

## Housing conditions of Sinti and Roma

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Germany  
RAXEN National Focal Point

Thematic Study

Housing Conditions of Sinti and Roma

March 2009

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european forum for migration studies (efms)

DISCLAIMER: This study has been commissioned as background material for a comparative report on housing conditions of Roma and Travellers in EU Member States by the European Union Agency for Fundamental Rights. The views expressed here do not necessarily reflect the views or the official position of the FRA. The study is made publicly available for information purposes only and does not constitute legal advice or legal opinion.

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## Executive summary

To understand the legal framework and policies relevant to the housing and living conditions of Sinti and Roma, three different groups of Sinti and Roma need to be differentiated:

- members of the officially recognised national minority of German Sinti and Roma who have been residing in Germany for many generations;
- Roma who came as labour migrants from the former Yugoslavia between 1968 and 1973 and have been living in Germany with their families for many years; they usually have a strong residence status and are entitled to the same social rights as Germans;
- Roma refugees, mostly from (south-)eastern European countries, who have sought asylum in Germany especially since the 1990s; many of them have not been officially recognised as refugees (following the rejection of their asylum applications) and thus do not enjoy the full scope of social protection and housing rights.

German Sinti and Roma are one of four national minorities that are officially recognised by the Federal Government under the European Framework Convention for the Protection of National Minorities. This official recognition entails several cultural protection and participation rights which, however, do not exceed the general level of fundamental rights enshrined in the German Constitution; hence no specific minority rights exist in Germany – either for Sinti and Roma or for any other minority group. On the national level, German Sinti and Roma and non-German Roma with a strong residence status benefit from the same access to social benefits, subsidies and protection against eviction as any other citizen. These benefits, which are primarily paid to low-income households and families, include:

- housing-related allowances and assistance for recipients of unemployment or social welfare benefits;
- entitlement to affordable council housing flats; and
- additional housing subsidies for other groups (Wohngeld).

Only the groups of asylum applicants and refugees with a toleration certificate are subject to less favourable provisions and, hence, do not fully benefit from such social assistance in the context of housing.

The German Anti-Discrimination Act (AGG) bans ethnic discrimination regarding – amongst other things – access to housing, and is considered by the Council of Europe Commissioner for Human Rights as a ‘significant step

forward in addressing the discrimination of Roma/Sinti in Germany'<sup>1</sup>. The AGG, however, contains a provision that permits unequal treatment regarding access to the housing market if this treatment is meant to prevent culturally or ethnically segregated neighbourhoods. This provision may constitute a loophole for landlords in the housing market to (lawfully) discriminate against Sinti and Roma who want to live alongside their kin.

National housing policies or housing action plans specifically for Sinti and Roma do not exist in Germany. However, Sinti and Roma may benefit from general housing initiatives, such as the national 'Social City' programme, which pursues the general objective of improving living conditions in socially disadvantaged neighbourhoods.

In contrast to the lack of specific national provisions and policies for Sinti and Roma, several municipalities as well as some Länder (Hamburg, Bremen) have legal provisions in place or have taken other measures to address the housing situations of Sinti and Roma; this includes housing and resettlement programmes, and also regulations which legalise halting sites for Sinti and Roma.

The collection of ethnic data is greatly restricted. Although it is not forbidden to gather information on ethnic origin in principle, no such data exist that would be of any relevance for describing the social or housing situations of Sinti and Roma.

This highly insufficient data situation makes it almost impossible to make any substantiated quantitative statements on the housing situations of Sinti and Roma. Despite the complete lack of official statistics on the Sinti and Roma population, there seems to be a general consensus that approximately 70,000 German Sinti and Roma (i.e. those belonging to the officially recognised minority) live in Germany, most of whom in metropolitan areas in Western Germany and in and around Berlin. Quantitative insights into their housing situation are scarce due to a lack of both research and official figures. Only one regional, non-representative survey was carried out in recent years – in Baden-Württemberg – that attempted to shed light on the housing situation; the empirical survey data indicated the partly overcrowded housing situation of Sinti and Roma and a fairly high level of (self-rated) discontent of Sinti and Roma with their 'inadequate' housing situation.

The analysis of qualitative data illustrates the very diverse housing situations of Sinti and Roma, depending on the type of accommodation and the individual housing arrangements in respective municipalities and neighbourhoods. This

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<sup>1</sup> Council of Europe (11.07.2007) *Report by the Commissioner for Human Rights Mr Thomas Hammarberg on his visit to Germany 9-11 and 15-20 October 2006*, available at: <https://wcd.coe.int/ViewDoc.jsp?id=1162763&Site=COE&BackColorInternet=BDDCF2&BackColorIntranet=FDC864&BackColorLogged=FDC864> (23.03.2009), paragraph 103

diversity makes it difficult to draw an accurate and precise picture of the general situation. The vast majority of German Sinti and Roma live in normal private dwellings or council housing flats – presumably overrepresented in council housing. Alternative housing types, such as living in caravans on halting sites, living in encampments or in emergency housing, play only a quantitatively subordinate role, which also reflects the fact that the absolute vast majority of Sinti and Roma are sedentary.

Overcrowding seems to be a fairly common problem among many Sinti and Roma families. Moreover, there are several indicators that Sinti and Roma appear to live more often in the outskirts of larger cities which have a partly poorer infrastructure and sometimes also in environmentally problematic areas (e.g. industrial zones, close to train tracks or waste sites), which may entail – according to a qualitative field report commissioned by the European Roma Rights Centre (ERRC) – a higher risk of health problems.<sup>2</sup> In the few still existing encampments for Sinti and Roma (e.g. in Braunschweig) living conditions seem to be severely substandard. The specific housing situation of (Roma) asylum applicants and rejected asylum-seekers who are housed in centralised refugee accommodation centres are often described as particularly poor in terms of overcrowding, facilities and infrastructure.

The causes of the average disadvantaged housing situation of German Sinti and Roma have not yet been fully uncovered. Social (e.g. large families) and economic (e.g. lower income) factors seem to be intertwined with ethnicity-related aspects, such as anti-Roma prejudice and discrimination.

Although segregated neighbourhoods are politically strongly discouraged in Germany, ethnically segregated Sinti and Roma neighbourhoods have emerged in several cities – always at the explicit request of the Sinti and Roma community itself (e.g. Munich, Kiel). In addition to these examples of desired ethnically segregated neighbourhoods, Sinti and Roma residents seem to be overrepresented in some socially disadvantaged neighbourhoods which have a high proportion of council housing (social segregation). The quality of life in these either socially or ethnically segregated neighbourhoods differs greatly.

Although several public and non-statutory anti-discrimination bodies on the national, Länder and local levels record and process complaints of ethnic discrimination, none are specialised in discrimination regarding housing or against Sinti and Roma. No relevant data on complaints of housing discrimination against Sinti and Roma have been recorded by any of these anti-discrimination bodies.

National projects specifically targeting the housing situation of Sinti and Roma do not exist in Germany. Sinti and Roma who live in socially disadvantaged

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<sup>2</sup> A. Abdikeeva (2003) *Germany's Policies towards Sinti and Roma: Living Apartheid?*, ERRC report available at: <http://www.errc.org/cikk.php?cikk=777#12> (15.03.2009)

neighbourhoods may indirectly benefit from housing projects and initiatives funded within the national Social City governmental programme, which aims to stop social deterioration in neighbourhoods at risk.

On the local level, three main types of good-practice initiatives addressing the housing situation of Sinti and Roma have been identified:

- resettlement projects which were the policy focus until the 1990s, trying to provide 'normal' housing to Sinti and Roma who had previously lived in sub-standard (emergency) housing;
- revitalisation of existing housing, often in socially disadvantaged neighbourhoods with a high proportion of Sinti and Roma;
- building of new housing specifically for Sinti and/or Roma, taking into account the specific needs of the new residents.

Two good-practice examples were selected and described in greater detail: (a) the revitalisation project Unterer Asterstein in Koblenz, where a formerly unattractive neighbourhood with a high proportion of Sinti was significantly upgraded and enhanced; and (b) the newly built the Maro Temm Sinti neighbourhood in Kiel, initiated and carried out primarily by the regional Sinti and Roma association. What both projects have in common – and what is considered a key to their success – is the strong participation of the local Sinti communities, and that their specific needs were taken into account when the neighbourhood was being (re-)built.



# 1. Desk research

## 1.1. Legal and policy framework

In order to accurately describe the legal and policy framework addressing housing and Roma issues in Germany, it is essential to differentiate between three Roma groups (see also 1.2.):

- members of the officially recognised national minority of German Sinti and Roma, who have been residing in Germany for many generations and are an officially recognised national minority; this group is regarded as the main focus of this study;
- Roma who arrived as labour migrants ('guest workers') from the former Yugoslavia in the late 1960s and early 1970s and have been living in Germany with their families for many years usually with a strong residence status; irrespective of whether they have been naturalised, they are treated in the same way as German citizens regarding relevant laws and policies;
- Roma refugees, mostly from (South-)Eastern European countries, who have sought asylum in Germany, especially since the 1990s; many have not been officially recognised as refugees and currently only hold a certificate of Duldung [temporary stay of deportation] and hence do not enjoy the full scope of social rights.

A fourth group of third-country Roma seems to have emerged in the recent past as a consequence of the migration of EU citizens from Eastern European countries like Romania, Bulgaria or Hungary. However, no reliable information on the ethnic backgrounds of these EU citizens is available. Given the wide scope of migration from these countries in recent years, it appears likely that there is a significant number of Roma among these 'new' EU citizens in Germany. Regarding their legal situation with regard to housing rights, all EU citizens living in Germany with a legal residence status enjoy the same legal rights and social protection rights on housing as both German citizens and long-term non-EU migrants with a strong residence status.

### 1.1.1. Protection of the right to adequate housing in national legislation

No specific legal or administrative provisions are in place at the national level that deal with the right to adequate housing of Sinti and Roma. German Sinti and Roma and non-German Roma with a strong residence status enjoy the same social rights as non-minority citizens – also in the context of housing. Only

(Roma) asylum-seekers and refugees with a weak residence status are excluded from many social benefits.<sup>3</sup>

## Non-discrimination in the context of housing

Whereas the Grundgesetz (GG) [German Constitution] stresses in Article 13 the fundamental right of the ‘inviolability of the home’ and, thus, recognises the importance of a protected sphere of privacy, it does not explicitly mention the right to adequate housing (according to Art. 11 of the International Covenant on Economic, Social and Cultural Rights, which Germany is a party to). At the Länder level, however, the majority of the 16 state constitutions contain sections on the right to housing, which stress the responsibility of the Länder to ensure that sufficient adequate housing is available. Whereas in some Länder these state constitutions only stress the general goal of the state to provide affordable housing, or the state’s self-obligation to create and maintain sufficient and adequate housing, a few state constitutions explicitly emphasise every resident’s entitlement to adequate housing (e.g. in the Bavarian State Constitution, Art. 106 (1)).

The Allgemeine Gleichbehandlungsgesetz (AGG) [General Equal Treatment Act], Germany’s first anti-discrimination law, which entered into force in August 2006 transposing the EU Racial Equality Directive, is considered by the CoE Commissioner for Human Rights as ‘a significant step forward in addressing the discrimination of Roma/Sinti in Germany’.<sup>4</sup> The AGG does not contain any explicit provisions on Sinti and Roma, but bans discrimination on the grounds of – amongst other things – ethnic origin (AGG, Section 1) in various areas of social life, including access to housing (AGG, Section 2 (1) No. 8, and Section 19). The AGG makes, however, several explicit exceptions in which unequal treatment in access to housing is considered lawful: unequal treatment is not deemed as discriminatory where it serves ‘to create and maintain stable social structures regarding inhabitants and balanced settlement structures, as well as balanced economic, social and cultural conditions’ (AGG, Section 19 (3)). This provision, which aims at preventing socially, culturally and ethnically segregated areas, may entail that discrimination against Sinti and Roma regarding access to housing is considered as lawful and hence remains unsanctioned. This is particularly noteworthy due to the fact that – as several interviewed experts have indicated (see also 1.3) – Sinti and Roma families

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<sup>3</sup> Asylum-seekers whose application is still pending or has been rejected receive allowances and, amongst other benefits, housing assistance on the basis of the *Asylbewerberleistungsgesetz* [Law on Benefits for Asylum-seekers (AsylbLG)]; receiving a lower level of assistance are citizens and non-Germans with a stronger residence status, who receive general allowances.

<sup>4</sup> Council of Europe (11.07.2007) *Report by the Commissioner for Human Rights Mr Thomas Hammarberg on his Visit to Germany 9-11 and 15-20 October 2006*, available at: <https://wcd.coe.int/ViewDoc.jsp?id=1162763&Site=COE&BackColorInternet=DBDCF2&BackColorIntranet=FDC864&BackColorLogged=FDC864> (23.03.2009), paragraph 103

often wish to live alongside their kin in the same neighbourhood. Moreover, the AGG legally allows unequal treatment regarding access to housing where the landlord or his/her relatives and the tenants 'use housing situated on the same plot of land' (AGG, Section 19 (5)), (i.e. a landlord need not comply with the principle of non-discrimination when he/she renting out a flat on a property where he/she actually lives).<sup>5</sup>

## Housing-related laws, regulations and public housing policies

Sinti and Roma are entitled – like any other resident – to housing-related social assistance, provided they meet the general eligibility criteria. These assistance mechanisms, enshrined in different laws and policies, are presented in sub-section 1.1.4.

## Forced evictions

The constitutional principle on the integrity of the home (GG, Art. 13) does not prohibit (forced) evictions per se, which are legally possible under strict circumstances.<sup>6</sup> Two typical situations that may lead to eviction, and the respective civil law provisions that seek to prevent such evictions, will now be briefly described.

The landlord can terminate the lease with the tenant only for 'legitimate reasons' (Civil Code, Section 573) – i.e. either the landlord needs the dwelling for him/herself or the tenant has significantly violated his/her contractual duties. In cases of severe violations of contractual duties (e.g. significant delay in paying rent), giving due notice is deemed not necessary (Civil Code, Section 543). Several provisions of the Civil Code, however, protect tenants against eviction and from becoming homeless: provided the tenant has not severely violated contractual duties, the tenant can lodge an objection and request that he/she remains living in the flat if losing it would cause specific hardships; 'not being able to find an adequate new dwelling under acceptable conditions' is considered a case of hardship (Civil Code, Section 574 (2)). In such cases, the tenant is permitted to remain living in the flat for as long as the hardship

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<sup>5</sup> As discrimination in the sphere of civil law is only considered unlawful in the realm of 'bulk business' and 'where the regard of the person is of subordinate significance' (AGG, Section 19 (1)), those landlords who rent out 50 or fewer flats are explicitly excluded from the obligation to comply with the principle of non-discrimination (AGG, Section 19 (5)). However, according to Section 19 (2), this limitation does not apply to discrimination on the grounds of 'race or ethnic origin', but only to discrimination on the grounds of sex, religion, disability, age or sexual orientation.

<sup>6</sup> A. Hess (2008) *Bericht zur Veranstaltung 'Armut und Menschenrechte – das Recht auf angemessenen Wohnraum' am 14. Juli 2008 in Berlin*, available at: [http://files.institut-fuer-menschenrechte.de/437/Bericht\\_3\\_Vortragsreihe\\_Armut\\_und\\_Menschenrechte.pdf](http://files.institut-fuer-menschenrechte.de/437/Bericht_3_Vortragsreihe_Armut_und_Menschenrechte.pdf) (17.03.2009)

circumstances prevail – possibly even for an unlimited period of time (Civil Code, Section 574a). If such hardship criteria do not apply or if the lease has been terminated lawfully without due notice (i.e. the tenant has severely violated his/her contractual duties), the tenant can be evicted.

Tenants who receive unemployment benefits (according to Social Code SGB II) can be forced to move out indirectly if their current residence is regarded as ‘not appropriate’ (i.e. too expensive and/or too big) by the authorities. A concrete nationwide definition of what is appropriate does not exist.<sup>7</sup> If the residence (i.e. its rent) is considered as ‘not appropriate’, the public authority in charge of housing allowances will cover the full expenses for the rent only for a limited period of time (usually a maximum of six months). During these six months (in the Berlin Land, usually 12 months) the tenant is urged to move into an ‘appropriate’ residence. If the person remains living in the ‘inappropriate’ accommodation until after this period, the authority in charge does not need to pay the full rent any longer, but only has to cover the expense that ‘appropriate’ accommodation would cost – unless specific circumstances make it impossible or unreasonable for the recipient to move. If such circumstances do not apply, the extra costs are to be borne by the tenant him/herself – which often constitutes an insurmountable financial barrier as unemployment benefits are usually not sufficient. These people are then at risk of losing their accommodation when they can no longer pay their rent, according to the aforementioned Civil Code provisions.

A person at risk of losing his/her accommodation is offered assistance by the authority in charge of social welfare benefits regarding (amongst other things) keeping the accommodation or finding a new one (Sections 67-69 of the Social Code XII (SGB XII)) – irrespective of the concrete financial situation of the person. According respectively to Section 34 SGB XII (regarding social welfare benefits) and Section 22 (5) SGB II (regarding unemployment benefits), the authorities shall cover the debts of the tenant if it is deemed ‘justified and necessary’ to prevent that person from becoming homeless. If the tenant has lost his/her accommodation, the local authority in charge of social welfare benefits has to take action to improve or prevent the deterioration of the social situation, by providing coherent assistance, including measures to find a new residence.

Individual municipalities are in charge of providing local alternative accommodation, e.g. temporary (emergency) accommodation for homeless people, according to SGB XII Sections 67-69. It remains unclear for the time

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<sup>7</sup> The definition of what is considered as ‘appropriate’ accommodation in terms of size per occupant draws on the provisions laid down in the *Wohnraumförderungsgesetz* [Housing Assistance Act] and differs from *Land to Land*. The example of Bavaria illustrates that these criteria are quite high: a one-person household is considered appropriate (in terms of size) if it does not exceed 50 m<sup>2</sup> for a two-room flat or 40 m<sup>2</sup> for a one-room flat (Bayern, Bayerisches Staatsministerium des Innern, *Wohnraumförderungsbestimmungen 2003*, IIC1-4700-003/02, 22 November 2002).

being, however, as to what extent and under which circumstances the community can be legally obliged to provide such accommodation. In 2003, the Hesse Upper Administrative Court in Kassel [Verwaltungsgerichtshof] ruled that the municipality in which the homeless person currently is living is obliged to provide accommodation – irrespective of whether the person has previously applied for accommodation somewhere else. This verdict has been interpreted as the general right of homeless people in the Hesse Land to be offered accommodation in the city where they are currently living.<sup>8</sup>

The level of protection against eviction with such temporary (emergency) accommodation is weaker than under ‘normal’ renting circumstances, as the general civil law protection rights do not apply (due to the lack of a formal rental contract). This weak protection against eviction is also true for other forms of rental arrangement that are not legally secured through contractual agreements.

## Regulations on specific housing issues: halting sites and encampments

No national legislation or regulations on specific issues exist that specifically concern Sinti and Roma; this holds also true in the context of alternative forms of housing (i.e. there are no relevant national regulations on halting sites, mobile homes or encampments).<sup>9</sup> The absolute vast majority of Sinti and Roma in Germany are sedentary and live in ‘normal’ dwellings, which make such regulations on halting sites and encampments hardly relevant for the immediate housing situations of Sinti and Roma.<sup>10</sup>

At the state and local levels, regulations on (short and long-term) halting sites are in place in some cities which have sought to create a legal basis for previously unofficial halting sites and encampments. At the Länder level, the Hamburg State Caravan Law and the Bremen State Caravan Law have been in effect since the 1950s – neither making an explicit reference to Sinti or Roma.<sup>11</sup> Generally, it falls within the responsibility of the individual municipalities to

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<sup>8</sup> Germany/*Hessischer Verwaltungsgerichtshof*11 TG 3379/02 (no date)

<sup>9</sup> The only vaguely relevant national law is the *Baugesetzbuch* (BauGB) which regulates urban planning and development; Section 1 (6) stresses, amongst many other aspects, that the social and cultural needs of the population, especially of families, the young, the elderly and the disabled are to be taken into account and that a just balance between public and private interests are to be found; halting sites or forms of encampments are not explicitly mentioned in this act.

<sup>10</sup> Apparently, a significant number of Sinti and Roma ‘travel’ during their holidays; for them halting sites may be relevant, but it does not immediately affect their housing situation. Evidence indicates that these halting sites are also used by non-German Sinti and Roma who travel to Germany from other European countries, for example, in order to visit relatives.

<sup>11</sup> These regulations on halting sites and encampments originally addressed the problematic housing situation in post-war Germany.

pass respective regulations. Several local regulations have been identified that have institutionalised and legalised such sites at the local level, but there have also been cases where municipalities have prohibited or hampered the establishment of such sites.

