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Forced Evictions and the Right to Housing of Roma in Russia

Romani house demolished in Chudovo in April 2007

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Executive Summary

The Roma living in the Russian Federation are victims of severe forms of racial discrimination, the most flagrant of which are forced evictions, a widespread and increasing phenomenon.

In 1956, a decree of the Soviet Supreme prohibited "vagrancy" on the part of so-called Gypsies, forcing them to settle. After the collapse of the Soviet Union, the Russian authorities handled the privatization of land but refused to effectively legalize the housing of forcibly settled Roma families.

Taking advantage of the lack of secured land tenure and education, and of the extreme poverty level of the Roma population, the Russian administration refuses to regularize their occupation of the land and most often sells it by auction to the highest bidder.

The Roma are unable to react to the land acquisition measures or to the allocations of parcels in general urban planning programmes (*GenPlan*) that are very often decided without their consultation. They are usually not considered when expressing territorial claims and powerless in the face of legal complaints presented by the administration.

It is a fact that the current legal framework on property rights in the Russian Federation is particularly complex. Acquisitive prescription pursuant to article 234 of the Civil Code of the Russian Federation seems to be the only available legal remedy for precarious Roma housing. It grants individuals legal ownership of property provided that they have been in possession of such property openly and continuously for fifteen years. However, Roma usually do not have the requisite documents to legalize their houses.

Furthermore, non-registration of their houses prevents Roma from accessing a wide range of economic and social rights. Indeed, in the Russian Federation permanent registration is obligatory but discriminatory practices and a high level of corruption within the local administrations often deprive Roma of the possibility of obtaining such documents. This hinders their access to education, employment and other social rights. Moreover, Roma settlements are often deprived of access to essential services, such as water, electricity and gas.

As a result, their only way out is through unofficial agreements that offer no guarantee of adequate compensation or relocation. They are then either cheated or become victims of forced evictions when they refuse to leave voluntarily.

In most cases, forced evictions are accomplished after a court ruling which authorizes the administration to demolish houses considered to be "unauthorized buildings". In these rulings, the right to a fair trial is often violated.

Evictions are often carried out with violence. In some cases, the eviction verdicts follow a campaign in the local media against the entire Roma population, presenting them as drug dealers and criminals. In many instances, Roma are required to destroy their houses themselves. Roma do not benefit from alternative housing or adequate compensation, and are forced to find another place to settle.

In similar cases, non-Roma Russian citizens are usually able to legalize their houses or obtain alternative housing or adequate compensation, a fact which confirms the discriminatory nature of forced evictions. Forced eviction of Roma and demolition of their houses carried out by the authorities violate the right to adequate housing guaranteed by the International Covenant on Economic, Social and Cultural Rights and the International Convention on the Elimination of All Forms of Racial Discrimination, ratified by the Russian Federation.

Introduction

1) Context of the mission

FIDH and its Russian partner Memorial Saint Petersburg published a first report on *Russian Roma* in 2004 based on a joint mission which aimed to examine living conditions in Roma communities with a focus on discrimination and ethnically motivated violence[1].

In 2005, FIDH was alerted by Memorial Saint Petersburg to the situation of Roma settlements in Arkhangelsk and Kaliningrad, at that time awaiting forced eviction. In those towns in Northwest Russia, local politicians were exploiting anti-Roma sentiments as a catalyst in their local election campaigns[2]. Presenting their plan for 'cleaning' their city of 'gypsies' as one of the major promises to be fulfilled after winning the elections, a promise widely reported by the mass media, these politicians openly accused the entire local Roma population of earning a living from the drug trade. However, in order to evict the Roma officially, other arguments were presented in the courts. Reactions in the mass media, most notably on Internet forums, showed the extreme intolerance and widespread racist feeling among the population and support for the politicians in question.

In Arkhangelsk and Kakiningrad, Roma were officially accused of building illegal dwellings. Hasty legal decisions together with blatant violations of procedure were used to declare Roma housing illegal and to force Roma to leave their homes. However, the accusation that they were criminals had a decisive impact on public opinion, the question of the unlawfulness of the constructions being doubtful and difficult for the administration to prove.

In March 2005 Memorial Saint Petersburg and FIDH raised this issue with the UN Special Rapporteur on Contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Mr. Doudou Diène, who then visited the Roma settlement in Peri near Saint Petersburg during his official visit to Russia in June 2006[3]. Our two organizations also alerted the UN Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, Mr. Miloon Kothari, as well as the UN Independent Expert on minority issues, Ms. Gay McDougall.

In 2006, Memorial Saint Petersburg also raised this issue with the UN Committee against Torture which, in November 2006, examined the report of the Russian Federation. In its concluding observations, the Committee stated its concern regarding the "violent attacks because of the race, ethnicity or identity of the victim, including forced evictions in the Kaliningrad area"[4].

The further extremely deplorable developments in the cases both in Arkhangelsk and Kaliningrad were closely followed by both our associations (see below).

In the course of work on these cases, it became clear that they did not represent an isolated problem but a general phenomenon throughout Russia: the land on which Romani houses are situated, often on the outskirts of big cities, is becoming expensive and commercially profitable for local businessmen.

As early as in 2005, Memorial Saint Petersburg started to work on the problem of forced evictions of Roma. A large number of facts was collected and analyzed in the research study of one of the mission participants, Stephania Kulaeva, 'Discrimination and Segregation of *Kelderari* Roma in Russia'[5]. Following this research, FIDH and the Anti-Discrimination Centre "Memorial" (further ADC "Memorial") organized a joint mission to Russia which took place from 1 to 12 May 2007 and involved lawyers and researchers from both Russia and Europe. The observations of the mission resulted in the present report. The alarming cases identified during the mission were closely followed up by ADC "Memorial" lawyers and members after the departure of the mission, and the authors are particularly grateful to ADC "Memorial" for the follow-up of the cases included in the present report .

After the mission, FIDH submitted a written intervention to the 5th session of the UN Human Rights Council[6] during which the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, Mr. Miloon Kothari, presented his report. In this intervention, FIDH expressed its deepest concern at ongoing forced evictions of Roma in the Russian Federation and presented the preliminary observations of the mission.

On 24 October 2007, following the mobilization of non-governmental organizations including Memorial Saint Petersburg and FIDH, Council of Europe Commissioner for Human Rights Thomas Hammarberg and the UN Special Rapporteur on Adequate Housing Miloon Kothari issued a

joint statement, "Governments Should Take Positive Steps to Protect the Housing Rights of Roma in Europe"[7], which presented a Europe-wide trend of discrimination and violence linked to the violation of the housing rights of Roma in several parts of Europe, including Russia. The statement reads: "*It is regrettable that the actions of many public authorities – particularly at the local level – have been to acquiesce in this intensification of anti-Romani hatred. As a result, the rate and number of forced evictions of Roma have grown dramatically, and segregation and ghettoization in the housing field appears to have intensified and become entrenched in recent years. Forced evictions often involve acts of violence or threats of violence against Roma. There is also a tendency that market considerations and contempt toward persons regarded as 'Gypsies' coalesce in the actions of municipalities carrying out urban renewal programs, in which the eviction of Roma from city centers – and public view – is an active component of public policy.*"

The problem also attracted the attention of the OSCE. On 7 June, during the OSCE High-Level Conference in Bucharest, the ODIHR Contact Point for Roma and Sinti Issues (CPRSI) organized a side event on "Forced evictions of Roma in the OSCE region: working towards finding sustainable solutions to stop this phenomenon".

2) Mandate of the mission

The objectives of the joint ADC "Memorial" - FIDH mission were:

-To shed light on the practices of forced evictions of Roma and related human rights violations , including in particular violations of basic social and economic rights,
-To provide a legal analysis of related human rights violations and assess compliance of national legislation and practices with international human rights law;
- To update the information concerning *Kelderari* Roma settlements threatened with forced evictions;

FIDH benefited from the experience and the network of contacts built up by Memorial of Saint Petersburg and by ADC "Memorial", which for a number of years has undertaken inquiry, education and legal support, humanitarian and medical care for these populations of Russia.

The mission assessed the situation of Romani settlements threatened with forced evictions in the following locations:

- Novgorod Province: Chudovo town, 70 km from Novgorod. The settlement comprises around 130 houses/families (which represents approximately 2000 persons). The majority of families settled there during the 1980s. Eight houses were destroyed in April-May 2007 following authorization by court decision.

- Tver Province: Savvatiyevo village, 5 km from Tver. The village comprises around 30 houses/families (200 persons) settled there since 1967. Information was received about possible eviction.

- Moscow Province: Strubkovo village, 20 km from Klin and 90 km from Moscow. The village comprises around 50 houses/families (300 persons) living there since the early 1990s. They were joined in 2004 by 16 families following eviction in Arkhangelsk (see below) and threatened with future eviction.

- Vladimir Province: Glubokovo village, 65 km from Vladimir. The village comprises around 50 houses/families (300 persons) who have been living there for 30 years. Information was received about possible evictions due to newly built dachas (of non Roma citizens) in the neighbourhood.

- Ivanovo Province: outskirts of Ivanovo (Kolyanovo settlement), 250 km from Moscow, close to the disused Ivanovo airport. The village comprises around 45 houses/families (400 persons). They settled there 10 years ago, following their eviction from Ivanovo city where they had been living for 15 years. Threats of future evictions were transmitted following the refurbishment of the airport by Moscow-based business enterprises.

- Ryazan Province: Dyaguilevo village, 5 km from Ryazan. The village comprises around 100 houses/families (600 persons). Most of them have been living there for 20 years in extreme poverty and coping with difficult relationships with local authorities. They face frequent blackouts and gas disconnections. Information was received on possible evictions.

- Tula Province:

  Kosaya Gora village, 3 km from Tula. The village comprises around 50 houses/families (400 persons) living there since the 60s. The danger of future eviction arose following the Court decision declaring the land on which Romani houses were located a protected nature reserve area.

  Plekhanovo village, 5 km from Tula. This village

comprises around 450 houses/families (3000 persons), most of them living there since the 60s. It is one of the biggest *Kelderari* settlements in Russia. The village faces frequent gas and electricity disconnections.

- The city of Tyumen, West Siberia:

The settlement of Neft'anik,
The settlement of Mysovskaya street (Peski district)
The settlement of PTP-2 district
Close to the city centre, each comprises around 50 houses/families (300 persons) who settled there 40 years ago. Information was received about possible evictions due to a supermarket extension linked to the extension of the city.

- The city of Yekaterinburg, Ural region:

Two settlements: those of Shakespeare and Skorostnoy streets.
Close to the city centre, each comprises around 100 families (600 persons) who settled there in the 60s or early 70s. Information was received on the risk of future evictions due to city extension.

During the mission, meetings were held with the following officials:

- Mrs. Galina S. MATVEEVA, Ombudswoman of Velikiy Novgorod;
- Mr. Evgeniy I. MAKAROV, Assistant of the Plenipotentiary Representative of the President of the Russian Federation in the Northwest Federal Region (St Petersburg);
- Mr. Mikhaïl E. IVANTSOV, Head of the Administration of Leninskiy District (city of Tula);
- Mr. Andrey N. VORON-KOVALEVSKIY, Head of the Department of Architecture (city of Tyumen);
- Meeting with the authorities of Verkh-Isetskiy District in Yekaterinburg including: Mr. Igor V. RUBTSOV, Vice-Representative of the Administration of Verkh-Isetskiy district (city of Yekaterinburg (former Sverdlovsk), Evgeniy I. KOVALIOV, Assistant of Ombudswoman of the Sverdlovsk Province and other representatives of the local administration, regional education committee and police.

Mission representatives were also provided with information concerning practices and threats of forced evictions of Roma occurring elsewhere in Russia, in locations which were not accessible within the limited time frame of this mission.

The situation described in this report relates specifically to the places mentioned. Nevertheless, the recommendations framed by FIDH and ADC "Memorial" take into account the situation in other regions and apply throughout the Russian Federation.

All places mentioned above were visited by:

Stephania KULAEVA, Executive Director of St Petersburg Memorial
Olga ABRAMENKO, Director of ADC "Memorial",
Hugues BISSOT, Lawyer, FIDH mission delegate
Henri DUQUENNE, Researcher, FIDH mission delegate

In addition, Marina AREFIEVA, Lawyer of ADC "Memorial", joined the mission in Novgorod, and Marina NOSOVA, Lawyer of ADC "Memorial", provided legal advice to the mission in St Petersburg.

FIDH expresses its heartfelt thanks to ADC "Memorial", which took charge of the organization of this joint mission.

3) The Roma of Russia: victims of various forms of discrimination

The 1956 Decree

From the time of its creation, the Soviet Union fought against so-called 'parasitism': against all people who, in their way of life and their work, differed from institutional standards. In 1956, the Presidium of the Supreme Soviet adopted the following decree:

Page 450 On Engaging Vagrant Gypsies[8] in Labour

As a result of measures taken by the Soviet state with the purpose of employing nomadic Gypsies, improving their living conditions, raising their cultural level, the majority of them have changed over to a settled way of life and started living on their own earnings. However, up to now some of the Gypsies have continued to be vagrants, leading a parasitic life and not infrequently committing crimes.

With the purpose of engaging vagrant Gypsies in socially useful labour, the Presidium of the Supreme Soviet of the USSR hereby decrees:

1.To prohibit vagrancy and propose to Gypsies to adopt a settled way of life and to work.
2. To oblige the Councils of Ministers of the Soviet

Republics to take measures to ensure the permanent settlemen of the vagrant Gypsies, their employment and access to cultural and social services.
3. To make sure that adult Gypsies who intentionally evade socially useful labour and live a vagrant lifestyle shall be punished by a People's Court with a sentence comprised of exile and corrective labour for a period of time up to five years[9].

Without other logistical assistance or practical instruction, Roma were forced to settle where they were caught (as a rule in villages or on the outskirts of towns and cities) not far from local kolkhozes where most of them were forced to work. They experienced various degrees of adaptation and assimilation. While some of them lived in peasants' houses in villages or small towns, others created their own style of settlement, using salvaged materials to build initially temporary houses which later became their permanent settlements.

The rapid growth of the communities forced them to construct new houses on new pieces of land. Events of various orders – internal conflict, disasters (for example the Chernobyl accident in 1984, rejection by the local population, etc.) caused some of them to leave for other places, sometimes joining another group settled elsewhere.

Discrimination against Roma in Russia in a context of growing racist violence

After his visit to Russia in 2006, the UN Special Rapporteur on Racial Discrimination mentions in his report '*the situation of extreme vulnerability and discrimination faced by the Roma community in Russia, especially affecting women and children, and particularly visible in the housing, education, health and employment sectors - often linked to the difficulties in obtaining Russian citizenship and residence registration'. He notes also that 'Roma are increasingly suffering from racist violence, mostly by ultranationalist groups, from violence and abuse from law enforcement officials, and from persistent negative stereotypes associating them with criminality and drug dealing, often for electoral reasons[10].*'

The FIDH and Memorial of St Petersburg report, issued after a joint mission in Autumn 2004[11] reached similar conclusions.

Several factors should be particularly mentioned:

- As far as xenophobic violence is concerned, Roma are doubly hit by racism: along with the centuries-old prejudice against this minority, and the stigma which is amplified and overexposed in the media, there is a new form of racism directed at people originating from Central Asia and the Caucasus who are characterized by a darker colour of skin, which is also often the case of Roma.
- Cases of racist and xenophobic violence, mostly by ultra nationalist groups, have increased; this tendency is largely continuing and the crimes mostly remain unpunished[12].
- Acts of harassment, extortion and brutality by the police, as well as the fabrication of incriminating evidence against Roma occur in a context of escalating police violence in Russia, particularly the use of torture to extract confessions[13].
- Discrimination on the basis of ethnic origin is to be noted in the context of access to work and to various public services, in a poor economic and social environment where the most vulnerable groups are further marginalized.
- No clear negative policy directly targeting Roma has been instituted at the highest level of the Russian authorities, unlike for example the persecution of ethnic Georgians which followed a diplomatic crisis between Russia and Georgia[14]. Nevertheless, some police operations still specifically target Roma, such as 'Operation *Tabor*' which aimed at fighting against drugs and theft (its official designation, 'Operation *Tabor*', refers in Russian explicitly to the Romani camp or settlement) and took place throughout Russia in 2001-2002 and in St Petersburg in May and June 2004.
- Moreover, there is no effort on the part of the Russian authorities to recognize and record discrimination, nor to adopt "national plans on Roma", as was done in other countries following the OSCE Action Plan on improving the situation of Roma and Sinti within the OSCE area (2003)[15] and as recommended to the Russian government in 2007 by the UN Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Doudou Diène[16], with a view to adopting the protection and prevention measures necessary to promote equality.

The unwillingness of Russian authorities to acknowledge the major problem of racism and the necessity of opposing it by means of national plans and other effective state measures was once again demonstrated by the reaction of Ambassador Valery Loshchinin, the Permanent Representative of the Russian Federation to the UN in Geneva, to the Report and Recommendation proposed by Mr. Doudou Diène concerning the Russian Federation, presented on 11 June 2007 at the Fifth Session of the UN

Human Rights Council in accordance with the UN General Assembly Resolution No. 60/251 of 15 March 2006. Mr. Loshchinin characterized Mr. Diène's report as follows: '*A range of problems in the sphere of racism and xenophobia was extrapolated [in the report] which for our country either don't exist at all or aren't really that serious or systematic. There is no need to comment because the report is inappropriate, both in content and conceptually. We do not deny that, unfortunately, there have been incidents of racist or ethnic intolerance. However, to make far-reaching conclusions based on this fact about allegedly dominant tendencies within society and then, based on unproven data and falsifications, to assert that there are certain sins within the Russian political system, the justice system and the education system, is absurd*[17].'

4) *Kelderari*: a specific Romani community

It is generally accepted that while Gypsy corresponds to an appellation given by external observers, insiders usually define themselves as Roma. However, none of these terms reflects the diversity or the existence of multiple subdivisions of Romani communities in Russia.

The term Gypsy (*Tsygane* in Russian) was the *nationality*[18] officially recognized during the Soviet period. It is generally used by the Russian administration and by members of this group when confronted with the authorities or with outsiders. On the other hand, heterogeneous Romani communities in Russia use specific appellations which emphasize their distinctiveness. Various groups can be identified stressing differences of origin and social organization. In the Northwest region, four groups can be considered: the *Russian Roma* (and *Latvian, Estonian, Lithuanian* and *Polish Roma*, close to them in language and culture), the *Kelderari* (or *Kotlyari*), the *Magyars* (*immigrants from Trans-Carpatia*) and the *Luli* or *Mugat* (*immigrants from Central Asia*). However, in other parts of Russia, other large groups of Roma such as Crimean Roma, Servi, Kishinevzi, Plazshuni, Lovari, and Vlachi are also present. According to official data, which are not reliable, the number of all Romani communities in Russia approaches 500 000, of which 30 percent define themselves as belonging to the *Kelderari* group[19].

