

GLOBAL CAMPUS
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2013/2014

Supported by:



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European Regional Master's Degree in Democracy
and Human Rights in South East Europe,
University of Sarajevo - University of Bologna

Beyond a roof over the head: the Issue of the cultural Adequacy of Housing for Roma in Bosnia and Herzegovina between Integration and Marginalization

E.MA European Master's Degree
in Human Rights and Democratisation





EIUC gratefully acknowledges
the contribution of the European Commission
which made this publication possible.

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DOI:10.7404/GC.Un.Sar.ERMA.20132014.03

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**EUROPEAN REGIONAL MASTER'S DEGREE IN DEMOCRACY
AND HUMAN RIGHTS IN SOUTH EAST EUROPE**

University of Sarajevo – University of Bologna

**BEYOND A ROOF OVER THE HEAD: THE ISSUE OF THE CULTURAL
ADEQUACY OF HOUSING FOR ROMA IN BOSNIA AND HERZEGOVINA
BETWEEN INTEGRATION AND MARGINALIZATION**

MASTER THESIS SUBMITTED IN PARTIAL FULFILMENT OF
THE EUROPEAN REGIONAL MASTER'S DEGREE IN DEMOCRACY
AND HUMAN RIGHTS IN SOUTH-EAST EUROPE

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11 OCTOBER 2014

83 PAGES

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List of Abbreviations

ECHR - European Convention of Human Rights

ECOSOC - United Nations Economic Social Council

ECtHR - European Court of Human Rights

ERRC - European Roma Right Center

ICESCR - International Covenant for Economic Social and Cultural Rights

IDPs - Internally Displaced Persons

IUCN - International Union for Conservation of Nature

MHRR - Ministry for Human Rights and Refugees

NGOs - Non-governmental organisations

OSCE - Organisation for Security and Cooperation in Europe

SIDA - Swedish Development Agency

UDHR - Universal Declaration of Human Rights

UN - United Nations

UNECE - United Nations Commission for Europe

UNEP - United Nations Environment Programme

WWF - World Wide Fund for Nature

UN Habitat - United Nations Human Settlement Programme

UK - United Kingdom

Introduction

In 2009 the Municipality of Ilidža, located at the outskirts of Sarajevo, decided to tackle the poor living conditions of the local Romani settlement of Butmir with the cooperation of the Government of Sarajevo Canton and the funding of the Swedish Development Agency (SIDA). Butmir, as the majority of the Roma settlements in the country, was not legalised and not considered adequate for living. With the mobilized funds the authorities constructed a new housing complex composed of eight housing units where 33 families of the Butmir settlement were relocated immediately after the conclusion of the works. Nonetheless, after a short period of time the Municipality referred to the Canton that a certain number of housing units were severely damaged and six out of eight were vacated by the tenants, who went back to live in the previous shanties.¹ The Bosnian policy makers still have not found a convincing answer to the question of why these families destroyed and left the modern housing units.² This case is not isolated and similar examples can be found in different contexts.³ Understanding and acknowledging the inner reasons of these incidents is crucial for ensuring the effective and sustainable implementation of the Right to Housing. To reach this objective, one must consider the possibility that what is considered adequate by European society may not be by other communities and that housing needs can vary from culture to culture. This is still not the dominant approach since most of the time the alternatives proposed to Roma are either to give up their traditional way of life and to accept our housing solutions or to keep living in their shanties, marginalised and with no access to public services.⁴

In a multicultural society based on equality and human rights, approaches that do not keep into account and do not respect cultural differences can create conflict and antagonism. Given the common tools aimed at regulating a functional society, diversity has to be accepted and accommodated to the largest extent. The integration of Romani minority is a real task. Within the

¹*Special Report on the Status of Roma in Bosnia and Herzegovina*, Istitucija ombudsmena za ljudska prava Bosne i Hercegovine, available at: <https://www.osce.org/bih/110495?download=true> . Pag. 27

²Amela Tandara, OSCE, Sarajevo, personal interview, 07/08/2014

³Another good example is reported by Macura who reports how in Barcelona (Spain) the relocated Romani families from the local settlement to newly built apartments destroyed the building, because they wanted to tear down the walls between the houses in order to join with their relatives.

Macura Vladimir, Petrovic Milos, *Housing, urban planning and poverty: problems faced by Roma/Gypsy communities with particular reference to central and eastern Europe*, Council of Europe, Belgrade, 1999. [http://www.coe.int/t/dg3/romatravellers/archive/documentation/housing/Housingreport\(99\)1Macura_en.asp](http://www.coe.int/t/dg3/romatravellers/archive/documentation/housing/Housingreport(99)1Macura_en.asp)

⁴The most striking case was in France, where the authorities denied housing benefits to Roma living in caravans replying that if they wanted they could find proper accommodations.

ERRC v. France, European Committee for Social Rights, Complaint No. 51/2008, 19 October 2009, http://www.coe.int/t/dghl/monitoring/socialcharter/complaints/CC51Merits_en.pdf

old European society dominated by the concept of “respectability”⁵, where the standards were fixed and moral values universal, those who did not conform were considered deviant. The Roma, who lived according to a different norm, could only conform and assimilate or be exterminated. Together with other sections of society that did not adapt to the European idea of “normality”, they were left at the margins when not persecuted.⁶ Only in the last century, with the feminists and LGBTQ movements, society started questioning the traditional values and social roles and began accepting diversity. This new open mindedness, when coupled with the advent of human rights ideology, has the potential of improving the position in society of the minority Roma. Despite the improvements, the intolerance towards this community is still high and its way of life still not fully accepted.

Talking about Right to Housing and Romani culture is relevant for a series of reasons. First of all, the Right to Housing has crucial impact also on other rights, like the Right to Privacy, Right to Health, Right to Education and Right to Employment.⁷ It is, therefore, relevant for the overall well-being of the individual. Furthermore, the poor housing conditions are impact this minority and for this reason housing policies are at the centre of the social strategies aimed at improving the position of this group.⁸ Connected to this topic, there is also their spatial segregation and its potential effects on their integration into mainstream society. Secondly, the policies aimed at the extermination or assimilation of the Romani community have placed this minority into a subordinated position and have contributed to the creation of a climate of reciprocal mistrust and diffidence. The current marginalisation and segregation of this group and its reluctance to cooperate and adapt to non-Romani norms is partially due to this lack of collaboration throughout the centuries. Meeting the Romani needs and requests and improving the relation with the dominant society is necessary. Finally, the new wave of intolerance that rose against this minority both in Central and East Europe,

⁵Concept analysed and developed by Mosse George I., *Nationalism and Sexuality: Respectability and Abnormal Sexuality in Modern Europe*, New York: Howard Fertig, 1985.

⁶A good overview of the history of mistreatments and persecution of the Romani minority in Europe can be found in: Hancock, Ian, *We Are the Romani People*, Hatfield: University of Hertfordshire Press, 2002
Stauber Roni and Raphael Vago (eds.), *The Roma, A Minority in Europe: Historical, Political and Social Perspectives*, Budapest/New York: CeubPress, 2007.

⁷The location and the general condition of the house affect considerably the health and the socio-economic opportunities of the family. See:

Bratt, Stone, Hartman, “Why a Right to Housing is Needed and Makes Sense” in Bratt, R. G., M. E. Stone, C. Hartman (Ed.), *A Right to Housing: Foundation for a New Social Agenda*, Philadelphia: Temple University Press, 2006

Bratt, Rachel G., “Housing and Family Well-Being” in *Housing Studies*, Vol. 17, No. 1, (2002): 13-26. www.ebsco.com (accessed on the 9 December 2013)

Mulder Clara H., Nathanael T. Lauster, “Housing and Family: An Introduction”, in *Housing Studies*, Vol. 25, No. 4, (2010): 433-440. www.ebsco.com (accessed 9 December 2013)

⁸See: OSCE/ODIHR, *Implementation of the Action Plan on Improving the Situation of Roma and Sinti Within the OSCE Area*, Status Report 2013, Warsaw, available at: <http://www.osce.org/odihr/107406?download=true>

Perić Tatjana, *The Housing Situation of Romani communities: Regional Roma Survey 2011*, UNDP, 2011. http://issuu.com/undp_in_europe_cis/docs/housing_2_web

with the fall of Communism⁹, and in Western Europe, with the arrival of new Romani groups from the East¹⁰, highlights the necessity of tackling the issue of social inclusion. With this aim, a correct implementation of the housing policies has a crucial role in improving the position of the Roma and in decreasing the level of conflict and intolerance between the minority group and the dominant society. Cases like the one in Butmir increase the level of resentment towards the Roma, since the rest of the population sees public funds wasted in disastrous housing projects directed towards this group.¹¹

The protection of human rights implies the recognition and respect of the groups' cultural differences, thus this thesis aims to contribute to a deeper understanding of Romani culture and identity in the implementation of the Right to Housing. The goal is to ensure a correct and culturally sensitive implementation of this Right. The research paper aims to provide answers to three principle research questions: What is the link between housing and Romani collective identity? Why it is necessary to take into account this link in the implementation of the Right to Housing? Do Bosnian authorities acknowledge the Romani cultural specificities in dealing with housing policies?

Housing has strong implications on the preservation and manifestation of the collective identity, and culture has a striking role in defining the concept of shelter. Therefore, this aspect has to be borne in mind in the planning of the housing policies directed towards the Roma, who have a way of life different from the majority population. This necessity is reinforced by the risk that urban policies directed towards the Roma could result ineffective and even conduce to a process of

⁹A statistical survey conducted in Romania in 1991 found out that 41 percent of those surveyed thinks that "Gypsies should be poorly treated". Crowe David, *A History of the Gypsies of Eastern Europe and Russia*, New York: Vintage, 1995. 148

Some significant examples of intolerance in Central and Eastern Europe countries : at the beginning of the '90s, during a press conference, Romanian Prime Minister Petre Roman denounced Roma as "leaders of prostitutes and the world of underground". Pavel Dan, "Wanderers: Romania's Hidden Victims (1991)" in Tong Diane (ed.) *Gypsies: an Interdisciplinary Reader*, New York: Garland, 1998.

In 1999, always in Romania, the head of the Bucharest Police Department, General Mircea Bot, commenting on the Gypsy crimes, stated: "there are Gypsies who are born criminals, [...] and do not know anything else other than to commit criminal acts." ERRC, Radio Free Europe/Radio Liberty, Romani CRISS, România Liberă, Ziu, *Anti-Romani hate speech in Romania*, 12 April 2000. <http://www.errc.org/article/anti-romani-hate-speech-in-romania/643>

In Hungary, in 2013, a local newspaper published an article written by Zsolt Bayer, a journalist and co-founder of the ruling Fidesz party, wishing the extermination of the Romani minority and stating: "These people are animals and behave like animals... If he finds resistance, he kills... He wants what he sees. If he doesn't get it, he takes it and he kills..." Sinan Gökçen, *NGOs call for advertising boycott over anti-Roma statements in Hungarian media*, European Roma Right Center, 23 January 2013. <http://www.errc.org/article/ngos-call-for-advertising-boycott-over-anti-roma-statements-in-hungarian-media/4085>

¹⁰In France in 2010 a study shows that 79% of interviewed were in favour of dismantling Gypsy camps and between 70 and 80% are in favour of "taking citizenship away from foreign-born criminals". Viscusi Gregory, *Expulsions of Illegal Roma Win Approval From Public in Sarkozy's France*, Bloomberg, 13 August 2010, <http://www.bloomberg.com/news/2010-08-12/expulsions-of-illegal-roma-win-approval-from-public-in-sarkozy-s-france.html>

See also: Tewksbury-Volpe Emmi, *Roma and the "Roma Emergency": Roma in Italian Political Discourse, Media and Public Opinion*, European Romani rights Center, 22 August 2013, <http://www.errc.org/roma-rights-journal/roma-rights-2012-challenges-of-representation-voice-on-roma-politics-power-and-participation/4174/5>

¹¹Stewart, Micheal, *The Time of the Gypsies*, Boulder; Westview Press, 1997

assimilation.

To provide evidence to support this argument, the first chapter presents the interplay between housing and culture, highlighting the reasons why these two elements influence each other and their repercussions. The topic is tackled by analysing this relationship in the case of the Romani community, stressing the Romani housing features determined by traditions and their relation with the dominant society. The second chapter presents the main arguments in favour of the necessity of preserving the cultural specificities and maintaining cultural sensitivity in implementing human rights. Furthermore, this section discusses the integrationist approach, the motives for which it should be preferred over an assimilationist one and the role of housing in this strategy. The third chapter presents the research findings on the housing plans directed towards Romani minority in Bosnia and Herzegovina. The aim of the last chapter is to assess whether in the cases analysed the Bosnian authorities have kept in due consideration the cultural specificities of the Romani people and to which results the projects have led.

For the analysis of the interplay between housing and culture, the researcher analysed academic sources focused on the role of housing and its implications. The principle authors that I refer to are Cooper Marcus, Chokor and Hohmann. The relationship between shelter and culture for the Romani minority is tackled by using anthropological and historical works, and studies conducted by Stewart, Liègeois, Mirga and Ringold. To convey the role of the dwelling in preserving the Romani collective identity, the researcher presents the analysis of the housing policies implemented with assimilationist purposes by the East European socialist countries, fully studied by Barany and Glassheim. Regarding the debate over the relevance of the collective identity for the well-being of the individual, I reference Kymlicka, Parekh, Donnelly, Young, Taylor and Walzer. The connection between this debate and the Romani identity is further reinforced by O’Nions and Pogány, who have analysed the relevance of the collective dimension for the Romani people and its implications in the protections of the human rights. The last section of the second chapter, reserved to the connection between housing policies and integration strategy, highlights Bolt and Musterd’s studies on the relationship between integration and segregation and research issued by UN HABITAT and UNECE on new potential strategies for managing the two aspects, promoting an approach centred on people’s needs.

The third chapter is reserved to the empirical research conducted in Bosnia and Herzegovina. The six cases reported have been analysed in the framework of the Housing Action Plan and assessed through the use of reports, and by interviewing human participants. The human participants werelocal public authorities that oversaw the realisation of the strategy, officers of organisations involved in the projects, and local Romani representatives. The cases analysed have

been chosen because the human participants presented them as relevant sources of information. Furthermore, special attention has been paid to cover different contexts and situations, in geographical and social terms. The interviews focused on the opinions of those involved regarding the implementation of the projects, the reasons for which challenges and problems rose and the potential solutions for overcoming obstacles. Furthermore, I travelled to municipalities and settlements to interview Roma families to assess their perception of the implemented projects and their level of integration into mainstream society.

Finally, a clarification on the language and definitions when referring to Romani people I chose to use the most recent terminology adopted by authors dealing with Romani studies. Indeed, while in the past the term “Roma” was used both as noun and adjective, recently it was replaced in the adjective form by the term Romani. “Roma” can be still used as a plural noun (The Roma = Romani people) but not as an adjective or singular noun.¹² “Gypsy/Gypsies” to make reference to the negative perception of the dominant society towards this minority. Similarly, I use the Romani term *Gadje* to refer to the dominant society from the Romani point of view.

¹²Guidelines on how to use terminology referring to Romani people are reported in: Hancock, Ian, *We Are the Romani People*, Hatfield: University of Hertfordshire Press, 2002. P. xxi-xxii

1. The interplay between Right to Housing and Romani collective identity

The connection between housing and collective identity is the aim of the findings in this chapter. In the sub-chapters I argue that housing has a role in the manifestation and preservation of collective identity and, vice versa, collective identity influences the role and the physical shape that people give to housing. This interdependence leads to the necessity of keeping into account the cultural aspects connected to dwelling in the protection of the Right to Housing. Before discussing this relation, I present what this right means today, the manner in which it is protected by international legal documents and which problems its implementations poses. I then develop the argumentation by introducing academic studies that explain how and why collective identity and culture have a salient role in the definition of shelter. I conclude with a focus on the deep connection between housing and culture for the Romani minority.

1.1. The Human Right to Housing

The Right to Housing is part of the so-called welfare rights, a product of the XX century's welfare state. In the liberal and neo-liberal ideology, welfare rights are considered second-class rights compared to the civil and political ones and for this reason the mechanisms of protection of welfare rights are not as developed as those of the civil and political ones. The justifications provided for this hierarchy are several but mainly moved by political interests and ideology.¹³ Nevertheless, in the last decades this hierarchy has been questioned and the relevance of the socio-economic rights for the implementation of the civil and political ones has been fully recognised¹⁴. This should not imply that the issues raised by the implementation of welfare rights have been fully resolved, especially at the level of their claim. In the following sub-chapter I present how the Right to Housing is currently protected, which problems are raised by its implementation and how the question of the claimability¹⁵ is tackled.

¹³ See: Baderin M and McCorquodale R, "The International Covenant on Economic, Social and Cultural Rights: Forty Years of Development", in Baderin M and McCorquodale R (ed.) *Economic, Social and Cultural Rights in Action*, Ostord, 2007. 3-24

¹⁴ The World Conference held in Vienna in 1993 confirmed the indivisibility of the Rights, that therefore have to be considered equal in importance. Eide A., Krause C. and Rosas A., *Economic, Social and Cultural Rights: a Textbook*, Maritus Nijhoff Publishers, Boston, 1995.

¹⁵ With the term "claimability" I refer to the possibility of bringing the violation of a right in front of a court.

1.1.1. Right to Housing in the international legal texts

The Right to Housing is recognised in the international texts protecting human rights. Within the Universal Declaration of Human Rights (UDHR) the Right to Housing is included in the wider Right to Adequate Standard of Living, Art. 25¹⁶. The same is done within the International Covenant for Economic Social and Cultural Rights (ICESCR), art. 11, which leaves this right without a specific definition and only mentions the vague requirement of “adequacy”. The lack of a clear definition of the Right and of what “being adequate” means can endanger the enforceability of the latter and even its credibility¹⁷. This issue finds a solution in the General Comment to ICESCR n. 4, which is dedicated to the Right to Housing and specifies what this right implies and how the requirement of “adequacy” has to be defined. Although not binding, the General Comments are generally considered as the most authoritative source for interpreting the rights included in the international bill of rights.¹⁸ The text provides a list of criteria that housing has to meet in order to be considered “adequate”: security of tenure, availability of services, materials, facilities and infrastructure, affordability, habitability, accessibility, location and cultural adequacy.¹⁹ The General Comment n. 4 also specifies that the definition does not have to be interpreted narrowly, but has to be seen as “the right to live somewhere in security, peace and dignity”.²⁰

The definition of adequacy for the Right to Housing leaves room for interpretation. While the requirements are apparently quite narrow (among the others, it has to provide: adequate sanitation, energy for cooking, heating, lighting, food storage, adequate space and protection against cold, heat, rain, and wind), the text specifies not to interpret them literally. This aspect, although it allows the researcher to interpret and implement the right according to the specific cases, it may also create confusion. The Right to Housing may also be used to justify housing plans that respect some technical requirements but do not take into account the cultural adequacy.

¹⁶ “Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control” Universal Declaration of Human Rights (UDHR), UN General Assembly, Res 217 A (III), 1948, rt. 25 <http://www.un.org/en/documents/udhr/>

¹⁷ It will be argued later how the lack of precise definition of the welfare rights gives arguments to those who think that these rights are not properly claimable and therefore they cannot be considered proper rights. Adam Etinson, “Human Rights, Claimability, and the Uses of Abstraction”, *Utilitas* 25 (4), pp 463-485, 2013 <http://www.adametinson.com/Human%20Rights,%20Claimability,%20and%20the%20Uses%20of%20Abstraction%20-%20DRAFT.pdf>

¹⁸ Hohmann, Jessie, *Right to Housing: Law, concepts, possibilities*, Oregon: Hart Publishing, 2013, 20

¹⁹ International Committee on Economic, Social and Cultural Rights, *The Right to Adequate Housing (Art. 11(1)), General Comment No4*, 1991, E/1992/23 <http://www.unhcr.ch/tbs/doc.nsf/MasterFrameView/469f4d91a9378221c12563ed0053547e?OpenDocument>

²⁰ Ibid.

1.1.2. Rights-based approach vs. obligations-based approach: a debate over welfare rights

Prior to proceeding with the analysis of the Right to Housing and its implications on cultural identity, it is necessary to analyse the discourse of the so-called welfare rights. Each right implies the presence of a rights-holder and a duty-bearer, and a right can be considered nothing more than rhetoric when it lacks the latter. A serious reflection is essential because leaving the welfare-rights without a clear definition risks to let down the human right's goal of ensuring justice. The issue is critical for the significance that the welfare rights have for those in need of protection, for the full protection of the civil and political rights, as it has also been recognised by the World Conference of Human Rights held in Vienna in 1993.²¹ As Etinson efficaciously explains, without a clear obligation-bearer, the welfare rights risk becoming a “form of mockery to the poor and needy because it encourages them to believe that they have a realizable and enjoyable claim to relief from their predicament, when in fact it isn't so”.²² The authors that I will further analyse do not question the rights itself and their importance, but the way in which they are formulated.

