



Best Practices for Roma Integration
Regional Report on Housing Legalization,
Settlement Upgrading and Social Housing
for Roma in the Western Balkans



Funded by the EU



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February 2014

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Supported by OSCE participating States

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Published by the OSCE's Office for Democratic Institutions and Human Rights (ODIHR)
Miodowa 10
00-557 Warsaw
Poland
www.osce.org/odihhr

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ISBN 978-92-9234-882-3

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Designed by Nona Reuter
Printed by Shtypshkronja "Pegi"

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List of Abbreviations

BPRI	Best Practices for Roma Integration	MHRR	Ministry of Human Rights and Refugees (Bosnia and Herzegovina)
CCT	Conditional Cash Transfer	MLSP	Ministry of Labour and Social Policy (Former Yugoslav Republic of Macedonia)
CEB	Council of Europe Development Bank	MOCR	Ministry of Communities and Return (Kosovo)
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women	MTC	Ministry of Transport and Communication (Former Yugoslav Republic of Macedonia)
CESCR	Covenant on Economic, Social and Cultural Rights	NGO	Non-Governmental Organization
CODI	Community Organizations Development Institute (Thailand)	ODIHR	OSCE Office for Democratic Institutions and Human Rights
CRC	Convention on the Rights of the Child	OSCE	Organization for Security and Co-operation in Europe
CRS	Catholic Relief Services (Bosnia and Herzegovina)	RAXEN	Racism and Xenophobia European Network
DP	Displaced Person	RDP	Reconstruction and Development Property
EC	European Commission	RHA	Republic Housing Agency (Serbia)
EHO-RRC	Ecumenical Humanitarian Organization, Roma Resource Centre	SHI	Social Housing Institution
ERGO	European Roma Grassroots Organisations Network	SIRP	Settlement and Integration of Refugees Programme
ERRC	European Roma Rights Centre	SPOLU	International SPOLU Foundation, since 2010 part of the European Roma Grassroots Organisations network (ERGO)
EU	European Union	TCS	Temporary Community shelter
EU-MRSI	European Union- Mitrovicë/a Roma, Ashkali and Egyptian Support Initiative	UN	United Nations
FRA	European Union Agency for Fundamental Rights	UNDP	United Nations Development Programme
HRK	Croatian Kuna	UNECE	United Nations Economic Commission for Europe
IDB	Inter-American Development Bank	UNHCR	United Nations High Commissioner for Refugees
IDP	Internally Displaced Person	UNMIK	United Nations Interim Administration Mission in Kosovo
IPA	Instrument for Pre-Accession Assistance		
JIM	Joint Memorandum on Social Inclusion		
JOSHCO	Johannesburg Social housing company		
KSIP	Kosovo Standards Implementation Plan		
MESP	Ministry of Environment and Spatial Planning (Kosovo)		

Acknowledgements

This report was produced by the OSCE Office for Democratic Institutions and Human Rights as part of the Best Practices for Roma Integration Project (BPRI), with financial support from the European Union. The BPRI project would like to thank Alonso Ayala, Paul Rabé and Ellen Geurts as the authors of the report, and institutions, experts and organizations who contributed to identifying good learning practices and provided input for this publication.

In particular, BPRI would like to thank the members of the Expert Advisory Group for their work reviewing this report on Roma housing:

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* This designation is without prejudice to positions on status, and is in line with UNSCR 1244/99 and the ICJ Opinion on the Kosovo declaration of independence.

Executive Summary

In the Western Balkans the housing sector has been subjected to reforms and structural changes due to the transition from socialist government structures to market-based economic ones. Various processes have affected the performance of the housing sector, namely the wide-spread privatization of land and housing, the growing share of illegal housing, and the devolution of power to local self-government units for implementing housing policies, programmes and projects. The transition process has resulted in a weakened institutional and legal framework for managing and solving the housing problem across the region, compounded by a lack of funding and low technical and management capacity at the local level to confront the housing challenge.

In particular, the issue of irregular, illegal and informal housing, which affects the entire population, has had a negative impact on vulnerable groups, including Roma. In an effort to deal with the problem, most of the governments of the Western Balkans have enacted — or are in the process of drafting — legalization programmes and other related legal and regulatory instruments to deal with the situation.

The enactment of social housing policies to improve accessibility and affordability and to provide adequate housing solutions to populations in need, and more specifically to vulnerable groups, is also part of this effort to deal with the housing problem in the region. Social housing policies have been drafted and approved, or are under development (with or without the joint efforts of international donors, multilateral organizations and both national and foreign NGOs), but the overall scope of these programmes still varies across the region.

The overall objective of the “Best Practices for Roma Integration (BPRI)” project is to contribute to the integration of Roma minorities in the Western Balkans, in accordance with the beneficiaries’ commitments as OSCE participating States and perspective members of the European Union. This report intends to contribute to this overall objective by providing a situation analysis of the housing conditions of Roma in the Western Balkans and by documenting good learning practice on legalization of land and buildings, upgrading of

(informal) Roma settlements and the provision of social housing. Ultimately, the report aims at providing a set of recommendations for dealing with the Roma housing problem, based on the lessons learned from current practices in Albania, Bosnia and Herzegovina, Croatia, the former Yugoslav Republic of Macedonia, Montenegro and Serbia, as well as Kosovo.*

Understanding the housing situation of Roma, Ashkali and Egyptian communities within the current policy and legal framework for housing in the Western Balkans requires an in-depth analysis of the different forces affecting the delivery of housing solutions for these minority groups. The report assesses the housing situation of Roma under the current state of affairs, providing an overview of housing conditions and the policies and legal frameworks being drafted and approved to deal with the housing problem in the region.

To illustrate the situation, the report presents an assessment of several “good learning practice” cases in the housing sector across the Western Balkans. Because it was rather challenging to find explicit “good practices” within the region, the report uses the term “good learning practices”, which being neutral in essence, does not imply “best” or “worse” as limiting descriptors of the complex topic. This was done for two main reasons: first, to widen the choice of the different activities and initiatives targeting Roma integration in the region and, second, to be able to derive practical recommendations and examples of lessons to be learned from the practices. Most of the practices are neither completely “good practices” nor bad.

The report’s main purpose is to highlight the necessary policy reforms and strategies for solving the housing situation of disadvantaged Roma, from the perspectives of legalization, settlement upgrading and social housing. The recommendations derived from the assessment of good learning practices have been organized under six main principles for legalization, settlement upgrading and social housing, that reflect

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244/99 and the ICJ Opinion on the Kosovo declaration of independence.

upon their policy implications for integration of Roma populations. They are summarized as follows:

Principle 1: Consider the wider land and housing context

The housing situation of the Roma must be considered within the wider context of the Western Balkans region, including its legalization and housing challenges. Roma are not the only group requiring housing legalization and support. Programmes that aim to provide long-term special treatment for Roma populations in the areas of land and housing should be avoided, as they will eventually cause resentment among the general population, a large proportion of which suffers from similar constraints with regard to the complexities of legalization.

Principle 2: Support Roma mainstreaming in legalization, social housing and social assistance

Approaches are needed that prepare Roma populations for mainstreaming in national legalization, social housing and social assistance programmes. These include raising awareness about government programmes and application procedures, local government procedures, new living arrangements and personal financial management, as well as legal education.

Principle 3: Develop targeted approaches for Roma populations, where needed

Targeted approaches for Roma in the legalization and housing spheres include housing and settlement improvement (“upgrading”) programmes, *partial* subsidies for housing and utilities, where needed, and assistance with applications for legalization and social housing.

Principle 4: Consider “housing” more than shelter alone

Building new or upgrading housing stock is the smallest part of the entire housing process. Investments in the housing stock should be accompanied by parallel investments in employment creation, education and community development (see Principle 5) to achieve sustainable communities.

Principle 5: Emphasize community organization

The organization of Roma communities should be the first step in any legalization or upgrading scheme, in order to build trust within the community and define a community “vision” for the planning and upgrading of a settlement.

Principle 6: Strive towards an end to dependency

In the longer term, targeted housing interventions for Roma should be based on the notion of cost sharing or (at the very least) beneficiary contributions for housing and utilities. Assistance should be based on the principle that Roma beneficiaries should organize to deploy their own initiatives and participate in the planning of their settlements.

Introduction

1.1 Background on the BPRI Project

As mandated by the 2003 Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area, the Organization's Office for Democratic Institutions and Human Rights (ODIHR) works to address the situation of Roma and related groups in crisis and post-crisis situations. This is particularly true in the Western Balkans region, which was affected by ethnic tension and conflict in the 1990s, and where the members of Roma, Ashkali and Egyptian communities, as displaced persons, still face the challenges of reintegration.

Many countries in the region have developed Roma integration strategies and action plans; however, their implementation at the local level and anticipated impact on the situation of the Roma people in the areas of education, employment, housing and access to services is a long-term process. Governments in the Western Balkans have frequently expressed their willingness to enhance efforts in the implementation of action plans to ensure that Roma are truly benefitting from them. The international community can play a key role, both nationally and locally, in supporting governments in this endeavour.

In 2011, ODIHR was awarded EU funding for a regional project — Best Practices for Roma Integration (BPRI) — to strengthen the capacity of central and local governments and mechanisms in the Western Balkans in dealing with Roma¹ and enhance the integration of these communities into society. The project's aim is to contribute to the integration of Roma by facilitating the exchange of good learning practices and lessons learned in the fields of combatting discrimination and improving housing, participation in public life and local policy-making and regional co-operation.

This report is intended to contribute to the overall objective of the project by providing a situation analysis of the housing conditions of Roma in the Western Balkans and by documenting best practices to learn from in legalization, upgrading of (informal) Roma

settlements and social housing. Reference is also made to housing and legalization solutions in other countries.

The report is intended to shed light on the way forward to improve the housing situation of Roma in the Western Balkans region, and is mainly addressed to policy makers at the central and local government levels in Albania, Bosnia and Herzegovina, Croatia, the former Yugoslav Republic of Macedonia, Montenegro and Serbia. The report also discusses the situation in Kosovo.

1.2 Methodology

This report uses the general definitions below of legalization, informal settlements, settlement upgrading and social housing in the Western Balkans.

* **Legalization:** refers to the legal regulation of individual buildings or entire settlements considered "illegal" by the local authorities. The ultimate objective of legalization is to incorporate these structures into the social, economic and physical (infrastructure and service) fabric of the surrounding city and society. The illegality of buildings is the result of construction activities that have been carried out without compliance to local building standards or codes. The legalization of land tenure is much more complex and includes the clarification of ownership, whether the land has been occupied with or without permission from the original owners, the restitution of land to the owners previous to the introduction of a socialist system, including compensation in cases where restitution is not possible, and the confusion brought about by the widespread privatization of land and housing.

* **Informal Settlements:** according to the Declaration of Regional and National Policy and Programmes on Informal Settlements in South-Eastern Europe,² the working definition is: "Informal settlements are human settlements, which for a variety of reasons do not meet requirements for legal recognition (and have been constructed without respecting formal procedures of legal ownership, transfer of ownership, as well as construc-

1 Wherever the word Roma is used in this report it is meant to include Ashkali and Egyptian as well, unless otherwise stipulated.

2 G. Bjoern, "Informal Settlements in SEE – A regional support approach, Spatial Information Management toward Legalizing Informal Urban Development", FIG Commission 3, Workshop in Athens, Greece, March 28-31, 2007.

tion and urban planning regulations). While there is significant regional diversity in terms of their manifestation, these settlements are mainly characterized by informal or insecure land tenure, inadequate access to basic services, both social and physical infrastructure and housing finance.”

* **Settlement Upgrading:** generally refers to the improvement of the existing physical infrastructure conditions (i.e., access to water, sanitation, electricity and roads). It also refers to the improvement of the building structures (housing units). When referring to integrated informal settlement upgrading, the strategy also involves, together with the physical aspects, a land and housing regularization process. The upgrading process can also be attached to a number of socio-economic strategies that complement the physical and legal issue in the process by providing economic opportunities, such as access to employment and enhancing local economic development by supporting home-based enterprises and small- and medium-scale industries, improving access to education and health, and access to communal, recreational and sport facilities to enhance social interaction. The settlement upgrading process also highlights the need to improve the environmental quality of settlements by taking care of open public spaces, waste management and greenery. All these actions aim at substantially improving the living conditions of the inhabitants, with the goal of integrating them into the physical and socio-economic fabric of their urban area, avoiding as much as possible its relocation or resettlement, unless the latter is necessary and follows international conventions and guidelines that protect them from human rights violations.

* **Social Housing:** is defined by The European Union as “the provision of housing at below market price to a target group of disadvantaged people or socially less advantaged groups, as well as to certain categories of key workers. The target groups, as well as the exact modalities of application of the system are defined by the public authorities. Social housing providers can also provide other related services for the target group”³. Similarly the European Social Housing Observatory

3 “Study on Social Services of General Interest, Employment, Social Affairs and Inclusion, Final Report”, European Commission, Directorate General of the European Commission, October 2011, p.10, <http://www.google.hu/url?sa=t&rct=j&q=social%20services%20of%20general%20economic%20interest%20social%20housing%20teller&source=web&cd=1&cad=rja&ved=0CCwQFjAA&url=http%3A%2F%2Fec.europa.eu%2Fsocial%2FblobServlet%3FdocId%3D7688%26langId%3Den&ei=tA6XUdvHA83ptQa99oGYBQ&usg=AFQjCNFD0y_7qBw1IZa70_QqZoi1mzRe5w&bvm=bv.46751780,d.Yms>.

CECODHAS defines it as “housing where the access is controlled by the existence of allocation rules favouring households that have difficulties in finding accommodation in the market”⁴. Social housing can also be defined within the range of financial instruments available to address both the demand and supply sides of the housing market in relation to its affordability and accessibility for specific categories of people, households or vulnerable groups, and through regulated organizations that administer these social housing “financial instruments” or “subsidies”.

There are two models of social housing in the Western Balkans region. One is the rental of housing in previously socialist apartment buildings (i.e., public housing or government-built housing), while the other involves the ad-hoc housing solutions provided by the individual or combined efforts of the government, international donors and/or NGOs that explicitly target vulnerable groups, including national minorities and people affected by war and ethnic conflicts (i.e., returnees, DPs and/or IDPs⁵). “Social” housing in the Western Balkans context also includes projects and programmes to reconstruct houses destroyed during armed conflicts.

Good Learning Practice in Legalization, Settlement Upgrading and Social Housing

Within the BPRI project, identification of good practice in Roma integration takes into account the following criteria:

- * Explicit (but not necessarily exclusive) targeting of Roma;
- * Direct focus on combating discrimination and/or promoting the participation of Roma in decision-making;

4 “Social Housing in the ENECE Region”, Discussion Paper prepared by the UNECE Secretariat in co-operation with the European Liaison Committee for Social Housing (CECODHAS), Workshop on Social Housing, UNECE, Prague, 19-20 May 2003.

5 Displaced people include *internally displaced people* (people who remain in their own countries), as well as *refugees* (people who cross international borders). In Guiding Principles on Internal Displacement, the United Nations defines *internally displaced people* as “persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalised violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognised State border.” A crucial requirement to be considered a *refugee* is crossing an international border. Persons forcibly displaced from their homes who cannot or choose not to cross a border, therefore, are not considered refugees even if they share many of the same circumstances and challenges as those who are. “Guiding Principles on Internal Displacement”, Global Database, 2007, Published by the Office for the Co-ordination of Humanitarian Affairs, reprinted by the UN, Geneva, October 2004, <http://www.law.georgetown.edu/idp/english/id_faqs.html>.

Table 1: General and specific key principles for good learning practice for Roma integration in the housing sector

General Principles	
Principle 1	Consider the wider land and housing context
Principle 2	Support Roma mainstreaming in legalization, social housing and social assistance
Principle 3	Develop targeted approaches, where needed
Principle 4	Consider housing more than shelter alone
Principle 5	Emphasize community organization
Principle 6	Strive towards the end to dependency
Specific Principles	
Legalization	Accessibility Affordability
Settlement Upgrading	The six "universal" good learning practice steps for settlement upgrading: 1) Data collection; 2) Consultation on project outcomes; 3) Regularization; 4) Legalization of land and buildings; 5) Settlement planning; and 6) Socio-economic integration.
Social Housing	Availability Affordability Accessibility Quality of the overall housing package

- * Presence of design elements that can be expected to contribute to integration, rather than to assimilation or segregation of Roma;
- * Attention to issues of gender (both combatting discrimination against Roma women and promoting Roma women's participation on an equal basis);
- * Co-ordination and coherence with other policies at the regional and/or local levels, as well as at the central level, while taking into account the needs of the local Roma community;
- * Addressing multiple aspects of a given issue in a holistic approach;
- * Participation of Roma in programme design and implementation;
- * Institutional and financial sustainability; and
- * High likelihood of producing multiplier effects.⁶

For the purpose of this report, the above criteria have been converted into general and specific key principles for good learning practice in legalization, settlement upgrading and social housing targeting Roma communities in the Western Balkans (see Table 1). The principles are distinct from the above-mentioned criteria in that they relate specifically to the challenges

⁶ *Regional Report on Anti-Discrimination and Participation of Roma in Local Decision-Making* (Warsaw: OSCE/ODIHR, Best Practices for Roma Integration Project (BPRI), May 2013), p. 5, <<http://www.osce.org/odihr/102083>>.

of legalization, settlement upgrading and social housing in the Roma context. The principles are explained in detail in Chapter 3 of this report.

1.3 Research Methodology

The research conducted for this report comprised three main methodological approaches, namely: 1) desk research and secondary data-collection performed before and after field work; 2) primary data-collection during field work; and 3) analysis of housing problems and good learning practices, performed throughout the entire process.

Desk research and secondary data collection: General desk research was conducted on the international and European policy and legal frameworks for Roma integration from a housing perspective, on the housing conditions of Roma in the Western Balkans and on good learning practices in other countries in Europe and the rest of the world.

Prior to field work, secondary data was collected on current demographic, socio-economic and housing conditions of Roma in the Western Balkans. This also included an exploration of the existing policy and legal framework for legalization, settlement upgrading and

social housing, and a summary of Roma integration strategies (projects and programmes) targeting housing and settlement conditions of Roma in the Western Balkans.

Field work: The report is based on seven field visits, carried out in Albania, Bosnia and Herzegovina, Croatia, the former Yugoslav Republic of Macedonia, Montenegro and Serbia. Field work was also done in Kosovo. Field work included a number of different activities (see Annex 1 for a detailed description of activities performed during field visits). They are summarized as:

- * Meetings with key stakeholders in policy-making, technical implementation of legalization and upgrading of Roma settlements, and social housing, including Roma representatives and Roma NGOs;
- * Site visits of previously identified projects that are in the process of legalizing and upgrading Roma settlements and dwellings, and/or are providing new (social) housing for Roma populations;
- * A workshop on social housing with key stakeholders, held in October 2012 in Tirana;
- * A focus group discussion with Roma NGOs on legalization of Roma settlements and dwellings, held in December 2012 in Tirana; and
- * Two housing roundtables organized by BPRI: one held in Podgorica in July 2012 to discuss the fourth draft of the Social Housing Policy of Montenegro, and the Regional Roundtable on Housing for Roma, Ashkali and Egyptian populations held in September 2012 in Zagreb.

Analysis of the region's housing situation: the housing situation was assessed using a problem-tree analysis methodology to better understand the complex cause and effect relationship of the different problems affecting Roma populations in the region from the perspectives of legalization, settlement upgrading and social housing. Several issues affecting the housing conditions of Roma were identified and explored in more detail during field visits. The analysis provided the basis for assessing good learning practices for Roma integration in the Western Balkans (See Annex 2).

Analysis of good learning practices: The good learning practices identified and selected during desktop research and field work were assessed using a set of key general and specific principles. Lessons learned were derived from these practices to provide recommendations for planning, implementation and decision-making processes in legalization, settlement upgrading and (social) housing for Roma in the Western Balkans.

1.4. Scope and Limitations of the Report

Field work took place between September and December 2012, and the report was written between January and June 2013. The scope of the assignment was to identify, describe and analyze good learning practices for Roma integration from the perspective of legalization, settlement upgrading and social housing, and the subsequent lessons learned from such practices. Most good learning practices were derived from the Western Balkans region itself, and make reference to good learning practices elsewhere in similar or relevant contexts.

The initial limitation of the study comes from the nature of the assignment, which stipulated the identification of "best practices". Because it was rather challenging to find explicit good practices within the region, the report uses the term "good learning practices", which being neutral in essence, does not imply "best" or "worse" as limiting descriptors of the complex topic. This was done for two main reasons: first, to widen the choice of the different activities and initiatives targeting Roma integration in the region and, second, to be able to derive practical recommendations from the lessons learned from the practices.





*The Housing Situation of Roma
in the Western Balkans*

The Housing Situation of Roma in the Western Balkans

To understand the right to housing of minority groups requires an overview of the general provisions of international law in this respect. The translation of such rights in relation to a particular minority group such as Roma is the starting point for advocating and looking at the housing conditions of such groups, in order to deal with their particular disadvantaged situation. This section provides an overview of the main policy and legal frameworks available for defining the right to housing of Roma under international and European law, a synopsis of the housing conditions of Roma in the Western Balkans, and the policy and legal frameworks of individual governments for legalization, settlement upgrading and social housing, which ultimately affect Roma living the region. The section ends with an assessment of the housing situation of Roma in the Western Balkans, using the problem-tree analysis methodology (See Annex 2).

2.1 The Right to Housing under International and European Law

Although the European Convention for the Protection of Human Rights does not explicitly refer to the right to housing, it does provide the framework for its derivation in subsequent covenants, treaties and agreements. Such provisions are related to the protection of property (Article 1 of the Protocol to the Convention for the Protection of Human Rights and Fundamental Freedoms), the right to respect for private and family life (Article 8 of Section I: Rights and Freedoms,) and the prohibition of discrimination (Article 14 of Section I: Rights and Freedoms). Specifically, Article 8 which also protects “the right to respect for his home”, encompasses, among other things, the right of access, the right of occupation and the right not to be expelled or evicted without provision of relevant safeguards, and is thus intimately bound with the principle of legal security of tenure.⁷

7 “European Convention on Human Rights”, Council of Europe, 1 June 2010, pp. 10, 12 and 31, <http://www.echr.coe.int/Documents/Convention_ENG.pdf>.

The UN Committee on Economic, Social and Cultural Rights (CESCR) oversees the implementation of the International Covenant on Economic, Social and Cultural Rights (ICESCR). The Covenant declares that the states should “recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living condition”.⁸

The CESCR derives from the above statement the right to adequate housing and develops it further in General Comments No. 4 and 7, providing a number of definitions that explicitly refer to and describe the universal right to adequate housing. Accordingly, all people should possess a degree of security of tenure that guarantees legal protection against forced eviction, harassment and other threats. General Comment 4 defines adequate housing as housing that enjoys “sustainable access to natural and common resources, clean drinking water, energy for cooking, heating and lighting, sanitation and washing facilities, food storage facilities, refuse disposal, site drainage and emergency services”.⁹ This definition is expanded to characterize adequate housing as both affordable and habitable, that it ensures the physical safety of residents and is culturally adequate. Furthermore, the location of housing must allow for the residents to access employment and social facilities, and should not threaten the residents’ right to health, and thus must not be constructed in polluted areas.¹⁰

The International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) states in Article 5 (e) (iii) that all states have the obligation to prohibit and eliminate racial discrimination in all of its forms and to

8 “International Covenant on Economic, Social and Cultural Rights”, UN Office of the High Commissioner for Human Rights, 16 December 1966, <<http://www.ohchr.org/EN/ProfessionalInterest/Pages/CESCR.aspx>>.

9 “General Comment No. 4: The Right to Adequate Housing (Art. 11 (1) of the Covenant)”, UN Office of the High Commissioner for Human Rights, 13 December 1991, E/1992/23, <<http://www.unhcr.ch/tbs/doc.nsf/0/469f4d91a9378221c12563ed0053547e>>.

10 *Ibid.*

guarantee the right of everyone to equality before the law, notably in the enjoyment of the right to housing.¹¹ The Council of Europe, in its Revised European Social Charter (1996), addresses the right to housing in Articles 16 and 31 as follows:

* **“Article 16 –The right of the family to social, legal and economic protection:** With a view to ensuring the necessary conditions for the full development of the family, which is a fundamental unit of society, the Parties undertake to promote the economic, legal and social protection of family life by such means as social and family benefits, fiscal arrangements, provision of family housing, benefits for the newly married and other appropriate means.”

* **“Article 31 –The right to housing:** With a view to ensuring the effective exercise of the right to housing, the Parties undertake to take measures designed: 1) to promote access to housing of an adequate standard; 2) to prevent and reduce homelessness with a view to its gradual elimination; and 3) to make the price of housing accessible to those without adequate resources.”¹²

In relation to housing, in order to combat social exclusion and poverty, Article 34 of the Charter of Fundamental Rights of the European Union states that “the Union recognizes and respects the right to social and housing assistance so as to ensure a decent existence for all those who lack sufficient resources, in accordance with the rules laid down by Community law and national laws and practices.”¹³

The European Union also adopted, in 2000, Racial Equality Directive, which targets the right to housing for ethnic minorities.¹⁴ The scope of the directive covers various fields, such as the access to and supply of goods and services, including housing. The directive is an anti-discrimination instrument, and through a legal body

11 “International Convention on the Elimination of All Forms of Racial Discrimination”, UN Office of the High Commissioner for Human Rights, 21 December 1965, <<http://www.ohchr.org/Documents/ProfessionalInterest/cerd.pdf>>.

12 “Revised European Social Charter”, Council of Europe, 1996, p. 11-17, <<http://conventions.coe.int/Treaty/en/Treaties/Html/163.htm>>.

13 “Charter of Fundamental Rights of the European Union”, European Parliament, Council of the European Union and the European Commission, Official Journal of the European Communities (2000/C 364/01), 18 December 2000, p.16, <http://www.europarl.europa.eu/charter/pdf/text_en.pdf>.

14 “Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin”, Official Journal of the European Communities, L 180/22, European Union, 2000, <<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32000L0043:EN:NOT>>.

it can receive (housing-related) discrimination complaints, provide independent assistance to victims of discrimination, conduct surveys, publish independent reports and make recommendations.¹⁵

2.2 Roma and the Right to Housing

The housing situation of the great majority of the Roma population in the Western Balkans is characterized by inadequate conditions. They live in substandard shelter that does not meet adequate living standards, as defined by the international community. The most prominent housing problems faced by Roma are their lack of security of tenure, the informal and illegal nature of their settlements, which makes them susceptible to forced evictions, and their substandard housing conditions, which undermine their health, education and (adequate) access to basic services and infrastructure. They suffer from specific obstacles that aggravate their housing conditions, such as racism and discrimination, both from public officials and society at large. Burdensome rules, restrictions and discriminatory practices in the implementation of housing policies, in turn, limit their access to social housing.

In the Western Balkans region, the provision of housing for Roma in isolated locations and in segregated housing compounds has reinforced their social and economic exclusion, and promoted the formation of ghettos.¹⁶

15 According to data collected by RAXEN (an information network consisting of National Focal Points in all 27 EU member States that were established by the EU Agency for Fundamental Rights -FRA, in 2000 to monitor incidents of racism, xenophobia, religious and other related intolerances in the EU) about 550 Roma or traveller housing related complaints were filed between 2000 and 2009, of which 35 were either accepted as a violation or reached a settlement. Based on other reports on the issue it has been concluded that housing discrimination on grounds of racial or ethnic origin is seriously underreported, with a lack of awareness on how to proceed or a reluctance to do so being the major reasons for not reporting. “Housing Conditions of Roma and Travellers in the European Union, Comparative Report”, EU Agency for Fundamental Rights (FRA), October 2009, p. 22, <http://fra.europa.eu/sites/default/files/fra_uploads/608-ROMA-Housing-Comparative-Report_en.pdf>.

16 A quantification of the level of the problem in the region is only possible if data collection of the housing conditions of Roma in the Western Balkans is unified and comparable, and if averaging it provides a reliable picture. The Regional Roma Survey 2011 conducted by UNDP is an attempt towards devising a regional quantification of the problem by comparing the housing conditions of a sample Roma population to non-Roma population living next to them. “Regional Roma Survey 2011”, United Nations, World Bank and European Commission, 2011, <<http://europeandcis.undp.org/data/show/D69F01FE-F203-1EE9-B45121B12A557E1B>>.

All these aspects act against the fundamental human rights of Roma, including their right to adequate housing. The provision, compliance and enforcement of international laws regarding the right to housing are, therefore, necessary for achieving the inclusion of Roma in mainstream society. This rights-based legal framework for housing must be adapted and translated to the specific circumstances of each country, with the necessary provisions for sound and effective local government intervention and with the participation of the affected Roma population.

In addition to the instruments related to the right to housing highlighted in the previous section, there are a number of international recommendations and commitments specifically targeting Roma. The Committee of Ministers of the Council of Europe has adopted recommendations dealing explicitly with Roma and Travellers in Europe. The Recommendation Rec(2005)4 of the Committee of Ministers to Member States on improving the housing conditions of Roma and Travellers in Europe includes a set of resolutions and guiding principles that should be taken into account by Member States when drafting and implementing housing programmes for Roma. The principles can be summarized as:

- * Ensuring that integrated housing policies drafted in each country include the housing needs of Roma;
- * Addressing and prioritizing Roma housing conditions as part of the housing policy framework in a non-discriminatory way;
- * Ensuring universal access to adequate housing for Roma, particularly in terms of affordability, service delivery and freedom of choice;
- * Preventing exclusion and the creation of ghettos by avoiding the settlement or resettlement of Roma in inappropriate and hazardous sites, or in housing projects that concentrate them on account of their ethnicity;
- * Ensuring the participation of Roma communities in the process of housing provision; and
- * Promoting empowerment and capacity building among Roma communities by fostering partnerships at the local, regional and national levels.¹⁷

The recommendations also highlight the important role local governments in the region have in implementing housing programmes and projects in their respective

17 “Recommendation Rec(2005)4 of the Committee of Ministers to member states on improving the housing conditions of Roma and Travellers in Europe”, Council of Europe, Committee of Ministers, 23 February 2005, <<https://wcd.coe.int/ViewDoc.jsp?id=825545>>.

jurisdictions, further indicating that this role should be strictly supervised by the central government.

Subsequently, between 2008 and 2011, several other Council of Europe recommendations and resolutions¹⁸ were also instrumental for raising the issue of Roma housing on the European agenda and creating the foundation for its inclusion in the EU Framework for National Roma Integration Strategies, described below. Moreover, the Council of Europe’s Commissioner for Human Rights provided a recommendation on the implementation of the right to housing in 2009,¹⁹ referring to state obligations and principles of affordability, equality, accessibility, adequacy and measures against homelessness.

Furthermore, the European Parliament resolution on the situation of the Roma in the European Union “considers that the current ghettoization in Europe is unacceptable, and calls on Member States to take concrete steps to bring about ‘de-ghettoization’, to combat discriminatory practices in providing housing and to assist individual Roma in finding alternative, sanitary housing.”²⁰ Such a statement is also relevant to the situation of Roma in the Western Balkans.

Most recently, the EU Framework for National Roma Integration Strategies up to 2020 was adopted in 2011.²¹ The framework “seeks to make a tangible difference to Roma people’s lives” and encourages Member States to address the situation of Roma by developing a comprehensive approach to Roma integration and endorsing a number of goals, including access to housing and

18 “Recommendation CM/Rec(2008)5 of the Committee of Ministers to member states on policies for Roma and/or Travellers in Europe”, “Recommendation 1924 (2010) and Resolution 1740 (2010) of the Parliamentary Assembly on the Situation of Roma in Europe and relevant activities of the Council of Europe”, and the “Congress Recommendation 315 (2011) and Resolution 333 (2011) on the situation of Roma in Europe: a Challenge for Local and Regional Authorities”, Council of Europe.

19 “Recommendation CommDH(2009)5 of the Commissioner for Human Rights on the Implementation of the Right to Housing”, Council of Europe, Commissioner for Human Rights, 30 June 2009, <<https://wcd.coe.int/ViewDoc.jsp?id=1463737>>.

20 “Resolution P6_TA (2005)0151 on the Situation of Roma in the European Union, Paragraph 19”, European Parliament, Brussels, 2005, <<http://www.europarl.europa.eu/sides/getDoc.do?type=TA&reference=P6-TA-2005-0151&language=EN>>.

21 “Communication from the commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions – An EU Framework for National Roma Integration Strategies up to 2020”, European Commission, 2011, <http://ec.europa.eu/justice/policies/discrimination/docs/com_2011_173_en.pdf>

essential services.²² The framework also acknowledges the need to promote Roma integration beyond the EU, within the Commission's Enlargement Strategy, stating its commitment to help in the efforts at the regional and national levels for improving the social and economic inclusion of Roma in the Western Balkans Region. Accordingly, the EU Roma integration goals are equally relevant to the region.

2.3 The Decade of Roma Inclusion

The access to adequate housing is one of the main priorities of the Decade of Roma Inclusion (2005-2015).²³ Its goal is to close the gap in welfare and living conditions between Roma and non-Roma populations in the signatory countries, and to break the vicious cycle of poverty and social exclusion. To that end, participating countries are required to produce targeted housing programmes to address this issue, in the form of national action plans. The national action plans, apart from housing, also include the areas of education, health and employment. The time frame envisioned for the implementation of the national action plans is ten years.

Reporting on the implementation of these commitments for the improvement of the situation of Roma and Sinti has been a challenge due to lack of data and limited capacities. According to the UNDP, the implementation of these plans suffers from several problems, "The implementation of the Decade is still uneven in many areas. In most countries the administrative structures are in place, although usually budgeting is a problem. Another common problem the Decade faces at national level is insufficient capacity in terms of strategic planning, establishing a monitoring framework and acquiring the necessary data for progress monitoring and necessary Decade Action Plan adjustments. As was stated during the Decade International Steering Committee meeting in June 2007, the countries need

22 The goal aims to "close the gap between the share of Roma with access to housing and to public utilities (such as water, electricity and gas) and that of the rest of the population", *ibid.*, p.7.