Part of a Romani group that is to be found throughout Europe (*Kaldé*), the *Kelderari* are distinguished by their traditional lifestyle and occupation[20]. The *Kelderari* represent one of the most segregated groups. "While *Russian Roma* most often face discrimination within the justice system and in the economy, *Kelderari* Roma always face discrimination on a social level: they are frequently refused housing, education, health care and even access to public baths[21]." The majority of *Kelderari* speak both Russian and Romani languages. Nevertheless, due to limited access to education for *Kelderari* children, they often have difficulties in understanding the Russian language. This situation considerably reduces their chances of getting a job and of future integration.

FIDH and ADC "Memorial" focused their fact-finding mission on this group, not only because they are one of the most discriminated against, but also because they are the most threatened by forced evictions.

The locations where *Kelderari* communities have settled - initially isolated, until recently unuseable and sometimes marshy lands that they have made fit for the construction of houses - are becoming more and more attractive for commercial companies and subject to speculation. They offer proximity to big cities and a good environment (Moscow, St Petersburg, Klin) or in other cases (Ivanovo, Yekaterinburg, Tyumen) and they are held to impede development and infrastructure projects (airports, shopping malls, urban renewal etc.).

Kelderari settle in private houses built by themselves in accordance with their own ideas about what proper housing should be. *Kelderari* Roma chose and still choose to live compactly and, where possible, separately from the rest of the local population. Although *Kelderari* have been living in Northern Russia for many generations, the thick walls and small windows traditionally used there to conserve heat have not been introduced in *Kelderari* houses. Tall, wide houses are scattered throughout the settlement. Often, small, seemingly temporary shacks can be observed between the large houses, built for the grown-up children who have now started their own families. The population of a *tabor* is generally unable, or not allowed, to develop beyond its plot of land. As a result, communities grow denser and more crowded and houses become closer and closer to one another, often violating fire and sanitary regulations.

The mission visited compact settlements (*tabors* in Russian and in the Romani language) ranging from 30 to 450 houses/families, which approximately represents from 200 to more than 1,000 persons. The population of some settlements can extend to several thousands of people.

Some of the settlements visited looked like precarious shanty towns. In some cases, *Kelderari* have constructed public infrastructures (water, gas, electricity, school), usually without prior consultation and without permission from the local authorities.

In most cases, the mission representatives were received during their visit by the *baro* or *baron* (also called *Primari* within the community), a respected, experienced man (sometimes the oldest) who is regarded as the leader of his community and also often acts as its representative in dealings with the authorities.

The difficult situation of the *Kelderari* Roma was noted by the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance during his visit to Russia: " *During the mission, the Special Rapporteur visited the Kelderari Roma community in the village of Peri, located in the district of Vsevolozshsky (Leningrad region), inhabited by approximately 1,320 persons, including 500 to 600 children. Representatives of the community expressed frustration and discontent at their poor living conditions, the degree of violence affecting the community and the lack of assistance provided by the authorities. The Special Rapporteur noted the precarity of the majority of the 130 houses in the settlement, exposing the community to particularly severe living conditions in the winter, the lack of access to drinking water, and the high rate of infectious diseases, particularly among children, due to lack of appropriate sanitary conditions. Furthermore, the community denounced the discriminatory treatment they faced in their access to health services, including medical emergency treatment. Concern was also expressed at the poor school attendance rate among children, as the cost of transportation to the closest school was unaffordable to the majority of families, greatly affected by unemployment. In addition, under the pretext of difficulties with the Russian language, it was reported that Roma children attending school were placed in a separate school building, in a worse condition than the regular building for Russian children, thus hampering their integration with other non-Roma children. The Special Rapporteur also collected testimonies of several victims of violence, including those of an elderly woman and a girl who had been beaten by skinheads in St Petersburg. The majority of such cases remain unreported, given the general mistrust towards the police, rather associated with inadequate protection, arbitrary identity checks, harassment and corruption than with protection and law enforcement*[22]*.*"

1. See FIDH and St Petersburg MEMORIAL joint report, *The Roma of Russia: the subject of multiple forms of discrimination*, Paris, November 2004.
2. The city mayor elections in Arkhangelsk in March 2005 and the provincial parliament elections in Kaliningrad province, in March 2006.
3. Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Doudou Diène, Mission to the Russian Federation, A/HRC/4/19/Add.3, 30 May 2007, http://daccessdds.un.org/doc/UNDOC/GEN/G07/127/01/PDF/G0712701.pdf?OpenElement
4. Conclusions and recommendations of the Committee against Torture, CAT/C/RUS/CO/4 - 6 February 2007, http://daccessdds.un.org/doc/UNDOC/GEN/G07/403/38/PDF/G0740338.pdf?OpenElement
5. Kulaeva Stephania, *Segregation and Discrimination of Kelderari Roma in Russia*, IPF Draft Policy Paper, 2006, http://www.policy.hu/kelderari/IPFDraftKulaeva.htm
6. The 5th session of the UN HRC took place on June 11-18, 2007.
7. CommDH/Speech(2007)16
8. The term 'Gypsy" corresponds to the official Russian term "*Tsigane*".
9. Non-official translation.
10. Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Doudou Diène, Mission to the Russian Federation, A/HRC/4/19/Add.3, 30 May 2007, http://daccessdds.un.org/doc/UNDOC/GEN/G07/127/01/PDF/G0712701.pdf?OpenElement
11. FIDH, the Centre for the Social and Legal Protection of Roma in Northwest Russia (Memorial Saint Petersburg), *The Roma of Russia: the subject of multiple forms of discrimination,* November 2004. See also European Roma Rights Center (ERRC), *In Search of Happy Gypsies: Persecution of Pariah Minorities in Russia* (May 2005).
12. See reports of the SOVA Center for Information and Analysis (http://xeno.sova-center.ru)
13. See "Conclusions and recommendations of the Committee against Torture", CAT/C/RUS/CO/4 - 6 February 2007, http://daccessdds.un.org/doc/UNDOC/GEN/G07/403/38/PDF/G0740338.pdf?OpenElement.
14. See FIDH / Civic Assistance report "Les migrants en Russie. Des populations fragilisées, premières victimes des crises politiques internes et externes", April 2007.
15. OSCE Permanent Council, Decision No. 566, 479th Plenary Meeting, 27 November 2003.
16. "The [Russian] Government should adopt a comprehensive federal plan for the Roma community, aiming at both promoting and

respecting their cultural identity and at eradicating their social and economic marginalization, in particular, poor housing conditions, lack of documents, the high level of dropouts of Roma children at school and the difficulties of the Roma to access employment. The plan should also aim at sensitizing Russian society to Roma history and traditions, in order to eliminate the negative stigma and stereotypes Roma are recurrently associated with. The problem of housing evictions should be treated as a matter of priority." Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Doudou Diène, Mission to the Russian Federation, A/HRC/4/19/Add.3, 30 May 2007, http://daccessdds.un.org/doc/UNDOC/GEN/G07/127/01/PDF/G0712701.pdf?OpenElement

17. See Open letter to the UN High Commissioner for Human Rights, Louise Arbour http://www.fidh.org/spip.php?article4681

18. *Nationality* mentioned in Soviet-era passports (natsionalnost' in Russian), was a substitute for *ethnic origins* (English-speaking literature) or *ethnic group* (French-speaking literature).

19. Leaders of Federal National and Cultural Autonomy of *Russian Roma* and other Roma leaders estimate the whole Roma population of Russia as up to one million.

20. Their ethnonym probably originates in the Romanian word for pot or cauldron: 'caldar'.

21. Kulaeva Stephania, *Segregation and Discrimination of Kelderary Roma in Russia*, IPF Draft Policy Paper, 2006, http://www.policy.hu/kelderari/IPFDraftKulaeva.htm

22. Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Doudou Diène, Mission to the Russian Federation, A/HRC/4/19/Add.3, 30 May 2007, para 55. http://daccessdds.un.org/doc/UNDOC/GEN/G07/127/01/PDF/G0712701.pdf?OpenElement

I. The right to adequate housing of Roma in Russia

1) International framework on the right to adequate housing

In 1971, Russia ratified the International Covenant on Economic, Social and Cultural Rights (ICESCR), which specifies in Article 11 '*(…) the right of everyone to an adequate standard of living (…), including adequate food, clothing and housing, and to the continuous improvement of living conditions (…)*'[23]. This provision also requests State Parties to '*take appropriate steps to ensure the realization of this right*'.

The right to housing is also guaranteed by a series of other international instruments to which the Russian Federation is a State Party, among others:
-The International Convention on the Rights of the Child, Art. 27.3,
-The International Convention on the Elimination of All Forms of Discrimination against Women, Art. 14.2 h,
-The International Convention on the Elimination of All Forms of Racial Discrimination, Art. 5, which states that '*State Parties undertake to prohibit and eliminate racial discrimination in all of its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin to equality before the law, notably in the enjoyment of the following rights:…(e) in particular…(iii) the right to housing*',
-The International Covenant on Civil and Political Rights, Art. 17, which states that '*No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation*'.

The UN Committee on Economic, Social and Cultural Rights (CESCR), the independent mechanism established under the Covenant to monitor the respect by State parties of their obligations under the treaty, adopted in 1991 a General Comment on the right to adequate housing[24]. The Committee stressed that the right to adequate housing '*is of central importance for the enjoyment of all economic, social and cultural rights'*[25]. In the Committee's view, '*that right should not be interpreted in a narrow or restrictive sense which equates it with, for example, the shelter provided by merely having a roof over one's head (…). Rather it should be seen as the right to live somewhere in security, peace and dignity'*. Thus, the right to housing includes aspects such as legal security of tenure; availability of services, materials, facilities and infrastructures; affordability; or habitability[26].

The Committee also underlines that the right to housing '*should be ensured to all persons irrespective of income or access to economic resources*'[27]. It further specifies that '*State parties must give due priority to those social groups living in unfavourable conditions by giving them particular consideration. Policies and legislation should correspondingly not be designed to benefit already advantaged social groups at the expense of others*'[28].

The Committee added that '*Notwithstanding the type of tenure, all persons should possess a degree of security of tenure which guarantees legal protection against forced eviction, harassment and other threats'*[29]. *'Regardless of the state of development of any country, there are certain steps which must be taken immediately (…) Many of the measures required to promote the right to housing would only require the abstention by the Government from certain practices and a commitment to facilitating "self-help" by affected groups*'[30].

In 2003, the same Committee, when examining the Russian Federation's observance of its obligations under the ICESCR, noted that homelessness was a growing problem and urged the State party to '*strengthen its efforts to address the problem of homelessness, including by ensuring that adequate resources are set aside for the provision of social housing, with priority given to the most disadvantaged and vulnerable groups*'. The Committee also encouraged the State party to '*undertake a study into the problem of homelessness so that it may acquire a more accurate picture of the scope of the problem and of its root causes*'[31]. In the same report, the Committee expressed concern about '*reports of cases where the lack of registration of place of residence and other identity documents in practice places limitations on the enjoyment of rights, including work, social security, health services and education*' and '*reports that some groups of people, including the homeless and the Roma, face particular difficulties in obtaining personal identification documents, including registration of residence'*[32].

At the European level, the human right to housing is guaranteed by Art. 31 of the revised European Social Charter of 1996 (gradually replacing the 1961 Charter which has the right to housing provisions in its Art. 16), which includes provisions on access to adequate and affordable housing, reduction of homelessness, housing policy

targeted at all disadvantaged categories, and procedures to limit forced eviction. The revised European Social Charter has a non-discrimination clause (part V, Art. E) which states that: '*A differential treatment based on an objective and reasonable justification shall not be deemed discriminatory*'.

It is the mandate of the European Committee of Social Rights to assess the conformity of national law and practice with the European Social Charter. The Committee not only examines periodic reports by State parties but also receives collective complaints. The case law of the Committee provides useful interpretations of the different articles of the Charter.

Decisions adopted by the Committee in respect of collective complaints regarding alleged widespread discrimination, both in law and in practice, against Roma in the field of housing (complaints against Greece, Bulgaria, Italy) indicate that the non-discrimination clause requires not only the establishment of an effective legal framework to prevent discrimination, but also the implementation of policies and programmes to ensure that the right to housing is realized in practice. In the case of structural discrimination, the adoption of positive measures for vulnerable groups is not considered discriminatory by the Committee and can even be required to ensure equality in practice[33].

The Russian Federation signed the revised Social Charter on 14 September 2000 but has not yet ratified it.

2) National framework on rights to housing, land and property

The right to housing is an integral part of the Russian legal order. In the first place, it is inscribed in the fundamental norms of the Russian Federation.

The right to housing comes under Article 40 of the Constitution of the Russian Federation which particularly draws attention to needy people:
1. Everyone shall have the right to a home. No one may be arbitrarily deprived of a home.
2. State bodies and organs of local self-government shall encourage home construction and create conditions for the realization of the right to a home.
3. Low-income citizens and other citizens, defined by the law, who are in need of housing, shall be housed free of charge or at an affordable rent from government, municipal and other housing funds in conformity with the norms stipulated by the law.

Moreover, the Constitution lays down that *commonly recognized principles and norms of the international law and the international treaties of the Russian Federation shall be a component part of its legal system. If an international treaty of the Russian Federation stipulates other rules than those stipulated by the law, the rules of the international treaty shall apply* (art. 15). Principles of protection of the right to adequate housing (deriving from the right to an adequate standard of living) that are found in the provisions of international treaties mentioned above, to which the Russian Federation is a party, shall apply.

As pointed out by the UN Special Rapporteur on adequate housing, access to land is a condition of the 'right to adequate housing'. '*Inadequate housing is often the consequence of being barred access to land and common property resources. Inequitable land ownership patterns and the phenomenon of landlessness give rise to interrelated problems that range from inadequate housing, lack of livelihood options, poor health, hunger and food insecurity, to acute poverty.*' The Special Rapporteur stresses also that '*the question of land has particular effects on groups such as indigenous peoples, communities which have historically been discriminated against, minorities, internally displaced persons and returning refugees*', and that '*without the adequate legal recognition of individual as well as collective land rights, the right to adequate housing, in many instances, cannot be effectively realized*.[34]'

In Russia, the issue of ownership of land is directly linked with the question of privatization of formerly state-owned land. Privatization has also been implemented for apartments in urban areas, but the report will focus here on the question of land privatization, which is the most relevant for Kelderari groups. A description of the different stages of privatization seems necessary to understand the background against which relationships between Roma and the Russian authorities have developed.

a) Historical background of ownership of land and privatization

In Soviet times, land was under the complete control of the authorities. The privatization of land ownership in the countryside was included in the reforms enacted under the Gorbachev ruling[35].

The first measures of *perestroika* concerned the agrarian reform and established private property of land. At the second session the Congress of RSFSR People's

Deputies adopted some changes to the Constitution by deciding that land assigned to the agrarian sector could from now on be given by the State to peasants for hereditary terms. The right to possess private land was far from being complete, because selling and farming could be carried out only in favour of the State. Moreover, during the first 10 years of 'private property', the selling and buying of pieces of land was still prohibited. In reality, the decollectivization of land and the creation of agrarian cooperatives, run by the former heads of kolkhozes and sovkhozes, opened the way for a vast land-grabbing process in favour of private interests.

The RSFSR Supreme Soviet adopted a new land code in April 1991, which was in force until the early 2000's. This new text specified that citizens of the Russian Federation have the right to own the land in private property for appropriate purposes: farming, building of private houses, gardening, market gardens, cattle raising and other activities linked with agrarian production. However, the impossibility of selling and buying pieces of land still remained, making these measures of little importance.

In June 1992, democrat and liberal parties called for a referendum to allow '*the absolute right of each to possess, to allocate and to freely use the land*' and collected more than one million signatures.

On 23 December 1992, the Supreme Soviet adopted the Law on 'The right of citizens of the Russian *Federation to private ownership and sale of pieces of land for personal subsidiary plots, dachas, gardening and the building of an individual house*[36]'. This law was still in force at the beginning of the 2000's. Some presidential decrees in October-December 1993 added refinements to this law and were intended to ensure its implementation[37].

Thus since 1993, the pieces of land which could be allocated to the four areas mentioned above were part of the emerging land market. This right to private ownership and sale took into account neither the date of the acquisition, nor the amount of the transaction, nor the beneficiary of the land's privatization.

The new 1993 Constitution ratified this situation: Article 9.3 stated that '*Land and other natural resources may be in private, state, municipal and other forms of ownership*'. Article 36 stated that:

1. Citizens and their associations shall have the right to possess land as private property.
2. Possession, utilization and disposal of land and other natural resources shall be exercised by the owners freely, if it is not detrimental to the environment and does not violate the rights and lawful interests of other people.
3. The terms and rules for the use of land shall be fixed by federal law.

Nevertheless, this land reform met with opposition among certain political parties not only at federal level, but also at local level. Moreover, it faced the scepticism and hostility of the rural population. The traditional mistrust towards private property and most of all towards private ownership of land still dominated in rural areas[38]. Fear of speculation, attachment to egalitarian relationships and refusal to see the constitution of a new rural elite were part of the explanation.

The new legislation on access to land clashed with the vested interests of local authorities and heads of collective farms, who tried to restrict the property transfers or to be the first to take advantage of them.

After 2000 and Vladimir Putin's election as President, the question of a new Land Code was again placed on the agenda. The authorities stressed the necessity of better management of state-owned land and a revision of all the land acquisitions made during the 90s, some of them having been made outside the framework of the law.

At the beginning of 2001, the Minister of the Economy, German Gref, regretted the fact that Russia still had no single federal regulation system, no precise land acquisition rules, no registration rules, no single cadastre system, and no assignment of land rules[39].

A new Land Code was passed in October 2001[40]. One of the most problematic points is contained in Article 37, which states that only the pieces of land that were registered in the State cadastre can be bought or sold. This point reduces the efficiency of the new reform, and impedes land acquisition procedures. Indeed, registration in the State cadastre was so slow that it favoured tendencies towards corruption within the land reform. Many private societies appeared, proposing faster and legal registration of the pieces of land. Sometimes the expenses incurred in the legalization of land tenure are greater than the price of the piece of land on the land market[41].

b) Current legal framework on property rights in Russia: a complex system

Rules governing the building of houses

As reported to the mission by many *Kelderari*, to obtain a piece of land to build a house was easier during the Soviet era: it was a long and arduous process, but the authorities' wish to have control over every citizen stimulated registration of every person and allocation of land within the space of a few years.

