



PRECARIOUS HOUSING IN EUROPE

Working Paper 5 Informal Settlements



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Precarious Housing in Europe.
Pushing for innovation in higher education.

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5 – Informal Settlements

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This chapter introduces key concepts and definitions related to informality and informal settlements from legal, economic, social and political perspectives. The following sections, constituting the core of the chapter, explain how informal settlements are connected to insecurity, precarity and other forms of vulnerability. Due to our focus on precariousness, examples of informal settlements that are not necessarily related to social marginality are presented but not given similar weight.

According to UN-Habitat towards the end of the second decade of the 21st century, 1.6 billion people or 20 per cent of the world's population lives in inadequate housing, of which one billion reside in 'slums' and informal settlements (UN-Habitat, 2020, p. 25). While the vast majority of those living in inadequate housing are in developing countries, the same report concludes that unsheltered or homeless populations are also a significant feature of the urban landscape in developed countries (UN-Habitat, 2020). Globally, rapid urbanization and population growth continue to outpace measures to improve access to adequate housing. By 2030 an estimated 3 billion people will be in need of adequate and affordable housing¹ and by 2035 the number of people living in informal settlements is set to double (Collier et al., 2019). According to the UN's Special Rapporteur on the right to adequate housing, about one quarter of the world's urban population live in informal settlements (Farha, 2020).

In the 21st century, it would appear that informal settlements have emerged as a significant global problem and the situation is projected to get worse in decades to come. In the next section we will explain what informal settlements are. Global estimates give the impression that there is a commonly accepted definition of informal settlements, but this is actually not the case. As we will see, there are a variety of different informal settlements across the globe, some of which are probably not included in the above statistics. While the informal settlement is often mentioned

¹ <https://unstats.un.org/sdgs/report/2019/goal-11>

together with slum and inadequate housing, we will present it as more diverse and complex phenomena.

The chapter starts by discussing different definitions of informality and informal housing (5.1). We then introduce the readers to cases of informal housing that are common all over Europe – squatting (5.2.1) and the use of allotment gardens for permanent dwelling (5.2.2). Chapter 5.3 examines informal settlements in Europe that are inhabited by Roma, before we conclude with a discussion of policy solutions to informal housing.

5.1 – Informality and informal settlement

In this section we describe conceptual approaches to informality and examine different definitions and classifications of informal housing and settlements. However, before we turn to discussing definitions of informal settlements, we need to deal with the concept of ‘informality’, to which there is more than might first appear.

5.1.1 – Conceptualising informality

First of all, informality is not just a feature of housing and settlement. It is a phenomenon that exists and persists across different markets, societies, institutional settings, countries and historical contexts. Informal settlement often goes hand in hand with other forms of informality, i.e., informal employment, informal commodity markets, informal credit etc. Practices of informality which, historically, occurred on a large scale in advanced industrial countries are often replicated across developing countries today. Informality in some developing countries, which draws parallels with cases from Europe during the industrial revolution, represents an attractive opportunity structure² for those migrating to urban slums. For those who choose to engage with the shadow economy of the city, informal occupations are not necessarily an inferior option compared to formal employment (Hart, 1973).

One research perspective on informality comes from the analysis of the informal economy – a concept which is also not strictly defined. Informal labour markets are at the core of informal economies and provide one of the earliest, best-known and well-documented examples of precarity. In the broadest sense, the informal economy includes all economic transactions in commodities or services that do not observe the formal rules established within a market or an economy. In the words of Portes and Castells "the informal economy is a common-sense notion whose moving social boundaries cannot be captured by strict definition..." not least because it

² An **opportunity structure** is a set of external factors that determine the choices an individual has and the rewards s/he can expect from making those choices.

embraces a host of apparently very different situations. It is easier, therefore, to move directly to historic and contemporary examples instead of providing a definition (Portes et al., 1989, p. 11). Even though the authors acknowledge how difficult it is to say what informal economy is, it is important to say what it is not, in order to put aside some popular misconceptions: it is not just a set of survival activities performed by destitute people, but rather a pattern of income-generating activities, which can be observed both in developed and less-developed countries and which is practiced by both poor and wealthy people.

Probably, much more has been written on informality in commodity and labour markets than in housing. A broad perspective on informality derives from observations about the way society and economy were functioning within countries of the former communist bloc. In Russia, which is an emblematic example, the functioning of the so-called *sistema* – a system of informal networks and power relations – persists even today. Many believe that this informality was, and has remained, deeply rooted, influencing the development trajectories of many post-socialist countries even following fundamental changes in the political and economic order (Ledeneva, 2013). This analytical framework has proven fruitful for the analysis of informality in a variety of social and economic contexts, both geographically and historically. However, economic informality cannot be regarded as simply a remainder from previous relationships in the production and distribution of goods and assets (Portes et al., 1989). Informality has been growing in many modern capitalist societies and it appears to play an important role, whether as a sign of market dysfunction or as necessary supplement to more formally regulated markets.

There are at least three different ways of looking at informality, which shape the way informal settlements are defined, understood and conceptualized in economic, social and political terms:

- 1) Informality as a deviation from established rules and norms;
- 2) Informality as a natural state;
- 3) Informality as a form of critique of the existing (capitalist) system and anti-systemic protest.

1) Informality as a deviation from rules and norms

The first reading of informality is that it is a deviation from what is considered 'formal', i.e. legal, licit, regularized, supported by existing rules and norms etc. (the list of closer or more distant synonyms can be extended further). The fact that the word 'informal' is a derivative and that informality is typically defined by negating its opposite creates the impression that we are dealing with a social and economic phenomenon, which is an outcome or a consequence of some 'unnatural', undesired or unacceptable development. Informal settlements understood as a specific social problem related to urban development and housing markets fall into this category of informality. The main challenge in this case is how to prevent deviation from the rules and regulations that are in place, how to restore compliance to planning and building regulations,

and how to facilitate the 'normal' functioning of already existing informal settlements so these become regularised.

Informality often but not always entails precarity because it represents a state of insecurity: there is always a threat that rules and norms may be enforced through methods such as eviction or demolition. The threat of being removed from one's home and displaced is always present in a situation of informality even if some compromise with existing formal legal order seems to have been negotiated. Banki introduces the useful term "precarity of place" mainly in relation to migrants, to refer to the threat of being removed from a country, although the concept can easily be generalized to the threat of removal from one's current place (Banki, 2013). Informal settlements are thus by definition precarious places.

Informality offers a host of paradoxical situations, which is a challenge for any theoretical interpretation. On the surface informality looks like a breach of existing licit³ rules but it can be regarded as an internal normative order operating within informal settlements, which is distinct from the state legal system and operating outside of it (van Gelder, 2013). This means that informal settlement far from being devoid of rules, may have their own instead. While this situation represents a deviation from the existing normative order, it is not just a random breach of rules, but is rather an adherence to a different system. This tension can sometimes be resolved in different ways: i) by tolerating the alternative rules; ii) by aligning the alternative system of rules with the mainstream i.e. by procedures of regularisation or legalisation. Squatters – whether individuals or members of a protest movement – usually demand recognition from the mainstream legal system. The same system that denies legal access to housing for poor sectors simultaneously attempts to incorporate informal settlements in an ad hoc manner through legalization schemes (van Gelder, 2013).

2) *Informality as a natural state*

Some argue that urban informality has now become part of the norm rather than an exception and is no longer associated with poor squatter settlements, but is seen as a generalized mode of metropolitan urbanization; urban informality under this interpretation indicates an organizing logic; a system of norms that governs the process of urban transformation itself (Roy, 2005). This argument is supported by the idea that Third World⁴ urban growth which is forming (big but

3 Conforming to law, legal.

4 The term "Third World" is used in the quoted work. When quoting we adhere to the concepts and terms that were originally used concepts as they are important for the understanding and contextualization of arguments. 'Third World', 'Global South', 'developing countries' are expressions that refer to largely overlapping but still different sets of countries. They carry different connotations but problematizing and can be evaluated, among other possible perspectives, from the point of view of justice or political correctness. Problematizing their content and relevance is beyond the scope of this text. Thus, so we use these expressions interchangeably depending on the source of information. In many texts the said terms are used without providing an explicit definition or specifying their coverage.

not powerful) megacities is essentially unplannable. Dealing with informality therefore means confronting how the apparatus of planning produces the unplanned and unplannable (ibid). Most informal settlements in Latin America exhibit violations of the prevailing formal legal order of land use, planning, registration, building and taxation and thus have fundamental problems of illegality (Fernandes, 2011). Informal property rights are still the norm rather than an exception in some East European countries. For example, in Romania only 15 percent of rural and 51 percent of urban real estate was registered as of 2015 (Inchauste et al., 2018).

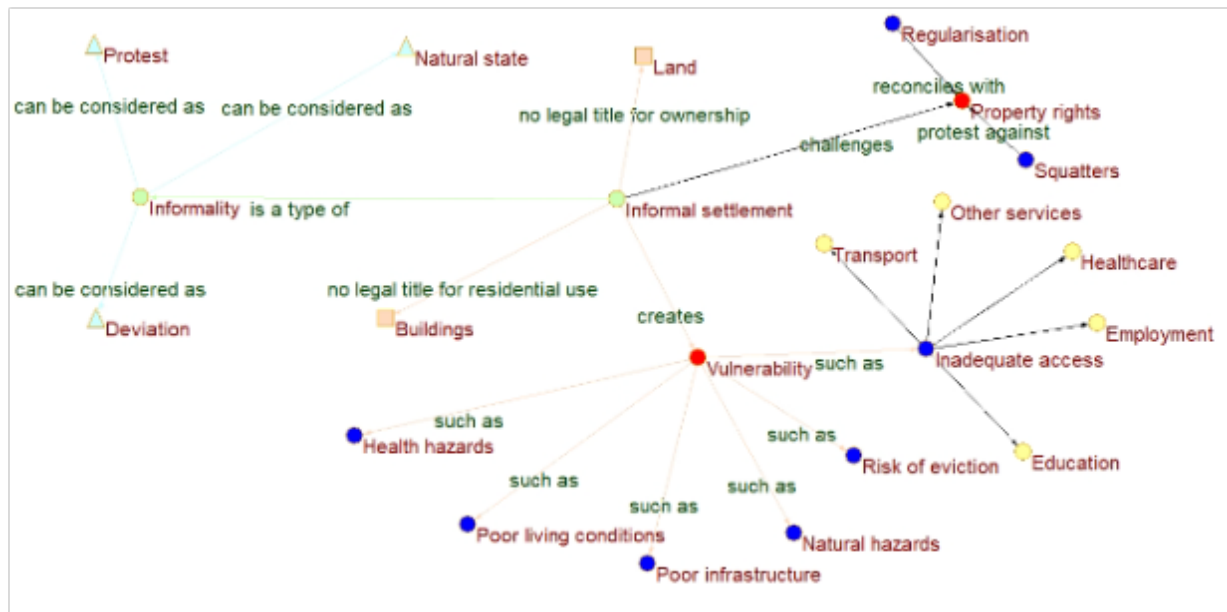
In reality it is justified to claim that formality and rules-based transactions are a relatively recent development, especially if we look beyond contemporary Europe. The informal in social and economic terms, including informal housing, is sometimes equated with the traditional and indigenous as opposed to the modern and its overlay of rules and formal requirements, especially in developing countries (Lowder & Bromely, 1981). From this perspective, informality appears less bureaucratic and less technocratic, providing easier access to resources and markets and is even more competitive and just. Further arguments within this conceptual framework suggest that informality precedes formality, and continues to encroach on formality even after rules and regulations have been put in place. This perspective on informality can have both positive and negative connotations. On the one hand informality is a natural – and therefore effective and justifiable - coping strategy. On the other hand, its pervasiveness is a manifestation of injustice and inherent inequity so it has to be addressed as a social problem.

3) Informality as a form of critique of the system or protest

Informality can be a way to challenge existing norms either by trying to game the system in order to survive or by openly challenging the system's tenets and offering alternatives. Non-compliance because of the lack of opportunities or a struggle for survival is distinctly different from a principled objection to the existing rules when these are perceived as unjust. However, these two types of opposition can coexist, cooperate and reinforce each other, as can be illustrated by some examples of informal settlements that will appear later in the chapter. Non-compliance and protest can be interpreted as signs of a fundamental systemic failure as is the case, for example, in neo-Marxian urban theories.

Despite their difference these three approaches to defining informality can interact, producing ever more nuanced definitions and sub-categories. Figure 1 summarizes the conceptual framework underlying the presentation of informality and informal settlements in this chapter.

Figure 5.1. The concepts of ‘informality’ and ‘informal settlement’



Source: Boyan Zahariev & Ilko Yordanov; Open Society Institute - Sofia

The upper bounds describe what constitutes an ‘informal settlement’, the main challenges and consequences of informality and the key approaches to its conceptualisation.

Triangles describe three fundamentally different concepts of informal settlements, which we have already presented above.

Circles represent the main threads of the net and the cascade of major risks and challenges associated with informal settlements. Often these challenges and hazards are closely interconnected and accumulated, thus outlining the phenomenon of multiple vulnerabilities, which will be addressed later in this chapter.

The squares represent the essence of informal settlements, which we will deliberate in detail in the next section.

5.1.2 – Discussion of definitions of informal settlement

The definition of settlement poses relatively less challenges than informality. A settlement in the broadest sense is any group of dwellings ranging from a single home to larger communities and neighbourhoods.