23 The Decade of Roma Inclusion, 2005-2015, is an initiative adopted by eight countries in Central and Southeast Europe, and supported by the international community. It represents the first co-operative effort to change the lives of Roma in Europe. An action framework for governments, the Decade will monitor progress in accelerating social inclusion and improving the economic and social status of Roma across the region. 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. "Decade in Brief", Decade of Roma inclusion 2005-2015 website, <<http://www.romadecade.org/about-the-decade-decade-in-brief>>.

explicit targets by sectors, adequate indicators and baselines to monitor the progress over time. This recommendation is still valid in most countries."²⁴

2.4 The Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area

In 2003, the OSCE participating States adopted the Action Plan for Improving the Situation of Roma and Sinti in the OSCE Area. The OSCE recognizes the particular difficulties faced by Roma and Sinti and the need to undertake effective measures in order to eradicate discrimination against them and to achieve equality of opportunity, consistent with OSCE commitments. The Action Plan recommends a number of actions to address the housing and living conditions of Roma, as follows:

- * Put in place mechanisms and institutional procedures to clarify property rights, resolve questions of ownership and regularize the legal status of Roma and Sinti people living in circumstances of unsettled legality (e.g., Roma neighbourhoods lacking land rights or that are not included in the urban plans of the main locality, families and houses without legal residence status in settlements where the people have been living de facto for decades);
- * Involve Roma and Sinti people in the design of housing policies, as well as in the construction, rehabilitation and/or maintenance of public housing projects meant to benefit them;
- * Ensure that housing projects do not foster ethnic and/or racial segregation;
- * Consider the possibility of guaranteeing loans to participating States that may be available from international organizations and financial institutions for low-income housing projects; and
- * Promote the option of co-operative housing schemes for Roma communities and provide appropriate training for the maintenance of such facilities.²⁵

24 S. Nikolic, M. Škegro, "Monitoring Framework for the Decade of Roma Inclusion: Croatia", UNDP, p.2, <http://www.undp.hr/upload/file/211/105998/FILENAME/monitoring_framework_-_complete_document.pdf>.

25 The following recommendations are also relevant: Hungary <http://www.romadecade.org/1st_decade_of_roma_inclusion_housing_workshop>; Czech Republic <http://www.romadecade.org/czech_housing_conference>; Serbia <http://www.romadecade.org/2nd_decade_of_roma_inclusion_housing_workshop>; The former Yugoslav Republic of Macedonia <http://www.romadecade.org/conference_systematic_approach_housing_may_2012>. OSCE Ministerial Council, Decision No. 3/03, "Action Plan on improving the Situation of Roma and Sinti within the OSCE Area", Maastricht, 1-2 December 2003, <<http://www.osce.org/odihr/17554>>.

Following the adoption of the 2003 OSCE Action Plan, several OSCE field operations have supported governments in the Western Balkans region in developing national Roma integration strategies. Most of the Western Balkans countries also joined the Decade for Roma Inclusion 2005-2015 and developed national action plans for Roma integration in the key areas of education, employment, housing and healthcare (Annex 3 provides a list of national strategies and action plans in the Western Balkans region).

2.5 The Vienna Declaration on Informal Settlements in South Eastern Europe

In October 2004, the Stability Pact for South Eastern Europe and its partners launched a political process, leading to the “Vienna Declaration on Informal Settlements in South Eastern Europe (SEE)”, signed in Prishtinë/Priština in 2005²⁶. The objective of the Declaration was to provide a framework for the regularization and legalization of informal settlements in a “sustainable way” and to help prevent the formation of future informal settlements. Such settlements include — but are not limited to — Roma settlements. The Declaration was signed by representatives from Albania, the former Yugoslav Republic of Macedonia, Montenegro and Serbia. Representatives of Kosovo also signed the declaration.

The Vienna Declaration was significant for a number of reasons:

1. It put the issue of informal settlements in South-Eastern Europe firmly on the political agenda in the Western Balkans and for international organizations;
2. The South-Eastern European countries agreed on a common definition of “informal settlements”, namely: “human settlements, which for a variety of reasons do not meet requirements for legal recognition and have been constructed without respecting formal procedures of legal ownership, transfer of ownership, as well as construction and urban planning regulations”;
3. The document attempted to provide a common institutional framework and a set of actions for managing the process of regularization and protecting the rights of residents of informal settlements;

26 “Vienna Declaration on Informal Settlements in South Eastern Europe”, Ministerial Conference on Informal Settlements in South Eastern Europe, OSCE Hofburg in Vienna, 28 September – 01 October 2004, <http://www.stabilitypact.org/housing/f%20-%20050415_Vienna%20Declaration.pdf>.

4. The document reaffirms the right of all inhabitants of informal settlements to an “adequate standard of living” and to have “equal access to services”;²⁷
5. In pursuit of the former, the Declaration presents the key principle that the first priority for informal settlement improvement is in situ regularization and upgrading. Only in cases where this is not possible (where security of tenure cannot be guaranteed or where the settlement is located in an environmentally hazardous area), then relocation can be considered. This is an important principle that this report adopts as one of its general principles (see Section 3); and
6. The Declaration provides a target deadline — 2015 — for the “resolution of informal settlements”.

The Vienna Declaration represents an important milestone in the policy of South-Eastern European countries towards informal settlements, yet its ambitious goal of harmonizing regional countries’ policies towards such settlements has not yet been attained, since each country in the region continues to pursue its own policy. Moreover, the Declaration’s target year of 2015 for the “resolution” of informal settlements in the region has proven to be similarly over-ambitious. Nevertheless, in some countries the Declaration has been important in influencing municipal policy to use spatial planning as a means to integrate informal settlements (also in 2005).

27 “Assessment of Municipal Responses to Informal Settlements in Kosovo”, OSCE Mission in Kosovo, December 2011, p.6, <<http://www.osce.org/kosovo/86273>>.

2.6 Overview of the Housing Situation of Roma in the Western Balkans

The housing sector in the Western Balkans region has been subjected to reforms and structural changes due to changes in government structures in the transition from socialism to a market-based economy. Various processes have affected the performance of the housing sector, namely the wide-spread privatization of land and housing, the growing share of illegal housing, a persisting lack of regularization, and the devolution of power to local self-governments to implement housing policies, programmes and projects. The transition process has resulted in a weakened institutional and legal framework for managing and solving the housing problem across the region, compounded by the lack of funding and low technical and managerial capacity at the local level in order to confront the housing challenge.

In particular, the issue of irregular, illegal and informal housing, which affects the entire population, has had a negative impact on vulnerable groups, including Roma. In an effort to deal with the problem, most of the governments of the Western Balkans have enacted or are in the process of drafting legalization laws and other related legal and regulatory instruments to deal with the situation.

The enactment of social housing policies to improve accessibility and affordability to adequate housing solutions for the population in need and, more specifically, to vulnerable groups, is also part of this effort to deal with the housing problem in the region. Social housing policies have been drafted and approved, or are under development, but housing for vulnerable groups and ethnic minorities continues to be provided ad-hoc through heavily subsidized government programmes and projects, with or without the joint efforts of international donors, multilateral organizations or either national or foreign NGOs.

Understanding the housing situation of Roma communities in the Western Balkans requires an in-depth analysis of the different forces affecting the delivery of housing solutions to these minority groups. A summary on the available population data and main housing indicators for these communities provides an initial impression of their housing situation in Albania, Bosnia and Herzegovina, Croatia, the former Yugoslav Republic of Macedonia, Montenegro and Serbia. A summary of this information about Kosovo is given as well.

Overview of the Housing Situation in Albania

Population Data

The latest Population and Housing Census of Albania (2011) counted 8,301 Roma and 3,368 Egyptians currently residing in the country. Unofficial documents tell a different story of the number of Roma and Egyptian people in the country: estimations vary from 10,000 to 150,000 Roma and over 200,000 Egyptians.²⁸ The Union of Albanian Roma, an NGO, (Amaro Drom), speaks of 80,000 to 150,000 Roma in Albania.²⁹ The striking differences between these population counts must be addressed with caution when defining the scale of the housing problem.

The Housing Conditions

An assessment made by the UNDP in Albania states that, among other causes for the impoverishment of Roma communities, the migration from villages to the periphery of urban areas has worsened their previous housing conditions, because they built shacks without the necessary infrastructure.³⁰ When compared to the non-Roma population, the assessment highlights that Roma usually suffer from poorer housing conditions. Even if they own their dwellings, these are usually in a very poor state (i.e., housing in disrepair, slums or huts). The assessment further describes access to infrastructure as clearly lower and poorer as compared to that for non-Roma. For example, 28 per cent of Roma have direct water supply inside their dwellings, as compared to 97 per cent of non-Roma. Similarly, sanitation, defined as having a toilet inside the dwelling, is 28 per cent for Roma, as compared to 97 per cent for non-Roma. The household survey data also show that household connection to electricity, although being 94 per cent for Roma, is affected by the poor quality of the service (i.e., reduced service hours and low electrical supply output). Additionally, eight per cent of Roma households have not paid their electricity bills for an average period of 18.8 months.

Findings from a qualitative needs assessment study conducted by international organizations in 2010 further confirm the acute housing situation of Roma and

28 H. Soto, S. Beddies, I. Gedeshi, "Roma and Egyptian in Albania. From Social Exclusion to Social Inclusion", World Bank Working Paper N. 53, 2005, <<https://openknowledge.worldbank.org/bitstream/handle/10986/7313/32181.pdf?sequence=1>>.

29 "The current situation of the Roma minority in Albania", Union of Albanian Roma Amaro Drom website, <<http://www.unioniamarodrom.org/eng/currsit.htm>>.

30 "At Risk: Social Vulnerability of Roma in Albania", UNDP, 2006, <http://europeandcis.undp.org/uploads/public/File/rbec_web/vgr/Albanian_Roma_Report_english_reduced.pdf>.

Egyptian communities in Albania. The assessment suggests, that after the collapse of the socialist system, their conditions declined from relative well-being to extreme poverty.³¹ A combination of low skills, discrimination and the closing down of state-owned enterprises during the transition period has had a negative impact on the living conditions of the Roma and Egyptian populations, which can be summarized as mass unemployment, high illiteracy rates, deteriorating health, poor access to basic infrastructure and substandard housing conditions.

The EU 2013 Progress Report on Albania emphasized living conditions as one of the main problems faced by Roma, stating that, “Albania needs to swiftly improve the living conditions of the Roma; coordination between central and local government is essential in this context.”

The issue of evictions was also raised in the 2012 progress report, referring to the inadequacy of the assistance provided by central and local authorities to Roma families forcibly evicted from their settlement near the Tirana train station in February 2011. Another case of eviction occurred in Tirana in August 2013, affecting 37 Roma families living in Ish Dekori. These families were forced to live outdoors for three months in extremely difficult conditions, without access to basic sewage and water services. The Ministry did commit to finding a solution for them and has since moved them to an ex-military site in Tufina (the location chosen by the Roma families). The report further warns against the potential increase of development-induced evictions and the need to address forced evictions and ensure alternatives housing to evictees.³²

The housing conditions of Roma, as compared to non-Roma populations in Albania, were considerably worse in almost all the indicators surveyed by the Regional

Roma Survey conducted in 2011.³³ They are summarized in Table 2.

Overview of the Housing Situation in Bosnia and Herzegovina

Population Data

Roma are the biggest ethnic minority in Bosnia and Herzegovina. In the last census, in 1991, only 8,864 persons declared themselves as Roma. In 2007, research led by the Bosnia and Herzegovina Council of Roma found that at least 76,000 Roma lived in the country.³⁴ A Kalisara Roma Information Centre from 2011 suggests that, despite the lack of statistics, the Roma population in Bosnia and Herzegovina is within the range of 80,000 to 100,000.³⁵

As part of the efforts to implement the Action Plan for addressing the Roma issue in the country, the Bosnia and Herzegovina Ministry of Human Rights and Refugees set up the process of registering Roma households and their needs back in 2009.³⁶ Despite the recognition by the Ministry that it is very difficult to identify the exact number of Roma households in Bosnia and Herzegovina, it nevertheless stated that there are approximately 35,000 members of the Roma national minority living in approximately 9,000 households, an estimate they consider “the most realistic having in

31 “Challenging Discrimination and Promoting Equality”, European Roma Rights Centre website (ERRC), <http://www.errc.org/popup-article-view.php?article_id=2285>.

32 “Commission Staff Working Document – Albania 2012 Progress Report”, European Commission, 2012, p. 22, <http://ec.europa.eu/enlargement/pdf/key_documents/2012/package/al_rapport_2012_en.pdf>; and for 2013 <http://ec.europa.eu/enlargement/pdf/key_documents/2013/package/al_rapport_2013.pdf>, page 10. For further reference, other important cases of discrimination and property destruction of members of the Roma community living in Albania can be found in the newsletter of the Advocacy Centre REPUBLICA (Numri 3, Prill 2011), <<http://www.soros.al/2010/foto/uploads/File/Buletini%20nr%203%20ok.pdf>>.

33 “Data on Roma: Regional Roma Survey: Albania”, UNDP/WB/EC, 2011, <<http://europeandcis.undp.org/data/show/D69F01FE-F203-1EE9-B45121B12A557E1B>>. For a detailed explanation of the methodology used by the Regional Roma Survey refer to the following documents available on the UNDP Website: Peric, T., “The Housing Situation of Roma Communities: Regional Roma Survey 2011”, Roma Inclusion Working Papers, United Nations Development Programme, 2012, <http://issuu.com/undp_in_europe_cis/docs/housing_2_web/>, and Ivanov, A., Kling, J. & Kagin, J. “Integrated household surveys among Roma populations: one possible approach to sampling used in the UNDP-World Bank-EC Regional Roma Survey 2011”, Roma Inclusion Working Papers, United Nations Development Programme, 2012, <<http://www.undp.org.rs/index.cfm?event=public.getFile&fileid=C6D36819-F01D-57B1-A23458F3073D0D5B>>.

34 “Action Plan of Bosnia and Herzegovina for Addressing Roma Issues in the Field of Employment, Housing and Health Care”, Council of Ministers of Bosnia and Herzegovina, 2009, pp. 135-136.

35 “Report on the Implementation of the Bosnia and Herzegovina Action Plan for Addressing Roma Issues in the Field of Employment, Housing and Health Care”, Kalisara Roma Information Centre, Sarajevo, 2011, <<http://old.romadecade.org/files/downloads/General%20Resources/Decade%20Watch%20BiH%202009-2011%20final%20EN.pdf>>.

36 “Analysis Registration of Roma population and Roma households –including the aspect of Roma children”, Ministry of Human Rights and Refugees, 2011, (unpublished); this report was given to BPRI by Liljana Santic, Housing Co-ordinator of the MHRR of Bosnia and Herzegovina, 10 September, 2012.

Table 2: Comparison of selected housing indicators of Roma and Non-Roma population living in proximity to Roma in Albania

Housing indicator	Roma		Non-Roma	
Average number of rooms per household member	0.44		0.69	
Average number of m ² of living space per household member	11.58		21.07	
Share of population without access to secure housing (i.e., living in dilapidated houses or slums)	37%		7%	
Share of population without access to improved water sources (i.e., piped water in dwelling)	30%		18%	
Share of population without access to improved sanitation (i.e., toilet or bathroom inside dwelling)	61%		34%	
Share of population with access to electricity in their dwelling	93%		96%	
Sources of energy per household	heating	cooking	heating	cooking
Gas in bottles	13%	24%	71%	85%
Electricity	20%	23%	12%	10%
Wood	62%	48%	17%	5%
Other	5%	6%	1%	0%
Share of people living in households by ownership type				
Owned by household or family	82%		92%	
Private ownership (not family)	9%		6%	
Municipality	2%		0%	
Other (incl. unknown ownership)	3%		1%	

Adapted from UNDP, World Bank, European Commission Regional Roma Survey 2011

mind available data and the project of Roma population and households' registration".³⁷

The Housing Conditions

The housing conditions of Roma in Bosnia and Herzegovina are substandard. According to some reports, 50 to 70 per cent of the Roma live in unsafe residential buildings, either huts with one room and no sanitary facilities, or even among ruins.³⁸ According to data gathered during the registration process conducted by the Ministry of Human Rights and Refugees, 86 per cent of Roma families live in units built with solid material, although this figure lacks indicators on the quality of accommodation. Forty-nine per cent of the registered families stated that they were owners or co-owners of the dwelling. Nineteen per cent of the housing units were not connected to the water supply, 36 per cent had no complete bathroom, 34 per cent lacked a connection to the municipal sewage system, and 31 per cent had no kitchen. Seventeen per cent had no power

³⁷ *Ibid*, p.39.

³⁸ "Evaluation of the National Action Plans for resolving the Roma Issues in the areas of Employment, Housing and Health Care (short version)", BOSPO, February 2010, p. 68, <<http://www.bospo.ba/dokumenti/evaluacija.pdf>>.

supply.³⁹ The above figures find a parallel in the results of the Regional Roma Survey conducted in 2011, comparing housing conditions of Roma with the non-Roma population in Bosnia and Herzegovina.⁴⁰ They are summarized in Table 3.

The Council of Roma of Bosnia and Herzegovina identified 36 illegal (or informal) Roma settlements, in which more than 22,000 Roma live.⁴¹ According to the OSCE survey conducted in these 36 Roma informal settlements,⁴² the Roma households are particularly vulnerable to human rights violations because of the

³⁹ Action Plan of Bosnia and Herzegovina, *op.cit.*, note 34; these percentages are based on the 16,771 Roma individuals (4,308 households) that were registered during the Registration project implemented by the Ministry of Human Rights and Refugees from November 2009 to February 2010.

⁴⁰ "Data on Roma: Regional Roma survey: Bosnia and Herzegovina", UNDP/WB/EC, 2011, <<http://europeandcis.undp.org/data/show/D69F01FE-F203-1EE9-B45121B12A557E1B>>.

⁴¹ "Submission to the European Commission on Bosnia and Herzegovina", ERRC, 1 June 2010, p. 2, <<http://www.errc.org/cms/upload/file/ecprogress-bosnia-herzegovina-2010.pdf>>.

⁴² "Report on Roma Informal settlements in Bosnia and Herzegovina", OSCE Mission to Bosnia and Herzegovina, Human Rights Department, May 2005, p. 2, <<http://www.osce.org/node/14860>>.

Table 3: Comparison of selected housing indicators of Roma and Non-Roma populations living in proximity to Roma in Bosnia and Herzegovina

Housing indicator	Roma		Non-Roma	
Average number of rooms per household member	0.62		1.10	
Average m ² of living space per household member	12.92		27.38	
Share of population without access to secure housing (i.e., living in dilapidated houses or slums)	35%		5%	
Share of population without access to improved water sources (i.e., piped water in dwelling)	11%		7%	
Share of population without access to improved sanitation (i.e., toilet or bathroom inside dwelling)	22%		9%	
Share of population with access to electricity in their dwelling	83%		98%	
Sources of energy per household	heating	cooking	heating	cooking
Gas in bottles	1%	3%	0	6%
Piped gas supply	0	0	4%	4%
Electricity	0	20%	3%	53%
Wood	88%	74%	75%	36%
Other	11%	3%	17%	1%
Share of people living in households by ownership type				
Owned by household or family	85%		89%	
Private ownership (not family)	9%		4%	
Municipality	3%		2%	
Other (incl. unknown ownership)	3%		4%	

Adapted from UNDP, World Bank, European Commission Regional Roma Survey 2011

insecurity of their tenure and their poverty and marginalization.⁴³

In Bosnia and Herzegovina a substantial number of Roma live in informal settlements where they usually have built houses without permits. Existing laws require the legal registration of residential buildings with permits, in order to access essential services such as water, electricity and sanitation. Therefore, the availability of such services in informal settlements is poor at best. Many of the Roma households living in informal settlements own the land, but this is not recorded in the land register, and the legalization process of these settlement is blocked by the lack of adequate infrastructure (such as paved roads) and essential services. Municipalities do sometimes take measures to provide these

services to some houses, but these are based on ad hoc actions, which ultimately do not solve the problem.⁴⁴

Overview of Housing Situation in Croatia

Population Data

The Croatian census of 2011 includes figures of 16,975 Roma and 172 Ashkali. The Croatian government, however, estimates the size of the country's Roma population at between 30,000 and 40,000.⁴⁵ Other estimates are much higher, suggesting that around 60,000 Roma live in the country. Nevertheless, most agree that the actual size of the Roma population is 30,000 -40,000 inhabitants.⁴⁶

Roma, therefore, constitute between 0.5 and one per cent of the total population of the country. Approximately one third of the Roma population of Croatia

43 *Ibid*, p. 3, 64 per cent of settlements in Bosnia and Herzegovina are built on publicly owned land. 61 per cent of the settlements built on public land have no legal right to use the property they occupy. The rest of the settlements are built on private land lacking an agreement from land owners to use the occupied land, eventually facing eviction. Furthermore, Roma have limited access to political processes and legal remedies to advance their efforts.

44 Report on Roma Informal settlements in Bosnia and Herzegovina, *op. cit.* note 42.

45 ODIHR Regional Report, *op. cit.*, note 6, p. 15.

46 "Document prepared by the Council of Europe Roma and Travellers Division", Council of Europe, 2010, <<http://www.coe.int/t/dg3/romatravellers/Source/documents/stats.xls>>.

Table 4: Comparison of selected housing indicators of Roma and Non-Roma populations living in proximity to Roma in Croatia

Housing indicator	Roma		Non-Roma	
Average number of rooms per household member	0.48		1.20	
Average m ² of living space per household member	12.87		35.03	
Share of population without access to secure housing (i.e., living in dilapidated houses or slums)	26%		4%	
Share of population without access to improved water sources (i.e., piped water in dwelling)	35%		4%	
Share of population without access to improved sanitation (i.e., toilet or bathroom inside dwelling)	45%		5%	
Share of population with access to electricity in their dwelling	88%		99%	
Sources of energy per household	heating	cooking	heating	cooking
Gas in bottles	1%	36%	3%	40%
Piped gas supply	4%	4%	32%	38%
Electricity	3%	8%	6%	9%
Wood	91%	52%	56%	12%
Other	1%	0	3%	0
Share of people living in households by ownership type				
Owned by household or family	92%		96%	
Private ownership (not family)	1%		1%	
Municipality	7%		3%	
Other (incl. unknown ownership)	0		0	

Adapted from UNDP, World Bank, European Commission Regional Roma Survey 2011

settled there from other republics of the former Yugoslavia in the 1990s.⁴⁷ The other two-thirds have lived in the territory of present-day Croatia since the 14th century, and are mostly concentrated in the north (Medimurje County and the City of Zagreb). Today Roma are constitutionally recognized as a national minority.

The Housing Conditions

The outskirts of cities and villages are often inhabited by Roma. Clear boundaries exist between their settlements and others, leading to isolation and residential segregation. Compared to those of non-Roma, Roma households are more likely to be situated in slums and live in dilapidated dwellings. These locations are characterized by a lack of adequate urban infrastructure, health care and education systems, as well as of basic social services. Sixty-five per cent of Roma households live without indoor toilets, and many more without improved water and electricity sources.⁴⁸

47 "Nacionalna strategija za uključivanje Roma do 2020 godine [National Strategy for Inclusion of Roma by 2020]", Office for Human Rights and the Rights of National Minorities, 2012, p. 25, <www.vlada.hr/hr/content/download/.../64.-16.pdf>.

48 S. Nikolić and Škegro, M., *op. cit.* note 24, p.2.

The figures provided by the Regional Roma Survey, conducted in 2011,⁴⁹ reflect a considerable difference between the housing conditions of Roma and the non-Roma population in many of the indicators. This is illustrated in Table 4.

Overview of Housing Situation in the former Yugoslav Republic of Macedonia

Population Data

Some sources suggest that the situation of Roma in the former Yugoslav Republic of Macedonia is better than in other countries in the region: The country is said to be a leader in respecting the rights of this ethnic minority, and Šuto Orizari is widely recognized to be the only municipality in the Western Balkans region in which the Roma are the majority. The elected mayor of this municipality is Roma, and both Macedonian and Romani language are recognized as official spoken languages.

49 "Data on Roma: Regional Roma survey: Former Yugoslav Republic of Macedonia", UNDP/WB/EC, 2011, UNDP, <<http://europeandcis.undp.org/data/show/D69F01FE-F203-1EE9-B45121B12A557E1B>>.

Table 5: Comparison of selected housing indicators of Roma and Non-Roma populations living in proximity to Roma in the former Yugoslav Republic of Macedonia

Housing indicator	Roma		Non-Roma	
Average number of rooms per household member	0.66		1.15	
Average m ² of living space per household member	14.14		26.59	
Share of population without access to secure housing (i.e., living in dilapidated houses or slums)	25%		5%	
Share of population without access to improved water sources (i.e., piped water in dwelling)	3%		0	
Share of population without access to improved sanitation (i.e., toilet or bathroom inside dwelling)	10%		2%	
Share of population with access to electricity in their dwelling	97%		95%	
Sources of energy per household	heating	cooking	heating	cooking
Gas in bottles	0	3%	0	9%
Piped gas supply	0	0	0	0
Electricity	19%	70%	20%	78%
Wood	80%	28%	78%	14%
Other	1%	0	2%	0
Share of people living in households by ownership type				
Owned by household or family	93%		96%	
Private ownership (not family)	5%		3%	
Municipality	1%		1%	
Other (incl. unknown ownership)	1%		0	

Adapted from UNDP, World Bank, European Commission Regional Roma Survey 2011

The 2002 census found that about 54,000 registered Roma and 3,843 Egyptians live in the former Yugoslav Republic of Macedonia; however, unofficial estimates show that there are, more likely, between 220,000 and 260,000 Roma in the country.⁵⁰

According to a 2003 Human Rights Watch Briefing Paper, some 6,000 Roma from Kosovo went to the former Yugoslav Republic of Macedonia during the conflicts in the 1990s. This number later decreased to 2,500, due to the resettlement of some Roma families to third countries, including Serbia and Montenegro. A small number voluntarily returned to Kosovo.⁵¹ The number of Kosovo Roma living in the country has likely decreased further, to about 1,000.⁵²

50 Dimitrina Petrova, "The Roma: Between a Myth and the Future", ERRC website, 27 May 2004, <<http://www.errc.org/cikk.php?cikk=1844>>.

51 "Out of Limbo? Addressing the Plight of Kosovo Roma Refugees in Macedonia.", Human Rights Watch Briefing Paper, 2003, <<http://www.hrw.org/legacy/backgroundunder/eca/macedonia1203/macedonia1203.pdf>>.

52 BPRI Expert Advisory Group meeting, Zagreb 5-6 February 2013.

The Housing Conditions

According to the 2011 Regional Roma Survey, approximately 25 per cent of Roma households in the former Yugoslav Republic of Macedonia live in dwellings in a poor state of repair, as compared with five per cent of nearby non-Roma households.⁵³ Most of the Roma population is concentrated in segregated settlements in urban areas. These settlements are characterized by substandard housing conditions, with poor access to basic services and infrastructure. Security of tenure remains an issue, due to the absence of relevant documentation (for either land or buildings, or both), which in turn leave those living in them susceptible to forced evictions.⁵⁴ Table 5 shows the housing conditions of Roma communities in comparison to non-Roma populations living nearby.

53 T. Peric, *op. cit.*, note 33.

54 "Macedonia: EU Enlargement Programme", ERRC website, May 2012, <<http://www.errc.org/cms/upload/file/ecprogress-macedonia-2012.pdf>>.

Table 6: Comparison of selected housing indicators of Roma and Non-Roma populations living in proximity to Roma in Kosovo

Housing indicator	Roma	Non-Roma
Average number of rooms per household member	0.49	0.72
Average m ² of living space per household member	14	21
Share of population without access to improved sanitation (i.e. toilet or bathroom inside dwelling)	72%	45%

Source: “Faces of Poverty, Faces of Hope: Vulnerability Profiles for Decade of Roma Inclusion Countries”, Bratislava: UNDP, 2005.

Overview of Housing Situation in Kosovo

Population Data

The last census, in 2011, stated that there are 8,824 Roma, 15,436 Ashkali and 11,524 Egyptians in Kosovo, representing 0.5, 0.9 and 0.7 per cent of the total population, respectively.⁵⁵

The housing conditions

The housing situation of Roma in Kosovo is characterized by lack of security of tenure and substandard conditions. The issues surrounding the housing problem in Kosovo are: 1) the existence of about 100 informal settlements inhabited by different ethnic communities, the majority of them Roma, Ashkali or Egyptians;⁵⁶ 2) their lack of secure tenure, often resulting from a lack of property documentation as a result of informal transactions; 3) lost or destroyed documentation or unregistered construction; 4) the need for reconstruction assistance for properties destroyed during and after the armed conflict of 1999; 5) their poor access to basic services and urban infrastructure, including water, electricity, waste collection and adequate public transportation and roads; and 6) the return of IDPs. The majority of the settlements where Roma live suffer from residential segregation both in urban areas and villages. Their dwellings are overcrowded, with entire families sharing extremely small spaces.⁵⁷ Housing conditions, as compared to non-Roma, are provided in Table 6.

55 “Kosovo Population and Housing Census 2011 Final Results: Main Data”, Kosovo Agency of Statistics, 2012, p. 60, <http://esk.rksgov.net/rekos2011/repository/docs/Final%20Results_ENG.pdf>.

56 Identified by the government in its Strategy and Action Plan for Prevention and Regularization of Informal Settlements in Kosovo 2009 – 2015. “Abandoned Minority”, ERCC, December 2011, p.51.

57 *Ibid.*, p. 48-51.

Overview of Housing Situation in Montenegro

Population Data

According to the 2011 census, there are 6,251 Roma and 2,054 Egyptians currently living in Montenegro, representing 1.01 per cent and 0.33 per cent of the total population, respectively.⁵⁸ The informal network of the Roma NGO “Romski krug” estimates that the population of Roma, Ashkali and Egyptians is closer to 19,500. The majority of Roma, Ashkali and Egyptians live in central Montenegro (68.7 per cent), with 24.8 per cent living near the sea, in the south, with the remaining 6.5 per cent living in the northern part of the country.⁵⁹

The Housing Conditions

A survey conducted in 2003 confirmed the substandard housing conditions of Roma, Ashkali and Egyptian communities in Montenegro. Regardless of whether they are permanent residents, displaced or internally displaced, nearly half of Roma, Ashkali and Egyptian families lived in communal barracks-style housing. The living conditions of these families are further affected by their location, namely close to waste-dump sites, where waste-water floods are common and the air quality is poor. They typically live in ethnically homogenous areas, illegally built on the outskirts of cities.

According to the 2003 survey, the great majority of Roma households have electricity, although not always legally connected, as is the case of those living in illegal settlements. Forty-five per cent of households surveyed were not connected to the water system. Sixty-eight per cent did not have a complete bathroom inside their dwelling and for more than half of these the solution was an outdoor or shared toilet. The great majority

58 “Census 2011 Data – Montenegro”, Statistical Office of Montenegro, 2011, <<http://www.monstat.org/eng/page.php?id=393&pageid=57>>. Note: In the 2011 census Ashkali were not considered a minority, as had been the case in previous years.

59 “Household Survey of Roma, Ashkali and Egyptians, Refugees and IDPs in Montenegro, Podgorica”, Institute for Strategic Studies and Prognoses (SPP), UNDP, 2003, p. 17-18, <http://www.undp.org/me/files/reports/si/Household%20Survey%20ISSP_UNDP_eng.pdf>.

Table 7: Comparison of selected housing indicators of Roma and Non-Roma populations living in proximity to Roma in Montenegro

Housing indicator	Roma		Non-Roma	
Average number of rooms per household member	0.65		1.24	
Average m ² of living space per household member	16.20		29.85	
Share of population without access to secure housing (i.e., living in dilapidated houses or slums)	42%		12%	
Share of population without access to improved water sources (i.e., piped water in dwelling)	10%		2%	
Share of population without access to improved sanitation (i.e., toilet or bathroom inside dwelling)	24%		5%	
Share of population with access to electricity in their dwelling	91%		99%	
Sources of energy per household	heating	cooking	heating	cooking
Gas in bottles	0	0	1%	3%
Piped gas supply	0	0	0	0
Electricity	4%	17%	25%	52%
Wood	96%	82%	73%	44%
Other	0	1%	2%	1%
Share of people living in households by ownership type				
Owned by household or family	91%		91%	
Private ownership (not family)	7%		7%	
Municipality	1%		1%	
Other (incl. unknown ownership)	1%		0	

Adapted from UNDP, World Bank, European Commission Regional Roma Survey 2011

utilized wood for heating.⁶⁰ The results of the 2011 Regional Roma Survey showed that such conditions had hardly changed, as can be seen in Table 7.

Overview of Housing Situation in Serbia

Population Data

According to the results of Serbia's 2011 census, 147,604 inhabitants claimed to be Roma, accounting for approximately 2.1 per cent of the country's total population⁶¹. This number is significantly higher than the number of declared Roma in the 2002 census (108,193), because the 2011 census included the Roma IDPs from Kosovo, who were not counted in the 2002 census.

The largest part of Serbia's Roma population (38.8 per cent) lives in the southern and eastern parts of the country, followed by the region of Vojvodina, inhabited

⁶⁰ *Ibid.*

⁶¹ "2011 Census of Population, Households and Dwellings in the Republic of Serbia: Ethnicity", Statistical Office of the Republic of Serbia, 2012, pp. 21- 23, <<http://pod2.stat.gov.rs/ObjavljenePublikacije/Popis2011/Nacionalna%20pripadnost-Ethnicity.pdf>>.

by 28.8 per cent of the Roma population. While unofficial estimates of the size of the Roma population of Serbia may reach 500,000, a figure of 250,000 is generally accepted by the government.⁶² Serbia has the largest refugee and internally displaced population in Europe, with 200,000 to 250,000 coming from Kosovo, of whom it is estimated that up to 50,000 are Roma.⁶³ Other sources claim that there are over 22,000 Roma with formal IDP status, and as many as 15,000 more unregistered Roma IDPs, all with housing conditions that are severely substandard.⁶⁴

The Housing Conditions

As of 2007, 50 per cent of Roma in Serbia lived in 573 segregated Roma settlements, of which 44 per cent are slums with poor sanitary conditions. In Southern Serbia, there are Roma "mahalas" (long-standing traditional

⁶² "Advancing Education of Roma in Serbia", Roma Education Fund, 2010, p. 10, <www.romaeducationfund.org>.

⁶³ "Country Programme Plan, The Western Balkans", Norwegian Church Aid, 2007, p.2, <<http://www.kirkensnodhjelp.no/Documents/Kirkens%20N%C3%B8dhjelp/Geografiske%20filer/Europa/KN-NCA-Western%20Balkans-Country%20Plan-2005-2009-rev%202007.pdf>>.