In contemporary Russia, with the new Land Code and the adoption of many new normative acts, State control has increased in the last few years. The new rules now impose a long and uncertain process: the land has real market value and local authorities are interested in ascribing the land to the citizens who can make the highest offer.

The process can be divided into four parts, regulated by law:

- The negotiation process of applying for a piece of land;
- Obtaining permission to build a house, compliance of the house project;
- Foundation and construction of the house, installation of engineering and technical communications;
- The process of settling into the house.

Here we describe only the first parts of this process, but the two others are as long and painstaking as the first. All this contributes to the discredit of the local authorities, because these requirements are seen by the population as an opportunity for local authorities to take bribes.

The legal purchase of a piece of land requires a great deal of documentation which must be provided to numerous administrative offices.

First, the applicant has to furnish a written request which must contain the reasons for the application, the technical characteristics of the building, its approximate dimensions, its location, the building terms, the occupancy of the land, and the predicted ecological consequences on the surroundings.

This project must be approved by the permanent commission of the local administration, which decides the allocation of land for individual buildings. A visit by this commission can be arranged in order to redefine the allocation act.

This is just one part of the required documentation, which includes the personal data of the applicant, the transport planned for the delivery of material, the conditions for demolition of any building located on the piece of land, the conditions for the eventual re-housing of the current residents, the plans of the waterways and underground and telephone cables, the architect's plan, the conditions of land occupancy, and an evaluation of economic loss in the event of the land being allocated to the agrarian sector.

The applicant has to submit all this documentation to the local administration, the sanitary engineers, the fire inspector, the local police office, the highway engineers and other offices according to administration requirements. The foundation work may begin only with the agreement of the allocation commission after the latter has taken the geodetic references and delineated the piece of land. A technical drawing must also be added. The registration in the State cadastre takes place only when the applicant has obtained positive answers from all the above services.

Certainly, these conditions have not worked in favour of the *Kelderari* communities: the increasing number of administrative interlocutors multiplies the probability of negative answers. As most citizens still have not mastered land and urban legislation, a high number of constructions are built illegally without concertation with local authorities and public departments. All this may expose citizens to legal prosecution and buildings may be destroyed by court decisions.

Unauthorized buildings

The legislation in Art. 222 of the 1996 Russian Civil Code defines and regulates 'Unauthorized Building':

1. An unauthorized building is a dwelling house, other structure, construction, or other immovable property made on a land parcel not allocated for these purposes by the procedure established by LAW (a statute) and (other) legal acts or made without receipt of the necessary permissions thereto or with substantial violation of urban planning and construction norms and rules.

Consequently:

2. A person who has made an unauthorized building does not acquire the right of ownership to it. He/she does not have the right to/ is not entitled to dispose of the building, to sell, give, lease out, or make other

transactions. The unauthorized building must be torn down by the person who made it or at this person's expense except for the cases provided for by Paragraph 3 of the present Article[42].

"The dacha amnesty"

The house in question may be legitimized by the law known as 'The *dacha* amnesty' (No. 93-FZ 'On the changes in some legal acts of the Russian Federation on the issue of reductive order to formalize rights of citizens to separate real estate objects' of 30 June 2006). In this case a court decision is not necessary, but the result depends on the decision of the administration commission. According to this procedure, the person shall produce the following documents:
- Application by the person;
- Declaration of general and technical characteristics of the building;
- Document of entitlement to the land parcel (acts of state bodies/agencies, extracts from special books of local bodies/agencies and others);
- Land parcel cadastre plan.

After this, the commission takes a decision on whether to legalize the given house. The data is then entered into the General State Register of Rights. The land is rented by the person concerned, with the possibility of extension.

This regulation enabled the real owners of cottages to go through a reduced and simplified formal privatization process without spending as much time and money as before.

Acquisitive Prescription

Since *Kelderari* houses are not registered in compliance with established procedure, they may be destroyed as mentioned above, but they may also be legalized on the condition that the land was granted to the inhabitants in a lawful way which can be proved by a document. If a land parcel lawfully belongs to the house owner, it may be legitimized through acquisitive prescription as set forth by Article 234 of the 1996 Russian Civil Code.

Paragraph 1 of Art. 234 states as follows:

> A person - a citizen or legal person - who is not the owner of property but who has in good faith, openly, and uninterruptedly possessed it as its own immovable property for fifteen years or other property for five years, shall acquire ownership of this property (acquisitive prescription). The right of ownership of an immovable and of other property subject to state registration shall arise for a person who has acquired this property by virtue of acquisitive prescription from the time of such registration.

Under paragraph 3 of this article, 'a person ... may add to the time of its possession all the time during which the property was possessed by the one to whom this person is a legal successor'[43].

In 2003, the Supreme Court of the Russian Federation provided guidance on how the acquisitive prescription rule of Article 234 of the Russian Civil Code correlates with the rule that individuals cannot gain legal title to unauthorized buildings as set forth in Article 222 of the Russian Civil Code. It concluded the following:

> Acquisitive prescription may not be applied in respect of any cases when the object of ownership and use is a voluntary constructed building located on an unlawfully occupied land parcel.

At the same time, Art. 222 (paragraph 3) declares:

> The right to ownership of an unauthorized building may be recognized by a court for the person who constructed the building on a land parcel not belonging to him/her on the condition that the given parcel shall be granted to this person by the established construction procedure. The right of ownership of an unauthorized building may be recognized by a court for the person who owns, possesses for lifetime without right of inheritance, or permanently uses (without limit of time) the land parcel where the building was constructed. In this case the person for whom the right of ownership of the building is recognized shall compensate the person who constructed it for the building expenses in an amount determined by the court. The right of ownership of an unauthorized building may not be recognized for these persons if possession of the building violates the rights and interests of other persons protected by law or creates a threat to the life and health of citizens[44].

Therefore, in order to benefit from acquisitive prescription, a person should apply to the court with an appropriate request but should also keep in mind that it is necessary to

provide proof that rights to the land parcel have been lawfully obtained. Proof may be in the form of an administrative decree or other document. Subsequently, if the land occupied by the construction lawfully belongs to the person, the house itself may be registered after a positive court decision. However, nowadays it is often extremely difficult to find such certificates, or even to verify their existence.

Rules on the acquisition of land

As a rule, the right to own the land is provided in either of the two following ways:

First, a person may acquire a land parcel by any contract under the conditions stated by the Russian Civil Code. Usually the person buys or rents a land parcel which is the property of private persons. Second, if a land parcel is municipal or federal property, an auction is organized for the purpose of selling or leasing it[45].

The auction is held by the owner of the land, i.e. by the agency of executive power, the local administrative agency owning the land, or a special organization. The agency indicated also acts as the seller of a parcel or of a right to rent a parcel. The owner defines the form of the auction, the initial price of the auctioned product and other essential conditions[46]. Notification of the auction should be published by the auction organizer in the mass media defined by the Russian government no later than 30 days before the auction date[47].

The person who is willing to acquire rights on the land parcel shall apply to the auction organizer to take part in the auction. The land on sale at such auctions is allocated for the building of houses. Article 38.1 of the 2001 Russian Land Code also determines the auction rules , which are set out in Government Resolution No. 808 (11 November 2002).

In recent years, *Kelderari* groups living on municipal territory or on the territory of the former kolkhozes which remain federal property have been faced with situations where this land is offered or is slated to be offered for auction. Consequently the *Kelderari* come under threat of eviction, because only in very few cases do authorities and the developer plan to resettle inhabitants and provide them with alternative land or houses. Authorities refer to Article 222 of the 1996 Russian Civil Code, because *Kelderari* homes constitute ‘unauthorized buildings’ for which no compensation is provided for by law in the case of demolition. Hence, it is vital for *Kelderari* families to register their houses in time to avoid the rights to the land parcel on which they live being transferred to another person. However, the conditions are often not favourable for such a registration

3) The problem of land and housing

The inability to secure ownership of the land where they live has become one of the main problems currently faced by the *Kelderari* Roma.

As explained in the previous chapter, the legal framework governing property and the use of land has become extremely complex since the fall of the Soviet Union. Articles contained in the new Land Code (2001) have an impact on the whole population of Russia, but specific communities such as the Romani people have faced particular difficulties.

Indeed, throughout the territory of the former USSR, very few people have managed to understand, adapt to and take advantage of privatization in time. In the 21st century, a large number of inhabitants of private houses in Russia have faced difficult situations where their privatization right has been violated, the ownership right neglected and they have been offered an unfair price for their homes taken over by wealthy investors. In the last few years, land privatization and rapid construction in the city suburbs by private investors (often hand-in-glove with local authorities) have led to people losing their rights to homes where they have been living for several generations, but for which, because of various circumstances, they have not been able to formalize their property rights.

A recent greatly discussed example is the confrontation which took place in the Yuzhnoye Butovo district of Moscow in 2006 and 2007 when the authorities of Moscow decided to demolish a number of private houses and to grab pieces of land on which they stood in order to build a housing estate . Other places (flats in multi-storied buildings) were proposed as alternative housing to the owners. Some of the Butovo inhabitants agreed to leave, but others refused because they considered the new places not equivalent to their former homes. The authorities applied to the court, and in May 2007 the people who refused to leave their homes were attacked by anti-riot OMON forces who tried to evict people on the strength of the court decision. The conflict was widely

covered in the Russian media, a number of famous politicians and lawyers playing the role of mediators in the conflict. On 18 September 2007, the decision to evict was considered illegal by the Presidium of Moscow City Court. However, people who wanted to register their houses and pieces of land in Butovo before or during the conflict faced clear obstacles from the authorities.

Another famous example concerns the preparations for the Winter Olympic Games which will take place in Russia in 2014. In order to build a sports venue in the city of Sochi, many private houses are being demolished within and on the outskirts of the city. To simplify the process of takeover of private land and buildings, a special so-called "Olympic Law" was voted in the State Duma in December 2007[48], and a special compensation budget was established.It authorizes the seizure of private property for the needs of the Olympic Games in the Krasnodar region during the period from 1 January 2008 to 1 January 2014 (Art. 15 of the Federal Law).

Although the rights of owners are already and clearly will continue to be challenged (the official budget for property compensation is set at 82.4 billion roubles, and according to rough estimates 175 billion are needed in reality), the authorities seem to acknowledge the needs of the people whose houses hinder the development of the commercial and political project. "*I ask not to make a formal approach, but to come to an understanding, to seek agreement with the people, to satisfy their needs*" - said President Putin during the meeting with the authorities of Krasnodar Region in August 2007[49].

The ethnic component was not present in either situation described, in Sotchi or in Butovo, and the persons whose houses are being demolished are largely seen as victims of this process and not as illegal occupants deserving of their fate, nor as criminals facing a punishment legitimized by media campaigns.

The demolition of Romani houses all around Russia not only fails to raise public concern but is being accompanied by the propagation of anti-Roma campaigns.

The openly racist articles attempt to form the opinion that the eviction of Roma is a fair measure for various crimes collectively attributed to the whole Romani community. Politicians often build their election campaigns on this theme (the election campaign of the governor of Arkhangelsk, Mr. Donskoy, in 2005 when Roma were eventually evicted from the city[50] or in Kaliningrad in 2005-2006 before the destruction of Romani houses with an unjustified use of violence and even weapons)[51], and earn credit with their supporters (Chudovo village, 2007).

The legal and administrative imbroglio regarding land property combined with the handling of its privatization by the local administration induced a situation of total dependency of the population upon local organs of power. The Romani population is facing this difficulty to a tremendous degree. While groups forced to abandon their houses can hope to receive compensation for their duly registered property, only very few registered houses have been noted in Romani *tabors*. For example, in the village of Peri, only two houses out of 120 existing were officially registered; in Chudovo, two houses out of more than 130, and so on, which makes it impossible to obtain any compensation for the demolished houses.

The fact that most of the *Kelderari* houses are not registered is due first of all to the conditions in which they had to settle, from 1956 onwards. Without any other directive except that they had to settle, they first built temporary houses on empty, unusable, and most often marshy lands, which they themselves had made fit for construction. Their rights to the houses they built were never properly documented. None of the attempts of ADC "Memorial" to find written traces yielded any results. In 2006, "Memorial" sent letters of inquiry to the Chudovo and the Novgorod State Archives, but was told that no documents related to the Romani settlement in Chudovo had been found. At the same time, the authorities do not deny that in 1980, when the *Kelderari* community came to this location, they were permitted to settle there by the local authorities of the time (the District Committee of the Communist Party). As Mr Ivantsov, Head of the Administration of Leninskiy district (Tula) said to the mission, during the Soviet era *"Roma built houses where they were pointed to"*[52]. The Romani families in all the places visited by the mission declare that their parents or they themselves obtained authorizations from the secretaries of local Communist Party of the Soviet Union in the second half of the twentieth century. These agreements were viewed as a kind of "moral mutual confidence attitude". Verbal agreements passed during the Soviet era no longer have legal value.

The temporary houses were next replaced with permanent constructions by their inhabitants, and public facilities (water, electricity etc) were developed. According to many

witnesses, the Roma did this without any reaction from the authorities, who refused to undertake such works or to give any support. The reaction of the authorities was reportedly identical when the *Kelderari* had to extend their housing capacity to accommodate newcomers or house new families.

In Glubokovo (Vladimir Province), a *Kelderari* man confided to the mission that they had been living there for thirty-five years, since 1972. They built their houses according to the law, and they registered the houses and the land. However, as they quickly ran out of space, they had to build new smaller ones, with wood or other salvaged materials, on adjoining lands. He recalls that when they asked for authorization to build those new houses, the only answer they received was: "*Just build where you can, we will register afterwards*."

In the outskirts of the city of Tver', a similar statement was made by a *Kelderari* man. "*Just over 200 persons are living here. (...) We want to live simply, we do not want to oppose the authorities, nor the local villagers. We are living here together. We get on well together. This is normal, after more than 40 years of cohabitation. When we arrived, the place was empty, there was not a single house. (…). We settled where we could, where we were allowed to do so, some of us on marshy lands nobody wanted. My ancestors always chose to settle closer to the town. (...) Now, people from Moscow are coming here and they want to take our land from us, the land where we have been living for more than forty years. Now, for us, to be expelled means death.*"

In the city of Tyumen (West Siberia), on Mysovskaya street, which gave its name to this *Kelderari* settlement, the baron (community leader) Mr. Boris Mikhay declared to the mission delegates: "*Nobody authorized us to register our houses. Even the persons in charge of checking constructions against fire gave no permission to us to register our houses. We tried to get the papers but were prevented from doing so. We are about 50 families living here. They want to evict us from here, but where will we go? We have occupied this land since 1972. We have the impression that the authorities want us to adopt our former nomadic lifestyle.*"

All the places visited by the mission presented a similar situation: the *Kelderari* had been settled for 20, 30, 40 years or more, some of the families visited had not moved since the date of the decree, 1956, such as in Dyagilevo (Ryazan', Central Russia), Plehanovo (Tula Province, Central Russia) or Yekaterinburg. In the best cases, only very few houses are registered, and sometimes none of them have been registered. Without any documents or proof of their long-term presence in this location, the *Kelderari* are totally dependent on the goodwill of the administration and growing commercial interests.

a) Total dependency on the local administration

As mentioned above, the local authorities do not deny that the practice of non-registered settlements has existed. It is in any case obvious that whole communities could not have built their houses without authorization from former local authorities during the very control-oriented Soviet era. However, the administration officially insists on the fact that the "*laws are the same for all citizens and Gypsies have to solve their problems themselves, like anyone else.*"

Meanwhile, the Maastricht decisions on Improving on the situation of Roma of the OSCE Council of Ministers of 2003 propose that all participating states "*put in place mechanisms and institutional procedures to clarify property rights, resolve questions of ownership and regularize the legal status of Roma and Sinti people living in circumstances of unsettled legality (e.g., Roma neighbourhoods lacking land rights or which are not included in the urban plans of the main locality; families and houses without legal residence status in settlements where the people have been living de facto for decades)*"[53].

Besides, Russia, as a successor state of the USSR and occupying a permanent seat in the UN Security Council, took responsibility for the heritage of the former Soviet State, such as, for example, its international debt. In doing so, Russia declared itself the assignee of the Soviet Union and is obliged to carry out the responsibilities of the Soviet Union. Therefore, it should regulate the problem of Roma inhabitants' rights to possess their homes and related land, because according to the decree of the Presidium of the Supreme Soviet of the Soviet Union of 1956 Roma have been deprived of their traditional nomadic life and have been forced to take up *de facto* illegal residence.

Later, the new Land Code 2001 made *Kelderari* settlements fully illegal entities.

Romani inhabitants of the houses visited fully realize the danger of losing their homes and stressed the necessity of

registration "*We perfectly understand that it is in our interest to comply with the law and have good relations with the local authorities. We don't want to live in such uncertain conditions any longer, we want our streets to be given names, our houses to have numbers, but nobody gives us the right to register our houses*". Some of them complained about clear discrimination, about not being able to get the necessary administrative documents and about the administration's lack of political will.

While the Roma are refused registration of their houses, their neighbours of non-Roma origins often obtain advantageous verdicts in similar matters. On January 15, 2007 at the Oktyabrsky district court in Yekaterinburg, the verdict on the lawsuit of Mr. Yukhimuk was in favour of the applicant. In 2001, Yukhimuk built a house on the site of the old, demolished one, and after receiving a log book (so called "technical passport") and certain other documents, went to court to obtain a judgment acknowledging his right to ownership of the house. In the verdict, the court referred to Protocol No. 1 (1952) of the European Convention for the Protection of Human Rights and Fundamental Freedoms, in particular: "*Not only property, but also ownership, is defended in Article 1 of the Protocol, and the right to go to court for the acknowledgement of rights to construction is defended by Article 6 of the Convention. Therefore requisition by the state of the unauthorized construction, and the refusal of legalization of the construction, must be supplied with more grounds than a single breach of the land legislation or construction regulations.*" Although in Russia the verdict does not constitute a legal precedent, but will undoubtedly be useful for lawyers dealing with acknowledgement of the right to ownership of places of residence, the results of case law regarding Roma houses are rarely positive.

A clear example of this situation is the Romani community who have been living in the Verkh-Isetsky district of Yekaterinburg city since 1956 on three streets: *Shakespeare* street, Krasnokamskaya street and Tankistov street. The houses are mostly well-constructed. In recent years Mr. Micho Ditso, the community leader, and two more representatives of the community have been trying to legalize their houses.