### 1.1.2. Specific protection of Sinti and Roma rights in national legislation

The ratified European Framework Convention for the Protection of National Minorities and the European Charter for Regional and Minority Languages constitute the only two legal documents that refer specifically to Sinti and Roma in national legislation. The European Charter, which entered into force in Germany on 1 January 1999, seeks to protect certain minority languages, including Romani, the language of the Sinti and Roma.<sup>12</sup> In 1997, the Federal Government ratified the Framework Convention officially recognising German Sinti and Roma as one of four national minorities in accordance with the Convention; it came into force on 1 February 1998.<sup>13</sup> The Convention obliges the government to ensure that members of the national minorities are treated equally before the law and not discriminated against based on their belonging to a national minority.<sup>14</sup> Moreover, the government is obliged ‘to adopt, where necessary, adequate measures in order to promote, in all areas of economic, social, political and cultural life, full and effective equality between persons belonging to a national minority and those belonging to the majority’ (Art. 4).

Given that these legal rights are also enshrined in the German Constitution, there are no minority-specific legal rights or protection of Sinti and Roma in

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<sup>12</sup> Beyond the general commitment of the federal government to protect the Romani language, only the state government in Hesse has introduced 35 concrete obligations on the practical protection and promotion of Romani, e.g. on the use of Romani in official applications in public service providers. See: Bundesministerium des Innern (1999) *Europäische Charta der Regional- oder Minderheitensprachen*, available at: [http://www.bmi.bund.de/clin\\_104/SharedDocs/Standardartikel/DE/Themen/MigrationIntegration/ohneMarginalspalte/Europaeische\\_Charta.html?nn=103976](http://www.bmi.bund.de/clin_104/SharedDocs/Standardartikel/DE/Themen/MigrationIntegration/ohneMarginalspalte/Europaeische_Charta.html?nn=103976) (26.03.2009).

<sup>13</sup> Five criteria need to be met by minority groups in order to be recognised by the federal government. See: Germany, Bundestag, printed matter 14/4045 (06.09.2000): the members of the community are German citizens; they differ from the majority population in terms of their own language, culture and history also regarding their own identity; they want to maintain their identity; they are traditionally native in Germany; they live in Germany in their traditional settlements.

<sup>14</sup> The government pointed out that these principles of equality and non-discrimination are guaranteed by fundamental rights enshrined in the German Constitution. See: Germany, Bundesregierung (1999) First Report submitted by the Federal Republic of Germany under Article 25, paragraph 1, of the Council of Europe’s Framework Convention for the Protection of National Minorities (here: I.1).

Germany.<sup>15</sup> As neither the Framework Convention nor the European Charter for Regional and Minority Languages contain any obligations referring to housing, no national legislation relevant to housing with an explicit focus on Sinti and Roma exists, (i.e. Sinti and Roma ‘only’ benefit from general social policies and protection or support mechanisms).

The federal and the state (Länder) governments underscore their commitment towards Sinti and Roma communities by providing financial support to many Sinti and Roma associations and initiatives. The Central Council of Sinti and Roma at the national level and several Sinti and Roma associations at the state level (e.g. in Bavaria, Baden-Württemberg, Schleswig-Holstein, Rhineland Palatine, Hesse) have been receiving financial support from the federal government or, respectively, their state governments.

As most aspects covered by the Framework Convention and the European Charter for Regional and Minority Languages fall within the responsibility of the Länder (and not of the federal government), the framework agreement between the Rhineland Palatine Land and the Rhineland Palatine association of the German Sinti and Roma is particularly noteworthy. In this agreement, signed in 2005, the state government emphasised its commitment to fostering the active participation of Sinti and Roma ‘in all areas of cultural, social, economic and political life’ (preamble) and to redress any form of prejudice and discrimination against them (Art. 4); it also encompasses the concrete obligation of the Rhineland Palatine Land regarding, for instance, the institutional funding and funding of specific projects.<sup>16</sup> In May 2007, a joint declaration of the Bavarian state government and the Bavarian association of German Sinti and Roma was signed, in which the historical responsibility of the state towards the Sinti and Roma – including the obligation to counter discrimination and racism – was stressed.<sup>17</sup> This joint declaration was also highlighted in the Note Verbale of the federal government transmitted to the OHCHR in 2008.<sup>18</sup> In this official statement, the government also pointed to ‘a resolution on the “protection of national minorities from the use of discriminatory minority characterisations by police authorities”, including the Sinti and Roma’, adopted by the Standing Conference of Interior Ministers of the Länder in December 2007.

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<sup>15</sup> B.S. Pfeil (2006) ‘Die Minderheitenrechte in Deutschland’, in: Ch. Pan and B.S. Pfeil (eds.) *Minderheitenrechte in Europa, Handbuch der europäischen Volksgruppen*, Vol. 2, Vienna/New York: Springer, p. 125

<sup>16</sup> State Chancellery of Rhineland-Palatinate (25.07.2005) Rahmenvereinbarung zwischen der rheinland-pfälzischen Landesregierung und dem Verband Deutscher Sinti und Roma Landesverband Rheinland-Pfalz e.V., available at: <http://www.rlp.de/rlp/nav/c99/binarywriterservlet?imgUid=65af4eb0-7443-1153-a16e-5c3899d11eb3&uBasVariant=33333333-3333-3333-3333-333333333333> (26.03.2009)

<sup>17</sup> German Sinti and Roma Association of Bavaria, available at: [http://www.sinti-roma-bayern.de/Aktuelles\\_index2.htm](http://www.sinti-roma-bayern.de/Aktuelles_index2.htm) (17.03.2009)

<sup>18</sup> Permanent Mission of the Federal Republic of Germany to the Office of the United Nations and to the other International Organizations Geneva (2008), *Note Verbale* to the OHCHR on 31 July 2008; Ref.: Pol 504.14; Note No.: 230/2008

### 1.1.3. 'Ethnic' data collection on housing

The collection of data on ethnic origin is greatly restricted in Germany. The Bundesdatenschutzgesetz (BDSG) [Federal Data Protection Law] considers ethnic data a 'special category of personal data'. Collection, processing and use of these data are subject to specific restrictions (BDSG Section 4a (3)). It is not prohibited to collect ethnic data per se, but in fact no official ethnic data collection exists that is relevant to the context of housing.<sup>19</sup> Only very few surveys among Sinti and Roma have been conducted in which Sinti and Roma organisations were involved in defining the target group.

Whereas official statistics in Germany are generally based on the differentiation between Germans and non-Germans, an (increasing) number of data collection mechanisms have been applied in the recent past that differentiate not only by nationality, but also by migration background. It is important to mention, however, that different statistics use different definitions of migration background. The most important data collection mechanisms, which also generate data on the housing situation, are the annual Micro Census (N = approximately 800,000)<sup>20</sup> and German Socio-Economic Panel (GSOEP) Survey.<sup>21</sup>

### 1.1.4. General public policy on housing

Sinti and Roma are entitled – like any other resident – to housing-related social assistance, provided they meet the general eligibility criteria. These assistance mechanisms seek to support socially disadvantaged residents in the realm of housing – irrespective of their ethnic or national background. Foreigners subject

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<sup>19</sup> The only official statistics that contain data on ethnicity are administered by the Federal Office for Migration and Refugees (BAMF) and refer to the number of asylum applicants. These statistics contain information on the ethnicity of certain asylum applicant groups as this is considered decisive in the assessment of their asylum application. The number of applicants from Serbia, for instance, is differentiated according to ethnic background and explicitly identifies applicants of Roma origin (available since 1999). These BAMF statistics also contain information on the ethnic origin of Iraqi and Turkish asylum applicants (identifying applicants of Kurdish origin) and of Russian applicants (identifying, for instance, those of Chechnya origin).

<sup>20</sup> The Micro Census encompasses additional questions every fourth year on the dwelling situation of the respondents, distinguishing between owned and rented accommodation and broken down by age, sex, nationality and, since 2005, also by migration background; migration background is defined by a combination of the three indicators of the nationality, migration history and naturalisation of respondents as well as by their parents.

<sup>21</sup> The SOEP contains in some survey rounds (e.g. 1997 and 2002) relevant questions on the concrete housing situation of the respondents, such as living space (m<sup>2</sup> per capita), gross rent in relation to household income, dwelling-related facilities (e.g. bath/shower, central heating, balcony/patio, garden) and assessment of the physical conditions of the dwelling. The SOEP differentiates between Germans, *Spätaussiedler* [ethnic German migrants], foreigners and second-generation migrants (persons born in Germany with non-German parents).



to the AsylbLG, (mainly rejected asylum-seekers) are excluded from many of these benefits. The following three support mechanisms are the most significant:

- provisions on the entitlement to council housing, laid down in the Wohnraumförderungsgesetz (WoFG) [Housing Assistance Act] in force since January 2002;
- housing-related allowances for recipients of unemployment and people in particularly difficult social situations (according to Social Codes II and XII);
- amended provisions on housing subsidies (Wohngeldnovelle);

The Housing Assistance Act (WoFG) is a core housing policy instrument that seeks to ensure that sufficient affordable dwellings (i.e. council housing flats) are available. It pursues the primary objective of assisting households that face difficulties in accessing the regular housing market, namely low-income families as well as families and other households with children, single parents, pregnant women, the elderly and disabled, the homeless and others who need assistance (WoFG, Section 1 (2) No. 1). The law establishes that housing companies who provide inexpensive dwellings within the scope of social housing scheme shall receive financial support from the state.<sup>22</sup> These social housing dwellings have to be made available to people in need of inexpensive housing. Individuals and families whose annual income is below a certain level<sup>23</sup> are entitled to a Wohnberechtigungsschein [specific housing authorisation permit], which is necessary when applying for council accommodation. Holding such a permit is the precondition for finding council accommodation, but it is not an automatic guarantee. The landlord – though bound to rent the flat only to a person with such a permit – selects his/her tenants, in due consideration of existing legal provisions such as the AGG. According to WoFG Section 27 (2), only people who permanently live in Germany are eligible to receive a housing authorisation permit. Depending on the practical application of this provision by the Land or the individual municipality, asylum-seekers and foreigners with a temporary stay of deportation are often excluded from the benefit of gaining access to social housing.<sup>24</sup> However, the Federal Administrative Court ruled in 2003 that asylum-seekers who are not obliged any longer to live in centralised

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<sup>22</sup> Since the fundamental reform of the responsibilities of the federal government and the *Länder* (September 2006), the *Länder* have been in charge of legislative and the financing-related issues of council housing and housing assistance. As long as the *Länder* have not passed their own state legislation, the WoFG will be applied.

<sup>23</sup> WoFG Section 9 defines these income thresholds as follows: 12,000 EUR for a one-person household; 18,000 EUR for a two-person household and a further 4,100 EUR for each additional occupant.

<sup>24</sup> According to the new Residence Act (§ 44 I (1) AufenthG) permanent residence is generally to be assumed if the foreigner is given a residence permit valid for more than one year, or has held a residence permit for more than 18 months, unless the stay is of a temporary nature. This means that, amongst other things, those with a temporary stay of deportation can be denied social housing benefits.

accommodation are generally entitled to obtain an authorisation permit for council flats.<sup>25</sup>

The Social Code (SGB), in particular SGB II on unemployment benefits and SGB XII on social welfare benefits, contains provisions on the entitlement of certain groups to housing-related allowances.

According to SGB II, employable persons in need of assistance are entitled to – in addition to the regular unemployment benefits (ALG II) – allowances for their accommodation and heating, provided these costs are considered not too high (i.e. ‘appropriate’, SGB II, Section 22 (1)); in addition, he/she is entitled to a one-time payment for equipping a new residence with furniture and other basic (electronic) equipment (SGB II, Section 23). If a recipient of SGB II allowances moves into another residence (without being requested to do so by the authority in charge of SGB II benefits), the costs of the rent and the heating in the new accommodation will only be covered up to the level of the costs of the previous dwelling. Rental costs that exceed what is locally considered ‘appropriate’ in terms of size and rent (see above) must be borne by the recipient. Germans and most foreigners who are regularly and legally residing in Germany are entitled to receive SGB II allowances; excluded from these housing-related benefits are, amongst other groups of foreigners, those who receive allowances on the basis of the AsylbLG.

As mentioned in the section on forced eviction, the Social Code on social welfare allowances (SGB XII) contains housing-related provisions aiming to provide assistance to people in ‘particularly difficult social situations’. This assistance may encompass, amongst other things, measures to prevent homelessness (e.g. keeping their accommodation, or assistance in finding something new) – irrespective of the concrete financial situation of the person (SGB XII, Sections 67-69).

The third housing-related assistance mechanism was established by the Wohngeldgesetz (WoGG); the last amendment to the WoGG entered into force on January 2009.<sup>26</sup> Within its scope, financial subsidies are paid to low-income households who do not receive other allowances according to the Social Code. This housing allowance is paid as a top-up subsidy to the rent or the mortgage in order to ensure appropriate housing conditions for individuals and families (WoGG, Section 1 (1)). Whether a household is entitled to this form of subsidy (and, if so, to what extent), depends on a combination of three criteria: (a) the number of household members (family and relatives); (b) the household income; and (c) the level of the rent (WoGG, Section 4). All German and non-German residents – even asylum-seekers and foreigners with a temporary stay of deportation – who meet the formal eligibility criteria can apply for this

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<sup>25</sup> Germany/*Bundesverwaltungsgericht/BVerwG* 5 C 49.01 (13.08.2003)

<sup>26</sup> With the 2009 amendment, the level of subsidies has been increased and the cost of heating taken into account.

subsidy and are legally entitled to receive it. Sinti and Roma, who often appear to live in above-average sized households, may also benefit from this additional housing subsidy.

## Housing components in the Law on Benefits for Asylum-seekers (AsylbLG)

Certain groups of third-country nationals with a particularly weak residence status are excluded from benefits according to the general social security laws as they receive substitute allowances according to the Law on Benefits for Asylum-seekers (AsylbLG). These allowances are significantly (i.e. about one third) below the regular social benefits and should cover only basic needs, including housing. They are usually paid for the first 48 months after the asylum application was filed; after these four years the allowances ‘should’ be paid according to the regular Social Code regulations (AsylbLG, Section 2). The limited benefits (according to AsylbLG) apply in particular to asylum-seekers whose application is pending,<sup>27</sup> non-nationals with a temporary stay of deportation, refugees with temporary residence permit according to EU Directive 2001/55/EG and those foreigners who are obliged to leave Germany. Roma refugees, primarily from the Balkans, constitute a significant group affected by this law, as their asylum applications are mostly rejected, but their deportation is (currently) considered as barely enforceable.<sup>28</sup>

Foreigners subject to this law are usually accommodated in local refugee centres or decentralised, ‘normal’ flats. According to the Asylum Procedure Act (AsylVfG), asylum-seekers ‘should be accommodated in centralised accommodation centres’ (AsylVfG, Section 53); it is primarily up to the local authority to decide when a person or family is entitled to move out of the accommodation centre and into a private flat.

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<sup>27</sup> According to the Asylum Procedure Act (AsylVerfG), asylum-seekers whose applications are pending are subject to additional legal restrictions regarding their freedom of movement as their temporary residence permit is only valid in the administrative district of the foreigners’ department in charge (AsylVerfG Sections 56-58); they are neither allowed to take up residence in another district nor to leave the district without an exceptional permit.

<sup>28</sup> Since 1999, the proportion of Roma among asylum applicants from Serbia/Serbia-Montenegro has been between 22.2 and 42.5 per cent or – in absolute terms – between 6,983 (1999) and 805 (2007). The recognition rate for asylum-seekers from Serbia is extremely low; nevertheless, the government currently considers it not possible to deport these rejected asylum-seekers back to Serbia; this is especially the case for minority groups such as Roma (Germany, Bundesministerium des Innern, Bundesamt für Migration und Flüchtlinge, *Migrationsbericht 2007*, p. 107). Serbian refugees constitute the largest nationality group among all recipients of benefits on the basis of AsylbLG. In 2007, 38,656 Serbians received regular benefits following the AsylbLG, which indicates – given the high proportion of Roma among those asylum applicants from Serbia – that a fairly high number of Roma refugees are subject to the AsylbLG (Germany, Statistisches Bundesamt, *Sozialleistungen. Leistungen an Asylbewerber 2007*, Tab. A 1.4).

Those foreigners who receive benefits on the basis of the AsylbLG are not entitled to the (more favourable) benefits from SGB II or SGB XII, including the respective housing allowances. Moreover, they are often excluded from being able to gain access to social housing, depending on the practical application of this provision by the Land or the individual municipality.<sup>29</sup>

### 1.1.5. 'Positive action' measures

The government described the housing support mechanisms (1.1.4.) presented above as core instruments to combat poverty in the realm of housing in several governmental reports and action plans, such as the Third Report on Wealth and Poverty of the Federal Government<sup>30</sup> (2008) or the National Action Plans against Poverty and Social Exclusions of 2003-2005.<sup>31</sup> Both reports also pointed to the national 'positive action' programme Soziale Stadt [Social City] as an innovative approach for urban development.

The Federal and Länder programme 'Social City'<sup>32</sup> was established in 1999 with the objective of stopping the process of social deterioration in disadvantaged neighbourhoods and to prevent the emergence of such neighbourhoods (see also 1.6.). Various measures and projects have been designed, implemented and financially supported in about 500 programme areas in 318 municipalities (as of 2007), selected on the basis of criteria such as rates of unemployment, the proportion of recipients of social welfare and the proportion of foreigners living in the neighbourhood.<sup>33</sup> These measures and projects aim at improving the quality of living in the programme areas both regarding their physical housing conditions and their social situation (e.g. education and employment); numerous thematic approaches have been applied,

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<sup>29</sup> The Federal Administrative Court ruled in 2003 that asylum-seekers who are no longer obliged to live in centralised accommodation are generally entitled to obtain an authorisation permit for council flats. See: Germany/Bundesverwaltungsgericht/BVerwG 5 C 49.01 (13.08.2003).

<sup>30</sup> Germany, Bundesregierung (2008) *Lebenslagen in Deutschland. Der 3. Armuts- und Reichtumsbericht der Bundesregierung*, available at: [http://www.bmas.de/coremedia/generator/26742/property=pdf/dritter\\_armuts\\_und\\_reichtumsbericht.pdf](http://www.bmas.de/coremedia/generator/26742/property=pdf/dritter_armuts_und_reichtumsbericht.pdf) (19.03.2009)

<sup>31</sup> The National Action Plan against Poverty mentioned two of the aforementioned housing-related legislative measures, the WoFG and the WoGG. See: Germany, Bundesregierung (2003) *Strategies to Enhance Social Inclusion: National Action Plan against Poverty and Social Exclusion 2003-2005*, available at: [http://ec.europa.eu/employment\\_social/social\\_inclusion/docs/nap\\_03\\_05\\_en\\_fassung.pdf](http://ec.europa.eu/employment_social/social_inclusion/docs/nap_03_05_en_fassung.pdf) (19.03.2009)

<sup>32</sup> *Soziale Stadt Bundestransferstelle*, available at: <http://www.sozialestadt.de> (23.03.2009)

<sup>33</sup> Within the scope of the 'Social City' programme, more than 2 billion EUR were used to fund housing projects throughout Germany from 1999 to 2007. In 2008 the national government provided 110 million EUR for the initiative, and in 2009 the government dedicated 105 million EUR of its budget to the initiative. 27.5 million EUR is available for social integration projects.

ranging from improving the social infrastructure and promoting the co-operation of different social and ethnic resident groups, to increasing the quality of buildings and the neighbourhood environment. The ‘Social City’ programme was further institutionalised in 2004 when it was incorporated into the Baugesetzbuch zum besonderen Städtebaurecht [Federal Building Code on Special Urban Development Law].

### 1.1.6. Housing components in national gender equality legislation and policies

The main gender equality legislation in Germany is – besides the constitutional principles of non-discrimination – the AGG general anti-discrimination law, which also contains provisions on non-discrimination in the sphere of housing (see above), but does not include any Roma-specific components.

### 1.1.7. Housing components in national disability legislation and policies

National disability legislation or policies do not contain any components particularly relevant to Roma. The main disability legislation in Germany is – besides the constitutional principles of non-discrimination and the AGG general anti-discrimination law, Social Code IX. This Social Code deals with the rehabilitation and integration of disabled people and those at risk of becoming disabled. People (irrespective of their ethnic background) who meet the entitlement criteria are eligible to receive, amongst many other things, appropriate subsidies for finding, furnishing and maintaining a disabled-friendly dwelling (SGB IX, Section 33 (8) No. 6). Moreover, the amendment to the federal law on renting (Mietrechtsreformgesetz), which entered into force in September 2001, entailed changes of several Civil Code provisions on the rights of landlords and tenants (Civil Code, Sections 553-582). This amendment, which sought to restructure the previous regulations and strengthen the protection rights of tenants, also introduced new provisions relevant to disabled tenants (Section 554a): under certain circumstances, the landlord can be obliged to refurbish the dwelling to provide access and suitable features for the disabled. Due to a lack of data, it is impossible to determine the extent to which Sinti and Roma benefit in practice from these general disability provisions of the Social Code IX or the Civil Code.