O'Neill has specifically focused on the relation between rights and obligations. In her opinion, the prevalent human rights-approach is based too much on the right-holder, whose claimability of the rights depends on the duty-bearer. In case this duty-bearer is not clearly defined, and therefore those rights cannot be claimed and remain indeterminate. For this reason, O'Neill proposes to turn the reasoning around and give priority to the other side of the right, the obligation, because where there is an obligation of someone towards someone else, automatically there is a right and the interdependency is respected.²³ This is particularly true for the so-called welfare rights, or, as O'Neill calls them, rights to goods and services, because they imply the fact that those goods and services have to be provided by someone specific, the duty-bearer, who is not always clearly specified.²⁴ Negative rights represent a less notable problem, since the “who” (duty-bearer) is clearly everyone and “what” (the duty involves) is the “non-interference”.²⁵ For the welfare rights, O'Neill continues, since there is no a-priori duty-holder, “we cannot tell who violates a right to goods and services unless obligations have been allocated”.²⁶ From this reasoning, O'Neill concludes that such rights, instead of being universal, must be special and institutional human rights, linked to the institutions that apply these rights and to the available resources. Welfare rights

²¹ Eide A., Krause C. and Rosas A., *Economic, Social and Cultural Rights*

²² Etinson Adam, “Human Rights, Claimability, and the Uses of Abstraction”, 467

²³ O'Neill Onora, “Rights, Obligations, Priorities”, in *Studies in Christian Ethics*, 23, (2010): 163-171.

²⁴ O'Neill Onora, “The Dark Side of Human Rights”, in *International Affairs*, Vol. 81, No. 2, (2005): 427-439.

²⁵ Etinson Adam, “Human Rights, Claimability, and the Uses of Abstraction”, 467

²⁶ O'Neill Onora, “The Dark Side of Human Rights”, 428-430

as universal rights with no clear duty-bearers cannot be claimable rights.²⁷

Following this premise, O’Neill proceeds with the analysis of welfare rights as they are defined in international documents, specifically in the ICESCR. Concerning the duty-bearer, the Covenant clearly allocates the obligations on the state parties. Nonetheless, the legal text does not assign to states straight-forward obligations to meet rights to goods and services, “but rather second-order obligations to ensure that they are met”.²⁸ This implies that the direct counterpart of the concerned rights, the first-order obligations, have to be assigned to some other agent by the state, which may not have the resources or simply the good will of doing so. To reach a system in which the state is able to ensure the realisation of the rights to goods and services, it has to impose a social control such to grant the full provision of those goods and services by the concrete providers, i.g. the farmer and the physician, who become duty-bearer other than being right-holder.²⁹ There cannot be human rights to goods and services without an arms-length system of responsibility that extends from the state to the individual.

The conclusions that O’Neill comes to, although open to criticisms³⁰, led us to reflect upon the necessity to seek for the duties derived from the Right to Housing as such and for the holder of such duties. Indeed, without a duty-holder the Right to Housing would not be claimable and therefore end up an “aspirational goal”. To assess the claimability of the Right to Housing and its extent, in the following sub-chapter I analyse how the Right to Housing is protected by the Council of Europe’s instruments, up to now the most advanced mechanisms of protection for both civil, political, economic and social rights³¹. Furthermore, it is worthy to pay more attention to these instruments because they deal with rights of the Romani minority in Europe.³²

²⁷ Ibid. 432

²⁸ O’Neill refers to the fact that the Covenants does not require the immediate realisation of the rights, but engages the states to “take steps (...) with a view to achieving progressively the full realization of the rights recognized in the present Covenant”. O’Neill Onora, “The Dark Side of Human Rights”. 433

²⁹ Ibid. 435-436

³⁰ See Etinson Adam, “Human Rights, Claimability, and the Uses of Abstraction”

³¹ Although the European Social Charter does not foresees and juridical mechanism of protection to the rights as the ECHR, it accept collective complains, similarly to the ICESCR. Furthermore, the engagement of the Contracting States of the Social Chater towards the full implementation of the Economic and Social rights seems stronger compared to the “take steps (...) with a view to achieving progressively the full realization of the rights” of the ICESCR. Indeed, in the Social Charter “the Contracting Parties accept as the aim of their policy, to be pursued by all appropriate means, both national and international in character, the attainment of conditions in which the following rights and principles may be effectively realised”. European Social Charter, Council of Europe, Turin, 1961. Art. 1. Available at: <http://conventions.coe.int/Treaty/en/Treaties/Html/035.htm>

³² For an overview over the cases concerning Romani applicants presented to the ECtHR: Roma and Travellers, European Court of Human Rights Factsheet, Strasbourg, 2013. Available at: http://www.echr.coe.int/Documents/FS_Roma_ENG.pdf

For an overview over the European Social Charter and Romani rights: “The European Social Charter and Romani rights”, Council of Europe Factsheets, Strasbourg, 2012. Available at: http://www.coe.int/T/DGHL/Monitoring/SocialCharter/Theme%20factsheets/RomaRightsFactsheet_en.pdf

1.1.3. The duty to ensure housing for all

The Commissioner for Human Rights of the Council of Europe seems to have taken seriously O'Neill's objection and has entitled his paper on the protection of the Right to Housing "Housing Rights: The Duty to Ensure Housing for All", with the explicit aim to stress on the necessity to improve the enforcement (and therefore the claimability) of this right.³³ The paper presents the legal documents and mechanisms, both international and European, protecting the housing rights. Of particular interest is the protection envisaged by the European Social Charter and derived by the jurisprudence of the European Court of Human Rights. In the European Social Charter, Art. 31 on the right to housing includes the obligation to "take measures designed: to promote access to housing of an adequate standard; to prevent and reduce homelessness with a view to its gradual elimination; to make the price of housing accessible to those without adequate resources."³⁴ Within the framework of the Collective Complaints Protocol, the European Committee on Social Rights has received several complaints regarding Roma and most of the violations that have been found are based on the poor living conditions of this group; the lack of stopping places for nomads; the carrying out of evictions without offering alternative accommodations; the lack of remedies for redressing the evictions and the lack of supply of affordable housing for those with limited resources.³⁵ Thus the states have the obligation to provide alternative accommodation in case of evictions, adequate stopping places for those who maintain a nomadic way of life and ensure supply of affordable housing for those who lack the resources. O'Neill may reply that this kind of obligation remain second-order one, since the State has to allocate the duty of finding remedies on someone else. Nevertheless, it is incorrect to state that the Right to Housing is completely not claimable.

In addition, despite the fact that the Right to Housing is not included in the European Convention of Human Rights (ECHR), the Art. 8 on the right to respect for a private life, a family life, a home³⁶ has several implications also for the right to housing³⁷. The European Court of Human Rights (ECtHR) has enshrined these implications in legislation. , Unmotivated evictions without providing remedies or alternative accommodation³⁸ are in violation of the above-mentioned Art. 8. In other cases the Court went further, specifying that the Art. 8 implies not only negative

³³ Commissioner for Human Rights, "Housing Rights: The Duty to Ensure Housing for All", Issue Paper, Strasbourg, 2008. Available at: <https://wcd.coe.int/ViewDoc.jsp?id=1292391>

³⁴ European Social Charter, Council of Europe,

³⁵ "The European Social Charter and Romani rights", Council of Europe Factsheets

³⁶ European Convention for the Protection of Human Rights and Fundamental Freedoms, Council of Europe, Rome, 1950. Art. 8.1. Available at: http://www.echr.coe.int/documents/convention_eng.pdf

³⁷ Commissioner for Human Rights, "Housing Rights: The Duty to Ensure Housing for All", 6

³⁸ See *Connors v. UK*, European Court of Human Rights, 2004. Available at: [http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-61795#{"itemid":\["001-61795"\]}](http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-61795#{)

rights but also positive obligations that the state has to undertake. This is the case of *Marzari v. Italy*³⁹, where the Court sentenced that: “although Article 8 does not guarantee the right to have one’s housing problem solved by the authorities, a refusal of the authorities to provide assistance in this respect to an individual suffering from a severe disease might in certain circumstances raise an issue under Article 8”⁴⁰. Furthermore, the Commissioner for Human Rights notices that “positive obligations on the State to protect people’s homes have been found under Article 8 in relation to protection from the smells and nuisance from a waste treatment plant, (...), environmental pollution, (...), noise from bars and nightclubs (...)”⁴¹.

Although the objective of a house for everyone is more a political goal than a state’s duty, the Council of Europe and its instruments for the protection of human rights moved forward in the enforcement of those obligations of the states derived by the protection of the Right to Housing, at least for those cases where the concerned individuals are particularly vulnerable, like the Romani minority.

1.2. The importance of the house as identity space

The following chapter illustrates the links that housing has with the collective identity in order to highlight the importance of considering the cultural aspects of the shelter in the protection of the Right to Housing. The second sub-chapter introduces the recognition by some international organisations of this role and the importance of the house beyond being a physical shelter.

1.2.1. Housing and collective identity

“Throughout our lives, whether we are conscious of it or not, our home and its contents are very potent statements about who we are. In particular, they represent symbols of our ego-selves”⁴². This description by Cooper Marcus presents efficaciously the role of the house/home in the settlement of the identity, which may be considered as a “definition, an interpretation of the self” and includes all the aspects of self-knowledge and of the relationship between the individual and society.⁴³ Hohmann, in her investigation on the Right to Housing, argues that the home is “a spatial, psychological centre in which at least a portion of our individual's or group's identity resides”⁴⁴. When we refer to identity we can consider two levels: personal and collective. Home has a striking role in both. In defining the individual's identity we can use the Hegelian concept of personhood,

³⁹ *Marzari v. Italy*, European Court of Human Rights, 1999. Available at:

[http://hudoc.echr.coe.int/sites/fra/pages/search.aspx?i=001-22827#{\"itemid\":\[\"001-22827\"\]}](http://hudoc.echr.coe.int/sites/fra/pages/search.aspx?i=001-22827#{\)

⁴⁰ Commissioner for Human Rights, “Housing Rights: The Duty to Ensure Housing for All”, 6

⁴¹ *Ibid.*

⁴² Cooper Marcus, *C. House as a Mirror of Self*, Berkeley, CA: Conari Press, 1995, 12

⁴³ Hohmann J., *Right to Housing*, 171

⁴⁴ *Ibid.*

which is based on the constitution of the person through her relationship to things.⁴⁵ Based on this conception, it is clear how the home is essential in the self-acknowledgement and becomes “affirmatively part of oneself”.⁴⁶ The role of housing is even more evident in the manifestation of the community's identity. As Hohmann points out, “if community is a comprehensive framework for social life, housing can be seen as its physical manifestation”, it has a striking role in the way how this community is constructed and in the development of the identities within it.⁴⁷

If we consider the issue with a broader view, referring to the community of values, beliefs, social forms that we define as “culture”⁴⁸, we may conclude that housing plays an important part in the definition of culture and vice versa. This interconnection is confirmed by the role that housing had in the implementation of assimilation policies in different contexts. Considering just the contemporary era, housing policies have been used for this aim especially between the ‘60s and the ‘70s of XX century.⁴⁹ In the 1950s and 1960s the Australian government provided “transitional housing” to the Aboriginal population with the aim of training them to live like the sub-urban colonial population.⁵⁰ Similarly, the Canadian government has encouraged or even forced the Inuit to settle in the Arctic region with assimilation purposes.⁵¹ In Europe, as I show in the following chapters, housing policies had a crucial role for the assimilationist purposes of the Communists regimes. Top-down housing policies that did not keep into account the cultural aspects of dwelling have been pursued not only with assimilation ends but also to improve the development and well-being of the populations. In Africa, the socialist Government of Tanzania between the 1968 and 1975 promoted a huge project called *villagisation*, which displaced thousands of people from rural context to planned villages, with the idea that closer proximity would have improved the agricultural production and the provision of services, such as schools, safe water and health facilities.⁵² The project finally failed in improving the well-being of the affected families and in

⁴⁵ Radin Margaret Jane, “Property and Personhood” in *Stanford Law Review*, Vol.34 No. 5, (1982): 957-1015. <http://www.jstor.org/stable/1228541> 957

⁴⁶ Ibid. 992

⁴⁷ Hohmann, *Right to Housing*, 178

⁴⁸ International Network for Economic, Social & Cultural Rights, “Module 17 Cultural Rights”, in *Understanding Specific ESC Rights*, Circle of rights Modules. Link: http://www.escr-net.org/usr_doc/CircleofRightsmodule17.html

⁴⁹ See:

Hohmann, “Identity” chapt. 7 in *Right to Housing*

Jelena Čvorović, *Gypsy Narratives: From Poverty to Culture*, Belgrade: Serbian Academy of Science and Arts, 2004.

Hohmann, Jessie, “The True Radicalism of the Right to Housing” , in *British Academic Review*, issue 21, 2013. www.ebsco.com (accessed on the 1 December 2013)

⁵⁰ Sanders William, “Aboriginal Housing”, in C. Paris (ed.), *Housing Australia*, Melbourne: MacLilan, 1993, 223

⁵¹ AR Marcus, *Relocating Eden: the Image and politics of Inuit Exile in the Canadian Arctic*, Hanover: Dartmouth College University Press of New England, 1995, 2

⁵² Leander Schneider, “High on Modernity? Explaining the Failing of Tanzanian Villagisation”, in *African Studies*, 66, 1, (2007): 09-38 www.ebsco.com (accessed 12 December 2013)

some cases led to violent protests and repressions.⁵³ Today, always in Africa, as Bojona Chokor notices, many “modern professional town planners fail in proposing new schemes of neighbourhood revitalisation and “slum” redevelopment because they do not keep into consideration the concept of home for the local community, which is deeply associated with personal roots, existence and group lineage identity”.⁵⁴

The importance of the house in the construction and preservation of the cultural identity is not only evident when this identity is erased by policies but also when housing planners and authorities start to consider the cultural peculiarities in analysing the housing problems and in providing solutions. This is the case of the housing studies conducted in Appalachia, a region in the United States that hosts a community that dates back to the immediate post-Civil war and is known as the “mountain culture”. Milstead suggests the dwelling has a particular role in the formation/preservation of this culture and in the local policy documents it is quoted as one criteria considered when planning the housing policies.⁵⁵ Other examples are illustrated in the several publications on the housing needs of the ethnic minorities in UK, such as the “Asian” immigrant minority or the “Black/Caribbean”.⁵⁶ As Gindley and Harrison highlight, it is not any longer just a concern of the housing scholars but it is becoming an issue of interest also for the local authorities.⁵⁷

1.2.2. Beyond a roof over the head

The role that housing plays in the individual and community life and its connection with the collective identity starts to be recognised by the principal international organisations and bodies promoting and protecting the Right to Housing. Apart from the ICESCR that includes the “cultural

⁵³ Ibid. 11-12

⁵⁴ Boyowa Chokor, “The meaning and Use of Housing: The Traditional Family”, in E. Arias (Ed.), *The Meaning and Use of Housing: International Perspectives, Approaches and their Applications*, Avebury: Aldershot, 1993, 293.

⁵⁵ Terence Milstead, “Housing and Heritage: Perceptions of “Culture” and its Influence among Policy-Makers and Housing Professionals in Southern and Central Appalachia” in *Housing, Theory and Society* Vol. 29, No. 1, (2012): 92–113 www.ebsco.com (accessed 21 November 2013)

⁵⁶ An example is the study commissioned by An Viet Housing Association in London in order to assess the housing needs of the Vietnamese minority in London and secure them an house that can generate “emotional and cultural security other than providing a shelter”. The study concluded:

Housing need for Vietnamese households is not simply about bricks and mortar but nonetheless, as with other minorities, there are specific design issues. Physical requirements might include good kitchen ventilation and a powerful extractor fan, as well as specifications related to religious and cultural observances difficult to cater for via standard concepts of need. There may be a wish for a sacred space to use as an altar and for avoiding placing a toilet near the front door. Strong demand for a garden connects with uses such as entertaining and exercise, and with the opportunity to grow herbs and exotic vegetables. Beyond physical provision, there is interest in supplementary housing-related services, and connections with health, mobility, vulnerability to isolation, harassment, physical and cultural security and self-sufficiency.”

Somerville and Steele (ed.), *Race, Housing and Social Exclusion*, London: Jessica Kingsley Publishers, 2002. See also: Malcolm Harrison, Cathy Davis, *Housing, Social Policies and Difference*, Bristol: The Policy Paper, 2001

⁵⁷ Gindley, Harrison “The Housing Needs of Black and Minority Ethnic Groups”, in Somerville and Steele (ed.), *Race, Housing and Social Exclusion*, London: Jessica Kingsley Publishers, 2002

adequacy” within the requirements for considering the house as adequate, further steps in this direction have been made by the United Nations Human Settlement Programme (UN Habitat) and the Council of Europe, promoting the civic participation in the housing policies’ planning.⁵⁸ UN Habitat in 1996 promoted a Global Conference on Human Settlements which released several political documents containing recommendations aimed at improving housing policies. Among these documents, the Habitat Agenda gives a definition of adequate housing that stresses the complexity of factors contributing to it:

Adequate shelter means more than a roof over one’s head. It also means adequate privacy; adequate space; physical accessibility; adequate security; security of tenure; structural stability and durability; adequate lighting, heating and ventilation; adequate basic infrastructure such as water supply, sanitation and waste management facilities; suitable environmental quality and health-related factors; and an adequate accessible location with regard to work and basic facilities; all of which should be available at an affordable cost. Adequacy should be determined together with the people concerned, bearing in mind the prospect for gradual development. Adequacy often varies from country to country, since it depends on specific cultural, social, environmental and economic factors. Gender-specific and age-specific factors, such as the exposure of children and women to toxic substances, should be considered in this context.⁵⁹

Particularly relevant are the different conceptions of adequacy that are influenced by culture and vary from context to context and community involvement in the policy planning process. Consequently, UN Habitat does not consider adequate housing strategies that adopt an exclusive top-down approach and do not contextualise the project within the specific cultural, social and economic environment.

Additionally, civic participation’s role in housing planning and the role of the adequate shelter for the well-being of the whole community is highlighted in another part of the Habitat Agenda. The Habitat Agenda affirms: “Sustainable human settlements are those that, inter alia, generate a sense of citizenship and identity, cooperation and dialogue for the common good, and the spirit of voluntarism and civic engagement, where all the people are encouraged and have equal opportunity to participate in decision making and development.”⁶⁰ Even further goes the 1991’s study commissioned by the International Union for Conservation of Nature (IUCN), the United Nations Environment Programme (UNEP) and the World Wide Fund for Nature (WWF), “Caring for the Hearth, Strategy for Sustainable Living”, which suggests to deal with the housing issue and especially the illegal settlements by accepting the inhabitants’ way of building, providing the necessary infrastructure and community facilities and promoting the civic participation in the

⁵⁸ The United Nations Human Settlements Programme, UN-HABITAT, is the United Nations agency for human settlements. It is mandated by the UN General Assembly to promote socially and environmentally sustainable towns and cities with the goal of providing adequate shelter for all. <http://unhabitat.org/>

⁵⁹ UN HABITAT, *The Habitat Agenda*, Habitat II, 1996. http://ww2.unhabitat.org/declarations/documents/The_Habitat_Agenda.pdf Para 60

⁶⁰ Ibid.

planning, implementation and maintenance of the housing policies. This strategy would not only improve the physical housing conditions departing from the existing infrastructure, but also motivate the community to improve its houses and take responsibilities in its maintenance.⁶¹

The connection between housing and collective identity recognised by the Council of Europe is confirmed by the fact that the Art. 8 of the ECHR on the right “for a private life, a family life and home” is interpreted protecting both the right to housing, for its implications for the private life and family well-being⁶² and, as I further explain in chapter 2, the right to maintain traditional ways of life, considered part of the private life.⁶³ In addition the European Social Committee defended the role culture for shelter in the case *European Roma Right Center (ERRC) v. France*⁶⁴ brought under the Revised European Social Charter. The case concerned the French law which denied housing benefits to those living in settled caravans. The French state messaging to protests argued that who wanted to enjoy housing benefits should simply give up living in caravans and find a proper accommodation. The European Social Committee found the justification provided by France unsatisfactory since it found it highly discriminatory. With this decision the Committee implicitly recognised the relevance of traditional way of life and culture for housing and family well-being.⁶⁵

1.3. The Right to Housing and Romani identity

This chapter aims to provide an overview of the link between dwelling and the Romani culture and way of life. The first chapter is devoted to the presentation of the main features of the Romani housing and the main issues connected to it. The argument is developed by presenting examples that show how the Romani collective identity and culture can influence housing. This presentation does not intend to provide a general overview over the main features of the Romani collective identity but only evidence on the importance of considering culture in dealing with Romani housing. The Romani community cannot be considered unified but is composed by hundreds of different groups. This not only prevents the reader from making false assumptions, but also to argue the necessity of carefully keeping in mind the different ways of life between groups in the implementation of the housing policies, since these cultural differences lead also to different approaches to housing.

