

SERBIA

**BRIEFING TO THE UN
COMMITTEE ON THE
ELIMINATION OF RACIAL
DISCRIMINATION**

78th session February 2011

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1. INTRODUCTION

Amnesty International submits the following information for consideration by the United Nations (UN) Committee on the Elimination of Racial Discrimination (the Committee) in advance of its examination of Serbia's initial report, submitted under Article 9 of the International Convention on the Elimination of All Forms of Racial Discrimination (the Convention).¹ This briefing summarizes Amnesty International's assessment of Serbia's implementation of Articles 5 and 6 of the Convention, focussing on its failure to guarantee the right to adequate housing to Romani people in Serbia, without discrimination.

The organization has documented a pattern of forced evictions of Romani communities in Belgrade, the capital city of Serbia. It has also found that the resettlement provided to communities who have been forcibly evicted, in a number of cases does not meet international standards relating to the adequacy of housing and contributes to further segregation of these communities.

Further, the lack of safeguards under national law has particular consequences for Romani communities who – almost uniquely - are at high risk of forced evictions. The organization considers that Serbia is failing to guarantee the right to adequate housing without distinction on the basis of ethnicity.

Amnesty International has also documented violations of the rights to freedom of movement and residence of Romani people who have been forcibly internally displaced to Southern Serbia as well as discrimination against internally displaced Roma from Kosovo and forced returnees.

Amnesty International regrets that in a number of fundamental respects Serbia has failed to honour its obligations under the Convention. The present briefing focuses on discrimination against members of the Romani community in Serbia in relation to the right to adequate housing, and in particular on the rights of those living in informal settlements, where the organization focuses on the following concerns:

- The forced eviction of Romani people from informal settlements in Belgrade, and the consequent denial of other convention rights, before during and after eviction;
- The denial of the right to freedom of movement and residence;
- Failure to guarantee the rights of internally displaced Roma.

¹ Committee on the Elimination of Racial Discrimination, *Reports submitted by States parties under Article 9 of the Convention: Initial report of States parties due in 2008: Serbia*, UN Doc. CERD/C/SRB/1, 1 October 2009, hereinafter CERD/C/SRB/1.

2. BACKGROUND

The duty of states to guarantee the right to housing without discrimination is set out in Article 5(e)(iii) of the Convention, read in conjunction with Article 2.² This duty is clarified by the Committee in General Recommendation 27, which calls on States Parties “to develop and implement policies and projects aimed at avoiding segregation of Roma communities in 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.”³

The guarantee of rights without discrimination is set out in Serbia’s Constitution, which at Article 14 provides for the protection of national minorities,⁴ and at Article 18 for the direct application of international standards related to Human and Minority Rights.⁵ Discrimination is prohibited under Article 21,⁶ which also provides for special measures to address discrimination against a particular group. The right to redress, including to international bodies, is guaranteed under Article 22.⁷ The prohibition against discrimination is further elaborated (and defined in accordance with the EU Equality Directive) under the Anti-Discrimination Law (ADL), adopted in March 2009. Prior to the introduction of the ADL, civil complaints in cases of discrimination could be brought under Article 16 of the Law on

² States parties are obliged to “condemn racial discrimination and undertake to pursue by all appropriate means and without delay a policy of eliminating racial discrimination in all its forms” including undertaking “to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of the following rights: ...[...] Economic, social and cultural rights, in particular [...]The right to housing.”

³ CERD, *General Recommendation XXVII*, para. 30 – 31.

⁴ Article 14, The Republic of Serbia shall protect the rights of national minorities. The State shall guarantee special protection to national minorities for the purpose of exercising full equality and preserving their identity.

⁵ Article 18, Human and minority rights guaranteed by the Constitution shall be implemented directly. The Constitution shall guarantee, and as such, directly implement human and minority rights guaranteed by the generally accepted rules of international law, ratified international treaties and laws.

⁶ Article 21, All are equal before the Constitution and law. Everyone shall have the right to equal legal protection, without discrimination. All direct or indirect discrimination based on any grounds, particularly on race, sex, national origin, social origin, birth, religion, political or other opinion, property status, culture, language, age, mental or physical disability shall be prohibited. Special measures which the Republic of Serbia may introduce to achieve full equality of individuals or group of individuals in a substantially unequal position compared to other citizens shall not be deemed discrimination.

⁷ Article 22, Everyone shall have the right to judicial protection when any of their human or minority rights guaranteed by the Constitution have been violated or denied, they shall also have the right to elimination of consequences arising from the violation. The citizens shall have the right to address international institutions in order to protect their freedoms and rights guaranteed by the Constitution.

Obligations.⁸

2.1 POSTIVE DEVELOPMENTS

During the period under review, the Serbian government has adopted a series of laws and policies and taken various measures to improve the rights of the Romani community in Serbia, including measures to guarantee them the right to adequate housing.⁹

Amnesty International notes that on 1 July 2008, when the Serbian government assumed the year's Presidency of the Decade of Roma Inclusion, the Ministry of Human and Minority Rights declared housing to be one of the government's four priorities. Commitments were made to address the legalization and improvement of Roma settlements, the relocation of "slum" settlements and the provision of low-cost housing.¹⁰ Subsequently, in November 2008, a conference addressing the "Improvement and legalization of Roma settlements" included several case studies of housing projects underway in municipalities across Serbia.¹¹

Following the submission of the State Party report, in August 2009 the government adopted a Law on Social Housing, which entered into force in September, and by September 2010, had developed a National Strategy for Social Housing; a national Housing Agency is to be established in 2011.

Despite these measures, Amnesty International considers that during the period under review, and since 2008, the government of Serbia has failed to ensure the implementation of measures envisaged to guarantee the right to adequate housing to Roma in Serbia.

2.2 INFORMAL SETTLEMENTS

Government estimates of the Roma population of Serbia provided by the state party vary

⁸ See for example, the "Krsmanovaca" case, in which Romani individuals brought a successful complaint against the management of a swimming pool from which they had been denied entry, http://www.equalrightstrust.org/ertdocumentbank/550014425_2_PILI%20Project%20-%20Serbia%20National%20Case%20Law%20Template.pdf

⁹ For example, the adoption of *Guidelines for Promoting and Legalizing the Roma Informal Settlements* in January 2007, CERD/C/SRB/1, para 76; adoption of the National Strategy for the Promotion of the Position of Roma in April 2009, CERD/C/SRB/1, para 76.

¹⁰ <http://www.romadecade.org/files/downloads/Decade%20Documents/Serbia%20Decade%20Presidency%20Program.pdf>. The Serbian Decade of Roma Housing Action Plan envisaged the construction of 3,600 new apartments by 2010, <http://www.romadecade.org/files/downloads/Decade%20Documents/ap-housing-serbia.pdf>

¹¹ Government of Serbia, 2nd Decade of Roma Inclusion Housing Workshop. The conference also included a presentation by the City of Belgrade authorities on the *Relocation of Settlements that Cannot Be Improved - The Case of the Settlement under the Gazela Bridge*; this included details of the proposed resettlement of Roma living under the Gazela Bridge in Belgrade, which at that time included plans for social housing, which were to be constructed in consultation with the affected community. http://www.romadecade.org/2nd_decade_of_roma_inclusion_housing_workshop

between 250,000 and 500,000,¹² including between 22-46,000 Roma who remain internally displaced persons (IDPs) in Serbia after fleeing from Kosovo following the international armed conflict in 1999 and the inter-ethnic violence of March 2004.¹³

According to the State Party report, “[t]here are some 600 Roma settlements in Serbia and/or over 100 in Belgrade only. These are mostly illegal and non-hygienic settlements and/or without a legal basis and in severely bad conditions”.¹⁴ According to Deputy Prime Minister, Bozidar Delić in 2008, out of 593 Roma settlements, 72 per cent are partially legalised or not legal, of which 43.5 per cent he considered to be slums. He stated that approximately 60 per cent of Roma lived in unhealthy and unsafe environments, with 30 per cent having no access to a public water supply, and 70 per cent with no access to sanitation.¹⁵

Amnesty International notes that while other ethnic groups, particularly in southern Serbia, do not have adequate housing, Roma disproportionately – indeed almost exclusively – make up the population of informal settlements across Serbia. The population includes Roma driven into poverty and consequently made homeless; Roma from other areas of Serbia, particularly southern Serbia, who are seeking work in cities and large towns; internally displaced Roma from Kosovo; migrants from other former Yugoslav republics; and persons deported from EU member states where they had migrated during the 1980s and after the collapse of the Socialist Federal Republic of Yugoslavia.

