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## Criteria for evaluation of social housing locations

### Livelihood Enhancement for the Most Vulnerable Roma Families in Belgrade

#### EU Funded UNOPS Project

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#### I Introduction

Evaluation of the proposed locations for housing of Belville Roma families is among first activities of the Livelihood Enhancement for the Most Vulnerable Roma Families in Belgrade Project (hereinafter: the Project). The UN human rights mechanisms have defined the basic criteria related to the adequacy of the housing provided, in terms of the state obligation to ensure access to adequate housing to all. For Project related purposes these criteria have been further elaborated and translated to the specific instructions on how to assess each specific criterion.

The Project Team recommends that the Task Force is established, to include representatives of all relevant stakeholders<sup>1</sup> to conduct the evaluation of proposed sites in line with the detailed criteria presented in this document. The Task Force should deliver to the Project Steering Committee<sup>2</sup> detailed report outlining the key recommendations with regards to the each specific site recommended. Upon review of this report the Steering Committee will deliver a decision on acceptability of the proposed locations for construction of housing units within the project.

<sup>1</sup> Project implementing partners, relevant institutions, community representatives, etc.

<sup>2</sup> To be established



## II Relevant Aspects of the Right to Adequate Housing

Right to adequate housing is stipulated in the International Covenant on Economic, Social and Cultural Rights Article 11.1: 'The States Parties to the present Covenant recognize **the right of everyone to an adequate standard of living** for himself and his family, **including adequate** food, clothing and **housing**, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent.'

Content of the right to adequate housing is further on elaborated by the Committee on Economic, Social and Cultural Rights in General Comment 4. This General Comment establishes criteria used to determine the minimum core content of the right to adequate housing. Following is the overview of these criteria as presented in the General Comment 4:

'... the concept of adequacy is particularly significant in relation to the right to housing since it serves to underline a number of factors which must be taken into account in determining whether particular forms of shelter can be considered to constitute "adequate housing" for the purposes of the Covenant. While adequacy is determined in part by social, economic, cultural, climatic, ecological and other factors, the Committee believes that it is nevertheless possible to identify certain aspects of the right that must be taken into account for this purpose in any particular context. They include the following:

(a) Legal security of tenure. Tenure takes a variety of forms, including rental (public and private) accommodation, cooperative housing, lease, owner-occupation, emergency housing and informal settlements, including occupation of land or property. Notwithstanding the type of tenure, all persons should possess a degree of security of tenure which guarantees legal protection against forced eviction, harassment and other threats. States parties should consequently take immediate measures aimed at conferring legal security of tenure upon those persons and households currently lacking such protection, in genuine consultation with affected persons and groups;

(b) Availability of services, materials, facilities and infrastructure. An adequate house must contain certain facilities essential for health, security, comfort and nutrition. All beneficiaries of the right to adequate housing should have sustainable access to natural and common resources, safe drinking water, energy for cooking, heating and lighting, sanitation and washing facilities, means of food storage, refuse disposal, site drainage and emergency services;

(c) Affordability. Personal or household financial costs associated with housing should be at such a level that the attainment and satisfaction of other basic needs are not threatened or compromised. Steps should be taken by States parties to ensure that the percentage of housing-related costs is, in general, commensurate with income levels. States parties should establish housing subsidies for those unable to obtain affordable housing, as well as forms and levels of housing finance which adequately reflect housing needs. In accordance with the principle of affordability, tenants should be protected by appropriate means against unreasonable rent levels or rent increases. In societies where natural materials constitute the chief sources of building materials for housing, steps should be taken by States parties to ensure the availability of such materials;

(d) Habitability. Adequate housing must be habitable, in terms of providing the inhabitants with adequate space and protecting them from cold, damp, heat, rain, wind or other threats to health, structural hazards, and disease vectors. The physical safety of occupants must be guaranteed as well. The Committee encourages States parties to comprehensively apply the Health Principles of Housing prepared by WHO which view housing as the environmental factor most frequently associated with conditions for disease in epidemiological analyses; i.e. inadequate and deficient housing and living conditions are invariably associated with higher mortality and morbidity rates;