⁶¹ IUCN, UNEP and WWF, *Caring for the Hearth, Strategy for Sustainable Living*, 1991, Gland, Switzerland. <https://portals.iucn.org/library/efiles/documents/CFE-003.pdf>

⁶² Commissioner for Human Rights, “Housing Rights: The Duty to Ensure Housing for All”, 6

⁶³ Henrard Kristin, “The European Convention on Human Rights and the Protection of the Roma as a Controversial Case of Cultural Diversity”, in *European Diversity and Autonomy Papers*, EDAP 5/2004, EURAC, Bolzano. Available at: http://www.eurac.edu/en/research/institutes/imr/activities/Bookseries/edap/Documents/2004_edap05.pdf

⁶⁴ ERRC v. France, European Committee for Social Rights, Complaint No. 51/2008, 19 October 2009, http://www.coe.int/t/dghl/monitoring/socialcharter/complaints/CC51Merits_en.pdf

⁶⁵ Hohmann J., *Right to Housing*, 193

1.3.1. Main features of Romani housing patterns

All over Europe Romani minority is suffering from very poor housing conditions, discrimination in the access to housing benefits and facilities, segregation from the dominant population and lack of security of tenure.⁶⁶ The issue of the poor housing condition is particularly serious also because it affects the protection of other important social and economic rights, like the right to employment, to education and to health.⁶⁷ In Central and Eastern Europe the post-communist transition has further worsened the living conditions of this minority. Other than losing their jobs and benefits derived from the state social policies, many Roma found themselves living in the periphery of the cities, in infrastructures inadequately equipped and segregated from the majority population.⁶⁸ Another serious problem affecting the protection of the Right to Housing connected to the transition to market economy is the legal status of housing. Since property rights were not well defined under Communism, with the transition many Roma (already deprived of employment) remained without the security of tenure, were evicted from state-owned apartments and had no other possibility than squatting or occupying illegally the houses where they were living before.⁶⁹

Macura, in his study on the housing conditions of Roma in Central and Eastern Europe, drafts a division of the different residential urban habits of poor Roma⁷⁰ in this area, although he specifies that it cannot be exhaustive and completely accurate. The first group is the old urban population, which has been living in cities since the last century or earlier. A component of this group has been assimilated, while the other lives in separate settlements – mahalla - in a stable way. This kind of settlement has its origin in the old Turkish division of the cities and for this reason is quite common in South East Europe. Although the living conditions within the mahalla are worse than the living conditions of the majority population and these settlements constitute a sort of ghetto, they are

⁶⁶ For an overview of the problems of Roma connected to housing in Europe, see: Commissioner for Human Rights, “Access to Adequate Housing”, in *Human Rights of Roma and Travellers in Europe*, Council of Europe, Strasbourg, 2012: 137-157

http://www.coe.int/t/commissioner/source/prems/prems79611_GBR_CouvHumanRightsOfRoma_WEB.pdf

⁶⁷ The implication of the right to housing for the protection of other human rights and in general for the well-being of the individual, has been stressed particularly by Bratt, Stone and Hartman, who highlight that living in a “bad neighbourhood” reduces the chances of finding a decent job, deprive the family of good public services and in general decrease the individual's possibilities of improving the quality of his life and in consequence his self-esteem. Bratt, Stone, Hartman, “Why a Right to Housing is Needed and Makes Sense” in *A Right to Housing: Foundation for a New Social Agenda*, Philadelphia: Temple University Press, 2006

⁶⁸ Macura Vladimir, Petrovic Milos, *Housing, urban planning and poverty: problems faced by Roma/Gypsy communities with particular reference to central and eastern Europe*, Council of Europe, Belgrade, 1999. [http://www.coe.int/t/dg3/romatravellers/archive/documentation/housing/Housingreport\(99\)1Macura_en.asp](http://www.coe.int/t/dg3/romatravellers/archive/documentation/housing/Housingreport(99)1Macura_en.asp)

⁶⁹ Ringold, Dena, *Roma and the Transition in Central and Eastern Europe: Trends and Challenges*, Washington: The World Bank, 2000.

⁷⁰ Macura focuses on the Roma living in urban area and whose living conditions are inferior to those of the majority population. Therefore he does not deal with Roma who fully integrated and have a good position in society.

usually quite centralised and integrated in the urban tissue⁷¹. The second group is the newly urbanised, meaning that has moved to cities in the last decades in order to find better conditions or for seasonal works. This group is mainly living in temporary and/or peripheral slums, second category settlements where housing conditions are very poor and intended to last until the local authorities decide to evict them. The level of segregation of these slums is usually very high, especially for those located at the periphery of the cities, and the living conditions are so poor that negatively affect the health, social and psychological state of the people living there.⁷² Other kinds of accommodations used by poor Roma in cities are: scattered poor housing, which are apartments and houses in a state of decline and abandoned by the previous owner; the lodging for necessity, that includes different types of buildings, like barrack used by seasonal workers; and the devastated apartment blocks, common in those post-communist countries where the assimilation policies towards the Roma led to the resettlements of thousands. These housing blocks were already not particularly suitable for Roma during the Communist period, and nowadays are in a state of total decline.⁷³

To the division of the most common accommodations used by poor Roma in urban environment provided by Macura, it is useful to add the division or the types of Romani settlements provided by Bašić, who includes the rural communities, quite common in South East Europe. In the villages the Roma can be found living mixed with the majority population or in separated settlements. Some of these rural settlements take the form of villages and can be segregated in space and away from basic services or quite well integrated and close to the non-Romani community. Other rural settlements are located in villages where the majority population is non-Romani and therefore they mostly take the form of section of villages. The conditions vary and can be very good and integrated in the village's tissue or very poor and in the form of a village slum.⁷⁴

1.3.2. The relation between Romani identity/way of life and housing

Most of the Roma in Central and Eastern Europe and especially in South East Europe keep living in mahalla or settlements separated from the majority of the population. Jakšić, in his study on the living conditions of Roma in Serbia, highlights how this kind of residential unit has fostered the ethnic marginality of this minority but, at the same time, strengthened the ethnic compactness and the cultivation of the Romani cultural identity.⁷⁵ In this sub-chapter I present studies conducted

⁷¹ Macura Vladimir, Petrovic Milos, *Housing, urban planning and poverty*

⁷² Ibid.

⁷³ Ibid.

⁷⁴ Bašić Goran, "Settlements and population Density of the Romani in Serbia", in Jakšić, Božidar, and Bašić Goran, *Romany Settlements, Living Conditions and Possibilities of Integration of the Roma in Serbia*, Belgrade: Institut za Filozofiju I društvenu teriju, 2005. Pp195-196

⁷⁵ Jakšić Božidar, "Living Conditions of the Roma Family in Serbia", in Jakšić Božidar and Bašić Goran, *Romany*

on the relation between the Romani housing habits and their identity, in order to show how the two factors are interconnected. Furthermore, I introduce some examples that show the importance of assessing the specific housing needs of the Roma because those may be affected by the Romani traditions or way of life.

Regarding the general Romani tendency to live segregated in settlements instead of looking for an accommodation in an ethnic mixed neighbourhood, Stewart gives us an interesting possible explanation, deduced from his observations in a Romani settlement in Hungary.⁷⁶ The Romani minority, during its history of persecutions and attempted exterminations or assimilations by the surrounding population, has developed a feeling of living in a “state of siege”. This term indicates the feeling of continuous danger proved daily by the members of this minority in their relation with the *Gadje*. Indeed, they are well aware of the stigma of being Gypsy: they live in a world where people are afraid of entering their home, where their children are discriminated in schools and where they are mistreated. Romani grow well aware that the *Gadje* outside the settlement consider them as inferior or deviant. The Romani individual looks for protection and respect within his or her own community and finds shelter from the outside world within the settlement. Only inside this “ghetto” can he express his own identity, speak his language and find the esteem and respect he deserves. Regarding this aspect, another scholar, Skupnik, conducted research about the marginalisation of the Roma settlements in Slovakia, showing how “the constant human need for attention and recognition from others” creates a “counter world” or “counter society” with an alternative value system, where this attention and recognition can be found, and that, in the case of the Romani communities, is represented by the settlement.⁷⁷

Another aspect strictly connected to living in a settlement and to the unfriendly relationship with the non-Romani community is, always according to Stewart, the preservation of a communal life. Romani give much importance to mutual support and the sharing of goods. Moreover the space where the Romani spend most of their time is the outdoors, where they can socialize with one another. The community acquires a special relevance in the daily life of the Romani individual, who seldom lives isolated but instead spends most of its time surrounded by the family, the relatives and the neighbourhood.⁷⁸ This behaviour is an aspect of that safe haven that the Roma have created in order to feel “at home” and to escape from the harsh reality of everyday life. Being strangers in

Settlements, 221-222

⁷⁶ Stewart, Micheal, *The Time of the Gypsies*, Boulder; Westview Press, 1997.

⁷⁷ Skupnik Jaroslav, “Reflected Worlds: Marginalisation and Integration from the Perspective of the Sociopsychological Dynamics of Society”, in *Czech Sociological Review*, Vol. 43, No. 1. <http://www.jstor.org/stable/41132480> (accessed 18/09/2014)

⁷⁸ Stewart Michael, “Romanes as the Gypsy Way, or Life in Common” in *The Time of the Gypsies*, 46-49

an unfriendly world makes essential the mutual support⁷⁹. The settlement offers a safe and functional space for this kind of communal life. Furthermore, the reciprocal assistance and the feeling of closeness among members is a reason of pride and distinctiveness from the individualistic world of the *Gadje*. Stewart, from his direct experience reports:

One Rom spoke to me as follows: “Rom help each other out [...]. If a Rom has a lot of money and somebody else needs some, then he’ll give it to him. If one Gypsy woman sees another who hasn’t got anything to eat or cook, she says to the other one, ‘Come to the shop with me, and we’ll buy some food to eat’. They help each other out... unlike the Gažos. That’s not the custom with them”. This was a romanticized account of daily life, but there genuinely was an expectation that the Rom should help one another.⁸⁰

Stewart concludes that the Romani identity is based in this feeling of closeness among the members of the Romani community and distinction from the outside world. This has been observed by the others in other contexts and is a common feature of the different Romani groups.⁸¹ It is reflected in their relation with the territory too. Mirga and Gheorghe point out that unless motivated to keep the acquired social position in a specific territory, the Roma continuously feel rootless, since the territory they live in belongs to *Gadje*. The consequence is that they usually do not express much attachment to the territory they live in and, although no more nomad, they are always mentally prepared to move in case of necessity.⁸² Stewart explains that for the Roma it is much more important with whom they live than where.⁸³

The importance of the home and the residential habits for the preservation of the Romani identity can be demonstrated by the relevance that the Communist regimes posed on the housing policies for implementing the assimilation strategy directed to Roma⁸⁴. Apart fighting against nomadism by prohibiting it and confiscating wagons and horses, most of the assimilation strategies foresaw the resettlement of the Roma living in segregated settlements in ethnically mixed urban buildings.⁸⁵ This result was achieved by offering housing and jobs for the price of assimilation or by forcibly moving families destroying the shanties where they were living before⁸⁶. Education and urbanisation of Roma were seen as the solution to change the system of values, work habits and, in general, the lifestyle of the “backward” minority, since studies of that time were showing that

⁷⁹ Ibid. “A Place on their Own” 28

⁸⁰ Ibid “Romanes as the Gypsy Way, or Life in Common” , 47

⁸¹ Ibid. “A Place on their Own” 28

⁸² Mirga, Andrzej, and Nicolae Gheorghe, *The Roma in the twenty-first century: a policy paper*, Project on Ethnic Relations, 1997.23

⁸³ Stewart Michael, *The Time of the Gypsies*, 72

⁸⁴ The ideology behind the Communist assimilationist strategy directed to Roma is further explained in chapter 2.

⁸⁵ Barany, Zoltan, *The East European Gypsies: Regime Change, Marginality, and Ethnopolitics*, Cambridge: Cambridge University Press, 2002, 129-130

⁸⁶ Ibid.

“living environment determines lifestyle”⁸⁷. Since the housing policies implemented had the goal of assimilation, they did not keep into account the housing needs. The apartments were those provided to non Roma, without taking into account that Romani families are usually more numerous than non-Romanians and therefore require more living space.⁸⁸ Furthermore, the culture of some Romani groups impacts the physical appearance of the house. For instance, some have taboos against having the kitchen beside a bathroom. Not taking into account these aspects, as the Communist regimes did, might lead the inhabitants to have small interest in maintaining the building.⁸⁹

The result of this lack of recognition and adaptation to the Romani housing needs led to the failure of the housing policies implemented. Apart from an initial drop of the spatial segregation, the tendency soon reversed and the separation of the Romani minority from the majority population increased again. The result was due to the fact that the Romani families found the new accommodations unbearable. Whenever possible, they sold the apartments and returned to the previous shanties, whereas the non-Romani population soon started moving to other Roma-free neighbourhoods because they had become displeased with this ethnic-mixed arrangement.⁹⁰ These housing policies encountered difficulties also when the moving of the Romani families to the new housing units was gradual and the families involved were well-disposed to change way of life.

Stewart gives us another good example regarding this issue.⁹¹ A young couple living in Hungary, in the settlement where the author was conducting his studies, decided to enter in the State resettlement program in so that he could live in a suitable apartment among the Magyars. The couple was already fully integrated: the husband was working in a factory and the wife in a restaurant. Furthermore, it was their intention to give up the Romani way of life and become Magyar. For this reason their request for resettlement was accepted. Prior to being relocated to a Magyar modern housing estate, they went through a transition period in a second settlement where they lived in barrack houses. The aim of the transition period was to accustom them to “modern life” in order to avoid future accidents due to their “backward” lifestyle. After sometime they were allowed to receive an apartment in the Magyar neighbourhood with all the modern comforts and they were sure that they would have never gone back to the old life.⁹² This is not what happened.

⁸⁷ Glassheim efficaciously explains the point of view of the Communist planners who sought “to liquidate once and for all the Gypsy problem by moving Roma into modern housing that would cure them of their backward habits” Glassheim Eagle, “Most, the Town that Moved: Coal, Communists and the “Gypsy Question” in Post-War Czechoslovakia”, in *Environment and History*, Vol. 13, No. 4, (2007): 447-476. <http://www.jstor.org/stable/20723640> (Accessed 18/09/2014)

⁸⁸ Macura, Petrović, “Housing, Urban Planning and Poverty”.

⁸⁹ Ringold Dena, *Roma and the Transition in Central and Eastern Europe*, 14

⁹⁰ Barany Zoltan, *The East European Gypsies*, 130-131

⁹¹ Stewart Michael, *The Time of the Gypsies*.

⁹² Ibid. “Čoro and Luludji’s Story: Upwardly Mobile Gypsies”, 82-91

After one year they gave up the modern apartment and went back to the old ghetto, although it was hard for them to renounce to the comforts they enjoyed in the modern building. The reasons of this return were several: although the Magyar neighbours learned quite early that they were not like “the other Gypsies.” They never really felt included and respected by Magyars; the young wife suffered from staying alone all day closed in the apartment and also the kids did not love to live “enclose in four walls” and were often mistreated by the other kids. Briefly, the comfort of living in a modern apartment did not compensate the price of giving up the Gypsy communal life in exchange of a partial acceptance by the *Gadje* world. The story of this young Romani couple features a happy ending, since after sometime, with the money they got by selling back their rights in the council house to the state, they bought and renovated a house in the settlement, where they enjoyed the basic comforts needed while not renouncing their Gypsy way of life.⁹³

1.3.3. Group differentiation among Roma: a plurality of cultures

When dealing with Roma in general and with the housing policies, it is important to specify an often omitted cultural aspect: it is not an ethnic group in the strict sense of the term, but rather a combination of several subgroups that have little to do with each other. Roma are a “people” only in the eyes of the majority population.⁹⁴ Indeed, the Gypsy identity is constructed more in opposition to the *Gadje*, and many Romani communities find a common ground only on the base of their differentiation with the *Gadje* society.⁹⁵ Keeping into consideration these differences is mandatory, because otherwise contingent policies may result ineffective or even counter-productive, since they also affect the socio-economic position (i.e. kind of occupation, settled/nomads, etc.) and the level of integration-marginalisation.⁹⁶ Nevertheless, it is useful to consider Romani people as a nationality in order to better promote their rights as a minority and to create an internal cohesion capable of fostering the Romani movements⁹⁷.

The ethnic groups composing the Romani population are probably hundreds.⁹⁸ Just in the territory of the former Yugoslavia there are at least twenty main Romani groups.⁹⁹ An assessment and division of these groups in this area has been made by Đorđević in 1932 and is still accepted.

⁹³ Ibid. “My Heart Was Cut in Two” 134-137

⁹⁴ Pogány István, *The Roma Café, Human Rights in the Plight of the Romani People*, Pluto Books, London, 2004. 10

⁹⁵ Csepeli Gyögy, Simon Dávid, “Construction of Roma Identity in Eastern and Central Europe: Perception and Self-Identification, in *Journal of Ethnic and Migration Studies*, Vol. 30, No.1, (2004): 129-150

⁹⁶ Ringold Dena, *Roma and the Transition in Central and Eastern Europe*

Mitrović Alexandra et al., *The Roma in Serbia*, Belgrade: Centre for Anti-War Action, Institute for Criminological and Sociological Research, 1998. 28

⁹⁷ Tavani, Claudia, *Collective Rights and the Cultural Identity of the Roma: a Case Study of Italy*, Leiden: Martinus Nijhoff Publishers, 2012. P 24

⁹⁸ Ringold Dena, *Roma and the Transition in Central and Eastern Europe*

⁹⁹ Barany Zoltan, “Living on the Edge: The East European Roma in Postcommunist Politics and Societies”, in *Slavic Review*, Vol. 53, No. 2, (1994): 321-344. www.jstor.org/stable/2501296 (accessed on 16/09/2014)

He identifies four main groups that in turn are divided into further sub-groups. The differences are mainly in time of arrival in the region, language, customs, religion and even traditional occupations¹⁰⁰. Other than these four main groups, he also mentions other 14 smaller groups.¹⁰¹ The classification of Đorđević is interesting not only because it gives an idea of the variety of Romani groups, but also because, since it has been done in the '30s, it shows how the Romani habits have changed in the last century. Apart from the traditional occupations (pigs/horses trade, blacksmiths etc.) that have been lost, the author refers to many of these groups as nomads, like the Turkish Roma living in Southern Serbia and Bosnia.¹⁰²

Nowadays the nomad Roma in the area are few and, according to recent studies, most of the nomad groups settled mainly during the Yugoslav era¹⁰³, which has surely contributed to the homogenisation of the groups. Nonetheless, habitual and cultural differences remain. Barany argues that the group differentiation influences and is influenced by the degree of socio-economic integration of the same groups. For instance, there are groups which are well integrated and others completely living on the margins. There are groups that allow inter-ethnic marriages and groups that do not¹⁰⁴. It is important to keep in mind this group differentiation in social policies and in housing policies in particular, since a different culture and a different level of integration may also affect the reception and acceptance of these strategies.

¹⁰⁰ The groups identified are: the *Turkish Roma*, arrived in Serbia after the arrival of the Turks and mostly engaged in crafts, trade of pigs and music, these are divided into Gadžikano and Korakane and differ among them for the language they speak. The so-called *White Roma* are Muslim by religion, they have almost completely assimilated in the majority society and speak only Serbian. The *Wallachian* is a group arrived in Serbia from Romania and is divided, according to Đorđević, into at least other 5 sub-groups, differing for history, occupation, residential habits etc. Finally the *Hungarian Roma* arrived in Serbia from Austria during the assimilation policies of the Habsburg and engaged mostly in horses trade.

Mitrović Alexandra et al. "Social Position of the Roma in Serbia" 10-12

¹⁰¹ Mitrović Alexandra et al. "Social Position of the Roma in Serbia" 10-12

¹⁰² Ibid.

¹⁰³ Bašić Goran "Settlements and Population Density of the Romanians in Serbia" in Jakšić, Božidar, and Bašić Goran, *Romany Settlements*

¹⁰⁴ Barany Zoltan, "Living on the Edge: The East European Roma in Postcommunist Politics and Societies",

2. Collective identity: threat or value for human rights?

The previous chapter showed the link between collective identity and housing and the importance of taking into account the cultural aspect in the protection of the Right to Housing. I presented examples showing how housing policies can be functional to assimilationist strategies, because of the role of housing in the preservation of the collective identity. This chapter argues against the implementation of these assimilation strategies and in favour of the protection of the collective identity, in order to point out the relevance of bearing in mind the link between housing and culture not only for a better implementation of the Right but also for the cultivation of a society where cultural pluralism is maintained and considered an enrichment.

2.1. Romani rights between individual and collective rights protection

This first sub-chapter deals with the importance of the collective identity for the protection of human rights in general and of Roma's rights in particular. The relevance of collective identity for the implementation of individual rights is a debate engaging several authors and that still cannot be considered close. Its relevance is due not only to the role that culture plays in people's life, but to the fact that collective rights may protect those features of traditional cultures that speak against individual rights. These two opposite aspects can be reconciled in order to reach the highest standards of justice and well-being. The following chapter summarizes this debate, explaining why collective identity is important for the individual's well-being and introducing the unresolved issue of the conflict between collective and individual rights. The role of collective identity for the well-being of the Romani individual is debated too, paying particular attention to the connection between the Romani identity and the relationship with the non-Romani world.

2.1.1. Individual rights vs collective rights: main arguments

The protection of the human rights of the members of the Romani community poses problems within the broader debate that sees those supporting the protection of the individual's rights opposed to those who advocate for a major recognition of the collective dimension of rights. The first group promotes the idea that the rights of the person can be properly protected by considering the individual as independent from its cultural background¹⁰⁵, while the second group of scholars points to the importance of the collective identity in individual's life and therefore argues for the recognition and protection of those collective rights connected to the belonging of the individual to

¹⁰⁵ See Donnelly Jack, "Cultural Relativism and Universal Human Rights", in *Human Rights Quarterly*, Vol. 6, No. 4, (1984): 400-419.

Walzer Michael, *The Politics of Ethnicity*, Harvard University Press, Cambridge, 1982.

a cultural community.¹⁰⁶ Nowadays both approaches recognise the relevance of the cultural membership in the individual life¹⁰⁷, but because of several factors, such as the potential clashes between the protection of the individual rights and the recognition of the group rights, the debate over how much the human rights approach has to keep into consideration the cultural aspect is still fully open.