Many of those living in such informal settlements, including in particular IDPs from Kosovo living in Belgrade, have been subject to repeated forced evictions, and many live under constant threat of such forced evictions.

The living conditions in the majority of informal settlements in Serbia are often appalling. Generally constructed on wasteland, unused industrial land or waste dumps, houses (called barracks) are built from recycled materials, including wood and cardboard; some structures may be built of brick or other salvaged building materials.

Informal settlements in Belgrade include illegally-occupied properties, abandoned properties or barracks built by the residents themselves. Barracks may also be purchased from others for a fee of between €50- €200. Most have at least two rooms, with an additional entrance room for dirty shoes and water-containers. Despite their surroundings, the residents manage to keep the houses clean and warm, primarily due to the work of the women who use wood-burning stoves for heating, boiling water and cooking. But despite layers of carpets and lino, damp still comes up through the floor.

In southern Serbia while some informal settlements include more substantial properties,

¹² CERD/C/SRB/1, para.73.

¹³ In 2008, the government estimated 270,000 inhabitants, 46,000 of whom were internally displaced persons from Kosovo, Bozidar Delic, *Decade of Roma Inclusion, Republic of Serbia – Taking over the Presidency*, 24 June 2008.

¹⁴ CERD/C/SRB/1, para.73.

¹⁵ Bozidar Delic, *Decade of Roma Inclusion, Republic of Serbia – Taking over the Presidency*, 24 June 2008.

constructed with brick and other durable materials, they are often half built, pending the raising of sufficient money to buy building materials. Water comes from pumps or standpipes; electricity is often unlawfully tapped off the mains; there is no drainage or sewage system to carry human waste away from settlements.

Other informal settlements consist of makeshift shacks made of cardboard, metal scraps and mud bricks, which often lack windows, adequate walls and in some settlements visited by Amnesty International in southern Serbia in June 2010, lack a full roof, thus leaving areas of the house open to the elements.

2.3 VIOLATIONS OF CONVENTION RIGHTS

While almost all Roma in Serbia experience discrimination, those living in informal settlements experience further discrimination in relation to their right to adequate housing as well as a range of other human rights, guaranteed under the Convention and other international treaties to which Serbia is party.¹⁶

2.3.1 DENIAL OF RIGHT TO RESIDENCE AND THE IMPACT ON OTHER RIGHTS INCLUDING ACCESS TO HEALTH CARE, EDUCATION AND WORK (ARTICLE 5)

Because these settlements have not been legalized, those living in informal settlements are unable to register their residency lawfully, as they do not have a legal address.¹⁷

Without a legal address, they are unable to obtain a residence permit, which consequently denies them access to other human rights, including to social assistance. Many Roma are thus often registered at a legal address elsewhere, or sometimes provided with an address by compassionate public officials. Until recently they were denied access to medical care because of their lack of residency. Amnesty International therefore welcomes amendments to the Rules of Procedure for Exercising the Right to Obligatory Health Insurance, adopted by the Institute for Health Insurance on 9 July 2010, in which Article 7, paragraph 11 of the Rules now enables Roma to obtain a health booklet even if they do not have a registered temporary residence.¹⁸

According to the Deputy Prime Minister, Bozidar Delić, the Roma population of informal settlements in Belgrade have a significantly lower life expectancy than the average Belgrade citizen. Reports by several international NGOs have shown that the health of women in particular is significantly worse than that of the general population as a result of inadequate

¹⁶ For further information see Shadow Report to the CERD, submitted by the Serbian non governmental organizations Praxis, Regional Centre for Minorities, Centre for Ecology and Sustainable Development (Centar za ekologiju i održivi razvoj, CEKOR) and *Network of Committees for Human Rights in Serbia* (CHRIS).

¹⁷ The NGO Praxis has advocated a model Bill on [the] Procedure for Recognition of Persons before the Law_ on Legal Subjectivity which would provide for the registration of those living in informal settlements, see *Bill on the Procedure for Recognition of Persons before the Law_ with explanation* (pdf) at http://www.praxis.org.rs/index.php?option=com_content&task=view&id=181&lang=en.

¹⁸ Praxis, *A Step Forward in Roma National Minority Exercising Right to Health Care*, July 2010, http://www.praxis.org.rs/index.php?option=com_content&task=view&id=181&lang=en

living conditions, substandard housing, poverty and “the disadvantaged position of Romani women within their domestic setting”.¹⁹ The denial of the right to adequate housing impacts disproportionately on women in informal settlements, without access to running water and sewage, intermittent electricity, and responsible for the care of the household and the health of young children. In the absence of documentation, women wishing to give birth in hospital will often borrow a friend or relative’s residency card. In addition women who have no other housing option are more often than not forced to remain in a situation of domestic violence.²⁰

While 66 per cent of Romani children enrol into primary school, only 10.2 per cent of children living in Roma settlements do so.²¹ In many cases, this is because only the children of parents with residency are able to enrol, or because they are children of IDPs resident at settlements. This is not only in violation of Article 5 (e) (v) of the Convention but, because few Romani children in general complete their elementary education, they are consequently ineligible to register at the State Employment Office, denying them opportunities for employment.

Further, in the absence of security of tenure, Roma living in such settlements have no protection against arbitrary forced eviction (see below), harassment and other threats.²²

2.3.2 SECURITY OF PERSON

Physical attacks by state officials have been reported during eviction. In the absence of investigations into such allegations, complaints have been taken to regional and international treaty bodies.²³ Amnesty International is also aware of several cases in which Roma living in informal settlements have been attacked by non-state actors, and where no action has been

¹⁹ *Oral Statement on the current situation of Romani women in Serbia by the European Roma Rights Centre, Bibija, Eureka and Women’s Space*,
<http://www.erc.org/cms/upload/media/03/7E/m0000037E.pdf>

²⁰ Amnesty International interview with Romani women’s NGO, Bibija, 2010.

²¹ *Multiple Index Cluster Survey, Serbia*, UNICEF Belgrade, 2005,
<http://www.childinfo.org/mics/mics3/archives/serbia/survey0/outputInformation/reports.html>

²² As the Centre on Housing Rights and Evictions has noted, “The lack of security of tenure leads many Roma and Traveller communities to be reluctant to invest in improving their homes for fear that such investments will only be destroyed or taken away from them if they are evicted. This fear, and the lack of willingness of States to make similar investments, reinforces their social exclusion and poverty”, COHRE *Towards Realizing the Housing Rights of Roma and Travellers in Europe* 14 October 2010,
http://www.cohre.org/sites/default/files/europe_-_coe_position_paper_towards_realizing_housing_rights_roma_travellers_october_2010.pdf

²³ The UN Committee against Torture (CAT) in May 2009 found that Besim Osmani was in June 2000 subjected to cruel, inhuman or degrading treatment or punishment during the forced eviction of a settlement in Belgrade. The CAT noted that the “infliction of physical and mental suffering [was] aggravated by ... his Roma ethnic origin..., a minority historically subjected to discrimination and prejudice.” The authorities had failed to open an investigation, denying Besim Osmani the rights to have his case promptly and impartially investigated and to receive compensation. See para 10.4 CAT/C/42/D/261/2005, Communication N° 261/2005,

<http://daccess-dds-ny.un.org/doc/UNDOC/DER/G09/423/46/PDF/G0942346.pdf?OpenElement>

taken by the authorities to investigate or bring to justice those believed to be responsible. In addition, Romani transsexuals living in informal settlements are frequently subject to harassment and ill-treatment by police officers.²⁴

2.3.3 SEGREGATION

Amnesty International notes that in its General Recommendation 27, the Committee calls on States Parties “to develop and implement policies and projects aimed at avoiding segregation of Roma communities in housing”, and “to refrain from placing Roma in camps outside populated areas that are isolated and without access to health care and other facilities”. Amnesty International is therefore extremely concerned by the failure of the Serbian government to monitor and address trends which have resulted in racial segregation in housing, particularly of Romani communities in informal settlements.

The government has perpetuated segregation by allowing the City of Belgrade to construct new container settlements for forcibly evicted Roma in marginal areas of Belgrade.²⁵ The Decade of Roma Action Plan on Housing fails to address the segregation, focusing only on the improvement and legalization of existing settlements and the relocation of “slums”, proposing to build “new apartments at appropriate locations”; a further measure proposes to resettle “interested Roma” ... “in depopulated villages in Serbia”.²⁶

Further, the government has failed to adopt policies to challenge the existing pattern of segregation in housing: indeed the most recent statistics on Romani settlement are based on a survey published in 2002. Further, the government – including the Ministry of Human and Minority Rights - has failed to collect data on segregation,²⁷ and although a framework for monitoring progress in the four areas covered by the Decade of Roma, including housing, has been proposed, it has not yet been adopted.