### 1.1.8. The impact of legislation and especially of the Race Equality Directive on the housing situation of Roma

Due to the lack of sufficient data, it is difficult to assess the impact of legal provisions on Sinti and Roma in the context of housing.

The CoE Commissioner for Human Rights stated in his 2007 report that ‘Roma and Sinti in Germany face discrimination, especially in the field of education, employment and housing as well as through biased reporting by the media.’<sup>34</sup> Given such experiences of discrimination against Sinti and Roma regarding access to housing, anti-discrimination regulations may play an important role in the housing situation. Although the general ban on ethnic discrimination prohibits unequal treatment of Sinti and Roma, the AGG contains several loopholes which reduce the effectiveness of anti-discrimination provisions, in particular regarding housing, and especially the provision that permits unequal treatment if the treatment aims to create or maintain ‘balanced [...] cultural conditions’ (AGG, Section 19 (3)) which can lead to discriminatory – but lawful – rejections of Sinti and Roma when they apply for (private or council) housing. Sinti and Roma families may be particularly affected by this AGG provision since they sometimes seem to prefer living alongside their kin in the same neighbourhood, as has been pointed out by several expert interviewees; substantiated evidence to prove this assumption is, however, not (yet) available.

### 1.1.9. The impact of general public policies on the housing situation of Roma

The unavailability of relevant data makes it impossible to make substantiated and empirically based statements on the impact of general public policies on the housing situations of Sinti and Roma.

Given that ‘members of Roma and Sinti communities continue to face serious social disadvantage’, as the Third ECRI Report on Germany (2004) pointed out, it appears that Sinti and Roma are generally overrepresented among those who benefit from – or are entitled to – social benefits according to the Social Code (in particular unemployment benefits from SGB II).<sup>35</sup> Several studies and

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<sup>34</sup> Council of Europe (11.07.2007), *Report by the Commissioner for Human Rights Mr Thomas Hammarberg on his Visit to Germany 9-11 and 15-20 October 2006*, available at: <https://wcd.coe.int/ViewDoc.jsp?id=1162763&Site=COE&BackColorInternet=DBDCF2&BackColorIntranet=FDC864&BackColorLogged=FDC864> (23.03.2009), p. 29

<sup>35</sup> To be entitled to unemployment benefits and the additional allowances for housing expenses, the person needs to be available to the regional labour market and hence must not leave the region. Those very few Sinti and Roma who temporarily want to travel would be excluded from such social assistance payment (M.V. Gonzalez Romero and J. Eding (2008))

reports (e.g. the OSI report<sup>36</sup>, the ERRC/EUMAP shadow report<sup>37</sup> and the regional survey in Baden-Württemberg, see. 1.2) and expert interviews<sup>38</sup> have confirmed such an assessment. The assumption that Sinti and Roma are overrepresented in the lower income segments and often tend to live in larger families or households suggests that they are overrepresented among those who are entitled to other housing-related subsidies (e.g. within the scope of the WoGG). Moreover, local studies and some expert interviews have indicated that Sinti and Roma often live in council housing flats (i.e. they benefit from the support mechanisms laid down in the WoFG).

Roma asylum applicants and (rejected) asylum-seekers who are subject to the AsylbLG do not benefit from most of these general housing-related support mechanisms, but receive less favourable social allowances. Moreover, depending on the decisions of the individual municipality, many are not permitted to freely access the housing market and are obliged to remain living in centralised refugee accommodation where the living conditions are often very poor. These legal forms of unequal treatment of certain groups, which can be regarded as ‘discrimination by law’<sup>39</sup> or ‘legal discrimination’<sup>40</sup>, apply to all asylum-seekers under the AsylbLG and not to Roma asylum-seekers in particular.

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*Deutschland Schwarz Weiß – Der alltägliche Rassismus. Report on the Conference on 6 July 2008*, available at:

[http://www.muenchen.de/cms/prod2/mde/\\_de/rubriken/Rathaus/40\\_dir/antidiskriminierung/05\\_veranstaltungsschwarzweiss/kurzberichtsschwarzweiss.pdf](http://www.muenchen.de/cms/prod2/mde/_de/rubriken/Rathaus/40_dir/antidiskriminierung/05_veranstaltungsschwarzweiss/kurzberichtsschwarzweiss.pdf) (15.03.2009)). The question as to whether this potentially problematic regulation is to be considered a form of (indirect) discrimination against certain Sinti and Roma groups remains open; the availability to the labour market appears to be a legitimate and justified precondition for receiving unemployment benefits.

<sup>36</sup> Open Society Institute (2002) *The Situation of Roma in Germany*, available at: [http://www.eumap.org/reports/2002/eu/international/sections/germany/2002\\_m\\_germany.pdf](http://www.eumap.org/reports/2002/eu/international/sections/germany/2002_m_germany.pdf) (25.05.2009)

<sup>37</sup> European Roma Rights Centre (ERRC) and EU Monitoring and Advocacy Program (EUMAP) (2004) *Joint EU Monitoring and Advocacy Program /European Roma Rights Center Shadow Report provided to the Committee on the Elimination of Discrimination Against Women commenting on the fifth periodic report of the Federal Republic of Germany*, p.26

<sup>38</sup> Information provided by the Förderverein Rom in Frankfurt and during interviews 2 and 5.

<sup>39</sup> H. Waldrauch (2001) *Die Integration von Einwanderern: Ein Index legaler Diskriminierung*, Frankfurt/New York: Campus

<sup>40</sup> J. Wrench (2007) *Diversity Management and Discrimination. Immigrants and ethnic Minorities in the EU*, Aldershot: Ashgate, p. 120

## 1.2. Quantitative data on the housing situation of Roma and Travellers

The available quantitative data on the housing situation of Sinti and Roma in Germany is extremely poor; there are several reasons for this shortcoming, including the following.

- On several occasions, the federal government has pointed out that ‘for historical reasons, no statistical data is collected on the ethnic composition of the population’ (see also 1.1.4.).<sup>41</sup> Hence all available figures on the number of Sinti and Roma residing in Germany are based on estimations.<sup>42</sup>
- Some of the available non-official estimations lack transparency, in that they fail to clearly indicate which Sinti and Roma group is included (e.g. only German Sinti and Roma or including Roma refugees or other third-country Roma).
- The deficient data situation has hardly been improved through academic research; barely any studies have been carried out in recent years that have generated quantitative insight into the living and housing conditions of Sinti and Roma.

As mentioned in Section 1.1., at least three main groups of Sinti and Roma need to be differentiated according to their historical and biographical background.

- Sinti have settled in German-speaking regions for over six centuries; the term ‘Roma’ usually refers to those who migrated from Eastern Europe (mainly from Hungary) between 80 and 150 years ago and settled in the Ruhrgebiet [Ruhr area] and Westphalia.<sup>43</sup> Sometimes a clear and transparent distinction between Sinti and Roma is missing.
- Between 1933 and 1945 Sinti and Roma suffered greatly as victims of Nazi persecution; hundreds of thousands of Sinti and Roma were killed in Germany and Europe, their cultural heritage being largely destroyed.<sup>44</sup>

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<sup>41</sup> Permanent Mission of the Federal Republic of Germany to the Office of the United Nations and to the other International Organizations Geneva (2008) *Note Verbale* to the OHCHR on 31 July 2008; Ref.: Pol 504.14; Note No.: 230/2008

<sup>42</sup> Germany, Bundesministerium des Innern (1999) *Europäische Charta der Regional- oder Minderheitensprachen*, p. 21, available at: [http://www.bmi.bund.de/cln\\_104/SharedDocs/Standardartikel/DE/Themen/MigrationIntegrati on/ohneMarginalspalte/Europaeische\\_Charta.html?nn=103976](http://www.bmi.bund.de/cln_104/SharedDocs/Standardartikel/DE/Themen/MigrationIntegrati on/ohneMarginalspalte/Europaeische_Charta.html?nn=103976) (26.03.2009)

<sup>43</sup> S. Tebbut (1998) *Sinti and Roma: Gypsies in German-speaking Society and Literature*, Oxford: Berghahn Books, p. XVI

<sup>44</sup> Germany, Bundesministerium des Inneren (2004) *Zweiter Bericht der Bundesrepublik Deutschland gemäß Artikel 25 Abs. 2 des Rahmenübereinkommens des Europarats zum Schutz nationaler Minderheiten*



- The Federal Ministry of the Interior (BMI) as well as the Central Council for German Sinti and Roma estimate this population group in Germany currently to be about 70,000. The majority have been living in Germany for a long time and are largely ‘integrated’ into German society.<sup>45</sup>
- In the late 1960s and early 1970s, many foreign Roma came as labour migrants (‘guest workers’) from the former Yugoslavia (mainly from Serbia, Bosnia and Macedonia).<sup>46</sup> Many of them have been living in Germany with their families since. Today, the number of these Roma migrant workers and their descendents (second or third generation) in Germany number in tens of thousands, ‘partly with German citizenship, partly with a permanent residence permit’.<sup>47</sup>
- In the aftermath of the collapse of communism and especially during the Balkan wars of the 1990s, many refugees from Romania and Yugoslavia sought asylum in Germany. According to a UNICEF report published in 2007, the number of Roma refugees is estimated at around 40,000 to 50,000, with two thirds having a weak residence status (primarily a temporary stay of deportation).<sup>48</sup> There are local concentrations of Roma refugees, for instance, in Cologne (approximately 3,000), Hamburg (approximately 1,000-2,000), Münster, Frankfurt and Berlin.<sup>49</sup>

Lately, a fourth significant group of Roma residents seems to have emerged through the immigration of citizens from eastern EU countries such as Romania, Bulgaria and Hungary. Although no reliable data or estimations on the proportion of Roma among these ‘new’ EU immigrants are available, it appears likely that there are also those of Roma origin among this growing immigrant group.

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<sup>45</sup> M. Jansen (1995) *Sinti und Roma und die deutsche Staatsangehörigkeit*, Bonn: Dissertation, pp. 23-27

<sup>46</sup> Unicef (2007) *Zur Lage von Kindern aus Roma-Familien in Deutschland*, available at: [http://www.unicef.de/fileadmin/content\\_media/presse/fotomaterial/Roma\\_Konferenz/UNICEF\\_STUDIE\\_Ergebnisse\\_Deutschland.pdf](http://www.unicef.de/fileadmin/content_media/presse/fotomaterial/Roma_Konferenz/UNICEF_STUDIE_Ergebnisse_Deutschland.pdf), p. 6 (23.03.2009)

<sup>47</sup> B. Mihok and P. Widmann (2007) ‘Die Lage von Kindern aus Roma-Familien in Deutschland: Fallbeispiele aus fünf Städten’, in R. Schlagintweit and M. Rupprecht (eds.) *Zwischen Integration und Isolation: Zur Lage von Kindern aus Roma-Familien in Deutschland und Südosteuropa*, Berlin: Metropol Verlag, pp. 14-103, here p. 23

<sup>48</sup> Unicef (2007) *Zur Lage von Kindern aus Roma-Familien in Deutschland*, available at: [http://www.unicef.de/fileadmin/content\\_media/presse/fotomaterial/Roma\\_Konferenz/UNICEF\\_STUDIE\\_Ergebnisse\\_Deutschland.pdf](http://www.unicef.de/fileadmin/content_media/presse/fotomaterial/Roma_Konferenz/UNICEF_STUDIE_Ergebnisse_Deutschland.pdf), p. 9

<sup>49</sup> B. Mihok and P. Widmann (2007) ‘Die Lage von Kindern aus Roma-Familien in Deutschland: Fallbeispiele aus fünf Städten’, in R. Schlagintweit and M. Rupprecht (ed.) *Zwischen Integration und Isolation: Zur Lage von Kindern aus Roma-Familien in Deutschland und Südosteuropa*, Berlin: Metropol Verlag, pp. 14-103, here: pp. 29-30

### 1.2.1. Number of Sinti and Roma in Germany

The number of German Sinti and Roma living in Germany is generally estimated to be approximately 70,000.<sup>50</sup> The OSI report (2002) also mentions this figure, but underlines that ‘some Romani leaders put the number between 150,000 and 200,000’ or even up to 300,000 as they ‘generally do not distinguish between various legal categories (e.g. citizens, long-term residents without citizenship, and stateless persons and refugees)’.<sup>51</sup> The Society for Threatened Peoples estimates the population to be between 60,000 and 70,000 German Sinti, around 40,000 German Roma and 20,000 Roma refugees from Kosovo.<sup>52</sup> According to a parliamentary document, released in 2007, altogether approximately 200,000 German and non-German Sinti and Roma live in Germany, including more than 50,000 Roma refugees from the Balkans.<sup>53</sup>

The majority of German Sinti and Roma live in the main cities of Western Germany and in Berlin and the surrounding area. Certain metropolitan areas in particular are mentioned, such as Hamburg, the Rhine Ruhr area with a focus on Düsseldorf and Cologne, as well as the Rhine-Main and Rhine-Neckar regions. Significant Sinti and Roma communities can also be found in some smaller or medium-sized cities in East Friesland, near Oldenburg and in Hesse, Palatinate, Baden and Bavaria.<sup>54</sup> Population statistics on Sinti and Roma broken down by, for instance, sex, age or disability are not available.

Some state associations of Sinti and Roma provide estimated figures on the number of those groups in their respective Land:

|                                      |                  |
|--------------------------------------|------------------|
| North Rhine-Westphalia <sup>55</sup> | 35,000           |
| Bavaria <sup>56</sup>                | 12,000           |
| Baden Württemberg <sup>57</sup>      | more than 10,000 |

<sup>50</sup> Germany, Bundesministerium des Innern (2004) *Nationale Minderheiten in Deutschland*, p.14

<sup>51</sup> Open Society Institute (2002) *The Situation of Roma in Germany*, available at: [http://www.eumap.org/reports/2002/eu/international/sections/germany/2002\\_m\\_germany.pdf](http://www.eumap.org/reports/2002/eu/international/sections/germany/2002_m_germany.pdf) (25.05.2009)

<sup>52</sup> Gesellschaft für bedrohte Völker (2002) *Basisfakten Sinti und Roma*, available at: <http://www.barbara-l-ehrt.de/roma.html> (17.03.2009)

<sup>53</sup> Germany, Bundestag, printed matter 16/5784 (20.06.2007), available at: <http://dip21.bundestag.de/dip21/btd/16/057/1605784.pdf> (30.03.2009)

<sup>54</sup> Germany, Bundesministerium des Innern (2004) *Nationale Minderheiten in Deutschland*, p. 14

<sup>55</sup> <http://www.sintiundroma-nrw.de/surnrwzwei.htm> (25.05.2009)

<sup>56</sup> <http://www.sinti-roma-bayern.de> (25.05.2009)

<sup>57</sup> <http://www.sinti-roma-bawue.de> (25.05.2009)

|   |       |
|---|-------|
| Rhineland Palatinate <sup>58</sup>  | 8,000 |
| Schleswig-Holstein (in and around Kiel, Geesthacht, Heide, Flensburg and Rendsburg) <sup>59</sup> | 5,000 |

Moreover, some estimates of the Sinti and Roma population on the local level are available:

|   |   |
|---|---|
| Hamburg <sup>60</sup>   | approximately 37,000 Sinti and Roma   |
| Munich <sup>61</sup>  | 10,000 Sinti; 3,000-4,000 Roma  |
| Berlin <sup>62</sup>  | 6,000-20,000 Sinti and Roma   |
| Cologne <sup>63</sup>   | 7,000 Sinti and Roma (including 1,500 German Roma and 1,500 German Sinti)       |
| Düsseldorf <sup>64</sup>  | 5,000 Roma, 350 Sinti, 2,000 Roma from Ex-Yugoslavia and Macedonia              |
| Nuremberg (incl. Erlangen and surrounding region) <sup>65</sup> | 3,000-5,000 German Sinti and Roma; about 200 Roma asylum-seekers                |
| Frankfurt/Main (Greater Rhine-Main area) <sup>66</sup>          | 1,500-2,000 (primarily from Romania and Poland, but also German Sinti and Roma) |

<sup>58</sup> <http://www.vdsr-rlp.de/documents/62475a9bdf55e68f-6DD1AD08-112F-B496-837DA928C519F6D836289816100866.pdf> (25.05.2009)

<sup>59</sup> R. Schnack (2008) Kulturbewahrung und Integration, *Maro Temm – ein Wohnprojekt für Sinti and Roma*, Grenzfriedenshefte, available at: <http://www.schleswig-holstein.de> (23.03.2009)

<sup>60</sup> M. Krause (2005) Europäisches Forum für Antiziganismusforschung, *Hamburger Modell Regionale Unterstützung des Schulbesuchs von Roma- und Sinti-Kindern*, available at: <http://www.ezaf.org/download/IIIAZK10.pdf> (30.03.2009)

<sup>61</sup> M.V. Gonzalez Romero and J. Eding (2008) *Deutschland Schwarz Weiß – Der alltägliche Rassismus. Report on the Conference on 6 July 2008*, available at: [http://www.muenchen.de/cms/prod2/mde/\\_de/rubriken/Rathaus/40\\_dir/antidiskriminierung/05\\_veranstaltungsschwarzweiss/kurzberichtschwarzweiss.pdf](http://www.muenchen.de/cms/prod2/mde/_de/rubriken/Rathaus/40_dir/antidiskriminierung/05_veranstaltungsschwarzweiss/kurzberichtschwarzweiss.pdf) (15.03.2009)

<sup>62</sup> [http://www.rbb-online.de/\\_fernsehen/magazine/beitrag\\_jsp/key=rbb\\_beitrag\\_7917307.html](http://www.rbb-online.de/_fernsehen/magazine/beitrag_jsp/key=rbb_beitrag_7917307.html) (13.03.2009)

<sup>63</sup> Germany, Bundesministerium für Bildung und Forschung (2006) *10 Punkte Erklärung des Rom Köln e.V.*, available at: <http://www.ganztagsschulen.org/5212/php> (05.03.2009)

<sup>64</sup> [http://www.kath-zigeunerseelsorge.de/5\\_Anschriften\\_Links/Beschr-sozialdienst.htm](http://www.kath-zigeunerseelsorge.de/5_Anschriften_Links/Beschr-sozialdienst.htm) (04.03.2009)

<sup>65</sup> Information provided by the Initiative Sinti and Roma in Nuremberg

<sup>66</sup> Information from Förderverein Rom in Frankfurt. Additional information: The majority of Roma in Frankfurt are from Romania. The second largest group from Poland, followed by

|                         |  |
|-------------------------|--|
| Lübeck <sup>67</sup>    | 600-700 Sinti und Roma   |
| Freiburg <sup>68</sup>  | 330 Sinti and Roma in 105 households in one particular neighbourhood |
| Karlsruhe <sup>69</sup> | 250 Sinti and Roma families  |
| Hamm <sup>70</sup>      | 200 Sinti  |

Quantitative data on the number of Sinti and Roma, broken down into the categories sedentary, semi-sedentary or itinerant, do not exist at any level, but according to desk research and expert interviews, the absolute vast majority of Sinti and Roma is sedentary.<sup>71</sup> During several interviews, experts stated that some Sinti and Roma still own caravans to this day, which they usually use to visit family members in Germany or other European countries, or to travel during the summer holidays<sup>72</sup> – which does not suggest an itinerant lifestyle.

## 1.2.2. Data on the housing conditions of Sinti and Roma

Quantitative data on the housing situation, including the housing conditions of Sinti and Roma in Germany are scarcely available; this holds true for issues of housing tenure, living conditions and the size and type of household. Even more so, this is relevant for data on the number of Sinti and Roma living in encampments or halting sites, the amount of forced evictions, or information on access to public utilities. The few studies that have been conducted recently,

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German Sinti and Roma. The fourth largest group comprises Roma from the former Yugoslavia.

<sup>67</sup> <http://www.luebeck.de/incl/pressediensarchiv/sep97/970529r.html> (20.03.2009)

<sup>68</sup> It is hard to predict the total population of the city, because many have moved to neighbouring areas; 80% are Sinti, 33% are children and youth under 18 years; in 1994 89% received social welfare. <http://www.nachbarschaftswerk.de/index.php?id=64> last access 04.03.2009

<sup>69</sup> G. Weiß, *Mediatorinnetätigkeit in der ‚Beratungsstelle Soziales/Arbeit‘ vom 1.August 2003 bis 31.Juli 2004*, available at: <http://www.sinti-roma-bawue.de/Mediatorenbericht.html> (23.03.2009)

<sup>70</sup> [http://www.hammer-norden.de/pdf\\_einrichtungen/pdf17.pdf](http://www.hammer-norden.de/pdf_einrichtungen/pdf17.pdf) (04.03.09)

<sup>71</sup> An outdated nationwide empirical study on the living conditions of Sinti and Roma, which was conducted in the early 1980s and commissioned by the Federal Ministry for Youth, Family and Health, found that six out of 102 Sinti households were considered itinerant. This can only provide a historical picture. See: A. Hundsatz (1982) *Soziale Situation der Sinti in der Bundesrepublik Deutschland : Endbericht , Lebensverhältnisse deutscher Sinti unter besonderer Berücksichtigung der eigenen Aussagen und Meinungen der Betroffenen*, Stuttgart-Berlin-Cologne-Mainz: Kohlhammer.