They have applied to lawyers and have paid them a significant amount of money to formalize the ownership of the houses and land on which the houses are built, through acquisitive prescription, although there has already been a court refusal in both cases and the lawyers have appealed. For example, Mr Anatoliy Ditsa requested the recognition of his right to ownership of the house where he has lived since 1982. For more than 20 years Mr. Ditsa has paid running costs, property taxes and other maintenance costs for the house. However, on 22 June 2007, Verkh-Isetsk regional court gave a negative judgment on his application arguing that the house of Mr. Ditsa is an unauthorized construction and cannot become property through acquisitive prescription. This decision was appealed, but there too the ruling was negative.

Meanwhile, several Russian non-Roma neighbours registered their houses without any obstacles. The city administration plans to construct high-rise housing in this location, and the danger that the administration will obtain a demolition order from the courts is real. Trying to find an alternative solution, the Roma studied the possibility of renting or buying land to relocate to, but the only means for this was and still is an auction of the land or of the right to rent the land. Obviously, the Roma of this settlement have no financial means to participate in such an auction. The person interviewed by the mission mentioned that the administration expresses its unwillingness to help the Roma in this difficult situation; moreover, it refuses to discuss the problem with them, and all they can do is wait for further development of the situation, without hope of influencing it in any way[54].

Nowadays, local authorities often refuse to consider Romani settlements as a part of their district. Their relative disorganization and the lack of infrastructure are pointed out and exaggerated by the local authorities in an attempt to blame the Roma themselves for the whole problem. Authorities also often insist on sanitary or security problems, but no solutions are proposed and public services, such as garbage removal, almost never operate in the areas where they live.

The mission was presented with the new plans for developing the infrastructures of the cities and told that under modern conditions the Romani constructions cannot be conserved. Thus, according to the approved master plan for the development of Tyumen city, the new high-rise buildings are going to be built on the site of a Romani settlement on *Mysovskaya* street, although most of its inhabitants have been settled in this district for fifteen to fifty years. The administration argues that most of the houses are located in unsanitary areas or in areas where house building is prohibited, and that the inhabitants have no registration for the piece of land they live on.

The Romani settlements are usually neither depicted on maps nor demarcated on the administration's plans, as they have been built without any written authorization. This makes these areas possible construction sites and attractive to local economic and real estate sectors.

With the lack of a State policy, the measures created in some regions have a fragmentary and inconsequential character. The mission came across a practice of mapping in Chudovo, where on the administration map, a territory where Roma live was marked as "territory of Gypsy nationality". It was explained to the mission that an idea is being discussed to separate it as an autonomous district, which would in fact leave its inhabitants deprived of any State support or responsibility. Eventually the idea of creating a separate Romani region in Chudovo was dropped, and the local administration has instead initiated lawsuits against Romani inhabitants of those houses, with the aim of demolishing the houses.

The issue of the housing of *Kelderari* people sometimes becomes a political tool, as illustrated by the eviction cases in Kaliningrad province (Western Russia) and in Arkhangelsk (Northern Russia).

From 2001 to 2002, the Kaliningrad authorities encouraged the Romani community of Dorozhnoe village to formalize title to their property through the courts and administration. Some received initial court decisions recognizing their families' legal title to their property but very few of them could handle the paperwork needed to complete the difficult bureaucratic application process.

Later, the local authorities stopped legalizing the title to property in the village and started denying Roma registration of their homes although most of them had owned their homes for decades. Simultaneously, the Kaliningrad administration initiated a propaganda campaign in the media vilifying all the inhabitants of Dorozhnoe village as criminals and drug dealers. The thirty- eight Roma houses were declared illegal dwellings and the Court ordered demolition of those houses. All attempts by the Dorozhnoe village Roma to appeal against this decision in local courts failed. From February to June 2006 the houses were forcibly demolished and the inhabitants were violently evicted from their homes. Six former residents of Dorozhnoe appealed to the European Court on Human Rights (ECHR) claiming violation of all their basic rights and discrimination[55].

In this case filed by the Bagdonavichus family, the discriminatory treatment of the Russian authorities towards the Roma and Russian-owned houses in Dorozhnoe village is particularly well documented and stands as striking evidence of the widespread injustice towards the Romani minority. Of approximately 45 houses that stood in Dorozhnoe village, only two remain standing after the Russian government's demolition campaign, these being houses owned by the Hristeva and Kotev families, both ethnic Russians. Moreover, the Kaliningrad authorities opened negotiations to buy or compensate at least one of the Russian-owned houses, namely the Hristeva house.

In 2004 in Arkhangelsk, *Kelderari* families obtained legal permission to rent their current parcels of land, which are located in the Novy Posyolok region. The permit was signed by Arkhangelsk's mayor at the time, Mr. Nilov, and other local authorities. His political opponent, Mr. Donskoy, began to attack him over "allowing" the Roma to remain in Arkhangelsk, accusing the former mayor of corruption for permitting the Roma to settle there, and accused the Roma of illegally building homes on their land parcels. Indeed, the permit given to the families allowed them to occupy the land, but still did not grant them permission to build houses, for which they had to wait for additional documents, which were not forthcoming. However, the streets even received their names from the city administration, and the question was considered solved. By the end of 2004, Mr. Nilov, as mayor, began the legal dispute over the Roma's right to rent the lands which he had himself granted , to avoid the accusations of corruption with which he was charged. In July 2006 this whole Roma community had to leave the city on a train provided for this purpose by the city administration, taking them to the Moscow region, into another illegal situation… but out of the city's political debates[56].

In other cases the arbitrariness of the administration's decisions is used as part of a pernicious eviction strategy which consists of dividing *Kelderari* people by registering some of their houses. Their communitarian organization and way of life are in fact used against them. The people with registered houses have no other choice than to link their destiny with the others and fight with them with the risk of losing their rights and being evicted all together. Alternatively, they can just follow the others elsewhere, abandoning their registered houses without having received any compensation or relocation alternative, or selling them for a price far below their real value.

Kolyanovo case

In Ivanovo Province, the land on which a *Kelderari* settlement is situated was bought because the nearby airport is due to undergo rebuilding and restoration in the near future. Pieces of land that were registered were bought for a paltry sum of money, while the owners of illegal houses received a wretched amount for all their belongings and no alternative for resettlement. As the leader of the community, the owner of a legal house, said, "*We do not want to split the tabor, we are all together. I have to sell my house only because all the other people are being evicted*".

Moreover, although the private buyer concluded these due contracts with the agreement of Roma inhabitants, this decision was taken under constant threats of forced eviction and pressure from the village administration. According to the information received, the buyer of the land was in fact acting in close cooperation with the authorities.

The Kolyanovo village (Ivanovo district of Ivanovo Province) case illustrates a general and rather widespread trend where a solution was "found" and Romani inhabitants "freely" agreed to it, although constant pressure and uncertainty, fear of a violent and unfair outcome of the conflict and the absence of any choice make the signed contract legally doubtful and certainly against the interests of the population.

A large Romani settlement has existed for 10 years in Kolyanovo village in the Ivanovo region, near Moscow. It comprised 38 families: around 600 people, who came from the Nikolaevskaya oblast (Ukraine), with almost half of the population being minors. Eleven of the 38 houses belonging to the Roma were registered, and comprise large major buildings of the cottage type. But the settlement also included temporary houses for which there were no documents.

At the beginning of 2006, the head of the Kolyanovo village administration, Mr. Yuriy Semenov, started to regularly visit the *tabor,* insistently demanding that the Roma leave their place of residence. As Baron Stoyan Istratovich Yanko wrote in his letter to the President of the Russian Federation[57], Mr Semenov declared, "*You will have to get out of here*". Mr Semenov justified this with the claim that the Roma disturb the nearby houses, which has caused many complaints. Furthermore, a plan for restoration of a local airport located in Kolyanovo is currently being developed. "*The government will pass through this area, and you have unattractive temporary houses*" declared Mr. Semenov.

After the Roma informed the administration about their unwillingness to leave the place the police, fire brigade, and sanitary services under various pretexts began to visit the settlement and made several complaints about the housing of the Romani population.

Threats from the administration continued over a long period, but the Roma did not know where to go and insisted they would not leave. Then an estate agent, Mr Chetverikov, offered to buy the houses. Since not all of the houses had been registered in a lawful way, the Roma first decided not to sell them in order not to split the *tabor*, but the estate agent assured them that he would prepare all the necessary documents. In December 2006, a preliminary agreement was secured, in which an advance sum was indicated, and on 15 May 2007 a deadline was set for the main transaction of sale, under which the buyer would transfer to the sellers a basic sum. Penalty provisions were also included in the agreement: if the owners changed their minds and refused to sell the houses before May 2007, they would be obliged to pay double the price of the house estimated in the contract. The Roma even agreed with this unfair condition, under pressure from the administration.

Each owner was to receive up to 700,000 roubles (20,000 euros) for his house, and up to 20,000 (600 euros) for a temporary house. In May 2007, the estate agent prepared the basic contracts of sale, and in the middle of May, all the residents of the *tabor* undertook a group sale of the houses and temporary houses. When the deadline of the agreement drew near, the Roma realized that this money was not sufficient for their resettlement, and tried to cancel the sale or to raise the price, but they were told by the local administration: "*Either sell at this price, or bulldozers and tractors will come and demolish every single house, and you will be left without any money, clothes or belongings.*" According to the residents of the settlement, the threats were expressed verbally by the Head of the village administration Mr Semenov and by the Head of Ivanono district Y. Shilov.

The local administration affirms that the Roma voluntarily agreed to sell their houses, and that the dealings were lawful. However, the court may consider the dealings invalid if they were agreed to under threat or pressure, or

if the agreeing party was deceived. It is evident that this was the case, because the market price of the houses sold was much higher than that paid, especially in May 2007, when prices of private homes rose sharply. Even if a house was demolished, it could be possible to keep the land and build on it again, especially for those whose property was duly registered. However, the representatives of the *tabor* do not dare to dispute the agreements: "*We are afraid of the estate agent, because we were told, 'do not make a fuss, or we will force you to be quiet.*"

At the present time, all the buildings on the site of the Romani settlement in the village of Kolyanovo, apart from 11 major houses, have been demolished (in the period from May to July 2007). Thirty-eight families lost their homes; some of them moved away, and 14 families still live in Ivanovo Province, Podvyasnosky District. They joined their relatives by either moving into their homes (sometimes three families in one house) or by constructing temporary dwellings around them. However, many residents are still officially registered on the previous site.

Paradoxically, the registration page of many of the residents' passports reads: "Kolyanovo settlement, newly-erected buildings" meaning already demolished constructions. Twenty-two people lived in the house of Mr Rista Tomash (Sosnovy Bor, Podvyasny District), and when the lawyer working with ADC "Memorial" addressed an inquiry to the village administration, she was given information according to which these 22 people were still listed there and have a valid residence permit, even though their homes had been demolished and they were not allowed to stay in Kolyanovo. The numerous children of the *tabor* have been deprived of adequate housing and valid registration, along with their parents.

Some residents of the *tabor* have already moved away from the Ivanovo region, and are not lodging complaints, but the 14 remaining families have moved to Podvyaznovsky village, not far from Kolyanovo, where they live with relatives or have built temporary houses. According to law, they may remain there for a certain period of time as "guests". However, the police, aware of the situation, have been visiting Podvyaznovsky, going from house to house and checking passports. For those still registered in Kolyanovo, they have been imposing fines for illegal residency. Moreover, the Land Chamber of Ivanovo Province took Ms Sofiya Tomash to task for building temporary houses, obliging her to pay a fine.

The Land Department of Ivanovo city administration has proposed that the Roma register housing documents and live in Podvyaznovsky, and have even set a deadline. However, it seems that the head of the Ivanovo district, Mr. Shilov, and head of the district administration, Mr. Belov, absolutely refuse to allow the Roma to live in the Ivanovo region, refuse any consultations, and rudely rebuff any attempts to appeal to them. When the ADC "Memorial"'s lawyer Ms Maslova tried to hand an application to the administration in February 2008, the secretary said, "*You have bothered us before, we have already told you everything, get out of here.*"

The Roma have been bombarding the local administration with letters since February 2007, but on March 26 2007, shortly before the sale of the houses and worried by the possible outcome of being "*left under the open sky*", Mr Stoyan Yanko sent a letter addressed to the President of the Russian Federation. The administration of the President sent orders to the regional level for measures to be taken, and in turn, these orders were passed from the regional administration to the town administration. The administration did not reply at all, which constitutes a breach of law No. 59-F3 'On the procedure of appeal from citizens of the Russian Federation to institutions of state power and local government', since by law, the institutions must provide a response with reasonable substantiation within a month.

Finally, in April and May 2007, the Ivanovo district administration and the land tenure department of Ivanovo Province told the Roma in answer to their appeal that, firstly, land for their resettlement can be granted only by auction, and secondly that there are no vacant land parcels at the moment. On 20 April 2007, Mr Yanko received an answer from the regional department of land tenure, the Head of which, Mr Petrov, proposed that the Roma consult the head of the region and consider the possibility of buying back the land parcels which belong to the closed joint-stock company 'Kolyanovo'. Before any of the Roma could do this, Mr Belov, the Head of the district administration, who had also received a copy of this reply, wrote on 23 April 2007 the following resolution on it: "*Refused. Do not provide any land close to the city*". It is unknown to whom he was addressing these words. The copy of this paper was received by the lawyer Ms Maslova from the local administration. When some representatives of the settlement nevertheless consulted the 'Kolyanovo' closed joint-stock company with questions about the redemption of the land parcels, the staff asked about their ethnic origins.

The lawyer working with ADC "Memorial" consulted the Ivanovo regional Public Prosecutor's Office on 7 February 2008 with a complaint about the infringement of human and citizens' rights and freedoms, and also about the inaction of organs of state authority and/or local institutions, and the infringement of current legislation regulations. In the complaint she referred to the breach of several regulations of the Convention on the Rights of the Child, the Family Code of the Russian Federation, and Federal Law No. 59 "On the order of examination of appeals from citizens of the Russian Federation".

In response, on 17 March 2008 Ivanovo Inter-District Public Prosecutor A. Podkovyrin stated that Ivanovo district administration did violate Federal Law No. 59 by giving no answer to the inquiry of Mr Yanko (*baron* of the Romani settlement) within the deadline set by law (within 1 month). Due to this fact, the Public Prosecutor has sent a statement to Ivanovo district administration requiring to address the violations discovered. Moreover, the Public Prosecutor recommended that Romani citizens bring a claim before the court for the purpose of obtaining recognition of the nullity of the contracts with the purchaser of their houses. The Public Prosecutor also noted that, contrary to what has been said to them, the land parcels according to the Land Code may be provided otherwise than by auction. As stated in Art.31 of the Land Code, citizens may apply to state or local organs for choosing a land parcel and for prior agreement on the location of that parcel. Therefore, the Public Prosecutor recommended that Roma apply for land parcels.

On the day of the publication of the report, despite several vacant municipal sites in the region, no alternative resettlement solution had been found.

The total dependency on authorities in every single conflict situation regarding Romani housing is especially flagrant in communities where the regional or village authorities have changed, resulting sometimes in a radical change of attitude towards the Roma. It is sometimes the case that the attitudes of authorities at different levels contradict each other.

Chudovo case

The mission visited the two *tabors* of the town of Chudovo in the Novgorod region. Their inhabitants feared eviction, several houses were demolished on 17 April, 2007 and a few more were demolished later in May 2007 after the mission had taken place. Some families were forced to demolish their houses themselves, under the threat of a forced demolition (in these cases people may not even save their possessions or recuperate the construction materials from their houses for later use, and therefore they prefer, under pressure, to demolish their houses themselves). When the mission arrived, it could see the remains of some demolished houses and other houses still standing but facing demolition any day. In total, 8 houses were demolished in the spring of 2007 and 14 are expected to be demolished during spring and summer 2008.

Further developments were closely followed by ADC "Memorial", and this case is a clear demonstration of the dependency of such situations on the personalities of members of the administration and their personal attitude towards the Roma population and their housing problems.

In April-May 2007, just a few days after the mission took place, eight Romani houses in Chudovo were demolished by their inhabitants at the request of the administration and under the trhreat of police intervention. The reason for the authorities' request was that the houses had been constructed in breach of the 2005 Agreement between the Chudovo town administration and the Romani community which, by this agreement, had undertaken not to erect more new buildings on town territory. The Chudovo administration and the Planning Institute of Novgorod Province negotiated over the request of Chudovo administration for a "general plan" concerning the Romani settlement, and the Chudovo administration was even planning to assume responsibility for the expenses related to this mapping. A "general plan" is a map of the settlement or a district, organized according to all the various rules and obligations. It is usually done on a commercial basis by a firm commissioned for this purpose by the State. In the Chudovo case, such a plan would require the demolition of at least half of the houses in order to comply with fire and other public regulations, and therefore the Roma themselves were not in a hurry to give a final answer to the proposal of a "general plan" strategy. Meanwhile, various committees visited the settlement, measuring and examining the territory. However, official documented results of this project have not so far emerged.

The Chudovo Romani settlement consists of two parts: the Small and Large *Tabors*, which exist more or less autonomously. In the Large *Tabor* live families and the descendants of those who arrived from the Gomelskaya Oblast of the Republic of Belarus in the 1980s after the

Chernobyl disaster, and settled with the verbal consent of local authorities. In the Small *Tabor* live 14 families who settled later, in the middle of the 1990s, led by Mr. Kajran Mikhay. It was the Large *Tabor* which was referred to when the general plan of the Romani settlement was mentioned. Concerning the Small one, representatives of the Chudovo administration and in particular Mr. Groshev, Chudovo's Mayor, declared as early as spring 2007 that its houses are located in a sanitary protection zone around an asphalt plant, and are subject to demolition (regardless of the fact that this factory has not been in operation for several years). However, the Roma did not have any documents establishing their rights to either houses or land in the Small *Tabor*, and therefore they could not effectively object to the demands of the administration.

In Summer 2007, significant changes took place in the management of the Novgorod Region. A new Governor, Mr. Sergei Mitin, replaced Mr. Mikhayl Prusak, who had had an openly hostile attitude towards Roma. The *Kelderari*, for their part, hesitated to take any steps, waiting for further actions on the part of the new authorities.

Lawsuits on the demolition of 14 houses were finally lodged against the residents of the Small *Tabor* at the beginning of 2008 by the District Public Prosecutor's Office. In court, the respondents – Romani citizens – were represented by the lawyer Alexei Tsarev, who from this time on started to collaborate with ADC "Memorial". The applicant's demands included the acknowledgement of the houses as unauthorized constructions, and the obligation of the respondent to voluntarily demolish these houses in the course of a month. The defendant Mr Kajran Mikhay did not even appear in court. Lawyer Tsarev argued that in this case the limitation period (a three-year term defined for bringing an application before the court) had expired, and that therefore the applicant did not have the right to bring the claim before the court. However, the court ruled in favour of the Public Prosecutor.