The recognition of the importance of culture for the well-being of a person is confirmed by the ICESCR that protects the “Right to take part in cultural life” in article 15¹⁰⁸. Nevertheless, the issue of the meaning of this right and its weight over the other individual rights remains.¹⁰⁹ Some authors argue that culture and collective identity are functional to the proper implementation of the individual rights and therefore these aspects have to be considered beyond the mere protection of the cultural life itself.¹¹⁰ It is necessary, nonetheless, to specify what the term “culture” refers to. Article 15 of the ICESCR affirms the term Culture may refer to the “traditional canon of literature, music, theatre, architecture and so on”¹¹¹, all the manifestations of creativity that include as well mass phenomena as television, radio etc., and finally the anthropological perspective that studies the culture as way of life and manifestation of values.¹¹² This last aspect is the most debated and therefore the one considered in the analysis. Kymlicka argues that culture, intended as way of life and set of values, is what provides the individual with a meaningful life and a “context of choice” within which it has the freedom to decide which life to conduct.¹¹³ Donnelly on the other hand defines culture as an aspect of the individual’s life that has its relevance, but that can be changed by the free will of the person and therefore it does not have to be overstated¹¹⁴.

The defence of the relevance of culture in the individual’s life, and consequently in the implementation of individual human rights, is based on the assumption that the identity and the well-being of the person are deeply intertwined with his belonging to a group. As Margalit and Raz

¹⁰⁶ See Kymlicka Will, *Multicultural Citizenship: A Liberal Theory of Minority Rights*, Clarendon Press, Oxford, 1995. Young Iris Marion, *Justice and the Politics of Difference*, Princeton University Press, 1990.

Bhikhu Parekh, *Rethinking multiculturalism : cultural diversity and political theory*, MacMillan Press, London, 2000.

Taylor Charles, “The Politics of Recognition”, in Gutmann (ed.) *Multiculturalism*, Princeton University Press, 1994.

¹⁰⁷ O’Nions reports as also anti-liberalist and strongly individualist theorist as Nietzsche and Hiedegger recognised the importance of collective membership for the individual. O’Nions Helen, *Minority Rights Protection in International Law, The Roma of Europe*, Research in Migration and Ethnic Relations Series, Ashgate, Aldershot, 2007. 31

¹⁰⁸ International Covenant on Economic, Social and Cultural Rights, adopted by UN General Assembly Resolution 2200 (XXI), 16 December 1966, entered into force in 1976. Art. 15. Available at: <http://www.un-documents.net/icescr.htm>

¹⁰⁹ For a review on the Art 15 of the ICESCR and on the issues that its elaboration poses see O’Keefe Roger, “The Right to Take Part in Cultural Life under Article 15 of the ICESCR”, in *International and Comparative Law Quarterly*, Vol. 47, October 1998, 904-923.

¹¹⁰ O’Nions Helen, *Minority Rights Protection in International Law*, 32

¹¹¹ O’Keefe Roger, “The Right to Take Part in Cultural Life under Article 15 of the ICESCR”, 905

¹¹² Ibid.

¹¹³ Kymlicka Will, *Multicultural Citizenship*.

Kymlicka Will, *Liberalism, Community and Culture*, Oxford: Oxford University Press, 1989.

¹¹⁴ Donnelly Jack, “Cultural Relativism and Universal Human Rights”

write:

It may be no more a brute fact that our world is organised in large measure around groups with pervasive cultures. But it is a fact with far-reaching consequences. It means, in the first place, that membership of such groups is of great importance to individual well-being, for it greatly affects one's opportunities, one's ability to engage in the relationships and pursuits marked by the culture. Secondly, it means that prosperity of the culture is important to the well-being of its members. If the culture is decaying, or it is persecuted or discriminated against, the options and opportunities open to its members will shrink, become less attractive, and their pursuit less likely to be successful.¹¹⁵

Parekh in his critique to the monist ideologies and theories¹¹⁶ argues that "since human identity is composed of both universally common and culturally specific features, the good life cannot be defined in terms of the former alone".¹¹⁷ Similarly, the so-called "Communitarian" theorists criticize individualist ideology for its underestimation of the role of the community in the individual's life.¹¹⁸ Skurbaty stresses the fact that the community is not opposed to the individual but "represents one of the vital ingredients [...] of the self, the psyche and the important vehicle through which it experiences, actualizes and objectivates itself".¹¹⁹ Consequently, culture and collective identity have a crucial role in defining the well-being of an individual and have to be considered when discussing the preservation of human rights.

Critics to the protection of the collective rights and cultural specificities argue that Western authors defending these positions risk to fall into paternalism and stereotypes, to consider culture as something fixed and unchangeable and, most of all, defend cultures that represent severe threats to fundamental individual rights. Donnelly ironically notices how most of the scholars that strenuously defend traditional cultures have since long time abandoned their own, while they keep continue to cry out in favour of aboriginal cultures that are almost extinguished¹²⁰. Waldron goes further and uses the experience of the immigrant community and the specific example of *The Satanic Verses* of Salman Rushdie in order to show how globalisation is producing a world where the individual has the possibility to choose among different elements from different cultures and the minorities are replaced by a cosmopolitan society. In such a world the protection of minority cultures is not only anachronistic, but also dangerous, as the death threats to Rushdie for apostasy have shown.¹²¹ Likewise, a harsh criticism to protection of traditional cultures comes from the feminist perspective

¹¹⁵ O'Nions Helen, *Minority Rights Protection in International Law*, 28

¹¹⁶ With monist ideologies Parekh refers to those doctrines that promote moral values as universal and consider ignorant or backward those who do not conform to them. The most known example is the liberal ideology of the colonial period. Parekh Bhikhu, "Moral Monism", in *Rethinking multiculturalism*. chapt. 1

¹¹⁷ Parekh Bhikhu, *Rethinking multiculturalism* . p. 125

¹¹⁸ O'Nions Helen, *Minority Rights Protection in International Law*, 36

¹¹⁹ Skurbaty Zelim, *As if People Mattered*, Nijhoff Publisher, The Hague/Boston/London, 2000. 278

¹²⁰ Donnelly Jack, "Cultural Relativism and Universal Human Rights"

¹²¹ Waldron Jeremy, "Minority Cultures and the Cosmopolitan Alternative", in Kymlicka Will (ed.), *The Rights of Minority Cultures*, Oxford University Press, 1995. 93-119

that points out how defending such cultures may mean defending traditional practices that place the woman in a subjugated position or even seriously threaten her fundamental rights.¹²² The practices of female genital mutilation and forced early marriage are popular examples of how culture can endanger an individual's autonomy and physical integrity.

These criticisms are funded and yet solutions have not been found. Nevertheless, in opposition to Waldron's cosmopolitan theory several arguments have been advanced. O'Nions shows how it is difficult to enjoy a variety of cultural perspectives when most of them are endangered by hegemonic forces. She brings the example of the Criminal Justice and Public Order Act released in 1994 in United Kingdom, which strongly limits the practice of nomadism. The decision does not only ignore the travelling needs of many Gypsy but affects also all those "new age travellers" who freely decided to adopt a nomadic lifestyle.¹²³ Additionally, today's world is not necessarily heading toward the establishment of a unique cosmopolitan and secular culture, but rather toward a reaffirmation of a traditional one opposed to the Westernisation of the values. Evidences to this argument are brought from the process of desecularisation. New upsurges of religious affiliation are witnessed not only in the Islamic world but also, for instance, in South America, where the Evangelical churches are rapidly increasing their members.¹²⁴ Berger gives two explanations to this phenomenon, that may be considered the reasons of it is very unlikely to replace the traditional cultures with a new cosmopolitan and secular one:

One: Modernity tends to undermine the taken-for-granted certainties by which people lived through most of history. This is an uncomfortable state of affairs, for many an intolerable one, and religious movements that claim to give certainty have great appeal. Two: A purely secular view of reality has its principal social location in an elite culture that, not surprisingly, is resented by large numbers of people who are not part of it but who feel its influence.¹²⁵

Although it is true that cultures are not fixed but can be changed, this mutation process is quite slow and it is better if moved by internal forces¹²⁶. The forced change of a culture through, for instance, assimilation, may lead to more troubling consequences.

Problems are posed by the potential clash between the protection of cultural specificities and fundamental rights, as raised by feminist theorists. Kymlicka too tackles the issue and acknowledges the risks that the protection of minorities may be used to defend illiberal practices. Nonetheless, he apparently quite easily solves the issue by placing the liberal principle of individual

¹²² Moller Okin Susan et al., *Is Multiculturalism Bad for Women?*, Princeton University Press, 1999.

¹²³ O'Nions Helen, *Minority Rights Protection in International Law*, 35

¹²⁴ Berger Peter L., "The Desecularisation of the World: A Global Overview", in Berger Peter et al. (eds.) *Resurgent Religion and World Politics*, Erdemans Publisher, Washington, 1999.

¹²⁵ Ibid.

¹²⁶ Kymlicka Will, *Multicultural Citizenship*, p. 75.

autonomy as undeniable requirement for protecting minority rights: “Liberals can only endorse minority rights in so far as they are consistent with respect for the freedom or autonomy of individuals.”¹²⁷ This approach is questioned by another defender of multiculturalism, Parekh, who criticises the fact that placing liberal approach as a minimal requirement can be seen as a new form of moral imperialism. Some cultures may not be based on the principle of individual autonomy but on its opposition and therefore looking at them through the lens of liberalism can result in inequality.¹²⁸ Moreover, Kymlicka in his liberal analysis of meeting cultures and multiculturalism does not consider the possibility that not all cultures may be open to cooperate and respect the others. This aspect is better analysed by Parekh who, nonetheless, does not propose many practical solutions to the issue, but simply talks of the necessity to promote the cross-cultural dialogue.¹²⁹

The issue of the protection of fundamental rights together with the respect of the values and costumes of traditional cultures is surely one of the critical points that the rise of multicultural society is posing and whose solution is crucial for the full respect of the rights of everyone. Nevertheless, sometimes culture is used to cover the real reasons of certain practices and too often stereotypes are still used to judge costumes of a non-Western community. This tendency other than creating dangerous prejudices, prevent us from the possibility to assess the reality in an objective way. An example is the costume of early marriage, still practiced in many area of the world and often associated solely with tradition and religion, especially Islam. Although these two factors have a role in promoting this practice that has negative consequences on many levels¹³⁰, they cannot be considered as the main driving forces that bring this costume to persist. Indeed several studies show that economic factors, as poverty, and conditions of insecurity, like armed conflict, have a primary role in fostering early marriage.¹³¹ This example does not want to minimize the problems that culture poses to human rights and equality, especially gender equality, but intends to stress the necessity of analysing the single cases with rationality and objectivity, avoiding to find in the vague terms of “culture” and “tradition” the explanation of each illiberal practice.

2.1.2. The relevance of the collective identity for the Romani groups and its relational

¹²⁷ Ibid.

¹²⁸ Parekh Bhikhu, *Rethinking multiculturalism*, p 107-108

¹²⁹ Ibid. 128

¹³⁰ For an overview on the social, health and economic consequences of early marriage, UNPFA, *Marrying too Young: End Child Marriage*, New York, 2012. Available at:

<http://www.unfpa.org/webdav/site/global/shared/documents/publications/2012/MarryingTooYoung.pdf>

¹³¹ Nawal M. Nour, “Child Marriage: A Silent Health and Human Right Issue” in *Reviews in Obstetrics and Gynecology*, Vol. 2, No. 1, 2009. Available at:

http://www.ncbi.nlm.nih.gov/pmc/articles/PMC2672998/pdf/RIOG002001_0051.pdf

UNPFA, *Ending Child Marriage: a Guide for global Policy Action*, London, 2006. Available at:

<http://www.unfpa.org/webdav/site/global/shared/documents/publications/2006/endchildmarriage.pdf>

World Vision, *Before She's Ready, 15 Places Girls Marry by 15*, 2008. Available at:

<http://corestg.worldvision.org/sites/default/files/pdf/early-marriage.pdf>

dimension

The issue of the protection of minority cultures and the respect of human rights is particularly relevant for the Romani communities in Europe. The Roma represent the main minority in Europe, they have been present since the Middle Ages, they have survived slavery¹³², persecution, attempted assimilations¹³³ and even genocide.¹³⁴ Despite these significant challenges, they have continued existing, living yet excluded from the majority population. Today this minority represents the poorest section of the population and it is subject to several violations of human rights and acts of discrimination. This research paper demonstrates how the protection of the individual rights of Roma community members cannot ignore the protection and respect of the Roma as a group. The cultures of many Romani groups represent a threat to individual rights. The case of early marriages can be brought again as example, since it is still practiced by some Romani communities. Nevertheless, many traditional practices adopted by Roma are a product of the relationship with the majority population (the gadjé), characterised by diffidence, prejudice and even conflict. In addition, most of the human rights violations suffered by members of Romani groups are a consequence of the discriminatory policies imposed by the majoritarian society and of the lack of a proper protection of their minority rights. This chapter stresses the importance of the collective identity for the Roma and its connection with the majority population.

O’Nions in her overview of the main arguments in favour of and against the protection of collective identity, argues that the Romani minority serves as a prime example of the importance of the collective dimension for the individual identity. Scholar Liégeois argues that the individual identity of the members of the Romani communities is highly intertwined with the collective one:

The individual is that which his belonging to a given group makes him. He is neither known nor recognised as an individual, but by the situation within the group, which determines his identity both for himself – his self-designation – and for others: the ways in which he will be seen by them, and see them in turn. Hence the significance, when people meet, of employing linguistic and cultural elements and designations, enabling the individuals in question to define themselves and each other, to differentiate themselves and yet feel a common bond.¹³⁵

The relevance of the collective identity for the Romani person is also stressed by Jakšić, who argues that many Roma, although for socio-economic purposes may eventually adopt strategy of “ethnic mimicry”, pretending to accept integration or assimilation, even so they seek to maintain their

¹³² See the long period from Middle Age to Contemporary era, when in many area of Eastern Europe all the Roma were considered slaves. Hancock, Ian, *We Are the Romani People*, Hatfield: University of Hertfordshire Press, 2002.

¹³³ A good account of the persecutions and assimilation policies during history may be found in Liégeois, Jean Pierre, Gheorghe Nicolae, *Roma/Gypsies: a European Minority*, Minority Rights Group International, 95/4, 1995.

¹³⁴ See Bársony János, Agnes Daróczi, *Pharrajimos: the Fate of the Roma during the Holocaust*, New York: The International Debate Education Association, 2008

¹³⁵ Liégeois Jean-Pierre, *Roma, Gypsies, Travellers*, Council of Europe Press, Strasbourg, 1994. 63

ethnic integrity and identity.¹³⁶ Facing discrimination and prejudice daily reinforces the need for this minority to find support inside its own community, strengthening ties to it and increasing the distance with the rest. The importance of the community for the Romani individual is also stressed by Stewart who, writing about his experience living with Roma in Hungary, tells how the families living in the settlement that was hosting him would have been ready to leave that place without much resistance in case the municipality would have evicted them:

These Gypsies were in no sense “nomads”, but a “place of their own” was not at the end a place at all; rather, it was the always fragile realisation of an intangible quality of life together.¹³⁷

The experience of discrimination that Romani communities constantly live is also responsible for the feeling of closeness among different groups that otherwise would not share many cultural traits. Many authors argue that the Gypsy identity is a product of the reaction against the discrimination of the *Gadje*.¹³⁸ It is not a case that the recent feeling of nationhood, promoted by the Romani leaders and developed as a consequence of the Romani holocaust, and is often defined as a product of the history of victimisation.¹³⁹ Indeed, it is almost impossible to identify unified traits that may define the Roma as an ethnic group: the language, is not the same for all the groups, nor is religion or way of life. Regarding their history and their place of origin, as Stewart¹⁴⁰ and Tavani¹⁴¹ state, it looks like this is more an interest for the non-Romani historian than for the Roma itself: they come from an oral tradition, base their “history” on the oral legends passed down from generation to generation and are not interested in their place of origin. Tavani stresses the need to recognise this unified ethnic identity – the Romani identity, since it is the only way for them to ask equality for their rights as minority and to prevent others from labelling them as simple parasites or troublesome outsiders.¹⁴²

Romani collective identity is therefore intertwined with the relation of this ethnic minority with the other (the *Gadje*). While the cultural specificities and way of life create prejudice and discrimination, the stigmatisation that derives from it creates the reinforcement of those cultural features that differentiate the minority from the majority. The residential habits are a good example for this purpose. As demonstrated in the first chapter, the settlement provides a refuge for the Romani minority from the daily discrimination and even verbal and physical attacks (derived from

¹³⁶ Jakšić Božidar, “Living Conditions of the Roma Family in Serbia”, in Jakšić Božidar and Bašić Goran, *Romany Settlements*

¹³⁷ Micheal Stewart, *The Time of the Gypsies*

¹³⁸ Tavani Claudia, *Collective Rights and the Cultural Identity of the Roma, A Case Study in Italy*, 24

¹³⁹ *Ibid.* 27

¹⁴⁰ Stewart Michael, *The Time of the Gypsies*, 12

¹⁴¹ Tavani Claudia, *Collective Rights and the Cultural Identity of the Roma*, 27

¹⁴² *Ibid.* 5

the not-acceptance of the diversity) that they live in the outside world, but at the same time represents the most visible manifestation of this different way of life. Another example is the relationship that Roma have with work. According to the mass stereotype, the Roma do not want to work, are lazy beggars and thieves. This negative image establishes prejudice, discrimination and racial hatred and those feelings that bring the Roma to be excluded and discriminated. The Roma, on the other side, reinforce this stereotype as a mental defence. Stewart well explains this process, writing how the Roma that he interviewed during his period of research were telling him how they (the Gypsy) are skilled in theft and cheating the “stupid” *Gadje*, despite the fact that all of them were working every day in the socialist factories and few of them ever got prosecuted for such a crime.¹⁴³ Similarly many Romani tails praise how the Roma are superior to *Gadje*, because these work all day while they are enjoying what the environment gives them.¹⁴⁴ In conclusion, the recognition and protection of the Romani collective identity is important because the misrecognition and mistreatment of this minority brings to a further differentiation and marginalisation of this group from the majority population.

2.1.3. The protection of the identity of Romani minority by international legal documents

Minority rights protection has improved considerably after the fall of the Communists regimes and especially after the bloody wars in the Balkans in the ‘90s.¹⁴⁵ The legal documents on this topic are several and go from the international to the European level. Other than protecting the minorities from potential violence and discriminations, the international legislation requires equal treatment and the possibility for the ethnic groups to express and develop their culture and to learn and use their mother tongue. At the international level, the Covenant on Civil and Political Rights (art. 27) protected the right of the ethnic, religious and linguistic minorities to express their own culture, profess their own religion and speak their own language, while the Art. 15 of the Covenant of Economic, Social and Cultural Rights protects the right of everyone “to take part to the cultural life”¹⁴⁶. Those documents, while ensuring the respect of the freedom of the individual to express its own cultural specificity, do not foresee any active role of the State in promoting the minority cultures and ensuring their survival. The new wave of legal documents protecting minority rights in the ‘90s changed the situation. At the United Nations (UN) level, in 1993, the General Assembly

¹⁴³ Micheal Stewart, *The Time of the Gypsies*, 18-23

¹⁴⁴ Pogány István, *The Roma Café, Human Rights in the Plight of the Romani People*,. 23

¹⁴⁵ Žagar Mitja, “Some newer trends in the protection and special rights of ethnic minorities: European context” in Miroslav Polzer, Liana Kalèina, Mitja Žagar (ed.) *Slovenia and European Standards for the Protection of National Minorities*, Informacijsko dokumentacijski centar Sveta Evrope pre NUK: Inštitut za narodnostna vprašanja: Avstrijski inštitut za vzhodno in jugovzhodno Evropo, Ljubljana, (2002): 77-104

¹⁴⁶ International Covenant on Economic, Social and Cultural Rights

approved a Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities, that, although not binding, represents, like all General Assembly Declarations, an important starting point for the development of new legal binding mechanisms. This Declaration, other than calling for the respect of the equal treatment of persons belonging to minorities and the prevention against discrimination, invites the member states to:

Take measures to create favorable conditions to enable persons belonging to minorities to express their characteristics and to develop their culture, language, traditions and customs, except where specific practices are in violation of national law and contrary to international standards¹⁴⁷

The most advanced system of protection of minority rights and cultures lies at the European level. The Council of Europe, in particular, has a crucial role in this field. The Framework Convention for the Protection of National Minorities, adopted by the Council of Europe's Parliamentary Assembly in 1995 and entered into force in 1998, is the first binding legal document that is specifically directed to the protection of minorities. Furthermore, other than the negative rights already protected by previous conventions like the anti-discrimination and the freedom of expressing its own culture, the Framework engages the states to "take measures in the field of education and research in order to foster the knowledge of the culture, history, language and religion of their national minorities and of the majority"¹⁴⁸. Furthermore, it foresees the use of "traditional local names, street names and other topographical indication intended for the public also in the minority language" in the area inhabited by a substantial number of persons belonging to a national minority"¹⁴⁹. It recognizes the right of the members of a national minority to be taught in the minority language, where it is possible and requested.¹⁵⁰ The Framework, aims to promote the establishment of a "pluralist and genuinely democratic society", that, "should not only respect the ethnic, cultural, linguistic and religious identity of each person belonging to a national minority, but also create appropriate conditions enabling them to express, preserve and develop this identity", with the idea that cultural diversity should not be a source of division "but of enrichment for each society"¹⁵¹

Another important legal source of recognition of the importance of protecting the cultural diversity is the jurisprudence of the European Court of Human Rights. Despite the fact that the

¹⁴⁷ Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities, UN General Assembly, Res. 47/135, 1992. Available at: <http://www.un-documents.net/a47r135.htm>

¹⁴⁸ Framework Convention for the Protection of Minority Rights, Council of Europe, Strasbourg, 1995. Art 12.1 [http://www.coe.int/t/dghl/monitoring/minorities/1_AtGlance/PDF_H\(95\)10_FCNM_ExplanReport_en.pdf](http://www.coe.int/t/dghl/monitoring/minorities/1_AtGlance/PDF_H(95)10_FCNM_ExplanReport_en.pdf)

¹⁴⁹ Ibid. Art. 11.3

¹⁵⁰ Ibid. Art. 14.2

¹⁵¹ Ibid. Preamble

Convention (ECHR)¹⁵² contains no article protecting cultural diversity and traditional ways of life, the Article 8 which includes the right “to respect for his private and family life, his home and his correspondence”¹⁵³, has been often interpreted as containing the protection of traditional cultures, considered as part of the private life.¹⁵⁴ This interpretation is significant for the Romani minority in Europe, because it has led the Court to keep into consideration the traditional way of life of the Romani minority in several cases.¹⁵⁵ Nevertheless, it is important to notice that from the beginning the right was not considered absolute but “subordinate to more important public interests”. This last clause led the Court to judge in favour of the counterparts, which justified the interference into the private life of the families involved with the need of respecting the national laws and the public interest. Nevertheless, in 2001 in the case *Chapman v. United Kingdom (UK)*, the Court has taken steps in the development of the minority protection. Indeed, in its sentence it has stated that:

[T]he vulnerable position of gypsies as a minority means that some special consideration should be given to their needs and their different lifestyle both in the relevant regulatory planning framework and in arriving at decisions in particular cases. To this extent there is thus a positive obligation imposed on the Contracting states by virtue of Article 8 to facilitate the gypsy way of life¹⁵⁶

Furthermore, the Court has taken into account the “emerging international consensus amongst the Contracting states of the Council of Europe recognising the special needs of minorities and an obligation to protect their security, identity and lifestyle, not only for the purpose of safeguarding the interests of the minorities themselves but to preserve a cultural diversity of value to the whole community”¹⁵⁷. As Henrard notices, although the Court finally sentenced against the Romani counterpart, the verdict was quite controversial and there was a significant dissent among the judges.¹⁵⁸ This raises the hopes of a further development of the Court jurisprudence towards a greater protection of minority rights and full recognition of the value of the cultural diversity.