⁶⁴ Peric, T., *op. cit.*, note 33.

Table 8: Comparison of selected housing indicators of Roma and Non-Roma population living in proximity to Roma in Serbia

Housing indicator	Roma		Non-Roma	
Average number of rooms per household member	0.63		1.13	
Average m ² of living space per household member	14.09		27.41	
Share of population without access to secure housing (i.e., living in dilapidated houses or slums)	38%		10%	
Share of population without access to improved water sources (i.e., piped water in dwelling)	22%		12%	
Share of population without access to improved sanitation (i.e., toilet or bathroom inside dwelling)	39%		16%	
Share of population with access to electricity in their dwelling	84%		98%	
Sources of energy per household	heating	cooking	heating	cooking
Gas in bottles	0	5%	1%	11%
Piped gas supply	0	0	2%	3%
Electricity	5%	39%	10%	60%
Wood	88%	55%	72%	24%
Other (Central heating, coal, petrol)	6%	1%	15%	2%
Share of people living in households by ownership type				
Owned by household or family	93%		93%	
Private ownership (not family)	3%		6%	
Municipality	2%		0	
Other (excl. unknown ownership)	2%		1%	

Adapted from UNDP, World Bank, European Commission Regional Roma Survey 2011

neighbourhoods) in the centre of towns, such as Niš and Surdulica, that were established centuries ago. Newer Roma settlements are usually found on the outskirts of towns, making segregation more distinct.

Research conducted by the European Roma Rights Centre in 2009-2010 describes the housing conditions of Roma in Serbia as highly substandard, aggravated by forced evictions resulting in the relocation of Roma families to inadequate housing accommodation.⁶⁵ Forced evictions have increased since April 2009 according to a report of the ERRC, which registered at least 17 cases in Belgrade since that time. Such actions have in common the failure to provide those evicted with adequate alternative accommodation, compensation or legal remedies.⁶⁶

65 "Parallel submission by the European Roma Rights Centre to the Committee on the Elimination of All Forms of Racial Discrimination on Serbia", ERRC, 2011, <http://www2.ohchr.org/english/bodies/cedr/docs/ngos/ERRC_Serbia78.pdf>.

66 "Serbia: EU Enlargement Programme 2012 ERRC Report", ERRC, May 2012, <<http://www.errc.org/cms/upload/file/ecprogress-serbia-2012.pdf>>.

The results of the 2011 Regional Roma Survey provide a more detailed picture of the housing conditions of Roma communities, and are presented in Table 8.

2.7 Policy and Legal Framework for Legalization, Settlement Upgrading and Social Housing in the Western Balkans

In order to achieve the specific goals and objectives regarding the housing conditions, as stipulated under the OSCE Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area, the Decade of Roma Inclusion and the National Roma Integration Strategies for housing in the Western Balkans, a situational analysis of the issues related to social housing, legalization and upgrading of informal settlements in the Western Balkans region is necessary to determine the necessary policy reforms and strategies to improve the housing situation of disadvantaged Roma. An overview of the current (or, in some cases, absent) policy and legal frameworks of these issues is presented in the following sections.

Albania

The housing sector in Albania was directly impacted from the political change and the radical and quick transition from the socialist to the market economy during the 1990s. The main changes included:

- * The restitution of properties to their previous owners;
- * The law on privatization of the public housing stock, by which public sector apartment buildings were entirely privatized within a year.⁶⁷ The privatization was voluntary and changed the structure of ownership of the housing stock from fully publicly owned to 98 per cent private ownership. The immediate liberalization of prices as a result of the privatization process has hindered the accessibility and affordability of housing to low-income groups in the country; and
- * Uncontrolled and massive rural-urban migration, particularly from the poor north-east to urbanized coastal areas, with the accompanying result of the formation of illegal settlements. The spatial transformation of major urban areas under the pressure of political and economic shock has not followed a planned transition. Some sources estimate that 60-70 per cent of buildings built since 1999 are informal⁶⁸. Often these new urban dwellers built very simple houses on the periphery of urban centres, generally with poor access to infrastructure.

As a reaction to socialist housing policies, a law on Primary Constitutional Dispositions was enacted in 1991, revoking the Constitution of 1976. Furthermore, in 1993, the Law on Basic Constitutional Rights and Freedoms, which provides for the right to housing, to choose one's place of residence, and to move freely within the country, was enacted. During the transition period the majority of apartment buildings constructed have been built by the private sector, but this has primarily satisfied the needs of relatively wealthy citizens, immigrants and foreigners. Between 1992 and 1995, 35,000 flats were built by private companies, while 15,000 flats were built with state funds.⁶⁹

67 Law on Privatization of State-Owned Housing No. 7652, *Official Journal of the Republic of Albania*, 1992.

68 I. Székely et al., "Albania. Selected Issues", IMF Country Report No. 06/285, International Monetary Fund, July 7, 2006, p. 2, <<http://www.imf.org/external/pubs/ft/scr/2006/cr06285.pdf>>.

69 D. Shutina, "Technical paper on corruption risks in the allocation of public housing in Albania", ECD/24/2010, Council of Europe, July 2010, <<http://www.coe.int/t/dghl/cooperation/economiccrime/corruption/projects/albania/technical%20papers/1917-PACA-TP-Shutina-july10.pdf>>.

There were no significant reforms in planning and urban management to respond to both the chaotic urban development and housing demand of the Albanian population prior to 2001, when the Government prepared and approved an Action Plan for the National Housing Strategy.⁷⁰ The objectives of this Plan were: a) the construction and distribution of low-cost housing; b) the establishment and improvement of a financial system for housing; and c) the modernization of the existing housing stock, including illegal settlements.⁷¹ The Action Plan has lacked the necessary co-ordination, staff and experience, and has remained merely an attempt at restructuring housing sector policy.⁷²

Legalization and Settlement Upgrading

At present, government policy has given priority to the interests of the current occupants of land, most of whom have invested considerable financial resources in developing land and buildings to meet their housing needs, under conditions in which neither the public nor private sectors were in a position to help. The establishment of the Agency for Legalization and Urbanization for the Integration of Informal Zones was intended to recognize and formalize these activities and incorporate them into the formal land and property markets. However, some original owners have considered this process as coming at their expense, so many have taken whatever legal measures are available to them to seek redress. This has prevented many newly titled land and property owners from being able to finalize the acquisition of their properties in order to use them as collateral for loans or sell them on the open market. For this reason, some form of recognition of their interests is essential before the formalization of informal land developments can be completed.

The local administration has the difficult task of mediating between the original owners, the current occupants and the interests of the overall urban community for urban development.⁷³ Given the extensive nature of

70 "Action Plan for National Housing Strategy", approved by the Government of the Republic of Albania with Decree N°. 21 dated 20 January 2001.

71 T. Starova, "Report on Albania", HDSE, 1997, <http://www.coe.int/t/e/social_cohesion/hdse/2_hdse_reports/1_country_reports/a_report%20albania.asp#P301_32733>.

72 D. Shutina, *op.cit.*, note 70.

73 "Country Profiles on the Housing Sector: Albania", Economic Commission for Europe, 2002, <<http://www.unece.org/fileadmin/DAM/hlm/documents/2002/ece/hbp/ece.hbp.130.e.pdf>>; and "Annual Monitoring Report of Albania's Progress in the Stabilization-Association Process", Open Society Foundation for Albania, October 2009, <<http://www.soros.al/2010/foto/uploads/File/MSA%202009%20Anglisht.pdf>>.

unauthorized development and the energy with which landholders and developers were exercising their newly acquired freedom, a comprehensive approach to formalizing the urban land and property market was formulated and approved in 2006. This was embodied in the 2006 Law on Legalization, Urban Planning and Integration of Unauthorized Buildings.⁷⁴ This law was intended to legalize all informal land development and provide compensation to the original landowners at market rates, through additional revenues that were anticipated as a result of economic growth generated through activating “dead capital” from the informal economy into the formal sector.

The main elements of this law are the following:

- * Legalization of land and buildings by issuing ownership titles. Accordingly, current occupants have to pay a fixed price for the land they have occupied;⁷⁵
- * A fixed land value is adopted in order to calculate the legalization fees, regardless of the financial situation of occupants;
- * The previously registered owners are to be given compensation. The level of compensation will be based on the land value before the illegal occupation by the new occupants; and
- * The infrastructure for informal settlements that are legalized will be provided by the state.

The difficulties in implementing the entire legalization process have been reinforced by a lack of political stability at both the central and local levels and frequent tension between different levels of government. Widespread corruption represents a serious obstacle in this regard. As developers have continued to invest according to their own interests and with little recognition of the impact of individual actions on the wider community, the role of the public sector has continued to shrink, despite the intentions embodied in the 2006 law. The more individuals and vested interest groups are able to ignore the law on land access and development, the more they are able to invest with impunity and see no need to seek formal approval, with all the associated costs and restrictions.⁷⁶

74 Law on Legalization, Urban Planning and Integration of Unauthorized Buildings No. 9482, *Official Journal of the Republic of Albania*, 2006.

75 *Ibid.*, according to the Legalization Law, an “informal zone” is considered a territory of over five hectares occupied by illegal buildings.

76 Focus group conducted at OSCE Presence in Albania with Roma NGOs on legalization of Roma settlements and dwellings during the field visit to Albania conducted between 2-6 December 2012.

The law on Legalization, Urbanization and Integration of Unauthorized Buildings was amended in 2007, following the Law on Construction Inspection,⁷⁷ which delegates much of the responsibility for dealing with illegal buildings to the local government. The next amendment was introduced in 2009, in the Law on Territorial Planning,⁷⁸ which introduces modern concepts of urban planning and control. The secondary regulations were adopted in June 2011. Amendments to the Law on Legalization, adopted in October 2009, give legalization applicants the option of paying for up to 50 per cent of the value of the property with otherwise worthless privatization vouchers from the 1990s. An additional amendment followed in April 2013.⁷⁹ This amendment remains under discussion, as it lacks clarity and opens the process of claims for those who could not previously participate in the legalization procedures. The new procedures went into effect on 3 June 2013, and individuals can submit their claims within the following 45 days.

Social Housing

In 2004, the social housing law, titled the law On the Social Programmes Aimed at Housing the Inhabitants of Urban Areas⁸⁰, was approved. The law identifies municipalities as the main actors for the planning, management and delivery of social housing programmes to the population in need. In particular, the devolution process includes functions such as the development of a ten-year housing programme, including a financial plan; the identification and distribution of the social housing stock; the definition of plans to finance social housing programmes through local taxes, municipal and national budgets and the private sector; the introduction of a housing bonus programme;⁸¹ the categorization (with a set of specific income and social criteria) of potential beneficiaries; and the construction, administration and maintenance of the social housing stock. Despite this, local governments have little capacity and funding to implement the law. Further, the management of social housing at the local

77 Law on Construction Inspection No. 9780, *Official Journal of the Republic of Albania*, 2007.

78 Law on Territorial Planning No. 10119, *Official Journal of the Republic of Albania*, 2009.

79 Law on Legalization No. 141/ 2013, *Official Journal of the Republic of Albania*, 2013.

80 Law On the Social Programs Aimed at Housing the Inhabitants of the Urban Areas No. 9232/2004, *Official Journal of the Republic of Albania*, 2004.

81 *Ibid.*; “Housing bonus” is the document that calculates a sum of money, which is given as aid from the state to a family, to partially cover the payment of rent. (Article 2 of the Law on the Social Programs Aimed at Housing the Inhabitants of the Urban Areas).

level has only recently been enabled.⁸² Municipal councils approve the applicants awarded social housing, but there have been allegations of cases of abuse with regard to political supporters.

In 2012, some amendments and additions to the 2004 Law were introduced, particularly regarding the categorization and selection criteria for beneficiaries of social housing. The criteria include the housing, social and economic conditions of potential beneficiaries.⁸³ There is no clear mention of ethnic minorities (e.g., Roma) as specific beneficiary categories, although Article 24 of the same law explicitly mentions the Roma community as a priority group to benefit from the rent bonus programme. Also, Article 25/2 makes explicit mention of the Roma community as a beneficiary of small grants for the implementation of projects aimed at improving living conditions.

Following the forced evictions of Roma in Tirana in February 2012, the People's Advocate provided emergency accommodation for 12 days within their premises. With an eye to addressing the situation of the evicted families and preventing similar situations in the future, the People's Advocate has issued recommendations for amendments to existing legislation on civil registration, economic aid and housing.

Despite all this, it seems that Roma are de facto excluded from social housing by the nature of the criteria, as discussed further in the next chapter. The need to submit all the necessary documents and to provide co-financing prevents them from benefitting from social housing in Albania.

82 *Ibid*; Since 2004, the role of local self-government units was defined in the Law on Social Programs Aimed at Housing the Inhabitants of the Urban Areas, and housing strategies and implementable housing programs for social housing should be designed accordingly. Lack of budget allocation remains a problem and because municipalities have to compete for social housing grants, the actual situation has not changed. Only local governments that actually receive funds are able to implement social housing programmes.

83 *Ibid*; Orphans, persons with disabilities, families of police officers who died in the line of duty, returned emigrants, migrant workers, Roma families and state policy employees.

Bosnia and Herzegovina

With a stagnating transition processes coupled with rapid privatization, local governments are finding it difficult to acquire and maintain public housing units. This has led to the illegal occupation of both public and private land by the Roma in Bosnia and Herzegovina. The resulting housing solutions are low-quality shelters in marginal locations with insecure tenure. Constraints on regularization include a lack of urban plans and rather vague processes of land procurement.

Legalization and Settlement Upgrading

When describing the legalization process for informal settlements in Bosnia and Herzegovina, a distinction must be drawn between public land allocation, the legalization of buildings and occupied public land, and the regularization of settlements on private property.

* **Allocation of Public Land:** The Law on Construction Land was revised in 2003, elaborating on the ownership of land, and states that the owner of a structure should have ownership of the land. Furthermore, in Article 24, the law calls on municipal councils to assume ownership of undeveloped city construction land so as to determine its use and prepare it for further development. Most importantly, this aspect of the law stipulates that previous or current occupants must be considered in the process of transferring possession of such land. However, in this system temporary-use rights are subject to the market, which means they can be sold to the highest bidder. Also, social housing is not among the proposed uses of publicly allocated land.⁸⁴ Land can only be allocated to private persons for construction purposes through public competition: the local government, or another competent legal body, considers criteria such as housing requirements, socio-economic status, the number of occupants and respective incomes, among others prescribed in Article 46.⁸⁵ The institutional framework for legalization is set at both the entity and local government levels, as well as at the cantonal level, as legalization criteria are authorized by cantonal regulations. It is important to note that the state does not possess the proper means to deal with this issue, which is why it is car-

84 Law on Construction Land No. 25/03, *Official Gazette of the Federation of Bosnia and Herzegovina*, 2003.

85 "Need of social housing in Bosnia-Herzegovina", Follow up of the Functional Review of the Return Sector in Bosnia and Herzegovina, European Union, n.d., p.18, <<http://www.mhrr.gov.ba/PDF/Izbjeglice/2.%20Needs%20of%20%20Social%20Housing%20in%20Bosnia%20and%20Herzegovina.pdf>>.

ried out at lower aggregate levels. Regulations on legalization as set out in the Law on Construction Land allow for the retrospective regularization of buildings by individual application, provided that they are in line with the current urban plan and that the illegal constructor does not possess ownership of the land. Where such construction contradicts urban planning regulations, municipal councils can subsequently alter the urban plan to accommodate it.

- * **The legalization of buildings and occupied public land:** This aspect of legalization, as mentioned earlier in the text, is applied according to the cantonal decisions on legalization, and the Roma, according to the Law on Expropriation⁸⁶ can appeal for expropriation of the property they occupy on the basis of public interest. Also, according to the Law on Legal Property Relations,⁸⁷ individual Roma or communities occupying private land may gain ownership over the land as long as they can convince the authorities that construction was carried out in good faith, and that the owner at the time was aware of the activities taking place. The length of occupation and the value of land and structures are also important considerations outlined in the law. In cases in which principal ownership is unknown, the initiator of construction can submit a request, followed by a legal inspection of the site to determine the quality and function of the structure and obtain consent from local authorities. According to procedures under the law, it is possible to initiate the process of acquisition of ownership when: 1) an individual has built a permanent structure and resided on the property for more than ten years, with the knowledge of the owner; 2) an individual has been in possession of a building for ten years with conscientious and legal possession (i.e., with legal proof, such as a cadastre record); or 3) an individual has occupied the land for 20 years with conscientious possession. The Law on Spatial Planning of Republika Srpska maintains that no further construction can be carried out without a plan. Similarly, the Law on Construction Land allows for a transfer of public to private ownership only where there are implementation plans. In this way, municipalities are required to draft pre-proposals that require consolidation with current needs of the

occupants, so as to ensure that future development stays within that course.⁸⁸

- * **Allocation of land for returnees:** The return process for pre-war inhabitants has been challenging due to the plethora of illegal settlements and unclear ownership regulations. The Revision Process (Articles 87-92) calls for a reconsideration of allocations that have been made since April 1992. The Law stipulates that pre-war inhabitants can reclaim ownership rights or be compensated accordingly before a court, under the premise that the land had been used and/or occupied for other purposes without the owners' consent since April 1992, and that the land was previously used for residential and/or private business purposes.

Social Housing

Bosnia and Herzegovina does not have any formal strategic or legal documents pertaining to social housing, but several social housing-development projects have been implemented with the support and co-operation of the Catholic Relief Services (CRS)⁸⁹, UNDP, Swiss Caritas (Mostar) and Hilfswerk Austria. Some of the programmes implemented so far are:

- * Social Housing Programme in Bosnia and Herzegovina, implemented between 2008 and 2011;
- * The Closing Collective Centres through the Provision of Social Housing project, implemented between 2010 and 2011;
- * Housing Solutions for Socially Vulnerable Residents of Collective Centres and Alternative Accommodations, implemented in Mostar and Prijedor between 2011 and 2012;
- * Sustainable Srebrenica – Social Housing and Economic Reintegration, in Srebrenica, Bosnia and Herzegovina, implemented from 2012 to 2014; and
- * Social Housing in Municipality of Gorazde, Bosnia and Herzegovina, implemented from 2012 to 2013.⁹⁰

86 Law on Expropriation No. 70/07, *Official Gazette of the Federation of Bosnia Herzegovina*, 2007.

87 Law on Legal Property Relations No. 6/98, 19/03, *Official Gazettes of the Federation of Bosnia and Herzegovina*, 1998/2003; and, Law on Legal Property Relations No. 11/03, *Official Gazette of Republika Srpska*, 2003.

88 "Implementation of the New Law on Construction Land", Office of the High Representative in Bosnia and Herzegovina (OHR), Sarajevo 2003, <<http://www.ohr.int/ohr-dept/preso/pic/constr-land-law/pdf/implementation-eng.pdf>>.

89 "Recommendations for Development of Non-profit Social Housing in Bosnia and Herzegovina", Catholic Relief Service (CRS), October 2011; (provided to BPRI by CRS during a field visit).

90 For more information on these programmes refer to: Hilfswerk Austria International web page: <<http://www.hwa.com.ba/index.php/en/projects/social-housing>>.

Croatia

As already described in the sections for other parts of the Western Balkans, the housing reform implemented during the 1990s in Croatia included privatized public housing, which changed the housing tenure structure. After the war which took place from 1991 to 1995, the priority of the national housing policy was the renovation of housing units and housing estates and the accommodation of war victims. Today the housing policy is fragmented. No national programme for social rental housing exists and the problem has been left in the hands of municipalities, resulting in only a small number of larger cities devoting only limited resources to social housing.⁹¹

Legalization and Settlement Upgrading

The basis for registration of buildings in Croatia is the cadastral (surveying) project, which consists of data collection on the location and shape of buildings, on building functions (land use) and on the legal status of buildings. A building permit is issued by the national office in charge of building permits, according to the Physical Planning and Construction Act of 2007.⁹² The law differentiates between two types of informal buildings: buildings built illegally to fulfil social needs; and buildings built illegally for profit driven reasons. Structures built without a building permit are treated as informal, but it is not necessary to have a permit for some of them (i.e., buildings of minor importance, such as those built for agricultural purposes). Furthermore, all buildings built before 15 February 1968 can be legalized without any documentation related to construction.⁹³

The legalization process of the largest Roma settlements started in 2009. The government provided 9.2 million HRK⁹⁴ to facilitate largely free legal and technical

services to aid individuals in legalization.⁹⁵ A new Legalization Law was passed in 2012, and the application deadline was the end of June 2013.⁹⁶ To fast track its implementation, costs have been decreased and procedures streamlined, but there are still complaints about the process.⁹⁷

Informal settlements were mainly built around the biggest urban centres (especially Zagreb) in the period between the Second World War and the independence of the Republic of Croatia. During this time an estimated 100,000 buildings were built informally. According to existing data about legalization, from 1992 to 1995, between 30,000 and 35,000 buildings were legalized.⁹⁸ Today legalization is carried out as an integral part of renewed efforts to develop statutory plans regulating development at the local level. Towns and municipalities are introducing urban plans to regulate the presence of buildings that were illegally built. If a building is allowed to remain according to the urban plan, there is a procedure for legalizing it. The approach emphasizes the integration of informal land and housing markets into the formal economy and access to ownership through property titles. Buildings that do not fit with the physical planning documents will be demolished.⁹⁹

In some cases, the issue of illegal housing refers to extensions that were built without building permits, in order to generate additional profits. This issue escalated after 1995, when the regulation of legalization was revoked, and, especially, after 2001 because of the legal possibility to generate income from informally built buildings.

91 J Hegedus, M. Lux, and N. Teller (eds.), *Social Housing in Transitional Countries* (New York/London: Routledge, 2013).

92 It is important to note that the act played a significant role in halting and deterring illegal construction; despite this, however, issues over the legality of permits and construction related documentation persist. For more information and details refer to: J. Unger and Ž. Bačić, "Role of the Cadastre in the Sustainable Planning and Development in Croatia", FIG Working Week 2011: Bridging the Gap between Cultures, Marrakech, Morocco, 18-22 May, 2011, p.1, <http://www.fig.net/pub/fig2011/papers/ts05h/ts05h_unger_bacic_4815.pdf>.

93 *Ibid.*, p. 8.

94 Approximately 1.2 million euros; according to the Office for Human Rights and Rights of National Minorities, Croatia, 02 June 2013. "What is significant about this process is that this has been the first time that relatively large funds were used in a systematic manner to legalise 6 largest Roma settlements in Međimurje County. Most of previous activities stopped at the level of physical planning documentation and legalisation of the settlements."

95 "Regarding Roma, however, success is limited, and it only seems to function well in municipalities with a longer tradition of co-operation between the municipality and Roma communities. In areas where majority of Roma are welfare recipients, legalisation is perceived by some relatively well-off Roma leaders as against their best interest, since they would lose welfare benefits if their large houses would be legalised and thus become a property. It is them also who are putting the largest pressure to authorities on all levels to provide completely free legalisation for Roma". Office for Human Rights and Rights of National Minorities, Croatia, Expert Advisory Group meeting, Zagreb 5-6 February 2013.

96 Act on Procedures with Illegally Built Buildings No. 86/2012 ["Zakon o postupanju s nezakonito izgrađenim zgradama"], *Official Gazette of the Republic of Croatia*, 2012.

97 Office for Human Rights and Rights of National Minorities, Croatia, Expert Advisory Group meeting, Zagreb 5-6 February 2013.

98 D. Pahić and I. Magdić, "Spatial Information Management toward Legalizing Informal Urban Development, Registration of Informal Buildings in Croatia", UNECE Working Party on Land Administration, March 28-31, 2007, <http://library.tee.gr/digital/m2267/m2267_pahic.pdf>.

99 *Ibid.*

Today, new regulations criminalize informal building, and a programme for demolishing irregularly built buildings is in place.¹⁰⁰ This programme provides for detailed pre-verification of whether the informal building is inhabited, because inhabited buildings are not demolished. Moreover, if occupants do not possess other real estate, the informally built building is not demolished.¹⁰¹ The construction of informal extensions to otherwise legal buildings is due partially to the relatively small number of rooms in most homes (51.3 per cent of houses have up to two rooms). This problem is addressed through building inspections. Building inspections are normally conducted following complaints by citizens (mainly neighbours). The registration process also reveals cases where there have been informally built extensions.

According to Croatian legislation, all houses without registered building permits needed to be legalized before 30 June 2013 in order to avoid the risk of a demolition order.¹⁰²

Social Housing

The lack of housing for vulnerable groups and the need to develop social housing programmes are underlined in the Joint Memorandum on Social Inclusion of the Republic of Croatia (JIM), prepared in 2007 within the programme for European Union accession. One of the priorities of this document is the national social housing programme. According to the JIM report of 2011,¹⁰³ the Social Housing Strategy has not been adopted for two reasons: the analysis of the Croatia Housing Needs Assessment is still under preparation and budgetary cuts (both at the national and local levels) are affecting implementation. The latest JIM report, from 2012, states that the adoption of the document should be postponed until the necessary financial and economic conditions are in place both at state and local self-government levels. The Ministry of Construction and Physical Planning continuously and actively monitors and analyses the housing market and the impact of economic trends on the construction sector, with the aim of creating preconditions for the adoption of the Social Housing Strategy.¹⁰⁴

100 Driven by the Directorate for Inspection Affairs within the Ministry of Environmental Protection and Physical Planning.

101 D. Pahić and I. Magdić, *op. cit.*, note 99.

102 BPRI field visit conducted in Croatia between 11-14 September, 2012.

103 "Joint Memorandum on Social Inclusion (JIM) of the Republic of Croatia", Zagreb, September 2011, p. 27, <http://www.mspm.hr/content/download/1935/16830/file/JIM-signedl_050307.pdf>.

104 *Ibid.* p. 31.

Currently, the most relevant programme to respond to the lack of social housing is the Socially-supported Housing Construction Programme.¹⁰⁵ All citizens are eligible for this programme, with priority given to those living in dwellings that they do not own or to homeowners whose houses or apartments do not meet their housing needs (i.e., inadequate access to basic services or insufficient floor area). In this programme, local and regional self-government units determine the priority list of beneficiaries. Subsidies and government guarantees for housing loans are granted pursuant to the Act on Subsidies and State Guarantees for Housing Loans. Beneficiaries of subsidized loans are people younger than 45 years old and citizens who do not own a house. This measure is intended to aid in the purchase of new dwellings.¹⁰⁶

The former Yugoslav Republic of Macedonia

After the disintegration of Yugoslavia, the state did not develop a consistent model for social housing. The former Yugoslav Republic of Macedonia has traditionally had a high rate of private ownership of housing units: 85 per cent in 1988, and after the beginning of the privatization process this reached 95 per cent in the 1990s. Today about 80,000 households do not benefit from long-term housing solutions, and 12 per cent of the housing stock is substandard. Vulnerable population groups live in rented houses that are constructed without obtaining the necessary building permits and/or land ownership. In fact, almost 15 per cent of the population lives in illegally constructed buildings¹⁰⁷.

Living conditions for the rural poor are especially bad. The primary need is access to water and sanitation. Housing conditions are particularly inadequate for Roma households. The capital city, Skopje, has the largest Roma community in Europe, living mostly in Suto Orizari.¹⁰⁸

105 Act on Socially-supported Housing Construction Programme Nos. 109/01, 82/04, 76/07, 38/09, *Official Gazette of the Republic of Croatia*, 2009.

106 Act on Subsidies and State Guarantees for Housing Loans No. 31/11, *Official Gazette of the Republic of Croatia*, 2011.

107 S. Dimitrijoska, "Study on National Programmes and Benefits in the Frameworks of the Social Protection System in the Republic of Macedonia", GIZ, August 2011, <http://htsocialprotection.org/macedonia/publications/en/EN_Schemes.pdf>.

108 "Country Profile", Habitat for Humanity Macedonia, Habitat for Humanity website, <<http://www.habitat.org/where-we-build/macedonia>>.

Legalization and Settlement Upgrading

The Law on the Treatment of Unlawful Construction¹⁰⁹ states that unlawful construction is a particularly important problem for the Republic. It calls for a formal procedure for establishing the legal status of unlawful construction that shall be conducted by the state administration body competent for performing activities in the field of spatial planning and the units of local self-government. According to the law, the time period for submitting requests for legalization of unlawful construction was six months from the day the law came into force.¹¹⁰ The request for legalization needs to be presented together with the applicant's residence permit, the legal status of the given site, health inspection and citizenship certificates, proof of connection to basic services and a land survey inspection report. If the structure is built on land not owned by the applicant, then proof of lease must be provided. The same applies for that sale and/or transfer of property. Finally, if there are no records of ownership of any kind, a competent body will ask the Agency for Real Estate Cadastre to conduct research and a matching procedure. The institution responsible for spatial planning should propose the standards for inclusion of unlawful construction in urban planning documents. The legalization process was launched in order to raise government income from property taxes.

As for its impact on the conditions of the Roma, the law provides them with an opportunity to formally secure ownership of their property. Despite this leap, many obstacles to implementation remain.¹¹¹

Social Housing

There is no formal legislation on social housing in the former Yugoslav Republic of Macedonia, and there are very few programmes supporting initiatives for poor households. However, in 2010, the country adopted the National Strategy for Poverty Reduction and Social

109 Law on the Treatment of Unlawful Constructions No. 23/11, 52/11, *Official Gazette of the former Yugoslav Republic of Macedonia*, 2011.

110 *Ibid*; Article 2 of the Law on the Treatment of Unlawful Constructions, defines unlawful constructions as “the facilities of importance for the Republic in accordance with the Law on Construction and another law, the facilities of local importance in accordance with the Law on Construction, and the facilities of health institutions for primary, secondary and tertiary health protection built without a construction approval or contrary to the construction approval, as well as parts (extensions and superstructures) of the facilities of importance for the Republic and of local importance and of the facilities of health institutions for primary, secondary and tertiary health protection built without a construction approval or contrary to the construction approval, within or outside the scope of the plan”.

111 ERRC, op. cit., note 54.

Inclusion, which concerns people that are socially excluded in the housing sector. It acknowledges that inadequate housing is strongly tied to the marginalization of socially vulnerable minorities.¹¹² It also lists the Roma, among others, as target beneficiaries for improved housing standards.¹¹³ Another relevant document stating the beneficiaries of Social Housing is the Annual Programme for Construction and Maintenance of Residential Buildings in Ownership of former Yugoslav Republic of Macedonia,¹¹⁴ which is part of the Law on the Government of the former Yugoslav Republic of Macedonia;¹¹⁵ however, information on this is scarce.

Kosovo

In the 1990s the process of privatization was exacerbated in Kosovo by the sudden dismantling of public administrations, including housing agencies, and property registers were further dismantled in some places after the conflict in 1999.

The housing stock was extensively damaged or even destroyed, and the war caused widespread population movement. Illegal occupation and informal development characterizes the city landscape. As Kosovo moved from post-conflict, emergency housing programmes and external donor assistance to housing have fallen. Today, housing remains an issue, as the devastation from the war was massive. The problems involving the abandoned property of displaced persons are still unsolved.

Legalization and Settlement Upgrading

There is a Draft Law on the Treatment of Illegal Construction, which is in the process of being adopted. Due to the lack of such a law, several municipalities over the past few years have adopted local regulations on the legalization of informal buildings. Owners who can prove land ownership and meet safety standards can apply for the legalization of their buildings.

112 “National Strategy on Alleviation of Poverty and Social Exclusion in the Republic of Macedonia 2010- 2020”, UN in the former Yugoslav Republic of Macedonia, n.d. , p. 63, <http://www.un.org.mk/files/pdfs/areas/social_inclusion/resources/Strategija_za_namaluvanje_na_siro-mastija20102020ENG9Nov2010.pdf>.

113 *Ibid*.

114 “Program of Activities of the Ministry of Transport and Communications for 2007”, Ministry of Transport and Communications, Republic of Macedonia, Skopje 2007, <http://mtc.gov.mk/new_site/images/storija_doc/1338/Programa_ENG.pdf>.

115 Law on the Government of the former Yugoslav Republic of Macedonia No. 10/10, *Official Gazette of former Yugoslav Republic of Macedonia*, 2010.

There is no legislation for the legalization of informal settlements, although the issue has been acknowledged by the central government. The issue of informal settlements was first considered in 2003.¹¹⁶ In 2004, the Kosovo Standards Implementation Plan (KSIP) included a set of actions to regulate informal settlements.¹¹⁷ The actions included the establishment and activation of a property rights registry and the completion of municipal cadastral surveys; the complete assessment of the current situation of informal settlements and their inhabitants; the creation of a multi-stakeholder group to design and oversee the implementation of a Kosovo-wide medium- and long-term strategy and action plan (including implementing legislation) on regularizing informal settlements; and the provision by local authorities of essential services to the inhabitants of informal settlements with pending formal regularization.

In 2005, Kosovo signed the Vienna Declaration of Regional and National Policy and Programmes on Informal Settlements in South-Eastern Europe. In line with the Vienna Declaration, in 2005, the Ministry of Environment and Spatial Planning drafted the Spatial Planning Guidelines for Informal Settlements. The Department of Spatial Planning of the Ministry is responsible for informal settlements. That same year, the department also drafted the “Research Report on the Existing Situation of Informal Settlements” as a pilot project for three municipalities, namely Pristine/Pristina, Gjilan/Gnjilane and Gjakove/Djakovica, which included a number of activities on the application of the Spatial Planning Guidelines for Informal Settlements in the municipalities of Kosovo.

The Law on Spatial Planning was amended with the purpose of defining the role of municipalities in identifying and regulating the informal settlements within the scope of their city plans.¹¹⁸ Rules for preventing and regulating further formation of informal settlements are also included in the European Partnership Action

Plan of 2009.¹¹⁹ The Ministry of Environment and Spatial Planning has established an internal working group for drafting the Strategy and Action Plan for the Regulation of Informal Settlements.¹²⁰ Several municipalities have identified informal settlements and legalization measures have been incorporated in both Municipal and Urban Development Plans.

