

**NATIONS UNIES
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AUX DROITS DE L'HOMME**



**UNITED NATIONS
OFFICE OF THE UNITED NATIONS
HIGH COMMISSIONER FOR HUMAN RIGHTS**

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Date: 6 May 2009	Number of pages - (this one included) : 6
Subject: COMMUNICATION FROM SPECIAL PROCEDURES ALLEGATION LETTER AL Housing (2000-6) Minorities (2005-1) G/SO 214 (78-12) SRB 3/2009	

Please find attached an allegation letter sent by the Independent Expert on Minority Issues, the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, and the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance

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**PROCEDURES SPECIALES DU
CONSEIL DES DROITS DE L'HOMME**

**SPECIAL PROCEDURES OF THE
HUMAN RIGHTS COUNCIL**

Mandates of the Independent Expert on Minority Issues, the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, and the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance

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REFERENCE: AL Housing (2000-6) Minorities (2005-1) G/SO 214 (78-12)
SRB 3/2009

6 May 2009

Excellency,

We have the honour to address you in our capacities as Independent Expert on Minority Issues, Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, and Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance pursuant to General Assembly resolution 60/251 and to Human Rights Council resolution 7/6, 6/27, and 7/34.

In this connection, we would like to draw the attention of your Excellency's Government to information we have received regarding **alleged forced evictions in Belgrade**.

According to the information received:

On 3 April 2009, a community of about 47 Roma families living in informal homes in Yuri Gagarin Street-New Belgrade and identified as "Roma settlement in block 67" were forcibly evicted, allegedly with the intention to transform the site in view of the World University Games which will take place in Belgrade in July 2009.

On 2 April 2009, the community was reportedly notified of a decision taken by the Communal Inspector of the City Administration and told that they had one hour to remove all their belongings and their shelters from the location. The decision provided a deadline of 15 days to appeal but it also specified that even if

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His Excellency
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an appeal would have been introduced this wouldn't have postponed the execution of the decision. Reportedly, on 3 April 2009 the police carried out the eviction, demolishing the informal homes of the inhabitants of the settlement and destroying much of their personal belongings.

Many of the evictees are children, women and former residents of Kosovo and reportedly no adequate housing alternative has been offered to them. The affected families were told that they could have found accommodation in containers in the Boljevcı settlement-Municipality of Surcin, but allegedly residents in Boljevcı made it impossible for the evictees to access the containers, forming a cordon around the settlement, smashing some containers as well as setting one container on fire. Following these events, women, children and the elderly were reportedly offered shelter accommodation in social care institutions, but families refused this offer to avoid being separated.

While the fate of the majority of the evictees is unknown, it has been alleged that many of them remain homeless and that only 5 families have been sheltered in a social care institution. It has also been reported that the mayor of Belgrade, Mr. Djilas, on various occasions affirmed that authorities would have provided shelter only for Roma families which have a legal residence status in Belgrade. Particular concerns have been raised concerning these pronouncements since thousand of Roma people have no residence status in Belgrade Some of them have residence in other Serbian municipalities, some are former residents of Kosovo and some have no personal documentation. In addition, individuals of Roma origin reportedly face administrative obstacles to register officially, which also contributes to reinforcing their undocumented status. Furthermore, concerns have been raised over alleged racist and anti-Roma comments made by public officials. On 22 April and following a demonstration organized by dozen of the evictees from Yuri Gagarin Street, Mr. Djilas reportedly said that there will be no negotiation on alternative housing for the evictees. At that occasion he also reportedly requested the police to remove the demonstrators from the road they were blocking adding that "two million people living in Belgrade cannot be held hostages of 15 or 150 people".

While we do not wish to prejudge the accuracy of these allegations, we would like to remind your Excellency's Government of Article 11.1 of the International Covenant on Economic, Social and Cultural Rights, of which Serbia is a party, which holds that "the States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions."

As stated repeatedly, including in resolution 1993/77 and 2004/28 of the Commission on Human Rights, forced evictions constitute prima facie violations of a range of internationally recognized human rights, and large-scale evictions may only be carried out under exceptional circumstances and in full compliance with international human rights law.