2.2. Collective identity in practice: Assimilation v. integration debate

The debate over the importance of the collective identity for the well-being of the individual

¹⁵² It refers to the European Convention on Human Rights

¹⁵³ European Convention for the Protection of Human Rights and Fundamental Freedoms

¹⁵⁴ Henrard Kristin, “The European Convention on Human Rights and the Protection of the Roma as a Controversial Case of Cultural Diversity”

¹⁵⁵ Examples of cases where the Gypgy way of life has been kept into account in the sentences of the Court: Buckley v. UK, European Court of Human Rights, Chamber, 1996. Available at: [http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-58076#{"itemid":\["001-58076"\]}](http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-58076#{)
Chapman v. UK, European Court of Human Rights, 2001. Available at: [http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-59154#{"itemid":\["001-59154"\]}](http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-59154#{)

¹⁵⁶ Chapman v. UK quoted by Henrard Kristin, “The European Convention on Human Rights and the Protection of the Roma as a Controversial Case of Cultural Diversity”. 18

¹⁵⁷ Ibid. 19

¹⁵⁸ Ibid.

and therefore over the necessity or not to protect this collective dimension in order to ensure the full respect of the human rights can be translated on the practical level on the debate assimilation vs. integration policies. On one hand, the term “assimilation policies” may refer to the violent policies promoted by the “enlightened” Maria Theresa in the Habsburg Empire who aimed to “elevate the Roma into the ranks of “civilized” and “useful” citizens”.¹⁵⁹ On the other hand, assimilation refers to a more liberal ideal of ensuring equal treatment to everyone “according to the same principle, rules and standards”¹⁶⁰. Integration usually refers to policies that aim to the unity and cohesion of the entire society without threatening the cultural specificities. Nonetheless, scholars have raised the question how to achieve such a unity without endangering the minority cultures. They have responded by proposing a third model: the politics of recognition or pluralism.¹⁶¹ A politics of recognition, that does not lead to segregation and promotes the dialogue with the other cultures, is not only perfectly compatible with integration policies but also complementary.

2.2.1. Theoretical arguments against assimilation policies

In the matter of assimilation policies, as I stated above, with this term is possible to refer to different aims and strategies. Nevertheless, whether the aim is to impose a certain behaviour or a mainstream culture over the minorities or to ensure equality by ignoring the differences, the result is always a society where those belonging to a minority culture are in an unfavourable position since they have to adapt to the mainstream culture over which the institutions of the State are based. Indeed, as Kymlicka well explains, the ideal of a neutral State in front of the cultural differences is utopian.¹⁶² Culture does not only concern the private sphere of the individual but also the public one. Education is a very good example at this regard. By imposing a language of teaching, the State is already giving preference to a certain cultural community and the others will be expected to adapt and study in a language that does not belong to their own culture.¹⁶³ Nevertheless, in the XX century many scholars have argued in favour of the assimilationist ideal of equality¹⁶⁴, which has also inspired many movements against segregation and oppression, like the Civil Rights Movements in

¹⁵⁹ Barany Zoltan, *The East European Gypsies*. 93 This kind of assimilation can be reported also in other contexts and historical periods and it is generally called “forced assimilation”, which refers to the coercive measures that implies. The aim is always that of creating a homogenous society, more than to ensure the equal treatment.

¹⁶⁰ Young, I. M. “Social Movements and the Politics of Difference”, in *Justice and the Politics of Difference*, Princeton University Press, Princeton, (1990): 156-173. 158

¹⁶¹ O’Nions Helen, *Minority Rights Protection in International Law*, 41

¹⁶² The idea of the neutrality of the State implies the fact that, since culture is considered, as religion, something concerning exclusively the private sphere, the State does not need to interfere with it. Kymlicka Will, “Western Political Theory and Ethnic Relations in Eastern Europe”, in Kymlicka W. and Opalski M., *Can Liberal Pluralism Be Exported?*, Oxford University Press, New York, 2001. 16

¹⁶³ *Ibid.* 16-17

¹⁶⁴ Wasserstrom Richard, “On Racism and Sexism”, in *Today’s Moral Problems*, 2nd ed., (1980): 75-105

the USA. The approach changed in the 70's when the movements for equality realised that this ideal principle could not be achieved in a society where the minorities, in order to enjoy the same rights, had to accept a world based on rules and values set by the mainstreaming society "white, male and heterosexual".¹⁶⁵

As Young efficaciously notices, the assimilationist approach does not ensure equality but places those belonging to a minority culture in a subordinate position compared to the majority society. Indeed, in order to be included into the mainstream, the members of the minority have to prove themselves in a game "whose rules and standards have already been set" by the majority. Furthermore, the assimilationist idea presumes that the values set by the mainstream are universal and neutral. This idea may lead to imperialist policies, which consider those not conforming to these values as deviant. Finally, the supposed neutrality of the mainstream rules and standards lead to an internal devaluation of the minority culture by the members who suffer from not being completely accepted as members of the mainstream and refuse to fit within the circle of the minority.¹⁶⁶ Kymlicka criticizes the assimilationist rhetoric arguing that the non-recognition of a distinct cultural community has the same effect of the denial of the same rights to individuals because part of a minority (segregation), i.e. to place the concerned community to a level of inferiority.¹⁶⁷

Contrasting the assimilationist approach, the politics of recognition not only stress the importance of recognising the differences within the society, but also highlights its empowering and liberating potential. The feminists do not have to compete anymore and seek acceptance in a male-dominated world, but can assert their femininity and organise in safe spaces where they can freely express themselves. In a world where diversity is valued, everyone is free to affirm, "I am just what they say I am – a Jewboy, a coloured girl, a fag, a dyke, or a hag – and I am proud of it"¹⁶⁸. A supporter of the politics of recognition, Taylor affirms:

[...] misrecognition shows not just a lack of due respect. It can inflict a grievous wound, saddling its victims with a crippling self-hatred. Due recognition is not just a courtesy we owe people. It is a vital human need.¹⁶⁹

Apart from the rhetoric power of these assertions, the idea of a society where in order to be equal is not necessary to conform to a standard, appears much more desirable and just. On the practical level it poses several challenges and that I deal with in the third sub-chapter. It is possible to conclude

¹⁶⁵ Young, I. M. "Social Movements and the Politics of Difference", 160-161

¹⁶⁶ Young, I. M. "Social Movements and the Politics of Difference", 164-165

¹⁶⁷ Kymlicka Will, *Multicultural citizenship*. 60

¹⁶⁸ Young, I. M. "Social Movements and the Politics of Difference" 166

¹⁶⁹ Taylor Charles, "The Politics of Recognition", in Gutmann (ed.) *Multiculturalism*, Princeton University Press, 1994.

that the assimilationist approach is unacceptable in the contemporary world and the ideal of equality has to be achieved through the recognition of diversity.

2.2.2. Assimilation policies towards Romani communities during the Socialist period

The Romani minority in Europe demonstrates that not only assimilation policies are morally unacceptable but also counterproductive. In this sub-chapter I take the example of the assimilation policies directed to Roma and implemented by the socialist regimes to show how this approach, other than resulting in the deprivation of the freedom to express its own culture and to conduct its own way of life, may enforce that marginalisation produced by the will of maintaining the cultural features. An interesting ethnographical study that reports the negative effects of these policies is the one conducted by Stewart during the 80's in Hungary. His research is useful to understand how the Romani identity and culture developed in opposition to the majority one and why assimilationist policies are ineffective and in some cases even counterproductive.¹⁷⁰ Other authors that extensively wrote about the consequences of this period on the socio-economic conditions of the Roma are Barany and Gheorghe.

Throughout the socialist countries in Central and Eastern Europe assimilation policies towards the Romani community have been implemented. Although the methods and the outcomes differ from country to country, the aim has always been consistent: “to transform them (the Roma) into productive, cooperative and supportive socialist citizens”¹⁷¹. Their lifestyle was considered “deviant” and a potential obstacle for the realisation of the socialist society¹⁷². Furthermore, despite the socialist support for the self-determination of the nations, the smaller nationalities were considered as backward and stagnant, therefore their only possible destiny was to assimilate into the bigger nations.¹⁷³ Nevertheless, the reasons that moved the socialist elites to invest money on the assimilation of this minority were not solely ideological. There was an acknowledgement of the conditions of extreme poverty and marginalisation in which the members of this minority were living and therefore the aim was also to improve their conditions by providing a house, a job and an education.¹⁷⁴ Despite the efforts and the investments, the policies resulted ineffective not only because the Romani group remained culturally distinct but also because, despite some improvements, the overall condition of this minority, especially in relation with the majority population, worsened.¹⁷⁵

The first socialist state to try to assimilate the Roma by offering housing and employment was

¹⁷⁰ See Micheal Stewart, *The Time of the Gypsies*

¹⁷¹ Barany Zoltan, *The East European Gypsies*, 114

¹⁷² Ibid.

¹⁷³ Kymlicka, W., *Multicultural Citizenship: A Liberal Theory of Minority Rights*, 69.

¹⁷⁴ Barany Zoltan, *The East European Gypsies*. 97-98

¹⁷⁵ Mirga Andrzej, Gheorghe Nicolae, *The Roma in the Twenty-First Century*, 10

Poland in the early 50's. This policy was then reinforced by coercive measures such as the restriction of nomadism and the control of Romani cultural organisations.¹⁷⁶ Czechoslovakia and Bulgaria followed the Polish example but in an even more coercive and violent way. In 1958 the Czech Communist Party decided to implement a rapid and comprehensive campaign against nomadism and towards the full assimilation of the minority, which was not even more considered as an ethnic community but instead as a social group. The norms that followed deprived the Roma of the right to travel and forced them to find an employment. The peak of the Czech coercive measures was reached with the sterilisation policies that were promoted from the 80's until the end of the Communist regime.¹⁷⁷ Similarly, in Bulgaria from 1958 the so-called Gypsy-travel was prohibited and from the 60's segregated schools were created for Roma. These policies became more coercive during the 80's when Roma were prevented by law of speaking their own language and expressing their culture.¹⁷⁸ Less coercive and with integrationist aims are the policies implemented in Hungary, where the Communist Party in 1961 recognised the atrocious poverty and the marginalisation of the Romani community and launched a series of programs whose methods and outcomes are still debated.¹⁷⁹ Yugoslavia represented the State where the Romani minority enjoyed more recognition. They could retain the status of national minority and from 1981 they received the status of nationality.¹⁸⁰ Also at the socio-economic level the Roma could benefit from some socialist policies directed to them, while being allowed to establish and run cultural organisations aimed to promote their culture.¹⁸¹

Regarding the outcomes of these policies, the consequences of the coercive assimilation became evident during the period of transition to post-communism. The main outcome of the socialist period was the loss on the part of the Roma of the traditional occupations and social position connected to their specific way of life and the increased dependency on social welfare.¹⁸² Other than banning nomadism, limitation or total prohibition to practice some traditional profession as the coppersmith or tinsmith were imposed with the aim of bringing more Roma towards employment in the socialist heavy industry.¹⁸³ These unskilled workers employed in the socialist system were the first to lose their jobs once the system was dismantled.¹⁸⁴ Concerning education, the minority was still at the bottom of the educational scale and their preparation was totally

¹⁷⁶ Barany Zoltan, *The East European Gypsies*. 114

¹⁷⁷ Ibid. 117

¹⁷⁸ Ibid. 118

¹⁷⁹ Ibid 121

¹⁸⁰ Dena Ringold, *Roma and the Transition in Central and Eastern Europe*. 5

¹⁸¹ Barany Zoltan, *The East European Gypsies*. 122-123

¹⁸² Andrzej Mirga, Nicolae Gheorghe, *The Roma in the Twenty-First Century*, 9-10

¹⁸³ Barany Zoltan, *The East European Gypsies*. 138

¹⁸⁴ Ibid.

inadequate for the challenge that the post-socialist period was posing. These shortcomings may be the result of the assimilation policies that succeeded in bringing the children into the classroom but failed in promoting education as an added value and tool. The humiliation of being inferior compared to the level of your class, or obeying older than your classmates or being included in a “special school” did not help to promote education among the Roma.¹⁸⁵

Particularly interesting are the policies implemented in Hungary that aimed to “integrate” the Romani population and not to forcibly assimilate. Although the overall condition of the Roma in Hungary was better than in other socialist countries¹⁸⁶, the general outcomes were far away from the goal of integration¹⁸⁷. There is a thin line between assimilation and integration and commendable policies aimed to improve the socio economic conditions of an ethnic minority may easily produce unexpected outcomes while irreversibly transforming the way of life of the concerned group¹⁸⁸. Although in Hungary the apparent integrationist intentions of the strategy for improving conditions of the Romani people were not clear and contradictory¹⁸⁹, the policies implemented were never coercive and the government promoted the formation of Romani cultural organisations, funded several fine sociological studies and in some cases even allowed the bilingual education¹⁹⁰. Nevertheless, the authors¹⁹¹ agree that the apparent integrationist stance actually hid an assimilationist approach and the consequences were quite similar to the other countries. Stewart points out most of the Roma were unskilled and employed in State factories, the education programs did not lead to the expected results, marginalisation of Romani settlement did not decrease and, furthermore, the public money spent to implement these policies angered the population, which had been told that the program would have led to the extinction of the Gypsy social problem.¹⁹²

Yugoslavia, like Hungary, accepted and protected Roma but its socialist policies failed to improve in a sustainable way the socio-economic condition of this minority and, according to Čvorović, even worsened it by driving them to abandon their traditional occupations and to rely on social welfare as in the other countries.¹⁹³ These poor outcomes can be explained by the fact that in

¹⁸⁵ Ibid. 132-133

¹⁸⁶ Barany assesses the policies implemented in Hungary as the relatively more successful one after Yugoslavia within Eastern Europe. Barany Zoltan, *The East European Gypsies*. 122

¹⁸⁷ Stewart Micheal, *The Time of the Gypsies*, 97-111

¹⁸⁸ Also Mirga and Gheorghe warn about the risk the integrations policies may precipitate into assimilation. Andrzej Mirga, Nicolae Gheorghe, *The Roma in the Twenty-First Century: a Policy Paper*.

¹⁸⁹ On this point Pogány notices that the diplomatic word “integration” was only included in replacement of the term assimilation at the end of the process of policy planning. Pogány István, *The Roma Café*, 55

¹⁹⁰ Barany Zoltan, *The East European Gypsies*. 122

¹⁹¹ It refers to Barany, Pogány and Stewart.

¹⁹² Micheal Stewart, *The Time of the Gypsies*, 7

¹⁹³ Čvorović Jelena, *Gypsy Narratives: From Poverty to Culture*, 49

a totalitarian system where the policies are centralised and the social organisation is imposed from above, differences can be hardly accommodated. As Stewart clearly explains, in a society where the social work is a value and the individual entrepreneurship is a threat, the Roma, who with difficulties can adapt to be employees and are more apt to self-employment, can hardly be fully integrated.¹⁹⁴ The result is that maybe at the statistical level the overall situation of the minority improved, but in reality the disparities with respect to the majority population and the status of marginalisation raised. As Barany writes:

In spite of the regimes efforts, few Gypsies became assimilated in the communist period. Within the thin stratum of educated Roma, many had lost their identity, adopted *Gadje* traditions and culture, and married non-Gypsies. A Far larger group, however, did not succeed in gaining genuine acceptance from non-Roma society. They became the “strangers” not fitting in either social group.¹⁹⁵

2.2.3. Integration and recognition of the Romani minority

With the rejection of the assimilation policies, it is necessary, nonetheless, to find a solution for the management of a multicultural society. As I stated above, integration is considered a possible way to create a cohesive society while respecting cultural differences. Nonetheless, before proceeding to the assessment of the characteristics of a society based on integration, it is necessary to define what integration is. The definition provided by the United Nations Economic Social Council (ECOSOC) considers integration as:

Gradual process by which new residents become active participants in the economic, social, civic, cultural and spiritual affairs of the new homeland. It is a dynamic process in which values are enriched through mutual acquaintance, accommodation and understanding. It is a process in which both the migrants and their compatriots find an opportunity to make their distinctive contribution.¹⁹⁶

According to Žagar, integration is the process “of voluntary, equal and full inclusion of all the individuals(...)” and should follow the principles of human rights and minority protection.¹⁹⁷ Nevertheless, this approach does not deal with the problem of the potential clash of values that may lead to a division of society instead of fostering its unity. According to Capotorti, the integration strategy has to “eliminate all purely ethnic lines of cleavage” in order to avoid internal conflicts and injustice and to guarantee the same rights, opportunities and responsibilities to all citizens, whatever their group membership.”¹⁹⁸ As O’Nions notices, many authors wonder how the cultural specificities can be properly preserved in a society that aims to unity and cohesion with

¹⁹⁴ Micheal Stewart, *The Time of the Gypsies*, 97-111

¹⁹⁵ Barany Zoltan, *The East European Gypsies*. 142

¹⁹⁶ Quoted by Žagar Mitja, “Diversity Management and Integration: from Ideas to Concepts” in *European Yearbook of Minority Issues*, Vol. 6, 2006/7, Leiden, Bristol: Brill, (2008): 307-327. 317

¹⁹⁷ *Ibid.*

¹⁹⁸ Capotorti, Francesco, *Study on the Rights of Persons Belonging to Ethnic, Religious and Linguistic Minorities* UN Study Series 5, (1991) 373–377.

this approach and propose another solution: the pluralist society, which would promote cultural diversity as a value “within a framework of cooperation and unity”.¹⁹⁹ In my opinion, integration and pluralism are compatible and complementary. As O’Nions observes, an extremist interpretation of the pluralist idea may lead to separation or segregation (i.g. separate schools), while if coupled with an integrationist approach can favour the active participation in society of the citizens belonging to minorities and can allow the identity to develop freely.²⁰⁰ Vice versa, an integration strategy that does not recognise properly the differences in its politics of inclusion may lead to a new enforcement of the ethnic boundaries, due to a reaction against a society that demands the renunciation of particularity in exchange of formal equality.²⁰¹

To realise a society that fosters the preservation and promotion of cultural diversity, it is necessary to deal with a complex range of challenges and difficulties that threaten the socio-economic cohesion of such society and the legal principle of equality. The integration of Romani minority results particularly challenging in this context, because of its long-lasting condition of marginality and its socio-economic vulnerability. Bašić attempts to give some guidelines for drafting an integration strategy directed to the Romani minority in Serbia. He stresses correctly that a sustainable solution has to be firstly based on two aspects: a set of policies exclusively directed to the improvement of the socio-economic condition of the minority and the implementation of measures aimed at preserving and promoting the Romani cultural identity.²⁰² Besides these two necessary aspects, the integration has to be based on other principles, necessary for its functioning: the mutual acceptance and respect of the different communities, the fair participation in the political and social life, the sharing of the responsibilities for the implementation of the program, the full transparency of the process, anti-discrimination, and the voluntary character of taking or not part to the process of integration.