Social Housing

In 2002, the MESP developed a Social Housing Programme and started with the implementation of several pilot projects, which consisted of the construction of social housing buildings in nine municipalities (Skenderaj/Srbica, Deçan/Deçane, Mitrovicë/Mitrovica, Klinë/Klina, Malishevë/Mališevo, Obiliq/Obilić, Lipjan/Lipljan, Gjilan/Gnjilane and Gjakovë/Djakovica). Fifty-nine Roma families were accommodated in these buildings. More social housing units have been built in the same manner through local initiatives or donor aid.¹²¹ The most substantive initiative for solving the social housing issue is the Law on Housing Financing Specific Programmes that defines potential social housing options in a very flexible manner by targeting low-income and vulnerable families. The law foresees an obligation by municipalities to draft three-year municipal housing programmes, in which they should identify the housing needs in their territory, categorize them based on urgency and plan how to improve the housing situation. The law also refers to vulnerable persons in general and uses socio-economic status as the exclusive criterion for participation.¹²²

116 Z. Vitorović et al., “The legislation and analysis of the implementation of spatial and urban planning in Albania, Kosovo, Macedonia, Moldova, Republika Srpska and Turkey as compares to the case of Denmark”, Network of Associations of Local Authorities of South-East Europe (NALAS), 2009, <http://acor.ro/files/rel_internat/nalas/manuale%20-%20ghiduri%20-%20in%20limba%20engleza/NALAS%20-%20implementation%20of%20spatial%20and%20urban%20planning%20in%20Albania,%20Kosovo,%20Macedonia,%20Moldova.....pdf>.

117 Refer to Actions 1.3, 7.7, 8.3, 8.5, 9.1, 9.2, 9.3, 9.4, 9.5, 9.6 in Chapter 6: Property Rights of the Kosovo Standards Implementation Plan (KSIP), 2004, <<http://operationkosovo.kentlaw.edu/symposium/resources/KSIP%20final%20draft%2031%20March%202004b.htm>>.

118 Law Amendment No. 2008/03-L-106 (to amend the *Law on Spatial Planning* No. 2003/14), <<http://www.kuvendikosoves.org/?cid=2.1,191,300>>.

119 “Action 45: Regularize Informal Settlements” in “Action plan 2009 for the implementation of the European Partnership for Kosovo”, Kosovo, Prishtina, 2009, p.134, <http://mei-ks.net/repository/docs/EPAP_2009_eng.pdf>.

120 Z. Vitorović et al., *op. cit.*, note 117.

121 “Table on Social Housing Buildings in Kosovo” (2007), Information provided by the Department of Housing and Construction (MESP) (unpublished).

122 Law on Housing Financing Specific Programs No. 03/L-164, *Official Gazette of the Republic of Kosovo*, 2010.

Montenegro

As in most post-socialist countries, Montenegro has experienced significant population growth in major cities, often accompanied by rapid expansion of informal settlements. In some cases this is associated with property speculation and the increase of foreign investment in real estate. In other cases, informal settlements that have been built since the late 1970s expanded rapidly during the transition period.¹²³

The most relevant law on development is the Law on Spatial Development and Construction of Structures,¹²⁴ which states that municipalities must annually submit a report on the status of spatial development. It also calls for an overview and analysis of planning documents, evaluation of measures and their impact on spatial governance, evaluation of the protection of public space, and data on constructed structures and structures built illegally. More specifically, building permits must be issued by the local self-government and investors are responsible for applying. Documentation must include the main project blueprint, proof of ownership, consent forms, opinions about special regulations, proof of payment of utility and construction fees, and proof of insurance.¹²⁵

Legalization and Settlement Upgrading

The Legalization Law in Montenegro had not yet to be passed at the time of writing this report.¹²⁶ The Ministry is considering proposing amendments, in order to improve the proposed law and its implementation. The legalization of informal structures is based on an

123 W. Amann and S. Tsenkova, "Upgrading of Informal Settlements: Pobrdje, Rutke and Canj, Municipality of Bar, Montenegro", IIBW, University of Calgary, April 2011, <<http://www.ucalgary.ca/tsenkova/files/tsenkova/3.Montenegro%20Informal%20Settlement%20Report%20110429.pdf>>.

124 Law on Spatial Development and Construction of Structures No. 34/11, *Official Gazette of Montenegro*, 2011.

125 *Ibid.*, Articles 91, 92 and 93.

126 The draft proposal was approved by the Government on 6 September 2012 and forwarded to the National Parliament the same day. The next day, the Deputy Speaker of the Parliament forwarded this draft to the Parliamentary Board for Tourism, Agriculture, Ecology, and Spatial Planning, as well as to the Parliamentary Board for Constitutional and Legislative Issues (the body that reviews all laws in the country "by default"). The draft law was administratively registered under number 27-1/12-2 EPA 945. Given the fact that this draft law proposal has not been discussed yet by the entitled bodies (which is precondition for reviewing it in the Parliament itself), it is expected that it will be (optimally) adopted before the summer holiday-break in the Parliament (or at least before the end of this year). There are also chances that the Parliament return the proposal to Government for additional corrections, but it is not so likely. (This information was provided by Vladimir Boskovic, BPRI Consultant on Legalization and Housing issues for Roma and Egyptians of Montenegro).

orthophoto¹²⁷ from 2011, which is then compared with cadastre graphics. Since 2008, illegal building has been considered a crime, but prosecution has been delayed for small primary residences. The fee for having utilities connected is paid by residents. Additionally, people who built illegally must pay for the land, which in the coastal areas can be quite expensive. The draft law states that people living in illegally built primary housing that will be demolished due to the law must be provided with an alternative housing solution by the municipality.¹²⁸

Montenegro also signed the Vienna Declaration on Informal Settlements in 2004, and has been developing the Strategy Converting Informal Settlements into Formal and Regularization of Building Structures with Special Emphasis on Seismic Challenges since 2010. The strategy summarizes the environmental, social and economic barriers to social housing, and lists some fiscal instruments that could help launch the regularization process.¹²⁹ It is important to note that the declaration is also an important step towards EU accession. The Spatial Plan of Montenegro 2020, conceived in 2008, recognizes informal and unplanned construction of settlements as one of the factors that threaten natural resources and economic development.

Social Housing

In Montenegro, the social housing sector is almost non-existent. Compared to its neighbours, the owner-occupancy of housing units was already high during the socialist period. The economic transition and, particularly, the privatization process over the last two decades increased the gap between owners and renters of housing.¹³⁰

A special feature that greatly affects the social housing needs and priorities at present, and most probably in the near future, is the high number of refugees and internally displaced people who came from other

127 An orthophoto, orthophotograph or orthoimage is an aerial photograph geometrically corrected ("orthorectified") such that the scale is uniform: the photo has the same lack of distortion as a map. Unlike an uncorrected aerial photograph, an orthophotograph can be used to measure true distances, because it is an accurate representation of the Earth's surface, having been adjusted for topographic relief lens distortion, and camera tilt.

128 Ministry of Sustainable Development and Tourism of Montenegro, Expert Advisory Group meeting, Zagreb 5-6 February 2013.

129 W. Amann and S. Tsenkova, *op. cit.*, note 124.

130 "Country Profiles on the Housing Sector- Serbia and Montenegro", United Nations Economic Commission for Europe (UNECE), 2006, <<http://www.unece.org/fileadmin/DAM/hlm/prgm/cph/countries/serbia%20and%20montenegro/CP%20Serbia%20&MontenegroPub.pdf>> .

regions of the former Yugoslav republics, especially from Kosovo. There has not been government social housing policy to tackle the needs of the population, but only the activities directly related to the resettlement of refugees implemented by international agencies and other donors through international NGOs. The government also drafted a new law on Social Housing, which was adopted in July 2013.¹³¹ This law derives from the Housing Policy Action Plan. The law provides for the obligation to adopt a programme of social housing. The government's programme is conceived for three years, and local programmes for a period of one year. It defines social housing regulations, funding and building maintenance and, most importantly, it argues in favour of a programme based on rental agreements.¹³² The law calls for a strategy to define measures for the provision of adequate housing to targeted parties unable to obtain housing in market conditions. It states that both the state and local self-governments are responsible for the creation of prerequisites for sustainable development regarding access to housing.

One of the most important issues addressed by the law is the modification of the management and maintenance of housing and facilities that are now earmarked for social housing, as well as facilities to be constructed in the future. Under the law, local governments have the obligation to provide maintenance and management of the housing stock.

The law defines social housing institutes and their competencies, and specifies the priority beneficiaries for social housing. It also defines the sources of funding and the range of possibilities for the development of social housing products. The people who have priority and are entitled to benefit from social housing programmes are: single parents or legal guardians, people with disabilities, people over 67 years of age, orphaned children, families with disabled children, members of the Roma and Egyptian minorities, IDPs, DPs from Kosovo residing in Montenegro, foreigners with permanent or temporary residence who have recognized DP status, and victims of domestic violence. Beneficiaries must be citizens of Montenegro, including IDPs with "foreigner status": they must have residence in the territory, own no apartment and have incomes lower than the amount defined to be eligible.

131 The public hearings on the Government's draft law (which includes ODIHR's suggestions and inputs through the BPRI project) were organized in August and September 2012).

132 United Nations Economic Commission for Europe, *op. cit.*, note 131, pp. 59-68.

The law further defines the general criteria for determining beneficiaries, including housing situation, income and financial status, length of residence or continuity of residence in the same location, the number of household members, disability, health status and age. The law provides a provision for the rental of housing units, defines the procedure for renting housing units and the minimum and maximum rent amount, as well as the procedures for the transfer and termination of rental agreements. The law sets a minimum rent, which may not be less than the amount necessary to cover the expenses of regular maintenance of housing. The maximum living area of social housing units cannot exceed 25 m² for a single household, and a maximum of 7 m² is added for each additional family member. The total housing area cannot be more than 85 m².¹³³

Serbia

The country adopted the National Social Housing Strategy with Action Plan for implementation. Its approach is to find alternative and different modalities for housing solutions (i.e., more affordable housing with social protection). It includes financial support for improving housing conditions, related to energy efficiency, allowances for rent payment and purchasing housing at below market rates. It is seen as a precondition for the success of the strategy to improve the managerial capacity of the responsible government entities, as well as the establishment of a revolving fund by the Republic Housing Agency (RHA) for its sound implementation.

Legalization and Settlement Upgrading

In Serbia, the Law on Legalization was passed on 31 October 2013 and provides a 90-day deadline for submitting applications for the legalization of housing structures. In addition, there is another relevant law in this field, the Law on Special Conditions for the Registration of Ownership Rights for Objects Built without a Construction Permit, which regulates subsequent issuance of building and utilization permits for structures constructed or reconstructed without construction permits.¹³⁴ Requests submitted in accordance with this Law can be submitted for buildings built before 11 September 2009. The Law will remain in force until 31 December 2014.

133 Ministry of Sustainable Development and Tourism of Montenegro, Expert Advisory Group meeting, Zagreb 5-6 February 2013.

134 Law on Planning and Construction Nos. 72/09, 81/09, 64/10, 24/11, *Official Gazette of the Republic of Serbia*, 2011.

One of the most important differences between the articles of the earlier Law on Special Conditions and the new Law on Legalization is that the new Law does not determine any obligatory discounts for paying legalization fees. Instead, it only provides for the possibility of discounts if they are approved by the local self-government, for those belonging to vulnerable groups, for instance. In addition, the previous law required more limited technical documentation in the form of photos and an expert's technical report about the structure's condition, whereas the owners must now submit a full project for the constructed building, which must be certified by an architect.

The facilities constructed, reconstructed or extended without a building permit cannot be the subject of legalization if built on land unfavourable for construction or if the applicant did not provide adequate evidence the planned structure met safety standards. The stability of the structure must be proven in terms of the terrain and the structure itself, and must fit the prescribed plan of use of the given land.¹³⁵

The Law on Maintenance of Housing Buildings addresses the issues arising after housing was mostly privatized in the beginning of the 1990s, when the laws were formulated to make private ownership the dominant form for apartments in housing facilities.¹³⁶ The wide phenomenon of "poor owners" complicates the state's involvement in improving conditions. Privatization has had negative impacts because it resulted in "free of charge" housing. Instead, the focus is now on improving instruments, and restoring confidence in the value of public or private rental housing.

The Action Plan for Roma Housing was successful in getting Roma settlements recognized by local governments in urban regulatory plans and advocating for the improvement of living conditions by Roma through self-organized construction.¹³⁷ Serbia also signed the Vienna Declaration of Informal Settlements in South Eastern Europe.¹³⁸

135 "In the Municipality of Srbobran owners of houses which were built before 1968 do not need to apply for legalization", Ministry of Construction and Urbanism, Serbia, Expert Advisory Group meeting, Zagreb 5-6 February 2013.

136 Law on Maintenance of Housing Buildings No. 27/11, *Official Gazette of the Republic of Serbia*, 2011.

137 "Strategy for Improvement of the Status of Roma in the Republic of Serbia", Ministry of Human and Minority Rights, Belgrade 2010, p.18.

138 OSCE Vienna Declaration, *op. cit.*, note 26.

The responsibility for upgrading settlements lies within the municipalities, through the directorates for construction land. These directorates are public developers who are responsible for the implementation of local plans for infrastructure improvement. They are also necessary to encourage the participation of private developers, through private-public partnerships. The main problem faced in this context is that private non-profit housing organizations are not fully developed, which is an issue related to the transition process from socialism to a more market-oriented system.¹³⁹

Social Housing

The Social Housing Law adopted in Serbia is a framework law. This law is also the basis for establishing a non-profit housing sector, which also means the establishment of the RHA. This Agency is mainly a financial institution for housing.¹⁴⁰ Currently the RHA is responsible for co-ordinating the construction of 1,700 flats in 12 municipalities¹⁴¹ within the Project of Social Housing Scheme. This project will be financed by a loan provided by the Council of Europe Development Bank (CEB Loan), and partially from the central budget, with other contributions from the local level (i.e., land, management, design, etc.). The first results of this project are expected at the end of 2013. In the future, the RHA will be responsible for the implementation of other social housing programmes. At present, the housing agency is financed primarily by the central government.¹⁴²

The most significant legal document for social housing is the Law on Social Housing.¹⁴³ This law was one of the results of the implementation of the Settlement and Integration of Refugees Programme (SIRP). According to this law:

- * The National Housing Policy determines implementation measures of the National Social Housing Strategy and Action Plan;
- * Municipalities and cities must adopt a policy (as local self-government units) in accordance to the national policy, but allocate funds and develop plans

139 Ministry of Construction and Urbanism, Serbia, Expert Advisory Group meeting, Zagreb 5-6 February 2013.

140 *Ibid.* "Now the only possibility for housing finance is to establish budgetary funds".

141 The municipalities of Zrenjanin, Kikinda, Kragujevac, Pancevo, Krusevac, Kragujevac, Nis, Cacak, Uzice, Zajecar, Pirot and Smederevo (1,200 apartments for sale under non-profit conditions and 500 for leasing).

142 *Ibid.*

143 Law on Social Housing No. 72/09, *Official Gazette of the Republic of Serbia*, 2009.

independently, though they may also establish joint ventures or create non-profit housing agencies;¹⁴⁴

- * The National Social Housing Strategy and the Action Plan determine the long-term and medium-term social housing objectives;
- * Programmes shall be adopted for determining the priorities, target groups and volume of funds under the specified criteria;
- * Persons without housing or who have inadequate housing, or who cannot obtain housing under market conditions, have the right to social housing. Furthermore, the basic criteria for prioritizing applicants are: 1) housing status, 2) level of income, 3) health, 4) disability, 5) number of household members, and 6) assets. Preference is given to vulnerable social groups (i.e., youth, orphans, single heads of households, persons over the age of 65, persons with disabilities, disabled veterans, civilians disabled in war, refugees, IDPs, the Roma and other vulnerable groups); and
- * Rental social housing cannot be purchased by occupants or be permanently owned, and beneficiaries cannot sublet or treat the social housing property as their own.¹⁴⁵

2.8 Problem Analysis of the Housing Situation of Roma in the Western Balkans

Similar conditions characterize the housing of Roma in the BPRI target region (Albania, Bosnia and Herzegovina, Croatia, the former Yugoslav Republic of Macedonia, Montenegro and Serbia). Data gathered at international, central and local levels persistently show that the quality of Roma settlements and housing facilities is substandard as compared with that of the average population, highlighting their social and

economic exclusion.¹⁴⁶ Adequate housing for Roma communities across Europe, including the Western Balkans is usually defined following internationally accepted conventions. Based on these definitions, reports on the housing situation of Roma find a common enumeration of issues to diagnose the situation. They are security of tenure (relating to legalization issues and threat of eviction), access to basic services and infrastructure (relating to the informal and illegal nature of settlements, land and buildings), affordability, habitability, location and access to social housing. These issues affect Roma in Kosovo, as well.

BPRI has created two problem trees, in order to assess the housing situation of Roma from two specific perspectives: 1) legalization and settlement upgrading; and 2) social housing. The root causes of the problems for both perspectives were identified as the interaction between the challenge posed by the weakened institutional, legal and policy framework for housing and land after the collapse of the socialist system and the long-standing discrimination and stigmatization of Roma. The problem tree on legalization and settlement upgrading for Roma (provided in Annex 2.1) determined the core problem to be poor access or a lack of access to basic services, social and physical infrastructure.¹⁴⁷ The problem tree on social housing (provided in Annex 2.2) identified the core problem as the provision of social housing solutions that do not match the specific conditions and characteristics of Roma. The ultimate effect of these problems for both trees is the substandard housing conditions of Roma.

A common issue that negatively impacts the housing situation for Roma is the lack of reliable data on their population size and the resulting lack of accurate housing needs assessments to address the problem. As a starting point for the successful implementation of housing policies related to these minorities groups, a concise and integrated population and housing census disaggregated by ethnicity is a precondition for successful implementation of targeted housing

144 “One condition should be to establish a Local Housing Agency or make an agreement with a neighbour municipality that has this type of institution. The Local Self-Government Units through the Local Housing Agencies can apply for funding from the Central level if they prepare a Local Housing Strategy (which should include maintenance of buildings, capacity building of local government, legalization of buildings, etc). The agency is not only responsible for managing construction, but also for collecting rent, dealing with problematic tenants, and different issues related to maintenance and use of flats”, Ministry of Construction and Urbanism, *op. cit.*, note 140.

145 *Ibid.* “For those who cannot pay full rent, there will be additional subsidies available. Also there will be 70 per cent subsidy for construction (40 per cent from local self-government units, 30 per cent central government, 30 per cent beneficiaries)”.

146 Several studies at the European level confirm this fact: “Standards do not Apply”, European Roma Rights Centre (ERRC), 2010, <<http://www.errc.org/cms/upload/file/standards-do-not-apply-01-december-2010.pdf>>; and the European Union Agency for Fundamental Rights (FRA), “Comparative Report: Housing Conditions of Roma and Travellers in the European Union”, October 2009, <http://fra.europa.eu/sites/default/files/fra_uploads/608-ROMA-Housing-Comparative-Report_en.pdf>..

147 Basic services include electricity, water and sanitation facilities (e.g. toilets); physical infrastructure - roads (and transport), sewage and drainage systems, and public lighting; and social infrastructure - education, health, community centres and public space (e.g., recreation, parks, and squares).

programmes and projects.¹⁴⁸ This issue can be seen as a major contributor to the entire problem.

Problem Tree on Legalization and Upgrading of Roma settlements

The problem tree analysis indicates that there are five main issues that result from a cluster of various inter-related problems. The starting point is the challenge posed by the weakened institutional, legal and policy framework for housing and land after the collapse of the socialist system and the long-standing discrimination and stigmatization of Roma (root causes). These have led to poor access to basic services and infrastructure (core problem), and resulted in the substandard housing conditions of these communities (the ultimate effect) (see Table 9). The main issues identified are:

* **Issue 1- Weak policy and legal framework for housing:** Central governments and local authorities, struggling with the collapse of the previous political and economic system, suffer from a number of institutional, policy and legal framework bottlenecks in dealing with the housing problem. Decentralization to local self-governments has resulted, at best, in the withdrawal of the central government from housing delivery, leaving local governments with the task, but without the necessary financial resources and technical expertise to efficiently confront the housing problem. Against this background, long-standing discrimination and stigmatization of Roma further limit their access to housing in a situation plagued by the lack of housing policy direction and weak institutional and legal frameworks for housing.

* **Issue 2- The poverty-driven socio-economic characteristics of Roma communities:** The long-standing discrimination and stigmatization of Roma has largely contributed to their poverty, compounded with socio-economic exclusion from mainstream society. Rampant and multidimensional poverty, characterized by low income levels affects the ability of households to pay for housing-related services and facilities, contributing to their substandard housing conditions. Poverty is also exacerbated by the lack of economic opportunities for Roma, either because of low education levels and the resulting lack of skills to compete in the labour market, or because their residential segregation and stigmatization inhibits them from finding decent, gainful employment. The last resort to make a living is often

the turn to informal activities, most often garbage recycling.

Poverty is not the only indicator leading to the bleak situation of Roma. The location of Roma settlements on the periphery of cities without proper infrastructure to sustain a decent living also contributes to low school attendance and increased school dropout rates among children, as well as poor access to primary health care. A number of municipal actions and ad-hoc interventions by the international community targeted specifically at poverty have resulted in an acute dependency on welfare and charity. These programmes have not solved the problem, as Roma still struggle to make a living, pay for housing-related expenditures, attend school and access health care.

* **Issue 3- Severe housing conditions:** The lack of affordable, accessible and available alternative and adequate housing solutions for Roma communities has contributed to their substandard housing conditions, epitomized by poor access to basic services, social and physical infrastructure. Either Roma find accommodation in informally built settlements, or they are housed in housing solutions built specifically for them. Both are usually located on the periphery of urban areas, thus fostering the creation of ghettos and residential segregation, with the concomitant distance from educational and health facilities, as well as from gainful economic opportunities.

* **Issue 4- War and conflict:** War and conflicts resulting in ethnic and territorial separation in the region have increased the number of Roma refugees or IDPs.¹⁴⁹ These Roma refugees are mostly housed temporarily in refugee camps and containers, which are generally located on the periphery of towns, with poor access to basic services and infrastructure. When temporary camps have been closed and relocation of Roma to "decent housing" has occurred, the housing provided generally reinforces their marginalized condition, because of the location and affordability of the solutions. This further contributes to the creation of ghettos and residential segregation.

* **Issue 5- Informality and illegality:** The process of legalizing property rights and ownership put Roma living in informal housing conditions under the threat

148 Building Roma trust in the existing government institutions that are responsible for collecting data seems to be a prerequisite for collecting accurate data on their population and housing conditions.

149 This is mainly the case for Bosnia and Herzegovina, Serbia and Montenegro. For a detailed description and figures regarding displaced persons in the Balkan context refer to: Andrey Ivanov et al, "At Risk: Roma and the Displaced in Southeast Europe", UNDP, Bratislava, 2006, p. 65-71, <http://europeandcis.undp.org/uploads/public/File/rbec_web/vgr/vuln_rep_all.pdf>.

Table 9: Summary table of issues and related problems from the problem tree on legalization and settlement upgrading

Main Issues	Related Problems
<p>1. Weak policy and legal framework for housing</p>	<ul style="list-style-type: none"> • Collapse of the socialist system • Long-standing discrimination and stigmatization of Roma • Lack of housing policy direction and weak institutional and legal framework • Low capacity of the local governments to deal with land and housing issues of Roma • Lack of alternative and adequate housing solutions for Roma • Lack of reliable data regarding population size and housing conditions of Roma
<p>2. The poverty-driven socio-economic characteristics of Roma</p>	<ul style="list-style-type: none"> • Long-standing discrimination and stigmatization of Roma • Increased poverty conditions and socio-economic exclusion • Inability of Roma families to pay for housing-related services and facilities • Dependency on welfare and international help • Substandard housing conditions • Low incomes • Low school attendance and increased dropout rates • Poor health care • Lack of reliable data regarding population size and housing conditions of Roma
<p>3. Severe housing conditions</p>	<ul style="list-style-type: none"> • Lack of alternative and adequate housing solutions for Roma • Poor access to basic services and infrastructure (electricity, sanitation and transportation) • Provision of exclusively-Roma housing solutions • Temporary housing solutions (containers or camps) • Creation of ghettos and residential segregation • Long distances to educational and health facilities, as well as to economic opportunities • Substandard housing conditions • Lack of reliable data regarding population size and housing conditions of Roma
<p>4. War and conflict</p>	<ul style="list-style-type: none"> • Ethnic and territorial separation, war and conflict • Increased number of Roma IDPs and DPs • Increased poverty conditions and socio-economic exclusion • Temporary, poor housing conditions (containers and refugee camp sites) • Substandard housing conditions • Poor access to basic services and infrastructure (electricity, sanitation and transportation) • Creation of ghettos and residential segregation
<p>5. Informality and illegality</p>	<ul style="list-style-type: none"> • Collapse of the socialist system • Confusion about property rights and ownership of land and housing among government and the population • High costs of legalization and poor access to information on procedures in Roma communities • Prevalence of illegal construction and unresolved property rights and ownership among Roma population • Prevalence and formation of informal settlements • Land tenure insecurity and increased threat of eviction • Practice of unlawful forced evictions • Long-standing discrimination against and stigmatization of Roma • Lack of reliable data regarding population size and housing conditions of Roma

Table 10: Summary table of issues and related problems from the problem tree on social housing

Main Issues	Related Problems
1. Weak policy and legal framework for housing	<ul style="list-style-type: none"> • Collapse of the socialist system • Low capacity of local governments to deal with the housing issues of Roma • Lack of housing policy direction and weak institutional and legal framework for social housing • Lack of reliable data regarding population size and housing needs of Roma • Provision of social housing solutions that do not match Roma-specific conditions and characteristics
2. The poverty-driven socio-economic characteristics of Roma	<ul style="list-style-type: none"> • Long-standing discrimination against and stigmatization of Roma • Increased poverty and socio-economic exclusion of Roma • High levels of unemployment • Low education levels • Low incomes (mainly informal and from welfare assistance) • Inability to pay for rent and housing related services and facilities
3. Systemic exclusion from social housing programmes	<ul style="list-style-type: none"> • Long-standing discrimination against and stigmatization of Roma • Low education levels • Poor access to relevant information about social housing programmes • Low incomes (mainly informal and from welfare assistance) • Exclusionary income criteria to access social housing • Limited access to social housing programmes and projects • Exclusion of Roma from social housing programmes • Preference for alternative solutions (squatting, informal settlements, renting dilapidated housing etc.)
4. Unsustainable social housing solutions	<ul style="list-style-type: none"> • Provision of social housing solutions that do not match Roma specific conditions and characteristics • Provision of free housing solutions leading to a lack of awareness of the responsibilities attached to living in multi-family dwellings (i.e., payment of services and maintenance costs) • Inability to pay for rent and housing related services and facilities, including maintenance fees • Poor access to basic services (electricity, water, sanitation, gas, etc.) • Poor maintenance and deterioration of the housing stock • Substandard housing conditions

of eviction or, in some circumstances, has actually rendered them homeless through unlawful forced evictions. Several factors increase their insecurity of tenure, apart from living in informal settlements. These are the confusion surrounding property rights and land and housing ownership among governments and Roma populations, and the high costs of legalization procedures, compounded by poor access to information on how and when to apply for the legalization.

Problem Tree on Social Housing

The problem tree analysis indicates that there are four main challenges in social housing that can result from a cluster of various problems. The starting point is the challenge posed by the weakened institutional, legal and policy framework for housing and spatial planning after the collapse of the socialist system and the

long-standing discrimination against and stigmatization of Roma (root causes), leading to the provision of social housing that does not match the specific conditions and characteristics of Roma communities (core problem), finally resulting in the substandard housing conditions of these communities (the ultimate effect) (See Table 10). The main issues identified are:

* **Issue 1- Weak policy and legal framework for housing:** As in the previous problem tree, the lack of housing policy direction and weak institutional and legal framework for housing at the central level represent impediments to the effective planning and delivery of housing at the local level. This is partly the case in the implementation of social housing programmes and projects for Roma minorities. The low capacity of local self-governments to deal with housing issues, either

because of their low technical capacities or constrained financial resources, further aggravates the situation. The actual implementation of social housing projects or the delivery of social housing units has been generally low in the region. With few exceptions, this is typical for post-socialist countries when, in the period immediately following the change of system, when almost no social housing was delivered, followed by a very slow “recovery” of the social housing sector. The struggle caused by the collapse of the previous political and economic system, compounded by the long-standing discrimination and stigmatization of Roma, remains the root cause of the issue.

* **Issue 2- The poverty-driven socio-economic characteristics of Roma communities:** The long-standing discrimination against and stigmatization of Roma communities in the region has contributed to an increase in their poverty and socio-economic exclusion in housing. This is clearly identifiable in the accessibility and affordability of social housing for these groups. Their poverty is expressed by high levels of unemployment and low education. Meagre incomes are a product of the low economic returns from the informal activities they perform (i.e., recycling) and welfare assistance, and render them unable to pay for rent, maintenance fees and housing-related services and facilities attached to social housing solutions.

* **Issue 3- Systemic exclusion from social housing:** Long-standing discrimination and stigmatization is the root cause of the exclusion of Roma households from social housing. Several problems combined act to the detriment of their access to programmes and projects. Their low education levels and poor access to relevant information contribute to their lack of understanding on how and where to apply for social housing. The eligibility criteria based on formal and regular incomes, as well as the proof of residency (or citizenship), is problematic for many families who earn income from informal activities and welfare assistance, and who have lost their documents because of war or displacement. Furthermore, low income makes it difficult for Roma to pay for the retrieval of personal documentation.

* **Issue 4- Unsustainable social housing solutions:** When provided with social housing solutions, two main problems make these projects unsustainable. These include the provision of housing that does not match the specific socio-economic conditions of Roma, and the provision of free housing solutions. Given their socio-economic status, Roma families are often unable to pay for rent and housing related services

and facilities, including maintenance fees. In the long run, such a situation results in increasing service debts, putting families at risk of being cut-off from essential services, such as water and electricity, along with the gradual deterioration of the housing stock and the resulting substandard housing conditions. In many cases, the need for additional space to accommodate more family members, storing and segregating scrap material for recycling or animal husbandry force Roma to build shack-like constructions attached to or around other buildings, further deteriorating the physical condition of their housing. Free housing solutions contribute to a lack of awareness of the responsibilities attached to living in residential buildings and foster the belief that the government should pay for everything, including maintenance of the buildings both externally and even inside their dwellings. In many cases these misunderstandings have resulted in vandalism and destruction of the housing provided.

The following chapter presents an assessment of good learning practices identified during field work and desk research. These good learning practices portray several of the problems highlighted above, as well as the opportunities and lessons learned for devising workable solutions for addressing the housing problems of Roma. They cover legalization of settlements and buildings, upgrading settlements, and the sound provision of quality and sustainable social housing projects and programmes that are available, affordable and accessible to Roma.





*Good Learning Practices for Roma
Integration in the Housing Sector*

Good Learning Practices for Roma Integration in the Housing Sector

3.1 General Principles for Good Learning Practices in Roma Legalization and Housing

The formulation of “good learning practices” and recommendations for Roma housing legalization and provision is based on six overarching and inter-related principles. These principles underpin the report’s analysis of key findings.

Principle 1: Consider the Wider Land and Housing Context

The housing situation of Roma must be considered within the wider context of the Western Balkans region and its legalization and housing challenges. The housing and legalization challenge does not apply to the Roma population alone. For various historical reasons, in the Western Balkans a large proportion of the general population lives in so-called “informal settlements”, defined by the OSCE as “any human settlement where housing has been constructed without the requisite permits or legal title for use of the land”.¹⁵⁰

Principle 2: Support Roma Mainstreaming in Legalization, Social Housing and Social Assistance

In the long term, the consequence of Principle 1 is that—as much as possible—Roma populations should be mainstreamed or integrated into existing national legalization, social housing and social assistance programmes. This would have two benefits: the first is that these programmes are bound to be more sustainable in the long run given that they are anchored financially and institutionally in national structures. The second is that this furthers the cause of Roma integration, both legally (the Roma have the same benefits and obligations as other groups) and socially (there is a better chance of avoiding Roma ghettos if the Roma are included in social housing programmes).

Principle 3: Develop Targeted Approaches, where Needed

In the short and medium term there will still be a need to develop targeted approaches aimed at assisting Roma populations in reaching a point where they can benefit from the mainstreaming in legalization and housing programmes. Targeted approaches should be aimed at overcoming specific obstacles faced by Roma (and not by other population groups). These include poor community organization, poor health and education standards, and discrimination by public authorities, other service providers and neighbouring communities.

Principle 4: Housing is more than Shelter

Current housing projects for Roma populations generally emphasize physical housing outputs, such as the housing unit, infrastructure, plans and services, more than socio-economic gains, such as the link to employment, health and education, and community development (see Principle 5 for the latter point). The failure of many housing projects in the region is precisely that no thought has been given to socio-economic aspects of settlements. A new approach is needed that integrates physical housing investments for Roma with investments in their overall development, i.e., “community” and economic life. Households that receive shelter, but no support for their socio-economic development, will not be able to afford to live in their new homes, with drastic consequences for the maintenance of their physical units.

Principle 5: An Emphasis on Community Organizations

As a general rule, housing projects aimed at Roma populations in the Western Balkans pay very little attention to community organizations representing Roma stakeholders. In other parts of the world (see, for example, the Baan Mankong case study) community development and organization are integral aspects of support for housing. Stronger, more organized communities can help to improve the success of housing and upgrading interventions in several ways: 1) by helping to boost participation and consultation in efforts to define a

150 OSCE Mission in Kosovo, *op. cit.*, note 27, p. 2. See also definition provided by the Vienna Declaration in Chapter 2.5 of this report.

community “vision” for the planning and upgrading of a settlement; 2) by developing stronger community cohesion in the implementation of settlement upgrading schemes; and 3) by working together to organize common activities in social, educational and sports activities after a housing intervention, thus helping to further strengthen communities.

Principle 6: Striving Towards an End to Dependency

The current approach to housing support for Roma is based to a large extent on treating Roma populations as “victims” (of poverty and discrimination) or “beneficiaries” (of state or donor support). However, this social welfare approach has long-term negative consequences for all parties involved, as it fosters a widespread culture of dependence among Roma communities, and raises expectations of free housing and (in many cases) free or highly subsidized services. This approach is financially unsustainable in the long run, as it sets in motion a never-ending cycle of welfare interventions. The welfare approach also results in inferior quality housing, and in the long run it will prevent the integration of Roma populations within the general populations of the Western Balkans. A new approach should be based on the conviction that the Roma are “actors”, with rights, but also obligations, skills and potential. These actors should be encouraged to mobilize by enrolling in schools and universities, participating in the labour market, and sharing in the cost of housing investments made on their behalf, as is expected of the rest of the population. There are currently several initiatives that work successfully with this model.