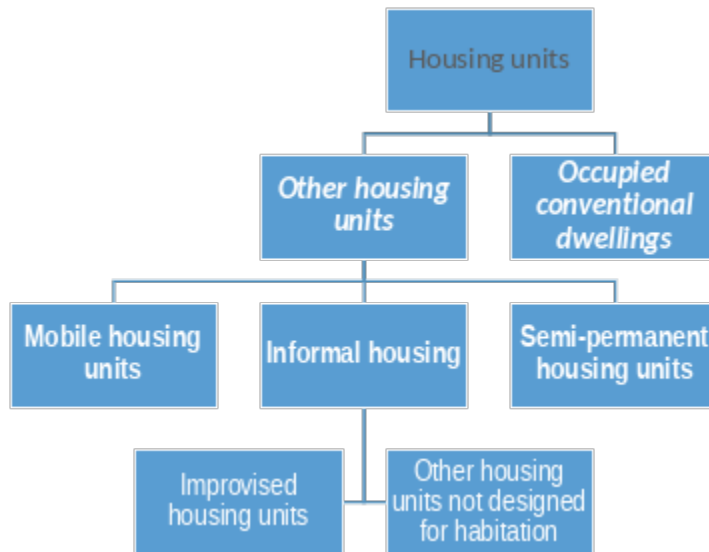
One definition by the Economic Commission for Europe, which is designed for policy purposes, defines an informal settlement as “*any human settlement where housing has been constructed without the requisite legal title for ownership and/or use of the land for residential purposes. References to illegality refer mainly to conformity with planning, zoning and construction norms and, more importantly, to tenure situations, e.g., squatting on public or private land. Residents*

of informal settlements often lack legal rights to the land and the house and are vulnerable to eviction. This vulnerability is sometimes amplified by a general inadequacy of housing, access to services, transportation, education and healthcare that result from the physical and legal marginalization of these settlements from their broader urban community” (Economic Commission for Europe, 2008). This widely accepted definition appears explicitly or implicitly throughout research literature and policy documents produced by international organizations and governments. We should note that a purely legalistic definition forms its core. Other features of informal settlements are considered consequences, typical co-occurrences or amplifications but are neither a sufficient nor a necessary part of the definition (see Figure 5.1). This concept of informal settlements excludes places where other forms of social and economic informality and precarity abound and flourish, but where there are no issues with land ownership, tenure or compliance with planning and building regulations. Social exclusion, social disconnectedness and spatial segregation are therefore phenomena that cannot be put aside when discussing informality.

Another possible way of defining informal settlement is by looking at social and economic characteristics other than legality. In a classification developed by World Bank researchers for key common types of disadvantaged and marginalized communities, most aspects of deprivation were identified in rural and periurban informal settlements, with the most common needs faced by residents listed as: a. Access to basic community services; b. Accessible and well-connected communities; c. Access to adequate housing; d. Spatial integration; e. Tenure security (Gatti et al., 2016).

Some definitions have been developed with a view to collecting statistical data. To be of any practical use statistical definitions need to be broadly applicable, unambiguous and based on easily identifiable features. One of the widely used classifications of informal housing in Europe was developed by the Conference of European Statisticians for the purposes of the census methodology and processes. In this classification, informal housing appears among the category ‘other housing units’, and informal housing is defined as consisting of ‘Improvised housing units’, which can be designated, or not designated, for habitation (Conference of European Statisticians, 2015). From a legal perspective this is understandably a very broad definition as it is meant to cover a variety of situations in different countries and jurisdictions. From a constructive perspective, however, the term ‘improvised’ is too narrow. It suggests buildings that were built hastily or with some compromise, which is not necessarily the case with a lot of settlements that are considered informal.

Figure 5.2. CES classification of housing units



Definitions: 'Improvised housing units' and 'other housing units not designed for habitation' may also be summarized under the concept of 'informal housing'. 'Other housing units designed for habitation' (sometimes referred to as 'improvised housing units') comprise independent, makeshift shelters or structures such as shacks and shanties, which have been built from unconventional or waste materials, which, though they may be regarded as being unfit for human habitation, are used as the usual residence of at least one person at the census reference time. 'Other housing units not designed for habitation' comprise premises in permanent or semi-permanent buildings such as stables, barns, mills, garages, warehouses, offices, etc. which have not been built, rebuilt, converted or arranged for human habitation but are, nevertheless, used by one or more private households as their usual residence at the census reference time. This category also includes natural shelters such as caves, which are used by one or more private households as their usual residence at the census reference time. Source: Conference of European Statisticians, 2015, pp. 187-189.

Various definitions of informality may refer to widely divergent and even non-overlapping sets of cases. For example, a typology of informal cities was developed to specifically address the situation in Southeast Europe covering settlements for vulnerable, often marginalized social groups in substandard housing as well as other forms of housing informality (Tsenkova, 2009b; 2012). This typology is based on the idea that there are different levels of informality and includes: (1) squatter settlements, (2) settlements for refugees and vulnerable people, (3) upgraded squatter settlements, and (4) illegal suburban subdivisions. The first three categories have mostly vulnerable inhabitants. Squatter settlements are typically built by residents of illegally occupied land. These settlements are primarily the result of rapid movement into cities due to migration and changes in urban economies. Settlements of refugees and internally displaced persons, i.e. in countries of ex-Yugoslavia, are similar to the informal squatted settlements but generally appeared faster, more recently and were sometimes approved by authorities as a temporary solution. Upgraded squatter settlements, which typically appeared in periurban areas in the 1970s, have evolved into more established neighbourhoods. Over time, de facto legality is implied in some cases by the fact that the settlements have not been

demolished, and that some infrastructure, such as piped water, electricity and sewage systems, have been provided. There are examples where these settlements have been included in city plans. Illegal subdivisions of agricultural land are widespread in the periurban areas but also occur on agricultural land and environmental reserves. Building often occurs without planning permissions in violation of standards for road accessibility, public space and infrastructure (Tsenkova, 2012). Others like Roy (2005) looking from a global perspective also considered a 'continuum of legality and illegality' including squatter settlements which exist 'alongside upscale informal subdivisions formed through legal ownership and market transaction but in violation of land use regulations'. Based on examples and experiences from the Global South Tostensen (2005) coined the term 'informal city' formed by extra-legal housing and unregistered economic activities. The informal city as the term itself indicates is something big, fully functional, covering many areas of economic and social life and not exceptional or irregular by far. To understand it we have to recognize that the illegal is not necessarily illegitimate (Ibid.). We can imagine the informal city as a kind of parallel reality to the formal city, overlaying it and filling all the gaps and empty spaces.

In all cases of informality self-help methods of construction are widespread but professional developers may also get involved when informal housing becomes commodified. For example, commodification can happen when local or central governments tolerate the status quo or take steps towards the legalisation of informal settlements (Farha, 2019).

Segregation (the uneven distribution of social groups) and informality are concepts that have much in common; the phenomena they refer to tend to co-occur spatially but remain distinct. There is a wide agreement that informality generates its own spatial patterns, but there is less consensus on what these patterns are and how they are displayed in different types of cities. A detailed classification of the different parts of cities that have been developed and enriched over time has been proposed by Marcuse (1997). For example, according to Marcuse, a residential city contains the following parts: 'luxury housing spots', 'gentrified city', 'suburban city', 'tenement city' and 'abandoned city'. The 'luxury city' is the city of the wealthiest part of society – a place where affluence and power are concentrated. The 'suburban city' is inhabited by both blue and white collar workers belonging to the lower middle class or what is called in French *petit bourgeoisie*. Suburban does not necessarily refer to a specific spatial position within the urban structure. The 'tenement city' is home to low-paid workers holding insecure jobs without any prospect for advancement. The 'abandoned city' is the economic or racial 'ghetto' – a place for the most excluded, such as the homeless or those with little access to the labour market (Marcuse, 1989). The last two places in this hierarchy of places (the tenement city and the abandoned city) are characterized by overwhelming precarity and informality. Concentration of precarity in specific places is made possible by the process of social segregation. The term

“tenement city” is associated with late 19th and early 20th century private rental investment in Europe and the US (Huchzermeyer, 2007) accommodating the inflow of workers into cities, which was not generally informal. But nowadays in the Global South cities like Nairobi see the same model replicated on a large scale involving the mostly unauthorised construction of tenements (Huchzermeyer, 2007). This line of reasoning shows how informality can be linked to phenomena such as spatial segregation, which is either social, ethnic or based on some other community or individual characteristics.

With the slums, a closer look shows huge internal differences inside the slums, too. In Eastern and Central Europe, many people who belong to the Roma minority live in poor conditions in informal settlements that differ significantly from those across the rest of the country. The poorest of the poor have the worst living conditions. For example, in Bulgaria, “with space already very limited in urban Roma settlements, newcomers often have no other choice than to settle on the most dangerous or undesirable plots, e.g. near garbage dumps or on flood plains” (World Bank, 2017).

Large informal settlements represent a special case due to their explosive growth around the globe. Already at the start of the new millennium in the developing regions around the world slums were accounting for 43% of the urban population. By the early 2030s, slum dwellers are projected to reach 2 billion globally (United Nations Human Settlements Programme, 2003). In developing countries, the sheer size gives them huge economic and social significance: some informal settlements are more populated and cover a larger area than many cities. Such settlements have many names, which often bear the traces of stigma. The list includes more general terms such as slums, ghettos and geographically and culturally specific designations such as favelas (Brazil), casas tomadas (Argentine), mahallas (Middle Eastern and Balkan countries), kampungs (Indonesia), bidonvilles (French-speaking North Africa), tugurios (Latin America), all the way to the names of specific settlements which have become emblematic. Some of the terms used to refer to informal settlements have deep historic roots, burdened with memories of the past and older and newer stigmatising associations. In Bulgaria, Romania, and North Macedonia the term “mahala”, of Arabic origin, often refers to neighbourhoods or Roma settlements and bears a sense of informality and marginality. Such settlements may contain a mix of formal and informal housing in a variety of spatial patterns and non-trivial legal and extra-legal arrangements. The use of generic terms such as ‘ghetto’ or ‘slum’ has been criticized for operating as mere metaphors invoking “emotive imagery that hides fundamental structural and functional differences” (Wacquant, 2008). Despite criticisms, these terms remain in use even by those who criticize them, and in response critics have sought to mitigate the negative impact of these terms by using refined typologies that differentiate between different forms of informal settlement. Both ‘slum’ and ‘ghetto’ potentially relate to the informal, although ‘ghetto’ has a

much wider range of possible meaning, especially in different parts of the world and whilst almost universally linked to stigma may not be linked to informality in all cases.

Post-socialist countries in Southeast Europe have also experienced an explosive growth of informal settlements (Tsenkova, 2009a), which was accompanied by many trial-and-error policy experiments. In some countries like those from ex-Yugoslavia and Albania, illegality combines with self-help and self-building to create a form of ‘anti-state housing.’ It may be regularised later, as occurs in Albania where there were some 270,000 claims for legalisation in 2006 alone (Stephens et al., 2015).

In the western part of Europe, there are also examples where inhabitants of squatter districts in the central part of a metropolis have moved to newly built cities in the same metropolitan area on a significant scale, as in the case of Fuenlabrada, which is situated in the southern outskirts of Madrid, Spain. In these cases, urban infrastructure struggles to catch up with rapid population growth (Heitkamp, 2000).

Deprivation-driven informality is considered a “persistent feature of urbanization” unequivocally resulting from or indirectly influenced by a combination of various and complex socio-cultural factors, including growing levels of unemployment, poverty and social and geographical inequalities, weaknesses in land administration, lack of security of land tenure, urbanization and migration (Tsenkova, 2009b).

Informal settlements arise in direct or indirect connection with the formal ones. In squatting, the existing formal facilities directly become the direct subject of informal use. Another powerful driver in creating informal settlements is the need for vulnerable communities to access some resources from the surrounding formal communities (e.g. access to water, electricity, for example through grid extensions for example). Some Roma neighbourhoods that emerged (most often) in peripheral areas of settlements in Central and Eastern Europe are also typical examples of housing informality. Even though there were legal houses to begin with, illegal outbuildings are gradually appearing in some of these areas. First, these outbuildings might even be used not for living, but for household purposes other than living (e. g. warehouses, workshops, barns etc.). If there is no timely intervention by the authorities, these outbuildings can grow inside the settlement (e.g. at the expense of road or other public infrastructure, or park space) or begin to occupy new outdoor spaces on the periphery, without this process meeting legal standards.

Another major factor in the emergence of informal settlements may be related to the demand from the communities in formal settlements for the goods and services offered by residents in informal settlements. Such resources can be: labour force for cleaning and other unattractive and often low-paid jobs for which affordable, formal housing cannot be found. In addition, the

informal communities often address the need for certain services that are missing or difficult to access for residents of the formal settlement (e. g. tinsmithing, blacksmithing, divination, informal trade, sometimes drug trafficking, etc.). The vitality of informal settlements in these cases stems from their compliance with the rules of the informal economy – their resilience and flexibility cover deficits in services or provides cheaper goods and services. For example, informal communities have their own informal (street or open air) retail markets with more affordable goods, for which for many reasons vulnerable groups would have higher costs outside of informal settlements for many reasons (Yordanov & Zahariev, 2023).

In fact, the described factors that explain the emergence of informal settlements show the strength of and the inseparability of their connection and interdependence with other parts of the settlements. In fact, the creation of informal communities is often a mixture of two types of factors – the demand for resources that are necessary for informal communities and the use of resources that they are able to provide to formal communities.

As the above list of services shows they are often on the border between informality and formality – and do not meet at least some of the legal requirements and regulations that are related to their provision (production and environmental standards, registrations, payment of fees and taxes etc.). In fact, even long after they have been legalized (for example as a result of urban planning or legalization measures), informal economic activities may remain practice in these areas. This fact proves that the concepts for upgrading of informal settlements must include a holistic approach to support the transition from informality to formality. Support measures should include not only legalization and improved housing, but also education, acquiring new qualifications, access to the labour market and many others, including the need for policies to combat discrimination and reject stigma as important prerequisites for the development of communities in the transition from informality to formality. For example, when upholding the right to upgrade of informal settlements, the UN Special Rapporteur on adequate housing underlines the need to address the economic, health, educational and other needs of informal communities (Farha, 2019).

The nature of informal settlements is dynamic and often in their geographical and “temporal” territory there may be no clear line between legal and illegal not only in terms of housing but also in terms of economic and other activities (e.g. compliance with the law – for example some Roma communities establish their own courts – e. g. Romani Kris – as an informal alternative to the official justice system). This dynamic nature of informal settlement practices is difficult to define and identify, as it is very difficult to determine, for example, the ratio of formalities and non-formalities in any given area, both in terms of living environment and in terms of other socio-economic characteristics.