Regarding this last point, i.e. the voluntary will of taking part in the integration process, another author, Jakšić, has pointed out the likely possibility that the Romani communities may not be interested in being included. This aspect can therefore seriously endanger the process of integration, which is necessarily a two-way process.²⁰³ Nevertheless, in my opinion this problem

¹⁹⁹ O’Nions Helen, *Minority Rights Protection in International Law*, 41

²⁰⁰ O’Nions Helen, *Minority Rights Protection in International Law, The Roma of Europe*, Research in Migration and Ethnic Relations Series, Ashgate, Aldershot, 2007. 18

²⁰¹ Cohen Jean L., “Democracy, Difference and the Right to Privacy”, in Seyla Benhabib (ed), *Democracy and Difference, Contesting the Boundaries of the Political*, Princeton: Princeton University Press, 1996. 187

²⁰² Bašić Goran “ Towards the Integration of the Roma in Serbia” in Jakšić, Božidar, and Bašić Goran, *Romany Settlements, Living Conditions and Possibilities of Integration of the Roma in Serbia*, Belgrade: Institut za Filozofiju I društvenu teriju, 2005. 275-276

²⁰³ Jakšić, Božidar, “Living conditions of the Roma Family in Serbia”, in Jakšić, Božidar, and Bašić Goran, *Romany Settlements*,. 223

does not have to slow down the process and the debate that aims at improving the socio-economic conditions of the Roma, while respecting its cultural particularity. Before the Romani minority can demand full participation and acceptance of the mutual responsibilities, it is necessary to create those mandatory conditions that enable it to find in the majority society, outside the settlement, an environment where they are respected and recognised for what they are. These conditions require full acceptance of different values and substantial equality. With this base is then possible to work for the construction of a society where common rules regulates the pacific coexistence, the different cultural groups have the space where to express their culture and the cultural diversity becomes the ground and the fundamental value of the new society.

2.3. Integration policies and Right to Housing

Housing policies aimed at ensuring the full implementation of the Right to Housing can represent an important aspect of the integration strategy. Firstly, a human rights-approach with its emancipatory and egalitarian vision is functional to the creation of a society where “new residents become active participants in the economic, social, civic, cultural and spiritual affairs of the new homeland”.²⁰⁴ Secondly, the housing conditions influence other socio-economic aspects like the access to social services, education and employment²⁰⁵. Finally, housing is considered a valuation parameter of the integration level, since the spatial segregation of the ethnic neighbourhood is generally considered, as I explain in the following chapter, a sign of failure of the integration policies. In the case of Roma, who generally live in segregated settlement, this is particularly relevant and it may lead to the conclusion that the Romani settlements are one of the main causes of the poor integration of this minority in the dominant society. The settlement is an important factor that increases the general marginalisation of this group, as explained in the first chapter, but it contributes to the well-being of many Roma and that policies aimed at moving Romani families into mixed neighbourhoods often failed. Further analysis is required on whether the spatial segregation is really the main factor hampering the integration of this ethnic minority or whether the integrationist goal can be achieved by maintaining the spatial segregation, while promoting policies aimed at including the settlement in the socio-economic life of the urban environment.

The following chapters analyse the academic discussion regarding the effects of the spatial

²⁰⁴ Definition of integration by ECOSOC, quoted by Žagar Mitja, “Diversity Management and Integration: from Ideas to Concepts” 317

²⁰⁵ See the relation between the housing and other socio-economic rights in Bratt, Rachel G., “Housing and Family Well-Being” in *Housing Studies*, Vol. 17, No. 1, (2002): 13-26. www.ebsco.com (accessed on the 9 December 2013) Clara H. Mulder, Nathanael T. Lauster, “Housing and Family: An Introduction”, in *Housing Studies*, Vol. 25, No. 4, (2010): 433-440. www.ebsco.com (accessed 9 December 2013) King, Peter, “Using Theory or making Theory: Can there be Theories of Housing?” in *Housing, Theory and Society*, Vol. 26, No. 1, (2009): 41-52. www.ebsco.com (accessed on the 9 December 2013)

segregation on the integration strategies and recommend urban strategies aimed at ensuring the implementation of the Right to Housing by promoting a major empowerment of the people involved, the respect of the individual and of its cultural choices. The solutions proposed tackle the issue of the spatial segregation by fostering the inclusion of the settlement in the urban planning of the whole town and without questioning the existence of the settlement.

2.3.1. The debated relationship between integration and segregation

Policy-makers usually consider residential segregation as a serious threat to integration strategies, since it is believed to contribute to social inequality and to be related to negative phenomena like criminality, early school drop-out and unemployment.²⁰⁶ Nevertheless, at the academic level the debate over the precise link between segregation and integration is still open. According to some authors as Wilson, Massey and Denton residential segregation is a factor that creates poverty and prevents integration. Massey and Denton argue that the concentration of poverty reinforces those attitudes and behaviours that prevent the inhabitants to emancipate from their current socio-economic disadvantaged conditions²⁰⁷. Wilson states that the tendency of black people to live in segregated ghettos can be considered the main cause of their social problems.²⁰⁸ In other contexts the spatial segregation is seen as the expression of ethnic group's refusal to integrate into dominant society.²⁰⁹ Briefly many authors disagree on the kind of relation between integration and segregation (whether the first is the cause of the second or vice versa), but have the same opinion on the negative correlation between the two social phenomena and lead to the conclusion that integration can be achieved by altering the spatial distribution of the ethnic and social groups.²¹⁰

Nevertheless, some other authors suggest that the relationship between the above mentioned factors is actually much weaker than believed.²¹¹ What is particularly contested is the apparent causal relationship between housing, segregation and integration. On this purpose Whitehead writes:

It is clear that problems... of social exclusion are concentrated in particular neighbourhoods and more specifically in social housing (the author focus on the residential segregation produced by social housing). Housing thus helps to locate problems. What is less clear is whether housing itself directly affects

²⁰⁶ Bolt Gideon, A. Sule Özüekren and Deborah Phillips, "Linking Integration and Residential Segregation", in *Ethnic and Migration Studies*, 36:2, (2009): 169-186. Available at: <http://dx.doi.org/10.1080/13691830903387238> (accessed 03/10/2014)

²⁰⁷ Massey D.S. and Denton N.A., *American Apartheid*, Cambridge: Harvard University Press, 1993.

²⁰⁸ Wilson, W.J., *When Work Disappears: The World of the New Urban Poor*, New York: Alfred A. Knopf, 1993.

²⁰⁹ This hypothesis is supported by Ehrkamp who studied the Turkish residential segregation in Germany, Ehrkamp P. "Placing Identities: Transnational Practices and Local Attachments of Turkish Immigrants in Germany", in *Journal of Ethnic and Migration Studies*, 31(2): 345-64. Available at: http://www.tandfonline.com/doi/full/10.1080/1369183042000339963#.VC_0tfl_uSo

²¹⁰ Bolt Gideon, A. Sule Özüekren and Deborah Phillips, "Linking integration and residential segregation", p 173

²¹¹ Musterd Sako, "Segregation and integration: A contested relationship", in *Ethnic and Migration Studies*, 29:4, 2010: 623-641 <http://dx.doi.org/10.1080/1369183032000123422> (Accessed on the 03/10/2014)

outcomes rather than simply concentrating households in particular areas. In other words, it is unclear whether the risk of poor health, limited educational attainment, victimisation or criminality is the same for people with exactly similar personal and economic attributes wherever they live or whether living in particular locations [...] increases these risks.²¹²

On this weak correlation and on the consequent lack of positive effects of the policies aimed at the redistribution of the ethnic/social groups, Briggs reports the poor results of a scattered-site programme implemented in New York, realised with the aim of improving the relations and the contacts between white and Afro-Americans. The relocation did not succeed to create new social ties between the two groups²¹³. Miyares has even showed that actually the residential concentration of ethnic groups can reduce the feeling of loneliness and social alienation and even promote the cooperation between members of the same minority group for the creation of ethnic enterprises that can improve their socio-economic position.²¹⁴

This debate on the relationship between spatial distribution and integration is particularly relevant for the Romani minority that, as shown in chapter 1, often tends to concentrate in single settlements. The researcher does not question that these settlements are marginalised and for this reason the possibilities for a Romani individual to increase its status are lower than the average, but the fact that this condition is strictly due to the residential segregation has to be further analysed. The lack of sharply positive results in the redistribution policies directed to mix Roma with majority population and implemented during the Communist period²¹⁵ suggests that it is unlikely to achieve integration with such kind of policies. It is necessary to examine whether living in a settlement completely hamper the possibility of integrating and/or is a clear expression of the group's refusal to undertake a process of integration. The findings of my research, suggest that actually living in a settlement does not mean to be marginalised by the rest of the society and that much depends on the history, location and physical conditions of the settlement. In the next chapter I present some proposed solutions for improving the socio-economic conditions and therefore the integration of the Romani minority without questioning the existence of the settlement.

2.3.2. Proposals for a new inclusive approach to Right to Housing

As I mentioned above, starting from the 90's, international organisations dealing with urban development and environment have started proposing new housing solutions, giving up the old top-

²¹² Whitehead Christine M. E., "Response: Housing, tenure and opportunity", in *Housing Studies*, 17:1, (2002): 63-68. Available at: <http://www.tandfonline.com/doi/abs/10.1080/02673030120105893?journalCode=chos20> p.66

²¹³ Briggs Xavier de Souza et al. "In the wake of desegregation: Early impacts of scattered-site public housing on neighbourhood in York", in *Journal of American Planning Association*, 65:1, 1999: 27-49. Available at: <http://www.huduser.org/publications/pdf/wake.pdf>

²¹⁴ Miyares Ines M., "Changing Perceptions of Space and place as measures of Hmong acculturation", in *Professional Geographer*, 49:2, (1997): 214-214. Available at: <http://onlinelibrary.wiley.com/doi/10.1111/0033-0124.00071/abstract>

²¹⁵ See chapter 1.3.2

down approach and promoting more inclusive and people-oriented strategies, which allow the community to take part in the planning of the housing solutions and meet the socio-economic needs of the inhabitants.²¹⁶ This approach has been further developed by organisations and authors dealing with the issue of the informal settlements and Romani housing, proposing a range of potential alternative solutions. I briefly present these solutions especially to confront them with the current housing policies implemented in Bosnia and Herzegovina and see if the theoretical approach is applied in practice and with which results. An interesting study conducted on the broader problem of the illegal settlements, which particularly, but not only, concerns the Romani minority, is the United Nations Commission for Europe (UNECE) research “Self-Made Cities”, which presents some recommendations aimed at achieving the goal of ensuring the Right to Housing for all.²¹⁷ According to the UNECE report, the main objective that has to be achieved tackling the informal settlements is their regularisation. In order to achieve this goal is important to keep in mind that a one-size-fits-all solution is not possible and that a wide range of answers have to be considered and applied according to the socio-cultural context. The approach to the regularisation has to be integrated and comprehensive. This means that the socio-economic conditions of the inhabitants must be taken into account and it is necessary to sustain the housing policies with a strategy that aims at the overall improvement of their position. In practical terms, one of the first priorities of the regularisation process is to grant the security of the tenure. This first step has to be followed with an overall regeneration of the neighbourhood without leading to a gentrification of the area. Furthermore, in order to cope with the lack of resources, alternatives can be found with the involvement of the community, the promotion of self-help construction and the use of micro-credit system. The overall urban upgrade has to be part of a broader well-designed system of land management that ensures the provision of services.²¹⁸

The issue of the legalisation of the settlements has been discussed also by Macura on his report on the Romani housing in Central and Eastern Europe. He agrees on the recommendation that the legalisation of the informal settlements has to be a priority. Furthermore, he also suggests an integrated approach by combining housing policies with education, employment and health. He stresses the importance of the preservation of the Romani identity in housing “to the extent they wish” and the necessity of involving in the process all the concerned parties: the community, the local authorities, local and international organisations.²¹⁹ Another report on the legalisation of

²¹⁶ UN HABITAT, *The Habitat Agenda*
IUCN, UNEP and WWF, *Caring for the Hearth, Strategy for Sustainable Living*

²¹⁷ UNECE, *Self-Made Cities*,

²¹⁸ *Ibid.*

²¹⁹ Macura Vladimir, Petrovic Milos, *Housing, urban planning and poverty*

Romani settlement, specifically in South East Europe, has been issued by the OSCE, which, other than promoting the regularisation, presents some suggestions on how this can be done. First, the regularisation is advisable but whenever not possible other solutions can be found, always in cooperation with the local community.²²⁰ Secondly, the Municipality has to adopt a people-oriented approach and lead the negotiations between the Roma and the land owner, ensuring that the Roma are granted the right to use the land where they are living, that the housing conditions meet the required standards and that a fair agreement is signed between the two parts.²²¹ Finally, the report proposes some new approaches like the “new urbanism”, which foresees the preservation of the settlement, but maintaining a strong relationship with the city through the creation of connections and the development of an urban planning model that includes also the settlement, avoiding the risk of creating ghettos.²²²

The policies that support the legalisation of settlements do not promote the maintenance of the housing sub-standard conditions or most of the current settlements. The reports above-mentioned point out the priority of ensuring equal standards and the provision of the basic needs and services for all. The requirements of structural adequacy have to be met and the marginalisation of the community has to be decreased by implementing integrated strategies aimed at including the settlement in the urban planning of the whole town. Living in a settlement does not necessarily mean to live in sub-standard housing and to be marginalised. Furthermore, these strategies and recommendations may be seen as a more aspirational goal than practicable policies, since the lack of resources and of political will often does not allow urban planners to implement such integrated and comprehensive strategies. This is partly true but, nonetheless, these recommendations represent a good starting point to develop sustainable housing solutions in practice. The inclusion of the local community in planning and implementing the strategy, the employment of different construction methods and financial resources, the preventive assessment of the housing need and of the context may at the end result to be even less expensive than the traditional top-down housing policies and surely more sustainable.

Finally, another interesting strategy to cope with the housing issue of the Romani community developed and implemented in UK, but that can be, in my opinion, adopted also in other contexts, is the “Gypsy Accommodation Needs Assessment”. This approach has been developed from the principle that the housing policies have to meet the inhabitants housing needs, which therefore have

²²⁰ Alternative solutions to regularisation may be: Reimbursement for voluntary evacuation, temporary accommodation, provision of new apartment, construction of new settlement, housing for seasonal workers. OSCE/ODIHR, *Roma Housing and Settlements in South East Europe*, 4-5

²²¹ OSCE/ODIHR, *Roma Housing and Settlements in South East Europe*, 6-7

²²² Ibid. 9-10

to be assessed. Furthermore, since the different way of life of the Romani community affects the housing needs too, these have to be assessed. Although this specific accommodation needs assessment has been developed taking into consideration the Gypsy community living in the UK, which is primarily nomad and is different from the Central and Eastern European Roma, the approach can be applied elsewhere. The strategy developed can provide good hints on how to promote an approach suitable for the specific context in which the housing policies are implemented.

In conclusion, I wish to add an important aspect that has also to be tackled to solve the spatial marginalisation of the Romani community: the prejudices and the discrimination. The link between the discrimination and the Romani housing segregation is evident from the examples I presented above. As I explained, the Romani collective identity is mostly shaped in opposition to the dominant population's values and as a form of protection from the unfriendly environment that surround them. If the young Romani couple who moved to a Magyar estate thanks to the Communist policies had found a more welcoming environment in the new neighbourhood, making them feel part of the community, probably they would have not moved back to the old settlement. Similarly, if the Romani settlement loses its function of fortress against the outside world, maybe it would not disappear, but it would become a more open space. As long as the Roma do not feel safe and respected in the world outside the settlement, every housing policy aimed at decreasing the segregation by creating ethnic mixed neighbourhood is destined to fail, unless the premise is the will to tackle the issue of the mistrust coming from the rest of the society.

3. Culture and Right to Housing of the Romani community in Bosnia and Herzegovina

The chapter presents some significant examples of housing projects implemented in Bosnia and Herzegovina aimed at tackling the housing problems of the Roma minority in the country. The aim is to understand how the Bosnian authorities have decided to tackle the issue and which approach they have embraced. Furthermore, at the end of the analysis I highlight some common main problems emerged in all the considered contexts, the responses given by the authorities and the issues for which a solution is yet to be found. Finally, I assess the overall implementation of the Housing plan and provide recommendations for housing improvements.

3.1. Housing for Roma in Bosnia and Herzegovina: problems and proposed solutions

The main problem in dealing with the Romani minority in Bosnia and Herzegovina is the lack of precise statistical data about the presence and distribution of this minority on the territory. Although it is *de facto* recognised as the largest minority in the country, this cannot be confirmed *de iure*, since at the last census conducted in 1991 only 8864 persons declared themselves as belonging to Romani community.²²³ An attempt to collect official data regarding the presence of this minority and its needs has been done in 2011 by the Bosnian Ministry for Human Rights and Refugees (MHRR) with a program of registration implemented through the local Social Welfare Centres.²²⁴ Nonetheless, the data collected cannot be considered satisfactory since according to this research there are only 16.771 Romani people in Bosnia²²⁵, while according to Romani association the number of Roma is approximately 50.000²²⁶ and a research conducted by World Vision in 2007 even indicates the number of 76.000 Roma in the territory of the country.²²⁷ A Report issued by the MHRR in 2012 specifies that, according to the data collected through the Romani associations, the largest number of Roma in Bosnia and Herzegovina lives in Tuzla Canton, followed by Zenica-Doboj and Sarajevo Cantons.

The following chapter highlights the situation of the minority in the country, with a particular focus on the housing conditions. It introduces the most recent housing plan implemented to

²²³ Decade of Roma Inclusion 2005-2015, *Action Plan of Bosnia and Herzegovina for Addressing Roma Issues in the Field of: Employment, Housing, Health Care*. http://www.romadecade.org/cms/upload/file/9296_file2_action-plan-on-employment-housing-and-health-care--introduction.pdf

²²⁴ Ministry for Human Rights and Refugees, *Analysis, Registration of Roma Population and Roma Households*, Sarajevo, 2011.

²²⁵ Ibid. 35

²²⁶ Ministry for Human Rights and Refugees in Bosnia and Herzegovina, *Special Report on the Status of Roma in Bosnia and Herzegovina*, 2012. <https://www.osce.org/bih/110495?download=true>

²²⁷ Sterland Bill, *Final Evaluation Project "Advance Human Rights for Romani minority in Bosnia and Herzegovina*, World Vision, 2009. <http://www.sterland.biz/linked/wv3.pdf> p. 4

specifically tackle the poor living conditions of Roma.

3.1.1. Socio-economic and housing situation of the Roma in Bosnia and Herzegovina

The socio-economic conditions of the Roma minority in the country are generally very poor. Only 2-3% of Roma are employed in the public sector and the enterprises or craft shops owned by Roma are very few. Most of the Romani population earn a living in the sector of secondary raw materials collection and waste management.²²⁸ The lack of steady employment brings many Romani families to lack the health insurance and the access to health care services is therefore seriously hampered.²²⁹ Access to education is limited and, although the situation is improving, most Romani youth either do not attend classes or even complete the primary education. The reasons of these low rates of school attendance are mainly due to the socio-economic conditions that do not allow families to buy clothes and books for children.²³⁰ The issue of discrimination is still a serious problem, especially at the political level. The *Sejdić-Finci v Bosnia and Herzegovina*²³¹ at the ECtHR raised the question of the denied political right to run for the presidency of the country for those not belonging to the Constituent peoples. A serious and still unsolved discrimination, despite the ECtHR sentenced the violation in 2009.²³²

The housing conditions are generally inadequate as well. According to recent assessments, around 50-70% of the Romani population is living in unsafe buildings.²³³ Furthermore, the gap between the Romani population and the non-Romani about the access to public utilities like running water, electricity and heating is quite wide and documented broadly in different reports.²³⁴ The poor living conditions, other than being caused by the general socio-economic position of this minority in the country, are also due to the lack of security of tenure of the Roma living in informal settlements. This situation originates from the pre-war period when, already then, around 50% to 70% of the Romani population was living on a land on which they had no rights, but the practice was tolerated since they were occupying socially-owned lands.²³⁵ The problems started soon after

²²⁸ Decade of Roma Inclusion 2005-2015, *Action Plan of Bosnia and Herzegovina for Addressing Roma Issues in the Field of: Employment, Housing, Health Care*, 2

²²⁹ Ibid. 3

²³⁰ Human Rights Watch, *Second-Class Citizens: Discrimination Against Roma, Jews and other National Minorities in Bosnia and Herzegovina*, 2012. http://www.hrw.org/sites/default/files/reports/bosnia0412ForUpload_0_0.pdf 5-6

²³¹ *Sejdić and Finci v. Bosnia and Herzegovina*, European Court of Human Rights, 2009. [http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-96491#{"itemid":\["001-96491"\]}](http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-96491#{)

²³² Human Rights Watch, *Second-Class Citizens*, 2

²³³ Ministry for Human Rights and Refugees, *Analysis, Registration of Roma Population and Roma Households*, 46

²³⁴ OSCE/ODIHR, *Regional Report on Housing Legalization, Settlement Upgrading and Social Housing for Roma in the Western Balkans*, Warsaw: 2014. <http://www.osce.org/odihr/115737>

Ad Hoc Committee of Experts on Roma Issues (CAHROM), *Thematic Report on Social Housing for Roma and Legalisation of Roma Settlement and Houses*, Council of Europe, 2013. <http://hub.coe.int/cahrom1>

Tatjana Perić, *The Housing Situation of Roma Communities: Regional Roma Survey 2011*, UNDP, 2011. http://issuu.com/undp_in_europe_cis/docs/housing_2_web

²³⁵ UN-HABITAT, "Housing and Property Rights of the Roma", in *Housing and Property Rights in Bosnia*

the war, since the returnees' policies allowed the repossession of the houses only to those who could demonstrate through documents the property; the same to have access to reconstruction funds. Therefore, the housing conditions of the Romani population, already poor before the war, worsened after the conflict since they remained without legal property titles in a state that was entering the market economy and without funds to rebuild the damaged houses.²³⁶ The results of this situation became evident when the first evictions of informal settlements started to be carried out by the local authorities, who were selling the property rights of the socially-owned lands to private enterprises.²³⁷

3.1.2. General presentation of the housing plans in Bosnia

The main housing program implemented in Bosnia Herzegovina since 2009 and directed specifically to Roma minority is the Housing Action Plan developed and executed within the international framework of the Decade of Roma Inclusion 2005-2015²³⁸. Bosnia Herzegovina entered the Decade only in mid-2008 and started financing projects in the field of employment, housing and healthcare in 2009.²³⁹ The main implementing body and donor for Bosnia Herzegovina is the MHRR, but all the projects have to be implemented and co-financed by the local authorities and the participating NGOs.²⁴⁰ In the field of Housing during the period 2009-2012 MHRR invested 5.9 million BAM, while the Ministry of Spatial Planning invested an additional 1 million BAM. Other than the Bosnian State, the Housing Action Plan sees the participation of the Swedish SIDA with 1.9 million BAM and other organisations and local authorities with the investment of 3.7 million BAM.²⁴¹

Each year MHRR announces a Public Call for submitting Roma housing projects. All the municipalities, cantons, entities, international organisations or NGOs have the right to apply for funds. In 2009, out of 34 received project proposals, 9 were funded by domestic public funds and other 8 by SIDA. As mentioned above, each project has to be co-financed by the implementing

Herzegovina, Croatia, Serbia and Montenegro, Nairobi, 2005. <https://www.scribd.com/doc/236030091/Housing-and-Property-Rights-Bosnia-and-Herzegovina-Croatia-and-Serbia-and-Montenegro> p 54

²³⁶ Ibid.