3.2 Specific Good Learning Practice Principles for Legalization, Settlement Upgrading and Social Housing

In addition to the general principles outlined in the previous section, there are a number of specific principles for defining good learning practice cases in legalization, settlement upgrading and social housing.

Good Learning Practice Principles for Legalization

Good learning practice approaches in legalization include those that make legalization of properties accessible and affordable:

- * **Accessibility** refers to those factors that should make legalization available for Roma populations, for example, Roma should face no discriminatory practices when trying to legalize their properties, and the steps and procedures for legalization (for all population groups, including Roma) should

be made transparent, flexible and simple to understand.

- * **Affordability** refers to the financial cost of legalizing properties. In an environment where legalization of properties benefits the real estate market and social relationships in the community as a whole, it should not be made prohibitively expensive for ordinary citizens (in all population groups, including Roma).

Good Learning Practice Principles for Settlement Upgrading

Good learning practice approaches to settlement upgrading are based on a process that includes at least six key steps: data collection; consultation with affected populations; settlement regularization; legalization of land and objects; settlement planning and physical integration with the rest of the city; and socio-economic integration measures. These six steps may be described as universal good learning practice steps for settlement upgrading.¹⁵¹ The steps are summarized in Table 11.

This universal approach needs to be adapted to local circumstances in every case, and in the specific case of the Roma population there will need to be a range of measures to address their specific concerns at every step. Nevertheless, the six “universal” good learning practice steps are applicable also to Roma settlements.

Good Learning Practice Principles for Social Housing

The principles for good learning practice approaches to social housing are based on measures and initiatives that successfully incorporate at least some aspects of availability, affordability, and accessibility in their programmes and projects. A fourth principle, quality of the overall housing package, tests whether the other three principles are, indeed, integrated and mutually reinforcing, with a strong emphasis on ensuring that the principles are sustainable.

- * **Availability:** In the context of social housing, it is clearly important that houses are being delivered to the target beneficiaries, implying that houses are, in fact, available. This can be existing or newly built housing, but housing should be adequate for the target group and in locations where needed. A distinction needs to be made between the number of social houses

151 There is much evidence and documentation from UN-Habitat, Cities Alliance and Slum Upgrading Facility experience to support the five steps; <www.unhabitat.org>; <www.citiesalliance.org>; and <www.citiesalliance.org/About-slum-upgrading>.

Table 11: Universal good learning practice steps for settlement upgrading

Step 1	Data collection: Surveying and gathering basic information on the population and topography of the settlement
Step 2	Consultation on project outcomes: Consultation and agreement with the settlement population about upgrading and legalization outcomes (i.e., on-site upgrading or relocation), process, steps, financial contributions, and socio-economic integration
Step 3	Regularization: Where relevant, this is a planning procedure (mandatory in some areas) whereby a settlement is “regularized” (also referred to in some cases as “formalized” or “urbanized”) and a regulatory plan is adopted to ensure the incorporation of the settlement and its infrastructure and services into the wider urban area.
Step 4	Legalization of land and objects: This is a legal procedure whereby, as a first step, land is legalized (or transferred, in some cases, to individual title or collective title, as the case may be) and as a second step, structures on the land (such as housing units) are legalized.*
Step 5	Settlement planning: On-site planning processes, including planning for infrastructure, facilities and services; and the planning and lay-out of individual land parcels.
Step 6	Socio-economic integration, including monitoring and evaluation of projects: Planning and implementation of measures to facilitate the settlement population’s socio-economic integration into the wider community, including (but not limited to): savings schemes; measures to promote organization and representation; employment schemes; and transport linkages from settlement to city. This phase should include measures to help Roma communities prepare for planned housing interventions. Moreover, during this phase project stakeholders and (where relevant) the authorities should undertake regular monitoring and evaluation of housing schemes for Roma.

* Delineation of individual legal title typically occurs after Step 4 during the site planning process.

delivered in a municipality (newly built or converted, often former state-owned buildings) and the rental allowances allocated to households who have found housing in the market and are provided with a subsidy only. Availability of social housing, therefore, goes beyond making houses available; it could also mean that financing is available for households to find houses in the open market (in particular, in the absence of sufficient housing solutions provided by the public sector). Availability of housing is a location-specific issue; an equal number of housing units and households needing housing at the national level do not mean that availability is sufficient. There can be a serious mismatch between where houses are located and where households need to live.

* **Affordability:** Good quality affordable housing is the foundation for sustainable communities. Having an affordable home provides stability for families and positive “spin off effects”, for instance helping children to achieve better results in school.

Affordability levels differ for rental and ownership markets; very low-income and middle to high-income groups are often best served by home-ownership solutions. Low to middle-income households can be served by rental housing solutions, provided that social housing rental prices are more affordable than those on the

market. Home-ownership levels can differ from owning a sites-and-services plot (a plot that comes with secure tenure and very basic access to services) or a basic starter unit to owning a finished housing product. The costs for this diverse range of housing products differs and the higher the costs, the more subsidy or grants are required, assuming that households only afford subsidized rates, and not market-level prices. Affordability is considered to be approximately 25 to 33 per cent of monthly household income, but eligibility for bank loans is conditional on secure and regular income. Furthermore, it is important to consider affordability over time: very few households can afford a one-off purchase of a house. Hence, the monthly payments should be affordable, encompassing not only loan repayments (e.g., mortgage or subsidies), but also management and maintenance costs for the housing. Housing given for “free” may thus result in long-term costs for their owners, whereas the market value of such housing may be limited.

* **Accessibility:** Accessibility of social housing refers to the set of rules and regulations that enable households to be eligible and selected for social housing. The eligibility criteria for social housing need to be realistic in terms of the intended target groups. Identification of sub-target groups and priority-setting, as well as quota-setting for specific target groups, can enhance

accessibility. On a temporary basis, affirmative-action measures can improve accessibility for specific target groups, but have to be treated with care and under continuous review in order to be adapted when needed. Access to social housing on a demand-basis is more common in mature social housing sectors with an adequate social housing stock. In the Western Balkans region there is a relatively low supply of social housing.

All three assumptions require reliable data on the housing stock, the housing need, housing beneficiaries, housing providers and the financial means available. It is critical that data are correct and up-to-date, in order to develop policies that can be realistically and efficiently implemented.

Quality of the overall housing package: this principle refers to a broad-based holistic and sustainable interpretation of the three principles outlined above. There is the risk that availability, affordability and accessibility will be assessed in a technocratic way, which lacks a solid review of the current quality of the overall housing package. This type of review is critical for achieving sustainable housing projects and programmes. Availability needs to be ensured not only in terms of the number of housing units, but also in terms of location, type of dwellings, appropriateness for the target group and the prevention of segregation. This is referred to as the quality of the package. In terms of affordability, often overlooked elements include whether maintenance is affordable (long-term sustainability) or whether access to the energy sources connected to the houses is affordable (e.g., do residents have access to cheaper gas, rather than depending on more expensive electricity for cooking). In terms of accessibility, the enrolment system for housing should secure or support the participation in other services, such as vocational training, schools, health care and, generally, access to the labour market. This last principle, therefore, serves to ensure a balanced, holistic, integrated and sustainable interpretation of the other three principles.

3.3 Good Learning Practices and Key Findings

Legalization

Over the past decade, most jurisdictions in the Western Balkans region have launched (or are in the process of launching) a legalization programme in an effort to formalize the large proportion of informal properties that exist side-by-side with formal, officially recognized and titled properties.

It is estimated that a majority of Roma families all across the region are illegally—or at least informally – occupying the land on which they have settled, and therefore live under conditions of insecure tenure. Their insecure tenure, in turn, contributes to perpetuating a cycle of other social and economic ills, as secure tenure is commonly recognized to be a “precondition for access to other economic and social opportunities, including credit, public services, and livelihood opportunities”.¹⁵²

The Roma are not the only group to suffer from insecure tenure. In the Western Balkans region a large proportion of the general population lives under conditions of “informality”. The latter includes many different forms, from illegal land occupation, at one end of the spectrum, to slight deviations from the building code on otherwise legally registered property at the other extreme.

Legalization programmes in the region have attempted to come to terms with the wide range of informal land occupation by instituting a single system of land registration, culminating in secure title deeds. But the processes of legalization have faced many complications. The next few sections detail these complications in general terms and also in terms of the specific challenges faced by Roma communities. Lastly, this section discusses challenges and good learning practices at the municipal level, which is the primary implementation level for legalization efforts in most countries.

Overall Challenges Facing Legalization Programmes in the Region

In general terms, there are two forms of obstacles to the legalization of land and housing in the region. The first set of problems relates to application processes and the disincentives many land occupants have (or perceive they have) to registering their land. The second set of problems is potentially more complex and relates to legal and institutional challenges.

Complicated Regulations and Procedures

Many governments in the region approach the phenomenon of informal development from the perspective of the so-called “problem of unlawful construction”. This is an overly narrow and unhelpful perspective because, as some observers have remarked: “illegality is not the problem; it is the consequence of

152 “What Are Slums and Why Do They Exist?”, UN-Habitat, 21st Session of the Governing Council, 16 - 20 April 2007, Nairobi, Kenya, <http://www.unhabitat.org/downloads/docs/4625_51419_GC%2021%20What%20are%20slums.pdf>.

a problem".¹⁵³ Most homeowners across the region, including the Roma, do not wish to live in informal circumstances, but often feel that they have little alternative because of inadequate and overly bureaucratic urban planning and development regulations, and in some cases a heavy local tax burden. Both issues act to reduce the supply of urban, developable land and represent a disincentive to legalize.

An additional and related problem is that – in many countries – the procedures to legalize informal land are unnecessarily complicated. These factors are not the same throughout the Western Balkans region, but at a general level they include three main categories:

- * The high cost of legalization and land conversion applications deters many applicants. The knock-on effects of the current financial crisis and the impact this has on Western Balkans economies makes the costs of legalization seem even more prohibitive to many households. In some countries, such as Montenegro, the authorities are lengthening the time period available to applicants to repay the costs of registration, in an effort to reduce the financial disincentive to legalization.
- * Technical and bureaucratic procedures involved in legalization still discourage many informal land occupants from initiating this process. These procedures include, but are not limited to, the high burden of proof of occupation and the lengthy procedures involved in applying for title.
- * The benefit of legalization of properties is insufficiently clear to many citizens, particularly if they have been occupying their property without any consequence for years. The importance of legalization is also unclear to many policy makers in the region.

Legal and Institutional Obstacles

The second set of problems is more structural and relates to internal difficulties inherent to the legalization programmes themselves. Likewise, these problems as a whole do not apply to the whole region, but some elements are common across the region.¹⁵⁴

- * Bad or incomplete land registries and lack of urban plans pose major obstacles to the legalization process. Gaps in territorial planning legislation and administrative failures in the issuance of construction permits make it difficult to obtain an appropriate construction permit, even when occupants have

legal title to the land. Authorities often find it difficult to prevent new illegal occupation of land and illegal construction.

- * In some cases a vicious cycle exists whereby illegally constructed housing units cannot be upgraded legally due to the absence of required construction permits and urban plans, yet at the same time, in the absence of housing improvements, a settlement cannot be legalized.
- * Immovable property rights may not be adequately secure, due to a combination of incomplete first title registration, the lack of accurate cadastral records and, in many cases, the absence of reliable evidence of ownership. This leads to cases of conflicting claims over the same plots of land.¹⁵⁵
- * Courts are not successful in resolving property disputes or enforcing property rights. Although governments have adopted some appropriate policy responses, implementation is lagging due to policy incoherence, co-ordination problems, capacity constraints and corruption.
- * With the persistent legalization challenges, the consequence of the widespread inability to enforce laws in the Western Balkans region (i.e., authorities' failure to prevent illegal construction or evict illegal residents) is a continuation in illegal construction.

Specific Challenges Faced by Roma in Legalization Programmes

Despite the ongoing legalization programmes in the region, most Roma communities still lack clear legal title and continue to pursue their property transactions through informal means. Sales and subdivisions by Roma households tend to occur without documentation, and even where sale documents exist, they frequently cannot be notarized or registered because the property is not registered with the seller. As a result, many current occupants have paid significant amounts of money for property, but have little legal protection because the transaction remains, from a legal point of view, informal. At the same time, informal occupants risk eviction, demolition and inadequate access to public services. The Roma are disproportionately disadvantaged, as they lack the connections and knowledge to assert their rights effectively.¹⁵⁶

153 Mr. Ljubisa Markovic, Notary and Former Mayor of Centar Municipality, Sarajevo, October 2012.

154 "Governance in the Protection of Immovable Property Rights in Albania: A Continuing Challenge", World Bank Country Brief, June 2012, pp. 5-6.

155 In some cases vulnerable groups, such as the Roma, are evicted from their land even if they have formal property titles, due to corruption. Thus, in Decision no. 35/2007 of the Albanian Constitutional Court dissenting judges explained how the actual landowners or property owners were expropriated in unclear circumstances so that new occupiers could benefit from their property titles.

156 *Op.cit.*, note 157, pp. 5, 11.

In the long term, solutions to the “problem” of illegal construction of Roma settlements must be addressed to tackle this phenomenon on a larger scale. In most jurisdictions in the region there are efforts to encourage vulnerable populations, such as the Roma, to apply for legalization. Not all such efforts are successful. In addition to the general constraints faced by applicants for legalization described in the previous section, many Roma face added handicaps in trying to legalize their land and housing:

- * Roma populations are frequently unaware of legalization programmes and/or procedures, due to a combination of their social and economic isolation, their poor contacts within local governments, and the poor or absent communication strategies targeting Roma populations;
- * Even when Roma are aware of legalization programmes and procedures, they have problems acquiring the necessary documents to submit applications, either because they lack these documents in the first place or because they do not know how and where to obtain them. This is exacerbated by the tendency of the local authorities, in some cases, to ignore requests for information from Roma applicants; and
- * Some Roma may not believe that legalization can be of much benefit to them or they are suspicious of government motives to attempt to legalize their properties.¹⁵⁷

To counteract all the handicaps described above, Roma NGOs and Roma Focal Points within municipalities play a vital role as intermediaries between legalization authorities and the Roma themselves (see the good learning practice from the proactive Roma focal point in the Municipality of Štip in the former Yugoslav Republic of Macedonia).

Another approach is to support central government ministries in their efforts at legalization by directly targeting Roma populations. This is the approach taken in Serbia by the OSCE, with IPA funds: the OSCE’s Technical Assistance for Roma Integration programme is supporting the Ministry of Construction and Spatial Planning in Belgrade to embark on legalization of Roma settlements in 20 municipalities across Serbia. The programme will assist municipalities with detailed plans (at 20,000 euros per settlement) and the process of parceling the areas occupied by Roma.

157 Focus group at OSCE Presence in Albania with Roma NGOs on legalization of Roma settlements and dwellings, 6 December 2012.

The All-Important Municipal Level: a Question of Political Will

It is at the level of local government that the question of legalization is often decided for Roma populations. At the end of the day, it is local governments that, in most countries, have the power to implement policies and to formalize—or not—the status of Roma settlements, through their critical land use planning functions and (in some countries, but notably not Albania) their role in accepting and deciding on legalization applications. The critical role of municipalities has both disadvantages and advantages for the Roma.

The disadvantages include:

- * In some larger municipalities, business interests and political calculations tend to weigh more heavily than fulfilling social priorities. In this context – especially where the Roma are not well-organized politically – mayors may be more interested in attracting investment than in supporting efforts for better housing for Roma populations;
- * Some mayors may resist passing urbanization and legalization plans, as they realize that with the passage of these plans and regulations their own (informal) powers are diminished; and
- * National construction standards are often ill-adapted to the local reality, which may hinder any local discretion in the legalization process.

The advantages of municipal-level control for Roma populations include:

- * Most, particularly smaller, municipalities in the region feel that they are better able to find housing solutions for their local Roma populations than the central government because they are closer to these settlements and know the local conditions better. Moreover, they consider themselves to be on the “front line” and they realize that it is in the public interest to achieve better living conditions for all citizens; and
- * In municipalities where Roma populations are very visible, such as some cities in the former Yugoslav Republic of Macedonia, the improvement of Roma settlements is often considered to be in the broader public interest. In such cases, political will towards Roma becomes a matter of political expediency and practical concern.

But even in those cases where the political will does exist to do something for the Roma population, good intentions at the local level are often hindered by bureaucratic regulations, funding constraints and lack of technical capacities.

- * By law, municipalities in Kosovo have to produce three types of plans: a municipal plan, an urban plan, and a detailed regulatory plan. Many municipalities have difficulty producing the three required local plans due to a lack of funds and/or technical capacities. Informal settlements, including most Roma settlements, are not included in all municipal spatial plans. Moreover, the definition of what constitutes an “informal settlement” in the Law on Spatial Planning does not always match the definition in various policy documents.
- * In Albania, the Municipality of Gjirokastr would like to transfer the public land and housing settled by the Roma in the Zindjiraj settlement to municipal ownership, in order to rent, lease or sell the plots to the informal occupants. But in 2005 the central government passed a law preventing local governments from selling or transferring public assets. The result in Zindjiraj and other Roma settlements across the country is deadlock.

In the face of those constraints, municipalities often resort to creative solutions and make the best use of the limited tools available to them:

- * In Kosovo, despite the funding constraints and the confusion relating to terminology, for practical reasons (to better accommodate Roma and other populations) most municipalities have started undertaking the drafting of spatial plans, including the identification of informal settlements in these plans, which is an important step towards resolving security of tenure and access to basic infrastructure and social services;¹⁵⁸
- * The Municipality of Pogradec in Albania assisted a group of Roma families to file a case in order to claim ownership over the land they had occupied for many years. The case was successful, and the families in question now have secure tenure on their long-occupied plots;
- * Albanian municipalities have gotten around the 2005 law against disposal of public land by selling public land to private sector investors on the condition that the investors build social housing as part of their development portfolio; and
- * In Sisak, Croatia, the city has initiated the process of legalizing the land of a Roma settlement and the development of a detailed plan for the area. In the process, the municipality has improved basic infrastructure (providing paved roads and electricity connections) and sanitary conditions on the site. In

the municipal budget, 50,000 HRK¹⁵⁹ is reserved for the subdivision and parcelling of land, prerequisites for the resolution of property rights. The Sisak initiative is an example that follows nearly all steps of the “universal settlement upgrading approach”. Even Step 6, broader socio-economic integration, is being implemented to some extent, through school bus links to the settlement, despite conditions of economic hardship for the entire city.

Regional Good Learning Practice Case: the Legalization Programme in the former Yugoslav Republic of Macedonia

The Law on the Treatment of Unlawful Constructions offers Roma families – in principle – some of the most flexible conditions for legalization that exist in the Western Balkans region.¹⁶⁰ The Ministry of Transport and Communication refers to its legalization law as a “very social law”, the purpose of which is to encourage as many informal land occupants as possible to formalize their status. The law comprises several elements that are designed to improve access for vulnerable populations. These elements are reflected in the following “social provisions” that can be considered elements of good learning practice:

- * The legalization fee is only 1 euro per m². Recipients of social assistance do not have to pay any fees to legalize their properties;
- * The mandatory geodetic survey costs only 60 euro cents per m². Private companies cannot charge more than this maximum fee for the survey. The geodetic survey results could even be submitted later than the cut-off date for applications in September 2012;
- * Technical steps required to complete an application have been reduced to a minimum: the only requirement is to pick up the form at the municipality and to fill out and submit the form together with a copy of utility bills (with address) as proof of residence. In some cities Roma Focal Points assist Roma families with these steps;
- * A municipal commission then rules on the application and on whether the property can be incorporated in an urban plan, which is the prerequisite for municipal service provision. The municipality will then parcel the property, as a basis for legalization; and
- * The Department of Property and Legal Affairs of the Ministry of the Economy is then responsible for transferring state land into private ownership.

159 Approximately 6,708 euros.

160 Official Gazette of the Former Yugoslav Republic of Macedonia, op. cit., note 110.

158 OSCE Mission in Kosovo, *op. cit.*, note 27, pp. 3, 14, 18-19.

Implementation of the legalization law is the responsibility of municipalities, except in cases of buildings of “national significance”, such as archaeological sites. Municipalities have six years from 2012 to complete the legalization process. Given the high degree of decentralization in the implementation of the law, the Ministry of Communication and Transport (MTC) imposes strict deadlines and demands quarterly reports on progress in legalization from each municipality.

While recruitment of poorer applicants, including Roma, appears to have been successful, it remains to be seen whether these groups will be able to handle the additional tax burden that they will now experience as a result of their newly legalized status. The need to expand property taxation has been a major driver of the Macedonian government’s legalization effort, but, according to some observers, not all citizens were made fully aware of the tax implications of legalization.

Housing and Settlement Upgrading

Over the past 50 years, international approaches towards rectifying inadequate housing conditions and informal settlements have made a huge shift from “negative policies”, such as forced eviction, benign neglect and involuntary resettlement, to more “positive policies”, comprising support for self-help (housing improvement led by residents) and *in situ* upgrading, enabling and rights-based policies. Of all the positive policies, the up-scaling of *in situ* settlement upgrading,¹⁶¹ based on a “sustained commitment of resources”, is considered among the “most important of the strategies that has received greater policy emphasis” (see International good learning practice approach on UN-Habitat’s experience with *in situ* upgrading).¹⁶²

The general principle of *in situ* upgrading is that entire settlements (i.e., including houses and infrastructure) are improved on the same location and that, in the process, the settlements are “formalized” (i.e., they are incorporated in urban plans and individual homeowners receive title deeds to their homes). The total upgrading process can take several months and (in

161 *In situ* upgrading is defined here as the improvement of the physical infrastructure, services and housing conditions of an existing informal settlement, without the need for large-scale relocation of a settlement’s population. In addition to physical improvement, upgrading typically also includes measures to legalize the settlement and incorporate it in an urban plan.

162 *The Challenge of Slums: Global Report on Human Settlements*, United Nations Human Settlements Programme, (London: Earthscan, 2003), p. xxvi-xxvii, <<http://www.unhabitat.org/pmss/listItemDetails.aspx?publicationID=1156>>.

the case of larger settlements) even years. The advantage of this approach is generally that the end product (an improved house) is less costly and more affordable for residents to maintain following the completion of the improvement process. This section highlights three international good learning practice cases of *in situ* upgrading approaches. The first is a summary of UN-Habitat experience with upgrading (representing a form of cumulative international lessons learned). The second is the Favela Barrio programme in Rio de Janeiro, Brazil, while the third is the Baan Mankong incremental upgrading approach in Thailand.

There are very few examples of *in situ* upgrading in Roma housing projects in the Western Balkans region, mainly because of the difficulty of acquiring construction permits for renovations on buildings deemed “illegal”, which – in an example of a vicious cycle – prevents upgrading and subsequent legalization. One notable exception is the “Social Inclusion and Improvement of Living Conditions” programme in Novi Sad, in Vojvodina Autonomous Province, Serbia (see the regional good learning practice case below). This is a rare housing scheme in the region that is based on *in situ* upgrading and residents’ participation in their housing choices.

Instead, in the Western Balkans context, central and local government policies towards Roma settlements have traditionally involved “negative policies” such as benign neglect, whereby local authorities and Roma populations are stuck in a routine of undertaking no action to rectify the situation facing the Roma. Occasionally there have been forced evictions and involuntary resettlements, where authorities considered the location of settlements to be illegal or the land being occupied was needed for development, as exemplified by the evictions in Belgrade of the Gazela Bridge families in 2009 and part of the Belvil informal settlement in April 2012.

There may be several reasons for the lack of upgrading programmes aimed at Roma populations. The first is that *in situ* upgrading projects look less attractive to local politicians and NGOs than new housing units – and they often take longer to complete. The second reason is that an upgrading approach is, in many ways, more complex to manage than a new housing project, as it typically involves consultation with residents and the re-configuration of parts of a settlement for infrastructure and common spaces. A third and very important reason may be that Roma households themselves, when given a choice, prefer a new housing

project rather than the slow process of upgrading, where they would be expected to provide some of the labour through in-kind contributions.

Regional Good Learning Practice Case: The “Social Inclusion and Improvement of Living Conditions in Serbia” Programme

The “Social Inclusion and Improvement of Living Conditions in Serbia” programme is being carried out by the Roma Resource Center of the Ecumenical Humanitarian Organization (EHO-RRC) – with the support of Swiss, German and Norwegian donors. The programme provides support for incremental upgrading for individual Roma families who are already legalized, or who are in the process of legalization. The main condition for assistance is that there is no threat of future eviction (i.e., beneficiaries should be located in municipalities where a General Urban Plan envisages Roma settlements to be residential zones).

The programme has, thus far, been carried out successfully in six municipalities, as well as the city of Novi Sad, and appears to be one of the most promising initiatives in the field of Roma housing upgrading in the region. In total, EHO-RRC has invested over 1.1 million euros in construction materials and tools, while Roma target groups have invested approximately 900,000 euros of their own construction materials and in-kind labor. Provincial and local governments have invested over 500,000 euros. Discussions are underway with the OSCE, the Ministry of Construction and Urbanism, and the Office for Human and Minority Rights of the Government of the Republic of Serbia to expand the reach of the initiative to central and southern Serbia and perhaps beyond.

The programme offers Roma residents a budget with that they can decide (with the assistance and advice of EHO-RRC technical staff) how to invest in improving their sanitation and living conditions (i.e., waste water facilities, septic tanks, bathrooms, house repairs, and the construction of a small core houses). In cases where houses are on the verge of collapse, the programme offers a family a bigger budget with which to rebuild the house completely. The process involves 12 main steps:

- 1) promoting projects for the Roma community (advocacy) and defining roles and responsibilities;
- 2) general data collection;
- 3) general needs assessments;
- 4) establishment of a Roma Settlement Development Board and Municipality team;

- 5) offering on-the-job training and craft or skill courses;
- 6) organizing a forum on “Perspectives of Roma settlements” involving discussions with different stakeholders and identifying planning sessions;
- 7) a detailed needs assessment, including filling in family questionnaires (on socio-economic status, living conditions and legal issues);
- 8) selection of project beneficiaries;
- 9) individual planning for improvement of sanitation and house upgrading, house repairs and core houses;
- 10) signing of a project agreement (with details on project design, working principles, the construction calendar, a bill of quantities and a construction manual);
- 11) distribution of tools; and
- 12) actual construction work.

Each of the 12 steps is continuously monitored and evaluated.

The programme contains a number of innovative and laudable elements:

- * **Cost sharing and matching:** Families are eligible to receive 1,500 euros for construction material. They are expected to contribute another 800 euros of their own labour and construction material to carry out the improvements. The budget is “virtual”, in the sense that the families never touch the money themselves (to avoid leakage of funds), but negotiate with EHO-RRC how “their” funds should be spent;
- * **Participation:** Assistance to individual families is planned on the basis of participation by the families themselves, who decide on their own investment priorities;
- * **Sustainability:** The programme promotes the active involvement of Roma families in the entire process. Target families are expected to take responsibility for project implementation and can receive on-the-job training. The goal of EHO-RRC housing improvement programme is to empower the Roma target groups more broadly and enable them to achieve greater “economic independence and personal *integrity*”;
- * **Social inclusion:** As the name of the programme implies, EHO-RRC is motivated by more than just upgrading housing. The programme is geared toward integration and social integration of Roma

communities in a broader sense, through housing improvements;

- * **Co-operation with local authorities:** The EHO-RRC process involves local authorities and is thus integrated in official structures. Roma settlements and partner municipalities are selected three months before the project begins. This was done via public tendering for partner municipalities, sent out to 45 Vojvodina municipalities. Other than infrastructure investments (including improvements to the water supply and power grid), municipalities are required to work towards legalizing Roma family homes and settlements (if this is not already done), co-fund the project (50 per cent of the direct project investment), establish a municipal expert team and financially support the EHO-RRC project local team;
- * **Partnership with national authorities:** EHO-RRC is establishing partnerships with the Ministry of Construction and Urbanism and the Office for Human and Minority Rights to try and influence policy and roll out the programme in other parts of the country; and
- * **Advocacy and advisory services:** Further to the point above, EHO-RRC engages in advocacy vis-à-vis governments and donor agencies to improve policies toward the Roma. This includes advocacy for greater legalization of Roma settlements, as the first step of intervention to upgrade housing. Finally, EHO-RRC is in the process of editing its first ever guide on upgrading Roma homes, thus aiming to share its expertise with local governments and helping Roma civil society organizations to take a leading role in project implementation. The role of EHO-RRC will ultimately shift to being a facilitator and advisor in future projects.

At the same time, the EHO-RRC programme has a number of factors that may limit its scope as a “model” for all settlements in the region. These limitations include that:

- * The EHO-RRC model can only be implemented in settlements where housing upgrading is possible, and where a General Urban Plan is in place that allows residential land uses. The rationale for this is that the programme does not want to be seen to support illegal activity and does not want its investments to be undermined by (possible) subsequent evictions;

- * Other instruments, such as the purchase of village houses, the use of prefab houses and social housing in protected environments, are not within the scope of EHO-RRC;

- * The EHO RRC model is, by definition, labour-intensive – staff and resource personnel spend a lot of time in the field providing tailored advice to Roma families. The process is time-consuming because housing upgrading is undertaken in a very participatory manner, and families are taught about budgeting, planning and social inclusion. While this is precisely the secret to the success of the programme, it also means that the approach may not be easy to replicate due to the cost and length of time needed for upgrading. EHO-RRC counters that its model is cost-effective compared to other approaches to house Roma, and well worth the extra effort. It cites as an example that in 2012 it invested 350,000 euros to upgrade sanitation and housing, make home repairs and build core houses for 146 families. This intervention included dweller-driven grants, infrastructure, operational costs and personnel costs. For the programme to be rolled out on a larger scale, it is important that other donors also be convinced to support the model; and

- * The labour-intensive, but sustainable, approach presented by EHO-RRC is at risk of being overwhelmed by a number of “ready-made” housing solutions adopted by local governments in the region (for example, the “Rural House Purchase Programme” in Vojvodina). Under these kinds of schemes, Roma families, refugees and IDPs receive old village houses free from authorities without having to go through the process of prioritizing their own investments and needs and making a contribution. For some local governments, ready-made houses might appear to be a more efficient and timely solution to Roma housing issues than the slower process of participatory upgrading, because the longer term sustainability of Roma housing solutions is not taken into account. However, EHO-RRC counters that its approach is ultimately more cost-effective than the purchase, renovation and maintenance of existing and ready-made houses, as its approach involves Roma beneficiaries in every step of the planning and financing of housing upgrading, its social

sustainability represents added value that cannot be expressed merely in monetary terms.¹⁶³

The UN-Habitat Experience with In Situ Upgrading

The experience of UN-Habitat, the housing and urban development agency of the United Nations, over the last few decades suggests that in situ settlement upgrading is more effective than resettlement and should be the norm in most housing improvement projects and programmes. Forced eviction and demolition of informal settlements, as well as resettlement, create more problems than they solve. Eradication and relocation destroys, unnecessarily, a large stock of housing affordable for poor populations, while the new housing provided has frequently turned out to be unaffordable, resulting in relocated households moving back into new informal accommodation. Resettlement also frequently distances vulnerable households from their employment sources. Relocation or involuntary resettlement of residents should, as far as possible, be avoided, except in cases where informal settlements are located on physically hazardous or polluted land, or where densities are so high that new infrastructure (especially water and sanitation) cannot be installed. *In situ* settlement upgrading should therefore be the norm, with justifiable involuntary or voluntary resettlement being the exception. Easy access to livelihood opportunities is one of the main factors of the success of settlement upgrading programs.¹⁶⁴

International Good Learning Practice Approach: the Favela Bairro Programme, Brazil

The Favela Bairro project began in 1993 as part of Rio de Janeiro's housing policy. It is a comprehensive slum-upgrading programme by which the city government seeks to integrate existing informal settlements (known locally as *favelas*) into the fabric of the city through improvement in infrastructure and level of services, prevention of future land invasions, and provision of more low-cost housing opportunities. Ultimately the goal is to reduce the effects of poverty through a combination of infrastructure investments, improvement

163 As an example, EHO-RRC estimates the cost of improving physical conditions of between 120-150 Roma homes to be 350.000 euros, whereas the cost of the purchase of 150 "ready-made" houses will be approximately 4.5 million euros. Moreover, old rural homes (in case they are made available for Roma families) will need improvement as well; this cost should be added to the total bill.

164 The good learning practice case is adapted from UN-Habitat, "The Challenge of Slums: Global Report on Human Settlements", 2003, p. xxviii. References to "slums" in the UN-Habitat document have been replaced with "informal settlements" in order to adapt the message more adequately to the Roma context in the Western Balkans region.

in the coverage and quality of social services, regulatory changes, and incentives and assistance for land legalization.

Supported by the government's philosophy of the *social function of land*, the key principles of the strategy are:

- * the improvement of living conditions by targeting quality access to infrastructure, secure tenure and adequate housing;
- * the legitimacy of interventions by leveraging community development and community participation in the planning and implementation of projects, fostering social responsibility and ownership of the programme as a whole; and
- * social-capital development by building capacities and skills that foster integration and reduce socio-economic vulnerability.

The programme was implemented with the financial support of the Inter-American Development Bank (IDB) in three phases: In 1996, when the first Favela Bairro programme was approved; the Favela Bairro II programme that was completed in 2007 and Favela Bairro III (loan approved in December of 2010). An impact evaluation of the favelas selected for redevelopment under the Favela Bairro II programme was conducted by the IDB. The results, when compared to favelas not involved in the programme, showed the following results:

- * **Improved access to basic services and the city's urban infrastructure:** The programme implemented water and sewerage works, as well as public works on streets, public lighting and other urban improvements. The project also resulted in a significant increase in the availability of all services in the favelas;
- * **Increased property ownership:** The results indicated that the programme had a statistically significant, yet economically insignificant, impact on formal titles. The programme increased the incidence of formal ownership by three per cent vis-à-vis control communities. Even if the programme did not produce large impacts on the incidence of formal ownership, it did increase the incidence of informal means of documenting ownership, such as bills of sale. This is consistent with the hypothesis that improvements in neighbourhood amenities increase demand for certainty of tenure, and given the bureaucratic and legal constraints to obtaining formal titles, residents look for alternative methods of proof of residency and proof of ownership. Thirteen per cent more owners

in the programme favelas had some documentation of ownership compared to the uninvolved favelas;

- * **Increased dwelling value:** The programme prompted owners to invest in improving their dwellings and had a large impact on household perception of the value of their dwellings. There was a 44 per cent increase relative to the perceived value of uninvolved dwelling. Valuations increased on average by 74 per cent per square metre;
- * **Improved access to education, employment and income:** The results showed that the programme had a small, but statistically significant, impact on school attendance among those aged 5-20 years old. There was also a substantial increase in daycare attendance. Household incomes also increased by around 15 per cent; and
- * **Improved Quality of Life:** household perceptions regarding the quality of life in their community versus that in other neighbouring communities and the city as a whole showed marked improvement.