5.2 – Squatting and allotment gardens

In the next sections we cover several examples of informal housing that are encountered in Europe. The examples are not meant to be exhaustive either in geographical, typological or any other sense. Rather, they are useful illustrations that serve to introduce the reader to basic patterns of informality in human settlements with a focus on Europe. The focus is mainly on countries of the European Union and the Western Balkans with occasional examples from other post-communist countries and developing countries beyond the European continent. We start by presenting the rather diverse phenomenon of squatting as a coping strategy and a social movement. Squatting is one of the key processes that creates informal settlements through the occupation of land or buildings. Following this, we present the case of allotment gardens, which represents another instance of informality that is well-represented in Western Europe and ex-communist countries alike. Allotment gardens are a case of using legally-owned land and buildings for permanent residence that, according to plans and design, are not meant or fit for that purpose. Allotment gardens have served different social groups including the lower and upper middle classes particularly in times of economic distress. Finally, we present the extremely diverse case of Roma settlements in Europe, which provide suitable illustrations for a diversity of patterns of informality.

5.2.1 – Squatting

Squatting can be broadly defined as ‘informally settling on vacant land or occupying abandoned buildings’ (Ledeneva, 2018, p. 533). Squatting as a practice has existed since ancient times but it took the form of organized political and social movements in the second half of the 20th century (Dikovic, 2018). We therefore draw a distinction between people who squat and ‘squatters’, using the later term to refer to people who squat as a political action and see themselves as activists.

Table 5.1: Typology of squatting practices with examples

What	Squatting out of necessity	Squatting with a political agenda	Squatting to avoid bureaucracy, costs – second homes
Who	Migrants, Roma	Activists	Affluent people
Where	Central & Eastern Europe	Central & Western Europe	Central & Eastern Europe

Source: Tania Berger, University for Continuing Education Krems, Austria

In developing countries, the term squatting refers to the occupation of plots of land to erect makeshift houses, this is also referred to as land squatting. Self-built squatter settlements occur predominantly in suburban areas, sometimes giving birth to new boroughs. However, in some Eastern European countries squatting in rural areas may involve the occupation of abandoned

houses. It is similar to the phenomenon of 'homesteading' in the US, i.e. taking over an abandoned building with the intention of turning it into a home. Some forms of squatting do not relate to dwelling but may pursue other goals such as preventing construction that is opposed by a community or gaining space for cultural and sports activities (Pruijt, 2003).

In developed countries, squatting generally happens within cities; so an empty house in a street of houses is occupied. This is also referred to as urban squatting, which takes place in existing buildings. Metropoliz in the outskirts of Rome (Italy) is among the best-known examples of squatted buildings. It was squatted in 2009 by members of different marginalized ethnic groups including Roma (Metropoliz, 2022). The squatting movement in Western Europe started in the 1970s and 1980s as an urban phenomenon. Squatters were primarily young citizens who would occupy apartments, houses or large dwellings in central-city boroughs, but not form settlements or camps.

We also have to distinguish between squatting undertaken by deprived groups from opportunistic squatting. Deprivation-based squatting is a survival or coping strategy. It is sometimes also called 'subaltern' squatting; a lot of the Roma squats that have been studied around Europe fall into this category (Manjikian, 2013). The squatters involved typically have no agenda and no demands, which differentiates them from protest movements, but at the same time they often don't have any other opportunities to cope, which distinguishes them from opportunistic squatting.

Protest movements and initiatives by squatters have emerged in countries with housing sectors characterized by high ownership rates, low rental rates and poor provision of social housing such as Italy, Spain and Israel (Di Felicianantonio, 2017). Notably similar protest movements have not emerged in ex-socialist countries from Central and Eastern Europe despite the fact that their housing sectors display very high ownership rates while public housing is very small. A useful map of squatting in some major European cities was produced by the Squatting Europe Collective⁵ MOVOKEUR research project (Martínez López, 2018)⁶.

In some post-socialist countries illegal construction and squatting took new forms, although the problem of informality itself was inherited. For example, illegal construction in Belgrade, which was previously relegated to the outskirts started appearing in the inner city. After the privatisation of social housing illegal occupancy of common spaces in multi-family buildings also took place as a way of maximizing the utility of existing residential buildings (Vujović & Petrović, 2007). However, these new post-socialist forms of squatting never turned into social movements with

⁵ <https://sqek.squat.net/> and <https://maps.squat.net/en/cities>

⁶ It is not always clear how the data for different cities was collected; it was also done in different ways for different cities which makes them hard to compare. But still these maps provide a good first glimpse of contemporary squatting across Europe.

specific political demands. Rather, they remained examples of tacitly tolerated informality that escaped the limited control of official authorities.

Settlements resulting from illegal land occupation, rather than being mere acts of defiance against the legal system, actually espouse a system of private property rights and generate alternative systems of such rights in the absence of official recognition (van Gelder, 2013). Thus, informality has to be negotiated within formality.

As pointed out, squatting is by no means restricted to poor and marginalized groups. Squatting can also be an alternative housing strategy adopted by persons who choose to squat not from economic necessity, but because they value the lifestyle and politics associated with squatting as an act of resistance to property relations. By contrast, the forms of Illegal subdivision mentioned previously (Tsenkova, 2012) are an example of entrepreneurial or opportunistic squatting. Such squatters can be motivated by various ideological, political and economic reasons.

In Bulgaria even in the poorest segregated minority neighbourhoods, illegal 3-4-storey houses can be seen – apparently owned by wealthy people belonging to the local community. Sometimes whole settlements with many illegal buildings are built – for example, the so called “customers“ or “riches” villages near dams like "Ivaylovgrad", "Vacha", "Iskar" (<https://www.168chasa.bg/article/846625>, www.168chasa.bg). Unlike the poor people, for whom there is no alternative dwelling – for wealthy families the informal houses are not their only home, but rather a second/third home or villa.

In the second half of the 20th century in some Western European countries squatting took the form of social movements. An early emblematic example is the “*Instandbesetzung*” (“*Instandbesetzung*”, 2021). This usually takes place in urban settings (Berlin, Hamburg) and far less frequently in settlements (support for migrants in Calais). In Chapter 4 you can read more about migrant squatting and solidarity work.

Many EU member states have developed a specific anti-squatting legislation, which depending on the circumstances treats this practice as an administrative violation subject to penalties or a criminal offence, which may lead to imprisonment. There are also varying events that may trigger a response by authorities: 1) in some countries and situations owners should have lodged a complaint before the authorities could intervene; 2) in others the police could act on their own initiative, in cases of extortion or involvement of criminal gangs (European Parliament, 2020). For a long-time legal response to squatting has been deemed repressive pointing to the structural causes of the problem.

5.2.2 – Allotment gardens

Over the last few decades, many countries across Europe witnessed the informal use of various plots for permanence habitation, which were not originally designated for such purpose. In some ex-socialist countries this process had started before the abrupt shift to market economy but took new forms during the 1990s and after as a response to housing shortage, lack of affordable housing and economic uncertainty. These processes have occurred in different European countries, probably driven by similar market forces as described in the cases from Hungary and Germany presented in more detail below.

The process of transforming allotment gardens into permanently inhabited neighbourhoods took various forms and benefited various social groups including the middle class but also more affluent groups as was the case in some post-socialist societies. During the last two decades of socialism, during the 1970s and 1980s, the urban expansion of Sofia led to the incorporation of villages in the Southern outskirts of the city, with mostly private land, where so-called villas (small cottages with recreational purpose) were built. In the 21st century these places became the closest analogue to garden cities in Western Europe, housing part of the urban elite in lower density periurban quarters (Stanilov et al., 2014). By contrast, the Northern outskirts of the city of Sofia - where the city's rail yards, factories and industrial warehouses are located – continued to house the poorer segments of the population, including the Roma population (Ibid.). The Russian dachas present a similar example, which were also originally designed either as a second home or as light structures for seasonal and recreational use but later became a relatively cheap option to live informally within the economic area of large cities.

Later during the time of the Global Financial Crisis (GFC) of 2008 such practices became a lifeline for some households struggling to keep their heads above water in times of economic hardship as is illustrated by the following example from Hungary.

Box 5.1: Example: Dwelling in Hungarian allotment gardens (“zártkert”)

Since about the 1990s, but particularly since the GFC in 2009, a new phenomenon of spatial exclusion and housing crisis in Hungary has resulted in the transformation of former (socialist) allotment gardens (“zártkert”) at the edge of Hungarian cities into permanent residential neighbourhoods. According to the Habitat for Humanity Hungary’s Annual Report on Housing Poverty, the number of inhabitants living in allotment gardens outside of official residential areas doubled in the country between 2001 and 2011: while the estimated number of those residents stood at 42,2K in 2001, their number rose to 89,5K by 2011 (Habitat for Humanity Hungary, 2018). Despite the fact that no representative survey has been made to detect social changes in those areas, localized research has focused on the influx of people into the allotment gardens; this research has demonstrated, too, that the numbers were rising for some time (Vasárus, 2016; Vigvári & Gagyí, 2018; Bajmócy et al., 2018). Most of the researchers tend to agree that the general explanations for this increase must be associated with the escalating housing crisis in urban centres with which secure and affordable housing opportunities in nearby allotment gardens are usually contrasted.

Although there had been some historical precedents, it was during the state socialist period that allotment gardens became widespread and very popular in Hungary. Establishing allotments provided small plots for workers that they could use for recreation, leisure activities and small-scale gardening. This development was a widespread phenomenon in the country: according to some estimates, about 7–10% of the population owned a second home in the allotment gardens (zártkert) by the end of the socialist period, which equals approximately

115,000 such estates (Hegedüs & Manchin, 1987). A major expansion of allotment gardens between 1965 and 1975 involved authorities dividing agricultural land into small gardening plots with the aim of stimulating private farming activities as a source of informal income for households. Owners typically held plots of approximately 300–800 square meters and built a small bungalow to be able to stay in the allotment during the weekend and holidays from spring to autumn. The bungalows were officially registered as small fruit stores or wine cellars and official urban zoning regulations did not allow their permanent residential use.

Figure 5.3: Dwelling in allotment gardens. Southern Transdanubia, Hungary



Source: András Vígvári, 2019

However, after the post-socialist transition, due to the decline of small farming activity, as a result of changing free time activities and the increased pauperization of former allotment owners, these recreational activities declined and many of the garden plots became abandoned. After the 1990s transformation, these “empty” spaces were given new functions because of their proximity to the city and the cheap dwellings that were available. The outcome was the formation of new informal settlements in the periurban area of Hungarian towns. In the 1990s – as in other post-socialist countries – these functionless spaces took on new permanent residential functions after dwellers were pushed out from the inner city by housing privatization and rising living costs (Leetmaa et al., 2012; Spilková & Vágner, 2016; Makhrova & Kirilov, 2018; Moskalonek et al., 2020). After 2008, a new influx of lower-middle class dwellers was observed, many of them seeking housing solutions after a mortgage failure or to avoid indebtedness. Since 2015, a new hike in real estate prices in inner city locations has resulted in another wave of households moving into the allotment gardens.

Figure 5.4: Dwelling in allotment gardens in Budapest functional urban area, Hungary



Source: András Vigvári, 2021

The reason for allotment gardens being informally organized is that these areas are usually subject to inconsistent local regulations regarding their legal status. As the Hungarian allotment gardens are situated outside of the administrative border of cities, they are not registered as residential areas. According to local regulations, allotments are still an agricultural area where regular housing activities are unrecognized hence prohibited by municipal governments. Moreover, dwellings, in which people live, are officially listed as farm building such as fruit stores or wine cellars, not buildings for housing. This contradictory situation defines new settlements as informal from the administrative point of view. However, national regulations declare that everybody can register any kind of building, that should be freely used for any kind of activities irrespective of the legal status or the function of the building itself. The uncertainty of legal status and the lack of infrastructure contributes to low real estate prices, providing cheap housing solutions in periurban areas.

Source: András Vigvári

Box 5.2: Example: Dwelling in Berlin's allotment gardens

When it comes to questions of housing precarity, dwelling in allotment gardens – in Berlin and other European cities – has largely remained hidden from public and scholarly views. Allotment gardens emerged across European cities at the turn of the 20th century in different cultures and organizational forms (Nilsen, 2014): as welfare projects that offered subsistence to the poor; through reform movements that aimed to foster health and education; as citizen initiatives that promoted a culture of gardening and as profit driven endeavours to urbanize land at the urban fringe. Yet from its start, the history of Berlin's allotments was also a history of dwelling. Like in many European cities, in Berlin the growth of allotment gardens was enmeshed in the rapid expansion of the industrial city. Between 1871 and 1900 the city grew by more than a million inhabitants, mostly rural migrants who

experienced staggering rents (Huchzermeyer, 2011). Allotments not only became part of a new urbanism that Luis Wirth later described as a “way of life” (Wirth, 1938), presumably not considering attachments to urban forms of working with the soil, they also housed incoming migrants. Throughout the 20th century, allotments provided refuge in times of economic depression and housing shortage, particularly before during and after the Second World War. Even after the German division, dwelling practices continued on both sides of the Berlin Wall.

Throughout these different periods of German history, legislation mostly prohibited the use of one’s allotment hut to dwell. Yet, many exceptions and contradictions accompanied these bans – frequently in response to the city’s failure to provide other possibilities to dwell – and created uncertainties for the dwellers. While, for instance, the city supported the possibility to find refuge in allotment gardens during periods of WW2 and while it was permitted to temporarily live there in the aftermath of the war, in 1954 administrative tolerance to such informal living lessened while the housing shortage remained. Given they remained without alternative, Berlin’s allotment dwellers continued to depend on their homes in allotment huts. In 1983, the adoption of the Federal Allotment Law [Bundeskleingartengesetz] in what was then West Germany, officially prohibited the use of allotment huts for the purpose of dwelling. Taken up in the East after the fall of the Berlin Wall, the law clashed with material standards, local regulatory routines and social norms that had developed throughout the years in which people had to live in the huts to survive. This added to the legal ambiguities that characterized living in the gardens. Thus, while dwelling was increasingly illegalized, the material infrastructures in the gardens continued to cater for dwelling, as allotment holders had built a landscape of pipelines, telephones and oversized huts over the years.

