



4 November 2011

Mr Mirko Cvetkovic, Prime Minister
Mr Milan Marković, Minister of Human and Minority Rights, Public Administration and Local Self-Government
Mr Vladimir Cucić, Commissioner for Refugees of the Republic of Serbia
Mr Dragan Đilas, Mayor of Belgrade
Mr Nenad Milenković, President of the Municipality of Novi Beograd

Dear Sir/Madame,

The submitting organisations are writing to express concern about the intention of the Municipality of Novi Beograd to evict 27 Romani families (111 persons) from the informal Romani settlement in Block 61 in Novi Beograd upon the request of the Building Directorate of Serbia. The vast majority of these families (20 families) are internally displaced persons from Kosovo, including 58 children. According to Praxis documentation, the eviction is planned to be carried out by the end of this year. The Municipality of Novi Beograd has started an eviction process, through conducting inspections and issuing building code violation notices to residents. This process was initiated without arranging any consultation with the Romani families affected, and without planned provision of adequate alternative accommodation.

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 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 obliged to respect, protect and fulfil the right to adequate housing, including the prohibition on forced evictions.¹ 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;
- 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;

¹ 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.

- 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.²

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.”³

Since most of the residents of the Block 61 community are Internally Displaced Persons, they enjoy additional protections enumerated in the Guiding Principles on Internal Displacement. According to these guidelines, which bring together and restate the human rights standards 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

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”.⁵

In April 2011 the Committee on the Elimination of Racial Discrimination expressed concern over the housing situation of Roma. Following a review of Serbia’s compliance with the Convention on the Elimination of Racial Discrimination, the Committee asked the Serbian government “to ensure that any resettlements do not involve further forced evictions and that procedural protections which respect due process and human dignity be put in place”.⁶

The submitting organisations call on your respective offices to suspend the planned evictions of the Romani settlement in Block 61 in Novi Beograd and, according to due process and in close consultation with the Romani community, to find sustainable housing solutions, which will ensure that these families have adequate housing and are protected from further forced evictions.

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

Yours faithfully,

Ivanka Kostic, Executive Director, Praxis
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Andrea Colak, Executive Director, Minority Rights Center
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² 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>

³ General Comment 7.

⁴ Guiding Principles on Internal Displacement, available at: <http://www2.ohchr.org/english/issues/idp/standards.htm>

⁵ Convention on the Rights of the Child, Article 27, available at: <http://www2.ohchr.org/english/law/crc.htm#art27>

⁶ Convention on the Elimination of Racial Discrimination, Concluding Observations: Serbia, 13 April 2011, available at: <http://www2.ohchr.org/english/bodies/cerd/cerds78.htm>

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