²³⁷ Several examples of evictions after the war are presented in ERRC, *The Non-Constituents, Right Deprivation of Roma in Post-Genocide Bosnia and Herzegovina*, Country Report Series, No. 13, Budapest, 2004.

²³⁸ The Decade of Roma Inclusion 2005-2015 is a political initiative that brings together governments, NGOs and Romani CSOs with the commitment of tackling the exclusion of the Roma minority in their countries by investing part of the public funds to implement projects in the fields of employment, health, education and housing and cooperating with all the stakeholders involved to achieve the Decade's goals. The twelve countries currently taking part in the Decade are Albania, Bosnia and Herzegovina, Bulgaria, Croatia, the Czech Republic, Hungary, Macedonia, Montenegro, Romania, Serbia, Slovakia and Spain. Slovenia and the United States have observer status. <http://www.romadecade.org/about-the-decade-decade-in-brief>

²³⁹ Ministry for Human Rights and Refugees of Bosnia and Herzegovina, *Revised Action Plan of Bosnia and Herzegovina for Addressing Roma Issues in the Field of Employment, Housing and HealthCare 2013-2016*.

²⁴⁰ Lilijana Šantić, Responsible for the implementation of the Roma Decade Housing Plan in BiH, Ministry of Human Rights and Refugees in BiH, personal interview, 17/07/14.

²⁴¹ Revised Action Plan of Bosnia and Herzegovina. p. 35

body (local authority or organisation).²⁴² Once the project is approved for funding the local authorities announce a public notice, advertised in local media, directed to potential beneficiaries, vulnerable Roma families in need of support for housing. The beneficiaries are then selected by a Commission formed by representatives belonging to the municipality, the social and welfare centres, the implementing partners and two representatives of the local Roma community.²⁴³ Interestingly enough, all the standards (m², organisation of the space, etc.) to implement the housing projects both in case of renovation or construction of single housing units, or construction of social housings, are set by the Regulations on unified housing standards and conditions for reconstruction²⁴⁴ that leaves little space open to the implementing body for accommodating possible specific families' requests.²⁴⁵ The participation of the Roma minority in the establishment of those standards is granted, according to the Responsible for Roma Housing at MHRR, by the fact that each document concerning the Roma community has to be approved by the Roma Board²⁴⁶, a body established under the Council of Ministers and formed by 11 Roma representatives from all the country.²⁴⁷

Usually each project proposal submitted to the MHRR is presented by a municipality in cooperation with one of the main international NGOs working in this sector, Caritas Switzerland and Hilfswerk Austria, and in consultation with the local Roma representatives^{248, 249}. There are three different modalities in tackling the housing issue of the Roma concerned families: reconstructing/renovating the existing edifice owned by the beneficiary, the construction of a new housing unit, and the establishment of a social housing specifically directed to Roma. The first modality is preferred, the other two are chosen when the families are homeless or living in illegal settlements that cannot be legalized.²⁵⁰ The problem of the legalization of the existing settlements is

²⁴² Ministry of Human Rights and Refugees in Bosnia and Herzegovina, *Roma Housing*, PPT Presentation.

²⁴³ *Ibid.*

²⁴⁴ *Ibid.*

²⁴⁵ Bakir Omukić, Caritas Switzerland, personal interview, 10/07/2014.

²⁴⁶ "Roma Board to the BiH Council of Ministers was set up in 2002 as a permanent advisory body to this highest executive authority in BiH, responsible amongst other things for establishing partnership with Roma NGOs and cooperation, assistance and support for Roma communities in the entire BiH, as well as for submitting proposals, suggestions and opinions, relative to Roma issues, to the BiH Council of Ministers. The Board comprises 18 members, half of which are Roma, and the other half are representatives of the relevant Ministries at the entity and state levels in BiH. The Board is run by the President, who is assisted in his work by the Deputy President" Roma Decade, *Action Plan of Bosnia and Herzegovina*

²⁴⁷ Lilijana Šantić, personal interview, 17/07/14

²⁴⁸ The Roma representatives are usually local Roma personalities, running local CSOs or active in the political fields. Some legitimacy issues may be raised since these representatives are not elected and, due to the deep divisions among the Roma community, are often criticised of taking the side of its own group. Lilijana Šantić, personal interview, 17/07/14

Amela Tandara, OSCE, personal interview, 07/08/2014

²⁴⁹ Bakir Omukić, Caritas Switzerland, personal interview, 10/07/2014

²⁵⁰ Bakir Omukić, personal interview, 10/07/2014

a particularly thorny issue, since most of the houses, also those of non-Roma, are not legalized, meaning that the family living there does not have the legal possession of the building. Implementing organisations are forbidden to renovate illegal houses with public funds.²⁵¹ A solution that all agreed to is to proceed with the legalization of the existing constructions, where ever possible, just as OSCE has recommended in its Policy Paper “Roma Housing and Settlement in South-Eastern Europe”²⁵². Concerning the reasons why Bosnian authorities do not proceed with a planned legalization of the existing buildings, I received different answers, such as the process being very long and expensive²⁵³, because it is not possible to legalise all the settlements (mainly due to the location).²⁵⁴

3.2. Conflicting outcomes: 6 housing projects in Bosnia and Herzegovina

In this chapter I analyse six cases in which the local authorities in cooperation with international organisations have implemented housing projects directed to Roma. The this section identifies which approach the implementation body embraced²⁵⁵, why it has opted for one solution over another²⁵⁶, the project’s outcomes, and its justifications that are given in case of failure from both the implementation bodies and the local authorities. The research has been conducted by interviewing different persons working with Roma, local and international authorities, Roma organisations and NGOs in charge of implementing the projects. In the research process I visited 4 different Roma settlements involved in housing projects in the country, where I conducted formal and informal interviews²⁵⁷ with Roma families.

3.2.1. Butmir settlement in Ilidža

The first case that I decided to analyse is Butmir, a Roma settlement located in the surroundings of the municipality of Ilidža, periphery of Sarajevo. I chose this case not only because is the oldest, since it dates back to 2008, but also because it is always presented as an example of failure among the housing projects. The settlement in question was built within a housing project²⁵⁸

²⁵¹ Lilijana Šantić, personal interview, 17/07/14

²⁵² OSCE/ODIHR, *Roma Housing and Settlements in South Eastern Europe*

²⁵³ Sanela Besić, Roma Information Center, personal interview, 24/06/2014.

²⁵⁴ The issue of the legalisation is quite complex: although all the persons interviewees, both Roma representatives and authorities, agreed upon the necessity of legalising the informal settlements, apparently the procedure is very long and expensive and in some cases cannot be carried out because of evident security reasons, like the location on land at risk from flooding or over a mine field.

Lilijana Šantić, personal interview, 17/07/14

²⁵⁵ This means: whether a need assessment has been done previously, whether the Roma representatives have been involved, whether the families have directly been involved in the planning and implementation of the projects or a top-down approach has been preferred.

²⁵⁶ For instance why it has opted for the construction of flats of single housing units.

²⁵⁷ Where possible I conducted a formal interview, following a questionnaire that is attached below.

²⁵⁸ The concerned housing project was part of a broader housing plan funded by Swedish SIDA and implemented in

that foresaw the construction of housing units directed to some homeless Roma families living in Ilidža. After several months most housing units were severely damaged, and the beneficiaries had gone back to live in provisional shelters within the municipality. Interestingly, the Report on the Status of Roma in Bosnia says that, before the discovery after few months of the damaged buildings, “the moving of the Roma families into newly constructed units was successful and to everybody’s satisfaction”.²⁵⁹ Sanela Besić from the Roma Information Centre, told me about this failure in tackling the Roma housing problem as an example of the necessity of taking into account the specific housing needs and demands of the community prior to implementing the project. Besić argued that the project was implemented for the will of the Ilidža municipality to move the Roma who were living in a historical settlement²⁶⁰ within its territory without properly consulting the concerned families.²⁶¹

According to Mr. Omukić, the main problem that led the families to abandon the houses was a scarce consideration by the implementing body of the poor conditions in which those families were living before entering the new houses. Those families were not accustomed to living in brick houses and this created the problems that brought them to vacate the buildings after a few months. Omukić stated that this problem is now tackled by better following the families involved in this kind of social housing project and providing them with training that enable them to live there. Omukić observed that the distance of the new settlement from the urban area where the families concerned were usually living.²⁶² Similarly, Lijlijana Šantić from the MHRR points as the reason of the failure the lack of a proper prior analysis of the situation. The families were not chosen adequately and were constantly in-fighting. Šantić stresses that this case led the institutions and organisations working in this sector to better consider the specific housing needs and to pay more attention in the selection of the beneficiaries during the implementation of the housing projects.²⁶³

3.2.2. Varda settlement in Kakanj

The second case conveys the problems raised in the implementation of the project in Butmir are still not fully resolved. This is the case of the Varda settlement in Kakanj, a municipality in the Zenica-Doboj Canton. The Roma community started to build the Varda settlement in 1984; the provisional shelters built on this public land without permission soon became solid construction

cooperation with Sarajevo canton.

²⁵⁹ Ministry of Human Rights and Refugees in Bosnia and Herzegovina, *Special Report on the Status of Roma in Bosnia and Herzegovina*, p. 27

²⁶⁰ “Historical settlement” is a term used by Sanela Besić to indicate a settlement where the Roma have been living for a long time, usually decades or even more.

²⁶¹ Sanela Besić, President of the Roma Information Center, Sarajevo, personal interview, 24/06/2014

²⁶² Bakir Omukić, personal interview, 10/07/2014

²⁶³ Lijlijana Šantić, personal interview, 17/07/14

housing units²⁶⁴. Today the settlement counts 170 families²⁶⁵, it is close to the city centre and, apparently, it is well integrated in the municipality.²⁶⁶ Nevertheless, the legalisation issue of the existing housing units remains unsolved and, recently, the ground where the houses are built on is highly unsafe, due to a nearby minefield.²⁶⁷ The overall situation in Varda is quite complicated and all the sources that I have consulted, both interviews and reports, provide a conflicting image of the issues.

According to the Report of Roma Informal Settlements in BiH realised by the OSCE in the country in 2005, a process of regularisation of the settlement had to be started, but problems were raised by the municipality, that preferred to move the entire settlement to another location. Mistrust and lack of collaboration between the local authorities and the Roma community has been reported, as well as the alert by the municipality regarding the unsafety of the site, at the time as not evident as today.²⁶⁸ Another report realised in 2013 by the MHRR states that “none of the housing units are legal or eligible for legalisation” and that the municipality was planning the resettlement of the families living in Varda in other localities within the municipality. Currently, the plan of moving all the families in other locations has been set aside and, according to Ms. Vehabović, a Roma representative living in Varda, this has been due to the protests of the non-Roma families living in the new selected areas against the moving of Roma in their neighbourhood. Nonetheless, from the words of Ms. Vehabović it is clear that other than the resistance of the non-Roma, the plan of moving has also been abandoned because of their firm will to stay in Varda.²⁶⁹

To solve the issue, a project for the construction of two buildings apt to host around 30 families in social housing has been implemented and another one is on the way of being launched, both located in the same settlement. According to Ms. Besić, the two buildings create problems because do not respect the Roma housing needs²⁷⁰ and the families, before the conclusion of the

²⁶⁴ OSCE Mission to Bosnia and Herzegovina, *Report on Roma Informal Settlements in Bosnia and Herzegovina*, 2005. <http://www.osce.org/node/14860>

²⁶⁵ OSCE Mission in Bosnia and Herzegovina, *Legalization of Roma Settlements and Housing Units in Bosnia and Herzegovina*, 2013. http://www.oscebih.org/documents/osce_bih_doc_2014040717211228eng.pdf p. 29

²⁶⁶ According to Maja Gruić, World Vision, and Azemina Vehabovic, Udruženje Romkinja Centar za majke “Nada” Kakanj, the families are well integrated in the municipalities. Nonetheless, Ms. Vehabović admitted that not all the children of the settlement are going to school and most of the people are unemployed. Furthermore, as a Report from OSCE reports, the relations with the local authorities are not very good. OSCE Mission to Bosnia and Herzegovina, *Report on Roma Informal Settlements in Bosnia and Herzegovina*

²⁶⁷ The issue of the mine field has been presented to me the first time by Sanela Besić and confirmed by the other interviewees. Furthermore, during my visit to Varda settlement I could witness the deep damages to the houses caused by the movements of the land and the emission of gases, due to the exploitation of the nearby mine field.

²⁶⁸ Report on Roma Informal Settlements in Bosnia and Herzegovina, OSCE Mission to Bosnia and Herzegovina, 2005. <http://www.osce.org/node/14860> p. 9

²⁶⁹ Azemina Vehabović, Udruženje Romkinja Centar za majke “Nada” Kakanj, personal interview, 14/08/2014

²⁷⁰ Ms. Besić does not specify what these housing needs are.

works, already stated that they do not want to move in the new buildings.²⁷¹ On the other hand, Ms. Šantić complains that many families who went to live there already knew that it was illegal to settle in this location and that sooner or later they had to move. Despite that, these families are now refusing to move into the newly constructed buildings, asking for accommodations that are luxurious with standards that cannot be funded with public funds.²⁷² Finally, Ms. Tandara, from OSCE, admitted that some mistakes have been made in the planning of the housing units, like not considering the need for the Roma families for a space where to store the scrap metals and other materials for waste management. But she also stated that these lacks will be soon solved. Furthermore, always according to Tandara most of the information regarding this settlement are not true (i.e. the fact that the Roma families refused to move into the new housing units).²⁷³

The conflicting versions given to me by the interviewees moved me to visit the concerned settlement in Kakanj, accompanied by Ms. Vehabović. There I saw the poor condition of the settlement and spoke with families concerned with the project and others who were waiting for alternative accommodations. The issue of the unsafety of the land is particularly serious, many houses were damaged while others had collapsed because of earth tremours. Moreover, the air is polluted and smells of gas that emanates from the ground. The families expressed the necessity to move to a safer site as soon as possible, whichever the best solution is.²⁷⁴ Some expressed the will to wait for new housing unit to be developed, because the apartment would be bigger and more adequate than the one already completed.²⁷⁵ Beyond the fact that they now would accept any solution in order to move to a safer place, in the case they would have been given the possibility to choose, they declared they would prefer to have a land on their own where they can build their own house²⁷⁶.

Concerning the two social housing newly constructed in the same settlement, the main problem raised is the need for more space, because all the apartments are 50 m² and some of these families host more than 10 members.²⁷⁷ Another problem that has been raised is the lack of space where to store wood and scrap metals and the lack of a proper heating system; moreover some doubts over the safety of the buildings have been raised since they have been built very close to the area where the gas exhalations are located.²⁷⁸ Regarding the overall situation of the Varda settlement, the problem of the gas exhalations concerns only part of the latter, where the most

²⁷¹ Sanela Besić, President of the Roma Information Center, Sarajevo, personal interview, 24/06/2014

²⁷² Lilijana Šantić, personal interview, 17/07/14

²⁷³ Amela Tandara, OSCE, Sarajevo, personal interview, 07/08/2014

²⁷⁴ Interviewees 6,7 and 8, Kakanj, recorded interviews, 14/08/2014

²⁷⁵ Interviewee 6 and 7

²⁷⁶ Interviewee 6, 7, 8.

²⁷⁷ Azemina Vehabović, personal interview, 14/08/2014

²⁷⁸ Ibid.

vulnerable families live. The other part, which is the largest one, was well maintained, with proper houses, facilities and paved streets. The current situation may also be caused by internal division of the settlement. Those living in the richest part opposed the moving of the entire settlement to other locations, as the municipality wanted, because of the position Varda has.²⁷⁹ Therefore instead of looking for new locations only for those who are affected by the ground movements and are more vulnerable, the authority opted for building units in social housing in the same site with public funds.

3.2.3. Gorica

Another case that I dealt with during my research and that, unlike the previous, had a positive outcome is the Gorica settlement in Sarajevo.²⁸⁰ This site is located close to the city centre of the Bosnian capital and has been inhabited by the Romani community for more than 50 years.²⁸¹ The concerned land was owned partially by a state-owned enterprise and partially by the municipality. The initial problems arose as far back as the 80's, since the Sarajevo Institute for Urban Construction (IUC) successfully requested the permission to the Municipality to expropriate the houses in Gorica in order to build a park. The Municipality later ordered the compensation for those already expropriated (about 20 households among the 60 living in Gorica at the time), since they had the right to usage and the houses were built prior to 1968. The project of building the park was later abandoned and most of the families returned to Gorica after the war. From then on, the Romani community living in Gorica, with the help of NGOs and International Organisations, started a process of reconstruction that foresaw the mediation of the municipality for the full legalisation of the building and the provision of basic utilities. A compromise was reached in 2001 with the agreement that the local authority would have regularised the position of the families living in Gorica provided that the houses located within the settlement would respect the requirement of adequacy.²⁸² World Vision then launched several projects of renovation and construction of new housing units that lasted until 2010. Maja Gruić from World Vision considers this an example of how the housing problems of the Romani minority can be solved through the active participation of the community.²⁸³ Gorica is nowadays well known and integrated in Sarajevo society²⁸⁴ and the

²⁷⁹ Azemina Vehabović stated that they do not want to move because of the central position of the settlement that allows them to be close to all the public services and shops.

²⁸⁰ This case is reported as positive example of cooperation between authorities and community for solving the housing issue in the UNECE report "Self-Made Cities".

UNECE, *Self-Made Cities*, p. 72

²⁸¹ Report on Roma Informal Settlements in Bosnia and Herzegovina, 7-9

²⁸² The parameter of adequacy has been mentioned by Report on Roma Informal Settlements in Bosnia and Herzegovina, but it is not clear what this adequacy parameter means, since it is not specified. Likely it refers to physical adequacy for reasons of security, because the buildings after the legalisation process are on public land.

Report on Roma Informal Settlements in Bosnia and Herzegovina, 7-9

²⁸³ Maja Gruić, Roma Lead, World Vision Bosnia and Herzegovina, personal interview, 01/07/2014

residents are satisfied with this arrangement²⁸⁵. The OSCE Report agrees that success was due to the active participation of the Romani community in the regularisation process and its involvement in the planning and construction of the housing units²⁸⁶.