In late March 2008, all the trials ended in favour of the applicant. The respondents refused to appeal, asking instead for an adjournment in the implementation of the court decision, equivalent to the period of construction of new homes in the area proposed by the administration. As Mr Tsarev reported, the judges openly told the Chudovo Roma, "*Yes, we will grant an adjournment, we feel sorry for the people, but we have no legal means of making a different decision.*"

The Chudovo Administration offered all 14 families alternative land parcels for the construction of private homes. These land parcels were delineated and registered, situated near the Pridorozhnaya station, several kilometres outside Chudovo. However, obtaining and registering the numerous documents has only started and could take a very long time.

Meanwhile, the Public Prosecutor's Office was collecting documents relating to the Large *Tabor* and is preparing new lawsuits to declare the constructions unauthorized, and to demand demolition, which could happen as early as May 2008. Although a mass resettlement will probably not occur, gradual relocation is expected. However, in Pridorozhnaya, where the Small *Tabor* is being relocated, there is no more free land. Additionally, the land in Pridorozhnoye is not being reserved for the construction of houses, but for agriculture. In order to grant it as housing land , the local administration has to change the official status of this land (a bureaucratically difficult and lengthy procedure). However, this is poor, unhealthy marshland surrounded by forest. When it was proposed to the Roma to settle there on their arrival in the 1980s, they refused for this very reason and later settled in Chudovo with the agreement of the local administration.

Mr Anischenko then became Chief of the district, and Mr Groshev (formerly Chudovo Vice Mayor) became head of the Chudovo town settlement in March 2008. Mr Anischenko is one of the initiators of the above-mentioned 2005 Agreement. He continues to work on preparing a "general plan" and other planning documents for the Large *Tabor*, in order to regulate the land parcels there and grant them to the Roma. However, if this plan is finally concluded, about half the houses must be demolished due to their poor technical and sanitary condition and the insufficient distance between them.

b) The ultra-legalist attitude of the administration used as a pretext

When confronted with the registration problem of *Kelderari* houses and, in particular, with the questions asked by the mission, the argument of the administration is twofold: "*the Kelderari have to build their houses according to the law*" and "*there must be strict equality of all the citizens before the law*". This method of denying the problem by invoking legal arguments, sometimes combined, paradoxically, with an openly racist attitude, provides the administration with an easy refuge from accusations of non-respect of

Kelderari rights. The problem is only reinforced by the high complexity of the rules governing property rights and the use of the land, and by the length and cost of the administrative process of registration.

The function of the Representative in Charge of Human Rights[58] (at the local level) should be to facilitate negotiation, but this is far from being the case everywhere. Some of these representatives even seem to share in the negative stereotyping of the Romani population and contribute to the context of ambient racism in the Russian Federation.

The Representative in Charge of Human Rights of Velikiy Novgorod (North-West Russia), Ms Galina Matveeva, declared to the mission: "*The Gypsies have to respect the law, like everybody else. They cannot go anywhere, build their houses and then ask for registration. You must understand that, as an administration, we must apply the law. First, streets have to be constructed. Second, public works must be undertaken according to the law. Then the houses should have a number. Only after all that we can register the houses. There are rules, safety regulations against fire, regulations to protect the environment, sanitation regulations… The use of gas, water, electricity must also be regulated. Gypsies have to stop stealing it. (…) You have to explain to the Gypsies that they must do things according to the law, that they cannot steal, they must pay taxes like every other citizen*".

When mission delegates explained that *Kelderari* kept all receipts of their gas, water and electricity consumption in order to sort out their situation with the administration, Ms Matveeva retorted that "*there is no possible dialogue with them*". "*The administration can offer no special treatment to one category of people*", she said. She added that "*there is urban general planning, there is the law, everything must be done officially. (...) As long as Gypsies will not respect the law, all dialogue will be useless. Order should be brought to that situation. They have to be taught by us*".

Evgeniy I. Kovaliov, Assistant of Ombudswoman of Sverdlovsk (Yekaterinburg) Province said during the meeting of the mission with local authorities: "*There is no problem of nationalities, and the problem of Roma should be solved more particularly – without applying to the UN or other foreign structures[59]. There is a way through the system of public reception of the Ombudswoman. … Roma confuse the realization of their rights with the violations of others' rights. Their national specificities are in contradiction with the priorities of the city. Our priority is: planned lawful houses and construction. Where then can we put a Roma settlement and provide them with water, gas and electricity?*"

In two meetings which the mission had with the local administration representatives, in Tula with Mihail Evgenyevich Ivantsov (Head of the Administration of Leninsky district, Tula Province) and in Yekaterinburg with Igor Vladimirovich Rubtsov (Vice-Head of Administration of Verkh-Isetsky district of Yekaterinburg), the use in both cities of the term "diaspora" was particularly revealing of a stigmatizing attitude towards *Kelderari* people living in Russia for centuries. It denotes, on the side of the administration, a distinction which contradicts their general assertion that Roma are like any other citizens and must be treated as such. It also emphasizes an amalgam with migrant populations in Russia from Central Asia and the Caucasus who currently endure strong xenophobia and are victims of harsh violence. Finally, it contrasts with declarations made by *Kelderari* to the mission: "*We are all Russian citizens. We speak Russian. We were born here and we are living here in Russia. Our parents and grandparents lived here. I have never yet let Russia down and I never will let it down.[60]*"

The mission noted that the ultra-legalist attitude is used by authorities at various levels in order to avoid their responsibility to help the land and house legalization process.

The mission met in Saint Petersburg with Mr. Evgeniy I. Makarov, Assistant of the Plenipotentiary Representative of the President of the Russian Federation in the Northwest Federal Region. In a speech tinged with paternalism and ignorance of the history of Russian Romani communities[61], he expressed his concern about the "Gypsies" but explained that no solution could be envisaged at the federal level: "*Minority problems should be solved at the local level as the law provides no example of how to treat them at the federal level.*" His criticism of local authorities appeared a convenient way to dismiss critics: "*We are aware of the fact that local authorities misused regulations and took non-adequate measures concerning the treatment of the Tsigans' land and house registration. But we cannot do anything; we do not have the right to interfere in local authorities' affairs. Nevertheless, we note that work of local authorities with ethnic minorities like Tsigans is infrequent, probably because they do not know how to conduct activities with*

them, they do not take into account cultural particularities, they inspire their mistrust and there is probably a lot of misunderstanding between them"[62].

Meanwhile Mr. Makarov continued to believe that Roma in Russia are still nomadic, ignoring the fifty years' experience of forced settled life of the Roma population in the Russian Federation.

In Tyumen, the general architect Andrei Nikolaevich Voron-Kovalevskiy[63] explained to the mission that he was in charge of city General Urban Planning (*GenPlan*) and that further urban development had to be subordinated to this *GenPlan*. He was asked by the mission if he took into account the settlements that have actually been located near the centre of the town for more than thirty years, and the fact that a hundred Roma are even registered there. His answer was the following: "*I am an architect. I am not in politics ... The ones to decide now are the investors. I have a GenPlan and I have to respect it, and all the persons who want to live in Tyumen have to respect it.*"

c) Priority given to interpersonal relations and the unofficial way of solving problems

The *Kelderari* are powerless when confronted with legal grievances presented by the administration (lack of registration of their houses, unauthorized buildings, violation of construction norms and regulations concerning fire protection, water evacuation, waste disposal...). They are unable to react to the land acquisition measures or to the allocations of parcels in general urban planning programmes (*GenPlan*) which are most often decided without their consultation.

As a result, their only way out is through unofficial agreements which offer no guarantee of adequate compensation or relocation. *Kelderari* risk either being cheated or becoming victims of forced evictions when they refuse to leave voluntarily.

For the *Kelderari*, personal negotiations are a traditional way of solving disputes. When confronted with the authorities, they favour this form of settling disputes. It is, as they declared to the mission, a skill in which they feel confident as they have little education and, most important, do not have a good knowledge of legal tools. Discussions are conducted by the baro or baron who acts as leader and representative of his community.

This raises two problems. Firstly, it gives no transparency and absolutely no guarantee. Legally, the baron cannot commit his community because the community is not registered as is the case, for instance, of an NGO or other structure. However, for the authorities it is easier to deal with few people (a baron and a group of men respected by the community) and make them responsible for all the problems and troubles they have in the settlement. But in quite a number of settlements there is no strict hierarchy or strict subordination to one baron, and not all members of the community respect the baron whom the authorities deal with. In other words, the baron is held responsible for the problems which his community has caused, and is not acknowledged when he tries to improve the community's situation.

The second problem concerns the system of representation itself, and the fact that due to priority being given to interpersonal relations, the personality of the *baron* is very often decisive for the result of these kinds of discussions. Here also, dependency on the administration is problematic.

The members of the *Kelderari* community in Tver' explained: "*The relations we have with the local administration and our neighbours are dependent on the personality of the baron and on the image and the policy he decides to give his tabor. (…) The baron is not always accepted by the authorities when he goes to see them. He is asked about his legality, who elected him. But he is never asked this kind of question when someone wants to collect some money for electricity or gas. On these occasions, the baron is unanimously considered by the authorities as an established leader and representative whether his authority and capacities to answer this demand are real or not*"[64].

In many cases, when Roma represent an important proportion of the population, the local administration strongly encourage barons' and leading families' support during the elections. They are utilized as a dense and interdependent micro-society where a decision can be made very quickly and will be close to unanimous. Some electoral promises are made, and are never transformed into facts: "*The head of local administration promised to build waterways, gas and electricity cables everywhere in the tabor if we voted for his re-election. Here we voted ninety-eight percent for him, but we never saw the works begin. The first thing he did for us was to disconnect light and heating for two months. How can we trust him? When*

they promise to give us "good land and register our houses" if we agree to leave our houses, how can we even trust such words now?[65]"

Today, the level of mistrust between *Kelderari* and local authorities is very high. Such events as evictions in Kaliningrad, Archangelsk and Chudovo convinced the communities that local administration cannot be trusted.

4) Unsecured occupation of land and subsequent human rights violations

Difficulty in registering houses has serious consequences for *Kelderari* Roma: because of the administrative system inherited from the Soviet Union, the enjoyment of various social rights is linked with the obtaining of registration. Violation of social rights is also due to the attitude towards Roma of local authorities or urban public services.

a) Registration, civil status, birth and death certificates

The system of citizens' registration inherited from Imperial and Soviet times is still in force in contemporary Russia. Historically, it was a determining factor in the access of the population to all public utilities, at federal, regional and local levels. In the USSR, the *propiska* system adopted under the Stalin era contained strict, restrictive measures to keep account of the population, to regulate migration and free movement in general, especially the movement of "undesirables", and to restrain potential rural out-migration[66].

In 1932, the new Soviet passport was decreed the main document of all citizens and was to contain all relevant information for identification, as well as information regarding marriage, children, military service, etc. Most importantly, passports were to include a residence permit, the so-called *propiska*, for each person over the age of 16, stating the specific address of the holder. It became illegal to reside at an address other than the one listed on the *propiska* and it was checked on access to every social benefit or public utility.

Nowadays, Article 27.1 of the 1993 Constitution states that "*Everyone who legally stays in the territory of the Russian Federation shall have the right to free travel, choice of place of stay or residence*". Some local administrative services however continue to enforce the regulation concerning the obligatory declaration of residence, which contravenes Russian and international laws applicable on Russian territory. Federal authorities do not attempt to stop those practices.

In application of so called anti-terrorist measures, the Muscovite authorities as well as big city authorities insisted on the importance of citizens being registered, and many ethnic minorities were evicted from big cities due to drastic application of this system at local level.

The survival of such administrative practices has been denounced by many NGOs as an impediment to individual liberties, and criticized in several statements and reports from international and intergovernmental organizations, such as the Council of Europe through its European Commission Against Racism and Intolerance[67].

Under the new system adopted in 1993 and modified by recent laws in 2006-2007[68], everybody who is allowed to reside legally in the Russian Federation is theoretically free to choose his place of residence, on condition that he declares it to the local authorities. This new system fixed two types of residence declaration:
- A permanent registration at the place of residence, which must be permitted by the Ministry of Internal Affairs. It is a preliminary condition for access to public utilities;
- A temporary declaration which is mandatory for all citizens when they are not at their permanent registration place for more than three days. The temporary declaration concerns all persons, both Russian and foreigners. Non-respect of this obligation can lead to a fine or to the eviction of foreigners.

The system of registration has discriminatory consequences on ethnic minorities. Corruption practiced by the police forces has reached a very high level and replaced legal forms of registration, resulting in uncertainty and dependence on the administration. Discriminatory practice often consists of the simple systematic refusal of local authorities to deliver permanent registration.

Romani people are targeted by police and are one of the peoples most affected by this disproportionate application of the registration system. The central role ascribed to the police in the registration process can make the whole system even more arbitrary and sometimes generate violent actions. Police patrols have the right to arrest all citizens without properly registered documents, to detain them, to go through their houses without properly established mandates and to give them heavy fines. The arbitrariness of these

practices towards Romani communities, enforced by corruption and numerous cases of violent processing, torture and degrading treatment, has already been reported by our organizations[69].

Obtaining basic documents

Often Roma living in Russia face problems in obtaining the basic documents needed by every citizen, for a variety of reasons. Some Romani families have moved from one Soviet republic to another one which has subsequently become an independent country, and being used to Soviet Union rules from before the new borders were set up, they have no knowledge concerning registration procedures for gaining a resident status or citizenship. Others have moved several times within Russia, and having registration in one region and actually living in another cannot gain access to medical services or cannot send their children to school in the new place. In some cases, people are faced with direct discrimination from State institutions responsible for issuing passports, birth certificates, insurance etc.

According to the "Regulation on the passports of citizens of the Russian Federation", ratified by Government Resolution No. 828 in July 1997, "*every citizen of the RF who has reached the age of 14 is obliged to have a passport*". The respective bodies related to migration issues are responsible for controlling the issue of passports to citizens, but in reality the activity of the agencies in charge of issuing passports often does not fully comply with the requirements of law.

The ADC "Memorial" has initiated a special project whereby its lawyers help members of Romani communities in obtaining important documents. The category which needs most help is that of people who have no documents at all, and therefore no documents for their children. The biggest group comprises those Roma who have birth certificates, but have not been issued passports at the age of fourteen (sixteen according to the previous passport system) for various reasons. There are also many citizens who have not been issued valid passports in exchange for old Soviet ones.

Examples include that of Ms Dilinka Gamanovicz who lived for some forty years without any personal identification documents. She is a mother of several children and none of them have any documents, since their mother did not have any. Besides this, she has difficulty indicating her precise place of birth. ADC "Memorial" has sent several inquiries to various institutions. Later, when it became clear that the place of her birth might be Kazakhstan, the inquiry continued outside Russia. The record was finally discovered and permitted the establishment of the citizenship act and her birth certificate. Currently ADC "Memorial" is assisting her for obtaining a passport and accessing badly needed medical insurance.

Many other people assisted by ADC "Memorial" lawyers, for example Roza Yenovicz, Lyubov Kondrashova, Dmitriy Istroch, all aged between twenty and thirty, have never had passports; the only documents they had were their birth certificates. In this case, the court can decide to identify the person according to this document, and the passport issuing agency delivers the valid document on this basis. However, if the person who lacks documents was born abroad, the internal rules of the Federal Migration Service do not allow courts to consider private applications, which means that the process of actually issuing a passport takes not one and a half months which is the normal time, but might be delayed by up to 5 months, because the process depends on the work of the bureaucratic apparatus.

In almost every compact Romani settlement, the mission met people complaining about difficulties in obtaining documents.

In the Dyagilevo village near Ryazan city, the Roma settlement is quite large. Many adults still lack passports. The passport agency is located in Ryazan Housing Operating Department No. 9, whose chief, Valentina Kadimskaya, said in June 2007 to the lawyers of ADC "Memorial", Ms Arefieva and Ms Nosova, that "*registration is impossible, because all of them look the same, how shall we identify them? Today we have to deal with one of them, tomorrow there will be another one*."

The Dyagilevo settlement in the suburbs of Ryazan comprises around one hundred houses in which *Kelderari* have lived since 1956. Sixteen of the houses stand separately in the so-called "field", where the poorest Roma live. The "field" used to belong to the kolkhoz, but has now been acquired by a private organization. The oldest houses are municipal property, and those built later have no kind of documentation. The residents of the *tabor* have problems with residence registration and personal documents.

The lawyer contracted by ADC "Memorial" had to start official procedures to establish first birth certificates for Drago, Maria and Khlupi Mikhay. Then, in October 2007, on behalf of Svetlana Mikhay, Tezha Mikhay, Nadezhda Mikhay and Oksana Mikhay, four applications were made to the Ryazan town administration demanding a contract

for a lease of the land parcel in order to legalize the land usage. In these applications, every applicant indicated that they had lived constantly for over 15 years in the house, along with the land parcel on which the house stands. The land was taken without legal permission; however as people had lived on it so long, used it for building their houses and installed on it all necessary facilities at their own expense, they needed to at least obtain a contract to rent this land. Ms Svetlana Mikhay also has a log book ("technical passport") from 2006, containing some information on the technical characteristics of her house. She wanted to get permission not only to rent a land parcel, but to use it for residential construction in order to legalize her house and to be able to register it according to the rules. Another application was sent in summer 2007 to Ryazan Housing Operating Department No. 9, with an enquiry about the grounds for refusals to privatize the residential home of Zinaida Mikhay, which is situated on public land and was given to the owning family for continuous use.

In Autumn 2007, answers to the enquiries about the allocation of land parcels for rent arrived from the administration. On 20 November 2007, the application of Ms Mikhay was refused by the deputy head of the administration, Mr Golovanov, on the grounds that there are no land parcels for individual residential construction in the town. However, the administration expressed readiness to consider all the places proposed by S. K. Mikhay for location of an individual residential house, which meant that the administration was not refusing Roma the right to live on the territory of Ryazan and its suburbs as such.

The four applicants who claimed the right to rent the land parcel on which the house stood were also dismissed, yet the administration explained its refusal by the fact that the right to ownership of unauthorized buildings, according to Article 222 of the Civil Code of the Russian Federation, may be acknowledged by the court or in any other way established by law. However, since the applicants had not established in court the right to ownership of houses built unlawfully, they could not claim the land parcels on which their houses are located. Indeed, Article 222 is often used to legitimize a refusal, yet it goes counter to other relevant legislations (see above).