<sup>72</sup> Interview No.2; Interview No. 6

most importantly the UNICEF study on the situation of Roma children (2007)<sup>73</sup> and the OSI report (2002)<sup>74</sup>, do not provide significant quantitative insight into the housing situations of Sinti and Roma. Therefore, the most widely available information is based on qualitative insight and expert assessments, and is thus presented in section 1.3 of this study. Relevant quantitative information on the housing conditions of elderly Roma, women or Roma with disabilities are entirely lacking.

The only recent study that attempts to shed light on the housing situation, including – to some extent – the housing conditions of Sinti and Roma is a 2002 (unpublished) regional survey, completed by the state association of Sinti and Roma in Baden-Württemberg.<sup>75</sup> The survey data were gathered through 94 telephone interviews (covering a total of 293 people) and 16 home visits. It is important to mention that these survey data cannot be viewed as representative (not even for Baden-Württemberg) due to the small sample size and its presumably strong overrepresentation of socially disadvantaged Sinti and Roma.

Survey participants were asked, amongst other things, to describe the age of their flats or the building in which their flat is located. A large majority (69 per cent) of Sinti and Roma reported that they live in Altbau [old buildings]. Twenty-five per cent live in older, but modernised flats, and only six live in newer flats.

Through the 16 flat visits, information was gathered about whether the flat met housing (size) requirements established by the legal regulations laid down in the WoFG. None of the four-person or greater households fulfilled the space requirements. Half of both the one-person and three-person households and 20 per cent of the two-person households also failed to comply with the established housing standards. This also points to overcrowded living conditions.

Sinti and Roma were also asked to assess their housing situation based on degree of satisfaction. This differed largely based on the type of housing: all the surveyed Sinti and Roma home/flat owners were very satisfied with their housing situation; the majority living in private rental apartments were also satisfied (68 per cent) and only a small percentage of tenants (nine per cent) were dissatisfied. Sinti and Roma living in council housing, however, gave mixed responses about their housing situations. 28 per cent were satisfied and

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<sup>73</sup> Unicef (2007) *Zur Lage von Kindern aus Roma-Familien in Deutschland*, available at: [http://www.unicef.de/fileadmin/content\\_media/presse/fotomaterial/Roma\\_Konferenz/UNICEF\\_STUDIE\\_Ergebnisse\\_Deutschland.pdf](http://www.unicef.de/fileadmin/content_media/presse/fotomaterial/Roma_Konferenz/UNICEF_STUDIE_Ergebnisse_Deutschland.pdf) (23.03.2009)

<sup>74</sup> Open Society Institute (2002) *The Situation of Roma in Germany*, available at: [http://www.eumap.org/reports/2002/eu/international/sections/germany/2002\\_m\\_germany.pdf](http://www.eumap.org/reports/2002/eu/international/sections/germany/2002_m_germany.pdf) (25.05.2009)

<sup>75</sup> Verband Deutscher Sinti & Roma, Landesverband Baden-Württemberg - *Studie und Dokumentation der Wohnsituation Deutscher Sinti & Roma in Baden-Württemberg* (unpublished)

34 per cent were partially satisfied, while 29 per cent were dissatisfied. Survey participants were also asked to rate their furnishings. The majority (69 per cent) reported simple furnishings. Smaller percentages (13 per cent) reported both 'simple to average' or 'average' furnishings, and only six per cent stated that they had well-furnished housing units.

In regard to desire for change in the housing situation, answers also differed based on the type of housing.<sup>76</sup> None of the home owners desired a change in their housing situation. However, Sinti and Roma living in council housing gave very mixed responses: 31 per cent desired no change; 29 per cent only sought renovations; nine per cent wanted change because of location; and 22 per cent stated they would like a new flat.

The most common answer in regard to the overall assessment of the housing situation was that it was 'less than adequate to adequate' (44 per cent). An additional 31 per cent stated that their housing situation was inadequate. The responses 'good' and 'satisfactory' were only made by 13 per cent of the surveyed Sinti and Roma.

### 1.2.3. Data on housing tenure of Sinti and Roma

The poor data situation (as described at the beginning of section 1.2.2.) makes it impossible to draw a clear picture of the housing tenure of Sinti and Roma. The only quantitative data available is the above-mentioned non-representative regional survey carried out by the association of Sinti and Roma in Baden-Württemberg in 2002.<sup>77</sup> The findings showed that 22 per cent of the questioned Sinti and Roma live in private flats and 11 per cent in their privately owned homes; the others (67 per cent lived in council housing flats).

### 1.2.4. Number of Sinti/Roma living in regulated encampments

Quantitative statistics on regulated encampments are not available; this is also due to the fact that almost all Sinti and Roma encampments have been dissolved.

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<sup>76</sup> Private flat tenants did not answer this question and therefore cannot be compared with the other two housing types.

<sup>77</sup> Verband Deutscher Sinti & Roma, Landesverband Baden-Württemberg (2003) *Studie und Dokumentation der Wohnsituation Deutscher Sinti & Roma in Baden-Württemberg* (unpublished)

### 1.2.5. Number of Sinti/Roma living in unregulated encampments

Data are not available.

### 1.2.6. Number of Sinti/Roma living in segregated settings

No significant data are available. Only some quantitative data have been gathered on the number of Sinti and Roma living in Sinti and Roma neighbourhoods in individual cities. Most of these 'desired segregated areas' are council estates (see also 1.3.4), some of which are presented in the chapter on good practices (1.4). In Maro Temm, the newly built Sinti neighbourhood in Kiel, for instance, approximately 50 people reside in 14 semi-detached houses. In the Sinti and Roma neighbourhood in northern Munich some 75 people live in 24 households. In Koblenz, about half of the current 260 tenants in a particular council estate are Sinti.

### 1.2.7. Data on household type and size

Data are too limited for a general assessment of the housing situation of Sinti and Roma in terms of household size and type. According to the non-representative regional survey mentioned above that was conducted by the association of Sinti and Roma in Baden-Württemberg in 2002, 35 per cent of the survey participants live in two-person households, while 21 per cent live in households with five or more members. The remaining participants live in three-person households (17 per cent), four-person households (14 per cent) or one-person households (13 per cent).

The relative majority of Sinti and Roma tenants (48 per cent) live in three-room flats. One- or two-room and four-room flats are also prevalent (28 per cent and 19 per cent respectively), while very few Sinti and Roma tenants (five per cent) live in five or more rooms. These figures partly suggest – given the aforementioned large household size – a very limited living space per person.

### 1.2.8. Data on forced evictions

No data are available.

### 1.2.9. Data on the access of Sinti and Roma to public utilities

No quantitative data are available.

### 1.2.10. Data on available halting sites

Neither figures on halting sites for Sinti and Roma nor on the number of people who temporarily stay there are available. Sometimes information on the capacity of the site is made public. The Dreilinden halting site in Berlin, for instance, offers space and facilities to approximately 200 people (see 1.3.7).

## General impact of housing conditions

Given the severe lack of sound statistical data on the living conditions of Sinti and Roma, it appears very difficult to accurately assess the impact of housing conditions on other social areas such as education and employment to health. Despite the unanimous consensus that Sinti and Roma are more affected by unemployment<sup>78</sup> and achieve on average less educationally, statistical data that could demonstrate the negative effects of housing are not available. Very few reports have highlighted – without providing quantitative data – that the substandard and sometimes remote living situations of Sinti and Roma may negatively affect their health as well as their chances to secure employment. Due to the qualitative character of these reports, they are presented at the end of section 1.3.

## 1.3. Qualitative information on the housing situation of Roma and Travellers

The housing situation of Sinti and Roma in Germany is very diverse. Against the background of this diversity and the often extremely weak data situation, it appears difficult to present general information that accurately describes the various facets of the housing situation of Sinti and Roma. Relevant information is often – if at all – only available at the level of the individual municipality;

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<sup>78</sup> ERRC and EUMAP (2004) *Joint EU Monitoring and Advocacy Program /European Roma Rights Center Shadow Report Provided to the Committee on the Elimination of Discrimination Against Women Commenting on the Fifth Periodic Report of the Federal Republic of Germany*, pp. 25-26; C. Faraco (2005) 'Länderbericht Deutschland', in European Parliament (2005) *Aspekte der ökonomischen Situation von Romafrauen*, available at: <http://www.pedz.uni-mannheim.de/daten/edz-ma/ep/06/pe365970-de.pdf> (11.05.2009), pp. 22-23



thus, the following qualitative description will often refer to specific exemplary cases from individual cities.

It is important to mention that this study focuses primarily on the problems and challenges that many (German) Sinti and Roma face in securing adequate housing, and not on the integration of many other Sinti and Roma families and their adequate or even above-average housing situations, which can also be found, as emphasised by several experts.<sup>79</sup>

To understand the current housing situation of Sinti and Roma, one has to take into account the historical developments of recent decades. Due to the severe shortage of accommodation after World War II, many Sinti and Roma (and other non-Sinti Germans, who had lost their houses) were housed in emergency shelters and encampments. In many cities, Sinti and Roma continued living in these very simple, substandard containers or emergency housing units until the 1970s or 1980s, in some cases even longer. Especially since the 1980s, many of these cities have offered re-housing programmes for Sinti and Roma with the goal of finding better, more integrated and permanent housing options either in council housing or in private flats.<sup>80</sup> In the past few years, almost all these encampments have been dissolved and the residents have moved to normal flats.

As experts have pointed out during the interviews, the vast majority of Sinti and Roma in Germany live in permanent residences as do non-Sinti/Roma Germans;<sup>81</sup> the very few still existing encampments and halting sites for Sinti and Roma in Germany, thus, are not meant to suggest otherwise or allude to all of them having some form of semi-sedentary or even itinerant lifestyle.

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<sup>79</sup> B. Mihok and P. Widmann (2007) 'Die Lage von Kindern aus Roma-Familien in Deutschland: Fallbeispiele aus fünf Städten', in R. Schlagintweit and M. Rupprecht (eds.) *Zwischen Integration und Isolation: Zur Lage von Kindern aus Roma-Familien in Deutschland und Südosteuropa*, Berlin: Metropol Verlag, pp. 22-23; Council of Europe (1999) *Housing, urban planning and poverty: problems faced by Roma / Gypsy communities with particular reference to central and eastern Europe*, available at: [http://www.coe.int/T/DG3/RomaTravellers/documentation/housing/Housingreport\(99\)1Macura\\_en.asp](http://www.coe.int/T/DG3/RomaTravellers/documentation/housing/Housingreport(99)1Macura_en.asp) (24.03.2009). This COE report mentions that already in 1999 in Germany and other European countries, parts of the Sinti and Roma population (the 'old urban population') had 'established urban habits' similar to the dominant population.

<sup>80</sup> Minority Rights Group International (2008) *World Directory of Minorities and Indigenous Peoples - Germany : Roma/Gypsies/Sinti*, available at: <http://www.unhcr.org/refworld/docid/49749d1b2d.html> (24.03.2009)

<sup>81</sup> Landesverband Deutscher Sinti und Roma Nordrhein-Westfalen, available at: [www.sintiundroma-nrw.de/surnrwzwei.htm](http://www.sintiundroma-nrw.de/surnrwzwei.htm) (23.03.2009)

### 1.3.1. Quality of housing available to Sinti and Roma in Germany

The Third ECRI Report on German (2004) stressed that ‘members of Roma and Sinti communities continue to face serious social disadvantage’; this seems to apply to the housing situation of many Sinti and Roma as well. An ERRC field report, based on insights gained through field research and expert interviews in late 2001 and early 2002 in ten Länder, supports this assessment, stating that many Sinti and Roma still ‘live in substandard housing in remote segregated areas, often in areas considered hazardous to human health’.<sup>82</sup> Bearing in mind the general focus on negative examples and hence the lack of representativeness of such insights, the ERRC found several examples of severely substandard housing conditions (e.g. in Hamburg was reported poor heating systems and no ventilation), a problematic location of settlements in terms of inadequate infrastructure (e.g. in Düsseldorf) or environment and pollution (e.g. in Heidelberg).<sup>83</sup> A representative of the European Centre for Antiziganism Research also stressed that a Sinti and Roma settlement in Hamburg, built in the 1980s, was erected on – as it later turned out– contaminated ground (see interview No. 6).

Insightful data on affordability, habitability, accessibility and cultural adequacy are not available; some qualitative insights into the issue of location are presented in section 1.3.8.

The Sinti and Roma Association in Baden-Württemberg pointed out that the living situation of Sinti and Roma in Baden-Württemberg continues to be difficult; many Sinti and Roma live in the outskirts of larger cities in simple flats – often too small and overcrowded.<sup>84</sup> The assessments of other local experts have confirmed the problem of overcrowding, allegedly due to, amongst other things, an above-average family size and manifold socio-economic aspects. In Frankfurt, a representative of the Roma support organisation *Förderverein Rom* stated that due to difficulties encountered when looking for a flat, Sinti and Roma are sometimes forced to temporarily live with relatives in flats that are not suitable for accommodating extra people, leading to overcrowding.<sup>85</sup> A report on the local situation in Karlsruhe pointed out that it is especially Sinti and Roma families with children that face such problems of limited living space.<sup>86</sup> Due to the aforementioned lack of reliable relevant data,

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<sup>82</sup> A. Abdikeeva 2003

<sup>83</sup> As several cities have initiated various housing programmes in recent years, it can not be conclusively confirmed whether such housing conditions in these cities persist.

<sup>84</sup> Information provided by the Sinti and Roma Association of Baden-Württemberg.

<sup>85</sup> Such overcrowded living arrangements cause increasing conflicts with neighbours (information provided by *Förderverein Rom* in Frankfurt/Main).

<sup>86</sup> It was also mentioned in this report that many Sinti and Roma families rely on social allowances and hence can not afford to move out and find a larger and thus more expensive flat. See: G. Weiß (2004) *Mediatorinnentätigkeit in der Beratungsstelle Soziales/Arbeit vom*

it appears impossible to gain a substantiated and more in-depth insight into the issue of overcrowding within the scope of this study.

### 1.3.2. Issues of spatial and social segregation

In Germany, general urban planning policies and legislation aim at avoiding the spatial concentration of ethnic groups, or ethnic segregation (see, for instance, AGG); this also applies to urban planning regarding Sinti and Roma neighbourhoods, though to a lesser degree. It is noteworthy that in some cities, neighbourhoods have been built – on the request of Sinti and Roma communities and with support from governmental authorities – only for Sinti and/or Roma families (e.g. in Kiel, Munich, Hamburg, Cologne). Such local policies can not be found for any other ethnic group in Germany. General substantiated statements as to whether municipalities may encourage segregation by providing land in spatially segregated areas (e.g. on the outskirts and/or with bad public transport infrastructure) appear to be impossible.

Both segregated and de-segregated Sinti and Roma communities can be found in Germany. In Frankfurt, for instance, Sinti and Roma live throughout the city without local concentrations,<sup>87</sup> and in the Bavarian city of Straubing, the municipality decided to disperse Sinti people across the city after previous attempts to re-house them had failed.<sup>88</sup> In Karlsruhe, to give an example of segregated living, the majority of Sinti and Roma live on the outskirts of town in disadvantaged neighbourhoods with only a few individual Sinti families living elsewhere in Karlsruhe, spread throughout the city.<sup>89</sup>

Segregation of Sinti and Roma appears to be either desired (ethnic segregation, as in Kiel, Munich, Hamburg) or socio-economically forced in the sense that the income level does not permit the person to live anywhere except for the areas with the most affordable housing (social segregation, as in Karlsruhe). Segregation is, however, never politically encouraged unless requested by the Sinti and Roma community. In Freiburg, for instance, Sinti residents living in two particular streets are satisfied with their ethnically segregated housing situation. In 2004, residents founded the association Sinti Siedlung Freiburg in order to express their desire to continue living with other Sinti.<sup>90</sup> One of the first purposely segregated housing projects that took into account Sinti and Roma

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1. August 2003 bis 31. Juli 2004, available at: <http://www.sinti-roma-bawue.de/Mediatorenbericht.html> (23.03.2009)

<sup>87</sup> Information provided by Förderverein Rom in Frankfurt

<sup>88</sup> Istituto per la Ricerca Sociale (IRS) (2008) *The social situation of the Roma and their improved access to the labour market in the EU*, p. 38

<sup>89</sup> G. Weiß *Mediatorinnentätigkeit in der □Beratungsstelle Soziales/Arbeit' vom 1. August 2003 bis 31. Juli 2004*, available at: <http://www.sinti-roma-bawue.de/Mediatorenbericht.html> (23.03.2009)

<sup>90</sup> Nachbarschaftswerk e.V., □Sinti Freiburg', available at: [www.nbw.varadi.eu/index.php?id=20](http://www.nbw.varadi.eu/index.php?id=20) (23.03.2009)

requests to live together in the same neighbourhood was completed in Cologne in 1972. Since then, another settlement has been built in Cologne, and other cities have built similar settlements throughout Germany.<sup>91</sup> The most recent example of desired housing segregation – initiated and carried out by Sinti themselves – was completed in late 2007 in Kiel. This received rave reviews from Sinti and Roma residents, as well as Sinti and Roma associations (see 1.5).<sup>92</sup> It is interesting to mention that the starting point of this housing project was the failed attempt at de-segregation (i.e. to disperse Sinti across the city).

According to information obtained during interview No. 3, most Sinti in Kiel choose to live in areas with a large population of Sinti families.<sup>93</sup> Their main concentration is found in neighbourhoods surrounding a former encampment in the south-western part of Kiel. Many Sinti rely on council housing, and although there is council housing in all neighbourhoods of Kiel, Sinti only apply for housing in areas where family members or other Sinti live, which is seen as a way to ensure opportunities to speak Romani, but also to prevent cultural conflicts with non-Sinti.<sup>94</sup>

The quality of living in – desired or non-desired – segregated neighbourhoods differs largely. Sinti and Roma living in their settlements in Munich, Freiburg or Kiel, for instance, are satisfied with their living situation and proud of their settlement.<sup>95</sup> In other cities (e.g. in Nuremberg) the situation of the Sinti settlement is less desirable, primarily because of its location between freight transport lines and other train tracks within an industrial area of the zone.<sup>96</sup>

### 1.3.3. Access to private housing

There is very little information available on Sinti and Roma regarding private housing.<sup>97</sup> The aforementioned (non-representative) survey, carried out in Baden-Württemberg in 2002, indicated that 22 per cent of surveyed Sinti and Roma live in private flats and 11 per cent in their privately owned homes; their level of (self-rated) housing satisfaction was generally fairly high (see 1.2).

One expert interviewee, a social worker in Munich (No. 5), mentioned the enormous difficulties he encountered when trying to find a private flat for Sinti and Roma. Similar barriers were described by the representative of the

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<sup>91</sup> Interview No. 1

<sup>92</sup> Interview No. 3

<sup>93</sup> There are very few Roma in Kiel.

<sup>94</sup> Interview No. 3.

<sup>95</sup> Interview No. 2.

<sup>96</sup> Information provided by the Initiative Sinti and Roma in Nuremberg.

<sup>97</sup> Sinti and Roma living in private housing seem to come into contact with social workers only rarely, as they need less, if any, help through social services. This is considered one of the reasons why not much information can be gathered on these Sinti and Roma.

Hamburg-based advocacy organisation Rom and Cinti Union (RCU) when they were looking for rooms to rent for their office (No. 6).

