

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 Special Rapporteur on the human rights of internally displaced persons; and the Special Rapporteur on minority issues

REFERENCE: UA
SRB 2/2015:

21 July 2015

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; Special Rapporteur on the human rights of internally displaced persons; and Special Rapporteur on minority issues pursuant to Human Rights Council resolutions 25/17, 23/8, and 25/5 respectively.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the **alleged imminent eviction of approximately 40 Roma households (estimated between 200 and 250 people, mostly internally displaced persons from Kosovo) residing in the informal settlement of Grmec in Zemun, Belgrade**. These families face immediate eviction from their homes due to a recent eviction order dated 7 July 2015.

According to information received:

For several years, a Roma community of approximately 40 households or between 200 and 250 people, many of them internally displaced, have been occupying public land upon which they have built the informal settlement of Grmec in Zemun, Belgrade. Though precise information is unavailable, we have indications that there are a high number of children, including at least 4 infants and 2 pregnant women among the residents. Reportedly, some of the people who will be evicted have been residing in the settlement since 1999, though most of them have not been able to officially register as residents of Belgrade. Consequently, they lack access to health services and facilities, social assistance and other basic services.

It was reported that on 7 July 2015, eviction notices were delivered to the Roma residents of the Grmec settlements alleging lack of construction permits, as provided for by the Law on Planning and Construction. However, according to the information received over 1.5 million construction projects have taken place across the country without such permits having been issued, and most have not resulted in eviction or demolition.

More recently, the Construction Inspectorate of the Municipality of Zemun issued executive order of demolition of the Grmec settlement. According to this order, the inhabitants are obliged to demolish their homes within 24 hours of receiving the notice. Failure to comply with the eviction orders would result in their enforcement.

The inhabitants have reported that no alternative accommodation or resettlement plan has been offered to them and no discussion has taken place with the Municipality or other levels of government in this regard. Hence, it is expected that after the demolition of their homes, they will be left homeless. In addition, information provided to us suggests that even in the case that an appeal is filed by the residents at risk, there is a strong likelihood that the eviction will go ahead, given that under Serbia's legislation, an appeal does not provide injunctive relief or stay the execution of eviction orders.

While we do not wish to prejudge the accuracy of these allegations, we wish to express serious concern that approximately 250 Roma individuals residing in the Grmec settlement in the Municipality of Zemun, Belgrade face an imminent eviction without any resettlement or alternative accommodation proposed by the relevant city authorities or the Government, contrary to international human rights law. Eviction of these families may result in homelessness of hundreds of people, which is strictly forbidden under international human rights standards.

Grave concern is expressed that this situation occurs in the context of lack of access to adequate housing for the Roma minority, which is often subject to discrimination, spatial segregation and forced evictions. Furthermore, as the eviction orders appear to solely target the Roma residents in the settlement on the grounds of lack of construction permit, while ignoring the large number of seemingly unlawful constructions throughout the country, this selective, less-favorable treatment may therefore amount to discrimination on an ethnic basis and a serious violation of international human rights law.

We call your Excellency's Government's attention to articles 2 and 11 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) These articles guarantee non-discrimination in the exercise of the rights in the Covenants, and the right to an adequate standard of living, including housing, respectively, acceded by Serbia on 12 March 2001. The Committee on Economic, Social and Cultural Rights in its General Comment No. 4 has stressed that the right to adequate housing includes various aspects such as legal security of tenure to protect against forcible evictions and other threats; and in

its General Comment No. 7 has noted that States must ensure, prior to carrying out any evictions, that all feasible alternatives are explored in consultation with the affected persons, that alternatives are provided to avoid homelessness and that due process is ensured.

We also refer to General Comment 27 on discrimination against Roma of the Committee on the Elimination of Racial Discrimination, which notes that States must avoid any discriminatory practices affecting Roma, including regarding access to housing, and in particular must act firmly against local measures denying residence to, and unlawful expulsion of Roma.

We recall the Guiding Principles on security of tenure for the urban poor (A/HRC/25/54) prepared by the Special Rapporteur on adequate housing's predecessor and the actual Special Rapporteur on adequate housing recent report on the obligations of subnational governments in the implementation of the right to adequate housing (A/HRC/28/62).

We also refer to the recent Study of the Special Rapporteur on minority issues on the Global Situation of Roma (A/HRC/29/24) which notes that measures to confront the social-economic exclusion of Roma, including ensuring the right to adequate housing, must be part of a broader approach that fosters Roma inclusion in all aspects of the life, including through tackling the widespread prejudice, discrimination and racist attitudes against Roma, including anti-Gypsyism that Roma communities regularly face.

The full texts of the human rights instruments, standards and reports recalled above are available on www.ohchr.org or can be provided upon request.

In view of the urgency of the matter, we would appreciate a response on the initial steps taken by your Excellency's Government to safeguard the rights of the above-mentioned person(s) in compliance with international instruments.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and any comment you may have on the above mentioned allegations.
2. Are the facts of the case summarized above accurate?
3. Please provide further information and details about the jurisdiction and the legislation that served as basis for the eviction order.
4. Please indicate if all feasible alternatives to eviction were explored in consultation with the residents of the informal settlement of Grmec and if so,

please provide details as to why proposed alternatives to the eviction were unsuitable.

5. What measures have been taken by the City of Belgrade in general, and the Municipality of Zemun in particular, as well as the central Government to address the substandard housing conditions and lack of adequate alternatives for the Roma minority? Please provide details of the specific policies and programmes in place or being planned in this regard.
6. Please indicate what measures and mechanisms are in place to provide shelter and emergency assistance to internally displaced persons, including those belonging to Roma minority, who live in informal settlements. Please provide full details of the obligations of relevant authorities and institutions in this matter.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the threatened forcible eviction of the residents of the informal settlement of Grmec in Zemun, Belgrade.

Your Excellency's Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

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

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