After this, another lawsuit of Svetlana Mikhay demanding acknowledgement of the right to ownership of a residential house through acquisitive prescription was filed by the contracted lawyer of ADC "Memorial". Ms Mikhay built this house in 1975-1976, has owned it openly and continuously, and paid the costs of its maintenance. The house was inspected by the fire inspectorate, the sanitary services and was inventoried in 2006. Ms. Svetlana Mikhay received a log book ("technical passport") for it. The house has electricity, gas heating, and water supplies, for which Ms Mikhay pays taxes. Ms. Mikhay is still trying to solve the problem of her house registration through the courts.

Some of the residents cannot carry out domiciliary registration for the members of their family at their address because a large number of people who no longer live in these houses are still registered there. Besides, the fact that so many people who no longer live there are formally registered in the house raises the price of gas and electricity for the current occupants of the house. At the same time, it makes it difficult to register new family members in the same small living space, since the authorities refuse to grant registration, saying that there are not enough square metres for so many people. For registration, it is essential to acknowledge that people who have moved away have not judicially obtained the right to use of the living space. Thus, in October 2007, Ms Zinaida Mikhay, whose dwelling housed 18 relatives but in which 35 other people had been registered, could not register her newborn children. She had to lodge a writ to deregister those who had left long ago.

b) Access to education

In spite of the Russian law on education and Article 26.2 of the Constitution, which states that "*Everyone shall have the right to use his or her native language, to a free choice of the language of communication, upbringing, education and creative work*", access to education for *Kelderari* Roma is often limited[70]. In fact, the right of each child to be sent to school is also interlinked with their parents' legal registration. Although children should have access to primary school even if they are illegally residing in Russia, many Roma children are not accepted in schools because their parents are unable to present a due registration.

Moreover, parents often hesitate to send their children to school because of frequent altercations with police patrols and/or skinhead groups. As a result, children do not attend schools which are not located close to their settlement, so that the distance between home and school represents a crucial factor in such decisions. Furthermore, *Kelderari*

Roma often lack the money for public transportation or winter clothes, which are indispensable for reaching schools. For all these reasons, parents do not want their children to walk long distances if the municipality does not provide a secured bus service.

We can distinguish three different major situations concerning children's education in the villages and settlements we visited:
- When school or educative structures are not available in the neighbourhoods, or when the educative staff refuses to receive Romani children, the children never go to school. In some places, teachers argued that *Kelderari* children are all very difficult and/or that their parents are not willing to educate them (Lesnoy village, Vladimir Province).
- In some places, a "*tabor* school" has been created by the community, which also takes charge of teaching fees. *Kelderari* children attend these schools which are however not registered as governmental units. Teaching is provided either by retired non-Roma teachers or others who wish to help disadvantaged minorities. Usually, the baron engages in procedures to legalize these "*tabor* schools". It includes steps to register the school in order to obtain some public funds and an application to the Ministry of Education regional offices to obtain an evaluation process on the teaching and recognition of the diplomas (for example in Chudovo, Novgorod Province).
- *Kelderari* children usually attend public schools. Some public schools have special classrooms for Romani children as a result of the director's decision, having had to face arguments by parents of non-Romani origins. In such a case, all Romani children are often gathered in just one small classroom without taking into account the different levels of instruction needed (like some schools in Tatarstan, Zelenodolsk District, and a number of schools in Siberia).

c) Other social rights and access to work

Every citizen who is registered as a permanent resident has the right to vote, to enjoy medical care, secondary and higher education , pension, social allowances, access to credit and bank facilities, registration of marriage, the delivery of citizenship, passports, driving license and many other official documents.

The lack of proper documents affecting *Kelderari* Roma reduces their capacity to enjoy these rights. Those without registration are automatically excluded from free medical care and social benefits, such as pensions or allowances for children, aggravating their often difficult social situation. Life expectancy among *Kelderari* Roma is lower than among other Russian citizens and their medical care is often limited to calls for an ambulance in the case of an emergency (no reliable statistics are available). As one *Kelderari* man met by the mission in one village near Tver' stated, "*Actually, we die younger than before, between 45 and 65. Before, our elderly were living up to 80 years.*[71]"

According to the information received by the mission, even basic medical assistance is often refused to residents who are not registered, which contravenes the Law of 28 June 1991 on medical insurance for Russian Federation citizens and the basis of Russian Federation legislation of 22 July 1993 on citizens' health protection. According to those regulations, free medical assistance is guaranteed to all citizens of the Russian Federation.

The Supreme Court suppressed the necessity to be registered to have the right to work when the panel of judges on the civil cases of the Supreme Court of the Russian Federation, in its Decision of 10 October 2007, ruled that statements of normative legal acts of the subjects of the Russian Federation, which restrict the rights of Russian citizens to register their places of residence, should be recognized as contrary to the Federal legislation. However, in numerous places, the regional regulation regarding employment explicitly prohibits employment of unregistered persons and makes potential employers administratively responsible for infringement of those legal dispositions. Even in regions where this kind of regulation does not exist, many *Kelderari* cannot find a job due to the principle, ingrained in society, that non-registered people are not supposed to work.

No State measures are taken to fight discrimination in the access to employment: "*We try to help them to find a job, but it is very difficult to find employers who agree to work with Gypsies. They have a very bad reputation and do not work well*", an administration official told the mission[72].

d) Use of gas, electricity and water

The authorities often complain that Roma never pay their bills and/or are illegally connected to the different networks. "*Why do they never pay for using our district networks? To use these resources free of charge is not allowed*" the mission was told by representatives of the authorities (for example Mr. Ivantzov in Tula Province). An additional problem has appeared in the last few years, when

public networks have been sold to private groups: "*It is a business. Gypsies do not understand that: as a public institution we had a lot of discussions and meetings and gave them payment extensions in the past when they could not pay on time. But today private companies cannot wait as long as we waited, they want to be paid right on time*"[73].

Most of the *Kelderari* met by the mission showed us numerous paid bills which attest to regular payments to the private or state companies. They presented them in big folders, archived in order to prove that they do pay. Several times the mission was told that they had had to accept some temporary and not very legal compromises with the local authorities who wanted to install official meters. In some cases, as in Plekhanovo village, the companies and the administration attributed one meter for all the houses in the village. As prices rose, no one could verify the exact figures appearing on the non-localizable meter and they ran into debt. The debts of individual people were treated as collective community debts, and so the electricity supply of the whole compact settlement was switched off because of individual arrears[74].

The baron of Plekhanovo told the mission that "*As local energy companies do not want to install a meter in each house, we saved and collected money to buy ourselves these meters. We claimed only for the installation of these meters in order to pay fair bills. An old woman does not have the same needs as a five-child family. She needs to pay only for the light bulb she uses. More than 200 meters are waiting for use in my garage and we are still waiting for the company workers to install, connect and register them to the main network. But we think that the one meter system suits them. They ask for ten or so thousand roubles each month but we do not know to what exact consumption that refers. We know where the meter is located, but we have no access to it. Gas and electricity were cut off twice during the recent winter*[75]". This system also impedes residents from enjoying the potential benefit of individual reductions allowed by law. "*The energy company does not respect our rights: we have 24 crippled people in our tabor and 83 large families. The company refuses to ascribe them the 50% discount they are entitled to. At the same time, in our tabor school they cut off the electricity for 2 months and children study with candles during winter*"[76].

Electricity is mainly used for the lighting of rooms, sometimes for a TV or a Hi-Fi system. The heating of the main rooms is mostly effected by wood fires or in rare cases by gas. Cases of electricity or gas disconnection are still very frequent in winter, in spite of the weather. In the settlement of Dyagilevo in the Ryazan' region, the gas supply to 220 houses was cut off in autumn 2006 and no alternatives for heating of these houses were available. Sometimes the inhabitants are refused basic rights as a form of pressure to settle payment for energy supplies. In Yekaterinburg, a case was reported to the mission where a girl was refused a passport on the pretext that her mother had not yet paid the electricity bill. Finally, other cases were reported of advance payments being made, without paid services being delivered[77].

In the *Kelderari* settlement in the outskirts of Tver' (Central Russia) where the community has been living for 40 years, one man confided to the mission that armed OMON were escorting people coming to claim for gas or electricity expenses. He stated that OMON members are generally very "*hot-tempered*". "*We do not understand it as we have always been a peaceful people. Why frighten us and most of all our children?*" In 2006, in the settlement of Kosaya Gora in the Tula region, gas and electricity supplies were switched off under the surveillance of numerous OMON riot police officers with dogs.

Access to drinking water is also very limited. Mains water is very uncommon. Most villages and settlements have their own well or pumps. Bathrooms are very basic.

5) Legal remedies. Access to justice

a) Acquisitive prescription as an available legal remedy for undocumented occupancy

A legal remedy to possible eviction could be an acquisitive prescription which grants individuals legal ownership of the property provided that certain conditions are respected, among them being open and continuous occupancy of the land for a defined period. In the Russian Federation, this period has been fixed as fifteen years. It is however not automatic and must be recognized before a Court.

b) Acquisitive prescription is not applicable in cases where the object of ownership and use is a voluntary constructed building located on an unlawfully occupied land parcel

The range of Article 234 is however limited. Article 222 of the Civil Code of the Russian Federation rules that individuals cannot gain legal title to unauthorized buildings (see above p. 15).

In a judgment handed down in 2003, the Supreme Court of the Russian Federation provided guidance on how Articles 234 and 222 of the Russian Civil Code interact. It concluded the following: "*Acquisitive prescription may not be applied in respect of any cases when the object of ownership and use is a voluntary constructed building located on an unlawfully occupied land parcel.*[78]"

Complex interaction between those two Articles (234 and 222) often impedes any legal land recognition for Roma.

For example, Romani applicants in the Kaliningrad case had built their houses on land which was not allocated for the building of private dwellings and had not obtained official permission from local authorities prior to the building, and the court concluded the voluntary character of the constructions. Therefore, the Roma could not obtain legal title to that land under acquisitive prescription as set forth in Art.234 of the Russian Civil Code due to the constraints of Art.222 of the Russian Civil Code. The Court did not take into account the conditions of settlement after the 1956 Decree; nor did it take into consideration the reprehensible negligence of the administration.

In the case of Yekaterinburg, Roma have been living there since the 1956 Decree, which forbade Roma to lead a nomadic lifestyle, so they settled where they were at that time and on a site that was permitted by local authorities. At that time, in the whole *tabor* there were 4 families living in 4 houses which had been registered afterwards in the proper way. Now, 50 families in the *tabor* do not have documents establishing their rights to house and land. The commercial interests on this land are growing: rapid construction is taking place in the region; multi-storied houses and a shopping centre are already located nearby, and a motorway is due to be widened.

So far the authorities have not taken concrete actions to evict the Roma, but the town and regional commissions have been visiting the settlement, examining the houses and checking their technical and sanitary state. People understand that it is possible they will have to move to another location, but if the houses are not registered, the residents will not receive any kind of insurance arrangements or compensation in the event of their demolition, and therefore the Roma are trying to register at least some of the houses, the "main ones", as they called them while talking to the mission, showing the best-constructed and -maintained houses of the settlement on Shakespeare Street.

In 2007, a number of people went to court to establish their right to ownership of their houses according to acquisitive prescription of 15 years, since the Romani houses are already a lot older. However, none of them has yet received an affirmative answer (see below).

The Roma have regularly sent appeals describing their problems to the address of the regional management, asking questions directly to the governor, and writing collective letters to the President of the Russian Federation. However, until now, their problems have remained unsolved.

"*We, the Bessarab Roma, have lived compactly in the Verkh-Isetsky district of Yekaterinburg since 1956, by the decree of 5th October 1956 of the Presidium of the Supreme Soviet of the USSR. Altogether 78 families live compactly," wrote in February 2008 Baron Michu Ditsa in the collective appeal to the President of the Russian Federation by the Roma of the settlement. "For all this time, our people have worked in the town factories and plants. Our children study in the town schools. Our families with many children are on the housing improvement register. In the course of these 50 years, our people have not received one flat, not one land parcel. Our families are growing year by year, and it is becoming very crowded in the parental homes. Adult children are forced to build themselves new homes on their parents' plots, because local authorities refuse to allocate land parcels, referring to the law on buying and selling land through auction. Auctions are beyond our means, since our families have 8-10 children, and land is very expensive… Many of our children cannot obtain registration of their place of residence, cannot obtain medical insurance, cannot receive free medical treatment, cannot travel around Russian territory nor foreign states, cannot vote nor be elected into government bodies.*"

Concerning legal security of tenure, *Kelderari* have been occupying land parcels and building on them for decades without any documents. The difficulties they encounter with the administration in sorting out this situation clearly contradict the recommendations of the UN Committee on Economic, Social and Cultural Rights (CESCR): "*State parties should (...) take immediate measures aimed at conferring legal security of tenure upon those persons and households currently lacking such protection, in genuine consultation with affected persons and groups.*[79]"

The Committee also identified affordability as a specific aspect of the right to adequate housing and expressed the following: "*State parties should establish housing subsidies*

for those unable to obtain affordable housing (...) In accordance with the principle of affordability, tenants should be protected by appropriate means against unreasonable rent levels or rent increases.[80]"

Currently in full economic development, the cities of Tyumen or Yekaterinburg offer a striking example of non-respect of those recommendations, selling by auction to the highest bidder land parcels where *Kelderari* have been settled for decades. Subject to threats of forced evictions, the village of Neftyanik within the city of Tyumen has some 60 *Kelderari* families who have been living there since 1974. In the Mysovskaya street settlement of the same city, people have been settled for about 35 years, and almost in the centre of the city; *Kelderari* have been living on *Shakespeare* Street for more than 50 years.

Finally, our organizations wish to recall that according to the International Convention on the Elimination of All Forms of Racial Discrimination (article 6), it is the duty of the State to assure to any person victim of racial discrimination effective remedies, as well "*as the right to seek from (...) tribunals just and adequate reparation or satisfaction for any damage suffered as a result of such discrimination*". In its General Comment 27 (para 7) on Discrimination against Roma, the UN Committee on the Elimination of Racial Discrimination recalls the obligation of the State "*to take appropriate measures to secure for members of Roma communities effective remedies and to ensure that justice is fully and promptly done in cases concerning violations of their fundamental rights and freedoms*". A State that is not providing adequate remedies for *de facto* discrimination is thus not complying with its international obligations[81].

23. Article 11 of the ICESCR: '*The State parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The State parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international cooperation based on free consent.*'
24. The CESCR General Comments interpret various provisions of the Covenant.
25. The rights to adequate housing, General Comment 4, 13 Dec. 1991, para. 1.
26. Ibid, para. 8.
27. Ibid, para. 7.
28. Ibid, para. 11.
29. Ibid, para. 8.
30. Ibid, para. 10.
31. Concluding Observations of the Committee on Economic, Social and Cultural Rights: Russian Federation. 12/12/2003. E/C.12/1/Add.94. (Concluding Observations/Comments), para 55.
32. Concluding Observations of the Committee on Economic, Social and Cultural Rights: Russian Federation. 12/12/2003. E/C.12/1/Add.94. (Concluding Observations/Comments), para 12.
33. « La contribution de la Charte sociale européenne à l'intégration des Roms d'Europe » par Olivier DE SCHUTTER, Professeur à l'Université catholique de Louvain (UCL) et au Collège d'Europe (Natolin).
34. Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, Miloon Kothari, A/HRC/4/18, 5 February 2007.
35. Valerie Bunce, 'Domestic Reform and International Change: The Gorbachev Reforms in Historical Perspective', *International Organization*, Vol. 47, No. 1. (Winter 1993), pp. 107-138, page 123.
36. See 'Zakon RF No. 4196-I', 23 December 1992, 'O prave grazhdan Rossiiskoi Federatsii na poluchenie v chastnuyu sobstvennost' i na prodazhu zemel'nykh uchastkov dlya vedeniya lichnogo podsobnogo i dachnogo khozyaistva, sadovodstva i individual'nogo zhilishchnogo stroitel'stva', in *Agrarnoe Zakonodatel'stvo Rossiskoy Federatsii. Sbornik Normativnykh Aktov i Dokumentov,* Moscow, 1999, p. 56.
37. The 27th October 1993 Decree on Land Relationships Regulation stated that land ranked the same as other real estate goods and reaffirmed that 'citizens and legal entities who are landowners have the right to sell, bequeath, give, mortgage, lease and exchange land, as well as transfer land or part of it as an investment to the charter capital of joint stock companies, associations and co-operatives''. ('Ukaz Prezidenta', 27 October 1993, No. 1767, 'O regulirovanii zemel'nykh otnoshenii', in *Agrarnoe Zakonodatel'stvo Rossiiskoi Federatsii*, p. 222.).

Another decree of 7th December 1993 on the tax on sale of land and on other transactions concerning land stated that selling pieces of land is perfectly legal as long as their allocations do not change (building of a second private farm or a dacha, gardening and/or the building of an additional individual house). That meant that building of houses was authorized on these pieces of land.

Finally, a decree taken on 11 December 1993 on the cadastre decided that the inventory and registration of pieces of land, as well as the delivery of different kinds of certificates, would allow the process to be safe and the rights of owners to be defended.

38. Stephen K. Wegren, 'Rural Reform and Political Culture in Russia', Europe-Asia Studies, Vol. 46, No. 2. (1994), p. 230.
39. See http://bd.fom.ru/report/cat/political_party/agrarian/d011129
40. See http://eng.www.kadastr.ru/documents/docs/3312/
41. See http://w47.narod.ru/map.html
42. 1996 Civil Code of Russian Federation, art. 222. Referent legal system 'Garant'.