### 1.3.4. Access to social housing

Based on the information gathered during the desk research and expert interviews, it appears that many Sinti and Roma live in council housing – although it is impossible to determine the quantitative extent. In some cities, council housing areas have been conceptualised and built specifically for (and partly also in cooperation with) Sinti and Roma. In many others, Sinti and Roma reside in mixed housing together with non-Sinti and non-Roma residents. In a neighbourhood in northern Munich, for instance, Sinti and Roma live on a council estate that was built specifically for Sinti and Roma in 2002: each family has its own (semi-detached) house with an individual entrance and garden. On the property there is a playground for children, and a communal hall for celebrations and activities such as homework help for children.<sup>98</sup> In another neighbourhood in Munich, many Sinti and Roma families also live in council housing units – albeit together with non-Sinti and non-Roma residents; these council flats are located in high-rise buildings with no special elements for Sinti and Roma.<sup>99</sup>

### 1.3.5. Forced eviction

Substantiated information on evictions of Sinti and Roma is scarcely available. As elaborated in chapter 1.1, evictions are only legal under certain strict conditions and thus occur only rarely. Eviction appears to be a concern especially for those very few Sinti and Roma living in emergency housing, encampments and halting sites. People living in emergency housing often do not have rental agreements and therefore lack tenants' rights. As a result they can be evicted if the city needs the flat to house another family.<sup>100</sup> Encampment residents may fear eviction because, in some instance, they are unsure of the legal status of the site or are uncertain as to whether it meets mandatory basic housing requirements.<sup>101</sup> Halting sites are not always authorised by the local

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<sup>98</sup> Residents have only complained of minor shortcomings in the buildings, which mostly result from the settlement being built quickly (Interview No. 2).

<sup>99</sup> Interview No. 2.

<sup>100</sup> Information from the Sinti and Roma Association of Baden-Württemberg. This topic is also related to the historical need of Sinti and Roma for emergency housing. Those persecuted by the Nazis were offered housing in the region after the war. Some continue to live there with their families. It remains unclear whether the following generations also have the right to live there.

<sup>101</sup> C. Faraco (2005) 'Länderbericht Deutschland', in European Parliament (2005) *Aspekte der ökonomischen Situation von Romafrauen*, available at: <http://www.pedz.uni-mannheim.de/daten/edz-ma/ep/06/pe365970-de.pdf> (11.05.2009), p. 24.

authorities, or may only be accessible during the summer; this may entail the risk of being (temporarily or permanently) evicted from halting sites.<sup>102</sup> Neither quantitative nor qualitative data on (forced) eviction of Sinti and Roma are available.

### 1.3.6. Legality and legalisation of settlement

No information is available on informal settlements of Sinti and Roma, other than some halting sites and very few encampments (see 1.3.6). This is primarily due to the fact that the housing situation of Sinti and Roma does not differ from the housing situation of other non-Sinti/Roma residents; thus informal settlements do not play any role in terms of the housing situation of Sinti and Roma in Germany.

### 1.3.7. Movement, encampment and use of private land

Only very limited information is available on the issues of encampments and a few selected halting sites.

The housing situation in encampments is worse than in council and private housing in terms of infrastructure, sanitary facilities, electricity and water, and waste disposal.<sup>103</sup> As most encampments have been dissolved and the Sinti residents have been re-housed in proper flats over the past decades, only very few encampments for Sinti and Roma continue to exist in Germany. In Braunschweig, for instance, two of these long-term encampments could be described as renovated garden sheds with substandard sanitary facilities.<sup>104</sup> Another encampment in Braunschweig is an official permanent campsite for caravans for Sinti and other groups – also characterised by reportedly substandard living conditions.

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<sup>102</sup> Additional example provided by the Sinti and Roma Association of Baden-Württemberg. In July 2005, a group of 19 Sinti families rented a field in Villingen-Schwenningen. They signed an agreement with the tenant of the property and paid a deposit; after arriving, two representatives of the municipality came and announced that they were not allowed to camp there, because it was a nature reserve. Eventually, they came to a consensus that they would be tolerated there. Then, a large police outfit arrived in full gear with eleven police cars. The Sinti showed their compliance, but the police would not accept it and asked for 50 EUR from each person for disobeying the regulations of the nature reserve. After representatives of the Sinti and Roma Association of Baden-Württemberg became involved and spoke with the police officers, the families were allowed to stay for a few days (Verband Baden-Württemberg).

<sup>103</sup> C. Faraco (2005) 'Länderbericht Deutschland', in European Parliament (2005) Aspekte der ökonomischen Situation von Romafrauen, available at: <http://www.pedz.uni-mannheim.de/daten/edz-ma/ep/06/pe365970-de.pdf> (11.05.2009), p. 24

<sup>104</sup> According to information provided by the local citizens' grassroots organisation *Braunschweiger Forum*, in one of these two garden house encampments, only one water tap is available.

Some cities (e.g. Munich,<sup>105</sup> Kassel, Berlin, Hamburg) provide halting sites for Sinti and Roma from other European countries who travel through Germany (e.g. visiting family members), and an assumedly small number of German Sinti and Roma who travel primarily during the summer months (mainly to visit family or for holidays). The following two examples illustrate the different quality of these halting sites.

In the 1980s, Kassel opened a halting site for Sinti and Roma that continues to be used. The site has 16 electricity connections and toilet and waste disposal facilities are provided. To use the facilities (including water), each family must pay ten euros per week. A caretaker collects this payment and also is in charge of keeping the facilities clean. He comes three to four times a week.<sup>106</sup> The halting site is described as loud, damp and isolated; and it is located across the street from a landfill.<sup>107</sup> According to the Ordnungsamt [an official from the municipal department on public order] of the City of Kassel, Sinti and Roma remain dissatisfied with their living conditions at the halting site.<sup>108</sup>

Since 1995, the Berlin Land has allowed Sinti and Roma to stay on the 33,000 m<sup>2</sup> sized property Dreilinden on the outskirts of Berlin next to the highway.<sup>109</sup> An official Berlin Senate agreement allows Sinti and Roma (mainly seasonal workers) to come and camp with their caravans on this halting site between March and October; the Berlin senate operates the facility at an annual cost of approximately 255,000 EUR; the families who stay there are charged a fee for parking.<sup>110</sup> The property accommodates a total of 44 campsites for approximately 200 people; the temporary residents share 11 trailers with sanitary facilities (20 toilets and eight showers); moreover, running water and electricity has been made available. There are also three trailers for the office, a school and a community meeting room. The Catholic welfare organisation

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<sup>105</sup> In Munich there is one halting site specifically for Sinti, Roma and other travellers, which is located in the Allach district. German and non-German Sinti and Roma are allowed to camp there for short periods of time. Sinti and Roma living in Munich are not allowed to camp there. On site there are washing and sanitary facilities. Near Munich, in Dachau, there is another halting site specifically for Sinti and Roma. It does not have permanent facilities. Instead, they are brought to the property when needed.

<sup>106</sup> R. Pormetter (2007) 'Unterdrückt, unakzeptiert, ausgeschlossen und verachtet', in *Umlaut*, Vol. 28, No. 70, available at: <http://www.umlauf.de/umlauf.de/web/sites/01406/58-61-Sinti-Roma.pdf> (24.03.2009), p. 60

<sup>107</sup> T. Müller *Ein Tag in Kassel: Eine alternative Ganztages-Stadtführung*, available at: <https://www.uni-hohenheim.de/~tmuller/Kassel/ksrund.htm> (22.03.2009)

<sup>108</sup> R. Pormetter 2007, p. 61

<sup>109</sup> The Berlin Senate initially agreed to build all-year facilities; this plan was dropped due to the high costs.

<sup>110</sup> A. Abdikeeva (2003) *Germany's Policies towards Sinti and Roma: Living Apartheid?*, online ERRC report, available at: <http://www.errc.org/cikk.php?cikk=777#12> (15.03.2009)

Caritas runs the halting site and has assigned a social worker who assists the Sinti and Roma when they are sick or need help with the authorities.<sup>111</sup>

### 1.3.8. Access to public utilities

In regard to access to public transport, sanitation and infrastructure, the situation of Sinti and Roma differs largely depending on their type of housing, but also on the concrete local situation; general assessments are difficult. Council housing and public housing are generally regarded positively in terms of access to infrastructure and sanitation. Many Sinti and Roma tend to reside in the outskirts with poorer access to public transportation; this, however, does not hold true for all Sinti and Roma neighbourhoods (e.g. Munich). Moreover, some neighbourhoods are located in areas with a high level of pollution or other negative environmental influences (e.g. next to train tracks or near a landfill). On halting sites and encampments the general level of sanitation and access to public transportation is often very poor, despite some positive exceptions such as the halting site in Berlin-Dreilinden.

Some Sinti and Roma organisations, such as the Baden-Württemberg State association of Sinti and Roma and the ERRC have pointed out that many Sinti and Roma live on the outskirts of larger cities<sup>112</sup> and remote segregated areas.<sup>113</sup> However, due to the weak data situation, the general reasons why many Sinti and Roma live in the outskirts can not be explored. In some cities, where specific Sinti/Roma settlements have been built on request of the local Sinti/Roma communities (e.g. Kiel), this phenomenon of spatial segregation seems to be attributed to the difficulties in finding a sufficiently large plot of free land elsewhere.

Such examples highlight the negative aspects of the housing situation of Sinti and Roma and ignore positive developments that have occurred in the recent past. In Munich, for instance, Sinti and Roma, who used to live in housing containers without any insulation in an area 'virtually inaccessible by public transport',<sup>114</sup> moved into a new council housing settlement in northern Munich in 2002; the Sinti and Roma, who were consulted during the planning and

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<sup>111</sup> K. Lange (2004) Dreilinden öffnet wieder für Sinti and Roma', in: *Berliner Morgenpost online* (30.04.2004), available at: [www.morgenpost.de/printarchiv/berlin/article397793/Dreilinden\\_oeffnet\\_wieder\\_fuer\\_Sinti\\_und\\_Roma.html](http://www.morgenpost.de/printarchiv/berlin/article397793/Dreilinden_oeffnet_wieder_fuer_Sinti_und_Roma.html) (23.03.2009); Open Society Institute (2002) *The Situation of Roma in Germany*, available at: [http://www.eumap.org/reports/2002/eu/international/sections/germany/2002\\_m\\_germany.pdf](http://www.eumap.org/reports/2002/eu/international/sections/germany/2002_m_germany.pdf) (25.05.2009)

<sup>112</sup> Information provided by the Sinti and Roma Association of Baden-Württemberg.

<sup>113</sup> A. Abdikeeva 2003

<sup>114</sup> A. Abdikeeva 2003



construction of the settlement also, are satisfied with their new living situation and proud of 'their' Sinti and Roma neighbourhood.<sup>115</sup>

### 1.3.9. Access and quality of housing for third-country Roma immigrants

The two main groups of Roma immigrants in Germany are: (1) asylum-seekers (and their families) from (south-)eastern European countries, especially from the Balkans; and (2) the former labour migrants, known as 'guest workers', who came to Germany between 1968 and 1973 from the former Yugoslavia, and their families and descendants (see also 1.1 and 1.2).

Roma asylum-seekers whose applications are still pending and those whose applications have been rejected (but can not be deported due to other circumstances) are subject to less favourable legal provisions which also affect their housing situation (see chapter 1.1.4). They are often not allowed to choose their own dwelling, but are obliged to live in centralised refugee accommodations, where conditions are reportedly very bad and inadequate in terms of housing facilities, location and access to infrastructure such as public transport and leisure-time opportunities, for many years<sup>116</sup>. Although such bad conditions do not characterise refugee housing in general, the standard of living in this centralised accommodation is below average.<sup>117</sup>

No information is available on the housing situation of the second group of Roma immigrants: former labour migrants of Roma origin. Due to their strong residence status – many of them meanwhile have assumedly become German citizens – they are not subject to any relevant legal restrictions in housing.

Due to a lack of statistical data, it remains unclear as to whether the recently increased immigration from Eastern European countries (e.g. Romania, Hungary, Bulgaria) has also resulted in an increased Roma population in Germany; if so, no defensible statements can be made on their housing situation.

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<sup>115</sup> Interview No. 2

<sup>116</sup> B. Mihok (2001) *Zurück nach Nirgendwo: Bosnische Roma-Flüchtlinge in Berlin*, Berlin: Metropol-Verlag

<sup>117</sup> According to a recent UNICEF report, Roma refugees experienced and still experience isolation and bad living conditions. Despite some improvements in recent years, their housing and standard of living continues to be extremely poor. See UNICEF (2007) *Zur Lage von Kindern aus Roma-Familien in Deutschland*, available at: [http://www.unicef.de/fileadmin/content\\_media/presse/fotomaterial/Roma\\_Konferenz/UNICEF\\_STUDIE\\_Ergebnisse\\_Deutschland.pdf](http://www.unicef.de/fileadmin/content_media/presse/fotomaterial/Roma_Konferenz/UNICEF_STUDIE_Ergebnisse_Deutschland.pdf), S. 16 (23.03.2009).

### 1.3.10. Campaigns undertaken by authorities on the right to adequate housing for Sinti and Roma

No campaigns informing Sinti and Roma of their housing rights explicitly or to help them find appropriate housing have been undertaken by the state or national authorities, with the State Commissioner of Minorities in Schleswig-Holstein being the only significant exception.<sup>118</sup> The main actors that offer counselling and assistance for Sinti and Roma in the context of housing are Sinti and Roma associations themselves – partly with public funding<sup>119</sup> – and sometimes local organisations.<sup>120</sup> Many Sinti and Roma state and local associations also offer both legal and political support.<sup>121</sup>

In some municipalities, local authorities work closely together with local Sinti and Roma associations to improve their housing situation; in Munich, for instance, two social workers who are in charge of Sinti and Roma issues have been assigned by the municipality.

### Causes and explanatory factors of the general housing situation

On average, the causes for the disadvantaged housing situation of Sinti and Roma are manifold and have not entirely been explored. Several explanatory social, socio-economic and ethnic-cultural factors have, however, been identified that appear relevant and will be briefly presented in the following.

The Commissioner for Human Rights of the CoE stated in his 2007 report that Roma and Sinti in Germany face discrimination in, amongst other areas, the

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<sup>118</sup> In Interview No. 3 it was stated that in Kiel the State Commissioner for Minorities offers help with issues that the Sinti and Roma association views as important. Currently they work together in educational matters, but much less so regarding housing. With the latter, the association runs its own initiatives.

<sup>119</sup> For example, the Sinti Alliance must raise funds completely by itself. Still, they support Sinti as well as other 'gypsy groups' that seek advice (Interview No. 1).

<sup>120</sup> Despite describing the situation as difficult, the Central Council of German Sinti and Roma opposes any special regulations for Sinti and Roma arguing that such regulations would encourage, not eliminate, segregation and discrimination. See: Minority Rights Group International (2008) *World Directory of Minorities and Indigenous Peoples - Germany: Roma/Gypsies/Sinti*, available at: <http://www.unhcr.org/refworld/docid/49749d1b2d.html> (24.03.2009). In interview No. 1 the representative of the Sinti Alliance stated that special programmes for Sinti and Roma would be helpful, but because it is unfair to offer a programme to a certain group and not to all, these should exist (Interview No. 1).

<sup>121</sup> Although they focus their work on German Sinti and Roma they can also be called on by national politicians to advise Roma persons without German citizenship, those who are refugees or have any kind of residence status. See: M. Krausnick and D. Strauß (2008) *Von Antiziganismus bis Zigeunermärchen: Handbuch Sinti und Roma von A-Z* (ed.) Landesverband Deutscher Sinti und Roma Baden Württemberg) Mannheim: Books on Demand GmbH, p. 43.

field of housing.<sup>122</sup> A similar assessment was expressed by the UN Human Rights Committee in 2004: ‘Roma continue to suffer prejudices and discrimination, in particular with regard to access to housing and employment’ in Germany.<sup>123</sup>

Despite a general lack of empirical insight into the issue of housing discrimination against Sinti and Roma, individual cases of direct discrimination indicate that such forms of unequal treatment exist and obstruct access to housing. A recent nationwide survey among Sinti and Roma, carried out by the Central Council for German Sinti and Roma in 2006,<sup>124</sup> disclosed that 54 per cent of the 309 interviewees stated that they experienced discrimination when looking for a dwelling (43 per cent did not report such experiences).

The following list of incidents also indicates that discrimination against Sinti and Roma in the area of housing occurs; more information on other cases of (alleged) ethnic discrimination against Sinti and Roma in the realm of housing is presented in section 2.2 of this report, which summarises the insights gained during the expert interviews we conducted for this study.

- The most significant court ruling that shed light on the issue of housing discrimination against Sinti and Roma dates back to 1996. The Local Court in Bochum ruled that the landlord was legally allowed to reject Sinti and Roma as tenants based on the reasoning that Sinti and Roma are ‘traditionally mostly not sedentary’ and therefore ‘obviously not regarded as an on average suitable tenants’.<sup>125</sup>
- The OSI mentioned another instance from 2001 which illustrates the discriminatory treatment of Sinti and Roma as regards access to housing. The City Council of Bad Hersfeld agreed that rental agreements can only be

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<sup>122</sup> Council of Europe (2007) *Report by the Commissioner for Human Rights Mr Thomas Hammarberg on his Visit to Germany 9-11 and 15-20 October 2006*, p. 29, available at: <https://wcd.coe.int/ViewDoc.jsp?id=1162763&Site=COE&BackColorInternet=BDDCF2&BackColorIntranet=FDC864&BackColorLogged=FDC864> (23.03.2009)

<sup>123</sup> United Nations Human Rights Committee – International Covenant on Civil and Political Rights (2004) *Consideration of Reports submitted by the States Parties under Article 40 of the Covenant. Concluding Observations on Germany*, CCPR/CO(80/DEU), para.21, available at: <http://daccessdds.un.org/doc/UNDOC/GEN/G04/412/44/PDF/G0441244.pdf?OpenElement> (29.03.2009)

<sup>124</sup> The Central Council of German Roma and Sinti sent out questionnaires to Sinti and Roma communities in German in 2006 (based on a purposive sampling of addresses of Sinti and Roma by the Central Council and its organisations at the *Länder* level); the questionnaire was sent to about 3,100 addresses, 309 people responded. Due to the sampling, the study does not seem to be representative for the entire Sinti and Roma population in Germany. See: Zentralrat Deutscher Sinti und Roma (2006) *Ergebnisse der Repräsentativumfrage des Zentralrats Deutscher Sinti und Roma über den Rassismus gegen Sinti und Roma in Deutschland* (11.10.2006), available at: <http://zentralrat.sintiundroma.de/content/downloads/stellungnahmen/UmfrageRassismus06.pdf> (22.09.2009).

<sup>125</sup> Germany/Amtsgericht Bochum/38C 157/96 (25.09.1995)

made with Sinti and Roma, when the dwelling had already been rented by Sinti and Roma.<sup>126</sup>

- In the more recent past, the public authorities have become more alert and sensitive to discriminatory statements and attitudes towards Sinti and Roma; this is shown by the following incident, which, however, also shows prevailing racist and discriminatory attitudes<sup>127</sup>: in 2004, people distributed pamphlets in Mannheim that specifically stated that if Sinti and Roma moved to the neighbourhood, it would lower the quality of life for neighbours, stores and restaurants. The public prosecution office of Mannheim charged those responsible with incitement of the people in December of 2004.

As ethnic discrimination usually does not manifest itself openly, it is often difficult to determine whether unlawful discrimination has occurred. According to a Schleswig-Holstein State Commissioner for Minority Issues (Interview No. 3), there are examples of non-Sinti showing prejudice against Sinti in the realm of the general housing market, but city officials cannot concretely determine that discrimination has occurred.<sup>128</sup> According to the survey mentioned above among Sinti and Roma, carried out by the Central Council for the German Sinti and Roma in 2006, 54 participants (out of a total of 309) stated (in an open question about personal experiences of discrimination) that they had experienced insults and threats from fellow citizens and neighbours.<sup>129</sup> The ERRC/EUMAP shadow report (2004) refers to several opinion polls carried out in the 1990s that showed a 'high degree of anti-Romani sentiments in Germany'; according to a 1994 EMNID survey, 68 per cent of the German respondents expressed that they did not want to have Sinti and Roma as neighbours.<sup>130</sup> Such negative attitudes towards Roma as neighbours were confirmed – though to a lesser extent – by the findings of a special

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<sup>126</sup> Open Society Institute (2002) *The Situation of Roma in Germany*

<sup>127</sup> This example was presented by the Central Council of German Sinti and Roma within the scope of an official statement to the parliamentary bill transposing EU anti-discrimination directives (BT-Drs. 15/4538); A.-Drs. 15(12)435-(11); Zentralrat Deutscher Sinti und Roma (2005) *Stellungnahme zum Entwurf eines Gesetzes zur Umsetzung europäischer Antidiskriminierungsrichtlinien*, BT-Drs. 15/4538 (7.03.2005), available at: [www.sintiundroma-nrw.de/surnrwzwei.htm](http://www.sintiundroma-nrw.de/surnrwzwei.htm) (23.03.2009). No further information on a possible court case or ruling is available at time of writing.