²⁴ “Police abuse of transgender Roma woman”, Gay Straight Alliance, 12 November 2010. Amnesty International had reviewed a video of the incident.

²⁵ Following a forced eviction on 15 December 2010, affecting both Roma and non-Roma families, the City of Belgrade offered accommodation in the container settlements only to the affected Romani families, Coalition Against Discrimination: *The new, forcible eviction of barracks on Novi Beograd*, <http://minoritycentre.org/actuals/coalition-against-discrimination-new-forcible- eviction-barracks-novi-beograd>

²⁶ <http://www.romadecade.org/files/downloads/Decade%20Documents/ap-housing-serbia.pdf>

²⁷ The most recent survey of informal settlements was conducted in 2002: Bozidar Jaksic and Goran Basic, *Romany Settlements, Living Conditions and Possibilities of Integration of the Roma in Serbia— Social Research Results*, Belgrade: Ministry of Human and Minority Rights of Serbia and Montenegro, 2002. While there is no legal prohibition in Serbia on collecting data disaggregated by ethnicity, in practice, only the Ministry of Health (who employ Roma Health mediators) and Ministry of Education (who employ Roma assistants in schools with a Roma intake) have done so, see Open Society Foundations, *No Data—No Progress: Country Findings Data Collection in Countries Participating in the Decade of Roma Inclusion 2005–2015*, September 2010, pp. 67-73.

3. FORCED EVICTIONS

In this section of the briefing Amnesty International focuses on the rising number of forced evictions of Romani people from informal settlements within the City of Belgrade. These forced evictions are being carried out as part of the City of Belgrade's *Action Plan for the Resettlement of Shanty [Unhygienic] Settlements*, approved in May 2009.²⁸ Amnesty International considers that the Serbian government has failed to take action to prohibit the City of Belgrade authorities from conducting such forced evictions. Further, it has failed to protect the affected populations from further violations of their rights, including the violation of their right to adequate housing. If such forced evictions continue unchecked they will affect the residents of over 120 settlements within the City of Belgrade.

While Article 5 (e) (iii) of the Convention sets out the right to housing, the interpretation of this right with respect to the obligations of States Party to prevent and remedy forced evictions has been developed by the Committee on Economic, Social and Cultural Rights (CESCR) in its General Comment 4²⁹ and General Comment 7 on Article 11(1) of the International Covenant on Economic, Social and Cultural Rights (ICESCR),³⁰ which guarantees the right to adequate housing.

Amnesty International notes that paragraph 16 of General Comment 7 states, "[e]victions 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." The organization considers that the Serbian authorities have failed to protect evicted Roma from further violations of their rights or take measures to provide them with adequate alternative housing.

²⁸ Not available electronically.

²⁹ In its General Comment 4 the CESCR has stated, at paragraph 18 that, "[...] instances of forced eviction are prima facie incompatible with the requirements of the Covenant and can only be justified in the most exceptional circumstances, and in accordance with the relevant principles of international law." Further, paragraph 8 (a) also requires that "all persons should possess a degree of security of tenure which guarantees legal protection against forced eviction, harassment and other threats" and that "States parties [to the ICESCR] should consequently take immediate measures aimed at conferring legal security of tenure upon those persons and households currently lacking such protection, in genuine consultation with affected persons and groups.", CESCR, GENERAL COMMENT 4, The right to adequate housing, (Art. 11 (1) of the ICESCR), (Sixth session, 13 December 1991, <http://www.unhchr.ch/tbs/doc.nsf/0/469f4d91a9378221c12563ed0053547e?Opendocument>

³⁰ General Comment 7 specifically addresses forced evictions, which the CESCR has defined as "the permanent or temporary removal against their will of individuals, families and/or communities from the homes and/or land which they occupy, without the provision of, and access to, appropriate forms of legal or other protection" and that "that all feasible alternatives [to eviction] are explored in consultation with affected persons." CESCR GENERAL COMMENT 7, The right to adequate housing (art. 11.1 of the ICESCR): forced evictions, Sixteenth session, 20 May 1997 <http://www.unhchr.ch/tbs/doc.nsf/0/959f71e476284596802564c3005d8d50?Opendocument>

3.1 VIOLATIONS BEFORE AND DURING FORCED EVICTIONS IN BELGRADE

The Romani population in Belgrade has been subject to forced evictions from at least the year 2000, after Romani IDPs from Kosovo sought assistance and shelter in Serbia's capital city, but often had no choice but to live in informal settlements.³¹

However, the incidence of forced evictions in Belgrade has increased rapidly since the introduction by the City of Belgrade in May 2009 of its *Action Plan for the Resettlement of Shanty [Unhygienic] Settlements*. Since that date at least six forced evictions, documented by Amnesty International, have taken place. The most recent eviction took place on 15 December 2010,³² and as of the time of writing Amnesty International is aware of at least two other imminent evictions and of the planned "resettlement" in early 2011 of the residents of a settlement at Belvill, in advance of infrastructure developments, funded by the European Bank for Reconstruction and Development (EBRD) and the European Investment Bank (EIB).

Case studies of some evictions documented by the organization and their partner NGOs in Serbia are included throughout this briefing.

BLOK 67

On 5 April 2009, a group of around 250 Romani people, including children, the elderly and infirm, were forcibly evicted from an informal settlement on Blok 67, a portion of wasteland in New Belgrade (Novi Beograd). They were removed in order to build an access road to the site of the 2009 Student Games (Universijade), which took place later in the year.

Bulldozers escorted by police officers arrived to forcibly evict the residents and demolish their houses early in the morning before any formal eviction notice was presented to the community. The dwellings were torn apart and their former occupants were not given adequate opportunity to retrieve their personal property or moveable goods, and in some cases were prevented from doing so. Temporary alternative accommodation in the form of containers had apparently been provided by the Mayor of Belgrade in the suburb of Boljevci. However, the convoy of buses which took the residents of Blok 67 to Boljevci was met with protests from local residents, some of whom attempted to set fire to three of the containers, causing some damage. Faced with such opposition, the city's plans to accommodate the Roma from Blok 67 were abandoned at around 1am. Some women and children agreed to enter temporary accommodation at a social care centre. Others refused, not wishing to be parted from the adult male members of their families. Many thus spent the night – and several successive nights – in the open, sleeping on the ground or mattresses recovered from the rubble or provided by local NGOs.

According to the Mayor of Belgrade, Dragan Đilas, who was responsible for the eviction, only Roma who were "citizens" of Belgrade would be provided with alternative accommodation, a policy which continues despite the fact that Serbia is required to provide adequate alternative housing to all persons who require it without

³¹ Humanitarian Law Centre, *Roma in Serbia*, 2004. Not available online.

³² Coalition Against Discrimination: *The new, forcible eviction of barracks on Novi Beograd*, <http://minoritycentre.org/actuals/coalition-against-discrimination-new-forcible-eviction-barracks-novi-beograd>

distinguishing between people on the basis of origin or place of residence.³³ Many of those living at the settlement were IDPs from Kosovo, many of whom did not have the right to residency in Belgrade. Some nine families evicted from Blok 67 were finally provided with accommodation in metal containers by December 2009. The remainder moved to other informal settlements, and remain at risk of forced eviction.

Serbia is required under international human rights law to refrain from and protect people from forced evictions. This means adopting and implementing laws that comply with international standards which set out the safeguards that should be complied with during evictions. Serbia has not adopted such laws. Those evicted do not have access to any legal remedy to prevent the eviction, or to receive compensation for the loss of their property or other rights affected during such evictions.³⁴ As highlighted in this briefing, Roma communities are particularly at risk of forced evictions and numerous cases of forced evictions of Roma communities have been documented by Amnesty International and other organizations.³⁵

To date, the Serbian government has not taken any measures to prevent the City of Belgrade authorities from conducting forced evictions.

Amnesty International has recommended that the government of Serbia:

- **Provide a legal framework in accordance with international standards, including safeguards and measures to protect the rights of the affected population, to ensure that any further resettlements by the City of Belgrade do not constitute forced evictions.**

3.1.1 LACK OF ADEQUATE NOTICE AND GENUINE CONSULTATION

In all but one of the forced evictions outlined in this briefing the authorities have failed to consult in advance with the affected population, as set out in the UN Basic Principles and Guidelines on Development-Based Evictions and Displacement which call for adequate and

³³ CESCR GENERAL COMMENT 20, Non-discrimination in economic, social and cultural rights, (art. 2.2 of the ICESCR), Forty-second session, 10 June 2009, paras. 24 and 34.