(e) Accessibility. Adequate housing must be accessible to those entitled to it. Disadvantaged groups must be accorded full and sustainable access to adequate housing resources. Thus, such disadvantaged groups as the elderly, children, the physically disabled, the terminally ill, HIV-positive individuals, persons with persistent medical problems, the mentally ill, victims of natural disasters, people living in disaster-prone areas and other groups should be ensured some degree of priority consideration in the housing sphere. Both housing law and policy should take fully into account the special housing needs of these groups. Within many States parties increasing access to land by landless or impoverished segments of the society should constitute a central policy goal. Discernible governmental obligations need to be developed aiming to substantiate the right of all to a secure place to live in peace and dignity, including access to land as an entitlement;

(f) Location. Adequate housing must be in a location which allows access to employment options, health-care services, schools, child-care centers and other social facilities. This is true both in large cities and in rural areas where the temporal and financial costs of getting to and from the place of work can place excessive demands upon the budgets of poor households. Similarly, housing should not be built on polluted sites nor in immediate proximity to pollution sources that threaten the right to health of the inhabitants;

(g) Cultural adequacy. The way housing is constructed, the building materials used and the policies supporting these must appropriately enable the expression of cultural identity and diversity of housing. Activities geared towards development or modernization in the housing sphere should ensure that the cultural dimensions of housing are not sacrificed, and that, inter alia, modern technological facilities, as appropriate are also ensured.'

### **III Adequacy of Location in International Standards**

As presented above, CESCR General Comment 4 (GC4) establishes some criteria for locations within the scope of adequate housing criteria. These are: access to employment options, health-care services, schools, child-care centers and other social facilities, temporal and financial costs of getting to and from the place of work and pollution of sites or proximity to pollution sources.

In addition to the GC4 there are other sources that indicate important criteria that should be applied in assessment of suitability of social housing locations.

General Comment 13 (GC13) on the right to education notes physical accessibility among the elements of the minimum core content of the right to education. It stipulates that: 'education has to be within safe physical reach, either by attendance at some reasonably convenient geographic

location (e.g. a neighborhood school) or via modern technology (e.g. access to a “distance learning” programme)’

General Comment 14 (GC14) on the right to the highest attainable standard of health also notes physical accessibility among the elements of the minimum core content of the right to health. It stipulates that

‘health facilities, goods and services must be within safe physical reach for all sections of the population, especially vulnerable or marginalized groups, such as ethnic minorities and indigenous populations, women, children, adolescents, older persons, persons with disabilities and persons with HIV/AIDS. ...’

Additional elaboration of accessibility within the right to health is provided by the World Health Organization and UNICEF in the: Primary Health Care, Report of the International Conference on primary Health Care, Alma-Ata USSR, 1978. Para 68 of this report notes that: ‘Accessibility implies the continued and organized supply of care that is geographically, financially, culturally and functionally within easy reach of the whole community.’; while para 69 adds that ‘Geographical accessibility means that the distance, travel time and means of transportation are acceptable to the people.’

In addition to the criteria stipulated by these UN bodies and organizations, there are also contextual criteria that need to be defined for the purpose of this specific project and these would refer to the status of land to be used for construction of housing, basic infrastructure, situation regarding neighboring communities, segregation/integration potentials, comparison with other locations used for social housing in the same area (City, Municipality).

#### **IV Criteria for Assessment of Locations**

In line with presented above following criteria are proposed for evaluation and assessment of locations to be used for construction of social housing buildings within the Livelihood Enhancement for the Most Vulnerable Roma Families in Belgrade Project.

##### **A) Starting Point Criteria**

The Starting Point Criteria refer to the aspects of proposed locations that should be assessed positively by the Task Force in order for the locations to be assessed adequate and acceptable and in order for the construction to commence.