Other positive spin-offs of the programme included the achievement of a multi-stakeholder arrangement in the design, execution and budgetary control of projects; empowerment of the inhabitants to become an integrated part of the community, through better attainment understanding of their rights and obligations; and a deep institutional rearrangement to confront the challenge.

The success of the Favela-Bairro project has been determined by the multi-stakeholder method of planning and implementation, fuelled by political will, its participatory strategy and bottom-up approach, and the understanding of the holistic nature of urban poverty that has been addressed in a comprehensive and integrated manner.¹⁶⁵

New Housing Projects

Among the “positive” housing policies in the Western Balkans, the preferred approach in recent years — especially in cases involving international donor funds — appears to be the construction of new, completed housing units for Roma populations. This approach is usually a combination of voluntary resettlement and

165 F. Magalhães and F. Di Villarosa (eds.), “Slum Upgrading. Lessons Learnt from Brazil”, Inter-American Development Bank (IDB) and Cities Alliance, 2012, <<http://www.citiesalliance.org/sites/citiesalliance.org/files/Slum-Upgrading-Lessons-from-Brazil.pdf>>; and Inter-American Development Bank (IDB), “Development Effectiveness Overview”, 2011, pp. 99-102, <<http://idbdocs.iadb.org/wsdocs/getdocument.aspx?docnum=35804518>>.

targeted social housing. On the surface, these new housing development projects offer the prospect of a “fresh start” in new surroundings for Roma communities, although the reality may often be quite different.

In the best case, these kinds of projects provide good quality housing and services in decent environments, and ideally they are located not too far from urban centres where there are schools and employment opportunities. Some of these projects even provide integrated health, education, vocational training and employment programmes (General Principle 4). The Roma Mahala project in Mitrovicë/a in Kosovo is one such example (see regional good learning practice case). If donor agencies and national governments are willing to fund these types of projects, and if the Roma beneficiaries have had a say in the design of the new housing, then they may represent a good solution for the Roma community in question. Even in such cases, though, the disadvantage typically is the high levels of subsidy required.

Regional Good Learning Practice: The Roma Mahala Support Initiative

The European Union – Mitrovicë/a Roma, Ashkali and Egyptian Support Initiative (EU-MRSI) was a project funded by the European Union, managed by the European Union Office in Kosovo and implemented by the NGO Mercy Corps Kosovo until its completion in December 2012. Between 2010 and 2012 the project constructed 91 row houses and one apartment building for Roma, Ashkali and Egyptian individuals and families displaced from their places of origin in Kosovo as a result of the 1998-1999 conflict. Through this project, housing was provided to registered residents of two temporary camps (Česmin Lug and Osterode) pursuant to their planned permanent closure. An additional nine families were resettled from the Roma, Ashkali and Egyptian camp in Leposavic/q. Both Česmin Lug and Osterode camps are closed and all the families have been resettled.¹⁶⁶

The current population of the Roma Mahala nears 1,000. These families were part of a larger population of around 8,000 originally settled in Mitrovicë/a before the conflict. The majority of the original inhabitants are still living dispersed outside of Kosovo.

The EU-MRSI project is lauded by UNHCR Kosovo as “the most successful and largest Roma, Ashkali and Egyptian

166 “Contract for Right of Use”, European Commission Liaison Office in Kosovo, EU-Mitrovicë/a Roma, Ashkali and Egyptian Support Initiative (EU-MRSI), revised 10 December 2010, p. 1.

community urban return [project] in the area”.¹⁶⁷ Good learning practice elements include the following:

- * Successful collaboration between the municipality of Mitrovicë/a, UNCHR, the OSCE, UNMIK and donors, including the European Union, the Danish Refugee Council and the implementing NGO (Mercy Corps Kosovo). Furthermore, other donors were involved in the funding of ancillary educational and income generation activities;
- * Municipality provided land for the project that is leased to the residents for a period of 99 years. The Government of Kosovo has declared its “good will to create a sustainable situation for the returned Roma, Ashkali and Egyptian families in the Mitrovicë/a site”. The OSCE and the EU are confident that the situation represents a permanent solution for these families;
- * Closely supervised use of the properties by the implementing NGO (Mercy Corps Kosovo) according to a lease agreement (“Contract for Right of Use”) that sets out detailed rules, regulations, rights and obligations for the tenants; and
- * A holistic approach to “housing”, incorporating broader social and economic needs of the population. There is a Roma Mahala education centre on-location that provides pre-school education, as well catch-up education, in the Serbian and Albanian languages before and after school hours. There are bus services for older children attending schools in North Mitrovicë/a. There is also a clinic on the site. Vocational training is provided on-site by a range of donors; these training programmes are linked with actual income generation and small business schemes for men and women.

Despite the project’s success, there are still a number of issues to resolve:

- * Beneficiaries do not have to pay rent for their homes, but they have an obligation to pay property taxes and utility charges.¹⁶⁸ However, in actual fact, residents are not paying their utility and solid waste management bills, despite the application of a discounted “social charge” to most bills. As a consequence, residents are accumulating huge debts;
- * The ten-hectare project site still has to be regularized in the cadastral records;
- * School attendance of children being bussed to North Mitrovicë/a is “sporadic” at best; and

167 Sunil Bahadur Thapa, head of the UNHCR office in Mitrovica, quoted in: *Myrna Flood and Shpend Halili*, “Almost 120 displaced people return to Mitrovica’s Roma Mahala district”, UNHCR website, News Stories, 12 March 2007, <<http://www.unhcr.org/45f5743a4.html>>.

168 European Commission Liaison Office in Kosovo, *op. cit.*, note 169, p. 2.

- * The project officially ended in 2012, and the contract of Mercy Corps Kosovo as implementing partner has expired. What this means for the future of the supervision and services being provided by this NGO is still unclear. In the meantime the OSCE Regional Centre in Mitrovicë/a is playing an important role as advocate and intermediary for the Roma Mahala community vis-à-vis the municipality and central government.

Challenges Associated with New Housing Projects

However, not all new housing projects for Roma communities in the region are as well planned and completed (in terms of their ancillary services) as the Roma Mahala project in Mitrovicë/a. Instead, most other projects have typically grappled with a combination of problems that include housing designs that are not well suited to Roma lifestyles; the lack of support services and/or lack of preparation for living in new housing environments; the high cost of these new housing schemes, which is exacerbated by the expectation of free or rent-free housing and (often) free utilities on the part of Roma beneficiaries; and the poor location of many projects, far away from urban centres and places of employment. A further issue is that most new housing projects for Roma are oriented towards Roma only; there is very little mixing of social and ethnic groups. The risk of future ghettos is high.

- * The Riverside housing development in Berane, in the northeast of Montenegro, is an example of an initiative supported by an international NGO (HELP) to re-house a Roma community. The Riverside community lives in well-built solid housing that was designed based on participation with the target group. One good learning practice in this case is the participatory process used in re-housing the community. An inherent risk of this and other new housing projects is that the day-to-day costs of living in newly provided houses can be too expensive for the families to maintain. Evidence of this is now surfacing: a challenge in this project includes the recent decision by Roma families to stop paying their utilities bills due to financial difficulties.
- * In Ilidža, outside Sarajevo, new housing provided to Roma families has been vandalized and remains vacant. The vandalism was perpetrated by residents who knew they were going to leave the development, and, in all likelihood, it was partly the result of a lack of “ownership” felt by the project beneficiaries. Moreover, the small Roma “community” there is fragmented and beset by internal strife. Solid waste

management also remains a problem; there are no garbage receptacles on the site and the families there do not organize to dispose of their garbage in other ways.

- * One hybrid between an upgrading and new housing initiative is the Gorica project in Sarajevo's Centar Municipality, which is viewed as a good learning practice case for Roma housing by many observers in Bosnia and Herzegovina. Thanks to the active engagement of local officials in its conception and promotion (most notably, the mayor of "Centar municipality" of Sarajevo at the time), and the incorporation of the project into a local plan, Roma families in Gorica received new in situ. Today, the Gorica families benefit from their strategic city centre location. A less commendable aspect of the Gorica project is that the Roma families received free housing under the scheme, and they were not consulted on the housing design offered to them. This is an example of free housing becoming problematic housing, in this case because of inappropriate design. The latter problem is evident today, where the row housing in Gorica is attractive, but not particularly well-suited to the lifestyle of the Roma – the ready-made housing units cannot be expanded upwards, and the Roma families are building many awkward extensions to their housing on the ground. The latter may present a problem for the residents (as the new structures are of poor structural quality) and the local authorities (as the structures represent a fire hazard and impede access into the area for fire fighters or other local emergency services).
- * In the Municipality of Klinë/a in Kosovo the local self-government plans to support eight returnee families (Egyptians and Roma) by donating land. A non-governmental organization has expressed its willingness to assist the families through the donation of housing. The good learning practice aspect of this case is the high-level political will of the municipality toward the Roma returnees, as reflected in the municipality's facilitation of building permits and documentation for the eight families, free of charge. The highly subsidized approach (with each of the families apparently receiving 500 m² plots, as well as free housing from the donor) indicates that this represents an exception rather than an easily replicable housing solution for Roma families. For now, the project is being obstructed by a petition signed by Albanian, Serb and Ashkali neighbours of the eight families aimed at preventing the returnee families from settling in their area.

- * The Roma housing programme of the Bosnia and Herzegovina Ministry of Human Rights and Refugees, financed with EU funding, provides housing. The programme resembles a social housing scheme due to its scope and its clear social welfare dimension; it provides free new housing to those in need of new accommodations. The programme also has an upgrading dimension for those who can stay in their homes and facilitates housing improvements and access to infrastructure. Beneficiaries are vulnerable Roma who have legal land tenure. Positive features of the programme are that the state is co-ordinating a systematic scheme to (re)house Roma, and that all newly built housing is integrated within existing communities in an effort to avoid "ghetto" formation. The chief drawback is the programme's heavy charitable dimension. The programme is oriented solely at Roma populations as a special case, and no contributions have been expected in return from new housing beneficiaries except for the payment of maintenance and utilities and the completion of housing façades (in some cases). When funding ends in 2013 it is still unclear how and in what form the programme will continue. Another limitation is that the programme does not present a solution to the legalization challenge, as only those with legal land title have been included.

One housing project in Novi Sad, Serbia involves relocating Roma families into abandoned existing houses. The approach is innovative, as one of the aims is the further integration between Roma families and non-Roma, but the risks of this approach may be comparable in nature to those inherent in projects offering ready-made housing, namely, the lack of an integrated approach (shelter only) and the expectation of free housing and services by the beneficiaries.

The Office for Roma Inclusion within the Autonomous Province of Vojvodina (also see the next section on cross-cutting issues) co-ordinates one housing programme that it considers its "most successful model". It involves the purchase in 2008 of 13 empty rural houses in the Sivic area to resettle approximately 100 Roma inhabitants who previously lived in an "unhygienic" settlement. The funds amounting to 2 million Serbian dinars (approximately 17,350 euros) came from an international NGO (for the purchase of 3 houses), while the balance came from the Province. The Roma were rehoused for free in these empty houses in various parts of town, on the condition that they maintain the properties. After 10 years the recipients will become the owners of the properties. This programme has several

features to recommend it. First, the houses are spread out throughout the area, and thus the Roma do not end up in “ghettoes” as they did before. Second, the Province actively worked to ensure that local villagers supported the Roma joining their communities. Finally, at the same time the the Roma are re-housed in better conditions and old farmhouses are re-used and saved from abandonment.

However, several other features of the programme appear to be problematic. One is the fact that Roma families receive the houses for free in return only for promises to maintain them. This sets an unrealistic precedent for other Roma communities in the area who are relying on an incremental housing upgrading model (the EHO-RRC model). The second problem is that the location of the available houses may not be convenient to livelihood opportunities for the Roma, thus increasing the risk that the homes may be abandoned in the future.

Social Housing

Common stereotypes exist about Roma households not being “able” to live in multi-storey apartments and not being “willing” to mix with other populations in a residential setting. These stereotypes have been challenged with the recent successes of several social housing schemes in the region, where Roma families live side-by-side with the general population.

According to the standards of availability, accessibility and affordability, two of the most interesting of these social housing initiatives in the Western Balkans region are actually de facto social housing programmes. In both cases, programmes with social housing elements and objectives are being set up in the absence of a specific legal framework for social housing. The two projects are the social housing programme of Catholic Relief Services in Bosnia and Herzegovina and the Macedonian government’s new social housing programme.

Both programmes are distinct from the ready-made housing initiatives covered in the previous section as they are national in scope and include vulnerable groups generally – not just the Roma population. The advantage of this approach is that there is a higher potential for integration of Roma into the general population. Another distinction is that, even though both programmes have a social assistance dimension, they are not completely charitable in scope; they have provisions for minimal rental payments and payments of utilities. These are dimensions that raise the

prospect of their greater long-term financial and social sustainability.

Social Housing in Albania

In 2012, the Ministry of Public Works and Transport planned to deliver 8,600 new units of public housing by 2020. Three different instruments are in place to accomplish this: a) the facilitation of loans for families in need (4,850 units); b) the facilitation of credit for families that release apartments to their pre-Communism, original owners, and police and fire fighters killed in the line of duty (3,350 units); and c) loans to the elderly (400 units). In October 2012 there were 5,000 social housing units already available for ownership; about 1,138 rental apartments inhabited and about 3,500 relocation loans approved. These numbers are relatively small. The main reason for the limited number of social housing units is lack of finance. Local governments are responsible for creating social housing but they depend heavily on the national government for funding.¹⁶⁹

The Social Housing Law was adopted in Albania in 2004 and reviewed in October 2012, with draft additions published in 2013.¹⁷⁰ The law is very specific in defining municipalities as the government level responsible for the delivery of social housing. It also clearly stipulates the eligibility criteria for inclusion in the social housing programme and the selection criteria for beneficiaries. However, a great shortcoming of the law is that the mandate for municipalities is not accompanied with funding. In fact, access to funding for social housing is organized in a competitive way, whereby municipalities need to apply for funding from the national government and which is only granted to a selected number of municipalities. In particular the lack of funds provides a real challenge to municipalities in creating the necessary number of social housing units. The municipalities need to provide social housing to a number of different categories (orphans, children of policemen killed in the line of duty, victims of trafficking, Roma, etc.). Municipalities need a more transparent and needs-based system to qualify for social housing assistance from the national government. In addition, the municipalities often lack the capacity to implement the national housing policy. There is no monitoring of the implementation of the relevant legislation and policies related to social housing for Roma. The online system supported by UNDP for the Roma Decade Action Plans has started the monitoring process. Nevertheless,

169 Meeting with Ministry of Urban Development, field work conducted in Albania, October 2012.

170 See section for Social Housing in Albania in Chapter 2 of this report.

decentralization of the social housing functions to municipalities is a very positive aspect, as it is at the local level where a better understanding of the need for social housing is necessary.

The legal and policy framework, on the other hand, provides a basis to make housing available. A wider mix of different housing products might be necessary to provide social housing stock that is not only available, but also accessible and affordable. Accessibility for specific categories of people is provided for in the law. In the 2012 amendments, Roma are specifically mentioned in article 24, but not in any other article where more specific target groups are listed (i.e., articles 4 and 5).

Affordability levels are clearly defined, but do not in fact target the very poor or low-income households that cannot present proof of an income. Hence, those informally employed and those on an income less than 80 per cent of the average income in a municipality do not qualify and are excluded from applying. These criteria, in fact, exclude some of the intended target groups. As the social housing sector is relatively new and middle-income families are also in need of social housing, the target group for development of social housing might not necessarily include Roma. Indeed, in a number of developing countries, social rental housing is considered a middle-income housing option for families in need of (labour) mobility, whereas sites-and-services or informal settlement upgrading is intended for those with very low- or informal incomes.

The aforementioned issues were identified for the cases visited in Albania during BPRI field work, namely the Municipalities of Lezha and Lushnje, and the Shkoza social housing project located in Tirana. These cases are described in detail below.

Social Housing in Lezha Municipality

Although the housing conditions and the social housing sector in Lezha are not a good practice as such, some of the actions in Lezha are a starting point for the development of good learning practices. The Municipality of Lezha seems to have an active dialogue with the Roma communities and the Roma communities know the key contact people within the municipality. Furthermore, the municipality covers the costs of office rental for the local Roma NGOs. A large number of Roma families live in the Skenderbeg neighbourhood, a very mixed neighbourhood encompassing several minority groups and also mixing households with different income levels. The municipality has included a number of Roma families that meet all the selection criteria in the social housing loan scheme. The

municipality has also provided rental allowances to Roma families, although this has been applied to only two families. However, no new social housing has been created in the municipality since 2006, simply because there is no budget available. All Roma families are fully registered in the municipality; there are no problems for Roma families to register, as most have been residing in the municipality for an extended time and there is no Roma in-migration from other areas.

The site visit to Lezha surveyed the living conditions of three different Roma families that characterize the myriad of problems they face in their housing situation.

These included:

- * Ownership of sub-standard units in comparison to non-Roma houses in the neighbourhood;
- * Informal rental of dilapidated houses by several families in poor living conditions; and
- * A squatting site surrounded by real estate development and clearly under the threat of eviction.

The limited number of social housing allowances and houses developed shows that the availability of social housing is lagging behind. Access to social housing is problematic for Roma as their incomes are often earned informally and are too low to meet the eligibility criteria.

Social Housing in Lushnje Municipality

The site visit to Lushnje showcased the activities of a local branch of a Roma NGO (Amaro Drom) that actively advocates for the rights of Roma, including the right to housing. The municipality has undertaken relatively few projects to support social housing in general (there are some soft loans and rental allowances), and no Roma families have benefitted from social housing activities within the municipality. The majority of the Roma households in Lushnje live in the Saver neighbourhood on the outskirts of the city. With the exception of two families, all Roma households are formally registered in the municipality. The head of the Roma NGO is a full member of the municipal council, representing Saver neighbourhood (this body votes on, among other issues, housing allocation).

The Roma community (approximately 65 families) lives integrated within the overall community of Saver (approximately 385 families total). The neighbourhood was established in 1952, Roma families moved in from the 1960's onwards.

Amaro Drom has undertaken two important housing initiatives, but neither have been followed up by the municipality. The first initiative followed a call from the

Ministry of Transport to inventory all Roma housing in Saver. Amaro Drom documented all the measurements of the buildings with maps and information on building materials and services. The expectations were that the Ministry or municipality would follow-up with actions to remedy the lack of facilities where indicated, but the NGO is aware of no follow-up to this inventory. The second initiative was an inventory of municipal land or state-owned buildings that are currently vacant. As there are 12 families from Saver currently registered as homeless, more plots are needed to accommodate the community. The NGO has presented this idle plot inventory, together with plans for housing and a list of those most in need of housing, to the Ministry. Amaro Drom secured a loan from the NGO Caritas to construct houses. They have requested the municipality to provide the land, but have not received a response. Legalization of current Roma properties is a major concern because of the expense of processing the relevant documents.

Although social housing is provided in Lushnje; no social housing has been made available to Roma households. Accessibility seems to be hindered by non-transparent processes, although lack of (formal) income is a reason often given by Roma.

The Shkoza Social Housing Project in Tirana

A social housing project was initiated by the central government, although social housing is formally a local government responsibility. In addition to Tirana this national housing project is being implemented in the municipalities of, Durres, Peshkopi, Kavaja, Fier, Berat, Korca and Elbasan. The central government initiated this project in order for municipalities to learn how to carry out their social housing responsibilities and duties, as they have no prior experience in this field. As part of the project, central and local governments jointly implement social housing improvements with local government co-financing.

The social housing project in Tirana (Shkoza) was being implemented at the time of field-work for this report and is a learning case for other following projects. There is very little information available about who will actually move into the social housing units being constructed (approximately 385 units) and what the rental costs will be. In terms of its physical quality, the project has a variety of units, combined with commercial rental units for cross-subsidization and fairly attractive public space. As happens very often with government-subsidized social housing projects, the availability of government land determines the location of the project

to keep land costs low. In Tirana the municipality could not make land available, thus it was donated by the central government.¹⁷¹

The site is relatively well-located in terms of proximity to the city, public transport and nearby services (e.g., a day-care facility). However, it is also located next to a power plant that does not look very attractive and could eventually pose a health threat to those moving in. Altogether, the building project is a fairly typical social housing development.

It is not clear whether for the construction of this particular social housing project any Roma families had to be relocated. There are indications that this has been the case in other municipalities (Elbasan and Korca), but not necessarily in Tirana, although there is a squatter camp located next to the social housing development site. In Elbasan and Korca, the families removed were housed in social housing apartments. It is unclear whether any of the expropriated households or of the squatter camp families will be able to move into the social housing project in Tirana, as they need to fulfil all the criteria and even if Roma get bonus points, the criteria are hard to meet for those families without regular income. The selection criteria of the project gave an advantage to Roma and Egyptian families (5 bonus points), nevertheless, some key interlocutors interviewed during field work believe there is a lack of transparent information on the allocation and selection procedures.¹⁷² Through the end of 2013 the municipality has not allocated any flats to any of the applicable target groups.

The size of this particular project is an exception to the relatively low supply of social housing. The non-transparent qualification and selection criteria and the unknown rental charges raise concern about the accessibility and affordability of these social housing units for low-income Roma families.

Regional Good Learning Practice: CRS Social Housing Programme in Bosnia and Herzegovina

The Catholic Relief Services (CRS) programme originally targeted re-housing post-war returnees, but in the intervening years it has adopted a broader remit and is aimed at all vulnerable groups in eight areas of the country. There are three main ownership models: municipalities as owners of social housing buildings;

171 Four years ago, the political stance of Tirana municipality did not allow its properties to be used for purposes of social housing (Field-work, October 2012).

172 This information was obtained during BPRI field work in October 2012.

ownership divided between cantons and municipalities; and ownership by medical institutions (such as associations for the elderly or those in need of psychiatric care). In Zenica there is also a fourth management form; here, the municipality owns the housing, but a local NGO takes care of maintenance and provides daily care to residents.

Even though CRS social housing is all rental tenure, whereas most Roma prefer ownership, the programme has many positive features that can be considered good learning practice features for the Western Balkans region, including:

- * Social housing tenants are screened for eligibility in the programme using a socio-economic “card”, to ensure that families who earn above the maximum income do not make use of the programme. Every third year families have to be re-screened for continued eligibility;
- * Vulnerable Roma families are target groups along with other vulnerable groups, and the Roma are not segregated from other beneficiaries. The programme, therefore, pursues full physical and socio-economic integration between the Roma and the rest of society;
- * Families that are allocated housing are not welfare “beneficiaries”, but tenants that pay reduced rent, as well as their utility bills. The rent is sufficient to cover housing maintenance costs. The concept of reduced rent adopted by CRS is a very interesting model for the region: CRS justifies the levying of some rent – even for poor families – by claiming that social housing should not result in greater dependency, and that (far from being an end destination) this form of housing should be a stepping stone to access to regular employment, education, market housing and other aspects of life in wider society;
- * CRS is working with social housing tenants to teach them about their responsibilities in social housing projects, including the payment of rent. Every tenant signs a housing contract that stipulates their rights and responsibilities;
- * CRS provides two sets of activities to help its social housing tenants adjust to life in wider society. The first is related to sustainable livelihoods that build upon their different skill interests, needs and local contexts. The second set of activities is related to the sociological and psychological support needed for integration into local schools, linkages with civil society organizations and promotion of joint community infrastructure development that benefits both social housing tenants and the domicile communities; and

- * CRS is implementing social housing projects in partnership with local governments and municipalities. By partnering with CRS, municipalities are taking ownership of social housing property, starting from co-funding of infrastructure and continuing with involvement in tenant selection, signing a “book of rules” that stipulates specific social housing management and maintenance responsibilities for each of the stakeholders, and working with a board of government officers to develop social housing strategies and legislation.

Regional Good Learning Practice: Social Housing Programme of the former Yugoslav Republic of Macedonia

Currently, the Ministry of Communication and Transport (MTC) is co-ordinating small social housing projects in 26 cities across the country (1,754 units in all), with co-financing from the state budget and the Council of Europe Development Bank. This is a *de facto* housing programme being implemented in the absence of a social housing law. Instead, a general housing law is being used as a framework to allocate social housing according to the “Decision for Allocation and Conditions for Use of Social Housing” from 2009.

Under the 2009 Decision, municipalities have to propose the need for social housing, the precise number of units, and their location. The MTC approves and builds the units (through the Housing Agency). Beneficiaries of social housing cannot be owners of another apartment or housing unit and must be citizens who belong to one of the following categories:

1. Orphans and people still requiring parental care, who were residents of institutions or other forms of care for orphans;
2. Beneficiaries of social cash benefits or permanent social cash benefits;
3. People affected by natural catastrophes, regardless of the legal status of their permanent (primary) residence;
4. People with disabilities, people who need assistance and care from another person and families with members with disabilities;
5. Members of the Roma community who are economically disadvantaged (in accordance with the “Strategy for Roma in Republic of Macedonia”); and
6. Single parents with juvenile children.¹⁷³

¹⁷³ Article 3, Decision for Allocation and Conditions for Use of Social Housing, Built According to the Programme for Construction and Maintenance of Social Housing (Flats) in Ownership in the former Yugoslav Republic of Macedonia, reached on 21 July 2009.

To make use of the fifth category, Roma families have to prove that they are Roma, by obtaining a certificate from a Roma NGO. Roma families are also eligible for social housing under any of the other categories detailed above. In addition, 10 per cent of apartments that have not been allocated under any of the above criteria are reserved for Roma. According to the MTC, of the 339 social housing apartments allocated so far, 61 have been assigned to Roma families.

This is rental housing with reduced rents assessed, currently at 15 eurocents per m². Tenants pay utilities based on a discounted social scheme. The buildings are maintained by the central government Housing Agency.

Lesson Learned: the Plemetinë/a Social Housing Buildings, Kosovo

The Plemetinë/a Temporary Community Shelter (TCS) was established in early 2000 to provide shelter to approximately 200 (mainly Roma) families (approximately 770 individuals).¹⁷⁴ UNHCR managed Plemetinë/a TCS with implementing partners. In November 2004, the Provisional Institutions of Self-Government in Kosovo announced that the closure of Plemetinë/a Temporary Community Shelter was a top priority. The Ministry of Environment and Spatial Planning (MESP) and UNHCR co-ordinated the closure of the TCS. The Task Force for the closure of Plemetinë/a TCS was created in November 2004, co-chaired by UNHCR and MESP, and its main role was the identification of durable solutions for the TCS IDPs and the co-ordination of various return projects.

The following measures were implemented:

- * Construction of three social housing buildings, two of which were in Plemetinë/a village on the outskirts of Obiliq/Obilić (one implemented by MESP and another by a Greek NGO) and another in Magure/a village (implemented by MESP). The buildings accommodated families who had no land or housing elsewhere to which they might return;
- * Construction of houses for selected families in Plemetinë/a village and Magure village, Fushë Kosove/o Polje Municipality (implemented by MESP);
- * Reconstruction of destroyed houses and assisted return to renovated existing houses in several municipalities by UNDP, UNHCR and NGOs; and
- * Minor renovations of damaged occupied houses.

In addition to housing measures, the project also included other components:

- * Capacity building of local authorities to enable them to welcome and incorporate families;
- * Activities to promote dialogue and pluralism;
- * Identification and implementation of common utility projects;
- * Income generation projects for the families who lived at the camp;
- * Provision of food assistance to the families who lived at the camp;
- * Supply of medical equipment to the local health centre; and
- * Supply of household equipment to all the families who lived at the camp.

Despite the measures taken by MESP and its international partners, this project demonstrates the risks associated with humanitarian housing solutions. Humanitarian assistance cannot replace a more systemic housing approach. The following challenges soon materialized in the new social housing:

- * The two social housing buildings are located adjacent to the (now closed) Plemetinë/a IDP camp. This area is an open field, spatially and socially isolated from the rest of the town, with no public transport connections nearby;
- * According to residents, the Roma beneficiaries did not participate in the housing design, despite their opposition to high-rise living, their input was ignored;
- * There appears to be no provision for maintenance or repairs. Technical problems in the buildings so far include leaks, resulting in serious flooding in the basements and ground floors of the buildings, and faulty electrical wiring, causing fires;
- * In contrast to the Roma Mahala project in Mitrovicë/a and many other social housing schemes, the Plemetinë/a buildings were developed mainly for shelter purposes, with little thought given to wider socio-economic integration. The assistance package for income generation and other socio-economic integration programmes was not well monitored, and was thus misused by the residents. According to community leaders, there is near 100 per cent unemployment among the building residents; and
- * The Czech Roma NGO Romea concluded that there was little "assistance to prepare [the residents] for the transition from their below-average standard of living in the camps to life in these above-average buildings. The constructions were a one-time, quick

174 "Final Report on closure of Plemetina Camp", 6 June 2007, information provided by the Department of Housing and Construction (MESP) (unpublished).

solution meant to silence loud calls for effective steps to be taken.¹⁷⁵

In addition, MESP retained two important lessons from the experience in Plemetinë/a for future projects:

- * To avoid future ghettos, the beneficiary population should be mixed with regard to ethnicity, their ability to pay and the age and structure of families; and
- * Employment schemes should be properly monitored because in Plemetinë/a the beneficiaries of the income generation projects sold their income-generation tools and remained unemployed.

This project illustrates the difficult choice between immediate humanitarian interventions (moving people from dangerous living conditions) and finding long-term solutions, while taking into consideration limited resources and other factors.

International Good Learning Practice Approach: The South African Experience in Social Housing

The South African post-apartheid programme is internationally known for its diversity in housing programmes within the national government housing policy and a very high delivery rate in a relatively short time-span. A lot of research has been conducted on the various housing programmes and social housing has been one of them. Several studies have shown that the social housing model in South Africa is an important example of how to restructure poor locations into sustainable human settlements and, although upfront costs are high, it is economically more beneficial for society in the long term. The example is included here to show that social housing can do much more than just provide homes. An important lesson to be learned from South Africa is that giving houses for free to beneficiaries is one of the most unsustainable options.

After the fall of apartheid in 1994, the South African government formulated a housing policy that is widely regarded as a good learning practice for developing and transition countries. The South African practice has shown that the delivery of houses for free is not the best way to deliver housing to create sustainable human settlements. Because units were given for free, the programme did not create a housing market or provided households with a valuable asset.¹⁷⁶ South Africa's rental-tenure social housing has managed to create

175 Lukáš Houdek, "Kosovo: How not to build a Homeland", Romea.cz website, 24 May 2011, <<http://www.romea.cz/en/news/world/kosovo-how-not-to-build-a-homeland>>.

176 Officially a fee of approximately 250 euro was expected to be paid by the household, but has been waived in most cases.

sustainable human settlements, however, although the scale is much smaller and the required upfront investments are much larger.

In 2004, the Breaking New Ground policy note was passed and is still the guiding document for housing policy today. It focuses on informal settlement upgrading and social housing development. Until 2004, the official government approach was eradication of all informal settlements in South Africa, but it was realized that this is not realistic in the short- or medium-term. Thus, upgrading programmes and subsidies have been implemented as part of all housing programmes. The South African government made an explicit choice with its social housing policy – not to be a housing solution for poor people, but rather a housing product for middle-income households who are able to rent their homes from a formally registered social housing institution (SHI).¹⁷⁷ The institutions that provide social housing have a mandate that encompasses more than the delivery of housing units. The locations chosen for social housing projects must redress segregation and ensure integrated development of the area. For that reason, SHIs not only rent out residential accommodation, but make services available in their buildings, such as vocational training centres, community services, job training and assistance, social services and after school care.

Many SHIs provide a range of residential options, such as emergency shelters (for abused women), overnight shelters (for homeless people) and shared accommodation. These options show that social housing not only addresses middle-income households. SHIs also rent out commercial spaces on the ground-floor levels of apartment buildings in inner-city locations. As social housing is generally well-located, well-managed and well-serviced, it is more desirable for tenants and enables low- to middle-income households to climb the "housing ladder". This is in direct contrast to the earlier programme, where houses were free, but were delivered in poor locations and not institutionally managed, making them undesirable housing products for the urban poor. The current value of these houses is, not surprisingly, extremely low.

An example of a successful SHI in South Africa is JOSHCO, which received the United Nations' 2010 Scroll of Honour Award for its holistic approach to providing shelter and benefiting almost 30,000 people around Johannesburg (See Box 1).

177 Equivalent to a monthly gross household income between 350 and 700 euros.

European Social Housing Practices: Availability, Affordability and Accessibility

The supply and location of social housing projects is crucial to availability. More often than not, social housing is provided far away from job opportunities or without adequate access to necessary services (schools, hospitals, etc.) The availability of social housing, therefore, cannot be fully understood by looking at only national figures, but requires a deeper understanding at the local level.

The Council of Europe Development Bank (CEB), since its creation in 1956, has supported a variety of housing projects in different regions in Europe. Aiming to improve living conditions through housing, the CEB's loan policy and implementation modalities combine housing projects with investment in municipal infrastructure in urban areas to respond to social and environmental imperatives and promote sustainable regeneration. CEB-supported housing and municipal infrastructure programmes target the following groups: low income persons in accessing decent affordable rental or owner-occupied housing; and vulnerable groups, such as refugees, displaced persons, migrants, victims of natural and ecological disasters, ethnic minorities, the elderly, and the disabled.¹⁷⁸

From a more theoretical stand point, in order to enhance the availability of social housing, governments can make use of regulatory instruments or economic (financial and fiscal) instruments. Table 12 provides a summary of policy instruments affecting social housing supply and demand.

Affordability

Providing affordable social housing is a key concern for governments throughout the world. Experience shows that providing affordable housing for the poor requires intervention from government, as the open market, in general, does not provide sufficient and adequate affordable housing. Housing markets are nearly always imperfect because housing products are immobile and very costly and development is a lengthy process. Social housing is, therefore, always subsidized, whether directly or indirectly.

Developed Western European welfare-states (where low-income households receive a minimum monthly income or grant) are in general characterized by a social housing sector that was initially developed using large capital subsidies that have been phased out over time.