³⁴ *Basic Principles and Guidelines on Development-Based Evictions and Displacement*, Annex 1 of the report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, A/HRC/4/18, http://www2.ohchr.org/english/issues/housing/docs/guidelines_en.pdf

³⁵ See *Roma families in Belgrade forcibly evicted*, 7 October 2010, <http://www.amnesty.org/en/news-and-updates/roma-families-belgrade-forcibly-evicted-2010-10-08>; *Stop forced evictions of Roma in Serbia*, 1 October 2010, <http://www.amnesty.org/en/appeals-for-action/stop-forced-evictions-roma-serbia-1>; *Serbian Roma families facing forced eviction*, 2 August 2010, <http://www.amnesty.org/en/news-and-updates/serbian-roma-families-facing-forced-eviction-2010-08-03>; *Vicious circle of forced evictions in Serbia*, 29 July 2010, <http://www.amnesty.org/en/library/asset/EUR70/012/2010/en/6f54ed41-dd86-43f8-94a6-8b171acdcbee/eur700122010en.html>; *Serbia: Stop the forced evictions of Roma settlements*, Index: EUR 70/003/2010, 9 June 2010, <http://www.amnesty.org/en/library/info/EUR70/003/2010/en>; *Belgrade authorities urged to halt forced eviction of 300 Roma families*, 22 April 2010, <http://www.amnesty.org/en/news-and-updates/belgrade-authorities-urged-halt-forced-eviction-300-roma-families-2010-04-23>; *Serbia: Roma evictions endanger people's lives*, 7 April 2009, <http://www.amnesty.org/en/for-media/press-releases/serbia-roma-evictions-endanger-people%E2%80%99s-lives-20090408>.

informed consultations by the party conducting the forced eviction with the affected population. Consultation should include the identification of feasible alternatives to evictions or any other resettlement options.

Instead, in some cases the residents of affected settlements have not even been provided with advance notice of the proposed eviction.³⁶ In other cases, where the residents have been provided with eviction notices, the date of the eviction had not been given. In yet other cases, where official notice of the date of an eviction has been given, but the eviction did not take place on that date, the eviction has subsequently taken place without a new official notice being issued, contrary to the relevant national law.³⁷

3.1.2 ABANDONED CONSULTATION

On 31 August 2009, at around 10am, the forced eviction of the Romani inhabitants of a settlement underneath the Gazela Bridge began. By 1pm almost 200 homes had been destroyed. Few had enough time to rescue their belongings before the bulldozers moved in. Most took with them only what they could carry.

The settlement was evicted by the City of Belgrade authorities in advance of repair works on the dilapidated Gazela Bridge, part of the redevelopment of Serbia's motorway system. Several other Roma settlements in Belgrade and across Serbia will be evicted as part of this massive infrastructure project.

Before the eviction of the settlement at Gazela Bridge took place in August 2009, the city authorities had, as part of the conditions imposed by a loan for work on the bridge by the EBRD, embarked on a programme of consultation with the affected population, contracting a Roma-led NGO to conduct the process. Plans were drawn up in consultation with the then-residents for the construction of social housing, and a site identified in the Ovča area of Belgrade. In 2008 the City of Belgrade allocated 159 million Serbian dinars (approximately 15.9million Euros) for "housing estate and road construction" at the site; a further 50 million dinars was to be allocated in 2009 for further construction, equipping of the housing units and the provision of services. A further eight million dinars was to be provided in each

³⁶ Article 41 of the UN Guiding Principles on Development-Based Evictions and Displacement states, "Any decision relating to evictions should be announced in writing in the local language to all individuals concerned, sufficiently in advance. The eviction notice should contain a detailed justification for the decision, including on: (a) absence of reasonable alternatives; (b) the full details of the proposed alternative; and (c) where no alternatives exist, all measures taken and foreseen to minimize the adverse effects of evictions. All final decisions should be subject to administrative and judicial review. Affected parties must also be guaranteed timely access to legal counsel, without payment if necessary". Amnesty International is aware of one current case in which an individual has unsuccessfully sought to challenge his family's eviction before the courts, see Youth Initiative for Human Rights, *Vlasti da reaguju povodom pokušaja prinudnog iseljenja porodice Sremčević* (Authorities to respond regarding the attempted eviction of the Sremčević family), Index: YIHR-11-11861-22.11.2010, <http://www.minoritycentre.org/node/2066>. At the time of writing, the family were due to be evicted on 29 December 2010.

³⁷ The requirements of national law are set out in the final paragraph of page 17 of this briefing.

year for the associated NGO consultation and resettlement project.³⁸

The site at Ovča had been chosen after three proposed locations were rejected by the non-Roma residents in those communities. However, these plans were abandoned in October 2008 after further demonstrations by local residents opposed to Roma living in their community. Following the city's withdrawal of the plans for Ovča the Roma Union of Serbia accused the city of treating the Roma as second class citizens.³⁹

In February 2009, without any further consultation, Deputy Mayor of Belgrade Milan Krkobabić announced a new plan for Gazela. Some 114 Romani families – Belgrade residents and IDPs from Kosovo – would receive “new accommodation” in different municipalities around Belgrade. The remaining families would be returned to southern Serbia from where they originated.

After the Ovča plan was abandoned in October 2008, no genuine consultations were held with the community on resettlement options or alternatives; the Action Plan was never discussed with the community. About six weeks before the eviction, they were informed that they would be resettled in metal containers. Those included on lists drawn up in 2007 were merely asked to identify at which of the container sites - and with which other families - they wanted to live.

3.1.3 DESTRUCTION OF MOVEABLE PROPERTY WITHOUT COMPENSATION (ARTICLE 6)

The Serbian authorities are required under international human rights law to provide fair and just compensation for losses of property resulting from the eviction. But no provisions exist in domestic law for such compensation, except for the loss or damage to real property.⁴⁰

With regard to the eviction from Gazela Bridge, despite claims by the city authorities that buses had been provided to enable the affected population to move to their new homes, according to the affected population, they had little opportunity to gather their personal possessions, or to challenge the eviction. The majority of people lost most of their moveable goods either because they were not given time to collect them, were prevented from doing so or were not present when the eviction took place. They had not been given the opportunity to make an inventory of their possessions prior to the forced eviction, and were thus not able to claim compensation for the destruction of what for most amounted to their only possessions. Many lost their vehicles or carts, which they used in collecting scrap, their sole source of income. In addition, they had been informed prior to the eviction that they would not be allowed to bring with them any of the scrap materials that they had collected for resale. Further, according to the NGO the Regional Centre for Minorities, women had been told not to bring any household goods as everything would be provided. However, on arrival at several

³⁸City of Belgrade City Administration *Program of resettling of unhygienic settlements under the Gazela Bridge*, November 2008,
http://www.romadecade.org/files/downloads/Housing%20Workshop%202008/Resettlement%20_%20Gazela%20project_City%20of%20Belgrade.ppt

³⁹ B92, *Planned Roma settlement sparking angry reaction*, 8 October 2008,
http://www.b92.net/eng/news/society-article.php?yyyy=2008&mm=10&dd=08&nav_id=54081

⁴⁰ See for example, UN Basic Guidelines on Development Based Evictions and Displacement, paras. 21 and 52.

sites, containers had not been equipped with stoves or refrigerators, and on some sites women initially had to cook over an open fire. At others there was nowhere to wash clothes and one of the 'sanitary units' (a container equipped with running water, sinks, showers and toilets) was not working.

25 VOJVODJANKSA STREET

On 7 October 2010, Amnesty International witnessed a forced eviction carried out by a private company acting on the instructions of the City of Belgrade authorities. Some 36 individuals, including 17 children⁴¹ and one pregnant woman were forcibly evicted from premises at 25 Vojvodjanska Street in the Bežanije area of Belgrade.

Most of the 36 individuals had been provided with the housing units in Vojvodjanska Street in 2003, after they had been forcibly evicted from an abandoned factory at Betonjerka in the Dorcul area of Belgrade (owned by the Belgrade Land Development Public Agency (Direkcija za gradjevisko zemljiste i izgradnju Beograda).

The city authorities issued the residents of 25 Vojvodjanska Street with their first eviction notice on 24 August 2010, giving residents one day to leave the site. This eviction decision was temporarily suspended following protests by local NGOs. On 28 September 2010, residents received a final eviction notice following interviews by the city officials with each family. During these interviews, the eviction process was not explained to the families. Residents were reportedly told by City representatives that they would not receive any alternative accommodation or assistance. They were not consulted on alternatives to the evictions; the purpose of the interviews appeared to be to establish who lived at the buildings and to check their documentation.