For the allotment dwellers, these new rules implied different degrees of vulnerability, as the people who had come to settle in the gardens over the years were of varying socio-economic status with different forms of legal recognition. Of Berlin’s 876 compounds with 71,071 gardening plots (Senatsverwaltung für Umwelt, 2019, 32) 1,131 allotment gardeners hold an official dwelling permit (Hilbrandt, 2021, 3). These are dwellers that were formally recognized by the local administration – frequently in the decades after the Second World War. Held by older residents, these numbers are in gradual decline. Allotment holders with a dwelling permit may be neighbouring others who moved into the gardens in the late 1990’s in the wake of high levels of unemployment, cuts in rent subsidies (Holm, 2005) and the general legal chaos that marked Berlin in the post-reunification era. Moreover, one can find dwellers, who live more comfortable lifestyles as they own oversized huts and, at times in the Eastern part of the city, bought their plot. Further complicating things legally, some gardens still appear to be allotments, but were legally converted into building land, as huts were too big to continue to count as allotment sheds. In addition to these more permanent dwellers, others hold an apartment in the city and only move out from April to October in what is frequently called “summer dwelling”.

Figure 5.5: Allotment gardens in Berlin



Source: Michael Berger

More recently, housing in allotment gardens has become enmeshed in the crisis of European housing markets that manifests across this publication. In Berlin, the privatization of the city’s municipally owned social housing stock since the 1990s, became increasingly apparent in the closure of the lower segment of the market since mid-2000s. Following the financial crisis of 2008/2009 even for the middle classes processes of financialisation and the staggering rise of rents, as well as the demographic growth of the city meant that displacement became the order of the day. Still, it is difficult to establish a direct causal relation between this recent housing crisis and allotment dwelling, because of social regulations and the multiple preconditions necessary to dwell on an allotment plot. After all, even more precarious forms of dwelling are governed by processes of exclusion. While in some colonies waiting lists hinder people to obtain a plot and initial expenses for purchasing a hut have to be met, it is also difficult to find a plot for construction of dwelling because of increasing regulations through fellow gardeners who seek to shield the gardens from further dwelling practices. The housing crisis still reverberates in the gardens, for instance when people reduce their living space in their city apartments due to heightened rents, sublet their

apartment and move out into the gardens over the summer. All in all, while being a small phenomenon, the experiences and living conditions of dwellers are diverse, whereby small-scale privilege and experiences of exclusion, material precarity and more comfortable lifestyles face one another over the fence.

Across the diversity of these dwelling experiences, the possibilities for dwelling to be tolerated at all depend largely on the everyday governance of the city's gardens, which works across state and civil society organizations. On the one hand, allotments are self-governed by a multi-level administration of allotment gardeners, who manage the daily operation of the allotments. On the other hand, these gardening associations are overseen by the so-called "administration for streets and greenery" at the district level, thus an institution not primarily interested in questions of dwelling. This implies not only that allotment gardeners regulate their peers. Considering the discrepancy of legal regulations and the existing material infrastructures of dwelling, it also means that if and how gardeners can stay put or whether oversized huts are dismantled is determined on a very local level in everyday negotiations. As noted elsewhere, these housing conditions thus emerge "through the 'ordinary stuff' of policy implementation in which subjectivity, positionality and individual agency are key" (Hilbrandt, 2021, 8). Moreover, as legal geographers have long noted, the boundary between legality and illegality is not a clear-cut division (Blomley, 2014, Kusiak, 2019). Much rather, dwelling in allotments is governed by a process, in which misfitting regulations need to be translated to the local circumstances of the allotments by local regulators as well as the allotment holders, whereby dwellers often employ material and discursive strategies to stay put. To protect their extended huts, dwellers for instance hide material extension and build alliances to keep out state and non-state regulators (Hilbrandt, 2019).

Source: Hanna Hilbrandt

5.3 – Informal settlements in Europe inhabited by Roma

In this section we will look at informal settlements in Europe inhabited by Roma. We chose Roma settlements because they offer a diversity of examples in terms of their size, location, social mix and prevalence of informality. Roma settlements are present in large parts of Europe, particularly in Central and Eastern Europe and Southern Europe, but also – though on a smaller scale – in other parts of Europe. Housing for refugees, asylum seekers and migrants – including informal camps and squats – has been covered in detail in Chapter 4.

5.3.1 – The Roma in Europe

According to the Council of Europe average estimates on the number of Roma population in Europe totals around 11 million and constitutes the Europe's largest ethnic minority with about 6 million Roma living in the EU Member States⁷.

⁷ Document prepared by the Support Team of the Special Representative of the Secretary General of the Council of Europe for Roma Issues, Updated on 2 July 2012. Most estimates include both local Roma + Roma-related groups (Sinti, Travellers, etc.) & Roma migrants.

Table 5.2: Number of Roma in Europe

Region	Total population	Roma (CoE estimations)	Share of Roma (CoE estimation)
Europe	828,510,000	11,260,300	1.36%
CoE(47)	821,785,654	11,210,300	1.36%
EU(28)	491,515,014	5,846,800	1.19%

Source: *Mirrors manual on combatting antigypsism, 2015, Council of Europe data*

It is spread throughout the European continent but is highly concentrated in Central and Eastern Europe. The Roma population has historically experienced widespread and extreme poverty, unemployment, sub-standard education, inadequate housing, poor health and wellbeing, socioeconomic exclusion, negative prejudices, discrimination and antigypsism (a form of racism against Roma)⁸; poor housing and living conditions, and occasionally, violence, incl. genocide on the European continent.

The Roma in Europe are a heterogeneous group. Therefore, the ‘Roma’ is considered an umbrella term referring to different groups such as Roma, Sinti, Kale, Travellers (‘Gens du voyage’), Gypsies, Tsiganes, Romanichels, Boyash/Rudari, Ashkali, Egyptians, Yenish etc. Roma groups vary significantly according to identity-constructing factors such as language, tradition, subsistence strategies, and level of social inclusion in mainstream society. For Roma in CEE countries, there is little to no opportunity to voluntarily choose their group belonging or to rise to a position of recognition and empowerment (Neményi & Vajda, 2014). Thus, in most cases, representations of ethnicity are based on external categorization processes imposed on them by the majority society, distinguished by the presence of unequal social and power relations. Further to this, the concept of Roma is at present a construct of the majority society, reflecting their perceptions, rather than an actual ethnic community/group (McGarry, 2014). However, given the lack of data based on self-identification, proxy information could be used. For example, in order to measure inequality, a proxy such as poverty/income data (especially when combined with geographic location and given the highly segregated living conditions of the Roma across the CEE), identifying the perceived racial and ethnic origin could be as important source of information as the self-identification (Farkas, 2017).

Larger concentrated territorial units of housing deprivation have arisen in some CEE countries, forming a pattern of segregation that some researchers called ‘regional ghettos’ (Virág, 2006). For example, in Hungary and Bulgaria during the socialist period and afterwards many informal

⁸ Analytical document accompanying the COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL A Union of Equality: EU Roma strategic framework for equality, inclusion and participation and its accompanying proposal for a revised Council recommendation on national Roma strategic frameworks for equality, inclusion and participation {SWD(2020) 530 final}, p. 14-15.

settlements of Roma were demolished and their inhabitants were relocated to the edge of the settlements – often remote areas with poor infrastructure and connections to services. Although many of them received legal ownership, they utilize the advantages of the settlement periphery and apply some informal housing solutions (e.g. different patterns of "semi-informality", "squatting informality", "hybrid-informality" (for different informal typologies on land use see Aramburu, 2014). Whereas formerly only 'dead-end' small settlements became ghettos, by now ghettos are formed irrespective of settlement size, and by now the majority of the ghetto settlements form a contiguous area. Therefore, residents are not only segregated from their own community, but the whole community of the settlements and the whole micro-region of ghetto villages is isolated from the rest of the country. Similar examples of formation of larger territorial patterns of segregation are discernible in Bulgaria, in particular in the North-West region.

5.3.2 – Roma living conditions and informal settlements

Poor housing conditions, segregation and housing exclusion (Berescu et al., 2013) are considered among the major areas of social exclusion and vulnerability faced by Roma. A report published by the World Bank highlights several indicators illustrating the disadvantaged position of Roma in terms of housing across Central and Eastern Europe: a. over 80% of rural Roma households in Bulgaria lack access to improved sanitation; b. about a quarter of Roma in the Czech Republic live more than one kilometre from the nearest bus stop; c. over 50% of Roma who live in rural, predominantly Roma neighbourhoods in Hungary lack access to improved sanitation; d. between 72% and 85% of Roma households in Romania do not have access to improved water sources and sanitation; e. in the Slovak Republic, 30% of Roma live in low/poor quality housing (Gatti et al., 2016, p. 143).

A recent EUROCIITIES's mapping of the situation of Roma in 23 large cities in Europe (with over 250,000 inhabitants) identified difficult access to decent housing as one of the top three challenges that Roma people face in cities and revealed that Roma people are generally at greater disadvantage than the overall population in cities and have a worse housing situation since they live in overcrowded, precarious housing and face more limited access to basic services (electricity, energy, sanitation and running water) (EUROCIITIES, 2017).

Roma settlement represent one of the most extreme examples of ethnic segregation existing in today's Europe. The living conditions of many Roma around Europe do not comply with the human rights standards of the Council of Europe (Fiebich-Dinkel, 2013). In addition, their settlements are often dismantled and their inhabitants evicted because of widespread informality. There are poor among the poor – inhabitants of peripheral areas with the most extreme housing conditions existing within the Roma ghettos. Often the fringes of the ghettos

accommodate newcomers from other settlements who typically arrive seeking shelter and livelihood. The living conditions in these places are often characterized by lack of water, sewage and electricity and the building of temporary structures. For example, in Bulgaria, Roma (many of whom live in informal housing), inhabit dwellings with poor housing conditions, including lack of access to basic infrastructure such as sewage. About 2/3 of the Roma in the country live in dwellings with a leaking roof, damp walls, floors or foundation, having neither a bath, nor a shower in their dwelling, while this share for the majority population is just under 12% (FRA & NSI, 2021).

In the Roma neighbourhoods, typical patterns of informality include the building of dwellings skipping a number of procedures required by building regulations. The reasons for that include the lack of knowledge about the requirements and the complexity and costliness of the procedures. The problem is compounded by the unpreparedness of many administrations to work with the Roma community.

In the second decade of the 21st century around 40% of housing in Roma neighbourhoods in Bulgaria was illegal (SEGA, 2017) and similar estimations are available for Serbia where 35% of Roma settlements are reportedly illegal (Berescu et al., 2013). In 2013 in North Macedonia about 320,000 people (almost 15% of the country's population) live in illegally constructed buildings and about 80,000 households lack long-term housing solutions while the so called "temporary accommodation" especially affects the Roma population (CAHROM, 2013).

Surveys tend to underreport informal housing in Roma neighbourhoods as many households are very cautious to answer questions about land property and the legality of their house. This is especially typical in areas where houses appear to be illegally built (Grekova, 2016). Even many of the Roma who report in surveys that they are homeowners may actually not have legal title and the relevant documentation (Robayo-Abril & Millan, 2019).

It is often assumed that immigrants and ethnic minorities are preferring to live in communities where they are surrounded by their kin. For example, in Bulgaria the term "self-segregation" or "auto-segregation" is in use in the media, research publications and texts prepared by NGOs and the government (Dimitrov, 2017), which may contain an implicit blame implying that Roma tend to separate themselves from the majority and from the "big" society into isolated and closed communities. For example, the "rejection-identification model" is referring to the social identity theory and proves that if a powerful majority is prejudiced and discriminates against one's group this will lead to increased identification with the group and group cohesion and will increase the distance from the majority (Branscombe et al., 1999). The preference to live in ethnically closed places is rooted in the existential need of belonging, since they provide "shelter" against prejudices and help people coping with (perceived) experiences of discrimination, offer bonding

social ties (kinship), which help to survive the everyday. Bonding relationships are based on reciprocity, trust, and solidarity. They provide support and protection, but they also can constrain the mobility of the members and are considered socially homogenous and closed (Putnam, 2000). Nevertheless, in 2011 a survey found that three quarters of Roma respondents in 10 SEE countries would prefer to live under better living conditions, but surrounded by a majority population rather than residing under worse living conditions but surrounded by fellow Roma communities (Perić, 2012). However, the prejudices and social distances towards the Roma make moving away a hardly fulfilling dream.

In some cases, the implementation or even the designing of desegregation policies met with strong opposition and civic protests from the ethnic majority. In Bulgaria municipalities of the two largest cities on the Black Sea, Varna and Burgas, were pressured by ultranationalists to cancel their plans for building dispersed housing units for the Roma in order to decrease spatial segregation and tackle housing informality. These municipalities just lost the funding for social housing which was coming from the EU and did not impose any additional burden on local tax payers. Due to the predefined character of the funding the money could not be used to address other priorities (Bliznakov, 2018). This case illustrates that antigypsyist sentiment can sometimes be stronger than economic rationality.

In fact, segregation of Roma is very high in many Central and Eastern European Countries – for example in Serbia 70% of Roma population lives in mainly smaller highly segregated neighbourhoods and in Romania 57% of Roma are residents of monoethnic spatially segregated settlements (Berescu et al., 2013). In some countries in Southern Europe, where the overall share of the Roma population is much smaller, many Roma come from the Western Balkans and from Bulgaria and Romania, which are EU member states.

The forms of Roma segregation in Italy and the response of the Italian government are presented in the following case study by Giovanni Picker and Elisabetta Vivaldi.

Box 5.3: The Racial Segregation of Roma in Italy: Policies and Experiences

This contribution discusses the conditions of racial segregation of Roma in Italian camps by describing the policies that generated camps only for Roma, and some of Roma's experiences of living in those camps.

Policies

In its 2017 annual report, the NGO *Associazione 21 Luglio* (*Associazione 21 Luglio*, 2018) estimated that about 26,000 of the roughly 150,000 Roma and Sinti living in Italy reside in camps and slums across the country; of them, 16,400 live in formal or “authorised” camps, while the rest live in informal and improvised slums. Slums are usually abandoned areas equipped with shacks, at times with caravans, and generally without running water, heating and sewerage systems. Formal camps can be made illegal and consequently abandoned by local authorities and civil society groups, resulting in the worsening of living conditions.

