

The Strasbourg Court rules on Roma-related evictions case

The European Court of Human Rights issued a decision on the 11th of October 2016, on a case concerning the eviction of six Roma families living in Russia.

In May and June of 2006, the Russian authorities demolished approximately 43 family homes of the Roma community while properties of Russian nationals located in the same area, were left standing. Six Roma families lodged an application before the European Court of Human Rights claiming they had been victims of a violation of Article 8 (respect to private and family life) taken alone or together with Article 14 of the Convention due to the demolition of their homes and their forced evictions, which they had been made because they belonged to the Roma community.

The Court repeated its settled case law on the notion of 'home' according to which the Court recalls that the concept of "home" within the meaning of Article 8 of the Convention is not limited to the home or established legally occupied, but it is an autonomous concept which is independent of qualification in domestic law. The question of whether a particular habitation constitutes a "home" under the protection of Article 8 depends on the factual circumstances, notably the existence of sufficient and continuous links with a specific place. In this case the Court found that there was enough evidence to conclude that the demolished properties qualified as 'homes' for the applicants and hence there had been a violation of Article 8 of the Convention because the applicants did not benefit from examination of the proportionality of the interference, as part of legal proceedings concerning the demolition of their homes.

However, both the MRG (Minority Rights Group International) and the ERRC (European Roma Rights Center) who intervened in support of the applicants, expressed concern that the Court failed to find the actions of the Russian authorities discriminatory, or in violation of the Roma community's right to property.

The ERRC commented that this was a lost chance for the Strasbourg Court to provide guidance to governments 'on the steps they must take to ensure that the right to non-discrimination is fully respected and that the right to property is only interfered with in legitimate circumstances'.

It's worth noting that, while highlighting the experience of the Roma community in Russia, the forced eviction phenomena of Roma people, is a Europe-wide problem. Therefore, it is important to raise awareness on this issue, which reflects extreme tendencies of social exclusion of Romani in countries across Europe.

For more information see: [the European Court of Human Rights judgment](#) and the [ERRC press release](#).

*18-10-16, SRDA contrib to PAL (Oct) Newsletter
Antigoni Chatzimichali*