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SOCIAL JUSTICE AND LEGAL JUSTICE.
A PERSPECTIVE ON FORCED EVICTIONS OF
MARGINALIZED ROMA COMMUNITIES FROM THE
PERSPECTIVE OF HUMAN RIGHTS SOCIOLOGY

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Keywords: social justice, forced evictions, marginalized Roma communities, legal justice, housing

1. Motivation of the research, issues and theoretical framework

This thesis addresses a major issue, often ignored in public and political discourse: the forced evictions of Roma in Romania and their implications from the perspective of social justice and legal justice. The study is motivated by the recurrence of these evictions, accompanied by the lack of adequate housing alternatives, as well as by the profound effects on the affected communities – marginalization, housing precarity, social trauma, and the consolidation of ethnic stigmatization. The paper aims to analyse, from a sociological and legal perspective, the way in which state institutions do or do not contribute to the respect of the right to housing, focusing on the intersection between law, equity, and public policy.

The approach starts from the distinction and correlation between two key concepts: social justice and legal justice. Drawing on the theories of John Rawls, David Miller, Nancy Fraser, and Loïc Wacquant, the research defines social justice as the society's ability to ensure a fair distribution of resources, while legal justice refers to the impartial and equitable application of legal norms. The thesis argues that, in the context of Roma evictions, the two dimensions come into tension – the law may be formally respected, but generate profoundly inequitable social consequences.

The theoretical framework uses concepts from the sociology of human rights, urban sociology, and critical inequality studies, being oriented by literature on social exclusion, spatial marginalization, racialization, and neoliberal governance. It draws on relevant works regarding the right to housing (Harvey, Sassen, Petrovici), as well as on the analysis of concepts such as symbolic capital and structural violence, to understand how forced evictions become practices of institutionalized exclusion. The analytical dimension was strengthened by a reflection on the relationships between the state, law, and vulnerable communities, especially on how state authority can generate or perpetuate structural injustices.

This first part of the presentation outlines the aim of the paper: investigating a profoundly unjust phenomenon, produced not only by the lack of resources, but also by the legal and administrative mechanisms that legitimize it. The thesis does not limit itself to

description, but aims to understand institutional logics and to suggest concrete ways of transforming housing policies into an instrument of social inclusion.

2. Research methodology and ethical considerations

The methodology adopted in this research reflects a complex sociological approach, anchored in the lived reality of Roma communities affected by forced evictions. In order to understand both the impact of these evictions on individuals and the institutional logic that produces and perpetuates them, I opted for a qualitative approach, using three main methods: document analysis, semi-structured interviews, and participant observation. The research did not aim at quantifying the phenomenon, but rather at deepening the understanding of the social and legal processes accompanying evictions, as well as the lived experiences of the evicted persons.

The semi-structured interviews were conducted in three locations – Focșani, Cluj-Napoca (Pata Rât area), and Eforie Sud – and targeted both evicted persons and lawyers, activists, and experts involved in defending housing rights. These interviews enabled the collection of valuable data on housing conditions, the traumas associated with losing one's home, interaction with authorities, as well as the resilience strategies of affected families. The data were corroborated with participant observation carried out during my direct involvement, as a legal advisor and monitor of Roma rights, in legal counselling actions, mediation, or strategic litigation. This double positioning – as researcher and as involved actor – was essential for understanding not only “what” is happening, but also “how” and “why” evictions are systematically produced and tolerated by the authorities.

Reflection on research ethics was constantly present throughout the entire process. Given the increased vulnerability of the interviewees, I paid particular attention to informed consent, the protection of anonymity, and the trust-based relationship between the researcher and the participant. As a Roma person involved in defending the rights of affected communities, I was not perceived as a distant observer, but as a partner in solidarity in the struggle for justice. This relationship facilitated not only access to relevant information, but also the assumption of a responsibility for accurate representation of the lived realities of the interlocutors.