<sup>128</sup> Interview No. 3

<sup>129</sup> Zentralrat Deutscher Sinti und Roma (11.10.2006) *Ergebnisse der Repräsentativumfrage des Zentralrats Deutscher Sinti und Roma über den Rassismus gegen Sinti und Roma in Deutschland*, available at: <http://zentralrat.sintiundroma.de/content/downloads/stellungnahmen/UmfrageRassismus06.pdf> (22.03.2009)

<sup>130</sup> ERRC and EUMAP (2004) *Joint EU Monitoring and Advocacy Program/European Roma Rights Centre Shadow Report provided to the Committee on the Elimination of Discrimination Against Women commenting on the fifth periodic report of the Federal Republic of Germany*, p.11, available at: <http://www.eumap.org/topics/minority/reports> (30.03.2009)

Eurobarometer survey round in 2008:<sup>131</sup> one out of four German respondents stated that they would feel uncomfortable having a Roma neighbour.<sup>132</sup>

A local expert and social worker in Frankfurt stated that there are no specific examples of direct or indirect discrimination by the municipal department on housing in Frankfurt. Still, Sinti and Roma receive many rejections from housing companies and landlords, which may indicate prejudice and resentment against Sinti and Roma.<sup>133</sup>

In some expert interviews, such disadvantages have been primarily referred to as social problems rather than ethnic discrimination. These 'social problems' involve landlords being sceptical of families with many children and could thus be considered a form of indirect discrimination since Sinti and Roma often tend to have larger families than other Germans.<sup>134</sup>

Besides the occurrence of direct discrimination as a barrier in access to housing, other aspects such as specific housing preferences and general social factors (e.g. large families, low income) play a role in the housing situation of Sinti and Roma. Some have specific preferences (often related to their family life) that impact the desired housing structure, design and location both in relation to green space and closeness to family members.<sup>135</sup> Living in large families located in close proximity to other relatives and members of the Sinti community is often viewed as important.<sup>136</sup> Other preferences stem specifically from certain principles that are considered essential by some Sinti (although not by Roma), as mentioned in Interview No. 1; for some Sinti, the dwelling must, for instance, fulfil specific requirements, including in relation to its layout and the composition of neighbours in the building.<sup>137</sup> For example, according to Krokowski, some Sinti would not live in a building with a doctor, nurse or midwife.<sup>138</sup> For Roma, such principles are generally not relevant. It is, however,

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<sup>131</sup> European Commission (2008) *Special Eurobarometer 296. Discrimination in the European Union. Perception, Experiences and Attitudes*, available at:

[http://ec.europa.eu/public\\_opinion/archives/ebs/ebs\\_296\\_en.pdf](http://ec.europa.eu/public_opinion/archives/ebs/ebs_296_en.pdf) (19.03.2009)

<sup>132</sup> The proportion of those who would feel uncomfortable having other minorities as neighbours, such as members of another ethnic or religious minority or disabled people, is significantly lower in Germany.

<sup>133</sup> Information provided by *Förderverein Rom* in Frankfurt/Main.

<sup>134</sup> Interview No. 1

<sup>135</sup> As many Sinti and Roma families seem to be fairly large, the need for larger housing space exists. In regard to living space, Sinti prefer to live close to the ground and not in a high-rise building several floors up. In addition, they prefer to live in an area with green space or at least a garden plot (Interview No. 3).

<sup>136</sup> Such a family- and kin-oriented form of living together allows them to speak their native language. Living together in larger groups is also seen as desirable as it prevents conflicts with neighbours, who may complain about the noise that large gatherings can cause (Interview No. 3).

<sup>137</sup> Interview No. 1 – we asked for more details, but she said that Sinti prefer to not share this information with non-Sinti.

<sup>138</sup> H. Krokowski (2001) *Die Last der Vergangenheit: Auswirkungen nationalsozialistischer Verfolgung auf deutsche Sinti*, Frankfurt am Main: Campus Verlag, p. 249

important to mention that such a strict adherence to these principles only occurs in some Sinti communities.<sup>139</sup>

Many Sinti and Roma have difficulties finding a dwelling that fulfils these housing preferences and family-oriented needs – either due to their personal socio-economic status and/or due to general housing shortages. According to the Sinti and Roma Association of Baden-Württemberg, it is often difficult to help Sinti and Roma find better housing, because there are only a few cost-efficient dwellings available on the local housing market that cater for the needs of larger families.<sup>140</sup> In many large cities – Munich is mentioned as an example in Interview No. 2 – the general lack of affordable flats, especially regarding larger units that can support big families, constitutes a general problem; this is true both for private housing as well as council housing. Sinti and Roma with large families are especially impacted by the low availability of housing options. As a consequence, (Sinti and Roma) families must wait longer until they can find a new flat.<sup>141</sup>

## Social impact of the housing situation

The extended social impact of the housing situation on the overall situation of Sinti and Roma is difficult to determine due to a lack of reliable and meaningful data,<sup>142</sup> but also due to the large range of different housing arrangements of Sinti and Roma depending on the type of housing and the specific local situation.

Based on the assessments of various experts, the general socio-economic situation of Sinti and Roma in Germany is below average: Sinti and Roma children achieve on average less educationally and are strongly over-represented in special-needs schools; the unemployment rate of Sinti and Roma is reportedly significantly higher than that of the population at large and ‘Sinti and Roma therefore appear to be correspondingly overrepresented among recipients of social welfare.’<sup>143</sup> Substantiated qualitative insights into the

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<sup>139</sup> In Munich, for example, the younger generations of Sinti have largely adapted their lifestyle to the reality of the ‘normal’ living situation. In the aforementioned Sinti and Roma settlement, residents have adapted to one another and live together. In planning the settlement, future residents stressed that they wanted housing that looked like normal units that anyone would want to live in. Children, especially, wanted a place where they could invite friends to visit (Interview No. 2).

<sup>140</sup> Information provided by the Sinti and Roma Association of Baden-Württemberg.

<sup>141</sup> Interview No. 2

<sup>142</sup> ERRC and EUMAP (2004) *Joint EU Monitoring and Advocacy Program/European Roma Rights Centre Shadow Report provided to the Committee on the Elimination of Discrimination Against Women commenting on the fifth periodic report of the Federal Republic of Germany*, p. 7, available at: <http://www.eumap.org/topics/minority/reports> (30.03.2009). This shadow report to CEDAW was submitted in the run-up to the Committee’s review.

<sup>143</sup> ERRC and EUMAP (2004) pp. 22-26

(potential) impact of the partly substandard housing situation of Sinti and Roma is, however, scarcely available. Only the Minority Rights Group International has mentioned a concrete (but not empirically proven) negative effect of segregating housing on the employment chances of Sinti and Roma, pointing out that 'housing segregation enables employers to avoid recruiting Roma and Sinti by their address.'<sup>144</sup>

Besides this assumption, no other relevant reports can be identified that draws a concrete association between living conditions and the employment situation. Some information is, however, available on the negative impact of the housing and living situation on their health status. The ERRC together with EUMAP stressed 'the nexus between the ability of individuals to realise the right to adequate housing and their effective realisation of the right to the highest attainable standards of physical and mental health'. Referring information gathered during field visits, the ERRC and EUMAP stated that 'a number of Sinti and Roma settlements are located in the vicinity of polluting industries, highways or heavily trafficked roads, city garbage dumps or toxic/hazardous waste sites'<sup>145</sup> which affects families' health.<sup>146</sup> Similarly, the respondent of the European Centre for Antiziganism Research, who was interviewed for this study (Interview No. 6), pointed out that a Sinti settlement, built in the 1980s in Hamburg on the request of and in co-operation with the local Sinti community, was, as it turned out later, erected on contaminated land.<sup>147</sup> The ERRC/EUMAP report continues that 'women's health may be particularly affected, given that they may often stay at home for longer periods of time than men and therefore may be more exposed to environmental hazards'.<sup>148</sup> A report on the economic situation of Roma women, published by the European Parliament in 2005, also assumes that Sinti and Roma women and girls are more affected by the difficult housing and living situation due to the fact that they are usually responsible for household chores, taking care of children and the elderly.<sup>149</sup>

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<sup>144</sup> Minority Rights Group International (2008) *World Directory of Minorities and Indigenous Peoples - Germany : Roma/Gypsies/Sinti*, available at: <http://www.unhcr.org/refworld/docid/49749d1b2d.html> (24.03.2009)

<sup>145</sup> ERRC and EUMAP (2004) pp.29-30

<sup>146</sup> Based on information gathered during a field visit by the ERRC in late 2001 and early 2002, the ERRC reported on the substandard ('awful') living conditions of Sinti and Roma, for example, in Hamburg, which 'are also a reason for high incidences of health-related problems, such as asthma and rheumatism, among the residents'. See: A. Abdikeeva (2003) *Germany's Policies towards Sinti and Roma: Living Apartheid?*, available at: <http://www.errc.org/cikk.php?cikk=777#12> (15.03.2009).

<sup>147</sup> Immediately related health problems caused by this contaminated land were not explicitly mentioned in the interview.

<sup>148</sup> ERRC and EUMAP (2004) *Joint EU Monitoring and Advocacy Program/European Roma Rights Centre Shadow Report provided to the Committee on the Elimination of Discrimination Against Women commenting on the fifth periodic report of the Federal Republic of Germany*, pp. 29-30

<sup>149</sup> C. Faraco (2005) 'Länderbericht Deutschland', in European Parliament (2005) *Aspekte der ökonomischen Situation von Romafrauen*, available at: <http://www.pedz.uni-mannheim.de/daten/edz-ma/ep/06/pe365970-de.pdf> (11.05.2009)

Besides these few reports, the assessment of the impact of the housing situation on the cycle of social exclusion is based rather on plausibility than on empirical findings and should thus only be mentioned briefly: it appears likely that the (on average) worst access to public transport may hamper mobility and hence access to employment. Moreover, the often overcrowded housing situation appears likely to negatively affect Sinti and Roma children's educational attainment as they may often lack the quiet and space for homework or studying at home.

The ERRC/EUMAP shadow report also comments on the situation of those (assumedly very few) 'Sinti and Roma who travel during the year, mainly for work reasons' and how this affects the educational opportunities of their children. The report concludes that 'the regular access of children of travelling families to schooling is impeded' due to the practice of some schools to refuse to enrol these children, which violates their legal right to schooling.<sup>150</sup> The unemployed among these very few semi-sedentary or itinerant Sinti and Roma may face problems in securing unemployment benefit, as entitlement to this allowance require that the recipient is available to the local labour market.

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<sup>150</sup> ERRC and EUMAP (2004) *Joint EU Monitoring and Advocacy Program/European Roma Rights Centre Shadow Report provided to the Committee on the Elimination of Discrimination Against Women commenting on the fifth periodic report of the Federal Republic of Germany*, p. 23



## 1.4. Case law and complaints relating to the housing of Roma and Travellers

Several public anti-discrimination bodies record and process complaints or allegations of racism and (ethnic) discrimination in general, including in the realm of housing.<sup>151</sup> At the national level, the official federal specialised body for the promotion of equal treatment (Art. 13 of 200/43/EC), the Federal Anti-Discrimination Agency (ADS) [Antidiskriminierungsstelle], is in charge of processing such complaints. At the Länder level, two statutory anti-discrimination bodies that record and process discrimination complaints (also in the context of housing) have been installed in Brandenburg and Berlin. Moreover, municipal departments specialised in processing such complaints are in place in several municipalities (e.g. Munich, Cologne, Hanover, Frankfurt). In some cities and regions (e.g. Cologne, Leipzig, Berlin), non-governmental anti-discrimination offices process discrimination complaints and offer expert counselling and support in cases of discrimination in all areas of life.

Neither the above-mentioned public bodies nor any other non-statutory anti-discrimination offices that systematically record and process such complaints have been able to provide data on complaints regarding Sinti and Roma housing.<sup>152</sup>

Only one relevant – though out-dated – court case has been identified that was lodged by Sinti and/or Roma and dealt with issues of discrimination in housing or other general housing rights.<sup>153</sup> In 1996, the Local Court in Bochum ruled that the landlord was legally allowed to reject Sinti and Roma as potential tenants on the reasoning that Sinti and Roma are ‘traditionally mostly not sedentary’ and therefore ‘obviously not regarded as an on average suitable tenant’.<sup>154</sup> This court verdict is presented in greater detail in Annex 2.

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<sup>151</sup> No public body is in charge of recording and processing cases of housing rights violations. Private organisations such as the *Mieterbund* provide assistance in such cases only to their members.

<sup>152</sup> The ADS and all other relevant statutory and non-governmental anti-discrimination offices were contacted requesting information and data on complaints filed by Sinti and/or Roma in the context of housing.

<sup>153</sup> Our research of relevant court cases did not focus on rulings that dealt with the housing situation of asylum-seekers, as in such court cases, the ethnicity is usually not mentioned. As a consequence, it remains practically impossible – at least within the scope of this study – to determine the cases in which Roma asylum-seekers were involved.

<sup>154</sup> Germany/Amtsgericht Bochum/38C 157/96 (25.09.1995)

## 1.5. Identifying good practices

In Germany, various approaches have been taken in implementing good-practice projects in the context of Sinti and Roma housing. Three common approaches have been identified: resettlement, revitalisation of existing housing, and the creation of new housing.<sup>155</sup> As resettlement initiatives were the policy focus primarily until the 1990s and seem to be less common today, this chapter will present two good practice projects, one aimed at revitalising already existing housing areas (Koblenz), and the second one seeking to create housing specifically for Sinti and Roma (Kiel). Sinti organisations were actively involved in both projects.

The revitalisation project in Koblenz, referred to as Unterer Asterstein, aimed to improve the housing conditions and quality of life<sup>156</sup> in a socially disadvantaged neighbourhood. The project's target group were 260 mainly socially disadvantaged tenants of the neighbourhood, 50 per cent of whom were Sinti families.<sup>157</sup> The City of Koblenz<sup>158</sup> and the non-governmental local housing company Koblenzer WohnBau GmbH<sup>159</sup> were in charge of this project.<sup>160</sup> The project was approved in December 2000, and revitalisation began in the summer of 2003.<sup>161</sup> The total costs amounted to 11.1 million EUR, funded within the scope of the national 'Social City' programme (see 1.1); funding was equally provided by the state government of Rhineland-Palatinate and the housing company Koblenzer WohnBau.<sup>162</sup> Specific difficulties and limitations encountered during the project have not been mentioned.

The active involvement of tenants, amongst others, through the newly founded council of tenant representatives, was an important aspect in this project from the beginning. In early 2001, the tenants were systematically asked for their

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<sup>155</sup> In addition to these three main project types, a fourth type can be found that deals with the creation or improvement of halting sites for the small group of (temporarily) travelling German or European Sinti and Roma. As this type of project targets a only very small proportion of the Sinti and Roma population and partly seeks to improve the situation of Sinti and Roma who sometimes travel only temporarily, for instance, to visit family members (instead of targeting their immediate housing situation), it will not be discussed further in this section.

<sup>156</sup> In order to improve the (previously) poor quality of the flats in this neighbourhood and the difficulty of finding new tenants, the housing association initiated this revitalisation project.

<sup>157</sup> No Roma live in Unterer Asterstein. Therefore only Sinti benefited from the project.

<sup>158</sup> <http://www.koblenz.de> (26.05.2009)

<sup>159</sup> <http://www.koblenzer-wohnbau.de/go.to/modix/now/hauptseite.htm> (26.05.2009)

<sup>160</sup> In 2002, about 70 of the flats were empty. See: Bauforum Rheinland-Pfalz (2004) *Mehrfamilienhäuser der 20er bis 60er Jahre – Sanierungsbeispiele aus Rheinland-Pfalz*, available at: <http://bauforum.rlp.de/download/mfh.pdf> (25.03.2009).

<sup>161</sup> Rheinland-Pfalz, Ministerium des Innern und für Sport (2006) Rheinland-Pfalz Leitfadens Soziale Stadt, available at: <http://edoc.difu.de/edoc.php?id=5B1QJMOC> (23.03.2009)

<sup>162</sup> Bauforum Rheinland-Pfalz (2004) *Mehrfamilienhäuser der 20er bis 60er Jahre – Sanierungsbeispiele aus Rheinland-Pfalz*, available at: <http://bauforum.rlp.de/download/mfh.pdf> (25.03.2009)

suggestions and needs, which were then taken into account in the implementation of the revitalisation. The former 160 flats were turned into 90 larger flats (all with separate entrances) and storage space, gardens and car parking spaces large enough for caravans, were built. Two buildings were torn down to make room for green areas. In addition to this revitalisation, the connection to traffic infrastructure was also improved.<sup>163</sup> Moreover, social assistance services and other courses (e.g. computer courses, job interview training) were provided. The project sought to cater for the specific preferences of the Sinti tenants as well as the housing company's need to fill the formerly empty flats. The neighbourhood was considered as undesirable because of the poverty level and the unattractiveness of the area. The project aimed to improve the appearance of the buildings to remove the neighbourhood's stigmatisation.<sup>164</sup> It is expected that by creating private living spheres, the tenants could be encouraged to take more responsibility for maintaining the buildings.<sup>165</sup> Women, children and the elderly were not specifically mentioned in the focus of the project, but the family as a whole was seen as very important. The Rhineland-Palatine state government assessed the impact and success of the project very positively: the revitalisation of the neighbourhood including spatial changes (i.e. more green spaces) and improvement of accessibility of the public transport system were accomplished; moreover, the residents identify more with their neighbourhood and their sense of responsibility for their environment has been reinforced.<sup>166</sup> This assessment also suggests a high level of sustainability, which is expected to be strengthened also through the various social assistance offers and the (expected) increasing attractiveness of the neighbourhood. The project appears to be transferable to other socially disadvantaged neighbourhoods, provided that sufficient financial resources can be made available, in particular due the win-win approach for housing companies, the municipality and the residents.

The second good practice to be described here is the Maro Temm initiative, a newly built housing development for Sinti located in Kiel and initiated and carried out by Verband Deutscher Sinti und Roma Schleswig-Holstein [the Schleswig-Holstein state association of Sinti and Roma].<sup>167</sup> The need for the Maro Temm housing cooperative stemmed from the history of the housing

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<sup>163</sup> Verband der Wohnungswirtschaft Rheinland Westfalen e.V. and Verband der Südwestdeutschen Wohnungswirtschaft e.V. (2006) 'Vielmehr als nur Kosmetik für ein Problemgebiet', in: Verbands Magazin, No.2, available at: [www.wohnungswirtschaft-aktuell.de](http://www.wohnungswirtschaft-aktuell.de) (30.03.2009)

<sup>164</sup> Rheinland-Pfalz, Ministerium des Innern und für Sport (2006) *Rheinland-Pfalz Leitfaden Soziale Stadt*, available at: <http://edoc.difu.de/edoc.php?id=5B1QJMOC> (23.03.2009)

<sup>165</sup> Bauforum Rheinland-Pfalz (2004) *Mehrfamilienhäuser der 20er bis 60er Jahre – Sanierungsbeispiele aus Rheinland-Pfalz*, available at: <http://bauforum.rlp.de/download/mfh.pdf> (25.03.2009)

<sup>166</sup> Rheinland-Pfalz, Ministerium des Innern und für Sport (2006)

<sup>167</sup> R. Schnack (2008) □ Kulturbewahrung und Integration. Maro Temm – ein Wohnprojekt für Sinti and Roma' in: *Grenzfriedenshefte* (2008), available at: <http://www.schleswig-holstein.de> (23.03.2009)

situation of Sinti in Kiel. In the 1960s and 1970s they were housed in train carriages. Later, they were forced to resettle throughout the city. Since this dispersal, many Sinti have lived spatially assimilated in the city, but conflicts between the non-Sinti majority and Sinti kept occurring.<sup>168</sup>

From these conflicts came the desire to build a small neighbourhood, where Sinti could form an active community in support of one another. Other goals included the integration of children into the education system and the labour market without giving up their cultural heritage. Intergenerational living was also stressed as an important aspect of support for the entire community that would benefit not only children, but parents and the elderly as well.<sup>169</sup>

The of the Schleswig-Holstein state association of Sinti and Roma suggested the idea for Maro Temm in 1990.<sup>170</sup> In March 2001, the first plans for setting up a housing cooperative were discussed. This organisation, formed by Sinti residents, was then established in November 2004. Building plans and contracts were finalised in the autumn of 2005, and construction began in May 2007.<sup>171</sup>

The long preparation time needed to realise the Maro Temm housing development was due to several challenges encountered during the project. The total budget of the Maro Temm housing cooperative was 1.9 million EUR.<sup>172</sup> Raising this large sum of money was a challenge but, eventually, the project received financial support from both the Schleswig-Holstein Land (approx. 1.5 million EUR in the form of an open loan) and the City of Kiel (a local authority loan for 100,000 EUR).<sup>173</sup> Additional funding was provided by a foundation supporting Roma membership payments<sup>174</sup> and fundraising events such as a benefit concert.<sup>175</sup>

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<sup>168</sup> The many visitors to Sinti homes and the noise that these visits caused bothered non-Sinti neighbours. Sinti missed communal life, an important part of their culture. See: Maro Temm Genossenschaft der Sinti i.Gr., available at: [http://www.landtag.ltsh.de/aktuell/daten\\_aktuell/maro-temm-genossenschaft.pdf](http://www.landtag.ltsh.de/aktuell/daten_aktuell/maro-temm-genossenschaft.pdf) (26.03.2009).