178 S. Tsenkova, "Investing in Social Housing. Lessons from Ex Post Evaluations of CEB Programmes", CEB Report, 2011.

Indirect subsidies still exist, such as income supplements for tenants (e.g., rental allowances). There is an on-going debate whether dual rental markets (with significantly lower rent prices for social housing) or unitary rental markets (with market-based rental levels) are the best way to address housing affordability for the poor.¹⁷⁹ Austria is an example of the latter with unitary rental markets. Over the last decade, with the financial crisis deeply impacting housing sectors throughout Europe, the Austrian housing market seems to have outperformed many other European ones, ensuring that affordable social housing has remained available for those in need. In the case of Austria, capital subsidies are still provided to develop social housing. These subsidies have been phased out in most of Western Europe, but subsidies still exist in the form of income support or housing vouchers for tenants. In addition to Austria, the German housing finance system is considered an interesting method to provide affordable housing, as it encourages residents to save before accessing housing and provides a "test" of what is affordable to individual families.¹⁸⁰ It remains difficult for very low-income households to become homeowners, as some form of stable income is needed to qualify for a mortgage.

Accessibility

Traditionally, housing allocation follows a distribution model where housing candidates may register themselves on a housing waiting list if they meet specific requirements. Often a score card ranking-system is used to define whether candidates should receive priority based on their specific circumstances, either as a household or based on current housing conditions. Vacant dwellings are then offered to those on top of the waiting list. This system gives very little choice to candidates, who can often not refuse and might have to accept housing that is not suitable or in the right location, in fear of losing their position on the waiting list altogether.

Since 1990, an alternative has been developed for the distribution of social housing that is known as choice-based letting. It is mainly used in the United Kingdom and the Netherlands, where it originated. It is a demand-driven system, based on housing candidates responding as social housing units becoming

179 Dual rental markets have rental housing based on market prices and rental housing based on subsidized rates. Unitary rental markets do not make that distinction. The Netherlands is an example of the first (mostly) whereby social housing is cheaper than private rental housing (due to government point system that dictates lower rental charges).

180 For more information refer to: "Housing Finance Systems for Countries in Transition", Economic Commission for Europe, UN, 2005, pp. 21-23.

Table 12: Examples of policy instruments affecting social housing supply and demand*

Supply-side instruments	Demand-side instruments
<p>Financial instruments providing mortgages or long-term construction loans at below market rate (applicable to new construction, conversion and renovation):</p> <ul style="list-style-type: none"> • Interest rate subsidies; • Grant contributions; and • Designated housing finance institutions. <p>Fiscal instruments to defray construction costs of social housing:</p> <ul style="list-style-type: none"> • Government guarantees and funding; • Tax exemptions (e.g., property taxes, real estate taxes); • Provision of land at below market rates to social housing developers; and • Public land and infrastructure servicing for social housing. <p>Depreciation allowances, capital loss allowances</p>	<p>Financial and fiscal instruments</p> <ul style="list-style-type: none"> • Direct and indirect payment to tenants in social housing (means-tested housing allowances or rent supplements to tenants, or rent subsidy payments to housing management companies); and • Interest subsidies or tax reduction of interest on tenant contributions to down payments and rents (in case of rent-to-own schemes).
<p>Regulatory instruments</p> <ul style="list-style-type: none"> • Regulatory instruments defining size, quality standards and limits of construction costs; • Planning regulation defining types, quantity and servicing of social housing; • Density bonuses and inclusionary zoning in return for social housing produced by private developers; • Title restrictions for affordability, management and privatization of social housing; • Construction of social housing by non-profit building companies or through cost-regulated competitive bidding; and • Regulations defining rents, allocation, management structures and investment in maintenance. 	<p>Regulatory instruments</p> <ul style="list-style-type: none"> • Rent control and other regulatory mechanisms ensuring cost-recovery from rents and restrictions on increasing rent; • Regulations defining eligibility criteria for access to social housing (income-based and other social priorities); and • Indirect support mechanisms (tariff differentiation for utilities and heating).

* S. Tsenkova, "Investing in Social Housing. Lessons from Ex Post Evaluations of CEB Programmes", CEB Report, 2011.

available. Choice-based letting is, therefore, more transparent and efficient in finding new tenants, but has only been practiced in more mature social housing markets. Nonetheless, developing social housing markets should look beyond creating waiting lists where intermediate mechanisms might work better. Also, setting quotas for specific target groups could benefit housing applicants. Quota-setting should be treated with care and be designed in a dynamic manner so that the allocation system can respond to housing candidates' profiles and demands.

Cross-Cutting Priorities

Certain cross-cutting issues are instrumental to helping Roma communities achieve their land and housing goals, including the need for community development approaches and proactive assistance through Roma focal points. Finally, the conditional cash transfer

approach is identified as a potential mechanism to help link housing benefits for Roma households to socio-economic targets.

The Importance of a Community Development Approach

One of the biggest housing challenges for Roma populations is the lack of community involvement in the planning and regularization process of their settlements. This observation was made by the OSCE Mission in Kosovo in 2011, in its assessment of municipal responses to informal settlements. Its conclusion was that "most municipalities have not established any formal mechanism through which they ensure the participation of informal settlement inhabitants in ... spatial planning processes... This can leave [inhabitants] uninformed about the identification, planning and regularization processes... [and] can also leave them

feeling that their concerns are not taken into account by the municipality.”¹⁸¹

Participation is not just an end in itself, but also a means to more effective housing outputs. According to UN-Habitat, residents play a key role in the improvement of their own living conditions and their participation in decision-making is “not only a right, and thus an end in itself, but is also instrumental in achieving greater effectiveness in the implementation of public policies.”¹⁸²

Successful dwelling and settlement upgrading projects and initiatives worldwide are not just about the achievement of physical targets, such as new or restructured housing units, infrastructure and service connections. The building of solid community networks as a process in achieving physical housing outputs is considered an equally important goal in international housing good learning practice, to contribute towards community cohesion and help achieve better participation.

Support for community development in Roma settlements is rare. In the Western Balkans context, the long tradition of housing donations and heavily subsidized services and utilities for Roma populations has practically extinguished any impulse or incentive within Roma communities to “contribute” to their housing outputs. As a consequence, this has had disastrous effects on community organization and participation. Nevertheless, it might not be too late to turn this trend around, as the positive achievements of the Roma NGO Amaro Drom demonstrate (see the good learning practice case below). This initiative demonstrates that community organization is, in fact, possible in Roma settlements, and that the result can be very positive and well received by the communities themselves. The challenge is that this approach has been dependent on donor support – once this is withdrawn initiatives risk losing momentum.

Best Regional Practice Approach: Infrastructure Upgrading through Community Development in Albania

Between 2000 and 2006, the Albanian NGO Roma Union Amaro Drom co-operated with a foreign donor (International SPOLU Foundation) to pave roads and install sewage lines and potable water wells in Roma neighbourhoods throughout the country. What is particularly remarkable is that these projects involved a

community development approach: in each locality Amaro Drom helped residents to self-organize, form a board to manage the donor funds and work with the local authority (as the implementing agency). In addition to infrastructure projects, residents in each locality organized to form groups for income generation schemes, sports activities, and women’s activities. In some localities, the community boards also worked to ensure that Roma children attended school.

The great value of a community development approach was made clear by the residents themselves. This approach helped them to work with local governments to access basic services and infrastructure, while in the process gaining confidence in their own efforts and reducing their dependence on the authorities. The two quotes below illustrate these gains:¹⁸³

“Through the activities ... in the community of Bartež, people have learned to take decisions collectively. The community members have started to realize that they can solve the problems in their community by themselves ... People have learned to distinguish the duties of the local government bodies.” (Community of Bartež)

“People have started to realize that not all the things are possible for them, but with hard efforts, they can achieve what they want. They have learned and have started to realize that not every project requires a project or a donor. In many cases, the solution is available within the community; they should only follow the right way. Women have learned to get organized and seek potential solutions to their problems.” (Community of Levan)

Unfortunately, the Amaro Drom good learning practice also taught a difficult lesson: after the donor funding was discontinued in 2006, the housing and small infrastructure development scheme was stopped. Neither Amaro Drom nor other Roma NGOs were able to extend the programme on their own. It is not clear whether the community development gains made during the project in the various localities have outlasted the external funding.

181 OSCE Mission in Kosovo, *op. cit.*, note 27, p.23.

182 UN-Habitat, *op. cit.*, note 167, p. xxvii.

183 Roma and Egyptian residents quoted by Amaro Drom, in: “Community Development”, Albanian Roma Union Amaro Drom, Tirana, 2005, pp. 12, 15.

*International Good Learning Practice Approach: “Baan Mankong”, Thailand*¹⁸⁴

In the 1990s the Thai Government realized that the direct provision of social housing could not solve the problem of low-income families living in informal settlements. Consequently, the government turned to a radically different approach – one relying on community development and residents’ participation in the planning and design of housing improvement schemes and the provision of socio-economic projects and programmes.

The government-supported Baan Mankong programme (meaning “secure housing” in Thai) was launched in 2003. The programme has radically changed the housing provision paradigm from a previously top-down approach to a bottom-up one. The process used in Baan Mankong is internationally recognized as a successful, integrated slum upgrading strategy. Initiated by the Community Organizations Development Institute (CODI), the programme enables and supports the capacity of the urban poor to manage and improve their collective needs, giving them the technical guidance to arrange and develop housing schemes, providing them with financial support, and fostering their social and economic development.

At the community level, the programme aimed to achieve physical improvement of the built environment and the attainment of security of tenure; the legitimacy of community organizations, resulting in the awareness of the community’s role in managing and owning their own development process; and the development of their socio-economic capital through empowerment, education and local economic development.

The outstanding feature of this programme is the creation of a grass-roots network of residents, in which members learn from each other’s experiences. They gradually become aware of their roles, obligations and rights in society, thus fostering their integration and citizenship, while improving their housing and living conditions in an integrated manner.

One recent case in Bangkok illustrates concretely the processes of community organization and development on which the programme is based. In Klong Bang Bua community 267 families were living in slum

conditions on a canal in the northern outskirts of the Thai capital. The Bangkok Metropolitan Authority threatened the residents with eviction, accusing them of polluting the canal and obstructing the water flow. Since the residents did not have high enough formal incomes to qualify for social housing, community leaders approached CODI for assistance. CODI promised to intervene with loans for housing upgrading (worth approximately 32 euros per family, per month) on the condition that residents organized to form a housing co-operative, launch a savings scheme and develop a plan for a new on-site resettlement project on the banks of the canal. Spurred on by their community leaders, and incentivized by the prospect of CODI’s financial support, the residents embarked on all three steps within a period of 6 years. The process of negotiating an area plan, with different sized plots for different categories of families (tenants versus owners, and short-term versus long-term residents) proved to be the most difficult. Residents succeeded due to a combination of strong leadership, social pressure, and the willingness of the families to compromise in the name of wider community benefits. In the end, residents agreed on a new plan based on larger plots for homeowners and smaller plots for tenants. The new settlement respected the local authority’s regulations for setbacks from the canal, although the Bangkok Metropolitan Authority agreed to interpret its rules on minimum plot sizes flexibly in order to accommodate all families. New homes were built with community labour. New community offerings included a library, a child care centre, a clinic, community funeral insurance and funding for community events (the latter two by means of pooled savings).

Conditional Cash Transfers

Mechanisms need to be identified to break the vicious cycle caused by Roma assistance programmes, where houses and services are provided for free, but result in the absence of community development and participation incentives in these communities. In the long run, assistance programmes need to charge Roma residents for the benefits they receive. This will prove controversial in many circles, as a common response (particularly among international and Roma NGOs) is that Roma households are “too poor” to pay. One potential mechanism that holds promise as a way to charge housing beneficiaries for benefits received – including even the poorest beneficiaries – is the concept of conditional cash transfers. The advantage of this mechanism is that it serves a dual purpose: beneficiaries receive a monetary incentive to enrol in public services (such as health or education programmes or housing and community

184 Case study based on notes from field visits to Bangkok communities by Paul Rabé in March 2013, as well as a report by CODI: “50 Community Upgrading Projects”, Community Organizations Development Institute (CODI), Thailand, March 2008, <[http://www.codi.or.th/housing/about CODI.html](http://www.codi.or.th/housing/about%20CODI.html)>.

development programmes), and in the process their enrolment helps to improve the overall well-being of the household or community.

Regional Good Learning Practice Approach: the Mechanism of Conditional Cash Transfers in the former Yugoslav Republic of Macedonia

In 2009, the World Bank approved a Conditional Cash Transfer (CCT) programme in the former Yugoslav Republic of Macedonia. The Ministry of Labour and Social Policy (MLSP), is using the CCT programme to improve and rationalize its social assistance system and to break the inter-generational poverty cycle among poor families, including Roma (who make up 14 per cent of social assistance recipients, according to the MLSP).

The CCT programme will provide incentives to poor families by “topping-up” existing benefits with money conditional on secondary school enrolment and attendance.¹⁸⁵ Thus, parents will receive 200 euros per year, per child when they send their children to secondary school. If successful, the programme should be extended to cover considerations linked to enrolment in health programmes and other educational programmes, including adult education, kindergarten and primary school. The CCT programme follows on the success of similar CCT programmes in Latin America and other countries, including Turkey.

The link to housing and legalization is not yet direct; there are no links to make housing benefits for Roma families conditional on school enrolment. If the current CCT programme is successful in this context, however, then the potential for such linkages to housing benefits should certainly be explored. Moreover, if the CCT programme is successful this should also lead to affordability of housing in the long-term as more Roma graduate from secondary schools and have higher chances of being active in the labour market, increasing household incomes.

The CCT programme in the former Yugoslav Republic of Macedonia has been operational since September of 2012. Since its launch the programme has been delayed pending budget allocations from the central government and restructuring of some elements.¹⁸⁶ The main

challenge to Roma participation, according to the MLSP, is encouraging them to enrol in social assistance programmes in the first place so that they may become beneficiaries of the CCT programme. Another challenge is to create awareness about the CCT programme, as, so far, only few applications have been received from eligible Roma target groups. The MLSP plans to air special campaigns on Roma television to disseminate information about the programme.

The Need for Proactive Assistance to Roma Populations

In addition to the need for a community development approach, Roma populations need targeted assistance from intermediary organizations with contacts in government. A number of municipalities in the Western Balkans region have special focal points to support Roma populations with their civil registration and administrative needs, including assistance with housing improvement and applications for legalization and social housing. These offices go by various different names, including Roma co-ordinators, Roma focal points and offices for Roma inclusion. They function as indispensable intermediaries between Roma populations and the state.¹⁸⁷ In other parts of the region, supporting offices have been set up at the provincial level. For example, the Office for Roma Inclusion within the Autonomous Province of Vojvodina is a dynamic centre within the provincial administration, staffed by 6 employees. The office works to improve the status of Roma, including their housing situation, within the broader context of access to education, health care, employment and political rights. The office represents a broad-based approach to integrating Roma housing and other socio-economic needs.¹⁸⁸

Regional Good Learning Practice Approach: The Municipality of Štip

A number of municipalities have given their Roma populations a high degree of support with their legalization and housing priorities. One of these is the Municipality of Štip in the east of the former Yugoslav Republic of Macedonia, which prides itself on being a “Roma friendly city”. In this municipality, as in others in the region, a Roma Focal Point is of great help to the Roma communities and supporting the municipalities in addressing their needs.

185 “Project Appraisal Document: Conditional Cash Transfers Project (P103974)”, Public Disclosure Copy, World Bank, 20 May 2009, <http://www-wds.worldbank.org/external/default/WDSContentServer/WDSP/ECA/2013/07/01/090224b081cd89ad/1_0/Rendered/INDEX/Macedonia00for0Report000Sequence008.txt>.

186 *Ibid.*

187 ODIHR Regional Report, *op. cit.*, note 6.

188 Office for Roma Inclusion in the Autonomous Province of Vojvodina <http://www.e-vojvodina.gov.rs/portal/en/public_services/provincial_bodies/offices/>

The following municipal measures can be considered good learning practices:

- * Štip is the only municipality in the country with a Roma Information Centre and two Roma focal points. In total, there are three Roma resource people in the local administration. A sign of the degree of integration of these focal points in the local administration is that they no longer work only on Roma issues, but also on issues facing other vulnerable populations;
- * From 2006 to 2010, the municipality was the first to pioneer the development and integration of Roma Action Plans within municipal policy. Action Plans were produced in the areas of housing, employment, education and health and are now in the process of being revised;
- * The local action plan on housing has resulted in two local social housing projects for (among others) Roma families. The projects have been partly funded with donor support. The housing units will be assigned on a lease basis. Tenants will pay a symbolic rent of around 5 euros per month and will have to pay for maintenance and utilities;
- * The municipality was the first in the country to map all illegally constructed buildings. During the legalization window in 2011, with this map in hand, the municipality organized teams of people to go from door to door in Roma neighbourhoods to build awareness and give explanations about the legalization law and to give Roma families copies of the applications;
- * The Roma focal points in the municipality have proactively assisted many Roma families with their applications for legalization and obtaining property certificates from the cadastre office;
- * Roma applicants have received free legal aid and interest-free loans to pay for their geodetic surveys (at an average cost of 50 euros). The loans were provided by Habitat for Humanity, the Soros Foundation and the NGO National Roma Centrum; and
- * Ninety per cent of eligible Roma families in the municipality applied to legalize their homes; of those that did not, most were out of the country at the time. So far, 75 Roma applicants out of 780 have received confirmation that their housing will be legalized.





Conclusions and Recommendations

Conclusions and Recommendations

4.1 Conclusions

This report has examined the multiple challenges faced by Roma populations in the housing sphere. These challenges can arise at a number of different levels and have multiple causes and effects, as the problem analysis has attempted to indicate (section 2.6).

Compared to the general population throughout the Western Balkans region, the Roma continue to suffer from disproportionate poverty, including income poverty but, even more significantly, a worse socio-economic situation, characterized by low school attendance, poor access to basic health care and low levels of employment in the formal sector. Their dependence on welfare and charity support is disproportionately high. Compounding their poverty, and in turn further exacerbating it, is the fact that Roma populations in the Western Balkans continue to face discrimination and stigmatization by the general population, which limits their access to land, housing and credit in the formal, government regulated system. This has led to exclusion, but also to self-exclusion, as Roma fail to make use of the legalization, housing improvement and social housing schemes and opportunities increasingly available to them in the region.

A majority of Roma families live in sub-standard housing conditions, characterized by poor access to basic services, social and physical infrastructure. Most Roma settlements continue to be “informal”, unregulated and unrecognized by local planning authorities, although major legalization programmes are now underway in most jurisdictions of the region that also aim to include the Roma. Most Roma settlements — with notable exceptions, particularly the former Yugoslav Republic of Macedonia — tend to still be located in the periphery of urban areas, in de facto ghettos marked by residential segregation. This leads to the Roma becoming physically and socially further isolated, given their distance from social and educational facilities and gainful economic opportunities.

An increasing number of Roma families are starting to participate in programmes to legalize their homes and plots of land. This is especially so in localities with active Roma focal points that are there to assist Roma in registering for these programmes. In the long term, this should lead to their greater integration in mainstream social and economic life, as the risk of their eviction decreases, their properties and settlements become regularized and better serviced, and as many of them benefit from the appreciation of land values. In the short term, recently legalized property owners will face an increased local tax burden, which may increase their household debt and could drive some of these families back into housing informality.

Obstacles to more widespread legalization for the Roma include incomplete or absent national legalization initiatives (as in Albania and Montenegro), lack of understanding and/or awareness of legalization application procedures, and the relevance of such schemes to their lives, as well as the high cost of applications and registration, and lack of assistance with registration.

In addition to housing challenges specific to the Roma, as summarized above, Roma populations are also impacted by broader constraints affecting all population groups in the Western Balkans region. These include institutional, policy and legal bottlenecks in the process of land legalization and registration, the lack of general housing databases at the central and local levels that define real housing demand and available housing stock for social purposes, weak urban planning capacities, lack of funding at the national level to embark on larger-scale social housing programmes, and a legacy of conflict and the resultant need to re-house a large number of displaced persons (particularly in Kosovo).

4.2 Recommendations

These recommendations identify principles for effective solutions for Roma-specific housing and legalization challenges aimed at central and local governments in

the Western Balkans region. These are linked to the six general principles for Roma legalization and housing identified in section 3.1.

Recommendations for the Integration of Roma Populations

Principle 1: Consider the Wider Land and Housing Context

Roma are not the only group requiring support for legalizing their housing. Programmes that aim to provide long-term special treatment for Roma populations in the areas of land and housing should be avoided, as they will eventually cause resentment from the general population, a large proportion of which suffers from similar constraints with regard to the complexities of legalization.

- * Social housing projects that accommodate Roma and non-Roma families are an important mechanism to physically integrate the Roma. Many Roma families interviewed for this report indicated a preference for living in mixed housing environments, to escape “ghetto” conditions. Social housing schemes in Bosnia and Herzegovina and the former Yugoslav Republic of Macedonia are successfully accommodating Roma residents among other groups. For mixed social housing projects to be successful, Roma applicants for social housing should be held to the same strict eligibility criteria and rules regarding repayment and maintenance that apply to non-Roma groups.

Principle 2: Support Roma Mainstreaming in Legalization, Social Housing and Social Assistance

Approaches that prepare Roma populations for mainstreaming in national legalization, social housing and social assistance programmes should be encouraged. These include raising awareness about government programmes and application procedures, local government procedures, new living arrangements, personal financial management and legal education.

- * The development and active deployment of Roma focal points within local governments around the region should be expanded. Roma focal points within municipalities are the natural intermediaries between the authorities and Roma populations. In some localities (i.e., the Municipality of Štip in the former Yugoslav Republic of Macedonia) the active assistance of these focal points has dramatically improved the access of Roma citizens to legalization programmes and new housing, through

information dissemination, awareness raising and legal assistance.

- * Economic and social support to returnee families, refugees living in temporary camps and resettled populations must be provided at the initial stage to help them eventually stand on their own feet.

Principle 3: Develop Targeted Approaches for Roma Populations, Where Needed

Targeted approaches for the Roma in the legalization and housing spheres include housing and settlement improvement programmes, partial subsidies for housing and utilities, where needed, and assistance with applications for legalization and social housing.

- * This principle includes the need for greater flexibility to accommodate Roma beneficiaries in government regulations and programmes. For example, in many cases a vicious circle exists whereby illegally constructed housing units cannot be upgraded legally due to the absence of required construction permits. Yet, at the same time, in the absence of housing improvements, an entire settlement cannot be legalized. In other countries, such as Bulgaria, this problem was overcome through the granting of an “exception period” during which settlement legalization could proceed while individual housing improvements were still taking place. Where short periods of regulatory amnesty can help to achieve the overall policy goal of legalizing Roma settlements, then they should be encouraged.

Principle 4: “Housing” is more than Shelter

Building or upgrading the physical housing unit is only one part of the entire housing process. Investments in physical housing units should be accompanied by parallel investments in employment creation, education and community development to achieve sustainable living communities.

- * Settlement upgrading projects should be accompanied by the expansion of support services for employment, vocational training, health and education.
- * The location of newly planned housing projects for Roma communities is critical: these should be located near livelihood opportunities, schools, social facilities and public transport links to urban centres, to help overcome the physical and social isolation of these populations and speed their integration.

- * Desegregation measures also need to be considered in both upgraded and newly planned housing. One good learning practice in this respect is the provision of community centres, cultural and recreational facilities that serve the wider community (beyond just Roma). The public library network system in the City of Bogotá, Colombia is an excellent example of social and spatial integration of different people, in which library buildings of exceptional quality (in design and service provided) are built in strategic locations, usually next to poor neighbourhoods.

- * Another desegregation measure is to ensure socio-cultural mixing within housing developments. This measure must be taken cautiously because it represents a more lengthy process, as the stigmatization of Roma by society will only be eliminated gradually. Roma, on the other hand, require the necessary social preparation to adapt properly when changing their housing situation. Integration is also about creating awareness among Roma regarding the rights and responsibilities associated with living in the housing solutions provided.

Principle 5: An Emphasis on Community Organization

The organization of Roma communities should be the first step in any legalization or upgrading scheme in order to build trust within the community and define a community “vision” for the planning and upgrading of a settlement.

- * Community building efforts should include training in community leadership, encouraging community organization structures, planning of common (residents’) activities and support for the development of savings groups.

- * Roma community leaders should be elected based on their ability to help co-ordinate settlement upgrading processes as indicated by the six steps of settlement upgrading (see section 3.2). Community leaders should be trained to act as counterparts of the local authorities during the process of upgrading and legalization.

- * Roma focal points within local governments should be mobilized as key players in efforts to stimulate community organization and development, given their role as intermediaries between local authorities and the Roma population.

Principle 6: Striving Towards an End to Dependency

In the medium- to long-term, targeted housing interventions for Roma should be based on the notion of cost sharing or (at the very least) beneficiary contributions for housing and utilities. Assistance should be based on the principle that Roma beneficiaries should organize to deploy their own initiatives and participate in the planning of their settlements.

- * In the case of very poor beneficiaries, a very promising approach to ending dependence in many parts of the world has been to link support to improvements in behaviour. Thus, housing support could be made conditional on enrolment in education and health programmes, using the system of conditional cash transfers. These are already being successfully deployed in the region (notably in the former Yugoslav Republic of Macedonia) to mobilize families, including the Roma, to send their children to primary school. Governments in the region should consider expanding the use of conditional cash transfers through the signing of “contracts” with individual Roma families and other disadvantaged groups to link government support in housing (i.e., support for home upgrading or social housing) to concrete behaviour they hope to encourage (i.e., health and education enrolment).

- * The willingness and capacity of Roma families to pay for services needs to be addressed efficiently. One way of achieving this is by considering the cultural and socio-economic adequacy of housing solutions. Designs could incorporate energy saving technologies and cheaper sources of energy for cooking and heating (e.g., gas connections for heating and cooking, provision of chimneys for heating, outdoor space for cooking).

These recommendations are related to the six key principles and should be operationalized in the implementation of housing plans and urban planning for Roma. This would include the clear definition of key activities, the allocation of responsibilities and the definition of financial resources early in the process.

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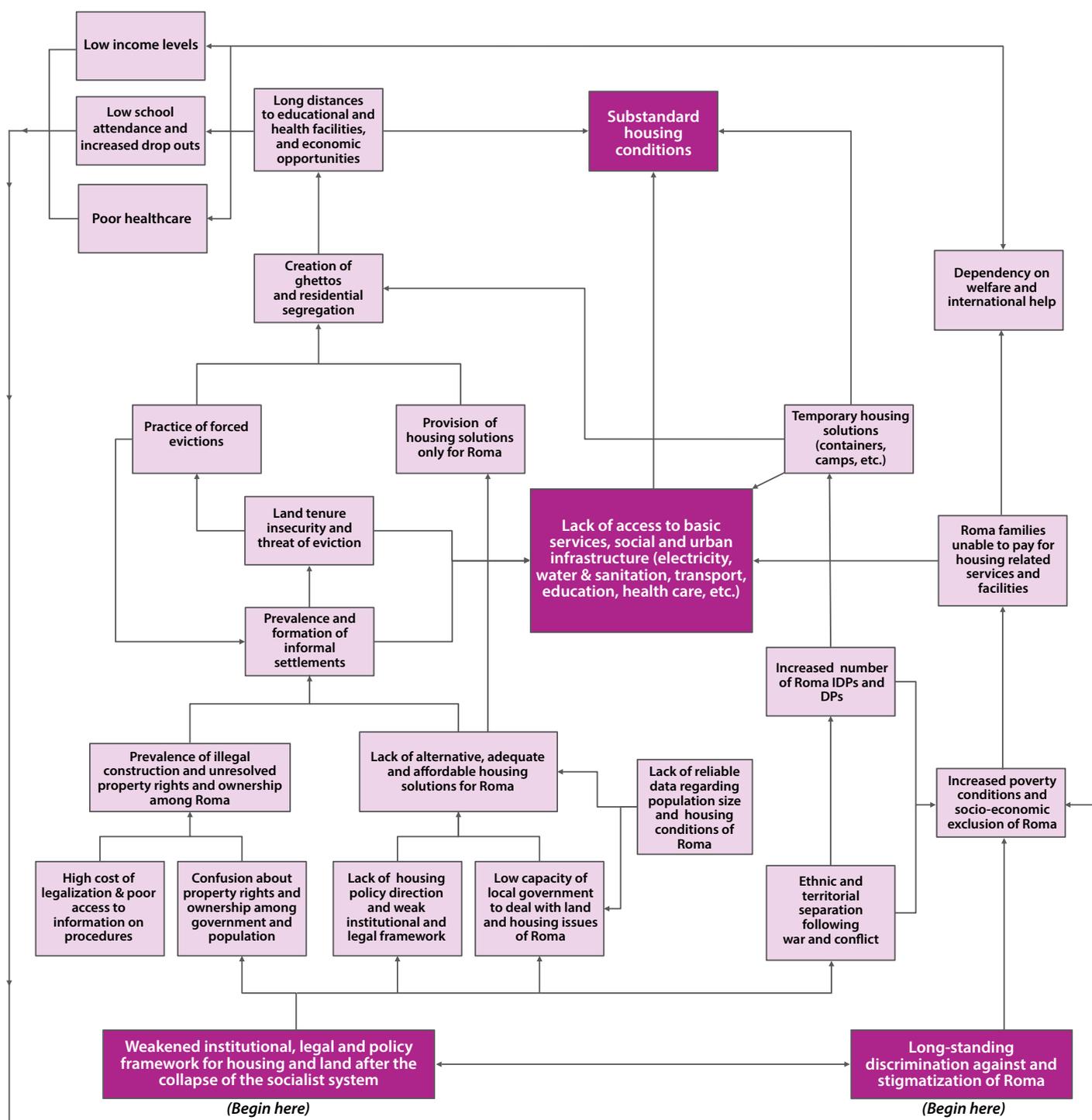
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- Law on Maintenance of Housing Buildings No. 27/11, *Official Gazette of the Republic of Serbia*, 2011.
- Law on Social Housing No. 72/09, *Official Gazette of the Republic of Serbia*, 2009.

Kosovo

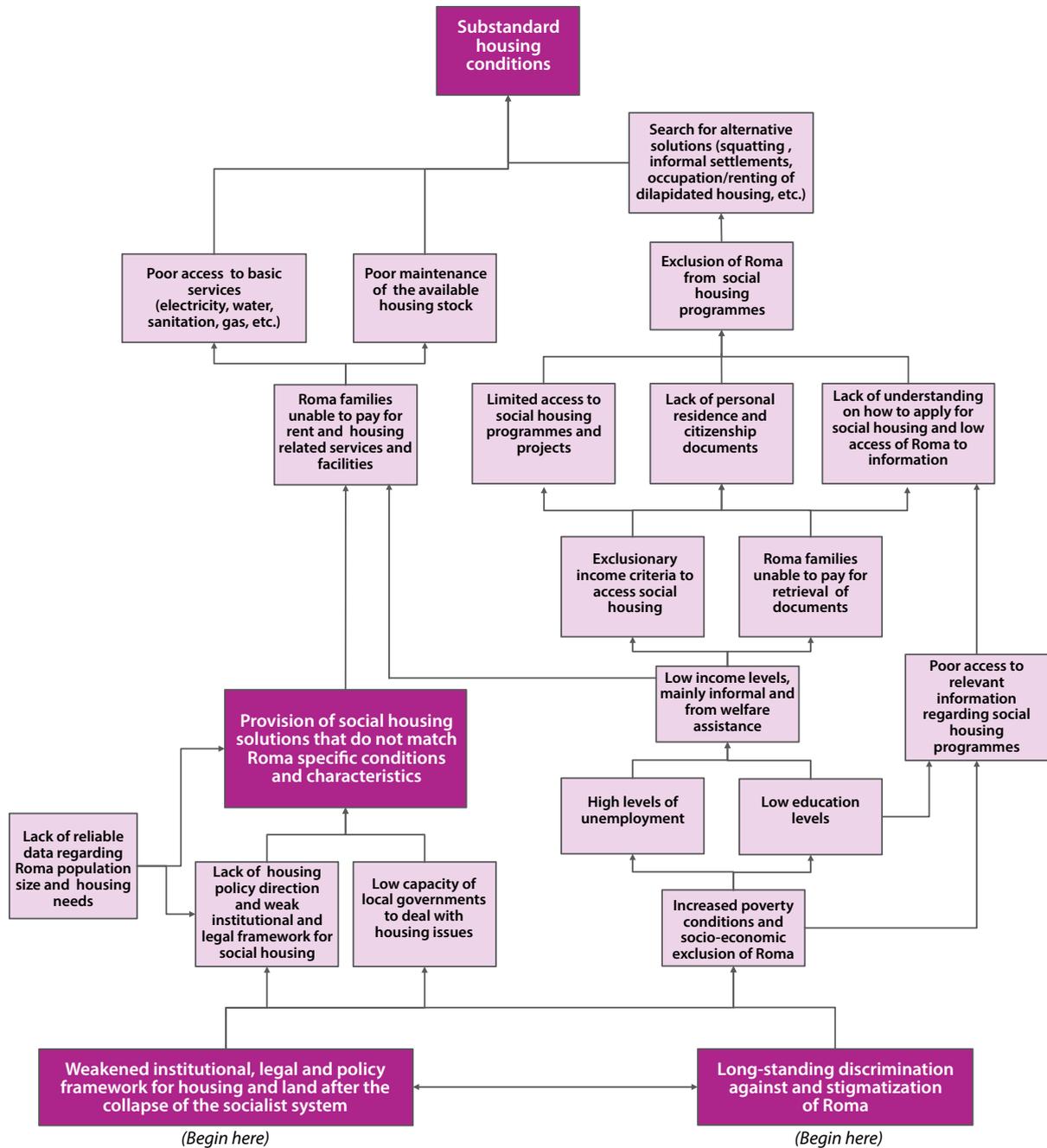
- Law Amendment No. 2008/03-L-106 (to amend the *Law on Spatial Planning* No. 2003/14), <<http://www.kuvendikosoves.org/?cid=2.1,191,300>>.
- Law on Housing Financing Specific Programmes No. 03/L-164, *Official Gazette of the Republic of Kosovo*, 2010.

