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8 April 2009

TO:

Prime Minister Mirko Cvetkovic
Mr Rasim Ljajić, Minister of Labour and Social Policy
Mr Svetozar Čiplić, Minister for Human and Minority Rights
Mr Dragan Đilas, Mayor of Belgrade

Re: Forced Evictions of Romani community in Belgrade

Honourable Sirs:

The European Roma Rights Centre (ERRC)¹ and Human Rights Watch (HRW) are writing to express concern about failure of Serbian authorities to respect the rights of 47 Romani families forcibly evicted from their informal homes in Novi Beograd on 3 April 2009, and to urge you to ensure that in the future similar actions are undertaken in a manner which protects the rights of occupants laid out in international law.

According to media reports and ERRC documentation, on the day in question, police forcibly evicted 128 Romani individuals, including women and children, living in Novi Beograd's Block 67 and destroyed much of their personal property. Some are displaced persons from Kosovo. The day before the eviction was conducted, residents were officially notified that in 15 days they would be removed from the property; less than 24 hours after the notification was delivered, police arrived with bulldozers to carry out the eviction and destroy their makeshift homes.

Although the evicted persons were told that alternative accommodation in containers was available in the Boljevci settlement in the Municipality of Surčin, residents in Boljevci forcibly prevented the evicted individuals from accessing it. As a result, the evicted Roma, including children, were forced to sleep outside without any shelter on the night of the eviction. Some are now staying with neighbours but at least 12 families remain on the streets. We understand that the Mayor of Belgrade has indicated that the Roma who are not registered residents of Belgrade may not seek assistance from the Centre for Social Assistance and the majority of the affected individuals are therefore not able to access alternative accommodation.

The failure of the authorities to ensure adequate protections to the forcibly evicted community is all the more worrying in light of the fact that several other sizable Romani communities face similar actions in the near future.

As the current President of the Decade for Roma Inclusion, the Serbian government committed to addressing housing as a priority area of action. Your government publicly declared commitments to the

¹ The ERRC is an international public interest law organisation engaging in a range of activities aimed at combating anti-Romani racism and human rights abuse of Roma. The approach of the ERRC involves, in particular, strategic litigation, international advocacy, research and policy development, and training of Romani activists.

“legalization and improvement of Roma settlements, relocation, [provision of] low cost housing and [action] combating discrimination.”² In addition, only one week prior to the forced eviction of the concerned Roma, your government enacted a comprehensive new anti-discrimination law, banning discrimination in the area of housing.

Absent provision of adequate alternative housing for all affected individuals, including some form of security of tenure and social assistance for the affected families, the eviction constitutes a gross violation of Serbia’s obligations under international human rights law.

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), Serbia is legally obligated to respect, protect and fulfil the right to adequate housing, including the prohibition on forced evictions.³ The UN Committee on Economic, Social and Cultural Rights has defined, in paragraphs 15 and 16 of its General Comment 7, appropriate protections from forced evictions as including the following:

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

In addition, the Serbian government has a positive obligation to ensure that individuals are not rendered homeless as a result of eviction and, where those affected are unable to provide for themselves, to “take all appropriate measures, to the maximum of its available resources, to ensure that adequate alternative housing, resettlement or access to productive land, as the case may be, is available.”

Since some of the former residents of the Block 67 community are internally displaced persons, they enjoy additional protections enumerated in the Guiding Principles on Internal Displacement. According to these guidelines, which restate and compile human rights and humanitarian law relevant to internally displaced persons, the state has a positive obligation to ensure access to basic shelter and housing (Principle 18, 2b) and no individual covered by the guidelines shall be deprived of property and possessions (Principle 21).⁴

The eviction conducted on 3 April clearly violates the Serbian government’s obligations under international human rights law. On the occasion of International Roma Day, the ERRC and HRW call on your respective offices, in close consultation with Romani organisations, to take immediate and decisive action to ensure an adequate and sustained alternative accommodation to all Roma forcibly evicted by authorities in Novi Beograd on 3 April. In addition, the individuals concerned should be given compensation for lost property and other damage associated with the forced eviction and destruction of property. We also call on you to ensure that other Roma families are protected from forced eviction and that any future actions in relation to evictions are carried out in accordance with Serbia’s international obligations.

² Decade of Roma Inclusion 2005-2015” Serbian Presidency July 1, 2008-June 30, 2009
<http://www.romadecade.org/portal/downloads/Decade%20Documents/Serbia%20Decade%20Presidency%20Program.pdf>

³ 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.

⁴ <http://www2.ohchr.org/english/issues/idp/standards.htm>

We respectfully request you to inform us of the measures undertaken in the matter as a matter of urgency.

Sincerely,



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ERRC Managing Director



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