Formal camps, variously called “Roma camps”, “nomad camps”, “shanty towns”, “solidarity villages”, and with other appellatives, have been imposed by 12 regional councils in as many regions from the mid-1980s to the mid-2000s. Twelve regional policies exclusively addressing Romani people and centred on

the idea that Roma are "nomads", ambiguously combined conventional social inclusion measures with the purpose of allowing vagrancy or nomadism (Picker, 2013). As a result, camps have typically been built in peripheral urban areas that are badly connected to the city centre, and they have been equipped with poor-quality housing infrastructures (Brunello, 1996). In line with such a socially marginalizing decision-making process, camps have been governed by both local social services and the local police through a combination of approaches ranging from care to repression and re-education (Bravi & Sigona, 2007; Clough Marinaro, 2009; Saitta, 2010). Since the mid-2000s, both formal camps and slums where Roma found abode have been regularly making national headlines, portrayed as quintessential symbols of physical decay, moral indecency and social deviance (Bravi, 2009). In this context, mainstream media and political discourse have been focusing on them since the late 2000s in the context of emerging zero-tolerance policies vis-à-vis petty criminality (Hanretty & Hermanin, 2010).

About 43% of formal camp residents hold Italian citizenship, while almost all Roma living in slums are either Romanian (about 86%) or Bulgarian citizens; in both types of camps, families live in utmost unhygienic conditions, with significantly lower levels of education than the majority population, and their life expectancy is on average ten years less than the Italian population living outside the camps (Associazione 21 Luglio, 2018).

Importantly, the typical social representations of Roma on which all regional policy makers drew, stemmed from racial knowledge which emerged in the second half of the 19th century and differentially drove colonial expansion as well as Nazi and Fascist persecutions (Picker, 2017). In all of Europe between 500,000 and 1,500,000 European Roma and Sinti were exterminated under Nazi rule (Hancock, 2002). As a growing body of scholarship shows, after WWII, this kind of racial knowledge, that revolved around "nomadism" as a hereditary impulse, which was seen as likely to lead to criminal actions, became less concerned with Roma's alleged biological heritage and more with their allegedly psycho-moral characteristic (Colacicchi, 2008; Daniele, 2010; Picker & Roccheggiani, 2014). The stereotypical perception of the Roma as a threat, in the process, remained a central component (Loy, 2009: 32; Bravi, 2009). The camp as a governing device for a population which is considered prone to social deviance, for example, bears clear similarities with Nazi and Fascist racial politics.

A 2009 EU Fundamental Agency Report shows the centrality of "nomadism" for 21st-century policy makers: "There is a widespread conviction in Italy that Roma, Sinti and Travellers are nomadic populations whose cultures revolve around a nomadic lifestyle. This perception of the Roma as 'nomads' permeates all aspects of public policy towards these groups and in particular, housing policies." (FRA, 2009: 4).

Experiences

In the early 2010s, Vivaldi (2017) collected several life stories and experiences of families and individuals living in the camps near Napoli. Overall, living in camps has a negative impact on individuals' well-being, arising from having to get used to a lifestyle based on "coping" with different degrees of "deprivation", but also having to adjust in order to tackle unpleasant situations, risks and instances of direct and indirect discrimination that they had to learn to deal with, to get used to "camp life". Some of the camp residents' stories are particularly relevant.

Most of the research participants, born in former Yugoslavia (particularly but not exclusively Serbia), affirmed that their daily reality and former lives had no direct connection to "nomadism". Both older generations (born in former Yugoslavia) and younger individuals (born in Italy or other EU Member States) stated that their families travelled mostly for leisure or seasonal work but they had no direct memory of "being itinerant".

Their stories often started with the reasons for attempting a relocation abroad, accompanied by vivid descriptions, not only of war related memories, but also of the traumatic "arrival" in the Italian "nomad camps". Romani "asylum seekers", who escaped from conflict zones in former Yugoslavia, described their first memories with words of profound disappointment and frustration.

A mother, who fled with her children to join her husband and avoid the 1999 bombings in Serbia, explained her sense of disenchantment when she realised that her relocation place was an illegal settlement, where there was no humanitarian aid (see also Vivaldi, 2014: 55):

When I arrived, I came directly here; I did not even have a bedsheet. I asked what is this? Not even electricity, I was without electricity there [in war-zone] for three years and here too! What is this?! Here, not only did I not have electricity, but also nothing to cover myself. Nothing at all!

Inhabitants shared their feeling of instability and anxiousness linked to the impossibility to plan their future, while waiting for pending documents and surviving only with an intermittent income, often insufficient to fulfil the daily needs of an entire family.

One example of having to change their lifestyle to "adapt" is provided by Gloria's story. Gloria comes from a Bulgarian village where her parents lived in a cottage. At home, she "had everything" but she "had to leave everything behind" and learn "to adapt". In Bulgaria she had running water, electricity, a stove and

an oven to cook food, and a proper bathroom. In the nomad camp everything is “intermittent”: the water is not clean and drinkable, the bathroom is arranged as a “hole” in the ground, she has to heat the water on a handmade stove-burner before having a bath but before that she had to collect and cut wood (Albert, 2012: 56). All these activities are physically exhausting: “I can’t say that I feel well here but I got used to it”. She was aware of being a European Union citizen, with the rights and duties of EU nationals: “I am only waiting to be given a chance to achieve a better life for me and my family” but she underlined that “it is more difficult if you live in a nomad camp, because potential employers are biased and discouraged to hire someone from such an environment”.

Source: Giovanni Picker & Elisabetta Vivaldi

5.3.3 – Conflict in informal settlements

Precariousness of informal housing carries a risk of two types of conflict – internal within the community and external – occurring during interactions with external actors. Examples from Latin America show an interplay between local power relations and the legal and governance frameworks put in place by the state. Conflicts are sometimes confined to administrative and legal action such as disputes and contestations but in extreme case violent clashes erupt (Lombard, 2016).

The main conflicts with external actors are related to eviction attempts, as well as the access and quality of services provided by utility companies. The negative perception of Roma, stigma, social distances and discriminatory attitudes towards the inhabitants of informal settlements exacerbate social and physical exclusion. These attitudes are a precondition for conflicts and lead to acts of disrespect for their dignity and humiliation and discrimination exercised by representatives of institutions and other residents external to informal settlements.

Often internal conflicts arise from the lack of equal access to services or infrastructure. For example, tension may appear when the unserved households resort to tapping into their neighbours’ connections, not always with their permission (World Bank, 2017). In Patna (India) “perception of insufficient infrastructure’ by slum dwellers was found to be a main source of conflict rather than any other aspect of informality (Li & Alakshendra, 2019, p. 3). There is also risk in informal settlements of organized crime moving in and enforcing its rule, leading to oppression and exploitation of others living in the informal settlements

The absence of public institutions and limited policy interventions in informal settlements often represent a risk of enforcement of mob law and the prevalence of traditional norms over the rule of law. For example, the lack of control by public institutions over the construction of illegal buildings can lead to conflicts between neighbours, as well as confrontation between long-settled residents of illegal settlements and newcomers (Ibid.). The lack of presence or the withdrawal of the institutions from the informal settlements, including missing or poor control over the expanding illegal construction, is one of the most important factors for deepening social isolation and deteriorating quality of life of their residents (Tomova et al., 2007).

5.3.4 – Informal settlements and exclusion

Educational and service segregation in informal settlements

In the countries of Eastern Europe in the post-communist period there is an increase in the spatial segregation of the Roma community. While in 1980 the majority of Roma in Bulgaria lived outside segregated neighbourhoods, by the end of the first decade of the 21st century more than three quarters of the Roma in the country lived segregated, and the geographical segregation of marginalized minority population usually leads to social isolation of the inhabitants of these neighbourhoods, growing difficulties in finding work, deteriorating housing conditions, problems with the construction and maintenance of infrastructure and hygiene, difficult access to transport and other vital services (Tomova et al., 2007).

In many cases the inhabitants of illegal houses are de facto owners of their homes, however the absence of legal titles to the land and homes prevents the legal connection of these dwellings to electricity, water, and other infrastructure systems (UNDP, 2013).

A significant number of Roma neighbourhoods in the countries of Central and eastern Europe with large Roma population are segregated and remote from the central parts of the cities, where a large part of the administrative, health and social service providers and the services they administered are concentrated. Access to quality education is also restricted for children from marginalized communities in informal settlements. Residential segregation is often concomitant with educational segregation (Farkas, 2007). Levels of educational segregation among Roma in Slovakia, Hungary and Bulgaria are extremely high. The vast majority of Roma children in these countries (approximately 60%) attend schools in which all or most of their schoolmates are Roma, and in Greece and Croatia the levels are also very high – between 40% and 50% (FRA, 2018). Some European countries have been criticized for a specific form of segregation – the enrolment of too many children from Roma communities without disabilities in schools for children with special educational needs. According to the European Union's Agency for Fundamental Rights this practice is particularly widespread in the Czech Republic and Slovakia, where about one out of six Roma school children aged 6-15 are enrolled in special schools in 2016 (FRA, 2018).

In Bulgaria, poor housing conditions in marginalized Roma neighbourhoods (especially overcrowdedness) have been considered by some local authorities as reason for imposing full lockdown of Roma neighbourhoods during the declared state of emergency for Covid-19 (Grekova et al., 2021). During the pandemic, the equal access to education for children in rural areas and poor communities (many of which were living in informal housing without stable connection to Internet) was impeded as a result of a lack of computers and online access (UNICEF, 2021).

Access to infrastructure

The illegal construction not only of residential buildings, but of facilities attached to dwellings (warehouses, wood sheds, garages, workshops) is at the expense of the general infrastructure, if such exists at all in the informal settlements. For example, narrow streets become impassable. Thus, missing or poor-quality roads limit access for fire trucks, ambulances (Radicová et al., 2002), police, school buses, snowploughs in winter (World Bank, 2017). Often, degraded infrastructure serves as an excuse for institutions to refuse to provide services in informal settlements. In turn, this reflects on security, hygiene and makes residents of informal houses much more vulnerable to widespread communicable diseases, while limiting access to health care for treatment. A vicious cycle of inadequate and poor-quality provision is thus established, which helps to sustain conditions of precarious housing for those living informally.

Residents of informal settlements often connect illegally to the electricity grid or use electricity meters of neighbours, which carries a high risk of life-threatening incidents, can damage the electrical grid, and in some cases can lead to internal conflicts (Yordanov & Zahariev, 2009). For their part, the companies supplying electricity in Bulgaria, for example, accuse the Roma of stealing electricity and perch up the meters on electric poles. Thus, part of the residents in segregated neighbourhoods do not have access to verify readings and suspect that their electricity bills are excessively increased by companies (World Bank, 2017), thus reversing the vicious circle of mutual mistrust, which leads to a connection cut for individual houses or even interruption of electricity supply for larger parts of neighbourhoods.

In urban areas, there are also illegal connections to the water supply and sewerage system, which damages facilities, causes economic losses to utility companies resulting from theft and damage to the pipeline network, and thus indirectly leads to higher electricity prices due to the costs for repairs which are transferred to final consumers, while deteriorating their quality.

A comparative study of four European countries with large Roma population revealed that there are significant differences in the quality of housing of Roma. Despite the general expectation that living in an apartment within permanent dwellings with solid construction can ensure better housing quality, this does not seem to be true in all countries. For example, the quality of houses and apartments (permanent dwellings) inhabited by Roma in Romania and Bulgaria are considered comparable to those of the most precarious temporary housing solutions (mobile homes or barracks) available for the Roma in Spain and Italy (Preoteasa et al., 2012).

5.4 – Policy response to informal settlements

In this section we look at some of the most influential and impactful policy responses to informality and informal settlements. To some extent their arrangement in the chapter represents the order in which they emerged historically and became prominent. The responses we review

include: i) Evacuation, demolition and displacement; ii) Resettlement and rehousing; iii) Regularisation/legalisation; iv) Implementation of international instruments related to human rights in general and the right to housing. Those policy responses are distinct having their own ethical fundamentals, political agendas and methods of implementation: but they still occur together either as a concerted effort or in contest with each other.

5.4.1 – Evacuation, demolition and displacement

Evacuation and demolition of informal settlements has always been part of the policy agenda for urban regeneration. Demolitions on a massive scale have occurred (and still occur) in developing countries but evacuations and demolition of Roma encampments and even of neighbourhoods that have existed for a long time have also occurred in many EU member states.

Informal settlement is a type of tenure which along with other forms also enjoys protection in the framework of international standards for human rights. According to a definition espoused by the Committee on Economic, Social and Cultural Rights (UN CESCR, 1991, p. 2) “Adequate shelter means (...) adequate privacy, adequate space, adequate security, adequate lighting and ventilation, adequate basic infrastructure and adequate location with regard to work and basic facilities - all at a reasonable cost”. Many of the features of adequate housing thus defined are missing in informal settlements. In the European context, persons living in informal settlements are protected by Article 8 of the European Convention on Human Rights (ECHR), which guarantees to everyone the right to family and private life and protection of the home, using a very broad definition of ‘home’, which is not rooted in the legality vs illegality dichotomy. The classification of a specific place as a person’s home only requires a continuous link with the place and is “independent” of the question of the lawfulness of the occupation under domestic law”. Article 8 does not preclude evictions but requires that during evictions it is important to protect at least some of the conditions necessary for ‘the individual’s identity, self-determination, physical and moral integrity, maintenance of relationships with others and a settled and secure place in the community’ (Remiche, 2012). The European Social Charter envisaged that the legal protection for persons, threatened by eviction, must include: an obligation to consult the parties affected in order to find alternative solutions to eviction; an obligation to fix a reasonable notice period before eviction; accessibility to legal remedies; accessibility to legal aid; compensation in case of illegal eviction (Giteva et al., 2014).