We would also like to draw your Excellency's attention to General Comment No. 7 on forced evictions, adopted by the Committee on Economic, Social and Cultural Rights in 1997. In paragraph 15, the Committee stated that:

"Appropriate procedural protection and due process are essential aspects of all human rights but are especially pertinent in relation to a matter such as forced evictions which directly invokes a large number of the rights recognized in both the International Covenants on Human Rights. The Committee considers that the procedural protections which should be applied in relation to forced evictions include: (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".

The Committee also underlined that "evictions should not result in individuals being rendered homeless or vulnerable to the violation of other human rights. Where those affected are unable to provide for themselves, the State party must 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."

In view of this, we also wish to refer to the Basic principles and guidelines on development-based evictions and displacement (contained in document A/HRC/4/18) that aim at assisting States in developing policies and legislations to prevent forced evictions at the domestic level. Your Excellency's Government may find relevant sections of the guidelines discussing State obligations prior to, during and after evictions useful in the current circumstances.

Furthermore, the Independent Expert on minority issues draws the attention of your Excellency's Government to the provisions of the 1992 United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities. Article 4.1. of the Declaration states 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." The Independent Expert notes that the alleged evictions of members of the Roma minority community may have additional serious implication including in regard to the welfare and health of affected individuals and the right to education of affected Roma children. In this regard she would like to seek further information and assurances from your Excellency's Government.

We would also like to refer to General Recommendation XXVII on discrimination against Roma adopted by the Committee on the Elimination of Racial Discrimination, in which the Committee recommended Member States:

“31. To act firmly against any discriminatory practices affecting Roma, mainly by local authorities and private owners, with regard to taking up residence and access to housing; to act firmly against local measures denying residence to and unlawful expulsion of Roma, and to refrain from placing Roma in camps outside populated areas that are isolated and without access to health care and other facilities.”

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, adopts effective measures to prevent the recurrence of acts found to be contrary to its obligations under international human rights law.

In this context, we would greatly appreciate detailed information from your Government concerning the situation described in this letter and about the steps taken by the competent authorities in compliance with the provisions of international legal instruments, particularly regarding the following questions:

1. Are the facts alleged in the above summary of the case accurate?
2. On what legal basis was the eviction carried out?
3. What measures were taken to ensure that the eviction was in accordance with Serbia's obligations under international human rights law? In particular, please provide information on:
 - a) Any consultation undertaken with those affected;
 - b) Measures that were foreseen by the authorities to ensure that the forced eviction does not result in homelessness of the affected persons. In this framework, please provide information on what is now foreseen in terms of alternatives for those affected and if relocation sites have been designated, please provide details on the exact location, including on access to public services and livelihood;
 - c) Any assistance, financial or otherwise provided in relation to the forced evictions from the occupied area.
4. Please provide information on the current situation of the families affected by the forced eviction.
5. Do you consider that the community and affected persons was given adequate prior notice before the eviction? Please provide the date of any earlier notification. Were the affected persons given adequate and reasonable time to withdraw their belongings before the eviction or did they only have a few hours?

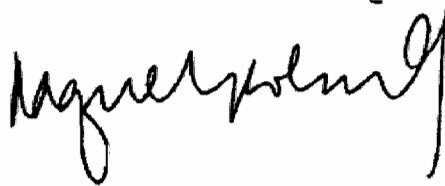
6. Please provide information concerning the right of those affected to appeal the decision prior to its being executed.

We would appreciate a response within 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.

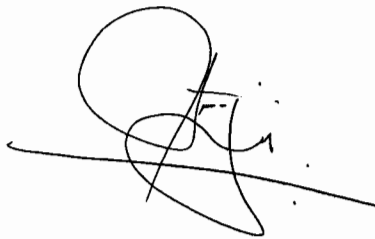
Please accept, Excellency, the assurances of our highest consideration.



Gay McDougall
Independent Expert on Minority Issues



Raquel Rolnik
Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context



Githu Muigai
Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance