
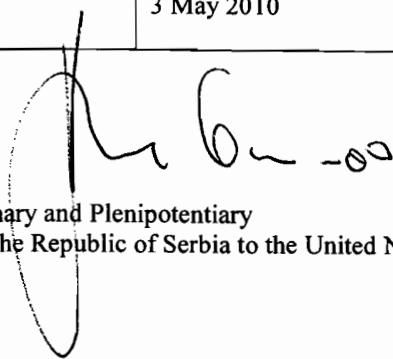


Sent to PN 03/05/2010

NATIONS UNIES				UNITED NATIONS	
OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS					
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		Jane Connors Chief Special Procedures Branch			
Room No.		Tel No.		Date	
3-017		00 41 22 917 92 69		3 May 2010	
Priority		To:			
IMMEDIATE		His Excellency Mr. Ugljesa Zvekic Ambassador Extraordinary and Plenipotentiary Permanent Mission of the Republic of Serbia to the United Nations Office at Geneva Fax: 022 839 33 59			
File No.					
UA Housing (2000-9) Minorities (2005-4) G/SO 214 (78-15) SRB 2/2010					
Subject: COMMUNICATION FROM SPECIAL PROCEDURES: URGENT APPEAL					

(5 PAGES ATTACHED)

Please find attached an urgent appeal sent by 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; the Independent Expert on Minority Issues; and the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance.

We would be grateful if this communication could be transmitted at your earliest convenience to H.E. Mr. Vuk Jeremic, Minister for Foreign Affairs.

**NATIONS UNIES
HAUT COMMISSARIAT DES NATIONS UNIES
AUX DROITS DE L'HOMME**



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

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

Mandates of 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; the Independent Expert on Minority Issues; and the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance

**SPECIAL PROCEDURES OF THE
HUMAN RIGHTS COUNCIL**

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REFERENCE: UA Housing (2000-9) Minorities (2005-4) G/SO 214 (78-15)
SRB 2/2010

3 May 2010

Excellency,

We have the honour to address you in our capacity as 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; Independent Expert on Minority Issues; 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 resolutions 6/27, 7/6, and 7/34.

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

According to the information received:

On 30 March 2010, Belgrade's Deputy Mayor publicly announced that evictions would purportedly begin at the end of April 2010 to make way for an access road for a planned new bridge over the River Sava, affecting approximately 300 households in an informal settlement known as Belvil, in Belgrade. Reportedly, the Roma community in Belvil has not yet been informed about the evictions plan but four families have received an eviction notice. According to the allegations, Belgrade city employees have visited Belvil and threatened members of the Roma community with imminent eviction. Local authorities have allegedly made no attempt to consult with the affected community on the eviction plans or feasible alternatives to evictions. Moreover, the community has not yet been informed of, or offered any alternative adequate housing. Instead, it is reported that the Deputy

His Excellency
Mr. Ugljesa Zvekic
Ambassador Extraordinary and Plenipotentiary
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Mayor has said that the families will be housed in containers. Other Roma families in Belgrade are purportedly living in these containers after having been evicted last year. Reports indicate that the containers are poorly ventilated, damp and overcrowded.

According to the allegations, in that same week, 35 families were reportedly evicted from another Roma settlement in the city of Belgrade, known as Vidikovac, in the municipality of Rakovica. Reports indicate that there may be more forced evictions in this community in the upcoming weeks. In addition, it is reported that on 20 March 2010, 30 Roma families, comprising more than 150 people, were forcibly evicted from their homes in the Lazara Kujundžica Street in the municipality of Cukurica of Belgrade. According to witness reports, the eviction, which took place around 7 o'clock in the morning, took the inhabitants of the settlement by surprise. Reportedly, the affected families were not given sufficient time to retrieve their belongings, which were destroyed when the houses were bulldozed. Against its promise, the municipality allegedly failed to provide alternative accommodation to the families who had to spend the night in a Roma cultural centre in Železnik. Some of the evicted families are residents of the Municipality of Vladicin Han, the Municipality of Surdulica, and other areas outside of Belgrade, but were living in the settlement in Lazara Kujundžica Street where they can access better sources of livelihood. According to the allegations, the day after the evictions, representatives of the municipality offered 10,000 to 15,000 dinars to those prepared to return to their home towns or villages away from Belgrade. Seven families from Belgrade were promised alternative accommodation in Belgrade, but no date and location for such a solution were announced yet.