The policy for "slum eradication" during socialism did not take into account the specific Roma housing traditions and preferences, the structure of Roma households and the required specific organization of their homes. Extended Roma families needed much larger homes due to the preference to live together under one roof. Living in homes without a yard, workshops and

facilities for animal breeding makes it impossible to maintain many of the traditional livelihoods. The new inhabitants usually tried to adjust the dwellings to their preferences and very often destroyed some of the finishing works. Thus, problems related to the maintenance of the buildings became especially acute in the prefabricated buildings, which were much more vulnerable due to the poor quality of construction (Tomova, 1995). In the 2000s, the displacement of Roma people in Bulgaria from derelict legal and semi-legal settlements drastically increased as Roma settlements that had existed for decades were destroyed and replaced with new real estate development projects. Roma families were often displaced to remote destinations with poor living conditions. The new flats given to people were always too small, never enough to accommodate a large and growing family: the usual case for Roma who tend to live in extended families (Ivancheva, 2015). In the process of evictions and demolitions law was often not applied uniformly across social groups and territorial units. The issuing and enforcement of demolition orders concerning illegal housing often affected adversely and disproportionately Roma families. A significant percentage of Roma who were affected by demolition orders, had their sole residence at the demolished site, which should in principle provide a safeguard against any eviction. Since the beginning of the 21st century, Bulgaria had a Framework Programme (FP) for the Equal Integration of Roma in Bulgarian Society. The FP emphasized the need to legalize existing housing in Roma neighbourhoods by adopting the principle of minimum intervention in the existing situation, instead of investment in new social housing. Secondly the FP relied on improving the housing stock, but not so much by building expensive new housing, rather than through various forms of support (financial, credit, with materials, plots, etc.) to people who themselves wish to improve their housing conditions (Grekova, 2016). These ideas were not implemented in practice. At the end of the 2nd decade of the 21st century Bulgaria offered little support for housing improvements to poor households, while at the same time the social housing stock continued to deplete and run down.

The issue of violations of the right to housing in relation to Roma was raised by the second Council of Europe Commissioner for Human Rights in Strasbourg Thomas Hammarberg during his mandate (2006-2012). During the second decade of the 21st century many episodes of forced evictions, particularly of Roma, have occurred across Europe, sometimes posing questions as to the effectiveness of existing mechanisms for protection of human rights.

Box 5.4: Prevention of forced and illegal evictions of Roma families in France

“In its 4th report, ECRI also recommended that the French authorities take steps to prevent all forced and illegal evictions of Roma families from their homes that would place them in an extremely difficult situation. Among the various measures taken by the French authorities, ECRI notes the adoption in August 2012 of an interministerial circular on illegal improvised camps with the main aim of having any camp clearance preceded by an assessment of individual situations and putting in place all appropriate assistance measures with regard to schooling, access to health care and housing. In September 2012, the Prime Minister assigned the head of the Interministerial Department for Accommodation and Access to Housing (DIHAL) the task of

preparing for and supervising operations to clear illegal camps. Finally, ECRI notes that a National Consultative Commission for Travellers (CNCGDV) was set up in response to a report by the Court of Auditors in 2012 that drew attention to inadequacies in the reception of and assistance provided to Travellers and to a report produced at the Prime Minister's request by the Préfet Hubert Derache in 2013. Decree No. 2015-563 of 20 May 2015 sets out the new composition and operation of this Commission and confirms its involvement in the framing of public policies, in particular by assigning it a consultative role in draft legislation and regulations relating to Travellers. According to a report published by the FRA in 2012 following a survey carried out in 11 EU states in 2011, 6% of Roma in France received government assistance in their search for housing compared with 25% in the rest of Europe. Since 2013, a budget of €4 million has been earmarked for funding the assessment and housing assistance measures provided for by the above-mentioned circular. This budget enabled 44 projects to be carried out in 13 regions in 2013 and 61 projects in 16 regions in 2014. An evaluation of these projects shows that in 2013 these measures enabled 395 individuals to access housing, 639 people to access accommodation, 908 children to go to school, 303 job-seekers to obtain employment and 1,910 individuals to benefit from health mediation. In March 2014, the government also assigned responsibility for carrying out a national shanty town clearance scheme to the social housing builder ADOMA. A January 2015 report taking stock of the operations carried out by ADOMA shows that 693 people were assessed, of whom 273 were given accommodation and 93% of their children were enrolled in schools... These arrangements were put in place in the form of local pilot projects... {They should be} applied in practice nationwide. These measures should be implemented before any illegal camps are cleared and the resources available should accordingly be increased”.

Source: European Commission against Racism and Intolerance (ECRI), Council of Europe, ECRI REPORT ON FRANCE (fifth monitoring cycle), 2016, p. 29

Studies show that the effects of evictions are complex and particularly affect families immediately after experiencing them, and especially if they are related to demolition. A recent survey found significantly lower quality of housing among persons who had experienced demolitions compared to those of similar background who did not. Those who experienced demolition did not use permanent material in their houses (Gupte et al., 2019). The same survey identifies that the impact goes beyond the material wellbeing and concludes that marginalised or less-resourced people carry forward vulnerabilities acquired as a result of demolition – for example the educational achievements of those who have experienced demolition are proven to be significantly lower than the educational performance of those who have not experienced demolition (Ibid.). In Chapter 3 you can find further information on the impact of displacement on people's mental health.

Figure 5.6: View of Lozenets Roma neighbourhood in Stara Zagora, Bulgaria - On the left side of the street there are informal houses with orders to be removed



Source: Courtesy of Elitsa Markova, Open Society Institute - Sofia

At the beginning of the millennium, a survey among Roma in Central and Eastern European countries (BG, CZ, HUN, RO, SK) showed that this group ranked unclear housing regulation among the highest problems seriously affecting Roma households (UNDP, 2013). We have to bear in mind that this is a subjective indicator which may not always correspond directly to the rates of informality reflected in other indicators.

In Romania in 2015, the Sibiu City Council suggested relocating the Roma community to the countryside, instead of improving their living conditions, particularly by providing access to safe water (ECRI, 2019). The same report reveals that in Romania demolitions of informal settlements are not treated as evictions under the legislation (and therefore preclude prior judicial review and deny the legal safeguards applicable to other evictions) and there is still no legal remedy in place with automatic suspensive effect in case of potential eviction, nor are there any provisions for sufficient notice to and consultation with the affected communities. Another iconic example where the local authorities prefer relocation in rural settlements instead of improving living conditions in situ or relocating the inhabitants into adequate homes in other parts of the city.

As in Romania, formal (legal) pretexts for evictions are often used in other European countries. For example, in the Czech Republic, this is the case with the implications of the so-called “benefit-free zones” implemented by some local authorities in recent years, following legal provisions adopted in 2017 enabling municipalities to designate areas as ineligible for certain

forms of housing support (“benefit-free zones”). In May 2020, the Supreme Administrative Court of the Czech Republic held that the measure “benefit-free zone” resulted in eviction of a Roma family from a residential hotel and harmed the right to housing of the local inhabitants who would no longer be able to receive housing benefits to pay the rent (ECRI, 2020).

The lack of provision of adequate alternative housing, in case of an eviction, is a typical risk for affected families not only in Romania but also in many other European countries.

In Bulgaria between December 2012 to late March 2016, 162 municipalities issued a total of 2,000 orders to remove illegal constructions, of which 444 related to residential buildings and 399 of the orders (or 90%) were related to Roma owned buildings, all of which were residential and the only home of the families concerned. The same survey showed that between 1999-2012, the National Agency on Construction Control issued 514 demolition orders against residential buildings, with Roma owned buildings constituting 500 (97%) of these (Equal Opportunities Initiative Association, 2017).

The reported consequences of implemented demolition include: homelessness for the evicted Roma families, since municipal authorities did not offer alternative accommodation even for children and vulnerable adults and loss of furniture and other personal belongings, including personal documentation since the affected Roma families did not receive prior notification of the exact date of the execution of the orders.

In many cases, the provided alternative housing in case of eviction does not meet minimum quality standards. In the Czech Republic, the government’s Agency for Social Inclusion recommended the gradual “evacuation” of the Chánov housing estate in the town of Most while taking care of the needs of its inhabitants, who should be provided with a long-term lease in standard-quality flats in non-segregated localities. The local authorities contemplated building container housing for the inhabitants to move them out of the decrepit tenement houses in Chánov. The Public Defender and NGOs were alarmed by this solution as it would further reduce the living standards of the inhabitants as containers are not suitable for long-term habitation, especially because they are difficult to heat properly and susceptible to dampness (ECRI, 2020).

Similar situations are observed in Italy and Bulgaria. In Italy in 2015, the expulsions of Roma, particularly in Rome, have increased compared with 2013 and 2014. The municipal authorities offered the evicted families temporary solutions at best and often the evicted Roma preferred to move to another unauthorised settlement. The European Commission against Racism and Intolerance concluded that these forced evictions did not improve housing or sanitary conditions and even had unwanted effects of simply reproducing, elsewhere, the same precarious and insalubrious situation that led to the evictions in the first place (ECRI, 2016).

In Bulgaria in 2001, 30 families were evicted from a municipal plot in the capital's Lyulin district, known as Asanova Mahala. A hypermarket was built there, and the Roma families were housed “temporarily” in vans on Europa Blvd. They lived in these terrible conditions for 12 years before gaining access to social housing.

Usually, evictions from informal settlements affect large numbers of families (Batalova Vodenitza in Sofia, Bulgaria; ECHR, 2012). In cases of mass evictions of large communities, the authorities face difficulties in providing adequate rehousing and alternative accommodation.

Box 5.5: How eviction and displacement lead to informal housing

In July 2014, the local municipality of Miskolc, a former industrial town in Northern Hungary summoned tenants with fixed-term contracts in the poorest segregated neighbourhood to vacate their homes after the expiry of their contracts due to plans to demolish or otherwise eliminate the neighbourhood. The local government decree stated as reason for the elimination that the apartments are old and inadequate for housing and according to the city development plan this area will be part of the reconstruction of a modern football stadium. In this case study I present how the elimination of the segregated neighbourhood leads not only to a more precarious housing situation of the former tenants but in many cases pushed them into informal housing situations.

The former workers' colony called Numbered Streets, was strongly connected to the steel factory founded at the end of the 19th century together with its own institutions (an elementary school, community house, etc.) within the neighbourhood. During the socialist time the colony was provided social housing to both Roma and non-Roma factory workers. The factory was closed down in the early 1990s, triggering mass out-migration from the neighbourhood as well as from the town. In parallel, the mass privatisation after 1990s led to the residualisation⁹ of social housing (Hegedüs, 2013). By the turn of the millennium, Numbered Streets was home to around 900 persons, possibly equivalent to over 200 families, living in low-comfort social housing flats in one- or two storey buildings that are over a hundred years old. As the local authorities did not invest in the renovation and modernization of these apartments for decades, the physical conditions of this neighbourhood continued to decline, as a result of which by the end of 1990s the colony was characterized by the worst housing condition in the city. Moreover, the decades long strategy of the municipality is to eliminate from time to time the neighbourhood in the worst physical condition, and residents are relocated to municipal housing in different areas of the town. The municipality has hundreds of social housing units in this colony, therefore most of the marginalized Roma families were relocated. Though the local municipality had no interest and human capacity to control the users of the apartments, therefore more and more families had used and paid for the municipality owned apartments informally without proper contract. Some families were just squatting in the vacant, unused apartments without any housing contract, but paid for the utility costs. From the perspective of the majority society, the local authorities and stakeholders, and the local media, this neighbourhood became a socially and ethnically homogenous, dangerous criminal place, a stigmatized Roma neighbourhood (Lengyel, 2009, Havasi, 2018).

After the local election in 2010 the local government introduced the new housing policy based on the principle of controlling and disciplining the tenants of social housing. The main tool to achieve this was to change more and more open-ended long term housing contracts to fixed term contracts which provide flexibility to the municipality but create insecurity for the tenants. In parallel, families with more secure, indefinite-term contracts are often faced with rent hikes and harassment by local authorities, for example, regular checking of the condition of the apartment, etc. According to the new regulations, in the event of late payment of rent or utility cost, the local government has the right to change the social housing contract to fixed term without any explanation. According to the local regulations, families with fixed-term social housing contracts are not offered any kind of long-term housing solutions when their contract expires, the local government extends their contract year-by-year, and they must leave the apartment without any compensation if the local government does not extend their contract. If the tenants do not leave their

⁹ 'Residualisation' of social housing refers to the process whereby those who have the means and opportunities leave the social housing units: those who stay are the most disadvantaged and the poorest. (*Understanding the 'Residualisation' of Social Housing | AHURI*). Residualisation has an impact on the mix of dwellers in social housing decreasing their capability to maintain the dwellings and the environment. Residualisation is often associated in a stigmatizing way with increasing disorder, crime, neighbourhood conflicts, substance abuse and other forms of social disorganisation.

homes, they can be forcefully evicted. Changing indefinite long-term contracts and terminating fixed term contracts are tools for the local government to get rid of families deemed “undeserving” or “undesirable”, and to relegate these families to living informally or outside of the city in allotment gardens.

In the process of elimination of the neighbourhood in Miskolc, the local government offered compensation amounting to two million Hungarian forints (approximately 6,700 EUR) to tenants willing to terminate their fixed-term rental contract for low-comfort social housing, yet several controversial conditions for compensation were set: tenants who terminate the contract and receive compensation must use the compensation to purchase property, the purchased property must be located strictly outside the territory of the city, and it could not be sold or mortgaged for at least five years. In response a number of municipalities in the vicinity introduced decrees specifying that persons from other municipalities wishing to buy property in their municipalities would not be able to access social assistance, social housing or public employment (OSCE, 2016).

On April 2015, the Supreme Court of Hungary struck down the municipal decree on amendments to social housing regulations as discriminatory on the grounds of financial situation and other characteristics of the tenants affected by the amendment. Shortly afterwards, In June 2015, the Commissioner for Fundamental Rights and, later, the Equal Treatment Authority also found that the local government was directly discriminating against the residents of the neighbourhood and in its report stated that the practice of evictions in the city was not adequate to the task of dealing with the problems in segregated areas (AJBH).

Despite these declarations condemning its policies, the local government ultimately succeeded in achieving its goal, which was to eliminate the neighbourhood. At the beginning of this process, the families who were squatting in the vacant apartments left, due to police harassment. Many tenants with fixed-term social housing contracts were afraid of possible forceful eviction (the costs of which they would have to bear) and were suffering from harassment by local authorities, so they left ‘voluntarily’ and moved to cheaper housing, often situated in other segregated neighbourhoods or to the allotment gardens. In the spring of 2017, the last tenants left and the local government demolished the last houses of this century-old neighbourhood to clear the space for renewal.

