



7 February 2012

Dear Sirs,

The European Roma Rights Centre (ERRC), NGO Roma Community Centre and Roma Association “Gypsy Fire” are writing to express concern about the intention of the Municipality of Vilnius to demolish the houses of four Romani families in the settlement in Kirtimai, Vilnius.

Three out of four families have received a notice that their houses will be demolished on 13 February 2012.¹ The fourth family received a visit from the police and a verbal notification. Out of the 10 people in the three houses concerned there are six children under twelve years old, including a six-month-old child. The temperature in Lithuania in the current period reaches minus30 degrees during the night.²

ERRC would like to draw attention to the fact that the evictions are scheduled to take place during winter, providing the families with only two weeks notice and without provision of alternative accommodation. The evictions are based on three court decisions taken in the past two years, which declared the houses illegal.³ The decisions state that the demolitions should take place within two months. As this time has now passed, the motivation for carrying out the demolition now, in extreme weather conditions, is unclear.

Without the provision of adequate alternative housing for all affected individuals, including some form of security of tenure, an eviction would constitute a gross violation of Lithuania’s obligations under international human rights law. The planned actions are a violation of the right to life, inhuman, degrading, and discriminating treatment, as well as a violation of the right to respect for privacy and family life, which are sanctioned in the European Convention on Human Rights.⁴

As a State Party to the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the International Covenant on Civil and Political Rights (ICCPR), Lithuania is legally obliged to respect, protect and fulfil the right to adequate housing, including the prohibition on forced evictions.⁵ The UN Committee on Economic, Social and Cultural Rights has defined in General Comment 7, appropriate protections from forced evictions as including the following:

- a. an opportunity for genuine consultation with those affected [and state officials];
- b. adequate and reasonable notice for all affected persons prior to the scheduled date of eviction;

¹ The families received a letter of notification on 27 January 2012

² Information provided by NGO Roma Community Centre and Association Gypsy Fire to the Lithuanian authorities, 2 February 2012

³ 7 June 2009 case nr: 2-1828-155/2009, 17 July 2009 case nr: 2-5721-614/09 , case nr: 2-1658-827/2010 (no date given)

⁴ Articles 3 and 8 of the European Convention on Human Rights, available at:

http://www.echr.coe.int/NR/rdonlyres/D5CC24A7-DC13-4318-B457-5C9014916D7A/0/CONVENTION_ENG_WEB.pdf

⁵ Article 17(1)(2) of the ICCPR and Article 11(1) of the ICESCR, supported by General Comments 4 (right to adequate housing) and 7 (protection against forced evictions) of the Committee on Economic Social and Cultural Rights.

- c. information on the proposed evictions, and, where applicable, on the alternative purpose for which the land or housing is to be used, to be made available in reasonable time to all those affected;
- d. especially where groups of people are involved, government officials or their representatives to be present during an eviction;
- e. all persons carrying out the eviction to be properly identified;
- f. evictions not to take place in particularly bad weather or at night unless the affected persons consent otherwise;
- g. provision of legal remedies; and
- h. provision, where possible, of legal aid to persons who are in need of it to seek redress from the courts.⁶

In addition, the Convention on the Rights of the Child stipulates that states “shall take appropriate measures to assist parents and others responsible for the child to implement this right and shall in case of need provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing”.⁷

The submitting organisations call on your respective offices to suspend the planned demolition of the houses in the Romani settlement in Kirtimai, Vilnius and to provide an alternative solution for the Romani community and their housing needs.

We respectfully request you to promptly inform us of the measures undertaken in this matter.

Sincerely

Dezideriu Gergely
Executive Director
European Roma Rights Centre

Svetlana Novopolskaja
Director
Roma Community Centre

Josif Tyčina
Director
“Gypsy Fire”

⁶ The right to adequate housing (Art.11.1): forced evictions: 05/20/1997. The Committee on Economic Social and Cultural Rights, General comment 7, paragraph 15 and 16, available at:

<http://www.unhcr.ch/tbs/doc.nsf/0/959f71e476284596802564c3005d8d50?Opendocument>

⁷ Convention on the Rights of the Child, Article 27, available at: <http://www2.ohchr.org/english/law/crc.htm#art27>

TO

Mayor Artūras Zuokas
Vilnius Municipality

Ms. Laura Nalivaikienė
State Territorial Planning and Construction Inspectorate, under the Ministry of Environment of
the Republic of Lithuania

Mr. Romas Valentukevičius and Mr. Augustinas Normantas
The Seimas Ombudsmen's Office of the Republic of Lithuania

Ms. Edita Žiobienė
Children's Rights Ombudsman, institution of the Republic of Lithuania

Minister Arūnas Gelūnas
Ministry of Culture of the Republic of Lithuania

Mr. Arminas Lydeka
Committee on Human Rights of the Seimas of the Republic of Lithuania

Baliff Valdas Čeglikas

CC

European Commissioner for Justice, Fundamental Rights and Citizenship, Viviane Reding
European Commissioner for Employment, Social Affairs and Inclusion, László Andor
Head of the Roma Taskforce and European Commission Director-General for Justice,
Françoise Le Bail
President of the European Parliament, Jerzy Buzek
MEP, Livia Járóka
MEP, Kinga Göncz
MEP, Renate Weber
Council of Europe Secretary General, Thorbjørn Jagland
Council of Europe Commissioner for Human Rights, Thomas Hammarberg
Special Representative for Roma Issues to the Secretary General of the Council of Europe,
Jeroen Schokkenbroek
OSCE High Commissioner on National Minorities, Knut Vollebaek
OSCE/ODIHR Senior Advisor on Roma and Sinti Issues, Andrzej Mirga
European Union Agency for Fundamental Rights Director, Morten Kjærum
European Commission against Racism and Intolerance Chair, Nils Muiznieks
European Committee of Social Rights President, Luis Jimena Quesada