The paper acknowledges the limitations of qualitative research: the selection of cases, although sociologically grounded, cannot reflect all forms of eviction in Romania; moreover, no quantitative measurements or large-scale surveys were conducted. Nevertheless, the qualitative approach allowed for a deep and contextualized understanding of the phenomenon,

offering a detailed picture of the interactions between law, policies, and the daily lives of those excluded from housing.

The chosen methodology not only responds to the objectives of the research, but also reaffirms the need for an engaged social science, in which the production of knowledge is inseparable from solidarity with the researched topics. Ethics in this case is not limited to complying with formal procedures, but involves active engagement, reflexivity, and social responsibility.

3. Analysis of legislation, public policies, and case studies

The thesis provides a rigorous analysis of housing legislation and the institutional framework that regulates the right to housing in Romania. Starting from the Constitution, the Housing Law no. 114/1996 and up to the Social Assistance Law no. 292/2011, the research examines the state's obligations in relation to vulnerable individuals, especially marginalized Roma. The study shows that although a legal framework that recognizes the right to housing formally exists, its application is marked by inconsistency, lack of political will, and, at times, restrictive interpretations that favor evictions to the detriment of social protection.

In addition to national legislation, the study integrates the analysis of international norms on the right to housing, such as the International Covenant on Economic, Social and Cultural Rights (ICESCR), the UN Committee's General Comment no. 7 on forced evictions, as well as jurisprudence from the European Court of Human Rights (ECtHR). Relevant cases such as *Yordanova and Others v. Bulgaria* or *Winterstein and Others v. France* are used to show that evictions must be a last resort, and states have an obligation to provide adequate housing alternatives. In Romania, these standards are often ignored, and evictions are carried out without prior consultation and without real solutions, which flagrantly violates the right to housing and the principles of social justice.

The thesis deepens the analysis of these dysfunctions through the examination of three case studies – Focșani (2010), Cluj-Napoca – Pata Rât (2010), and Eforie Sud (2013) – selected to highlight different forms of forced eviction and institutional responses. In Focșani, authorities provided degraded social housing, insufficient in number and poorly allocated, without real involvement of the affected community. In Cluj-Napoca, more than 1,500 people were relocated near a garbage dump, in an unsanitary area, without adequate access to utilities. The Eforie Sud case is the most severe, involving relocation under conditions of extreme isolation, without water, electricity, or infrastructure, leading to a humanitarian crisis. These cases are analyzed

from the perspective of their social, legal, and symbolic consequences, and in all three, common patterns of institutional discrimination, lack of transparency, and structural marginalization are identified.

The analysis also highlights the role of civil society, particularly non-governmental organizations that have provided legal, social, and humanitarian support to affected communities. In Cluj, the interventions of local and international NGOs partially mitigated the effects of the eviction, in contrast to Eforie Sud, where the absence of external support aggravated the traumas experienced. The thesis underlines the need to include these non-institutional resources in the reconfiguration of public housing policies, especially for vulnerable groups.

The conclusions of these analyses suggest that forced evictions are not merely administrative incidents, but expressions of a form of systemic exclusion and racialization of urban space. Housing marginalization is a phenomenon actively produced at the intersection of law, economy, and urban policies, and combating it requires a profound reform of the way the state understands its social responsibility toward its own citizens.

Chapter 2, entitled *Methodological Aspects*, presents in detail the epistemological options and methodological approaches adopted for conducting the research. A qualitative methodology was used, based on extended case studies, semi-structured interviews, and participant observation, complemented to a limited extent by documentary analysis. Three case studies were analyzed in depth: the forced evictions from Focșani (2010), Cluj-Napoca (Pata Rât, 2010), and Eforie Sud (2013), all involving Roma communities. Beyond the position of researcher, I was also an actor involved in the defense of human rights, serving as a jurist and monitor in several of the cases. This aspect, discussed in the subchapter on ethical considerations, not only facilitated field access for me but also enabled me to directly observe the effects of evictions on the affected communities. I emphasize the importance of the trust relationship with respondents and the ethical protection measures implemented: informed consent, anonymization of data, and avoidance of political instrumentalization of the results.