Moving to garden-plot areas today is one of the most significant, statistically detectable form of displacement in Hungary not only in Miskolc but in many other settlements in the country (Czirfusz et al., 2018, Vígvári & Gagyi, 2018). During the socialist period, in a long valley, between the residential neighbourhoods in Miskolc and the workplaces in coal mines a big garden plot area was founded. As it was never meant to be a residential area, it had only limited infrastructure (only electricity) and, because of the vicinity of the mine and its tunnels, building residential houses was not allowed. Currently, according to different estimations of social workers, this area has about three to five thousand inhabitants. Estimates vary greatly, as part of the families live here only temporarily, finding other solutions in the city; furthermore, parts of the long valley are invisible to the social workers or other services and nobody knows who and how many families live at the end of the valley from where the accessibility of educational and social services for the children as well as of jobs for the adults is a huge problem. The increasing population of allotment gardens can be explained on the one hand by the voluntary movement of the lower-class families who escaped from indebtedness after the economic crisis or by the arrival of those who move to the city from the neighbouring villages searching for better employment conditions and affordable housing. On the other hand, it is a relegation of the poorest, who live there mainly informally or illegally.

Source: Tünde Virág

5.4.2 – Resettlement and rehousing

Resettlement of the inhabitants of informal settlements has always been one of the main policy tools for addressing informality (cf. Chapter 7 for further policy instruments). Resettlement unlike evacuation includes offering a place to live elsewhere. Resettlement can be part of policies for desegregation or ethnic mixing. A more positive term ‘rehousing’ is also being used underscoring the provision of new and allegedly better dwellings in the process of resettlement.

Resettlement involves many ethical issues and most often than not is a painful experience for those resettled. Residents of any area are likely to feel some level of personal attachment to the

place they live in and its surroundings (Málovics et al., 2019). Attachment can be shaped both by the network of social relations providing support and the features of the place. However, the most marginalized cannot benefit from the bonding capital and reciprocity as they are excluded in their own neighbourhoods (Ibid.). Even if Roma are provided with adequate housing after evacuations and demolition, this is typically not done in a holistic, sustainable manner. For example, access to schools and jobs is not taken into account when Roma are resettled. Moreover, Roma are often moved to social housing projects without their expressed agreement or to places where they no longer have ties to the community (Robayo-Abril & Millan, 2019).

It has been argued by some researchers that many public housing projects in the past, often involving resettlement, have failed because they did not correspond to the 'traditional way of life' of Roma, who presumably lived close to nature and breeding livestock. Roma families were described as having very close ties with their relatives and living often in extended families. Therefore, low-rise flexible forms of housing that would make extensions easier and affordable would correspond much more closely to Roma needs (Slaev, 2007). Although this picture of the Roma is obviously too generalizing and stereotypical, movement to unsuitable social housing may have played a role in the failure of certain ill-conceived projects. In Bulgaria municipal social housing often consists of panel buildings from the boom of prefabricated panel construction in the 1970s and 1980s. These buildings are not adapted to the way of life of Roma. They were not intended to be sensitive to anybody's way of life back at the time they were built (Parusheva & Marcheva, 2010).

One of the emblematic failed projects in Bulgaria implemented during the 1990s led to the construction of 284 dwellings and the corresponding adjacent infrastructure in the city of Plovdiv which was funded with resources from the national budget, the municipality and the European Bank for Reconstruction and Development. As part of the project 80 two-storey houses were built before the project was discontinued. Accommodated families did not have the means to pay the bills and maintain the property which was far too large and above the standards and the means of the beneficiaries (Petkova, 2010). In this project, patterns of cultural life were taken into consideration but this led to the construction of units that created problems of affordability indicating that moving out of precarity involves a set of hard considerations and balances.

Some definitions of housing exclusion indeed entail taking into account the suitability of homes, part of which is the cultural adequacy or cultural suitability (UN CESCR, 1991). Only few examples of such considerations seem to be incorporated into actual policies and programmes. In particular, large housing estates built during socialism as well as many large-scale social housing projects had a level of standardization, which in principle excludes any sensitivity to lifestyles and cultural traits. It is arguable to what extent requirements of space and affordability in terms of maintenance and utility costs could also be met. In ex-socialist countries the existing

public housing stock and large part of the private housing stock built during socialism especially in municipal ownership consisted of many prefabricated blocks, which followed a common concept of organizing the living space (Parusheva & Marcheva, 2010), which may not fit well with the living patterns of different social and cultural groups.

Along with policies for urban regeneration, resettlement might also pursue ethnic or social mixing. Stable social relations and balanced patterns of settlement are still believed to be conducive to more equal chances for employment and participation in society (for detailed analyses on the concepts of equality and equity see Minow, 2021; on mix see Münch, 2009). Such policies can be motivated by the belief that mixing improves economic and social outcomes. Others call these policies ‘dispersal’ and see their aim in scattering the poor in space and recapturing the territories that they traditionally occupy (Wacquant, 2008). Whenever these are the true aims of dispersal, depiction of ghettos as areas that cannot be salvaged becomes a strategy for their stigmatization and ultimate evacuation (Wacquant, 2008). In the European context in most cases, it seems rather that a complex network of relations between stakeholders with different interests is at play and no specific agent, even a powerful one, is able to incontestably impose her agenda.

Resettlement remains a controversial and hotly debated policy. It has been rightly criticised for stigmatising the inhabitants of slum areas in various ways by uprooting lives, cutting social ties and destroying communities. But there are also examples of resettlement programmes that seem to have improved the lives of the resettled who lived in unacceptable conditions. Resettlement and the related practices such as demolition of slums and urban renovation will likely continue to coexist with competing policy agendas such as regularization, legalization and improvement of dwellings and infrastructure in urban slums.

5.4.3 – Regularization or legalization of informal housing

One possible response to informality driven by extreme poverty is the process of so-called called “regularization” – recognizing the fact of existence of informal settlements and looking for ways to incorporate them into the existing system of zoning, housing and building regulations. This approach is pioneered and supported by international organizations such as the UN and the World Bank. At the beginning of 2020s legalization of informal property rights, which has long been a very influential policy continues to be promoted in publications of the World Bank. Most of the legalization efforts follow the liberal paradigm that land property is the key to reducing poverty.

Another type of analysis leads naturally to recommendations for legalization of informal housing and starts from the observation that resettlement is an expensive solution to informal settlements, which also entails high social costs. The underlying theoretical framework relates

informality primarily to poor land management systems and sees informal settlements as a feasible 'solution' in terms of a social response to an inefficient housing and land provision system. Poor land management includes unnecessarily cumbersome procedures, red tape in the process of registration of property and overt or covert discriminating practices based on racial or social profiling. This line of argumentation leads the World Bank who calls for simple and inexpensive process of legalization to guarantee that residents receive all the necessary technical and financial assistance (Tsenkova, 2009b, World Bank, 2017). Land administration reforms in the Global South have proved to benefit some very poor communities (World Bank, 2018).

Illegality is typically related to the lack of access to basic infrastructure. The inhabitants of illegal houses are de facto owners of their homes, however the absence of legal titles to these properties often prevents the legal connection of these dwellings to electricity, water, and other infrastructure systems (UNDP, 2013).

Legalization has been inspired by the work of the Peruvian economist Hernando de Soto. De Soto's ideas have been criticized for failing to recognize that informality is very contextual.

Hernando de Soto and his way to address informality

Rarely have ideas had such an impact on international organizations and development aid as those developed in Hernando de Soto's 2003 book *The Mystery of Capital* (De Soto, 2003). Due to the advocacy efforts of de Soto the UNDP established the Commission on Legal Empowerment of the Poor, co-chaired by former US Secretary of State Madeleine Albright. De Soto's ideas were widely acclaimed in the US including by the then president George W. Bush (Otto, 2009). This commission has since promoted the channelling of development aid into efforts of installing rule of law and promoting legalization of informally owned assets including land and housing across the developing world and in countries making a transition from communism to a market economy.

The basic idea of de Soto is quite simple — to put an end to poverty globally by legalizing informal businesses and land assets owned informally by the poor. De Soto put a strong emphasis on the role of institutions especially on the establishing, protecting and trading in property rights (Ricketts, 2005). In his book de Soto uses the term 'extralegality', which roughly corresponds to what others refer to as 'informality' and claims that the extralegal dealings have nowadays become the norm, rather than the exception (De Soto, 2003); informality and the related extralegal institutions in this view appear older and more fundamental but this situation is not welcome and not beneficial. It has to be resolved by removing barriers to legalization and the regularization of all assets including housing, which is among the most common and valuable assets of the poor in the developing world.

In a brief polemical article, de Soto invites the reader to imagine a place where rules that govern property vary from neighbourhood to neighbourhood and even from street to street and argues that this is the case for 80% of the population of developing and former communist countries (De Soto, 2008). But these persons who represent a significant part of the world's population according to de Soto still possess significant assets which are just not 'paperized' – nowadays we may rather say 'digitized' – in a way that turns them into usable capital. De Soto estimated that in the 1990s the total amount of this "dead" capital as he deemed it was more than 9 trillion dollars: savings of the poor across Asia, Africa, the Middle East and Latin America exceeded 40 times all foreign aid provided since 1945 (De Soto, 2003).

Neoliberal policies advocated by de Soto have been accused of being among the causes of informality in the first place: some believe that his policy programme discredited other legal innovations, which can actually address the problems of informality much better, including innovations developed in South America from where de Soto draws his inspiration and main examples. In some cases, inhabitants of informal settlements through collective efforts have been able to organize the provision of various services and pressure the municipality to provide basic infrastructure (Gonzalez, 2009). The example of Bogota shows that informal settlements have appeared also on land which was legally purchased but then used in violation of zoning regulations and the municipal building code. Settlements emerged in places that face hazards such as flooding and had no access to infrastructure (Gonzalez, 2009). Similar development though at a smaller scale can also be observed in Europe, particularly in ex-socialist countries from the Western Balkans (Albania, North Macedonia) including in EU member states such as Romania and Bulgaria.

De Soto-style observations on the workings of the informal economy have generated a lot of further arguments for the complexity of informality, including claims that it contributes to generating viable (and in a way – desirable) opportunities for the urban poor and those who try to move to the city in search for better incomes and better lives. One of De Soto's main points was that legal tenure may serve as collateral for credits which in turn would allow poor households to start/expand businesses and thus enable them to earn more due to new/increased income generating activities. This assumption in particular has been proven overoptimistic time and again.

Regularization can paradoxically be regarded as a form of deregulation, which regards the formation of informal settlements as a natural or inevitable process accompanying urban development. According to Larson (2005) regularization is not across-the-board deregulation, nor a negotiated or discretionary enforcement of rules but an alternative regulatory strategy created in the developing world and designed for conditions of extreme economic constraint. Regularization loosens some regulatory standards, thus "legalizing" some previously illegal

housing conditions, and gradually imposes other retooled less strict standards, accompanied by assistance in reaching those standards.

Regularization of informal settlements falls into an even broader framework of normalization, which entails bringing informal settlements into the framework of the housing market by putting in place strategies that try to remove the stigma from a place, make it more attractive to visitors and more marketable. Recognizing failure of existing government programmes due to stereotypes and dehumanizing attitudes towards dwellers of informal settlements, some researchers from the global South have suggested extravagant ideas such as place branding and economic empowerment with the aim of increasing economic attractiveness (Elmi & Mohammadi, 2017) with the same underlying idea of giving value to the assets owned by the poor and leveraging those assets to gain access to other economic resources.

Some legalisation efforts have indeed been driven by and widely approved by the affected communities. An example from Bulgaria illustrates the implementation of this idea within a poor Roma community which lived within the servitude area¹⁰ of an industrial factory (see next Box).

Box 5.6: UN awards the Trust for Social Achievement for its outstanding efforts on improving human settlements for Bulgaria's Roma

The Trust for Social Achievement (TSA) received the “Global Human Settlements Award on Outstanding Contribution” at the 12th Global Forum on Human Settlements (GFHS-XII) that took place on 30-31 October 2017 at UN headquarters in New York City. The award is in recognition of TSA’s program on “Building a better future for all” implemented in three cities in Bulgaria – Peshtera, Dupnitsa and Kyustendil. The program applies an innovative approach to improving the living conditions of vulnerable communities aiming to increase their economic self-sufficiency.

The innovative approach for the regulation of Roma neighbourhoods in Bulgaria is pioneered in cooperation with local authorities. Within this program, municipalities may develop and/or amend zoning plans to allow residents of informal settlements to buy the plots of land that their homes are built on. Then, residents may apply for forbearance certificates to be issued by the municipality. Under current law, this is the only way to preserve houses and settle ownership. Forbearance certificates allow the homes to be legally bought, sold, or rented. The tender (sale of land) provides funds to the municipality that offset the costs of administrative procedures. This process provides income for the municipality and gives residents in their new capacity of legal owners an incentive to pay taxes and contribute to the growth of the local economy. An overall improvement in quality of life is the result, as municipalities are able to regulate previously illegal neighbourhoods and to provide infrastructure such as water supply and sewage systems. In time, this will lead to improved health and social outcomes and greater community cohesion.

Development of new zoning plans for an area with already existing Roma houses was initiated by the local municipality in the Oreshaka settlement in the city of Peshtera. The houses were built on agricultural land owned at that time by the Biovet company. In 2016, TSA signed a preliminary agreement to purchase the 19,200 sq.m. from Biovet. The plot includes 43 total buildings, 41 of which are used as houses with 246 residents. The goal was to provide a zoning plan which preserves the existing houses and allows for the conversion of agricultural land to urban use so that legal housing can be built. In order to proceed with the project, it was necessary for 16 families to be relocated. With the common efforts of Peshtera municipality, Biovet, and TSA, the families were provided financial assistance to secure alternative housing. For this project TSA received the Sustainable Cities And Human Settlements Awards (SCAHTA). SCAHTA is a worldwide prize annually awarded by Global Forum on Human Settlements (GFHS) and supported by UN agencies including UN Environment, through its SBCI and GI-REC initiatives, and it is focused on promoting the implementation of 2030 Sustainable Development Goals.

¹⁰ A servitude area is a strip of land around some property, e.g. railway, electricity line, production facility, which has to be used for access, maintenance or hazard prevention.