<sup>169</sup> Schnack 2008

<sup>170</sup> P. Eppelsheim (2007) 'Eine Siedlung der Begegnung' in: *Frankfurter Allgemeine Zeitung* (16.08.2007), available at: <http://www.faz.net/print/Politik/Eine-Siedlung-der-Begegnung> (23.03.2009)

<sup>171</sup> Schleswig-Holstein (2007) Minderheiten- und Volksgruppenpolitik in der 16. Legislaturperiode (2005 – 2010) Minderheitenbericht 2007, available at: <http://www.landtag.ltsh.de/infotehk/wahl16/drucks/1700/drucksache-16-1730.pdf> (23.03.2009)

<sup>172</sup> Schnack 2008

<sup>173</sup> R. Pohl (2004) 'Wohnungsgenossenschaft der Sinti in Kiel gegründet' in: *Gegenwind*, No. 185, available at: <http://www.gegenwind-online.de/185/marotemm.html> (23.03.2009)

<sup>174</sup> All families living in *Maro Temm* must be members of the organisation and pay a membership fee. Other interested individuals can also join the organisation to support the housing project.

<sup>175</sup> Pohl 2004

Maro Temm was also dependent on the city providing a plot of land where the new neighbourhood could be built. Eventually, it had to accept a leasehold property in an industrial region of the city, which was the only space made available.<sup>176</sup> The property is located between train tracks and a large street, and is therefore not the usual location for a housing project, especially one to encourage social integration.<sup>177</sup> Although it has sometimes been criticised because of the use of this undesirable property, the project has also received overwhelmingly positive feedback due to the fact that it was initiated by the Sinti community itself. It has been presented as a particularly good practice in the context of Sinti and Roma housing in the media and by many Sinti and Roma representatives alike.

Residents moved into the Maro Temm neighbourhood in December of 2007;<sup>178</sup> currently, approximately 50 Sinti live there in 13 low-energy town homes. Onsite, the Maro Temm housing cooperative also offers tutoring services and other activities for children, as well as space for cultural gatherings and intercultural dialogue. A systematic assessment or evaluation of the project is not available but Maro Temm received very positive feedback in Germany and even abroad;<sup>179</sup> this was also confirmed during several expert interviews conducted for this study. This positive assessment related primarily to the active role of the Sinti community itself; given the type of project and the accompanying offers (e.g. tutoring for pupils, intercultural dialogue), the housing project appears to be very sustainable. Currently, efforts have been made to apply for additional funding within the scope of the 'Social City' programme in order to further promote social integration and prevent possible tendencies of segregation that may occur due to the location of the neighbourhood.

Although the Maro Temm project has not been duplicated yet, other Sinti families in Kiel have already shown interest in living in a similar settlement; interest has also been expressed in Lübeck, Neumünster and Heide.<sup>180</sup> This may be attributed to the numerous financial and organisational challenges that the Maro Temm project also encountered. Nevertheless, the project appears to be transferable in principle— provided there is an active Sinti/Roma community and it has the support of the municipality. According to one of the expert interviewees, transferability has been one of the project goals from the

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<sup>176</sup> Schnack 2008

<sup>177</sup> H. Skok (12.2007) '□Unterwegs in Schleswig-Holstein' in: Wogeno: selbstverwaltetes, soziales und ökologisches Wohnen, No. 40, available at: [http://www.wogeno.de/wogeno/media/pdf/Rundbrief\\_40.pdf](http://www.wogeno.de/wogeno/media/pdf/Rundbrief_40.pdf) (23.03.2009) p. 12. The representative of the Schleswig-Holstein state associate of Sinti and Roma commented: 'This here will not become a ghetto, because we do not want it to become a ghetto. No, it's exactly the opposite, we want to open up [our community]. People are welcome to come anytime and see for themselves.' (Schnack 2008)

<sup>178</sup> Interview No. 3

<sup>179</sup> Schnack 2008

<sup>180</sup> Pohl 2004

beginning, but after completion of Maro Temm, questions remain as to whether there is a more efficient manner to plan and complete a similar project in the future (Interview No. 3).

## 1.6. Major national projects targeting the housing situation of Roma and Travellers

There are no major national projects targeting the housing situation of Sinti and Roma in Germany. There are, however, local projects funded within the scope of national programmes, namely the national ‘Social City’ programme (see 1.1), which aim at improving the housing situation in socially disadvantaged neighbourhoods. In some of these projects, Sinti and Roma in particular benefit from the implemented measures and triggered changes in the neighbourhood. The initiative in Koblenz (Unterer Asterstein), as described in the previous section, was such a project, funded within the scope of the ‘Social City’ programme. To underline the significance of this national programme, another project that addressed Sinti and Roma, amongst other groups, will be briefly described in the following.

The Frischer Mut housing initiative<sup>181</sup> is a council housing renovation project in the Waldhof and Käfertal neighbourhoods of Mannheim, funded within the ‘Social City’ programme since 2000. The project has applied a broad approach to improve living conditions in the neighbourhood: in addition to using ‘Social City’ funding to renovate the council housing units and establish a balanced rental structure,<sup>182</sup> support programmes and other activities for the residents were set up to encourage community building and neighbourhood stability.<sup>183</sup> The target group of Frischer Mut was and continues to be the 1,200 tenants living in council housing flats in the neighbourhood; 20 per cent of the residents are Sinti, 40 per cent are children.<sup>184</sup>

The main elements of the renovations included modernising the council housing units to provide more family-appropriate living areas and demolishing one of the buildings to form more communal space.<sup>185</sup> The needs of children were

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<sup>181</sup> Baden-Württemberg: Soziale Stadt Bundestransferstelle Mannheim (2006) *Frischer Mut* (18.08.2006), available at: <http://www.sozialestadt.de/gebiete/gebietAnzeige.php?id=88> (23.03.2009)

<sup>182</sup> Stadt Mannheim Fachbereich Wohnen und Stadterneuerung (2004) *Stadterneuerung in Mannheim: Informationen zu den aktuellen Städtebauförderungsmaßnahmen in Mannheim*, available at: <http://edoc.difu.de/edoc.php?id=9HTP0RXF> (23.03.2009)

<sup>183</sup> Stadt Mannheim Fachbereich Wohnen und Stadterneuerung (2004) *Stadterneuerung in Mannheim: Informationen zu den aktuellen Städtebauförderungsmaßnahmen in Mannheim*, available at: <http://edoc.difu.de/edoc.php?id=9HTP0RXF> (23.03.2009)

<sup>184</sup> Soziale Stadt Bundestransferstelle (2002) *Aktivierung einer schwierigen Bevölkerungsgruppe: Anlage von Mietergärten von Sintis* (31.12.2002), available at: <http://www.sozialestadt.de/praxisdatenbank/suche/ausgabe.php?id=291> (23.03.2009)

<sup>185</sup> Improvements included the addition of a bath or shower, central heating, insulation, new windows with insulated glass, replacement of outside doors, and a new exterior paint job to improve the exterior appearance.

considered through different measures: the children's centre was modernised and enlarged in order to establish a kindergarten and pre-school; the traffic pattern near the children's centre was restructured to ensure their safety; a multifunctional play area was built for children and youth. Moreover, existing community projects and social services were offered onsite. One programme, Mission Südosteuropa, offers support specifically for Sinti and Roma.

Another important aspect of the renovations was a garden project. Residents – many of whom Sinti – had already started this project before modernisation began. Through this process, however, it became an official element of the initiative. Despite the fact that building managers and the housing companies had the main responsibility in project planning, they encouraged residents to get involved. Representatives of the management and housing companies met with a group of mostly Sinti tenants in order to give them the opportunity to express their wishes for the neighbourhood and actively plan the garden project. Tenants were given turf and soil for their gardens and then later fences with gates; they bought plants, gardening tools and storage facilities. They decided what to buy and paid for the purchases. This project is viewed as successful because the residents took responsibility and succeeded in making their surroundings more attractive.<sup>186</sup> In order to encourage the sustainability of the project and to encourage residents to continue to do their part, the management hosted a contest for the most beautiful garden.<sup>187</sup>

The Frischer Mut neighbourhood initiative is generally considered a success by the City of Mannheim. A systematic evaluation, however, is lacking. The key factor for success appears to be the combination of, on the one hand, spatial and construction-related changes and various social support and assistance offers and the promotion of social contacts and cooperation between all residents on the other hand; moreover, the residents' participation and responsibility were encouraged. As such approaches have been proven successful in other housing projects (see also 1.5.), the approach of Frischer Mut seems transferable in similar contexts.<sup>188</sup> The transferability of the initiative is also promoted within the 'Social City' programme, which encourages the nationwide exchange of good practice projects.

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<sup>186</sup> Soziale Stadt Bundestransferstelle (2002) *Aktivierung einer schwierigen Bevölkerungsgruppe: Anlage von Mietergärten von Sintis* (31.12.2002), available at:

<http://www.sozialestadt.de/praxisdatenbank/suche/ausgabe.php?id=291> (23.03.2009)

<sup>187</sup> Stadt Mannheim Fachbereich Wohnen und Stadterneuerung (2004) *Stadterneuerung in Mannheim: Informationen zu den aktuellen Städtebauförderungsmaßnahmen in Mannheim*, available at: <http://edoc.difu.de/edoc.php?id=9HTP0RXF> (23.03.2009)

<sup>188</sup> Stadt Mannheim (2003) Beschlussvorlage der Stadt Mannheim Nr. 564/2003: Sanierungsmaßnahme 'Frischer Mut' (SSP), available at: [http://web.mannheim.de/webkosima/webkosima\\_vorlagen/564\\_2003.pdf](http://web.mannheim.de/webkosima/webkosima_vorlagen/564_2003.pdf) (23.03.2009)



## 2. Field research – interviews

### 2.1. Brief description of the methodology

#### Selection of interview partners

According to the guidelines, we selected representatives of authorities, civil society and Sinti and Roma organisations, while making sure to include female interview partners. This selection was, on the one hand, based on our expertise and desk research regarding main representatives of Sinti and Roma and respective authorities in Germany; on the other hand, we made use of the list of suggested interview partners provided during the NFP RAXEN meeting in Vienna on 30 January 2009. We contacted about ten organisations and authorities, but encountered difficulties especially with several of those organisations/persons who were suggested by FRA.

Between 10 March and 12 May 2009, we conducted six interviews: three with civil society and/or Sinti and Roma representatives (two women, one man); two with representatives of authorities (two women); and one additional interview with an expert at a research organisation, who also represented a Sinti and Roma organisation.

- Interview No. 1 (telephone): civil society, female representative of the Sinti Allianz Germany in Cologne, 10 March 2009, approximately 65 minutes;
- Interview No. 2 (personal interview in Munich): authority, department for social affairs in Munich, female social worker, 11 March 2009, approximately 50 minutes;
- Interview No. 3 (telephone): authority, Commission for Minority Issues of the Federal State Government Schleswig-Holstein (Kiel), female, 12 March 2009, approximately 35 minutes;
- Interview No. 4 (personal interview in Berlin): civil society, female representative of the Sinti and Roma association Berlin-Brandenburg in Berlin: 13 March, 2009, approximately 120 minutes;
- Interview No. 5 (telephone): NGO madhouse in Munich, male social worker, 16 March 2009, approximately 120 minutes;
- Interview No. 6 (telephone): research organisation; male representative of the European Centre for Antiziganism Research (Europäisches Zentrum für Antiziganismusforschung, EZAF); the interviewee is also representative of the Hamburg-based Sinti and Roma advocacy organisation Rom und Cinti Union (RCU), 11 May 2009, approximately 35 minutes.

We asked the selected experts via email or phone if they would be interested in participating in the study. Afterwards, we contacted them by telephone to explain our request and the interview process further.

At first we encountered difficulties in finding representatives of authorities, especially at the national level: the Federal Government's Commissioner in charge of national minorities (including German Sinti and Roma) did not agree to participate in an expert interview, pointing out that they could not contribute anything that went beyond the state reports within the reporting system of the Council of Europe's Framework Convention for the Protection of National Minorities. At the Länder level, only the government in Schleswig-Holstein installed a commissioner in charge of national minorities; we were able to conduct an interview by phone with the state commissioner, who was assisted during the interview by one of her expert staff (Interview No. 3).

We also conducted interviews with social workers, two of whom were working in Munich and one in Hamburg, all with longstanding experience in working with Sinti and Roma families. Interviewee No. 2 works for the Munich municipal department for social affairs. Interviewee No. 5 works for the NGO madhouse, funded by the City of Munich. He wanted to authorise the statements he made during the interview. The representative of the research institute EZAF (Interview No. 6) also works a social worker in schools in Hamburg and is also a representative of the advocacy organisation RCU; he also wanted to authorise the interview material used for the study.

Each Western German Land, as well as Berlin-Brandenburg, has a representative Sinti and Roma association. These state associations are all members of the German Council of Sinti and Roma in Germany. We conducted a personal interview with the representative of the Berlin-Brandenburg association in Berlin. This interview was not recorded. The interview partner requested a copy of the quotations from her interview that we used in the report (No. 4). We also conducted an interview with the representative of the German Council of Sinti and Roma in Germany who also wanted to authorise the quotations and statements we meant to present in the report; this interview, however, could not be used for the report due to the Central Council's formal objections – arguing that the report would be 'inaccurate' and 'fuelling prejudices' towards Sinti and Roma, amongst others, due to the title and thematic approach of the study (this assessment was provided later via email and phone).

As mentioned above, we also conducted an interview (No. 6) with the representative of the Hamburg-based EZAF, which aims to redress anti-Roma prejudices and exclusion of Sinti and Roma.

In order to ensure a broad coverage of different – partly controversial – viewpoints within the Sinti and Roma communities, we also interviewed the representative of the Sinti Allianz Germany (No. 1), an independent and self-

financed association, whose viewpoints and assessments of Sinti and Roma issues often differ greatly from the assessments of the German Council of Sinti and Roma and most other Sinti and Roma organisations. This interviewee uses the term 'Zigeuner' [gypsies] arguing that the terms 'Sinti' and 'Roma' exclude other 'gypsy' groups who are neither Sinti nor Roma. (We use the term 'gypsies' in direct quotations from this interview partner). In Germany, this terminology is unanimously considered inappropriate and strongly rejected by the Central Council of Sinti and Roma and all other Sinti and Roma organisations including the RCU (Interview No.6).

The sample of interview partners provides different opinions and perspectives from actors who are well aware of and very familiar with Sinti and Roma issues in Germany or in their respective region. It includes authority representatives at the Länder and the municipality levels, a representative of German Sinti and Roma at the Länder level, social workers and advocacy organisations who support Sinti and Roma at grassroots level as well as a leading representative of a research centre specialised in research on 'antiziganism'.

## Interview methodology

We conducted six semi-standardised expert interviews, an interview method which is characterised by a high level of flexibility and allows new questions to be developed during the interview. We tried to remain open to new topics and questions while following the topics requested by the guidelines. We used open questions, which enabled us to work inductively and let the interview partner share his/her point of view, and paid attention not to ask questions in a suggestive way. Interviews were conducted in German. A protocol was written for every interview. The following summary of the interviews was extracted both from interview protocols and from the audio material itself. One interview partner did not agree to the interview being recorded (No.4).

## Difficulties encountered

We also received critical feedback in reference to the topic of the study from some interviewees. Some Sinti and Roma representatives we interviewed also seemed worried about conducting studies on their living situation; this appears especially true in regard to quantitative surveys (Interviews No. 1 and 3) and ethnic data collection on Sinti and Roma (Interview No. 6); these concerns seemed to be rooted historically in the misuse of ethnic data by the Nazis in the Third Reich. Sometimes we also encountered difficulties in differentiating between Sinti and Roma. We observed more than once that experts as well as academic literature and articles used 'Sinti and Roma' as one category, while actually referring only to Sinti.

As mentioned above, the interview conducted with the representative of the Central Council of German Sinti and Roma could not be used because his consent was withdrawn. In an email, the representative of the Central Council of German Sinti and Roma expressed his disapproval of the study, arguing that it would be ‘inaccurate and fuelling prejudices’, amongst other things, due to the study’s title (‘Travellers’) and its thematic focus on housing conditions, which suggests that the housing conditions of Sinti/Roma differ from those of non-Sinti/Roma Germans.

## 2.2. Summary of main points

### Most important features of the Sinti and Roma housing and accommodation situation in Germany

Most experts pointed out explicitly that they only speak for their individual region and can not provide information on the general situation in Germany. There is a broad consensus among most interviewees that a particularly pressing issue is finding adequate housing for large and disadvantaged families receiving social welfare, and that this concern is not specific to Sinti and Roma. However, the representative of the EZAR and representative of the RCU in Hamburg (interview No. 6) stressed that the housing situation of Sinti and Roma is characterised, on the one hand, by their often socially disadvantaged socio-economic situation (due to discrimination and exclusion in school and employment and due to negative prejudices towards Sinti and Roma) and, on the other hand, by ethnic discrimination against Sinti and Roma on the housing market. He underscored the existence of a direct discriminatory barrier to the housing market by pointing to a series of cases of discrimination against Sinti and Roma regarding this subject (see below). He also argued that – given widespread persistent anti-Roma prejudices and exclusion in Germany and Europe – the housing situation is not the most pressing issue of Sinti and Roma in Germany: ‘In a country like Germany hardly anyone has to live on the street [...] and I think with this sentence one can summarise the German situation.’

Most experts –the social worker from Munich being an exception (madhouse, Interview No. 5) – described the housing situation of German Sinti and Roma as adequate. The three representatives from Sinti and Roma associations (Interviews No. 1, 4, 6) stated that the majority of Sinti and Roma live similarly to other citizens (in council housing as well as private housing) and there are no differences. The representative of the EZAF said that ‘generally, all those [Roma] with a secure residence status and the German Sinti live like everyone else’ (Interview No. 6), with many Sinti and Roma living in council housing due to their socio-economic situation and a fairly high unemployment rate among Sinti and Roma, which is again due to widespread anti-Roma prejudices and exclusion processes.

All experts knew of cases where prejudices and stereotypes in specific neighbourhoods had caused housing difficulties. In contrast to statements made during Interview No. 2 about the situation in Munich, the second local expert from Munich stated that there is direct discrimination against Sinti and Roma (Interview No. 5). In Munich, a high number of Sinti and Roma families depend on social welfare and live in council housing together with people from other ethnic backgrounds (Interviews No. 2, 5). There are only very few large dwelling units that are suitable for large families available in Munich. In respect to council housing, this results in longer waiting periods and little fluctuation of

tenants, 'but it is not a specific Sinti and Roma problem. There are equal opportunities in Munich for Sinti and Roma. There is no discrimination in council housing against Sinti and Roma, maybe individual cases but I did not experience it that way' (Interview No. 2). In Munich, some Sinti live in emergency housing units. For these units the municipality has the right to evict tenants if units are required for new residents. Notwithstanding this possible eviction, the standard of the dwellings in these emergency housings are the same as in council housing flats (Interview No. 2). The social worker of the NGO madhouse (Interview No. 5) said that he had never been able to find available housing for Sinti families in a private flat. Although he did not mention any specific issues that particularly affected women, children, the elderly and persons with disabilities, he described a case of discrimination against a Sinti mother (see below).

The representative of the Sinti and Roma association Berlin-Brandenburg (Interview No. 4) described the situation in Berlin: 'they live in areas where you can find favourable rental flats, particularly in areas where people search for cheap accommodation but there are no homeless Sinti and Roma in Berlin. There is no housing shortage.' In Cologne, some Sinti live in underprivileged districts with other socially disadvantaged residents. The representative of the Cologne-based Sinti Allianz (Interview No. 1) emphasised that Sinti face similar problems to those of other citizens and that their difficulties are not related to their ethnicity. In addition to the impact of the family's financial situation, local circumstances have to be taken into consideration (Interview No. 2). For example, Munich has large problems with housing availability in general. Compared to Munich, it would be much easier to find apartments in council or private housing in Berlin or Hamburg (Interview No.2).

Several interview partners mentioned specific living preferences of Sinti and Roma (Interviews No. 1, 2, 3): they often tend to live in extended families, visit each other regularly, have large gatherings and some prefer to live on the ground floor of the building: 'Council housing is available for Sinti in every district in Kiel, but Sinti prefer living near their family. The Sinti lifestyle differs from a "normal" German lifestyle' (No. 3). Interviewee No. 1, the representative of the Sinti Allianz, mentioned some culturally based preferences of Sinti (not of Roma!) that have an effect on their housing – without going into details, arguing that these rules should not be made public.