This set of criteria also comprises availability of safe and suitable land for construction from the standpoint of geo-mechanical properties of the terrain, flood and groundwater protection, as well as necessary requirements of environmental protection and proper distance from the source of pollution and other negative impacts of the environment, all supported with adequate urban technical and property ownership documents.<sup>3</sup>

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<sup>3</sup> “Regulation on standards and norms for planning, design, construction and conditions of use and maintenance of social housing ,“ pursuant to Article 13 Paragraph 7 Social Housing Law (Official Gazette of RS ", No. 72/09) and Article 42 Paragraph 1 Law on Government ("Official Gazette of RS", no. 55/05, 71/05 - correction, 101/07, 65/08, 68/12 - U.S. and 72/12)

1. Purpose of the land in the official urban planning documents of the City of Belgrade  
e.g. whether it is suitable for construction of social housing
2. Clear property and legal issues over land  
The land has to be a property of the local self government (LSG) and has to be legally committed by the LSG for project purposes, there should be no disputes regarding ownership over the land, and similar.
3. Pollution of the site or proximity to pollution sources<sup>4</sup>  
Self-explanatory criterion. In case of doubt, a toxicological study and related risks assessment is to be conducted and disclosed by the authorities.
4. Host community – size and density of the population  
Assesses whether the community will be isolated or is to become a part of already existing local community; whether the site is already overcrowded; integration vs. segregation potentials of the location if selected; possible resistance to the arrival of new neighbors, etc.
5. Comparative review of the specific location in regards to other social housing locations within the City of Belgrade  
Beside standard social housing characteristics, the review also incorporates urban planning requirements for a subjected location, beneficiaries' preference of a particular social housing model and conceptual design, as well as adherence of a housing solution to the norms and regulations of the Social Housing Law. It may, as well refer to the best practices and corrective actions in regards to previous social housing projects.
6. Views and concerns of the target group on locations under assessment  
The Task Force should ensure that legitimate expressions and standpoints given by the targeted Roma population are taken on board during assessment of locations. The Task Force should ensure that the community members give their free and uninfluenced views with regards to the adequacy of the locations under assessment. Special attention should be accorded to soliciting views of women, children and youth besides those of men. The community members should be invited to give their critical views, to express their concerns and to propose possible adjustments, improvements or other actions that could address their concerns.
7. Security issues  
Refer to all the actors in the new community, namely: individuals, groups and institutions within the specific geographic space. Security issues assessment should therefore encompass the existence of civil society organizations, the police and the local authorities that are responsible for delivering security and other services in that area. Special attention is to be accorded to the safety of women and children, safe walking route from the bus stop to the housing units, public lights, etc. This criterion is also related to the relations with host communities and possible issues in that regard.

#### 8. Environmental conditions

This criterion refers to proximity or reasonable reach of public green areas and recreational facilities. Exposure to extreme weather conditions, e.g. extreme heat, strong winds, etc should also be assessed within this criteria. This is particularly important if exposure to extreme weather conditions is disproportionately affecting the area.

### **B) Accessibility and Availability of Services, Costs and Financial Sustainability**

This set of criteria comprises public utility infrastructure, institutions and objects for children's care, education, health protection, social services, park and common grounds for housing and recreational functions, etc. Priority is to be given to the sites with a higher level of infrastructure equipping.<sup>5</sup> Certain aspects regarding this set of criteria can be subject to improvements over time conditioned by the firm commitment of authorities through relevant action planning.

#### 9. Basic infrastructure: roads, safe drinking water and sanitation, sewage and electricity

This criterion should evaluate current infrastructure of the current infrastructure status of the location, its future requirements and technical possibilities or preconditions for providing basic infrastructure, e.g. roads, safe drinking water and sanitation, sewage and electricity. Feasibility and timeframe are to be determined and assessed.

#### 10. Proximity of urban centres and/or existing residential complexes

Urban centre is considered a district having status and powers of self-government, designed to be self-sufficient with its own administration, housing, education, health, commerce and recreation facilities. In line with basic principles of sustainability as stipulated in "Regulation on standards and norms for planning, design, construction and conditions of use and maintenance of social housing"<sup>6</sup> Article 4, with the application of the criteria in Article 8, social housing should be in the proximity of existing residential complexes and other compatible purposes, thus avoiding spatial segregation.