For more information: The 12th Global Forum on Human Settlements & Sustainable Cities and Human Settlements Awards Ceremony http://www.gfhsforum.org/Events?_l=en

Source: Trust for Social Achievement, <http://socialachievement.org/en/what-we-do/program-areas/family-economic-success-program/housing-and-zoning/>

A similar project was implemented in Albania, where by Decree nr. 343 of 29 April 2011 the government passed the ownership of 8,150 square meters of land in Shkozet to the National Housing Agency to construct approximately 70 rental units, social services, kindergartens, etc. to provide Roma families and families with low income with housing (CAHROM, 2013).

Regulatory windows of opportunity

In some countries of Eastern Europe, the practice of providing opportunities for legalization with a time limit has been used. Bulgaria and North Macedonia provide notable examples with very different outcomes.

In Bulgaria for a certain period of time a legal window of opportunity was granted to informal settlers for legalizing informal housing, but very few tried to use this procedure. One of the main conclusions is that negative media accounts boost existing stereotypes and hostility towards the Roma. Responding to popular pressure municipalities are often pressed to undertake evictions and demolitions.

Box 5.7: Building Amnesty Awareness Campaign, Bulgaria

Researches quoted in the National Program for Improving the Living Conditions of Roma in Bulgaria 2005-2015 (NPILCRB, 2005 - 2015), show that in Bulgaria approximately one quarter of Roma dwellings have been constructed illegally (UNDP, 2005). Several generations among some of the Roma communities do not own legal papers for properties to which they were assigned during a process of „forced settlement“: during the communist era in Bulgaria. Like in many other communist countries many Roma families were forcibly settled on state-owned land. After the collapse of the communist system in 1989 and due to the process of privatization and restitution many Roma were forced to abandon even the land that they were living on during the communist period since they have no land ownership documents (Dženo Association, 2005). There are no current cadastral maps for Roma neighbourhoods with accurate property registration and in many settlements there are no detailed zoning plans for Roma settlements (NPILCRB 2005 - 2015). The vast majority of Roma households have no property deeds on the land or buildings they rightfully possess (World Bank, 2017). Their inhabitants are constantly exposed to the threat of forced eviction. Procedures for forcible removal of Roma families from their homes are initiated both by the respective municipalities and by the national directorate responsible for control of illegal construction. The problem is complicated by the fact that according to the law a possible appeal procedure does not suspend its implementation of an order to remove or demolish a house.

In the spring of 2013, the Bulgarian NGO "Equal Opportunities Initiative Association" launched a one-year program "Legalization of Roma Homes" in order to solve a long-standing problem in Roma neighbourhoods – the presence of a large number of illegally built houses. In Bulgaria in January 2004 the last opportunity for remediation of illegal construction was given through special and time-limited provisions enacted by the Parliament. This possibility for legalization was not realized in the Roma neighbourhoods mainly due to lack of information among the owners of illegal houses. Only a few Roma took advantage of the legal opportunity for legalization due to the fact that no legal aid was used, which is necessary given the complexity of the procedures. In this situation, in October 2012, the Bulgarian Parliament adopted a new amendment to the Spatial Development Act. The newly adopted law provides for two opportunities, which could be widely used by the owners of illegal constructions in Roma neighbourhoods.

First option: Building Legalization Document – only for buildings constructed before 26 July 2003. This document was intended to act as a substitute for missing building permits and construction papers. The "window of opportunity" for legalization was limited in the period from 26 November 2012 until 26 November 2013. However, if the document was refused on the grounds of ineligibility, the construction was issued an order for removal, which appears to have deterred many from trying.

Second option: Tolerance Certificates. This document is issued if the construction has been built before 31 March 2001 and if it complies with the provisions applicable at the time of its completion or with the present applicable provisions of the Spatial Development Act. One important advantage of this procedure is that it was not time precluded.

The „Equal Opportunities Initiative Association” carried out the following activities: Information campaign to inform beneficiaries about the opportunities for legalization of houses – through brochures, local meetings, expert consultations on the website of the organization www.equalopportunities.eu, mobile telephone line for legal advice, video materials produced in language understood by the beneficiaries. The information campaign was conducted in most of the regional centres of Bulgaria, where there is a greater concentration of Roma population.

Despite the awareness campaign and the relatively light procedure for obtaining a Tolerance Certificate, very few Roma households have been able to use this opportunity. According to the World Bank this may be attributed to the following requirements of the procedure: 1. Clear ownership status, and 2. Compliance with the building requirements. If any of these two requirements is not met, the applicant is ineligible. The Tolerance Certificate does not create titles of ownership (World Bank, 2017) but it does remove the threat of eviction and demolition. The World Bank experts warn that the retroactive legalization of unlawful constructions will most probably meet massive public outcry because the measure shall be perceived as favouring unlawful constructions belonging to wealthy owners (e.g. owners of hotels and other large, commercial institutions) and recommend a more nuanced approach that can include, at a minimum: Ex-officio identification of land ownership and possibilities for legalization; drafting detailed masterplans; creating financial incentives for the local authorities to pursue legalization; exemption of administrative fees for low income families; etc. (World Bank, 2017). The government does not seem to plan a launch of any new initiatives for legalization and it seems very unlikely that the scope of informal settlement will decrease in the foreseeable future.

Source: Boyan Zahariev & Ilko Yordanov

In North Macedonia opportunity to legalize informal housing was provided as part of a massive campaign, which appears to have been successful in terms of sheer numbers but it is not clear to what extent households living in precarious conditions could benefit, i.e. inhabitants of Roma settlements. The number of legalized units at the end of August 2018 exceeded 200,000 including more than 66,000 in Skopje, which is approximately 47% of all illegal buildings in Macedonia. Legalization has facilitated the operation of the real-estate market (Dimova, 2020).

The example of North Macedonia seems to confirm that simple, transparent and inexpensive procedures in combination with the involvement of local governments and good cadastral maps are key to an effective legalization process. However, lessons from similar efforts that put real estate in the hands of marginalized communities show that the evaluation of such a programme needs a longer perspective. It remains to be seen what effect the operation of the housing market will have on the assets and living conditions of the affected communities. Will they be able to maintain their property and pay utility bills and taxes? Will they be able to stay or will they be forced to move by market-driven gentrification and unemployment or by inadequate public services?

5.4.4 – Implementation of international human rights instruments

Article 31 of the European Social Charter (Revised, 1996) establishes the Right to housing. By binding themselves to the provisions of this Charter, the countries that have ratified or acceded to the international treaty, the so-called States parties, should take legal and practical measures to promote access to housing of an adequate standard, to prevent and reduce homelessness with a view to its gradual elimination, and to make the price of housing accessible to those without adequate resources.

Adding Article 31 in 1996 as part of eight new rights (including the right to protection against poverty and social exclusion in Article 30) “clearly place the Revised European Social Charter at the forefront of instruments protecting economic and social rights in international law” (de Schutter, 2016). However, with regard to the right to adequate housing it is up to the national level to define and decide what the meaning of appropriate standards is (Council of Europe, 1996).

The ratification system of the European Social Charter enables states, under certain circumstances, to choose the provisions they are unwilling to accept as binding international legal obligations. According to the Table of Acceptance of provisions of the Revised European Social Charter (1996) the number of countries ratifying Article 31 on the right to housing is the lowest (almost half of the States Parties are not bound with at least one paragraph of this article (<https://rm.coe.int/country-by-country-table-of-accepted-provisions/1680630742>). Even for the States Parties bound with the Article 31 it cannot be interpreted as imposing an obligation of “results” but rather undertaking actions such as: adopting the necessary legal, financial and operational means of ensuring steady progress; maintaining meaningful statistics on needs, resources and results; undertaking regular reviews of the impact of the strategies adopted; establishing a timetable and striving to keep the deadline for achieving the objectives of each stage; paying close attention to the impact of the policies adopted on each of the categories of persons concerned, particularly the most vulnerable (Council of Europe, 2018).

The compliance with Article 31 (§1) of the Charter implicate opportunities for implementation of positive measures with regard to vulnerable groups with special attention to the situation of Roma and Travellers as a specific disadvantaged group and vulnerable minority. Therefore, special consideration should be given to their needs and their different lifestyle both in the relevant regulatory framework and in reaching decisions in particular cases such as providing a sufficient number of halting sites with adequate living conditions for Travellers and dealing with spatial and social segregation of Roma (poorly built housing, on the outskirts of settlements; *Ibid.*).

The European Committee of Social Rights recommends adoption of a number of legal protection measures for *persons threatened by eviction*:

- an obligation to consult the parties affected in order to find alternative solutions to eviction;
- an obligation to adopt measures to re-house or financially assist the persons evicted in case of eviction justified by the public interest;
- an obligation to fix a reasonable notice period before eviction;
- prohibition to carry out evictions at night or during winter;
- access to legal remedies;
- access to legal aid;
- compensation in the event of illegal eviction;
- respect the dignity of the persons concerned by evictions;
- establishing rules of procedure sufficiently protective of the rights of the persons (Council of Europe, 2020).

The European Social Charter provisions on the right to housing are designed and applied in conjunction with other international human rights instruments like the European Convention for the Protection of Human Rights and Fundamental Freedoms and the United Nations Covenant on Economic, Social and Cultural Rights.

The former contains civil and political rights provisions related to housing rights in Europe – for example: right to respect for private and family life (Article 8), prohibition of discrimination in relation to property status (Article 14) and protection of property (Additional protocol 1952, Article 1).

In the Article 11 of the United Nations International Covenant on Economic Social and Cultural Rights the States parties recognize the “right of everyone to an adequate standard of living for himself and his family, including housing, and to the continuous improvement of living conditions”. In the General Comments no 4 and 7 of the UN Committee on Economic, Social and Cultural the rights to adequate housing, *tenure security* and *protection against evictions* are discussed in detail (for evictions see chapter 3).

Box 5.8: Upgrading the informal settlements vs. destruction of habitat

The human rights approach is operationalised in the New Urban Agenda, which stipulates a new philosophy of the urban policy – enabling all inhabitants “to lead decent, dignified and rewarding lives and to achieve their full human potential”, whether they live in formal or informal settlements. The agenda is upholding the ideas of renewal, regeneration, rehabilitation and upgrading of slums and informal settlements and strengthening and retrofitting all risky housing stock there and engaging in the ‘social habitat production’ (UNHSP, 2017).

With regards to informality, the agenda prioritizes policy measures aimed at: promoting security of tenure and its regularization; devising financing models and mechanisms for low-income households; urban safety, and the prevention of conflicts, crime and violence; access to social services, and green and quality public spaces, energy and transport needs of the residents of informal settlements. It also points out the need for effective measures to prevent and manage the risks of natural disasters in informal settlements and to define and reinforce inclusive and transparent monitoring systems for informality reduction (*Ibid.*).

Recommendations for effective policy measures to reduce the number of slums and informal housing and settlements and to improve the housing access for residents have been developed by the then UN Special

Rapporteur on adequate housing. The rapporteur recalls to the states commitment to take action on Goal 11 of the 2030 Agenda for Sustainable Development to upgrade slums (informal housing) by 2030 and underlines that the inclusionary planning and zoning is conducive to their revitalization. She underlines the need to provide legal aid and equal access to justice and to improve awareness of residents of informal settlements about the right to housing as one of the prerequisites of holding governments and other actors accountable for adequately financed policy (Farha, 2018).

Among the key principles of rights-based upgrading of informal settlements, the rapporteur highlights an integrated approach based on understanding the links between housing and other social rights (incl. rights related to economic, health, educational and other needs of residents). She denies the widespread discrimination and harassment against informal settlement residents, defends the right to remain in situ and links it to opportunities for upgrading and legalization and calls for prevention of corruption, speculations and financialisation related with upgraded properties and prohibition of forced evictions and meaningful engagement with affected communities in cases of resettlements. The rapporteur believes that equal access for informal settlement residents to credit and microfinance will facilitate their active participation in the process of upgrading. The engagement of community in this process shall be based on community democracy, promoting the strength of local social capital and full equal inclusion of women in all aspects of upgrading programs. Furthermore, measures to prevent and deal with violence against women and girls are recommendable. The UN rapporteur concludes that in case of natural disasters faced by informal settlements shall be assessed based on active consultations with local inhabitants.

Finally, one year after its first report the UN rapporteur pleads for community-led, inclusive, enabling and participatory upgrading of housing in informal settlements resting on their perception as “significant accomplishments by residents who have created vibrant, self-sufficient communities in the most adverse circumstances” (Farha, 2019).

Source: Boyan Zahariev & Ilko Yordanov

At a glance

Key points

- According to one influential definition informal settlements are *any human settlement where housing has been constructed without the requisite legal title for ownership and/or use of the land for residential purposes*.
 - The existing informal settlements are a complex phenomenon which cannot be explained simply by treating them as a breach of existing rules and regulations concerning real estate, urban planning and housing construction.
 - Informal settlements are part of a range of informal social and economic practices.
 - Informal settlements have become very widespread globally due to the growing population of the planet, migration and the ensuing fast urbanisation.
 - In some cities in the Global South informal settlements have become the norm rather than an exception.
 - The European Union despite being one of the most affluent regions in the world has its own informal settlements such as migrant camps, slum areas inhabited by Roma and urban squats.
 - Informal settlements have diverse manifestations and serve a variety of purposes: they can be a form of social protest, a survival strategy or an opportunistic move.
 - Informal settlements reveal some of the deepest challenges to housing markets and the supply of affordable housing for the global population including the population of the countries in the European Union.
 - Informal settlements pose a challenge to the ways in which we understand policymaking, including urban planning and human rights
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Start thinking

- In what way do you think informality in Europe differs from informality in the Global South? Think for example of the Roma slums in Nyíregyháza in Hungary and Stara Zagora in Bulgaria as compared to Makoto in Lagos.
 - Do you think that squatting as a protest movement against capitalist property rights is related to survival squatting as practiced by people who have been evicted from an informal settlement?
 - Think about a concrete practice of informality which is practiced in your home country or in a country that you know very well. What type of practice is it? Is there any special term used in the local language to refer to this practice? Can the practice be related to the typology suggested in the chapter on informality?
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Learn more

- Have a look at our corresponding e-module: <https://mdl.donau-uni.ac.at/push/mod/page/view.php?id=100>
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