Annex 2: Problem Tree Analysis

Problem Tree on Legalization and Settlement Upgrading



Problem Tree on Social Housing



Annex 3: List of National Strategies and Action Plans in the Western Balkans Region¹⁸⁹

Jurisdiction	Strategy	Action Plan(s)
Albania	National Strategy for Improving Roma Living Conditions (2003)	<ul style="list-style-type: none"> National Action plan for the Decade of Roma Inclusion 2010-2015
Bosnia and Herzegovina	National Strategy for Addressing Roma Issues (2005)	<ul style="list-style-type: none"> Action Plan on the Educational Needs of Roma and Members of Other National Minorities, adopted by the Entity and Cantonal Ministers of Education of Bosnia and Herzegovina in 2004 Action Plan on Employment, Housing and Healthcare in 2008 Revised Action Plan of Bosnia and Herzegovina on Roma Educational Needs in 2010
Croatia	National Programme for Roma (2003) National Strategy for Roma Inclusion 2013-2020	<ul style="list-style-type: none"> Roma Decade Inclusion 2005-2015 Action Plan Action Plan for the Decade of Roma Inclusion for the Years 2011 and 2012 Action Plan 2013-2015 for the Implementation of the National Strategy for Roma Inclusion (adopted in April 2013)
Montenegro	Strategy Improving the Position of Roma and Egyptians in Montenegro 2012-2016	<ul style="list-style-type: none"> National Action Plan for the Decade of Roma Inclusion 2005-2015 in the Republic of Montenegro
The former Yugoslav Republic of Macedonia	Strategy for Roma in the Republic of Macedonia (2004)	<ul style="list-style-type: none"> Decade of Roma Inclusion – Action Plans for Healthcare, Housing, Employment and Education 2005-2015 (adopted in 2005, revised in 2008 and adopted again in 2009) Action Plan for the Improvement of the Condition of Roma Women (adopted in 2008)
Serbia	National Strategy for Improving the Status of Roma in the Republic of Serbia 2009-2012	<ul style="list-style-type: none"> National Action Plans adopted in 13 areas (education, housing, healthcare, social protection, culture, media and awareness raising, combating discrimination, political participation, as well as areas for particularly vulnerable sub-groups – women, IDPs and returnees).

189 Kosovo has the Strategy for Integration of Roma, Ashkali and Egyptian Communities in Kosovo, 2009-2015 and the Action Plan for the Implementation of the Strategy for the Integration of Roma, Ashkali and Egyptian Communities, 2009-2015.

Annex 4: Summary of good learning practices¹⁹⁰ in housing legalization, settlement upgrading and social housing

	Albania
Type of practice:	Roma inclusion in social housing programmes
Name of practice:	Financial support in the form of a soft loan scheme and rental allowances provided by the Municipality of Lezha to Roma families
Stakeholders:	Roma people, Roma NGOs, municipality, other vulnerable groups
Localities:	Lezha Municipality, Skenderbeg Neighbourhood.
Further information:	Lezha Municipality, http://www.lezha.org/rub.php?idr=401&lang=2
Description:	<p>To meet the requirements for Roma integration in relation to the implementation of Social Housing Law 9232-2004 (and its 2012 amendments), the municipality has targeted vulnerable minorities, including Roma, with a soft loan scheme (at below market-rate interest and flexible repayment plans) and providing eligible Roma with rental allowances.</p> <p>The practice is improving the relationship between the municipality and the Roma community, as the local government engages in and maintains an active dialogue with Roma. Community leaders are also becoming better acquainted with the relevant representatives in local government. The municipality is also covering the cost of renting office space for the local Roma NGO.</p> <p>Prior to this new law the lack of access to funding and questions regarding the capacity of the municipality to handle the implementation of the social housing law hindered the implementation of housing programmes and projects.</p>



190 These practices might not represent “best practices” in the traditional sense, but are practices with elements worth learning from. They do not necessarily reflect the recommendations of the OSCE, ODIHR or BPRI.

	Albania
Type of practice:	Roma inclusion in social housing programs/projects
Name of practice:	NGO advocacy for the provision of social housing to Roma
Stakeholders:	Roma, Amaro Drom NGO (the head of the NGO is also a member of the municipal council and has the right to vote on behalf of the minority), municipality, Caritas Albania
Localities:	Lushnje Municipality, Saver Neighbourhood
Further information:	Source: Lushnje: http://www.bashkialushnje.gov.al/bk/ Website Amaro Drom: Amaro Drom http://www.unioniamarodrom.org/eng/
Description:	<p>The NGO Amaro Drom advocated for Roma rights, including their right to housing, by seeking means to include Roma in housing programmes and providing premises for social housing projects.</p> <p>Two initiatives have been undertaken:</p> <ol style="list-style-type: none"> 1) Making an inventory of all Roma households in Saver, and recording their conditions (in co-operation with the ministry of Transport); 2) Creating and inventory of all local government and state-owned buildings that were unused to make them available to Roma families. <p>Funds for the development of social housing units based on these two initiatives were secured from <i>Caritas Albania</i>, through loans, yet these are on hold due to the municipality's inactivity in following up the initiatives.</p> <p>The municipality has done very little for social housing in general (only provided some soft loans and a few rental agreements), and only two Roma families have benefited from social housing. All families are registered in the municipality, but transparency into the actual proceedings is low.</p>



	Albania
Type of practice:	Roma inclusion in social housing
Name of practice:	Shkoza Social Housing Project
Stakeholders:	Municipality of Tirana, evicted Roma families
Localities:	Shkoza, Tirana
Further information:	Tirana: http://www.tirana.gov.al
Description:	<p>This project includes the construction of 385 residential units, mixed-use units, commercial units and public space in a location near to the city and accessible by public transport. The downside is that the premises are right next to a manufacturing plant and, therefore, could create health problems.</p> <p>Roma families had to be evicted from the area to make room for construction. Some remained in a squatter camp nearby. It is unclear whether the evicted families (and squatters) will actually be beneficiaries of the housing project. There is a lack of transparency in procedures for eligibility and the buildings remain empty. This learning practice needs further follow up by the Tirana authorities to ensure inclusion of Roma.</p>



	Albania
Type of practice:	Physical and socio-economic integration of Roma communities through an integrated settlement upgrading approach
Name of practice:	Infrastructure Upgrading through Community Development in Albania
Stakeholders:	Amaro Drom NGO, International SPOLU Foundation, municipalities, Roma communities
Localities:	Several regions of the country
Further information:	Amaro Drom http://www.unioniamarodrom.org/eng/
Description:	<p>Between 2000 and 2006, Amaro Drom co-operated with a foreign donor (SPOLU) to pave roads and install sewage lines and potable water wells in Roma neighbourhoods in all regions of the country. What is particularly remarkable is that these projects involved a community development approach: in each locality Amaro Drom helped residents to self-organize, form a Community Board to manage the (donor) funds, and work with the local authority (as the implementing agency). In addition to infrastructure projects, residents in each locality organized to form groups for income generation schemes, sports activities and women's activities. In some localities, the Community Boards also ensured that Roma children attended school.</p> <p>The great value of this community development approach was made clear by the community members themselves. The community development approach in these projects has helped the Roma to work with local authorities to access basic services and infrastructure while in the process gaining confidence in their own efforts and reducing their dependence on the authorities.</p> <p>Unfortunately, this good learning practice by Amaro Drom also contains a difficult lesson: after the donor funding was discontinued in 2006, the housing and small infrastructure development scheme was stopped. Neither Amaro Drom, nor other Roma NGOs were able to extend the programme on their own. It is unknown whether the community development activities, such as community Boards, are still in place.</p>

	Bosnia and Herzegovina
Type of practice:	Free provision of housing units and housing upgrading for Roma
Name of practice:	Housing upgrading and relocation <i>in-situ</i> of the Roma community living in the city centre of Sarajevo (Gorica Settlement)
Stakeholders:	Roma living in the city centre with legal land tenure, Municipality of Sarajevo (former mayor of Sarajevo)
Localities:	Gorica settlement, Sarajevo city centre
Further information:	http://www.sarajevo.ba/en/
Description:	<p>Thanks to the active engagement of local officials in its conception and promotion (most notably, the mayor of Centar municipality of Sarajevo at the time), and the incorporation of the project in a local regulatory plan, Roma families in Gorica received new <i>in-situ</i> housing in their original location in Sarajevo and, therefore, were not displaced or evicted. The underlying objective was to integrate the long-standing Roma community living in the city centre.</p> <p>Today, the Gorica families benefit from their strategic city centre location.</p> <p>A less commendable aspect of the Gorica project is that the Roma families received free housing under the scheme, and they were not consulted on the housing design offered to them. Housing is not particularly well-suited to their particular needs (e.g., storage space and alternative sources for heating and cooking).</p>



	Bosnia and Herzegovina
Type of practice:	Roma inclusion in social housing programs
Name of practice:	Programme: "Social Housing in Bosnia and Herzegovina" Project: "Closing Collective Centres through the Provision of Social Housing"
Stakeholders:	Catholic Relief Service (CRS), socially vulnerable minorities, Municipalities of Fojnica, Srebrenica, Goražde, Drvar, Foča, Jablanica and Zenica
Localities:	Fojnica, Srebrenica, Goražde, Drvar, Foča, Jablanica and Zenica
Further information:	Catholic Relief Services http://crs.org/countries/bosnia-herzegovina
Description:	<p>These social housing programmes were funded by Catholic Relief Service between 2008 and 2011 to target socially vulnerable groups, including Roma, in seven locations throughout the country.</p> <p>There were three main rental tenure models established:</p> <ol style="list-style-type: none"> 1) municipalities as owners of social housing premises; 2) cantons and municipalities with shared ownership of social housing premises; and 3) medical institutions as owners social housing premises. <p>In Zenica, a combined model exists: the municipality is the owner, but a local NGO takes care of maintenance and ensures the residents fulfil their obligations.</p> <p>Current and potential tenants are screened for eligibility every three years via a socio-economic card. The CRS levied a social rent, provided training to help tenants adjust to new living conditions, and made contracts with tenants obligatory. The results are that Roma are not segregated and have a greater sense of responsibility. They are encouraged to fend for themselves.</p>



Jablanica Social Housing (source: CRS)

Bosnia and Herzegovina	
Type of practice:	Resettlement of Roma to new housing
Name of practice:	Resettlement of Roma communities from former site (Butmir settlement) to a medium-rise apartment building located in Ilidža
Stakeholders:	Roma from the Butmir settlement, Municipality of Ilidža
Localities:	Ilidža Municipality, Sarajevo
Further information:	Ilidza municipality www.opcinailidza.ba
Description:	<p>Roma from the Butmir settlement, in an environmentally protected area, were relocated to several sites within the municipality of Sarajevo.</p> <p>One of the resettlement sites is a new housing project located in Ilidža, outside Sarajevo. It provided Roma families with apartments free of charge. Some of these apartments were vandalized by the residents, who knew they were going to leave. Their apartments remain vacant until today. In all likelihood it was partly the result of a lack of "ownership". Besides, this small Roma "community" is fragmented and beset by internal strife. In hindsight it might have been better to divide this Roma community and relocate them in different places. Solid waste management also remains a problem: there are no garbage receptacles on the site and the families do not have another way to dispose of their garbage.</p>



	Bosnia and Herzegovina
Type of practice:	New social housing provision and housing upgrading
Name of practice:	Housing Programme of the Ministry of Human Rights and Refugees
Stakeholders:	European Union (IPA funding), Ministry of Human Rights and Refugees, vulnerable Roma who have legal land tenure
Localities:	Jajce, Bijeljina, Kiseljak, Zenica, Teslić, Parača, Donji Vakuf
Further information:	Ministry of Human Rights and Refugees: http://www.mhrr.gov.ba
Description:	<p>The programme is financed with European Union IPA funding and provides an opportunity for free new housing ownership to those in need of new accommodations. It also has an “upgrading dimension”: for those who can stay in their homes it facilitates housing improvements and access to infrastructure. Positive features of the programme are that the state is co-ordinating a systematic scheme to (re)house Roma and that all newly built housing is integrated into existing communities in an effort to avoid “ghetto” formation.</p> <p>The chief drawback is the programme’s heavy charitable dimension: the programme is oriented solely at Roma populations as a special case, and no contributions are asked from new housing beneficiaries, except for the payment of maintenance and utilities and the completion of housing façades (in some cases). When IPA funding runs out in 2013 it is still unclear how and in what form the programme will continue. Another limitation is that the programme does not present a solution to the legalization challenge, as only those with legal land title are covered.</p>

	Croatia
Type of practice:	Roma integration through legalization and settlement upgrading
Name of practice:	Legalization and social and physical infrastructure provision to Roma Settlement in Kuršanec, Čakovec
Stakeholders:	City of Čakovec, Kuršanec Roma community
Localities:	Kuršanec Settlement, City of Čakovec, Medjimurje County
Further information:	UNDP Croatia, Social Inclusion Programme: http://www.undp.hr/show.jsp?page=51978 City of Čakovec: http://www.cakovec.hr/
Description:	<p>The efforts of the local government of Čakovec in the Kuršanec settlement have enhanced its interaction and communication with the local community, especially with the local Roma community. A Family Centre has been constructed to stimulate community based activities. According to UNDP "the centre is an example of good learning practice as it shows the manner in which a relatively simple project, such as the construction of a special facility, in co-operation with the local community can add to interaction with local administration and potentially for integration should the facility attract non-Roma population, with all the resulting improvements in the local community".*</p> <p>Infrastructure development has been part of the efforts of the City of Čakovec since 2006, including the legalization of 65 Roma plots for construction in Kuršanec. Currently the property ownership issue is clearer, and most of the land in Kuršanec is privately owned. Despite these efforts, the Roma settlement still suffers from poor electricity provision, sewage and water supply due to lack of funding.</p>

* "Municipal Governance and Roma Inclusion in Europe – Lessons from the Field", UNDP Croatia, Social Inclusion Programme, 17 July 2012



	Croatia
Type of practice:	Roma integration in housing and urban planning
Name of practice:	Legalization of Roma settlements and development of an urban plan for Sisak
Stakeholders:	Municipality of Sisak, Roma communities
Localities:	Sisak Municipality, Sisak-Moslavina County
Further information:	Municipality of Sisak: http://www.sisak.hr/
Description:	<p>The Municipality of Sisak has initiated the legalization of the Roma settlement and the development of a detailed plan for the area. In the process, the municipality has improved basic infrastructure on site in the form of paved roads, electricity connections and sanitation. This initiative is an example of nearly all steps of the “universal settlement upgrading approach” being followed. The one exception, perhaps, is broader socio-economic integration, though here too the city has begun working to support the community (for example, through school bus links to the settlement).</p> <p>However, even though the Roma residents and the city agree on the final outcome (i.e., legalization and settlement upgrading), the process is now stuck in the planning phase. The city says it is ready to co-finance the detailed urban plan, but it needs the Roma representatives to apply for central government funds to finance the other half of the cost. This has not yet occurred, resulting in a legalization initiative that is currently dormant. City officials claim that the residents are too divided among themselves to agree on their development priorities. Roma representatives counter that they have not been informed about possibilities for legalization.</p>



	Former Yugoslav Republic of Macedonia
Type of practice:	Inclusion of Roma in the legalization process
Name of practice:	Legalization Programme of the former Yugoslav Republic of Macedonia
Stakeholders:	Municipalities, Department of Property and Legal Affairs of the Ministry of the Economy, Roma families
Localities:	Across the former Yugoslav Republic of Macedonia
Further information:	Ministry of Economy: http://www.economy.gov.mk/EN/
Description:	<p>The Law on Legalization of Illegal Buildings offers Roma families some of the most flexible conditions for legalization that exist in the Western Balkans region. Its purpose is to encourage as many informal land occupants as possible to formalize their status. The law comprises several good learning practice elements designed to improve access for vulnerable populations, including:</p> <ul style="list-style-type: none"> • The legalization fee is only 1 euro per m², and recipients of social assistance do not pay a fee to legalize their properties; • The mandatory geodetic survey costs only 60 euro cents per m², and private companies cannot charge more than a set maximum fee for the survey. The geodetic survey results could even be submitted at a later date, after the cut-off date for applications in September 2012; • Technical steps to complete the application have been reduced to a minimum: the only requirement is to pick up the form at the municipality and fill it out and submit it, together with a copy of utility bills (with address) as proof of residence; • A municipal commission then rules on the application and on whether the property can be incorporated into the urban plan, which is the prerequisite for municipal service provision. Then the municipality will assign a parcel number to the property, the basis for legalization; and • The Department of Property and Legal Affairs of the Ministry of the Economy is responsible for transferring state land into private hands.



	Former Yugoslav Republic of Macedonia
Type of practice:	"De facto" provision of social housing
Name of practice:	Social Housing Programme of the Government in the former Yugoslav Republic of Macedonia
Stakeholders:	Ministry of Communication and Transport (MTC), Council of Europe Development Bank, Central government Housing Agency, municipalities, Roma families
Localities:	26 cities across the country
Further information:	Ministry of Communication and Transport: http://mtc.gov.mk/new_site/en/
Description:	<p>At the present the MTC is co-ordinating small social housing projects in 26 cities across the country (creating 1,754 units in all), with co-financing from the state budget and the Council of Europe Development Bank. This is a "de facto" housing programme being implemented in the absence of a social housing law.</p> <p>Municipalities have to propose the need for social housing, the precise number of units, and their location. The MTC approves and builds the units and beneficiaries are selected according to five categories, of which one specifically targets members of the Roma community who are socially deprived. Roma families have to prove that they are Roma by obtaining a certificate from a Roma NGO. Roma families are also eligible for social housing under any of the other categories if they meet the criteria. In addition, 10 per cent of apartments that have not been allocated under any of the five categories are reserved for Roma.</p> <p>According to the MTC, of the 339 social housing apartments given out so far, 61 have been assigned to Roma families. Housing is rental housing, with social rents currently assessed at 15 euro cents per m². Tenants pay utilities based on a discounted social charge and the buildings are maintained by the central government Housing Agency.</p>



	Former Yugoslav Republic of Macedonia
Type of practice:	Social integration through education
Name of practice:	The Mechanism of Conditional Cash Transfers
Stakeholders:	World Bank, Ministry of Labour and Social Policy, Roma families
Localities:	Across the country
Further information:	Ministry of Labour and Social Policy: http://www.mtsp.gov.mk/
Description:	<p>In 2009 the World Bank approved a Conditional Cash Transfer (CCT) programme in the former Yugoslav Republic of Macedonia. The Macedonian Government, through the Ministry of Labour and Social Policy, is using the CCT programme to improve and rationalize its social assistance system and to break the inter-generational poverty cycle among poor families, including Roma (who make up 14 per cent of social assistance recipients, according to the MLSP).</p> <p>The CCT programme will provide incentives to poor families by “topping-up” existing benefits received by social assistance beneficiaries with conditions pertaining to secondary school enrolment and attendance. Thus, parents will receive 200 euro per year, per child if they send their children to secondary school. If successful, the programme will be extended to cover conditions linked to enrolment in health programmes and other education programmes including adult education, kindergarten and primary-school performance. This CCT programme follows on the success of similar CCT programmes in Latin America and Turkey.</p> <p>The link to housing and legalization here is not direct: there are (as yet) no links to make housing benefits for Roma families conditional on education enrolment. If the current CCT programme is successful, than the potential for such linkages to housing benefits should certainly be explored.</p> <p>This CCT programme has been operational since September of 2012. Since its launch the programme has been delayed pending budget allocations from the central government, and some elements have been restructured. The main challenge to the participation of Roma families, according to the MLSP, is getting them to enrol in secondary school and register as social assistance recipients in the first place so that they can become beneficiaries of CCTs. Another challenge is to create awareness about the CCT programme; so far only a few applications have been received from eligible Roma target groups. The MLSP will start to air special campaigns on Roma television to disseminate information about the programme.</p>



	Former Yugoslav Republic of Macedonia
Type of practice:	<ul style="list-style-type: none"> • Roma inclusion and participation in local decision-making • Roma awareness through information dissemination • Roma integration in urban planning, housing and legalization
Name of practice:	Roma inclusion practices in the Municipality of Štip
Stakeholders:	Municipality of Štip, Roma Information Centre, Roma Focal Point, Roma communities, vulnerable groups, international donors (Habitat for Humanity, Soros Foundation) and NGO National Roma Centrum
Localities:	Municipality of Štip
Further information:	Municipality of Štip: http://www.stip.gov.mk/index.php/en and NGO National Roma Centrum: http://www.nationalromacentrum.org/en/
Description:	<p>Štip is the only municipality in the country with a Roma Information Centre and two Roma focal points; in total, there are three Roma resource people in the local administration. A sign of the degree of integration of these focal points in the local administration is that they no longer work only on Roma issues, but also on issues facing other vulnerable populations.</p> <p>From 2006 to 2010, the Municipality was the first to pioneer the development and integration of Roma Action Plans. Action plans were produced in the areas of housing, employment, education and health. The local action plan on housing has resulted in two local social housing projects that house (among others) Roma families. The projects have been partly funded with donor support. The housing units will be assigned on a lease basis. Tenants will pay a symbolic rent of around 5 euro per month and will have to pay for maintenance and utilities.</p> <p>The Municipality was the first in the country to map all its illegally constructed objects. During the legalization window in 2011, with this map in hand, the municipality then organized teams of people to go from door-to-door in Roma neighbourhoods to build awareness and give explanations about the legalization law and to give Roma families copies of the application forms.</p> <p>The Roma focal points in the Municipality pro-actively assisted many Roma families with their applications for legalization. The focal points were also able to assist applicants in obtaining their property certificates from the cadastre office. Applicants received free legal aid and interest free loans to pay for their geodetic surveys (at an average cost of 50 euro). The loans were provided by Habitat for Humanity, the Soros Foundation and the NGO National Roma Centrum.</p> <p>The municipal campaign was successful: 90 per cent of eligible Roma families in the municipality applied; of those that did not, most were out of the country at the time of application. So far, 75 Roma applicants out of 780 have already had confirmation that their homes will be legalized.</p>

	Kosovo*
Type of practice:	Integrated approach to housing provision for Roma communities
Name of practice:	The Roma Mahala Support Initiative
Stakeholders:	European Commission Liaison Office in Kosovo, NGO Mercy Corps Kosovo, Danish Refugee Council, OSCE, registered Roma and Ashkali individuals and families displaced from their places of origin in Kosovo as a result of the 1999 conflict, who were living in two temporary camps (Česmin Lug and Osterode) in Northern Mitrovica/a
Localities:	Southern Mitrovicë/a
Further information:	Mitrovica/a RAE Support Initiative (EU-MRSI): http://www.kosovoprojects.eu/en/content/european-union-mitrovica-rae-support-initiative-eu-mrsi-ipa-2007
Description:	<p>The current population of the Roma Mahala is approximately 1,000, part of a larger population of around 8,000 inhabitants originally settled in Mitrovicë/ Mitrovica before the conflict. The initiative is a good learning practice of successful collaboration between the Municipality of Mitrovicë/ Mitrovica and international stakeholders – the donors were involved in the funding of ancillary educational and income generation activities and the government’s political will resulted in a permanent solution for the Roma families.</p> <p>The use of the properties by the beneficiaries is closely supervised by the implementing NGO (Mercy Corps Kosovo) according to lease agreements that set out detailed rules, regulations, rights and responsibilities for tenants.</p> <p>It is a holistic approach to housing that incorporates the broader social and economic needs of the population (e.g., existence of a functioning education centre, bus services for older children attending school and a clinic). Vocational training is also provided and linked with actual income generation and small business schemes.</p> <p>Despite the project’s success, there are still a number of issues to resolve: beneficiaries do not have to pay rent for their homes, but they have an obligation to pay property taxes and utility charges. However, in actual fact, residents are not paying their utility and solid waste management bills. Also, the ten hectare project site still yet has to be regularized in the cadastral records.</p> <p>The project officially closed at the end of 2012 and the contract of Mercy Corps Kosovo has expired. What this means for the future of the supervision and services being provided by this NGO is still unclear. In the meantime, the OSCE Regional Centre in Mitrovicë/ Mitrovica is playing an important role as advocate and intermediary for the Roma Mahala community vis-à-vis the municipality and central government.</p>

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244/99 and the ICJ Opinion on the Kosovo declaration of independence.



	Kosovo*
Type of practice:	Provision of free land and housing to Roma
Name of practice:	Housing support to returnees Roma and Egyptian families from Montenegro
Stakeholders:	Municipality of Klinë/a, Danish Refugee Council, Roma returnees from Montenegro
Localities:	Municipality of Klinë/a
Further information:	Municipality of Klinë/a: http://kk.rks-gov.net/kline/
Description:	<p>In the Municipality of Klinë/Klina, the local self-government supported eight returnee families (Egyptians and Roma) by donating land. An international donor organization (the Danish Refugee Council) assisted the families by donating houses. The good learning practice aspect of this case involves the high level of political will the municipality showed toward the Roma returnees, as reflected in the municipality's facilitation of building permits and documentation for the eight families, free of charge, and the municipality's overruling of a petition signed by Albanian, Serb and Ashkali neighbours that attempted to prevent the eight returnee families from settling in their area.</p> <p>The highly subsidized approach to the eight families (free land and housing), however, indicates that this approach represents more of an exception rather than an easily replicable housing solution for Roma families. The case does not represent a structural solution to the issue of legalization, as the land was provided for free as part of a donation.</p>

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244/99 and the ICJ Opinion on the Kosovo declaration of independence.



	Kosovo*
Type of practice:	Relocation of refugee camp inhabitants in social housing apartment buildings
Name of practice:	The Plemetinë/a Social Housing project
Stakeholders:	UNHCR, Ministry of Environment and Spatial Planning (MESP), Municipality of Obiliq/Obilić, Roma refugees living in temporary camps
Localities:	Municipality of Obiliq/Obilić
Further Information:	Ministry of Environment and Spatial Planning: http://www.mmph-rks.org/en-us/Home
Description:	<p>The Plemetinë/Plementina Temporary Community Shelter (TCS) was established in early 2000 and provided shelter to approximately 200 (mainly Roma) families (770 individuals). In November 2004, the Provisional Institutions of Self-Government in Kosovo announced the closure of Plemetinë/Plementina Temporary Community Shelter as a top priority.</p> <p>Three social housing buildings were built, two of which were in Plemetinë/Plementina village on the outskirts of Obiliq/Obilić (one implemented by MESP and another by a Greek NGO). The buildings accommodated families who had no land and/or housing elsewhere to which to return.</p> <p>In addition to the housing measures, the project included other components, such as capacity building for local authorities to enable them to welcome and incorporate the families, income generation projects for the families, and supply of household equipment to all the families who lived at the camp.</p> <p>The two social housing buildings are located adjacent to the (now closed) Plemetinë/Plementina IDP camp. This area is an open field, spatially and socially isolated from the rest of the town, with no public transport connections nearby. According to residents, the Roma beneficiaries had no say in the housing design being offered to them. They had signalled their opposition to high-rise living, but their inputs were ignored. Also, there appears to have been no provision for maintenance or repairs. MESP retained two important lessons from the experience in Plemetinë/ Plementina for future projects:</p> <ul style="list-style-type: none"> • To avoid future ghettos, the beneficiary population should be mixed with regard to ethnic background, their ability to pay and the age and structure of family members; and • Employment schemes should be properly monitored (in Plemetinë/ Plementina the beneficiaries of the income generation projects sold their income generation tools and remained unemployed).

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244/99 and the ICJ Opinion on the Kosovo declaration of independence.



	Kosovo*
Type of practice:	Improvement of housing conditions of Roma through resettlement
Name of practice:	Housing for Resettled Community in Gjakovë/Djakovica
Stakeholders:	Prime Minister's Office, Ministry for Communities and Return, Caritas Switzerland and Caritas Kosovo, former Roma inhabitants of Kolonija
Localities:	Municipality of Gjakovë/Djakovica
Further information:	Ministry for Communities and Return: http://www.mkk-ks.org/?page=2,1 Office of the Prime Minister: www.kryeministri-ks.net
Description:	<p>In 2009, following a successful advocacy campaign by local and international NGOs, the Municipality of Gjakovë/Djakovica granted 3.8 hectares of public land to a community of 130 Roma, Ashkali and Egyptian families who had to be resettled from an area around a garbage dump in Kolonija when this area was to be privatized. Local and international NGOs, under the co-ordination of Caritas Switzerland and Caritas Kosovo, as well as the Prime Minister's Office, invested in housing construction.</p> <p>Good learning practice elements in this case involved:</p> <ul style="list-style-type: none"> • A sustained advocacy campaign by local and international NGOs, as well as Roma community members; • Involvement of the new residents in a participatory process to select the housing designs, selecting row housing rather than apartment buildings; • The municipal decision to grant the land, as well as to facilitate the provision of infrastructure and services; • Assistance by the NGOs to help the Roma beneficiaries to obtain personal documents, making it possible to access their civil, political, economic and social rights; and • Housing provided on the basis of a 99-year lease. As in many other housing programmes, the initiative was heavily subsidized by the municipality (for the land) and foreign donors (for the housing construction). Utilities are also being subsidized: they are provided on the basis of a "social charge", which entitles residents to a 50 per cent discount. <p>The Ministry for Communities and Return (MOCR) is currently lobbying to grant the beneficiaries a further subsidy, in the form of a one-year amnesty on their (already discounted) utility payments, once all houses are completed. This MOCR initiative is questionable, as there is a risk that the beneficiaries will never get used to paying their utilities. This, in turn, risks undermining their sense of "ownership" of the project and contributing to continued dependence on the state, as well as burdening the utility companies with a permanent need to subsidize the Roma settlement.</p>

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244/99 and the ICJ Opinion on the Kosovo declaration of independence.

Montenegro	
Type of practice:	Improvement of housing and socio-economic conditions of Roma
Name of practice:	Study on permanent solutions for refugees and displaced persons and residents of the Konik Camp in Montenegro, as well as the preparation for the IPA 2011 programme
Stakeholders:	EU Delegation in Montenegro and representatives of UN agencies, Ministry of Labour and social Welfare, City of Podgorica, Konik settlement inhabitants of Camp I and II
Localities:	Konik Camp, Podgorica
Further information:	Ministry of Labour and social Welfare: http://www.mrs.gov.me/en/ministry City of Podgorica: http://www.podgorica.me/
Description:	<p>There are presently 244 Roma, Ashkali and Egyptian families, with 1,387 members, living in the Konik settlement's two camps. Additionally, in the surrounding area there are approximately 134 families, with 840 members. This study proposed the following permanent solutions for these families:</p> <ol style="list-style-type: none"> 1) Integration through registration by obtaining legal status and documents, and access to the rights of residence, education, health care, social and child protection, and employment; 2) Voluntary return to their country of origin; and 3) Closing Camp II and constructing residential facilities with ancillary facilities in the area of Camp I within the urban planning scheme for the area. <p>The study estimated that it would be necessary to provide about 360 residential units for accommodation of the camps inhabitants. On the basis of the study, the "Identification of permanent solutions for IDPs and residents of the Camp Konik" project under IPA 2011 represents the first phase in solving the issue of Konik. The project will construct 90 residential units and a multi-purpose centre, encourage voluntary return, create employment and education opportunities, provide access to documentation and technical support.</p>



	Montenegro
Type of practice:	New housing provision to Roma families
Name of practice:	Riverside Housing Project
Stakeholders:	HELP (NGO), Municipality of Berane, UNHCR Montenegro, Caritas Luxembourg, Roma living in Riverside Settlement
Localities:	Municipality of Berane
Further information:	HELP office in Montenegro: http://www.help-ev.co.me/ and Municipality of Berane: http://www.berane.me/?jezik=eng
Description:	<p>In the Riverside settlement there were 27 Roma, Ashkali and Egyptian families, with some 195 family members, living in temporary housing. Due to the legal insecurity over the ownership of the land and the houses, the accommodation of Roma in this collective has been one of the biggest problems with displaced persons in Montenegro. In June 2007 the Municipality of Berane confirmed its willingness to provide a location for construction of long-term housing for these families.</p> <p>The construction of the 24 houses was completed in December 2007, however, moving in the beneficiaries was delayed until June 2008, when all infrastructural works (connection to electricity grid, water and sewage system) by the municipality were finally completed. The new Riverside settlement was handed over to the Municipality of Berane on 24 July 2008.</p> <p>The Roma settlement in Berane is an example of how political will and international assistance can greatly improve the situation of a marginalized group. The Riverside community now lives in well-built, solid housing that was designed with the participation of the target group. Good learning practice elements in this case include the participatory process involved in re-housing the community.</p> <p>Elements of the project that do not constitute a good practice include the free delivery of completed housing units to the Roma. An inherent risk is that the housing proves to be ill-adapted to the lifestyle of the beneficiaries, or that the costs of living in the newly provided houses become too expensive for the families to maintain.</p>



Serbia	
Type of practice:	<i>In-situ</i> upgrading and Roma participation in their housing choices
Name of practice:	Social Inclusion and Improvement of Living Conditions Programme
Stakeholders:	Roma Resource Centre of the Ecumenical Humanitarian Organization (EHO-RRC), Swiss, German and Norwegian donors, Municipality of Novi Sad, Roma families
Localities:	Adice Roma settlement, City of Novi Sad
Further Information:	Ecumenical Humanitarian Organization: http://www.ehons.org/ City of Novi Sad: http://www.novisad.rs/
Description:	<p>This programme provides support for incremental upgrading for individual Roma families whose property is already legalized, or who are in the process of having it legalized. The main condition for EHO-RRC assistance is that there is no threat of future eviction (i.e., beneficiaries should be located in municipalities where a General Urban Plan envisages Roma settlements to be residential zones). The programme has so far been carried out successfully in six municipalities, as well as the city of Novi Sad in the Autonomous Province of Vojvodina, and appears to be one of the most promising initiatives in the field of Roma housing upgrading in the region.</p> <p>In total EHO-RRC has invested over 1.1 million euro in construction materials and tools, while Roma target groups have invested approximately 900,000 euro of their own construction materials and in-kind labour. Provincial and local governments have invested over 500,000 euro. Discussions are underway with the OSCE, the Ministry of Construction and Urbanism, and the Office for Human and Minority Rights of the Government of the Republic of Serbia to expand the reach of the initiative to central and southern Serbia, and perhaps beyond.</p> <p>The programme offers Roma residents a budget with which they can decide (with the assistance and advice of EHO-RRC technical staff) how to invest in housing and small-scale infrastructure improvements around the houses (such as septic tanks, drainage, sanitation and new bathrooms). In cases where houses are on the verge of collapse, the programme offers a family a bigger budget with which to rebuild the house completely.</p>