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, to which Serbia is a party, which states that "the States Parties to present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including housing, and to the continuous improvement of living conditions". The Committee on Economic, Social and Cultural Rights commented the right to adequate housing in its General Comment No. 4, stressing that the right to housing should not be interpreted in a narrow or restrictive sense such as merely having a roof over one's head; rather, it should be seen as the right to live somewhere in security, peace and dignity. With "due priority to those social groups living in unfavorable conditions," the right to housing includes guaranteeing: (a) legal security of tenure; (b) availability of services, materials, facilities and infrastructure; (c) affordability; (d) habitability; (e) accessibility; (f) location; and (g) cultural adequacy. The Committee also added that "the right to housing should be ensured to all persons irrespective of income or access to economic resources".

As repeatedly stated, including in resolutions 1993/77 and 2004/28 of the Commission on Human Rights, forced evictions constitute prima facie violations of a wide range of internationally recognized human rights and large-scale evictions may only

be carried out under exceptional circumstances and in full accordance with international human rights law. According to the General Comment No. 7:

“15. 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.

“16. 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.”

Furthermore we should like to appeal to Your Excellency's Government to guarantee the right to equality and non-discrimination of these persons in accordance with article 1 of the Universal Declaration of Human Rights and article 2 of the International Covenant on Civil and Political Rights to which country Serbia is a party.

In view of this, we wish to recall the existence of 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 useful in the current circumstances the sections of the guidelines that focus on State obligations prior to, during and after evictions.

Furthermore, we draw 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 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

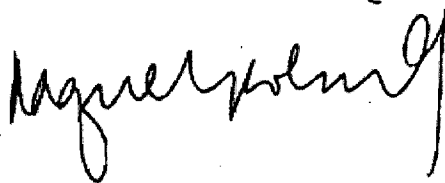
right to education of affected Roma children. In this regard we would like to seek further information and assurances from your Excellency's Government.

As it is our responsibility, according to the mandates entrusted to us by the Human Rights Council, to clarify all allegations brought to our attention. We would therefore greatly appreciate detailed information from your Government concerning the above situation and about the measures taken by the competent authorities. We would in particular appreciate to receive information on the following points:

1. Are the facts alleged in the above summary of the case accurate?
2. Has a complaint been lodged by or on behalf of the alleged victims?
3. Please provide the details, and where available the results, of any investigation, and judicial or other inquiries carried out in relation to this case. If no inquiries have taken place, or if they have been inconclusive, please explain why.
4. Did appropriate consultations take place with the affected persons? If yes, please give the details, date and outcome of these consultations.
5. What measures have been foreseen to ensure that the persons affected by the forced evictions and displacements, will not become homeless?
6. Were the affected persons offered compensation for the loss of their houses and livelihood? If not, state the reasons for this decision. What has been foreseen in terms of relocation?

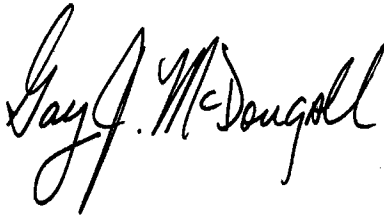
We undertake to ensure that your Excellency's Government's response to each of these questions is accurately reflected in the report we will submit to the Human Rights Council for its consideration.

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

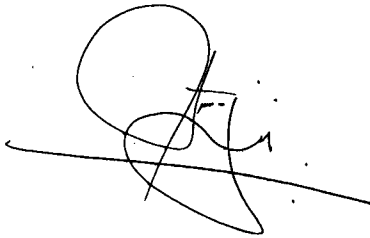


Raquel Rolnik

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



Gay McDougall
Independent Expert on Minority Issues



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

* * * RAPPORT DE RESULTAT DE LA COMMUNICATION (3. MAI. 2010 13:16) * * *

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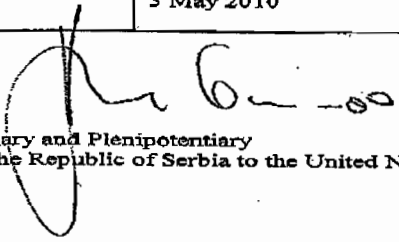
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E-3) PAS DE REPONSEE-2) OCCUPE
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