



Strasbourg, 16 October 2009

MG-S-ROM (2009)4

**COMMITTEE OF EXPERTS ON ROMA AND TRAVELLERS**  
**(MG-S-ROM)**

**Opinion of the MG-S-ROM on  
the housing situation of Roma and Travellers in Europe**

**adopted by the MG-S-ROM at its 28<sup>th</sup> meeting in Strasbourg on 15-16 October 2009**

The Committee of Experts on Roma and Travellers (MG-S-ROM) wishes to express its deep concern over the continuing deplorable housing situation of the Roma, Sinti and related groups in many of our member states.

It draws the attention of the Committee of Ministers that in 2005 it adopted a recommendation to member states with detailed standards for improving the housing conditions of Roma and Travellers in Europe<sup>1</sup> and in 2004 a recommendation on the movement and encampment of Travellers in Europe<sup>2</sup>.

Moreover, both the Parliamentary Assembly and the Congress of Local and Regional Authorities have, since 1969, issued several resolutions and recommendations drawing attention to the precarious living conditions of the Roma.

More recently, on 30 June 2009, the Council of Europe Commissioner for Human Rights published a recommendation on the implementation of the right to housing [CommDH(2009)5]<sup>3</sup>. On 4 September 2006, he had issued a viewpoint entitled “Forced eviction of Roma families must stop”<sup>4</sup> and again on 29 October 2007, another viewpoint entitled “No one should have to be homeless – adequate housing is a right” underlining that the Roma are disproportionately affected by poor housing, homelessness and evictions<sup>5</sup> which particularly affect their health and the education of their children.

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<sup>1</sup> Council of Europe Recommendation Rec.(2005)4 on improving the housing conditions of Roma and Travellers in Europe adopted by the Committee of Ministers on 23 February 2005 at the 916<sup>th</sup> meeting of the Ministers’ Deputies.

<sup>2</sup> Council of Europe Recommendation Rec.(2004) on the movement and encampment of Travellers in Europe adopted by the Committee of Ministers on 1 December 2004, at the 907<sup>th</sup> meeting of the Ministers’ Deputies.

<sup>3</sup> Recommendation of the Commissioner for Human Rights on the implementation of the right to housing available at: <https://wcd.coe.int/ViewDoc.jsp?id=1463737&Site=CommDH&BackColorInternet=FEC65B&BackColorIntranet=FE C65B&BackColorLogged=FFC679>

<sup>4</sup> See this viewpoint at [http://www.coe.int/t/commissioner/Viewpoints/060904\\_en.asp](http://www.coe.int/t/commissioner/Viewpoints/060904_en.asp).

<sup>5</sup> See this viewpoint at: [http://www.coe.int/t/commissioner/Viewpoints/071029\\_en.asp](http://www.coe.int/t/commissioner/Viewpoints/071029_en.asp).

Nonetheless, the situation in many member states, remains unsatisfactory. In many cases, Roma settlements, lack proper infrastructure while, in others the Roma are relegated to the poor, rundown or peripheral areas. For those who choose a nomadic lifestyle, encampment sites are often insufficient.

Recalling that the term “Housing” in this Opinion includes different modes of accommodation, such as houses, caravans, mobile homes or halting sites<sup>6</sup>, the MG-S-ROM wishes to underline that the right to adequate housing is guaranteed by the Universal Declaration of Human Rights (Art.25.1) the International Covenant on Economic, Social and Cultural Rights (Article 11.1) and by the Revised European Social Charter. The Contracting Parties to this Charter are required to

- promote access to housing of an adequate standard;
- prevent and reduce homelessness with a view to its gradual elimination;
- make the price of housing accessible to those without adequate resources (Article 31).

and to ensure

- the necessary conditions for the full development of the family”, inter alia, through “the provision of family housing” (Article 16).

**As a Committee of Experts mandated *inter alia* to draw up guidelines for the development and/or implementation of policies for the Roma and Traveller population<sup>7</sup>, we feel in duty bound to draw the attention of the Committee of Ministers to this deplorable situation and make the following recommendations:**

#### **Legislative and practical measures concerning access to housing<sup>8</sup>**

1. National laws, regulations or policies on housing should make clear the conditions for access to public and/or social housing and who is responsible for allocation and administration rights and identify those who are responsible for their implementation at different levels. Minimum standards for housing should be clearly defined;
2. Anti-discrimination legislation should include access to housing, both in the public and in the private markets;
3. Member states should strive to ensure that everyone has access to adequate housing;
4. Adequate and effective legal and consumer protection for those in private rented housing and those with mortgages for homes.

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<sup>6</sup> See definition contained in Committee of Ministers’ Recommendation Rec.(2005)4 on improving the housing conditions of Roma and Travellers in Europe adopted by the Committee of Ministers on 23 February 2005 at the 916<sup>th</sup> meeting of the Ministers’ Deputies.

<sup>7</sup> See MG-S-ROM Terms of Reference adopted by the Ministers’ Deputies at their 1032<sup>nd</sup> meeting in Strasbourg on 9 July 2008, item 4(ii).

<sup>8</sup> These measures are based on proposals made by the Commissioner for Human rights in his Viewpoint of 29 October, 2007 “No one should have to be homeless – adequate housing is a right”.

## **Measures, policies and procedures concerning evictions<sup>9</sup>**

1. Adequate consultation<sup>10</sup> prior to eviction;
2. Adequate and reasonable notice prior to eviction;
3. Take measures to ensure an orderly and peaceful eviction;
4. Presence of public employees where groups of people are involved;
5. All persons carrying out the eviction to be properly identified;
6. Every effort should be taken to ensure that alternative accommodation is available at the moment of eviction and that homelessness is avoided; particular attention should be given to the presence of children and disabled persons;
7. Illegal settlements that have been tolerated by the authorities for several decades should be reviewed, wherever possible to establish whether they may now be authorised and rehabilitated to avoid unnecessary displacement;
8. In no case should the personal belongings of the evictees be confiscated or destroyed.

**The local and regional authorities should take strong consideration of the above mentioned recommendations.**

**Member states should also be invited to consider good practices in other states/jurisdictions** [e.g. the right to adequate housing justiciable before the courts (France), a legal right to temporary accommodation for all homeless persons (Scotland), no eviction in winter, night time or in very bad weather (France), rehabilitation of illegal settlements (Serbia and “the former Yugoslav Republic of Macedonia”), legalisation of settlements (Croatia), loan schemes for housing and free assignment of municipal property upon full ownership (Greece), facilitating access to property (Spain)] and examine to what extent these can be adopted in their particular circumstances.

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<sup>9</sup> These measures are based on proposals made by the United Nations Committee on Economic, Social and Cultural Rights, in its report of 20 May, 1997.

<sup>10</sup> See the explanation of “consultation” given by the European Committee on Social Rights on page 12 of the Recommendation of the Commissioner for Human Rights on the implementation of the right to housing.