Chapter 3 analyzes the national and international legal framework concerning the right to housing, placing the concept of legal justice at the center of the debate. The main laws in Romania regarding housing (Law no. 114/1996, Law no. 448/2006, the Civil Code, the Social Assistance Law) are analyzed, and the lack of clear and enforceable legislation that effectively protects vulnerable groups from forced evictions is highlighted. In addition, the relevant jurisprudence of the European Court of Human Rights (ECtHR) is analyzed, with emphasis on the cases of *Yordanova and Others v. Bulgaria* (2012), *Winterstein and Others v. France* (2013),

Hirtu v. France (2019), and *Lingurar and Others v. Romania* (2019). The chapter demonstrates that, despite the existence of a theoretically robust legal framework, its application is fragmented and unequal, and national authorities often interpret the right to housing in a formalistic way, without considering the obligations assumed under international treaties.

Chapter 4 has an interdisciplinary character and focuses on the social and political context of housing in Romania, especially among marginalized Roma communities. I discuss the effects of post-socialist transition processes on the housing system: massive privatization of the state-owned housing stock, withdrawal of the state from the social housing sector, sharp increase in real estate prices, and explosion of urban inequalities. Data is presented regarding average rents in major cities such as Cluj-Napoca or Bucharest, the disparities between urban and rural environments, and the failure of government programs (ANL, social housing, rent subsidies). The analysis is strengthened by real data and sources (FRA, World Bank, Amnesty International, Human Rights Watch, INS, ERRC), highlighting the concrete forms of housing exclusion experienced by Roma: lack of access to services, repeated evictions, administrative barriers, institutionalized discrimination. Numerous concrete cases are also discussed: Ferentari, Prolog, Bacău, Chiajna, Baia Mare, Floreasca, showing how urban policies and the absence of social interventions contributed to the spatial segregation of Roma and the perpetuation of poverty. The subchapter on marginalized Roma communities offers a profound synthesis of the systemic – historical, political, and economic – factors that lead to social injustice in the field of housing.

Chapter 5 is dedicated to the analysis of court rulings and legal mechanisms applicable in cases of forced evictions in Romania. I highlight the tension between the formal legality of these measures and the lack of fairness in their application. Several judicial decisions from national courts are analyzed, including situations where courts failed to take into account the social rights of those evicted, giving priority to administrative interests or property rights. This chapter demonstrates the limitations of the Romanian legal system in effectively protecting the right to housing and emphasizes the absence of clear criteria regarding relocation and post-eviction support. It also discusses the available legal remedies, legislative gaps concerning the obligations of local public administrations, and the lack of effective sanctions for abuses. Opinions of legal experts interviewed are also presented, confirming systemic imbalances in the treatment of vulnerable communities.

Chapter 6 includes the three in-depth case studies, which constitute the central empirical part of the research: Focșani, Cluj-Napoca (Pata Rât), and Eforie Sud. Each case is analyzed starting from the socio-economic context, the administrative eviction action, the community's

reactions, legal actions, and the short- and long-term consequences. In Focșani (2010), the authorities allocated a limited number of social housing units, many of them being degraded, without consulting the affected persons or providing subsequent support for reintegration. The case study highlights institutional formalism and the restriction of intervention to technical solutions, ignoring human and social aspects.

In the case of Cluj-Napoca, the forced relocation of over 70 Roma families from the Coastei area to the landfill at Pata Rât (2010) generated a wave of reactions from civil society, NGOs, and international media. People were moved either into modular housing with minimal facilities or were forced to build shacks on contaminated land. The study highlights the dual reality of the city: modernization and real estate development for some, marginalization and exclusion for others. The author also analyzes solidarity initiatives, campaigns for housing justice, and the direct involvement of organizations in supporting the community. This case clearly illustrates spatial segregation and the racialization of urban housing policies.