City officials were present at the start of the eviction, accompanied by 12 police officers. In addition employees from the City Department of Social Welfare were present.⁴² By 11.30 am the residents had collected most of their belongings, which they piled up in the communal square. Employees of the company contracted to conduct the eviction then broke the windows of the houses to prevent anyone from returning. By 1.30 pm all the houses had been demolished, but people had been able to gather most of their belongings.

Although they had been given no reason for the eviction, the former residents told Amnesty International they believed that it had been carried out in order to make way for a new road and apartment building. Later, the organization was able to establish that the forced eviction had been carried out at the request of the Belgrade Land Development Public Agency.⁴³

The Assistant Minister for Human Rights and Minorities, Petar Antić, was present during the eviction and is believed by the organization to have been monitoring it. A local Roma politician led the residents to a protest outside the City of Belgrade building, calling on officials to come out and speak to the affected people. The EU Representative in Serbia reportedly made a diplomatic communication to the Mayor of Belgrade.

⁴¹ Amnesty International interview, 7 October 2010.

⁴² NGOs believed that City Social Welfare officials were present in the event that if residents were to resist eviction and were consequently arrested, the city would need to place any affected children into their care.

⁴³ A public company, established by decision of the City of Belgrade Assembly in 1995, which carries out specific project on behalf of the city.

By the evening the Assistant Minister had arranged temporary accommodation for women and children at social welfare centres/shelters in the city. The majority of the men slept at the site to protect their belongings. The women told Amnesty International the following day that they did not want to return to the shelter, as they had not been allowed by staff at the centre to use the bathrooms and were told to stay in their rooms, keep the children quiet and not make any noise.

The demonstration continued outside the City offices throughout the following day. At around 3 pm, accompanied by Petar Antić, the Deputy Mayor Milan Krkobabić, requested that one person come with him to be informed of the arrangements for the group. There was no consultation, no explanation, and no attempt to provide individuals with information. The Deputy Mayor chose one woman to act as the “representative” and informed her that the city had decided the group would be provided with metal containers at an existing container settlement in Makiš; the costs, including the transportation of their belongings, would be covered by the Ministry of Human and Minority Rights.

The forced evictions of small settlements and houses described here have been carried out without any of the protection mechanisms and procedures required under international human rights standards, or even the relevant provisions in Serbian civil law and administrative procedures, which set out the requirements for a private individual, municipality or a company to evict people from their premises or land.

In the first instance, the affected individuals should be given a notice of the decision to evict, which should include the legal grounds for eviction; they should then be issued with a written decision (rešenje). This document should include the date or deadline by which the individual or family is required to move out, which may within three, five or seven days. However, if for some reason the eviction does not take place on the stated date, a new official notice should be issued, even if the legal ground for eviction remains the same. No advice or information is given to enable persons at risk of eviction to challenge the decision, nor is there any specific provision made in law.

16 DEVIČIĆA STREET

On 13 July, at around 9 am workers from a private company attempted to forcibly evict three Romani families (17 individuals including nine children, two pregnant women and a woman of 79 years of age) from an abandoned building at 16 Devičića Street in Čukarica Municipality. Their attempts ceased when they saw a member of a Romani NGO was present and was taking photographs. Residents informed the NGO representative that they had not been provided with any formal notice of the eviction, nor were they given either a copy of the administrative or judicial decision relating to the demolition or eviction of the building. No consultations had taken place to identify feasible alternatives to evictions or any resettlement options.

The group of families believed they had informally been given permission to use the building, owned by a construction company, but abandoned since 2008. They had managed to renovate the apartments, and provide themselves with basic accommodation.

Employees of the private company forcibly entered the building and reportedly began to break things and smash windows on the first floor, where the Roma had been living. The residents pleaded with them to stop and allow them to collect their personal belongings. The eviction then ceased, but not before over half their personal belongings were damaged or destroyed.

The evicted Roma subsequently sought assistance from the Roma representative in Čukarica municipality and members of the Roma National Council, but have received no help.

3.1.4 RIGHT TO A REMEDY (ARTICLE 6)

As already noted above, Serbian law does not provide for an individual or group to challenge a proposed eviction or to apply for compensation for the destruction or damage to personal property during an eviction. Nor do they have access to any form of reparation for any other harm suffered either during – and/or after – a forced eviction, including after resettlement.

Under international human rights law, the victims of human rights violations should be granted access to a remedy and reparation. The five basic forms of reparation are defined in Articles 19-23 of the UN Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, which provides that victims of human rights violations should receive adequate, effective and prompt reparation for the harm they have suffered, including restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition.⁴⁴

Based on these principles, the UN Guiding Principles on Development-Based Evictions and Displacement provides guidance for states at paragraph 59, “All persons threatened with or subject to forced evictions have the right of access to timely remedy. Appropriate remedies include a fair hearing, access to legal counsel, legal aid, return, restitution, resettlement, rehabilitation and compensation, and should comply, as applicable, with the Basic Principles and Guidelines on the Right to Remedy and Reparation for Victims of Gross Violations of International Humanitarian Law”.⁴⁵

The government of Serbia has failed to provide any of these forms of reparation to the victims of forced evictions.

3.2 VIOLATIONS FOLLOWING EVICTIONS

Amnesty International is particularly concerned that following forced evictions, the affected populations have not been provided with alternative accommodation which meets international standards of adequate housing. In the majority of small scale evictions, the affected population is not provided with any alternative accommodation, except – in the case of 25 Vojvodjanska Street, described above – under pressure from the Ministry of Human and Minority Rights and international organizations; in most cases they have no choice but to move to other informal settlements. In other cases, they have been moved to temporary container settlements, as in the case of Gazela Bridge. Despite Serbia’s prioritization of housing as a component of the Decade of Roma Inclusion, there is no long-term government strategy to provide evicted Roma any sustainable housing solutions.

⁴⁴ Basic Principles and Guidelines on the Right to Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, adopted by General Assembly resolution 60/147 of 16 December 2005.
<http://www2.ohchr.org/english/law/remedy.htm>

⁴⁵ Para. 59; guidance on compensation, restitution and return and resettlement and rehabilitation, is provided in Section VI: Remedies for Forced Evictions.

3.2.1 ADEQUATE HOUSING

With respect to forced evictions carried out in the context of infrastructure projects funded by the EBRD and the EIB, the City of Belgrade was required, as part of the funding conditions, to provide the affected population with adequate permanent housing. Instead the city authorities, apparently supported by the government, have failed to abide by these conditions and have resettled Belgrade Roma in metal containers. Following the eviction of the Gazela Bridge settlement in August 2009, for example, 114 families were moved to six “settlements” on the outskirts of Belgrade, and provided with accommodation in metal containers.

Amnesty International does not consider these metal containers meet the criteria for “adequacy” of housing, identified by the CESCR. Although the residents have signed contracts with the city and thus have security of tenure, and have been provided with rent-free accommodation, the container settlements fail to meet several criteria, examples of which are described below.

- Habitability⁴⁶

Families with up to five members were allocated containers measuring a 5.77 metres by 2.44 metres (14 square metres); larger families are supposed to have two containers, but this is not always the case. The containers were not insulated (despite winter temperatures of minus 10 degrees), poorly ventilated, and often damp. In winter, water leaked through the ceiling, and the containers were damp with condensation caused by the number of people in such a small space, and from cooking. During the summer months, the containers suffer from a lack of ventilation. Residents at one site visited during the summer months were prohibited by the city authorities from erecting canopies or other forms of sun-shade outside the containers.

- Location

As already noted, the Committee in General Recommendation 27 calls on States Parties “to refrain from placing Roma in camps outside populated areas that are isolated and without access to health care and other facilities.” Further, the CESCR has highlighted that “Adequate housing must be in a location which allows access to employment options, health-care services, schools and other social facilities”.

The six container sites established on the margins of Belgrade are isolated from other communities and with no access to basic services. Children are required to move to new schools, and at some sites have faced difficulties travelling long distances to school, or integrating into local schools.

There is no work available near the container sites, which are far from the city centre, where many of the Roma collect and re-sell scrap or recyclable materials.⁴⁷ Further, under the

⁴⁶ The CESCR has stated that adequate housing must provide the inhabitants with adequate space and protect them from cold, damp, wind, rain and other threats to health.