3.2.4. Zenica

A different approach has been used in tackling the housing issue of the Romani population living in Zenica with debatable results. Here the solution of social housing in the form of flats was preferential due to the conditions in which the families involved were living, (i.e. it was not possible to work on existing constructions (most of the families were homeless, other were living in settlements used by Internally Displaced Persons (IDPs) during the war, therefore reconstruction of existent building was not possible)²⁸⁷. In addition, Lijlijana Šantić indicates that the urban environment in which the families were living before helped their integration in the flats.²⁸⁸ Between 2008 and 2010 four buildings were built in the same neighbourhood within the framework of the Romani housing Action Plan, hosting a total of 28 households.²⁸⁹ Both Ms. Šantić and Ms. Mehinagić, President of a local organisation involved in the implementation and follow-up of the project, believe that the implementation of projects that led to the construction of these four social housing units has been a success. No particular problems rose, the level of integration is quite good²⁹⁰, and the housing conditions of the families generally improved.²⁹¹

Nevertheless, critics have criticized the concentration of the four building in the same area. According to Sasha Denić, young representative of the Romani association Mladi Romi, building four housing units where only Roma are living created a ghetto.²⁹² Adela Mehinagić admitted that a better solution would have been to avoid such a concentration of only Romani families in the same area.²⁹³ At the moment there are not enough data to conclude whether or not the project increased the marginalisation of the Roma in Zenica. A report issued by Decade of Roma Inclusion has also criticized the housing project in Zenica reporting complaints of the people living there: apparently

²⁸⁴ Ibid

²⁸⁵ Findings from personal visit to Gorica settlement

²⁸⁶ Report on Roma Informal Settlements in Bosnia and Herzegovina, 9, and findings from personal visit to Gorica settlement

²⁸⁷ Adela Mehinagić, Leda Asocijacija Zenica, personal interview, 09/09/2014

²⁸⁸ Lijlijana Šantić, personal interview, 17/07/14

²⁸⁹ Adela Mehinagić, personal interview, 09/09/2014

²⁹⁰ According to Adela Mehinagić, all the children now living in the new housing units are going to school and, although some problem remain, like the lack of employment that unease the payment of the bills, the overall situation of the Roma is considered improved compare to the previous one. Adela Mehinagić, personal interview, 09/09/2014

²⁹¹ Lijlijana Šantić, personal interview, 17/07/14

Adela Mehinagić, personal interview, 09/09/2014

²⁹² Sascha Denic, Mladi Romi, personal interview, 22/07/2014

²⁹³ Adela Mehinagić, personal interview, 09/09/2014

bad construction material had been used, causing serious problems of humidity and rain leakage.²⁹⁴ Another issue that came up during the interview with Ms. Mehinagić is the question of those families that, because of social or traditions related issues²⁹⁵, would have problems living in this kind of residential unit. Ms. Mehinagić acknowledges the presence of families which are not used to live in those conditions and that to avoid problems, the selection process of the beneficiaries focused in finding those who, other than being in need of an accommodation, would better integrate in a flat. Regarding all the others, those who are not accustomed to living in flats, other solutions have to be found and the issue remains unsolved.²⁹⁶

3.2.5. Vitez and Zavidovići

The last cases that I deal with are two small communities where the housing issues of the Romani minority have been tackled by renovating and enlarging the existing constructions or by building new singular housing units in the municipality of Vitez (Central Bosnian Canton) and in Zavidovići (Zenica-Doboj Canton). In the municipality of Vitez I visited the settlement of Sofa, which is a historical settlement. Here the general conditions of the houses and of the utilities can be considered good to very good. The integration within the municipality is satisfactory and the Romani community is quite active in the social and cultural life of the community. Unemployment is an outstanding issue and most of the families earn a living working within waste management.²⁹⁷ Caritas Switzerland, within the Housing Action Plan, has reconstructed or enlarged 17 houses. Within reconstruction project, the families have engaged in a process of regularisation of their property, a necessary step in further undertaking necessary²⁹⁸. Public opinion is very positive and the families involved seem to be satisfied with the houses they are living in - although they complain about the lack of space for the high number of members of the families²⁹⁹. However, Ms. Fafulović reported to me that at the moment Caritas Switzerland implemented the project some problems arose because newly built houses had been quickly damaged by the beneficiaries,

²⁹⁴ Euro Rom and BOSPO Association, *Civil Society Monitoring on the Implementation of the National Roma Integration Strategy and Decade Action Plan in Bosnia and Herzegovina in 2012-2013*, Decade of Roma Inclusion 2005-2015, 2014. Available at: <http://www.romadecade.org/civilsocietymonitoring> p.78

²⁹⁵ Ms Mehinagić does not specify what particular traditional customs would hamper the inclusion of some Roma families in apartments, but state that this is the reason why some refuse to move to this kind of dwelling.

²⁹⁶ *ibid*

²⁹⁷ According to the Roma interviewed during my visit and to the representatives of the organisation Mladi Romi, Aldina Fafulović and Sascha Denić, most of the kids in the settlement go to school and the general relationship with the non-Roma community and local authorities is good. Also the level of discrimination is low. This result has been achieved also with the active participation of the young Roma in the organisation and realisation of some projects aimed at promoting the Roma culture and at putting in contact the two community, whose value has been also awarded by the Municipality. Aldina Fafulović and Sascha Denić, Mladi Romi, personal interviews, 22/07/2014

²⁹⁸ Interviewee 5, Romani living in Sofa settlement and beneficiary of a housing project, Vitez, 22/07/2014

²⁹⁹ Interviewee 5 and Aldina Fafulović, personal interview, 22/07/2014

particularly poor Roma.³⁰⁰ Nonetheless, when I have asked whether it was possible to interview them, the other Roma of the settlement replied that it is impossible also for them to approach this other part of the Romani community of Sofa.

The case of Zavidovići is different because the Roma I visited were not living in a settlement, but they are spread around the small town among non-Roma. I paid a visit to the municipality with representatives from Caritas Switzerland, who were going there to sign construction contracts with the local authorities and the Romani beneficiaries of the new project. Most families needed a structural improvement of their housing units, whereas others were eagerly attending the construction of a new house as planned.³⁰¹ Like Vitez, the Romani community seems to be quite integrated, although also here some problems remain and some families are living in poor conditions.³⁰² Despite some issues raised again about the need for more space, the families involved were generally very glad to be involved with this project because it allowed them to improve and restructure their existing houses or have their own house and piece of land.³⁰³

3.3. General findings, problems raised, specific housing needs and authorities responses

Although the situations and the contexts analysed in my research differ significantly and, as most of the interviewees agreed upon, each case has to be dealt with a different approach, some common problems and issues emerged in all the cases taken into account. First of all, all the Roma interviewed raised the question of the need for more living space³⁰⁴. The issue of overcrowding in the Romani housing has been discussed in several reports and academic studies³⁰⁵. This situation can be attributed to the Romani tendency of having more children³⁰⁶ than the majority population, and that often they tend to live in enlarged families in order to help each other, or because those without the possibility to own a home live with relatives. Although in theory the housing projects should take into account the number of members of the beneficiary family, this is not always the

³⁰⁰ Aldina Fafulović and Sascha Denić, Mladi Romi, personal interview, 22/07/2014

³⁰¹ The families in need of a new house normally were previously living with their parent or other relatives.

³⁰² Findings from the visit to Zavidovići, the participation to the meeting between authorities and beneficiaries and visit to the houses of the Romani families involved.

³⁰³ Interviewees 1, 2, 3, beneficiaries of the housing project to be implemented, Zavidovići, 15/07/2014

³⁰⁴ The issue of the space has been raised by almost all the Roma interviewed. In particular, in the case of Varda in Kakanj the issue has been mentioned because the apartments built are all 50 m² and some families have around 10 members. Azemina Vehabović, Udruženje Romkinja Centar za majke “Nada” Kakanj.

In the cases of Vitez and Zavidovići the issue of the space has been identified as the main problem regarding housing. Most of the interviewed whose housing has been rebuilt or enlarged were previously living with the whole family, usually numerous, in a space inadequate for hosting all the members.

Interviewees 1, 2, 3, beneficiaries of the housing project to be implemented, Zavidovići, 15/07/2014

³⁰⁵ See: Csepeli Gyögy, Simon Dávid, “Construction of Roma Identity in Eastern and Central Europe: Perception and Self-Identification”

³⁰⁶ Božidar Jakšić, “Living Conditions of the Roma families in Serbia”, in Jakšić, Božidar, and Bašić Goran, *Romany Settlements*.

case³⁰⁷, and when the housing unit is built considering the current number of family members, it is often requested by the families to have the possibility of further enlarging the building.³⁰⁸

Another need related to housing and that may cause problems if not taken into account in the implementation of the projects is the necessity of space where to store scrap metals and material from waste management. This is important because the waste management sector is the main source of income for the Romani minority in the country.³⁰⁹ The issue has been raised in Kakanj where the apartments built did not foresee the presence of a space considered adequate for this purpose, raising many complaints.³¹⁰ The situation there has been recognised also by the authorities who declared that they would find a solution.³¹¹ Furthermore, there is the residential habit of the Roma is the general preference of having an open space attached to the house, where the family spends its daily time. This open space can be a terrace or a small garden, but it is generally indicative of the Romani custom of living more outside the house, where it is possible to meet acquaintances, relatives and neighbours, rather than privately inside. Consequently, most of the Roma unwillingly accept accommodation in apartments.³¹² This aspect cannot be generalised to all Roma but it is a characteristic of the Romani way of life that has to be considered.

These necessities are met when the housing project regards the reconstruction or amelioration of an existing building. In other cases, they are not taken into full consideration, provoking complaints like when social housing is proposed as a solution or when the house is built from scratch. The local authorities respond it is not possible to build houses with standard considered luxurious.³¹³ The justification provided is reasonable, but since the problem remains and in order to avoid cases like Butmir, where the families vacated the buildings after a short time, a compromise has to be reached. Some of the interviewees from the international organisations taking part in the

³⁰⁷ Like in the case of social housing in Kakanj, where the apartments are all the same and quite small.

³⁰⁸ This particular request emerged during my visit in Zavidovići, where a family was explicitly asking the possibility of enlarging the house. Interviewee 3, Zavidovići, 15/07/2014. But also in Kakanj, the families interviewed expressed the wish of having a land where to build their house instead of an apartment because this allows them to enlarge the unit in a second moment. Interviewee 6, Kakanj, 14/08/2014

³⁰⁹ Decade of Roma Inclusion 2005-2015, *Action Plan of Bosnia and Herzegovina for Addressing Roma Issues in the Field of: Employment, Housing, Health Care*, 2

³¹⁰ Azemina Vehabović, Kakanj, 14/08/2014

³¹¹ Amela Tandara, OSCE, personal interview, 07/08/2014

This issue has been mentioned also by Bakir Omukić presenting the housing project implemented in Mostar (not analysed in this thesis) where singular housing units for Roma have been built foreseeing the presence of a space where to store scrap materials. Bakir Omukić, Caritas Switzerland, personal interview, 10/07/2014

³¹² This aspect has been observed in all my visits. In Gorica all the houses have a terrace and open space where you can always find someone sitting. Similarly, all the other settlements visited are characterized by houses that, independently from the physical state, have a furnished space outside. Furthermore, all the Romani persons interviewed, although some may accept also to live in an apartment, expressed the preference of a house in an open space.

³¹³ Lilijana Šantić, Responsible for the implementation of the Roma Decade Housing Plan in BiH, Ministry of Human Rights and Refugees in BiH, personal interview, 17/07/2014

Amela Tandara, OSCE, personal interview, 07/08/2014

projects proposed to organise trainings aimed at training the beneficiaries on living in the residential solutions provided.³¹⁴ Although, the Romani families have to strive towards a compromise and should adapt to the alternatives, the proposal of organising training to teach them manners to behave in a non-Romani house reeks of the assimilation strategies implemented during the Communist period.³¹⁵ The housing policies should enable the beneficiaries to take part in the decision process and its needs should be considered, following a people-based approach.³¹⁶

To avoid imposed solutions that may result inadequate for the beneficiaries, the evidences of this study show that when is possible is more advisable to work on the existing buildings which are already felt like home by the beneficiaries.³¹⁷ The legalisation of the Romani settlements and houses is strongly supported by the international organisations³¹⁸ and by the interviewees, . The complete legalisation of the settlement is a long process that needs the participation of several actors, i.e. the Romani community, the international organisations, the donors and the local authorities. Gorica provides an example of how to accommodate the Romani housing needs together with the local rules and laws and it is therefore worthy to follow this track and use the same approach also with the other cases.³¹⁹

This solution, leaves open the issue of those who do not have a house at all or live in shanties made of scrap material. The construction of new housing units is inevitable and even more important to include the community in the planning and implementation of the project. It must try to accommodate as much as possible their specific housing needs.³²⁰ As Macura highlights, it is also essential to combine these housing policies with education, health and employment programs aiming at improving the overall socio-economic conditions of the families involved.³²¹ At this moment, the issue of the homeless Romani is still not properly tackled, as reported by Ms. Mehinagić and Tandara: most of the families involved in the projects have already been living in brick houses before³²². Few projects have involved homeless Romani persons, although they

³¹⁴ Bakir Omukić, Caritas Switzerland, personal interview, 10/07/2014

Amela Tandara, OSCE, personal interview, 07/08/2014

³¹⁵ See chapters 1.3.2 and 2.2.2.

³¹⁶ As it has been suggested in UNECE, *Self-Made Cities* and OSCE/ODIHR, *Roma Housing and Settlements in South East Europe*, 6-7

³¹⁷ As it is apparent from the cases presented above, generally main problems are raised when the beneficiaries are moved to new housing units.

³¹⁸ OSCE Mission in Bosnia and Herzegovina, *Legalization of Roma Settlements and Housing Units in Bosnia and Herzegovina*

UNECE, *Self-Made Cities*

Macura Vladimir, Petrovic Milos, *Housing, urban planning and poverty*

³¹⁹ UNECE, *Self-Made Cities*, p.72

³²⁰ Macura Vladimir, Petrovic Milos, *Housing, urban planning and poverty*

³²¹ Ibid.

³²² Also those involved in social housing projects: most of them were living in brick houses not legalized or in other accommodation with parents or relatives, like in the cases of Zenica and Kakanj.

represent a consistent portion of the Romani population in the country.³²³ This may be due to the fear that involving homeless Romani in housing projects may lead to negative outcomes like in Butmir case.³²⁴

The last issue tackled in the interviews is the relationship between integration and spatial segregation. The aim was to assess whether the tendency of living in a settlement hamper the integration process. The findings cannot be considered exhaustive. The settlement does not appear to be an obstacle to integration. Most Romani persons I encountered during my research have a higher education, participate in the political and social life of the municipality and are very well integrated in Romani settlements.³²⁵ The majority of the Romani population living in the settlements earns a living in the informal sector and thanks to the black market, but the situation is not as good in Zavidovići. The level of education and school attendance appears more dependent on the socio-economic conditions of the family than on those of the level of segregation.³²⁶ Nevertheless, the settlement is still considered an unsurmountable Romani fortress, especially from the population living outside.³²⁷ Perhaps for that reason Ms Besić stated that housing policies should avoid establishing new concentrations of Romani in the same place.³²⁸ In conclusion, the issue of the relationship between integration and segregation is very complex and not as obvious as was considered before.³²⁹ Further research is advisable.

³²³ Adela Mehinagić, personal interview, 09/09/2014

Amela Tandara, OSCE, personal interview, 07/08/2014

³²⁴ This aspect emerged in the interview with Mehinagić, who explained that in order to avoid problems like the one seen in Butimir, the selection of the beneficiaries pays attention to choose those Romani that already lived in similar kind of accommodation or can easily get used to them. Ms. Mehinagić admitted that the problems of those completely homelessness remain unsolved and that different solutions have to be found. Adela Mehinagić, personal interview, 09/09/2014

³²⁵ This is the case of Aldina Falufović and Sascha Denić, who are living in Sofa, Vitez. But also Ms Vehabović, who manages an organisation to help Romani women and lives in Varda, Kakanj. Other cases have been reported to me also by persons working in the sector, like Maja Gruić.

³²⁶ The findings of the interviews indicate that there are not particular differences between those who live in settlements and those who do not.

³²⁷ I observed this situation from the fact that non Romani people were advising me not to go alone to visit Gorica, although there is no evidence that it is a danger for security. Similarly, the Romani I contacted expressed a veiled surprise in hearing that I wanted to visit their settlements.

³²⁸ Sanela Besić, President of the Roma Information Center, Sarajevo, personal interview, 24/06/2014

³²⁹ The issue on the theoretical level has been tackled in chapter 2.3.1.

Conclusions

The concept of housing, in its physical shape and function, is deeply influenced by culture. Housing plays a key role in an individual's life. It is a place of shelter and the space where private and family affairs are conducted, where the moral and social values are manifested, and where the individual finds the expression of the Self. Culture is the main framework where this individuality is formed and displayed, thus housing becomes the expression of the collective dimension of the individual and culture turns into a driver in defining shelter. The implementation and protection of the Right to Housing, therefore, has to acknowledge this interplay and ensure that housing policies not only ensure shelter for all, but preserve the home's cultural identity aspects. This necessity is due in order to avoid the forced assimilation of a minority culture through the imposition of housing solutions culturally inadequate or the destabilization of social mechanisms established and maintained around the residential habits.

In the case of the Romani minority in Europe, this interaction is particularly relevant because of the role that the residential habits of this group played in preserving its cultural specificity. It is difficult to analyse at the level of whole Romani community the way housing and culture interact, but given the differences between sub-groups, features, like the habit to live in a separate settlement or the lack of links with a particular territory, can be traced in their behaviour and tradition. Many groups share a relationship based on reciprocal mistrust with the dominant society, which is the foundation upon which the Romani collective identity is built. The settlement represents the safehaven where the Romani persons can freely manifest their culture without fearing the discrimination of the *Gadje*, and the house is the expression of life. Ignoring these particularities means to impose policies aimed at the elimination of the Romani culture, which other than being morally unacceptable, can be counterproductive in improving the living conditions of this group.

The rejection of assimilation policies is enforced by the evidence on the role of the community for the well-being of the individual. Scholars argue upon the extent of the influence that the collective identity has on the definition of the Self and his identity. The existence of this bond between person and community can no longer be ignored. Despite the stigmatisation of being Gypsy and the general environment of mistrust towards the members of this community, the Romani people continue to persevere and not lose their identity. Only within the community, the Romani individual can find the right recognition, which is not only defined by individuality but by the belonging to the Romani minority. Furthermore, the forced assimilation of one minority group into a culturally dominant society goes against the principle of equality, because it obliges people

belonging to the first to adapt to rules and behaviours set by the latter, placing the minority in a subordinate position. For these reasons, the integrationist approach that recognises and respects the different collective identities in a context of equality is preferred to the assimilationist one. This does not imply that conflicting cultural specificities have to be maintained by any means. Where different communities live side by side, the cultural differences have to be adjusted in order to ensure the social cohesion necessary to run a functional society. The recognition, of the cultural specificities and their value is the first step towards the creation of this new society.

Given the interplay between housing and collective identity, it is clear how housing policies assume a striking role in the integrationist strategy. New approaches to housing and urban planning have been proposed, aimed at maintaining the overall social cohesion of society. The old top-down housing policies can be replaced by strategies able to meet the people housing needs and include the community . Secondly, a range of solutions should be recommended because different cultural and environment contexts require alternatives. Finally, the different segments of the cityscape can be integrated through a strategy that allows for all sections to be connected and have equal access to services and resources. The ideal approach - as in Bosnia and Herzegovina - suggests the necessity of carefully considering the cultural specificity of this group as a whole and as a set of culturally different sub-groups. It is necessary and feasible to include the community in the policy planning and implementation process at the greatest possible extent .

In Bosnia and Herzegovina, evident with the Butmin case, policies that exclude the Romani community and cultural specificities have proven to fail. Ever since, the housing policy planning process has started consider and propose solutions adjusted to the communities' needs. The Gorica case confirms the possibility of compromise between the needs of the community, legislation, stakeholder consultation and a bottom-up approach. Currently the Bosnian authorities have taken steps in recognising the necessity to tackle the Romani housing issue, trying to meet the needs of the beneficiaries. Nevertheless, the existing housing policies can and should be improved by future community consultation. It would be advisable to conduct further research on the differentiation of the Romani groups , since the acknowledgment of the differences between groups and its inclusion in policy development are not satisfactory among Bosnian policy makers.

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Vehabović Azemina, Udruženje Romkinja Centar za majke “Nada”, Kakanj, personal interview, 14/08/2014

Recorded interviews with Roma

Interviewee 1, beneficiary of the housing project to be implemented, Zavidovići, 15/07/2014

Interviewee 2, beneficiary of the housing project to be implemented, Zavidovići, 15/07/2014

Interviewee 3, beneficiary of the housing project to be implemented, Zavidovići, 15/07/2014

Interviewee 4, Romani living in Sofa settlement, Vitez, 22/07/2014

Interviewee 5, Romani living in Sofa settlement and beneficiary of a housing project, Vitez, 22/07/2014

Interviewee 6, living in Varda settlement and waiting for new accommodation, Kakanj, 14/08/2014

Interviewee 7, living in Varda settlement and waiting for new accommodation, Kakanj, 14/08/2014

Interviewee 8, living in Varda settlement and waiting for new accommodation, Kakanj, 14/08/2014

Visits

Gorica settlement, Sarajevo, 24/05/2014

Zavidovići municipality, 15/07/2014

Sofa settlement, Vitez, 22/07/2014

Varda settlement, Kakanj, 14/08/2014

Annex 1 – Questionnaire used during interviews to Romani families

NAME AND SURNAME:

SETTLEMENT:

DATE:

ASSESSMENT OF THE CURRENT HOUSING SITUATION

1. Where are you living now?
2. Did you build or buy your house or it has been given to you by an organization? If **built** go to 3. If **given** go to 5.
3. Is your house legalized? If **YES** go to 4. If **not** go to 5.
4. How was your house legalized? By organization project or on your own?

HOUSING HISTORY

5. Did you live somewhere else before coming here? If **yes** go to 6. **Otherwise** go to 8
6. Where did you live? What kind of accommodation was it: an informal settlement, social housing or other?
7. Why did you leave this kind of accommodation and moved?
8. Did you ever been proposed to go living in a social housing? If yes go to 9 if not go to 13
9. Did you accept the offer?
10. NO: Why?
11. YES: Were you satisfied with the accommodation?
12. Why or why not?

HOUSING NEEDS

13. Are you satisfied with your current house or would you prefer another accommodation? If **not satisfied** go to 14 if **yes** go to 15
14. Why aren't you satisfied with your house? What would you improve?
15. Why are you satisfied with your current house? What does it make it better than other houses?
16. How many people live in your house?
17. How many rooms do you have?
18. Do you consider your house too crowded?
19. Do you live there the whole year?

20. Would you live in an apartment?
21. Why?
22. Can you describe me the ideal house for you? Main elements?
23. Do you prefer to live close to your relatives or not?

INTEGRATION INTO MAIN SOCIETY

24. Are the kids living in your house going to school? Which grade do they attend?
25. Are you working in a public or private company? And the people living with you?
26. If not, what is your activity? How do you earn a living?
27. How do you consider your relationship with the non Roma neighborhood?
28. Do you have non Roma friends that you regularly visit?
29. How did you meet them?

STATEMENT OF ORIGINALITY

With this statement I hereby declare that this submission is my own work and that, to the best of my knowledge, it contains no other sources or resources than the ones mentioned and acknowledged.

The sources used have been stated in accordance with the rules and regulations applied at the European Regional Master's Degree in Democracy and Human Rights in South East Europe. I have indicated all quotes, citations and references that were literally taken in full, or parts of them from publications, i.e. books, journals, academic articles both published and unpublished, as well as web sources, news papers, reports, etc.

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