In Eforie Sud (2013), the eviction of over 100 Roma individuals was decided by the local administration without any form of notification or prior consultation. People were moved into an abandoned boarding school, without utilities, in unsanitary conditions. Furthermore, the city hall initiated actions against those who refused to leave the public space, invoking “local safety.” The study highlights the punitive nature of this eviction and the complete lack of positive intervention from the authorities. The court decision that confirmed the abusive character of the action is also discussed, although it was not followed by significant reparatory measures.

The comparative table inserted in this chapter allows for a differentiated evaluation of the post-eviction housing situation in the three cases. The analyzed indicators – relocation spaces, access to utilities, subsequent interventions, and housing condition – clearly reveal the discrepancies between cases and the way institutionalized discrimination has deeply affected the right to housing. Additionally, testimonies extracted from interviews are included, offering an important human dimension to the analysis.

The conclusions of this thesis reflect an integrated and critical analysis of forced evictions as a social, legal, and political phenomenon rooted in the structural exclusion mechanisms of the Romanian state. The author demonstrates that the forced evictions of Roma people are not merely isolated episodes of law enforcement but rather expressions of a system that ignores the social dimension of the right to housing and produces injustice in the name of legality. The discrepancy between national legislation and international standards, between

written norms and administrative practices, between formal rights and social reality, constitutes the critical core of this research.

The comparative analysis of the three cases – Focșani, Cluj-Napoca, and Eforie Sud – highlights a broad range of administrative practices and judicial decisions, yet they all share the absence of a people-centered approach. No local authority consulted the affected communities, planned sustainable solutions, guaranteed access to basic services, or supported reintegration after eviction. This lack of institutional responsibility is often accompanied by a blaming attitude toward the evicted, exclusion, and discriminatory treatment, especially in the case of Roma individuals. Even in court, although some decisions acknowledged the abuses, reparatory mechanisms proved to be ineffective or insufficient.

An essential aspect emphasized by the thesis is that forced evictions have structural and long-term effects: they destabilize communities, affect access to education, health, and employment, increase social dependency, and perpetuate intergenerational poverty. In this regard, the thesis shows that forced evictions are not merely administrative or legal acts, but practices of governance through exclusion, with direct consequences on the quality of democracy and social cohesion in Romania.

From a theoretical perspective, the thesis contributes to the development of an interdisciplinary approach in the study of forced evictions, combining the sociology of human rights with public policy analysis and theories of social justice. The relationship between social justice and legal justice, conceptualized in the first chapter, is tested in practice through the empirical analysis of the three cases, and the conclusion is clear: without equity and without public interventions centered on the protection of the vulnerable, legal justice becomes an instrument for perpetuating inequality.

From a methodological point of view, the research is engaged and reflexive. I was not a simple observer of the phenomena but I participate in them as a jurist, Roma rights monitor, and housing justice activist. This involvement brings an added level of authenticity to the research and allows access to the lived experiences of those affected, giving depth and relevance to the data obtained. At the same time, I acknowledge the limits of the research – especially regarding the small sample size and the lack of long-term evaluation – without minimizing them; on the contrary, by formulating concrete proposals for future studies.

The thesis ultimately proposes a set of reform measures: the creation of a national mechanism for the prevention of forced evictions, clear regulation of the obligations of local administrations, the introduction of sanctions for non-compliance with the right to housing, genuine consultation of affected communities, and the strengthening of legal and social support

networks. These proposals are not merely academic recommendations, but the result of applied field research and direct experience in defending the rights of marginalized people.

The work contributes substantially to the Romanian and international academic literature on the right to housing, forced evictions, and Roma inclusion. It offers a critical reading of the relationship between law and social equity, as well as a normative vision of how the state should reform its housing policies and institutions to become truly democratic, inclusive, and just.

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