⁴⁷ According to para. 43 of the UN Basic Principles on Development-Based Evictions, “*Evictions should not result in individuals being rendered ... vulnerable to the violation of other human rights ... Alternative housing should be situated as close as possible to the original place of residence and source*”

Gazela Resettlement Action Plan, Roma were prohibited from taking any of the scrap materials they had collected with them. In order to continue to collect and re-sell or recycle such materials, they now have to find somewhere in the centre of Belgrade to store materials. Many women who had worked as cleaners are now unable to find employment locally. However, some adults have reportedly been offered work by the City authorities.

- Accessibility of Social Housing

At the time of the Gazela eviction, residents were told they would be able to apply for places in the 900 social housing units which would reportedly be built by the end of 2010.⁴⁸ At the time of writing Amnesty International is not aware of a single family from Gazela who have been allocated one of these social housing units; indeed when the organization visited container sites in June 2010, residents complained that they had not yet received any assistance in applying for such housing, including in obtaining the up to 17 separate documents required for such applications.

Under the 2009 Law on Social Housing, Roma are one amongst 14 priority groups eligible to be allocated social housing.⁴⁹ However, they are the only group to have been subjected to forced evictions on this scale. Noting that the housing deficit across Serbia is estimated at 100,000 units, Amnesty International considers that the Serbian government needs to take immediate measures to ensure the provision of adequate housing to Roma evicted from settlements in Belgrade.

Amnesty International has repeatedly stressed to both the government of Serbia and the city authorities, by letter and in meetings with officials, that accommodation in containers does not constitute adequate housing under international standards. Amnesty International considers such container settlements to be inadequate in addressing the permanent housing needs of Roma, and is concerned that in effect the city authorities are creating new segregated settlements, isolated from the majority population.

Amnesty International again notes that in its General Recommendation 27, the Committee calls on States Parties “to develop and implement policies and projects aimed at avoiding segregation of Roma communities in housing”, and “to refrain from placing Roma in camps outside populated areas that are isolated and without access to health care and other facilities”. Amnesty International is concerned that in failing to prevent the City of Belgrade

of livelihood of those evicted.”

⁴⁸ “Families currently settled in a mobile housing unit under the auspices of this plan and in accordance with the Regulations on distribution of flats, will have equal rights and opportunities to compete to move into the flats equal to any other socially vulnerable citizens of Belgrade”, *Changes and Amendments to the Action Plan for the Resettlement of Shany Settlements on the Territory of The city of Belgrade in 2009*, City of Belgrade, Secretariat for Social Protection, 29 August 2009, p.2 (unofficial translation).

⁴⁹ In its report to the Committee, the State Party reports that “None of these [housing] regulations contain any provisions that would put specific categories of people at a disadvantage with respect to their national, ethnic or other affiliation or characteristic. Problems arising in the field of housing are, for the most part, consequences of economic underdevelopment, lack of means and development funds. In this respect, particularly vulnerable groups are refugees, IDPs and the Roma”. CERD/C/SRB/1, para. 204.

from “resettling” evicted Roma in container camps on the outskirts of Belgrade, the Serbian government has allowed Roma to be placed in segregated and isolated settlements.

Amnesty International has recommended that the government of Serbia:

- **Stops all forced evictions, and ensures that infrastructure projects do not result in any further forced evictions.**
- **Ensures that evictions are only carried out as a last resort after all other feasible alternatives to eviction have been explored. Procedural protections required under international human rights law should be in place, in particular the requirements on consultation, adequate notice and adequate alternative housing.**
- **Respects the rights of all victims to an effective remedy and reparations, including restitution, rehabilitation, compensation, satisfaction and guarantees of non-repetition.**
- **Provides adequate alternative housing to all those who were forcibly evicted and compensation for losses to any property and possessions damaged in the process.**
- **Introduces legislation on evictions that provide safeguards and remedies that accord with international standards.**

4. THE RIGHT TO FREEDOM OF MOVEMENT AND RESIDENCE

The right to freedom of movement and residence within the border of the state is guaranteed under Article 5 (d)(i) of the Convention. Amnesty International is concerned that the government of Serbia has failed to guarantee this right following forced evictions from informal settlements in Belgrade, including the forced eviction of the Roma from the settlement underneath the Gazela Bridge, discussed above, following which approximately 240 persons (53 families) whose residency was not registered in Belgrade were returned to their previous place of residence in southern Serbia. Amnesty International considers that this also violates Article 12.1 of the International Covenant on Civil and Political Rights, which provides that “[e]veryone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence”.

In 2009 the City of Belgrade authorities refused to resettle 240 people (53 families)⁵⁰ living at the Gazela settlement who were identified from their documents as originating from seven of the poorest municipalities in southern Serbia. The majority of these families had lived in Belgrade for between 10 and 20 years, having moved to Belgrade in search of work, but because they lived in informal settlements, they had been unable to register their residency

⁵⁰ Around one fifth of this group reportedly left before the eviction, moving to other settlements in Belgrade.

in the city. Amnesty International considers that the refusal to resettle these families in Belgrade is in itself discriminatory and in violation of the right to freedom of movement.

Although these families had in 2007 been registered for resettlement in Belgrade, in January 2009 the city transferred responsibility for this group to the Ministry of Labour and Social Welfare which took measures for their return to the southern municipalities, with the aim of ensuring that those evicted would have access to housing, social protection, health and employment.

Few of those that remained were able to take their belongings with them. Zoran Martinović, State Secretary of the Ministry of Labour and Social Welfare, told Amnesty International in February 2010: "The trucks and buses were parked there; they had enough time to pack and prepare, but many hesitated... [and] the police prevented them from getting to their houses." In the absence of legal provisions for compensation, each family was [reportedly, see below] given a one-off assistance payment of between 100-200,000 dinar (€1,000-2,000). They were also to be provided with assistance by the destination municipality in obtaining documentation, access to social benefits and education, including books and school materials.

However, in practice, all of the evidence made available to Amnesty International, based on interviews with returnees, municipal officials and NGOs, and reports published by the EBRD and EIB, suggests that those returned from Gazela to southern Serbia were returned to a situation of further discrimination.

Amnesty International visited some of the 26 families⁵¹ who were returned to Vranje in May 2010. Vranje has a population of 80-90,000 of whom 7-8,000 are Roma, the majority living in five informal settlements, without access to water or other services. Although some Roma living in these settlements have legalized their houses, the majority have not yet been able to do so. An urban plan to legalize these settlements was initiated in 2009, but has not been implemented. A significant number of Roma in these communities have been returned from EU member states under readmission agreements, which allow for the forced repatriation of persons with no legal basis to remain on their territory. In many cases, the men have subsequently left, leaving behind the women and girls – who, according to one local NGO – are vulnerable to trafficking for the purpose of forced prostitution. Women in particular also suffer high levels of domestic violence for which the authorities have rarely provided assistance.⁵²

⁵¹ According to the municipal official responsible for Social Welfare and Religious Affairs, 12 families and one individual originating from the town were returned to Vranje; in addition the town received 16 families who were not on the list supplied to the municipality, and who originated from Vladicin Han and Bujanovac. Families in the first group were provided with around 33,000 dinars as a one off payment; the others received nothing.

⁵² Amnesty International interview with SOS Vranje, a domestic violence NGO, June 2010. For levels of domestic violence within the Romani community higher than the national average, see *Written Comments of the European Roma Rights Centre, Bibija, Eureka and Women's Space Concerning the Republic of Serbia For Consideration by the United Nations Committee on the Elimination of Discrimination against Women at its 38th Session*,

The majority of those returned to southern Serbia did not have security of tenure or legalized houses. They returned to inadequate housing, often in partial ruins and with no water supply. Others were received by a shelter run by the Centre for Social Work. While provisions were made for children to attend school few of the other provisions required by the EBRD appear to have been implemented. While some initial allocations of money and/or building materials have been provided, there has been insufficient assistance provided to enable the residents to construct adequate housing and secure access to necessary services

Unemployment levels in Vranje are high with some 6,000 persons receiving social assistance. In accordance with conditions set out by the EBRD, work was to be found for those returned. Some were offered work at the YUMCO textile factory, but when they – like all other employees at the factory – did not receive their monthly salary, they left after two months. Work promised on motorway construction projects had not yet been made available. By May 2010, men from at least 22 families had returned to informal settlements in Belgrade in search of work.

As of October 2010, according to the EIB, action by the Ministry of Labour and Social Welfare to improve the housing in Vranje and Bojnik so as to achieve at least minimum standards, and required by 30 April 2010 was still “ongoing”. Further measures to ensure the provision of infrastructure (access roads, water, and electricity) to houses inhabited by persons returned to the south, anticipated by 31 May 2010, were also “ongoing”, pending the completion of the legalization of the properties.⁵³ Measures to identify employment opportunities were also “ongoing”, and it was envisaged the implementation of the Resettlement Action Plan as a whole would continue until the end of 2012.