The representative of the EZAF (Interview No. 6) stressed that Sinti and Roma are entirely sedentary and strongly rejected the persistent stereotype of Sinti and Roma as 'nomads', explaining that what is falsely perceived as 'nomadism' is actually forced migration in order to escape conflicts, and is due to the forced displacement of Sinti and Roma. He also mentioned that a halting site in Hamburg, which is under the administration of Sinti and Roma, is used during the summer holidays by some Sinti and Roma who travel with a caravan across Germany to visit family, but these people all have 'normal' dwellings.

Three Sinti and Roma representatives (Interviews No. 1, 4 and 6) emphasised that there is a problematic housing situation for Roma refugees: ‘They are tolerated; therefore, their situation is more difficult. Their dwellings can be overcrowded with more than 30 people living in there’ (Interview No. 4). The representative of the EZAF (Interview No. 6) also pointed out the particularly devastating living conditions of Roma, primarily from the Balkans, with a weak residence status (i.e. those with a temporary stay of deportation) living for a very long period of time in asylum-seeker hostels ‘where they have twelve square meters for four persons’. He stated that ‘the political will to give these people a long-term perspective is lacking’ in Germany.

### Institution’s work in regard to Sinti and Roma housing issues

The Sinti Allianz Germany (Interview No. 1) does not carry out specific projects dealing with housing. The association would only get involved in housing related matters if addressed directly by individuals or public authorities. In such a case, the association could support the individuals or authorities. The association was founded for Sinti, but today other ‘gypsy’ groups (specifically those from Spain and Alsace-Lorraine, France) also profit from its work. It does not work with Roma exclusively. Financial resources are considered insufficient.

The expert of Interview No. 2 works for the Munich municipal department for social affairs as a social worker in a Sinti and Roma settlement in the northern part of the city. She stated that the department invested a lot of money as the houses in the settlement were more expensive than regular council housing buildings.

The Schleswig-Holstein State Commissioner for Minority Issues (Interview No. 3) represents the only governmental authority in charge of, amongst other things, issues related to Sinti and Roma at the state level. The former prime minister of Schleswig-Holstein established the Office of the State Commissioner for Minority Issues in 1988, jointly funded by the Land and the Federal Ministry of the Interior. The need for this statutory body has arisen in Schleswig-Holstein since three of the four national minorities live in the region. The Commissioner works closely with the Sinti and Roma association in Schleswig-Holstein: ‘There are no particular policies for Sinti and Roma, but Maro Temm<sup>189</sup> was initiated by the association of Sinti and Roma with strong support by my predecessor’ (Interview No.3). The commission receives inquiries from Sinti; however, instead of offering direct support, the commission directs inquiries to the Sinti and Roma association in Schleswig-Holstein.

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<sup>189</sup> *Maro Temm* is also described in Question 4 and in section 1.5. of this report.

The Sinti and Roma association in Berlin-Brandenburg (Interview No. 4) mainly acts as a social assistance office, offering, amongst many other things, counselling or housing advice. It helps, for instance, individuals apply for housing subsidies. The association seeks to ensure that people understand the basic entitlement requirement for receiving social welfare benefits. It also seeks to solve misunderstandings between tenants and landlords. Its financial and human resources are described as insufficient.

The expert of Interview No. 5 is the head of the Munich-based non-governmental organisation 'madhouse', established in 1987 and funded by the Munich municipality. Although established with the objective of offering youth services, it now provides support to approximately 40 Sinti and Roma families (around 250 people). Sixty percent of the agency's work consists of answering housing inquiries and providing related advice for Sinti and Roma. The NGO seeks to avoid spatial segregation and ethnic marginalisation but respects the desires of Sinti and Roma who want to live together. Furthermore, he emphasised the notion of empowerment and said: 'We don't want to create situations that will need permanent social support. In addition, we pay attention to the needs of elderly persons, who are in need of adequate housing or assisted living facilities.' He elaborated that elderly Sinti hardly ever live in retirement homes, but are looked after and cared for at home within the family. Financial resources for the office's work are more or less adequate, but in terms of personal resources, they require more support and the staff are often overworked.

The representative of the European Centre for Antiziganism Research (Interview No. 6), which was founded with the objective to scientifically analyse and counteract anti-Roma prejudice ('antiziganism') and discrimination against Sinti and Roma, also represents the non-governmental advocacy organisation Roma und Cinti Union e.V. (RCU). The RCU provides social assistance to Sinti and Roma in Hamburg – also in the context of housing – since its foundation in 1979. Its guiding principle is to empower Sinti and Roma in order to enable them to help themselves; this is considered the key factor for success of the RCU's work. In the context of housing, its work includes helping those who require help in finding a flat. The RCU has about 4,700 members, many of whom are Sinti and Roma.

### National, regional or local housing and accommodation policies related to Sinti and Roma

There are no national, regional or local housing and accommodation policies in Germany explicitly related to Sinti and Roma that go beyond individual settlement initiatives as described in the section on good practices. Only Interviewee No. 5 mentioned a policy concept that was compiled by the Munich municipality to improve the housing situation for Sinti and Roma in Munich. However, the programme has not been implemented yet. The City of Munich



pursues the policy that ethnic groups should not live in segregated settlements, but he noted that: ‘Sinti live traditionally in extended families, so that resources provided by the family can be used. The policy destroys this way of living. This kind of policy is not suitable for Sinti families.’

Several Sinti and Roma representatives agreed that specific housing policies are not necessary: ‘There are no specific policies related to housing for Sinti and Roma in Germany. It does not make sense to ask this question in regard to the situation in Germany. There is no need for assistance, because they live in normal housing condition’ (Interview No. 4).

A Commissioner for Minority Issues in Schleswig-Holstein (Interview No. 3) added: ‘Besides Maro Temm, there are no national or regional programmes or policies that improve the housing situation of Sinti and Roma. Initiatives come from the bottom with the help of individual authorities like my predecessor. Policies and ideas should come from below, from Sinti themselves or their associations. It should be bottom-up projects and I think this way it is much better.’

Good-practice projects in Hamburg, Cologne, Munich, Hamburg, Kiel and Bad Hersfeld were mentioned. All these projects were strongly supported by the municipalities. In this context, difficulties were described by all experts in regard to the issue of integrating Sinti and Roma versus marginalisation and ghettoisation. The representative of the EZAF (Interview No. 6) expressed that he is ‘very sceptical towards projects that are conceptualised by someone sitting behind a desk and that do not really cater for the needs of the people [...] as this leads quickly into ghettoisation scenarios.’

Two Sinti and Roma representatives (Interviews No. 1 and 4) expressed their concerns about privileging certain population groups through such specific projects, as this may not contribute to positive attitudes towards the groups: ‘It does not generate sympathy when you privilege particular groups’ (Interview No. 4). Furthermore, interviewee No. 4 expressed fears that ‘if Germany becomes a totalitarian system again, then they would only need to build a barbed wire fence around the settlement.’ In addition, she criticised that social workers (and, through them, also the authorities) control such settlements. Despite all her criticism towards Sinti and Roma settlements, she acknowledged that the majority of Sinti and Roma families wish to live together. This view was also shared by other experts who agreed that projects or policies must take into account the requests of Sinti and Roma and that one must promote integration and avoid ghettoisation. The respondent of the EZAF (Interview No. 6) emphasised the importance of such housing projects being carried out in close cooperation with Sinti and Roma organisations, instead of being planned.

The Schleswig-Holstein Commissioner for Minority Issues (Interview No. 3) mentioned the national ‘Social City’ programme, which aims to provide housing and neighbourhood related support in disadvantaged districts. This

programme supports different elements of ‘community building’, including both social activities and building measures. ‘Social City’ could also have an impact on the housing situation of Sinti and Roma.

Since there are no policies explicitly related to Sinti and Roma housing, no negative impacts were described. However, the social worker from Munich (Interview No. 2) commented on negative housing projects, specifically in Freiburg and Nuremberg: ‘I view the Weingartensiedlung in Freiburg very critically; they established more of a ghetto.’ She commented on the unfortunate location of the settlement in Nuremberg-Fürth, which is – although the buildings are attractive and adequately equipped – located within the industrial area of the city, near the train tracks.

The representative of the Sinti Allianz (Interview No. 1) summarised her statements: ‘We don’t want that gypsies are discriminated against, but we also don’t want them to be privileged. We need a healthy balance of respect. Privileging certain ethnic groups is not supportive for social peace in society. When privileges exist, there are enviers.’

## Examples of ‘good practice’ projects related to Sinti and Roma housing

All experts were aware of relevant good practice projects referring to projects where settlements were built particularly for Sinti and Roma. Most housing projects mentioned were initiated by Sinti and Roma themselves. Their realisation, however, strongly depended on support and financial resources from the municipality. Sinti and Roma actively participated in developing the concept of these projects.

The two experts of Interviews No. 2 and 5 described the project in Munich.<sup>190</sup> The social worker who works for the Munich municipality (Interview No.2) said that she has received very positive feedback as Sinti and Roma residents were involved in planning the new facilities: ‘It was important that their homes look like normal units that anyone would want to live in. Children wanted a place that they could bring friends to.’ The other social worker in Munich (Interview No. 5) also said that he has heard only positive feedback about the settlement from the residents themselves, but he added that other Sinti were angry because they cannot live there. The settlement is located in a neighbourhood with a good infrastructure: ‘I would say that the housing situation here gives Sinti and Roma more than equal opportunities in regard to housing. Non-Sinti and Roma would definitely wish to have it as good as the Sinti and Roma have it here. They are privileged to have a housing living

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<sup>190</sup> Additionally, we were able to visit the project settlement, which confirmed the opinions expressed by the two interviewees.

situation like this, but this privilege is legitimate because of their history in Germany.’ At the beginning it was difficult to find property; also, prejudices were expressed by the population. Sinti and Roma live together in this settlement. Moreover, a disabled young man lives there with his family.

The project Maro Temm in Kiel was described by the State Commissioner for Minority Issues (Interview No. 3). This project was initiated by Sinti, who wished to live alongside each other in a settlement. They established a cooperative to make this goal a reality, and had to deal with many stumbling blocks along the way. Funding was especially difficult, as all residents rely on social welfare: ‘As far as I know the Sinti families are happy with their housing situation. It’s the second year [after its completion]. There is also a common room; children can do their homework. There is a grassy area where they can meet and so on. They also have good relationships to their neighbours, the fire department.’ Maro Temm wants to offer a support system for the Sinti community, while not retreating from the society-at-large in Kiel. Currently, they want to establish a follow-up project with funding within the scope of the Soziale Stadt that should help avoid marginalisation and promote integration. The difficulties experienced in completing Maro Temm showed how strongly the successful creation of such settlement depends on the local circumstances. They stressed that it is important that such projects are initiated by the Sinti themselves, even though the authorities are also needed to play an active role: ‘I do not think that without the strong support by individuals and other associations the Sinti and Roma association could have realised their ideas’ (Interview No. 3).

The representative of the EZAF (Interview No. 6) mentioned the Maro Temm project as a very positive initiative due to the fact that it was initiated by the Sinti community itself; he stated that Maro Temm may one day serve as a good example for a similar housing project in Hamburg. He also referred to a Sinti settlement project in Hamburg, where the city built – following requests of the Sinti community – a settlement with some 20 or 30 little family houses for Sinti families in the 1980s; the respective housing concept had been developed by city representatives in cooperation with the Roma and Sinti community, namely the RCU. The general assessment of this settlement initiative was positive. Later, however, it turned out that the settlement was built on contaminated ground, as the EZAF representative stressed.

Two good practice projects in Cologne were described by the Cologne-based representative of the Sinti Allianz (Interview No.1): one Sinti settlement and one Lallerie<sup>191</sup> settlement. ‘I think the projects show that Sinti who live in the settlements have even more than equal opportunities because these settlements privilege gypsies and exclude non-Sinti.’ Both of these projects were funded by the municipality, but initiated by Sinti themselves; Sinti were also strongly

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<sup>191</sup> A Sinti group migrated from Austria.

involved in developing and carrying out the projects. As a result, the municipality could plan the housing projects in respect to the Sinti's requests and (cultural) needs. 'The houses are like "show houses". Every family has its own small house; size depends on the family size. Next to the house is space for the caravan which some use to travel during the summer holidays; these houses are all on one street. Each family has a front garden and space next to the house for the caravans; so it is very nice. It is well kept by the people.'

Two interview, however, partners pointed out that projects specifically for Sinti and Roma may face certain problems. The State Commissioner for Minority Issues (Interview No. 3) stated that 'stereotypes exist within the population regarding housing communities where only Sinti and Roma live, and one must actively reduce those [stereotypes].' One of the interviewed social workers in Munich (Interview No. 5) pointed out that projects particularly for Sinti can easily be negatively labelled as 'Zigeuner settlements', but he also acknowledged the Sinti's wishes to live together: 'That is how they prefer to live. We have to consider the Sinti's desires and respect their wishes. I don't want to judge this, when they want to live like that.'

### Organisations' involvement in any cases of housing discrimination or other violations of the housing rights of Sinti and Roma

The EZAF and RCU representatives (Interview No. 6) described several incidents of discrimination to prove that direct discrimination against Sinti and Roma on the housing market exists. In the late 1990s, the RCU learnt about a series of cases in which people who applied for a flat at a large housing company in Hamburg were rejected with the words 'we do not rent to gypsies'. The RCU – together with other actors on different levels – actively intervened and achieved that 'this discriminatory practice does not occur in such an open way anymore [...] but we see that people still have difficulties' (Interview No. 6). The second example he described concerned the RCU and its social assistance office itself: the RCU, funded by the Hamburg Senate, encountered severe problems when trying to find new office facilities in Hamburg – despite a local housing market with numerous available office facilities. Due to discriminatory barriers, it took the RCU one and a half years to find a place to rent. In almost 50 cases, the landlord withdrew his initial decision to rent to the RCU after he found out that the RCU was a Sinti and Roma organisation; in many of these cases the contract was about to be signed when it became apparent what RCU stood for. Some landlords 'quite blatantly told us that we do not rent to gypsies [...] or "if you move in here, my other tenants will move out" or they said "we are going to get back to you"' (Interview No. 6). Even when a city official stepped in and guaranteed that the RCU receives stable funded from the Hamburg senate, it remained almost impossible to find office facilities.

Furthermore, the representatives of the EZAF and RCU mentioned that the difficulties of Sinti and Roma in finding a flat is sometimes also related to whether the applicant is recognisable as a member of the Sinti and Roma community. Applications are generally more successful if the individual applying is not recognised: 'in practice we have partly [taken note of] this [...] if there was someone in the family with lighter skin colour, we said that they should send him to have a look at the empty flat [...] that works better than if the person is instantly recognised [as Sinti/Roma]' (Interview No. 6).

One of the interview partners in Munich (Interview No. 5) made the strong assumption that there is direct discrimination against Sinti and Roma and described different cases: 'About two years ago, I found folders in the social welfare office of a housing organisation that explicitly stated that Sinti renters were not welcomed. I suggest that there is a basic principle in housing issues to exclude Sinti. Because of their ethnic identity, they reject cases because the associations are not interested in Sinti residents.' He also presented another case in which a housing company rejected a Sinti woman seven times because of her ethnic origin. Another issue this interviewee mentioned was that Sinti who are illiterate and have to file applications for social welfare face difficulties. As a result, staff from administrative units treat Sinti and Roma badly and discriminate against them. Furthermore, he assumed that strong prejudice in private housing exists, pointing out that he experienced difficulties when trying to find a private apartment for Sinti. The interview partner also illustrated a case that demonstrated a connection between social welfare regulations and housing issues. A Sinti woman and her seven children did not stay in their flat because she had to look after her dying mother. As social benefits (in this case, unemployment benefits) require that the recipient is available to the labour market, the authority stopped paying the rent (which is connected to the unemployment benefits) on the woman's behalf. The mother was charged with social welfare fraud and had to move out of her flat as a legal eviction order had been issued. 'In that case, legislation and housing are connected [...] the problem now is that it is even more difficult to find a flat, whether in social or private housing, because they are now have a recorded at the SCHUFA [an institution which provides information on financial liability of individuals]. I support the family and they are now really in great difficulty.' (According to their culture, Sinti have to take care of their family).

The other interviewee from Munich (Interview No.2) said that Sinti and Roma have equal opportunities to get council housing units. Referring to the settlement in northern Munich, she stated, however, that 'during the planning of the project many stereotypes and prejudices were expressed by residents in the city district, but now Sinti and Roma in the settlement do not face discrimination or prejudices anymore.'

The representative for the Sinti and Roma association in Berlin-Brandenburg (Interview No. 4) stated that they have never dealt with cases of direct housing discrimination. Problems do emerge, however, when landlords notice that Sinti

and Roma want to rent a flat, although even in these cases discrimination is never directly related to their ethnicity: 'One landlord said that they have to pay attention to balance in the area; they were trying to say that it is not allowed that too many Sinti and Roma live in that house. People say it in a concealed way.' In that case, the association intervened by talking with the property owner; in the end, a compromise was reached and the family could move in. She also mentioned that her association was able to observe increasing problems of discrimination against Sinti and Roma by members of other ethnic minorities. The social worker in Munich also raised the problem of inter-ethnic conflicts between Sinti/Roma and migrants (Interview No. 5).

The representative of the Sinti Allianz Germany (Interview No. 1) stated that her organisation was not aware of any cases of ethnic discrimination against Sinti. Her organisation was contacted with the request to provide assistance in resolving alleged cases of discrimination, but when they began to investigate these cases they could not identify indicators for ethnic discrimination. She acknowledged, however, that large families face disadvantages when trying to find large flats; but in regard to ethnic discrimination she said: 'it is not written on our forehead that we are gypsies. Sinti look for flats like any other German citizen, and when they have six or seven children, they face the same problems like other citizens.'

None of the experts provided information on housing discrimination against Roma children, elderly or disabled Sinti and Roma.

## Annex 1: Statistical data and tables

Please complete the table below (covering period 2000-2009)

|  | 2000 - 2009            |
|--|------------------------|
| Number of complaints regarding ethnic discrimination received by complaints authorities (such as ombudsperson's offices and national equality bodies)  | No such data available |
| Number of instances where ethnic discrimination was established by complaints authorities (such as ombudsperson's offices and national equality bodies)  | No such data available |
| Follow up activities of complaints authorities (such as ombudsperson's offices and national equality bodies), once discrimination was established (please disaggregate according to type of follow up activity: settlement, warning issued, opinion issued, sanction issued, etc.) | No such data available |
| Number of sanctions and/or compensation payment in ethnic discrimination cases (please disaggregate between court, equality body, other authorities or tribunals, etc.) regarding access to housing (if possible, disaggregated by gender and age)                                 | No such data available |
| Range of sanctions and/or compensation in your country (please disaggregate according to type of sanction/compensation)  | No such data available |

## Annex 2: Court, specialised body or tribunal decisions

|   |  |
|---|--|
| Case title  | Ref. 38C 157/96: Court rules that Sinti as proposed new tenants must not be accepted by the landlord   |
| Decision date   | 25.09.1996   |
| Reference details<br>(type, title of court/body; in original language and English [official translation, if available]) | Amtsgericht Bochum [Local court Bochum], Ref. 38C 157/96   |
| Key facts of the case<br>(max. 500 chars)   | The rental contract between the defendant tenants of a flat (a married couple) and the claimant (house owner) was terminated with due notice. Both parties apparently agreed that the tenants had to find a replacement tenant in order to be exempt from the obligation to pay rent during the legally defined period until the end of the lease. The tenants found a person as a replacement, but this person was a Sinti or Roma (the verdict refers to that person as 'Zigeuner', i.e. 'gypsy'). The landlord not only rejected this proposed new tenant, but refused to accept any further attempts of the defendants to find another replacement.            |
| Main reasoning/argumentation<br>(max. 500 chars)  | The court ruled that the landlord had the legal right to reject further attempts to find a new tenant, 'because the defendants offered a gypsy as new tenant. This population group is traditionally primarily not sedentary and thus does obviously not belong, from the perspective of the landlord, to the group of on average suitable tenants with appropriate future prospects.' Consequently, the court argued, this suggestion of a 'gypsy' has damaged the expectations regarding a 'fruitful' cooperation between the landlord and the defendants; hence, it is lawful that this cooperation regarding finding a new tenant was stopped by the landlord. |



Key issues (concepts, interpretations) clarified by the case (max. 500 chars)

It is important to mention that the court ruling stems from 1996 and is hence outdated.

It reflects the perception of Sinti and Roma in Germany as not being suitable tenants due to their ascribed itinerant life – despite empirical evidence that indicates otherwise. Whether a similar perception still prevails remains open to question.

Results (sanctions) and key consequences or implications of the case (max. 500 chars)

- The defendants had to pay the monthly rent of 1,000 DM as they were not allowed to look for another new tenant; moreover they had to cover for the costs of the court proceedings. The Central Council of German Sinti and Roma submitted a formal complaint at the European Court of Human Rights, which was turned down for formal reasons (rationate personae) as the Central Council was not personally affected (OSI report 2002, p. 119).

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