#### 11. Availability and frequency of public transport

This criterion should look into the number and frequency of the bus or other public transport lines as well as the proximity of the bus stop. Assessment of this criterion should also encompass the reality that majority of affected families generate income in grey economy by working in waste collection business in the City centre. Belgrade has an extensive public transport system of buses, trams, trolley buses and trains operated by the city-owned GSP Belgrade participating in Integrated Ticket System. The network of suburban lines spreads radially from Belgrade to the centers of the suburban municipalities, from which the local lines can be used to reach smaller places. Adequacy of frequency of the public transport is to be assessed in each case separately.

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<sup>5</sup> Based on "Regulation on standards and norms for planning, design, construction and conditions of use and maintenance of social housing," pursuant to Article 13 Paragraph 7 Social Housing Law (Official Gazette of RS", No. 72/09) and Article 42 Paragraph 1 Law on Government ("Official Gazette of RS", no. 55/05, 71/05 - correction, 101/07, 65/08, 68/12 - U.S. and 72/12)

<sup>6</sup> This Regulation was adopted by the Government of Serbia on 14th March 2013, under number 05 110-2154/2013

12. Cost of public transport to the closest urban centre<sup>7</sup> and/or destination of relevance

The system of public transportation is unique for the whole city and applies to all public transport vehicles (GSP, private carriers, Lasta and Bg Voz) by using personalized, depersonalized electronic tickets and smart paper cards. This criterion is to assess not whether the families can legally access and use the public transport but whether they can afford to bear the cost of the public transport to the places of work and to the basic services (schools, primary health care centers, etc)

13. Access to employment options or main sources of revenue

Besides regular income generating activities of mainly Roma male population oriented towards urban centres such as the collection and sale of waste, under this criterion the Task Force should also consider other possible sources of revenue and employability of women e.g. seasonal works, cultivation of land, home chores, care-giving, etc. Physical access to employment options should be ensured.

14. Access to health care services<sup>8</sup>

Under this criterion the Task Force should assess whether available primary health care infrastructure is close enough and big enough to provide basic health care services. Distance, working hours, availability of pediatrician and similar is to be taken into account during the evaluation of locations.

15. Access to primary and secondary schools<sup>9</sup>

This criterion should primarily look into primary and secondary school facilities available within the safety and easy reach of children. Distance, travel time needed, and similar aspects are to be taken into account during the assessment for all grades of elementary school as well as for secondary schools.

16. Access to child-care centers<sup>10</sup>

Vicinity and the time travel to the child care centers are to be evaluated.

17. Access to social welfare center<sup>11</sup>

Social protection, as a safety net for the poorest and most vulnerable individuals and families, should guarantee the principle of efficiency, availability and best interest of users. Direct access to social welfare center contributes to building up a tolerant environment and, at the same time, reduces social distance in relation to minority groups. This is why it is important to evaluate distance and the travel time needed to access social welfare centers as well as the associated costs.

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<sup>7</sup> Public transport tickets in Belgrade: Personalized e-tickets are issued for employees (monthly pass, half-month pass). Also, there are monthly prepaid passes for "privileged" categories (the primary and the secondary school pupils, the university and high school students, the unemployed. The day fare of a ride costs is 72 rsd (for 1st or 2nd Zone) and 114 rsd (1st and 2nd Zone). The night fare is 145 rsd (1st or 2nd Zone) and 205 rsd (1st, 2nd Zone)

<sup>8</sup> including cost of public transport, time needed, and 'safe physical reach' element

<sup>9</sup> Ibid

<sup>10</sup> Ibid

<sup>11</sup> Ibid

18. Access to the closest soup kitchen<sup>12</sup>

Same as for the access to social welfare centers, access to the soup kitchens is to be evaluated for each site in terms of the distance, travel time and associated costs. Feasibility of the offered access to the soup kitchens should be duly assessed and coupled with the recommendations for advancement of the service provided.

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<sup>12</sup> Ibid