LAZAR KUJUNDŽIĆ STREET

On 20 April 2010 between 7 and 8 am, some 38 Romani families (over 150 individuals) were forcibly evicted from an informal Roma settlement in Lazar Kujundzic Street in the Municipality of Čukarica. Their homes were destroyed.

According to witnesses present, the forced eviction took place without any official notice from the municipality about the date of the eviction, or any consultation with the residents although they had been aware for some time that they would be evicted from the property.

The families living in the settlement were evicted by Municipality of Čukarica employees and denied further access to their homes. They were not provided with adequate time to gather their moveable property and were only able to take with them the few belongings they could carry in their hands.

Members of the NGO, the Democratic Union of Roma (DUR), reported that municipal officials and representatives of the Roma National Council promised to provide the evicted population with temporary shelter and food until such time as they would be removed to their places of origin in southern Serbia. However, these commitments did not materialize; instead the displaced Roma were provided with temporary accommodation at a nearby Roma Cultural Centre. There they had to sleep on a concrete floor, as few had

http://ewlcentreonviolence.org/IMG/pdf/Alternative_Roma_Women_Report_to_the_CEDAW_Committee.pdf

⁵³ EIB, *Gazela Bridge Rehabilitation Project*, Component B: the Ministry of Labour and Social Affairs, <http://www.eib.org/projects/news/gazela-bridge-rehabilitation-project.htm?lang=-en>

been able to rescue any mattresses or bedding material.

On 21 April 2010, municipal representatives and the Roma National Council promised that a bus would be provided to transport the victims of forced eviction to municipalities in southern Serbia including in Vladičin Han and Surdulica, where some of them reportedly had a registered residence. They were also informed that they would be provided with financial assistance to rebuild their homes in southern Serbia. Finally they were assured that they would be provided with adequate social protection by local municipal Centres for Social Work.

On 22 April 2010 at around 6pm municipal officials, including a Roma representative, appointed by the municipality arrived with a bus. They stated that all those prepared to get on the bus and return to southern Serbia would receive financial assistance of between 10,000 to 20,000 dinars. (The current monthly amount of social assistance for a five member family is 11,016 Serbian dinars). The evicted families felt that they had no choice but to accept this offer.

Seven remaining families with residency registered in Belgrade remained at the Roma Cultural Centre. They were promised, but were not provided with alternative accommodation. By mid-July, six families had moved to other informal settlements in Belgrade; and one family remained in the Roma Cultural Centre.

Amnesty International has recommended that the government of Serbia:

- **Does not return Roma evicted from settlements in Belgrade to southern Serbia. Those who wish to voluntarily return should be allowed to return in safety and in dignity and with their full and informed consent.**
- **Offers those already forcibly relocated to southern Serbia the opportunity to return to Belgrade, with the assistance of the authorities and with the payment of adequate compensation for their forcible relocation.**
- **Ensures for those already returned and who wish to remain in southern Serbia, the legalization of settlements, the provision of adequate housing services such as water, sewage and electricity, and the employment of at least one member of each household, which the government had already committed to provide in its agreement with the EBRD.**

5. INTERNAL DISPLACEMENT

Amnesty International is concerned that the Serbian authorities have failed to guarantee the rights of Roma internally displaced from Kosovo and of Roma who have been forcibly returned to Serbia under bilateral readmission agreements. This results in their being denied access to human rights, including the rights to work, health, social welfare, and to adequate housing, including – in the case of Kosovo Roma - because of the failure of the authorities to ensure their registration.

5.1 INTERNALLY DISPLACED PERSONS FROM KOSOVO

Following the war in Kosovo, after July 1999 up to 50,000 Roma were forcibly displaced to Serbia. Kosovo Roma living in Serbia are considered by the government of Serbia to be IDPs,

although few are afforded the rights set out in the UN Guiding Principles on Internal Displacement,⁵⁴ and at the present time have little prospect of local integration or resettlement. Kosovo IDPs are estimated to make up around 17 per cent of the population of informal settlements in Serbia. The problems faced by this section of the population of informal settlements was recognized in 2005, by the UN High Commissioner for Refugees (UNHCR) and the Council of Europe (CoE), but little has been done to address this situation.⁵⁵

Amnesty International is concerned that a significant percentage of IDPs from Kosovo, and in particular, Roma, Ashkali and Egyptians, have no other housing solution but to live in informal settlements due for eviction, and receive no assistance in accessing, inter alia, employment, health care, social welfare because of their uncertain legal status. Although many IDPs were initially registered with the Commissariat for Refugees, and received assistance from UNHCR, the International Committee of the Red Cross or other agencies, as the former UN Representative of the Secretary General on the human rights of internally displaced persons Walter Kälin reported, the Serbian government has subsequently failed to ensure the rights of Roma, Ashkali and Egyptian IDPs from Kosovo. According to government figures they comprise 10 per cent of the estimated 220,000 IDPs in Serbia, but make up the majority of the 4,134 IDPs who live in the remaining 43 collective centres in Serbia.⁵⁶ Other Roma live in “unrecognized” collective centres (usually former collective centres, closed by the government), where conditions often amount to those found in the informal settlements described above.⁵⁷

The UNHCR in November 2009 estimated a population of 22,819 Roma, Ashkali and Egyptian IDPs from Kosovo, however some doubts remain as to whether all Roma from Kosovo have been registered as IDPs.⁵⁸ Certainly those who arrived after the first and only

⁵⁴ Guiding Principles on Internal Displacement (E/CN.4/1998/53/Add.2), <http://www2.ohchr.org/english/issues/idp/standards.htm>

⁵⁵ “One of the pressing problems of Roma community, including the Roma IDPs, is the unresolved status of settlements. We therefore propose legalization of the mentioned settlements, based on adequate urban plans and in accordance with the housing action plan, after which the legalization of individual buildings could commence.” [emphasis added] *UNHCR and CoE conclusions from the Belgrade Conference*, October 2005.

⁵⁶ Report of the Representative of the Secretary-General on the human rights of internally displaced persons, Walter Kälin, Addendum* *Follow-up visit to the mission to Serbia and Montenegro (including Kosovo) in 2005*, A/HRC/13/21/Add.1, 11 December 2009, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G09/175/05/PDF/G0917505.pdf?OpenElement>; Commissariat for Refugees, <http://www.kirs.gov.rs/articles/centri.php?lang=ENG>

⁵⁷ “The conditions of the objects in which displaced Roma from Kosovo and Metohija have settled (Obrenovac, Čukarica, Požarevac and Sjenica) are in an extremely and unacceptably miserable state, and well below the level of objects accommodating other displaced persons”, Commissariat for Refugees, *Report on the Visitation and Technical Assessment of the Structural Characteristics of Unrecognised Collective Centres on the Territory of the Republic of Serbia*, January 2010, p3, http://www.kirs.gov.rs/docs/Report_on_the_visitation_and_technical_assesment_of_unrecognised_cc.pdf.

⁵⁸ According to UNHCR statistics, 10.80 per cent of the IDP population are Roma, while Egyptians represent 0.36 per cent and Ashkaeli 0.04 per cent of the IDP population in Serbia. However, there are

registration was conducted in 2000 with the assistance of UNHCR (for example, after the inter-ethnic violence of March 2004) are not included. Amnesty International notes that UNHCR has urged the Commissariat for Refugees to conduct a re-registration process to establish the number of IDPs remaining in Serbia.

In 2005, the former UN Representative of the Secretary General on the human rights of internally displaced persons, Walter Kalin, specifically recommended that the Serbian government “provide particular support in the areas of housing, access to livelihoods, and education to Roma, Ashkali and Egyptian IDPs, in particular those living in irregular settlements”.⁵⁹ However, in 2009 the Representative found that conditions had not improved including in access to education, health and in particular housing, reporting that, “[a]lmost a third of all Roma IDPs (32 per cent, compared to 6.9 per cent for non-Roma IDPs) surveyed were reported to live in an object not intended for housing”.⁶⁰ While the option of local integration has been refused, for political reasons,⁶¹ and funding for concrete measures to improve the situation of Roma, Ashkali and Egyptian IDPs remains to be identified, in 2010 the Commissariat for Refugees conducted a “Survey on IDP vulnerability and their needs assessment”.⁶²

The UN Representative also highlighted concerns already noted in this briefing, that IDPs, in common with other residents of informal settlements, were unable to register residency, denying them access to social assistance, employment and in some cases health care. Further, those who do not possess personal documentation remain legally invisible, and are denied access to their human rights, in violation of their right to recognition as a person before the law. The UN Representative’s recommendations that the Draft Law on the Recognition of the Person before the Law (Law on Legal Subjectivity) be amended to enable the authorities, amongst other things, to issue IDPs with personal documentation,⁶³ had (as of December 2010) not been taken forward by the authorities, although some of the 68 IDPs who were at risk of forced eviction from the Belvill site have reportedly been assisted with documentation by an NGO at the request of the city authorities.⁶⁴

estimates that another 20,000 predominantly Roma IDPs remained unregistered during the IDP registration organised in Serbia in 2000.” UNHCR/Praxis, *Analysis of the Situation of Internally Displaced Persons from Kosovo in Serbia*, March 2007, p.35, note 1.