43. 1996 Civil Code of Russian Federation, art. 234 para. 1,3. Referent legal system 'Garant'.
44. 1996 Civil Code of Russian Federation, article 222.
45. 2001 Land code of Russian Federation, art. 38. Referent legal system 'Garant'.
46. Id.
47. Russian Government resolution No. 808 from 11 November 2002 "On the organization and holding of auctions on the sale of land parcels in municipal or state property or on the right to conclude a lease contract on such land parcels", para.8; 2001 Land code of Russian Federation, art.38.1 para.9. Referent legal system "Garant".
48. Federal law N 310-FZ "*Ob organizazii i provedenii ÕÕII Olimpijskih zimnih igr I XI Paralimpiskih zimnih igr 2014 v gorode Sotchi, razvitije goroda Sotchi kak gornoklimaticheskogo kurorta I vnesenii izmenenij v otdelnyje zakonodatelnyje akty Rossijskoj Federazii*" December 1, 2007.
49. «Rossiyskaya Gazeta» No. 4469, 4470 18, 19 September 2007 http://www.rg.ru/2007/09/18/zemlya-sochi.html http://www.rg.ru/2007/09/19/sochi.html
50. See below.
51. Id.
52. Interview with Mr. Mikhaïl E. Ivantsov, Head of the Administration of Leninskiy district (Tula), 7 May 2007.
53. Decision No. 566. Action Plan on Improving the Situation of Roma and Sinti Within the OSCE Area, 27 November 2003 - http://www.osce.org/documents/odihr/2003/11/1562_en.pdf
54. Interview with Dmitry (Micho) Ditso, the leader of the *Kelderari* community in Yekaterinburg. 10 May 2007.
55. See the application *Bagdonavichus and Others vs. Russia* introduced before the European Court of Human Rights under Article 34 of the European Convention on Human Rights and Rules 45 and 47 of the Rules of the Court, file-number 19841/06.
56. For more details, see Stephania Kulaeva, op.cit.
57. ADC "Memorial" archive.
58. *Upolnomochennyj po pravam cheloveka*.
59. A negative allusion to ADC "Memorial" advocacy work on the Roma evictions.
60. Interview with Aurel, village of Glubokovo (Vladimir Province). 5 May 2007.
61. Mr Makarov ignored the fact that Roma had been forced to settle more than fifty years ago.
62. Interview with Mr. Evgeniy I. Makarov, assistant of the plenipotentiary representative of the President of Russian Federation in the Northwest Federal Region (Saint Petersburg), 03.05.2007.
63. Mr Voron-Kovalevski is among the very few persons who refused to have the interview with the mission recorded.
64. Interview with Oleg Petrovich, one of the leaders of *Kelderari* community in Savvatyevo (outskirts of Tver'). May 2, 2007.
65. Discussion with the *Baron* of the Plekhanovo village, Tula Province, 7 May 2007.
66. See Cynthia Buckley, "The Myth of Managed Migration: Migration Control and Market in the Soviet Period", *Slavic Review*, Vol. 54, No. 4. (Winter, 1995), pp. 901-902.
67. See for example "Les migrations dans l'espace CEI", note de synthèse présentée au 36ème congrès de la FIDH, avril 2007, http://www.fidh.org/IMG/pdf/Russie_fr.pdf ; "Migrations en Russie. Populations fragilisées, premières victimes des crises politiques externes et internes", mai 2007. http://www.fidh.org/IMG/pdf/Migranrussie472fr2007.pdf (in french) or http://www.fidh.org/IMG/pdf/Migranrussie472-4russe2007.pdf (in Russian). Amnesty International report "Rough Justice: The law and human rights in the Russian Federation", pp. 39-47 http://www.amnesty.org/russia/pdfs/justice-report-eng.pdf, ECRI report http://www.coe.int/t/f/droits_de_l'homme/ecri/5-Archives/1-Travaux_de_l'ECRI/5-CBC_Seconds_rapports/Russian_Federation_CBC2_fr.pdf
68. For recent changes on the legislation see FIDH, Assistance Civique (Grazhdanskoye sodeystviye), *Les migrants en Russie: Populations fragilisées, premières victimes des crises politiques internes et externes*, April 2007.
69. See FIDH, Northwest Centre for the Legal and Social Protection of Roma, *The Roma of Russia : the subject of multiple forms of discrimination*, op. cit. and the website http://www.policy.hu/Kelderary
70. See http://www.policy.hu/Kelderary/Education.htm
71. Interview with Oleg, village of Tver, 04 May 2007.
72. Interview with Mr. Mikhaïl E. IVANTSOV, Head of the Administration of Leninskiy district (Tula), 07 May 2007.
73. Interview with Mr. Mikhaïl E. IVANTSOV, Head of the Administration of Leninskiy district (Tula), 07.05.2007.
74. See http://www.policy.hu/Kelderary/Segregation.htm
75. Discussion with the *Baron* of the Plekhnovo village, Tula region, 07.05.2007.
76. Id.
77. See also http://www.policy.hu/Kelderary/Segregation.htm
78. See the application *Bagdonavichus and Others vs. Russia* introduced before the European Court of Human Rights under Article 34 of the European Convention on Human Rights and Rules 45 and 47 of the Rules of the Court, file-number 19841/06.
79. CESCR General comment 4, sixth session, 1991, para 8a.
80. Id., para 8c.
81. International Convention on the Elimination of All Forms of Racial Discrimination, article 6: « *States Parties shall assure to everyone within their jurisdiction effective protection and remedies, through the competent national tribunals and other State institutions, against any acts of racial discrimination which violate his human rights and fundamental freedoms contrary to this Convention, as well as the right to seek from such tribunals just and adequate reparation or satisfaction for any damage suffered as a result of such discrimination.* »

II. Forced evictions of Roma in Russia

1) International legal framework on forced evictions

The obligation of States to refrain from, and protect against, forced evictions from home(s) and land arises from several international legal instruments which protect the human right to adequate housing and other related human rights. These include the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights (Art. 11, para. 1), the Convention on the Rights of the Child (Art. 27, para. 3), the non-discrimination provisions found in Article 14, paragraph 2 (h), of the Convention on the Elimination of All Forms of Discrimination against Women, and Article 5 (e) of the International Convention on the Elimination of All Forms of Racial Discrimination.

In addition, and consistent with the indivisibility of a human rights approach, Article 17 of the International Covenant on Civil and Political Rights states that "*[n]o one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence", and further that "[e]veryone has the right to the protection of the law against such interference or attacks"*. Article 16, paragraph 1, of the Convention on the Rights of the Child contains a similar provision[82].

In 1997, the Committee on Economic, Social and Cultural Rights adopted a General Comment which deals specifically with forced evictions. In this document, the Committee considered that "*instances of forced eviction are prima facie incompatible with the requirements of the Covenant and can only be justified in the most exceptional circumstances, and in accordance with the relevant principles of international law*"[83].

General Comment 7 defines "forced evictions" as "*the permanent or temporary removal against their will of individuals, families and/or communities from the homes and/or land which they occupy, without the provision of, and access to, appropriate forms of legal or other protection*"[84].

The Committee adds that: "*The prohibition on forced evictions does not, however, apply to evictions carried out by force in accordance with the law and in conformity with the provisions of the International Covenants on Human Rights*.[85]"

The Committee notably states that "*(…) all persons should possess a degree of security of tenure which guarantees legal protection against forced eviction (…)*"[86] and points out that forced evictions often occur "*in the name of development*" which implies "*land acquisition measures associated with urban renewal, housing renovation, city beautification programmes (…)*"[87]. It warns that "*forced evictions may also result in violations of civil and political rights, such as the right to life, the right to security of the person, the right to non-interference with privacy, family and home and the right to the peaceful enjoyment of possessions.[88]*"

The Committee specifies that State Parties must ensure that legislation against forced evictions be adopted and apply to all agents acting under the authority of the State, but also that such legislation prevents and punishes forced evictions carried out, without appropriate safeguards, by private persons or bodies[89]. The Committee insists on the obligation of the State to provide effective remedies or procedures to those affected by evictions orders, and to ensure their right to adequate compensation[90]. Where eviction is justified, the principles of reasonableness, proportionality and legality should be duly respected: "*relevant legislation must specify in detail the precise circumstances in which such interferences may be permitted*"[91].

The Committee considers that "*the procedural protections which should be applied in relation to forced evictions include: (a) an opportunity for genuine consultation with those affected; (b) adequate and reasonable notice for all affected persons prior to the scheduled date of eviction; (c) information on the proposed evictions, and, where applicable, on the alternative purpose for which the land or housing is to be used, to be made available in reasonable time to all those affected; (d) especially where groups of people are involved, government officials or their representatives to be present during an eviction; (e) all persons carrying out the eviction to be properly identified; (f) evictions not to take place in particularly bad weather or at night unless the affected persons consent otherwise; (g) provision of legal remedies; and (h) provision, where possible, of legal aid to persons who are in need of it to seek redress from the courts*"[92].

In his last report, the Special Rapporteur on Adequate Housing as a component of the right to an adequate standard of living, Mr Miloon Kothari, included a set of "Basic principles and guidelines on development-based evictions and displacement"[93]. The document describes in great detail the scope and nature of the State's obligations prior to, during and after evictions - when they cannot be avoided - as well as remedies for victims of evictions (compensation, restitution and return, resettlement and rehabilitation). The guidelines also include elements for monitoring, evaluation and follow-up.

As recently highlighted by the Committee against Torture - in its latest Conclusions and recommendations in consideration of the Russian Federation's Fourth Periodic Report – forced evictions can also take place in the framework of violent attacks because of the race, ethnicity or identity of the victims. The Committee notes "*the reported rise in violent attacks because of the race, ethnicity or identity of the victim, including forced evictions in the Kaliningrad area, and the alleged absence of effective investigations into such crimes. The State party should ensure that all officials are instructed that racist or discriminatory attitudes will not be permitted or tolerated and that any official who is complicit in such attacks will be prosecuted and suspended from his/her post pending resolution of the case or, if there is a danger of recurrence, transferred to a post which does not enable him/her to come into direct contact with potential victims. The State party should ensure prompt, impartial and effective investigations into all such acts of violence.*[94]"

2) National legal framework on forced evictions

The right to adequate housing and guarantee of its inviolability is set forth by the 1993 Constitution of the Russian Federation (Art. 23, 25) and the Housing Code of the Russian Federation (Art. 3). "*No one shall have the right to enter the home against the will of persons residing in it except in cases stipulated by the federal law or under an order of a court of law*" (Art. 25 of the Constitution of the Russian Federation). In addition, ethnic discrimination is prohibited by the 1993 Constitution of the Russian Federation (Art. 19). Moreover, no one shall be subjected to torture or to cruel, inhuman or degrading treatment as it is stated in Art. 21 of the 1993 Russian Constitution.

As already mentioned, *commonly recognized principles and norms of the international law and the international treaties of the Russian Federation shall be a component part of its legal system.* (Art. 15 of the Constitution).

3) Forced evictions of Roma

The mission did not personally witness any forced evictions of *Kelderari* from their settlements (but in Chudovo, Novgorod Province they could see the ruins of the houses demolished some days before the mission's arrival). However the visited places were specially selected according to the risk of forced evictions. The mission was provided with information regarding the way forced evictions are generally carried out both by the witnesses met by the mission and by the lawyers of ADC "Memorial" working constantly on such cases.

a) Before eviction: court ruling and threats

From the authorities' point of view and that of the people in charge of carrying out evictions (using bulldozers and the support of special police forces) accordance with the law is met with the issuance of court-ordered injunctions. A Tribunal or a Court declares a resident's occupancy of his/her home illegal, thereby authorizing the government to demolish the home.

Those judgments are generally just a confirmation of the intent of the authorities, which has been manifested long before the decision in the form of various campaigns and threats to move the population away from the coveted occupied lands. As a result of such a judgment, forced eviction and house demolition were carried out during the week of 29 May 2006 through June 2006 in the village of Dorozhnoe (Kaliningrad). In total, the Russian Government razed (demolished and burned) approximately 43 houses which comprised the village, leaving standing only two private dwellings in the area, both owned by ethnic Russians.

The mission fears that the same scenario will be repeated in the case of the *Kelderari* settlement in the village of Kosaya Gora visited by the mission (Tula, Central Russia). As a matter of fact, more than 50 houses have been declared illegal by a collective judgment shown to the mission by the Kosaya Gora Romani inhabitants.

Indeed, on September 4 2003, the court of the Lenin district of Tula Province issued a default judgment on the eviction of the group of Roma from their houses and the demolition of illegally built houses in the 222nd and 223rd

block of Yasnopolyanskiy forest area under the Tula-Province experimental forestry (Kosaya Gora village borders the possessions of the Leo Tolstoy Museum "Yasnaya Polyana" and the Court claimed the illegal occupation by *Kelderari* families of some land belonging to the Museum).

During the consideration and issuing of the court decision, nobody informed Roma about the lawsuit initiated against them, and they have not received any notices of appointment from the court, which violates the principles and norms of the civil procedural code of the Russian Federation. The consideration of the suit brought against Roma was taken in the absence of the latter, i.e. many respondents did not have any opportunity to state their own position to the court and submit their own evidence in the case. Therefore, nobody from the side of the respondents was present at the court hearing.

The residents of the settlement came to know the decision of the court only after the visit of court officials in May 2007 for the purpose of evicting them from their houses. By that time the terms for submitting appeal and supervision claims in order to appeal the decision had already expired.

Added to this, the text of the court decision included some factual violations, indicating the illegitimacy and actual impossibility of its execution. For instance, the list of respondents is inaccurate, with a number of totally incorrect surnames. This major legal mistake mentioning some names in one part of the decision and not mentioning them in the list of the accused persons was probably possible because for judges and other officials all *Kelderari* Roma are just "Mikhay" (a common and typical *Kelderari* name). The court decision also claimed that the "Mikhay family" was responsible for some wood-cutting and declared that this "family" had to pay a penalty for this abuse, although there are obviously many independent *Kelderari* families who share the name Mikhay and who are not even all related.

During the pronouncement of the court decision, the location of illegally built houses to be demolished was not identified. Based on the court decision, the 222nd and 223rd blocks of Yasnopolyanskiy forest area under the Tula experimental forestry operation are concerned, but there are many houses and it is impossible to identify those that have been built illegally, and therefore which of the houses shall be demolished. Owing to this, execution of the court decision is completely impossible. Despite this, police officers still continue reminding residents of the future demolition of the houses.

The attorney Stanislav Markelov submitted in October 2007 a supervision appeal concerning the restoration of terms for bringing an appeal against the decision of the Leninsky district court and for submitting the case to the Supreme Court of the Russian Federation. The decision of the Supreme Court is still awaited, and the settlement of Kosaya Gora so far remains in place.

It has to be noted that for the moment, nobody wants to buy the disputed land under Roma houses; on the contrary, the court refers to the special reserve status of the territory as an important cultural memorial. At the same time there is a tendency to change the category of forestry lands into the general use category, making them commercially interesting in the near future.

In all the other places visited by the mission, *Kelderari* have not yet been condemned to be evicted, but have been threatened with forced evictions by local authorities. During intimidation campaigns, some local officials have come accompanied with armed police and have tried to convince *Kelderari* residents to demolish their "illegal" houses themselves and to leave. In order to avoid violent demolition and to recuperate useful building materials, *Kelderari* residents of the town of Chudovo (Saint Petersburg) destroyed some of their houses themselves. Such warnings and threats have also been registered in Ivanovo, Ryazan', Tyumen and Yekaterinburg. Comparing the materials collected by ADC "Memorial" and the testimonies of the people interviewed by the mission, the observed similarities in situations among different regions point to a widespread national trend.

The Tyumen case

The mission visited several Romani settlements in the Tyumen city in West Siberia, namely the *Neft'anik* settlement, the settlement of *Mysovskaya* street and the settlement of PTP-2 district. They are all close to the city centre, and each comprises around 50 houses/families (about 300 persons) who settled there about 40 years ago.

FIDH and ADC "Memorial" were alerted to threats of forced eviction directed at the inhabitants of some of the settlements, and after the mission took place, particular attention continued to be paid by ADC "Memorial" lawyers, who twice visited the location after the mission and initiated

a dialogue between the administration, the potential investor and the inhabitants. The positive development of these negotiations showed that in the absence of openly discriminatory practices, and on the condition of a clear desire of the parties to settle the problem, the solution is relatively easy to find. Indeed, the investor's readiness for dialogue and joint action, with the active participation and presence of the lawyers of ADC "Memorial", played an important role.

The *Mysovskaya* street settlement comprises around forty houses, some of which have a number and others not. Thirty-eight families, each of which has now 5-10 members, have lived in the settlement for almost 30 years. The small Romani houses, which have grown up at random,, are ramshackle, built from board, and almost none of the windows are fitted with glass, despite the severe climate and very dry winters of West Siberia. The house of the Baron is the most solid, and there are two or three other sturdy houses. Apart from this, the territory occupied by the settlement is generally a waterlogged plot.

The usual verbal consent of local authorities, who "indicate"' to them the areas where they can settle, has never resulted in any land property documents, neither has the right to ownership of the houses been formalized. Certain residents have residence permits which they have kept since the Soviet era, but these are no longer valid. In the last few years, some Roma have made attempts to legalize their homes, but were refused not only on the grounds that there was no legal substantiation confirming the right to ownership of the land, but also on the grounds that because of their state of dilapidation,the buildings complied neither with fire, sanitary, nor any other regulations.

The problems started only in recent years when the settlement became surrounded with newly-erected buildings. Now the *Mysovskaya* street area is part of the centre of Tyumen, and the land, expensive by today's standards, has become the object of keen attention from potential developers.

The auction for this land was announced in the first half of 2007 and the director of a holding company, Partner-Invest, established contact with the *Baron* of the *tabor*, Boris Mikhay, promising to resettle them 'home from home' in another region of the city in the event of his acquiring the land.

Having consulted the city administration, the ADC "Memorial" lawyers received confirmation of the fact that the land would be put up for auction in six months' time. Mr. Voron-Kovalevsky, Manager of the Department of Town Planning Policy, informed the mission that until the auction, the land is municipal (on his urban map the settlement was not indicated). Although what would happen to it later and who would buy it was still uncertain, according to the town plan, the plot is intended for multi-storied constructions, and there should be no private homes on it. Mr Voron-Kovalevsky and Ms Urazalyeva, a representative of the interdepartmental committee which assesses houses for their legitimization, declared later to ADC "Memorial" lawyers that the Romani houses are not subject to legitimization due to their technical state. No specific information on what will happen to the Roma was obtained. However, officials assured ADC "Memorial"' representatives that noone will be simply driven out without a solution.

Along with residents from the *tabor*, the ADC "Memorial" lawyers met in late May 2007, after the mission's departure, with Mr Alexei Krukovsky, General Director of the Partner-Invest holding company, and led negotiations with him. Mr Krukovsky declared his intention to participate in the auction, and estimated his chances of becoming the buyer of the land as high. Krukovsky confirmed what the Roma had said, namely that he indeed was planning, in the event of winning the auction, to obtain land within the precincts of the city, and even possibly to build accommodation for people's relocation there, both for the few Russian inhabitants and for the Roma. However, Mr Krukovsky added that for the successful realization of the resettlement plan, it was essential to find out the precise number of people living in the *tabor*. The list of inhabitants was handed to him two months later. The ADC "Memorial" lawyers expressed on their side the vital importance of consulting the administration with an appeal to control observation of the rights of the Roma upon the sale of this land. Thus, an agreement was reached.

