Lancet Planetary Health, Editorial, *Environmental racism: time to tackle social injustice*. November 2018. Available at:

[https://www.thelancet.com/journals/lanplh/article/PIIS2542-5196\(18\)30219-5/fulltext](https://www.thelancet.com/journals/lanplh/article/PIIS2542-5196(18)30219-5/fulltext)

communities – who have a lived history of being excluded – the chance to be part of the wider struggle for environmental justice.¹¹²

In the broader political and social context, mobilisation and struggle to ‘stress the system’ and fight against all forms of social injustice is more critical than ever. At every intersection in the struggle for environmental justice and against environmental racism, social movements and political formations which profess to be inclusive and concerned with deepening democracy, need to reflect just how inclusive and empowering they are when it comes to the fundamental rights of Roma. Similarly, public authorities, parliamentary groups and international agencies that claim to be progressive, enlightened and environmentally sound, need to interrogate their structures and operations to root practices that have, wittingly or unwittingly side-lined, marginalised or trivialised the oppression of Roma.

The burden of responsibility to dismantle racist injustice lies with those who wield power and privilege. As the powerful are unlikely to do so of their own accord, as the ERRC asserts, *“they must be pushed and prodded; they must be sued and shamed; those who wield power for unjust ends must be publicly and forcefully held to account by all means necessary that are consistent with non-violent struggle.”*¹¹³

While the latest IPCC report warns the world that the “window of opportunity to secure a liveable and sustainable future is rapidly closing”, truth is systemic racism has ensured that for many Roma that particular window was never open. Instead of the prospect of livable or sustainable futures, Roma have been subjected to systemic policies that have spatially segregated communities, denied them access to clean water and sanitation, forcefully evicted families and relocated scores of the poorest Roma to toxic waste dumps, polluted wastelands, derelict barracks and disused industrial sites. As ENAR has made clear, for Roma and other racialised communities in Europe, climate catastrophe is not some future threat: *“Many European climate movements discuss taking action for future generations, but the climate crisis is unfolding here and now for many racialised communities.”*¹¹⁴

¹¹² Chloé Mikolajczak and Marianna Tuokkola, In Brussels, green still means white, *Euractiv* 17 March 2021. Available at: <https://www.euractiv.com/section/energy-environment/opinion/in-brussels-green-still-means-white/>

¹¹³ ERRC News, Anti-Roma racism beyond covid-19: which side are you on? 25 May 2020. Available at: <http://www.errc.org/news/anti-roma-racism-beyond-covid-19-which-side-are-you-on>

¹¹⁴ Archana Ramanujam, *The Climate Crisis Is A (Neo)Colonial Capitalist Crisis: Experiences, responses and steps towards decolonising climate action*, European Network Against Racism, 2022. Available at: https://www.enar-eu.org/wp-content/uploads/2022_report-climatechangeandrace_final.pdf

