



PROCEDURES SPECIALES DE LA
COMMISSION DES DROITS DE L'HOMME

SPECIAL PROCEDURES OF THE COMMISSION
ON HUMAN RIGHTS

Mandates of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living and Independent Expert on Minority Issues established by the Commission on Human Rights

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REFERENCE: AL G/SO 214 (42-3)
RUS 12/2006

7 June 2006

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on adequate housing as a component of the right to an adequate standard of living and Independent Expert on Minority Issues pursuant to Commission on Human Rights resolutions 2004/21 and 2005/79 respectively.

In this connection, we would like to draw the attention of your Government to information we have received regarding the situation of the **Roma minority community in Northwest Federal District of the Russian Federation**.

According to information received, in Northwest Federal District of the Russian Federation, in particular in the towns of Kaliningrad and Arkhangel'sk, Roma are facing serious and targeted discrimination and forced evictions leading to homelessness.

In some parts of Northwest Federal District of the Russian Federation, local politicians are allegedly using anti-Roma discourse in their electoral campaign. Reportedly, they have promised to "clean" their city from "gypsies" if elected. Allegedly, these discourses has been reflected in the mass media, and some politicians have openly accused the local Roma population of Kaliningrad of earning a living on drug trade, and used degrading language describing the Roma population of Arkhangel'sk.

It is further reported that Roma face many registration problems and even refusal to be registered by the authorities. Reportedly, without registration, Roma are denied access to medical care, education, employment, social security and social services and housing.

It is reported that a 1956 Decree "On involving vagrant Roma in labour activities" forced the nomadic Roma to settle, get registered and start working on Kolkhoz-type collective farm. Reportedly, the Kaliningrad administration created the Dorozhny village especially for Roma and since 1956, only Roma have lived there. Allegedly, this village has never had basic living facilities (roads, waste disposal, school, etc.). Reportedly in the years 2000 and 2001, the Roma inhabitants of the village brought cases to the court in order to get their houses recognized as private property. They allegedly received positive answers from the court and the administration of the Guryevsky district of the Kaliningrad province offered the Roma community of Dorozhny to develop a general reconstruction plan for their village, which would include basic services. In March 2001, Roma reportedly presented this plan to the administration, which was allegedly discussed in a special meeting and received general approval.

H. E. Mr. Valery Loshchinin
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It is further reported that the General Prosecutor of the Kaliningrad province intervened and requested that the registration of Roma houses in Dorozhny be stopped, arguing that the situation over there was "criminogenic". As a result, all social development was allegedly stopped and the majority of Roma could not receive any property certificate for their privately owned houses, although most of them have the decision of the court of 2001 as well as official technical certificates for their houses. In their passports, Roma also have reportedly stamps proving registration in their village. According to the information received, at the end of 2005, the Governor of Kaliningrad province Georgi Boos and the local state drug enforcement agency ("Gosnarkokontrol") declared war on drug criminality and, subsequently, dozens of publications in the media appeared describing Dorozhny as a notorious place for drug dealing and it was proposed to destroy a certain number of houses in the village.

It is reported that, in the absence of the defendants, some court decisions were taken on the illegality of the construction of these houses, thus authorizing their demolition. Allegedly, some of the people charged had not received any summons or informed about the demolition plan for their house.

Reportedly, on 28 April 2006, 29 houses were destroyed with bulldozer in the village of Dorozhny and left Roma families including women and small children and babies homeless. During these events, the persons who opposed the destruction of their houses were ill-treated by the local police.

With respect to the situation in Arkhangel'sk, according to information received, a group of Kelderash Roma families (representing more than 100 people) arrived from Volgograd in 2004. Before the move, by September 2004, the families had obtained legal permission to rent the parcels of land located in the Noviposyolok region. The permit was reportedly signed by Arkhangel'sk's mayor at the time, Mr. Nilov, together with other local authorities.

According to information received, the dispute on the settlement of the Roma in Arkhangel'sk was triggered by accusations of Mayor Nilov's political opponent, Mr. Danskoy. Allegedly, Mr. Danskoy accused Mr. Nilov of corruption for permitting the Roma to settle there, and accused the Roma of illegally building houses. After his subsequent election as Mayor, Mr. Danskoy allegedly continued his attacks on Roma with statements such as no citizen "would want Roma for neighbors".

It is reported that legal provisions in the Russian legal system (Town planning codex of the Russian Federation issued 30.12.2004 190 Federal Law, Chapter 6, Article 4755) provides for legalization of illegally built constructions in order to protect their residents. Reportedly, in November 2004, the Roma's attorneys won the court case by claiming that the construction of illegal houses is not a sufficient reason to evict the Roma families since they were legally granted the right to inhabit their properties.

Subsequent to this decision, another legal proceeding was initiated by Mayor Danskoy. As a consequence of the numerous legal proceedings, the media campaign against them, and bad living conditions in disorganized settlement, the Roma finally decided to leave the place.

Without in any way implying any conclusion as to the facts of the case, we should like to appeal to your Excellency to seek clarification of the circumstances with a view to ensuring that the rights of the persons in these Roma minority communities are protected in accordance with the fundamental principles as set forth in the UN International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and the International Convention on the Elimination of all forms of Racial Discrimination, to which the Russian Federation is a Party.

We would further draw your attention to the provisions of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, which stipulates in Article 4 (1) that:

"States shall take measures where required to ensure that persons belonging to minorities may exercise fully and effectively all their human rights and fundamental freedoms without any discrimination and in full equality before the law."

We urge your Government to take all necessary measures to guarantee that the rights and freedoms of the aforementioned persons are respected. We also request that your Government, upon consideration of the legality of these actions, adopts effective measures to prevent the recurrence of acts found to be in contradiction of obligations under international human rights law.

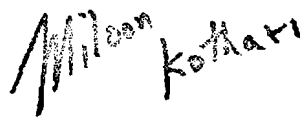
Since we are expected to report on these cases, we would be grateful for your cooperation and your observations on the following matters:

1. What is the existing legal framework and implementation procedures applied to the circumstances of these cases?
2. Have complaints been lodged by the Roma community?
3. Please provide the details, and where available the results, of any investigation, and judicial or other inquiries that may have been carried out in relation to these cases.
4. Please indicate whether compensation has been provided to evicted families, and what measures have been taken to provide alternative housing to affected families.
6. Please provide information on the measures taken to protect the rights of persons belonging to Roma minority communities, including in regard to adequate housing and to registration and access to social services.

Finally, as your Excellency may be aware, the Special Rapporteur on adequate housing has repeatedly drawn the attention to the worrying practice of forced evictions worldwide. Forced evictions constitute prima facie violations of a wide range of internationally recognized human rights and large-scale evictions can only be carried out under exceptional circumstances and in full accordance with international human rights law. In view of this, the Special Rapporteur has recently developed a set of guidelines (E/CN.4/2006/41) aimed at assisting States in developing policies and legislations to prevent forced evictions.

We would appreciate a response by sixty days. We undertake to ensure that your Government's response to each of these questions is accurately reflected in the reports we will submit to the Human Rights Council for its consideration.

Please accept, Excellency, the assurances of our highest consideration.



Miloon Kothari
Special Rapporteur on adequate housing as a component of the right
to an adequate standard of living



Gay McDougall
Independent Expert on Minority Issues