On 23 July 2007, ADC "Memorial" addressed the Mayor of Tyumen, Mr. Kuivashev, with a detailed description of the compact Romani settlement and a reminder of the international liability undertaken by the Russian Federation concerning the inadmissibility of violations of fundamental human rights, and an appeal to find an acceptable solution for the change of living space of the people concerned by the upcoming land auction.

On 6 September 2007, the sale by auction of the land parcel took place, and as expected, the buyer was the holding company Partner-Invest. After the auction, a letter was sent to ADC "Memorial" on behalf of Mr Sukhoroslov, Director of the Tyumen Regional Department of Property Relations. In the letter, it was emphasized that "in the preparation of the instructions for the Tyumen Regional Department of Property Relations, concerning the conduct of the auction of the land parcel located in the 3rd Zarechny micro-region of the town of Tyumen, the rights of the *Kelderari* Roma have been taken into account, as well as the rights of other persons whose residential homes were situated on the land parcel in question. In the case of violation of the rights of the *Kelderari* Roma by the winner of the sale, measures will be taken against the guilty party."

The mission was also informed about the situation in the town of Yaroslavl, not visited by the mission representatives. However, its development was followed by the lawyers and members of ADC "Memorial", who reported on the situation as follows:

Yaroslavl case

In September 2007 ADC "Memorial" received alarming news from the European Roma Rights Centre (ERRC) concerning the fact that 84 people were going to be evicted in Yaroslavl, more than half of whom were underage children. The representatives of ERRC in their appeal to the city administration reiterated the fact that the right to housing is guaranteed by Article 40 of the Constitution of the Russian Federation. The lawyer of ADC "Memorial" who is coordinating the project "Legal assistance to *Kelderari* Roma settlements in Russia" visited the case area and found that not only are 84 people to be evicted, but that an additional Roma settlement will be evicted, with 56 inhabitants among whom 26 are children.

In the case of the first settlement, occupied by Roma, the district developers plan to use the land for the erection of multi-storied buildings, while Roma who have not legalized their rights on land and houses cannot be given any compensation according to law. In Yaroslavl the residents of the settlement have been living there for 10-11 years. Earlier the houses were built in the area of the city containing privately owned housing. A number of courts were following up on the complaints of the local administration (*Frunzensky* District of Yaroslavl), claiming the houses were illegal dwellings and therefore should be demolished. The Roma asked the court to allow their houses to be registered. The head of the Yaroslavl Frunzensky district, Sokolov, and the deputy head of city administration, Ponomarenko, openly declared a hostile attitude to Roma ("*We don't need Roma here*", Ponomarenko said to a person who asked not to be mentioned). The final decision of the court, in February 2008, rejected both claims, which paradoxically prohibits the administration from demolishing houses but also rejects the possibility of Roma legalizing their houses. Following this contradictory decision, the Romani community continue to live in total incertitude.

b) During eviction: use of violence

Regarding the circumstances under which evictions should be carried out, no specific measure exists in the legislation of the Russian Federation which could prevent the use of force or at least minimize it. As a result, forced evictions remain a practice mainly governed arbitrarily and entailing a great risk of violence.

Forced evictions are usually carried out in the presence of a member of the local municipality overseeing the demolition of the houses and of special police forces, the *OMON*. However, the fear they inspire violates the general principles of reasonableness and proportionality. The *OMON* forces effectively wear special masks and do not hesitate to shoot at the feet of people with their machine guns to intimidate them. People naturally try to save their belongings and furnishings before the houses are bulldozed and set on fire with all their possessions, and this tactic is used as a threat when a person refuses to stay out of his house during the operation.

In Kaliningrad, during the forced evictions of the inhabitants of the village of Dorozhnoe in 2006, described below, disproportionate physical force was also used by the OMON forces in confronting unarmed persons and sometimes elderly men. They accompanied these strong-arm tactics with racist remarks such as "*You Gypsies, get out of our land,*" and "*you Gypsies are all the same and you must be exterminated.*[95]"

"*The authorities insulted us. They called us 'sons of bitches' and other vulgar terms. After coming in and yelling at us to leave, they came out of the house and formed a human ring around it so that nobody could go through the ring. They started taking everything out of the house. We tried to take some of our things like clothes, but not everything. Everything we could not take was burned. We*

took some chairs. My child was scared. After my home was demolished, they burned it."

"*I am an old man and do not have the strength to go on. I have problems breathing because I have terrible asthma and serious heart problems. So when I was shouting to the authorities, 'What are you doing? Why are you doing this to us?' they threw me on the floor and took me out to the street. One police officer hit me in my chest with his foot and broke one of my ribs. I was just trying to protect my family. I did not use any force, I was trying to fight with words. I was not even threatening them. But they said, if you complain about this, all of you will be shot. I was really afraid to complain to anyone. I was afraid that something might happen to my family.*[96]"

In the village of Dorozhnoe (Kaliningrad), during forced evictions carried out by the Russian authorities, the lives of the inhabitants were endangered. The population was subjected to inhuman and degrading treatment and punishment. After this the authorities violently demolished the houses of the inhabitants, and the families were separated.

The evictions of some 100 persons in the Small *Tabor* in the *Kelderari* settlement of Chudovo (Novgorod Province) in April-May 2007 were accompanied by forced encirclement of the whole settlement. Representatives of the ADC "Memorial" witnessed in person one such episode on April 17 2007, when two houses were demolished. The roads were blocked by police cars and OMON special forces. The representatives and a lawyer of ADC "Memorial" tried to enter the demolition area in order to witness the operation and gather information about it, from the authorities and from the victims especially. But the police did not allow them to enter the demolition area. Some time later police had to allow the ADC "Memorial" lawyer Marina Arefyeva to enter the territory together with a Romani woman. But before allowing her to do so, her bag and pockets were checked, so that she wouldn't be able to take pictures or record anything on camera. According to law such measures are illegal. Another member of ADC "Memorial" who was carrying equipment with him later managed to film the fresh ruins of the houses and police cars leaving the area. During the destruction by bulldozers belonging to the local Chudovo administration, Romani families stood at a considerable distance of 1 km away, surrounded by several standard police cars and a double-decker bus with *OMON* soldiers aboard carrying machine guns. According to witnesses, police threatened the residents with weapons; children were particularly affected by these events, and by seeing their parents threatened with automatic guns. The police demolished two houses, the families who lived there had no place to go and had no option than to ask their neighbours to let them stay at their houses until they found a way out of this situation.

In this settlement, some people mentioned that the first of the April 2007 evictions took place at night, forcing the people to throw their belongings out of the window and practically jump out after them, and one house was destroyed.

In the Dyagilevo village (Ryazan region) people of the settlement received visits from *OMON* special forces on multiple occasions. Each time, they brutally beat the people. Testimonies of a specific form of violence that was exerted on women were given to the members of the mission: after beating them , *OMON* members cut the women's hair. Some people met by the mission reported cases of rape, however the mission could not confirm this information. Reportedly, this form of persecution is equivalent to social death for those stigmatized women, who are subsequently rejected by their fellows.

A testimony of one woman from the Dyagilevo village bears witness to the high level and apparently routine violence: "*They (the police) visit us very often, about three times a week, usually on Mondays, Wednesdays and Fridays. It has become a habit. They always want to check something. We dread their coming. They intimidate us, promise bad and hard days and sometimes arrest some of us. Recently, one of our girls was beaten on the head, her hair was cut, her passport was confiscated and they gave it back with missing and burned pages. How can she obtain new documents? How can we live in such an atmosphere?*[97]*".* Another person stated: *"Our children are constantly arrested by police patrols when they are found carrying pieces of metal they want to work on. If you don't give them money the police won't let them go, or if you put up some opposition, they become threatening and violent. We are afraid to let our children walk alone in the streets. They all know that nobody will defend us if we decide to go to court. All their colleagues will back them up and the court will not listen to our complaints*".

Lidia M. was once arrested in 2007 during a police raid. She was brought to the police department, where she was tortured, a plastic bag was put on her head, she was pointed at with a gun and threatened: "*Take this ampoule*

or I will shoot you!" She responded: "*I will not, shoot me, officer*". Lidia refused to take responsibility for selling drugs and was released some time later.

c) After eviction: no relocation or adequate compensation

Forced evictions make Romani the victims of structural discrimination, resulting usually in either homelessness of the evicted people, who lose everything and receive nothing in exchange, or in a significant worsening of their living conditions, with no access to transport, basic resources (water, gas, electricity) or schools for their children.

In the above-described case of Dorozhnoe village (Kaliningrad province), the inhabitants were rendered effectively homeless and had to live in temporary makeshift shelters without heat, gas, electricity or water. For the whole autumn and winter following the evictions, the Roma remained homeless, camping in tents and enduring sub-freezing temperatures which endangered their health and lives. The children were not able to go to school. Without an official residence, the inhabitants of that village faced difficulties obtaining medical care for chronic conditions or illnesses arising from the mental hardship and the harsh conditions they endured as a result of their forced evictions. No protection from cold, rain or wind was provided to them by the authorities. On the contrary, small tents or sheds where they found shelter after evictions near the village were also burned down or destroyed while continuous police harassment endangered their physical safety.

In the Ivanovo case, the *Kelderari* who were forced to leave their land and houses received only one proposal of an alternative relocation, involving 6 families out of the 50 evicted ones, which would place them in isolated camps outside populated areas (as they put it, "*in the woods*"), without access to health care, school or even a shop. However, even this land was never received by the Roma and they were left without any support (see above).

82. Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, Miloon Kothari, 2007.
83. The right to adequate housing (Art.11.1): forced evictions, General comment 7, para. 1, UN CESCR, 1997.
84. The right to adequate housing (Art.11.1): forced evictions, General comment 7, para. 3, U.N. CESCR, 1997.
85. Idem.
86. The right to adequate housing (Art.11.1): forced evictions, General comment 7, para. 1, UN CESCR, 1997.
87. The right to adequate housing (Art.11.1): forced evictions, General comment 7, para. 7, U.N. CESCR, 1997.
88. The right to adequate housing (Art.11.1): forced evictions, General comment 7, para. 4, U.N. CESCR, 1997.
89. 43 Ibid, para. 9.
90. 44 Ibid, para. 13.
91. 45 Ibid, para. 14.
92. 46 Ibid, para. 15.
93. Basic principles and guidelines on development-based evictions and displacement, Annex to the report of The UN Special Rapporteur Report on adequate housing as a component of the right to an adequate standard of living, Miloon Kothari, A/HRC/4/18, 5 February 2007.
94. Conclusions and recommendations of the Committee against Torture CAT/C/RUS/CO/4 - 6 February 2007, http://daccessdds.un.org/doc/UNDOC/GEN/G07/403/38/PDF/G0740338.pdf?OpenElement
95. See the application *Bagdonavichus and Others vs. Russia* introduced before the European Court of Human Rights under Article 34 of the European Convention on Human Rights and Rules 45 and 47 of the Rules of the Court, file-number 19841/06.
96. See the application *Bagdonavichus and Others vs. Russia* introduced before the European Court of Human Rights under Article 34 of the European Convention on Human Rights and Rules 45 and 47 of the Rules of the Court, file-number 19841/06.
97. Discussion with *Kelderary* Roma of the Dyaguilevo village, in Ryazan region, 06.05.2007. As they face more and more daily problems, the men of *Kelderary* communities become ashamed, they step aside and devolve all the responsibilities on women, who became our unique interlocutors during our visit in the Dyagilevo village.

Conclusions

Forced eviction of Roma in Russia has become a general trend in the context of growing economic interests, widespread corruption, police violence and arbitrary or non-existent national measures to protect vulnerable groups.

The absence of national policies on the resolution of the housing problems of Roma, strongly recommended by a number of international bodies, and the absence of effective remedies at national and local level reduce, both in the short and long term, the chances of a fair solution to this problem.

The possibility of defending their rights within associations is a relatively new form of protest engaged by *Kelderari* people, but not yet very developed, and the importance given to interpersonal relations in the settlement of these problems remains high. The respect of legal procedures would be the best way to oppose the violation of the most fundamental rights of Roma, such as rights to liberty, property, and equality before the law. However, the high level of discrimination against Roma make them particularly vulnerable in the face of the ultra-legalist attitude of the administration.

In reality, evictions of Roma are both the result of structural discrimination and an aggravating factor in its existence. Whole families and sometimes communities lose their homes, work, access to education and social benefits in cases where they enjoyed those rights. Moreover, violence and bad treatment, in certain cases torture, is used against Roma during forced evictions.

Such treatment in such proportions is largely due to ethnically motivated discrimination.

FIDH and the ADC "Memorial" denounce flagrant violations of the International Covenant on the Elimination of all forms of Racial Discrimination, the European Convention on Human Rights and the Framework Convention on the Protection of National Minorities, to which the Russian Federation is a party.

Forced evictions are accompanied by physical and psychological pressure, with no discrimination in the treatment of elderly people, men, women or children. The disproportionate use of police and special OMON forces is often observed.

The administration, instead of seeking ways to negotiate an acceptable solution, regularly tries to force Romani communities to abandon homes where they have sometimes been living for decades, and to leave them without prior compensation or alternative resettlement prospects. Threats of forced eviction, violence and the cutting off of energy supplies are reportedly used against them.

FIDH and the ADC "Memorial" consequently consider that special measures have to be taken by the Russian authorities concerning Romani people in Russia.

Recommendations

FIDH and ADC "Memorial" urge the authorities of the Russian Federation to:

Concerning forced eviction,

- Immediately stop forced evictions of *Kelderari* Roma;

- Adopt legal provisions against forced evictions in conformity with international law, and incorporate in particular the Basic Principles and Guidelines on Development-based Evictions and Displacement developed by the UN Special Rapporteur on the Right to Housing. Such legislation should prohibit forced evictions as a principle, allow evictions only in exceptional cases and provide for appropriate safeguards. The legislation should: integrate the Roma population in decision-making processes regarding development and infrastructure projects which affect their right to housing; provide effective remedies for persons threatened by forced eviction and legal aid for needy parties seeking redress, provide adequate compensation of evicted people, and sanctions in case of forced evictions being carried out;

- Where persons have been expelled from their house, due remedy including restitution, alternative housing and/or compensation should be provided in the best timeframe;

- Persons or entities responsible for violations of law and for violence during evictions should be prosecuted.

Concerning the right to housing of Roma and subsequent access to ESC rights

- Adopt a law on the regulation of housing and land on the model of the "Dacha Amnesty" law of 2006 simplifying the privatization process and strengthening security of tenure;

- Register Roma settlements lacking recognized tenure and upgrade living conditions to ensure the dignity of the inhabitants. Secure legal access to water, electricity and gas in the Roma settlements, including the installation of meters indicating the actual consumption of each house.

- Enable registration of Roma people in the house where they live, even if their house is not duly registered, to enable them to enjoy economic, social and cultural rights, including access to education, healthcare, employment etc. More generally, eliminate the dependence of social benefits and rights (such as pension benefits, social security, access to education and employment) upon the institution of permanent registration. The loss of one's residence shouldn't lead to the loss of all social benefits. In case of resettlement, all the rights of those resettled should be preserved independently of their registration status.

Concerning discrimination against Roma

- Adopt a comprehensive federal plan for the Roma community aiming at promoting and respecting their cultural identity and at eradicating social and economic marginalization, caused in particular by poor housing conditions, lack of documents, the high level of dropouts of Roma children at school and the difficulties of the Roma to access employment. The plan should also aim at sensitizing Russian society to Roma history and traditions, in order to eliminate the negative stigma and stereotypes Roma are recurrently associated with.

More generally,

- Ratify the Revised European Social Charter.

- Address a standing invitation to all UN Special Procedures, and in particular to the UN Special Rapporteur on the Right to Housing, and the UN Special Rapporteur on Racial Discrimination.

FIDH and the ADC "Memorial" urge the European Union to address the issue of forced evictions, the right to housing and the discrimination against Roma in its relations with the Russian Federation, in particular in the framework of the bilateral human rights consultations.

FIDH and the ADC "Memorial" appeal the Council of Europe to continue to urge the Russian Federation to ratify the Revised European Social Charter and to follow up on the joint statement of the Council of Europe Commissioner for Human Rights and the UN Special Rapporteur on Adequate Housing ("Governments Should Take Positive Steps to Protect the Housing Rights of Roma in Europe", October 2007).

FIDH and the ADC "Memorial" urge the United Nations, in the framework of the up-coming session of Committee on the Elimination of Racial Discrimination, of the Universal Periodic Review Mechanism and other human rights instruments, to consider the wide-scale human rights violations perpetrated against the Romani population in the Russian Federation, especially forced evictions.

FIDH and the ADC "Memorial" urge the Office for Democratic Institutions and Human Rights (ODIHR) of the OSCE to closely monitor the forced evictions of Roma in the Russian Federation, in the framework of its human rights mandate and in particular of its Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area, adopted in 2003. Our organisations appeal to the office of the High Commissioner for National Minorities of the OSCE to investigate the situation of Romani people in the Russian Federation, paying special attention to the practice of forced evictions.
The OSCE Parliamentary Assembly should follow up on the issues raised in this report, and invite its Russian members to take the relevant legislative initiatives, including our recommendations to the Russian authorities.

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The International Federation for Human Rights (FIDH) is an international non-governmental organisation for the defence of human rights as enshrined in the Universal Declaration of Human Rights of 1948. Created in 1922, FIDH brings together 155 human rights organisations from 100 countries. FIDH has undertaken over a thousand missions of investigation, trial observations, and trainings in more than one hundred countries. It provides its members with an unparalleled network of expertise and solidarity, as well as guidance to the procedures of international organisations. FIDH works to:

- Mobilise the international community
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The NGO Anti-Discrimination Centre "Memorial" was registered on May 14th 2007 and came into being continuing a series of human rights and anti-discrimination projects previously co-ordinated by the Charitable Historical Educational Human Rights Social Organisation "St. Petersburg Memorial".

The mission of ADC "Memorial" is the defence of the rights of people who are subject to discrimination (human rights responses, legal assistance, research, publication).
Projects on overcoming discrimination had been conducted within the framework of St. Petersburg Memorial since 2000, and many of them continue to be developed within the work of ADC "Memorial", alongside new projects.

During last 6 years, monitoring of Roma rights violations has been carried out resulting both in human rights reports and recommendations and in providing direct legal and psychological assistance to the victims of racism.
Since 2007, a very wide-ranging project, "Legal Assistance to Roma-*Kelderari* Settlements and Protection against Demolishment and Resettlement", is being developed within the framework of the Roma rights program.

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