⁵⁹ E/CN.4/2006/71/Add.5, paras. 71 and 76 (c).

⁶⁰ A/HRC/13/21/Add.1, paras. 50-53. There are some exceptions, for example, Roma families are amongst IDPs allocated to 20 social housing units in Rača municipality in November 2010, see <http://www.kirs.gov.rs/articles/navigate.php?type1=3&lang=ENG&id=1577&date=0>

⁶¹ The NGO Praxis has reported that Roma, Ashkali and Egyptian IDPs from Kosovo seeking to de-register from their address in Kosovo have not been allowed to do so.

⁶² According to information received by Amnesty International from UNHCR Belgrade in December 2010, “The results of the Survey should represent a directive in which the authorities plan their activities for solutions vis a vis “improvement of living conditions” of IDPs.”

⁶³ *Follow-up visit to the mission to Serbia and Montenegro (including Kosovo) in 2005, op.cit.*, paras 55-56.

⁶⁴ Amnesty International interview, Marija Ruas, UNHCHR Belgrade, June 2010. As of October 2010 the

There also have been no further amendments to the Law on Permanent and Temporary Residence to enable IDPs to register with, for example, social welfare agencies. Many of the Roma IDPs interviewed by Amnesty International in 2009 and 2010 possessed only an IDP card issued some 10 years previously, which cannot be used to access basic services.

Amnesty International has recommended that the government of Serbia: (in particular, the Ministry of Minorities and Human Rights and the Commissariat for Refugees),

- **Takes measures, including through legislative amendments, to ensure that all IDPs from Kosovo may register their residency in Serbia;**⁶⁵
- **Ensures the issuance of personal documents required to ensure that all IDPs from Kosovo, including Roma, Ashkali and Egyptians are guaranteed the rights, services, support and assistance that should be guaranteed under applicable international human rights treaties and reflected in the UN Guiding Principles for Internal Displacement, free from discrimination.**

5.2 FORCED RETURNEES

Amnesty International is concerned that Roma who have been deported from EU member states to Serbia under bilateral readmission agreements or more recently, readmission agreements concluded with the EU, return to a situation of discrimination, which renders them vulnerable to a range of human rights violations, including denial of access to adequate housing. According to the Serbian Commissariat for Refugees, in 2009 “at least 65 per cent of the returned belong to the Roma minority”.⁶⁶ Although by May 2010, the Commissariat for

NGO Praxis has provided legal aid, information and counselling for 86,184 beneficiaries (internally displaced persons, refugees, returnees upon readmission, members of minority communities – mostly Roma population) relating to regulation of the civil status, property, social, economic and other rights. [http://www.internal-displacement.org/8025708F004CE90B/\(httpDocuments\)/2184E6369AAB0F8BC12577BB00400E27/\\$file/OSCE+Review+Conference+2010+Warsaw+Side+Event+Free+Legal+Aid+for+Refugees+and+IDPs+in+Western+Balkan+Region+Free+Legal+Aid+for+Refugees+and+Displaced+Persons+in+the+Territory.pdf](http://www.internal-displacement.org/8025708F004CE90B/(httpDocuments)/2184E6369AAB0F8BC12577BB00400E27/$file/OSCE+Review+Conference+2010+Warsaw+Side+Event+Free+Legal+Aid+for+Refugees+and+IDPs+in+Western+Balkan+Region+Free+Legal+Aid+for+Refugees+and+Displaced+Persons+in+the+Territory.pdf)

⁶⁵ Amnesty International notes that following a recommendation by the Committee to Montenegro, in October 2009 the Montenegrin authorities adopted a Law on Amendments of the Law on Foreigners (Official Gazette of Montenegro 72/09), enabling displaced persons from former Yugoslav republics and internally displaced persons from Kosovo who reside in Montenegro, to obtain the status of foreigner with permanent residence in Montenegro. see para. 15, *CERD, Reports submitted by States parties under article 9 of the Convention, Information received from the Government of Montenegro on the implementation of the concluding observations of the Committee on the Elimination of Racial Discrimination**, CERD/C/MNE/CO/1/Add., 16 August 2010. <http://www2.ohchr.org/english/bodies/cerd/docs/followup/CERD-C-MNE-CO-1-Add1.doc>

⁶⁶ MIGRATION MANAGEMENT STRATEGY- unofficial translation - Belgrade, 23 July 2009, p. 7, see also p.8 for *Strategy for the Reintegration of Returnees pursuant to the Readmission Agreements* (“Official Gazette of the Republic of Serbia”, No. 15/09), <http://www.kirs.gov.rs/docs/Migration%20Management%20Strategy%20English%20translation%20July%202009.pdf>

Refugees had prepared a Migration Strategy, including provisions for the reception and integration of persons who had been forcibly or otherwise involuntarily returned to Serbia, Commissariat officials informed Amnesty International that they required international assistance to implement the Migration Strategy. By November 2010, such funding remained lacking, as the European Commission reported, “[e]ffective implementation of the migration management strategy is lacking due to poor capacity and insufficient coordination of the responsible bodies. An action plan has not yet been adopted. Conditions in reception centres have not improved due to a lack of funding. [...] Reintegration of returnees needs to be improved.”⁶⁷

In addition to Roma originating from Serbia, those returned also include some Kosovo Roma, Ashkali and Egyptians who, after having been denied international protection in western European countries, have been forcibly returned to Serbia rather than to their place of origin in Kosovo.

At the end of March 2010 between 20 and 25 returned families were evicted without warning from a settlement in Vidikovac, Belgrade; they were not provided with any assistance or alternative housing. This group had been returned from Germany in 2003.

VIDIKOVAC

In mid-June 2010, Romani families living in an informal settlement in the Vidikovac area of the municipality of Čukarica, received eviction notices, stating that their houses would be demolished in early July. While eviction had not taken place at the time of writing, we understand that this may take place imminently. The residents have not been consulted by the city or municipal authorities; nor have they been offered any compensation or alternative accommodation.

Among those imminently facing eviction are 35 Roma families who had been forcibly evicted at the end of March 2010 from another settlement in the Vidikovac area. They were not consulted in advance of the eviction or provided with any alternative accommodation, assistance or compensation by the City of Belgrade authorities. Without alternative accommodation, many of the families collected what was left of their houses and their personal belongings and moved to a settlement on the other side of the road, joining other families that were already living there.

The group includes 25 families who left their village in southern Serbia in the 1990s and, like many others from southern Serbia, moved to Germany in search of employment. They were deported from Germany to Serbia under a bilateral readmission agreement in 2003-4. When they attempted to return to their former homes in the village of Tibužde, in Vranje municipality, they found that their houses had been razed to the ground and that the building materials had been taken away by the local Serbian community. Despite seeking assistance from the municipality and other authorities, they received no help in moving back to their village, and subsequently moved to a site in Čukarica municipality in Belgrade, from where they were evicted in early 2010.

In October 2010 Amnesty International was informed that the site at Vidikovac - due for eviction since June 2010 - was more or less empty. Those remaining told local NGOs that the group from Tibužde had gone to Germany "for a few months"... "to get some work". Reportedly they had no intention of applying for asylum, but having been threatened with forced eviction, and with no prospect of alternative accommodation, had decided

⁶⁷ European Commission, *Serbia 2010 Progress Report*, p. 50
http://ec.europa.eu/enlargement/pdf/key_documents/2010/package/sr_rapport_2010_en.pdf

to leave Serbia.⁶⁸

Amnesty International has recommended that the government of Serbia: (in particular, the Ministry of Minorities and Human Rights and the Commissariat for Refugees),

- Takes adequate measures to ensure the reception and integration of all persons returned under readmission agreements.

SUMMARY OF RECOMMENDATIONS

Amnesty International has recommended that the government of Serbia:

- Provides a legal framework in accordance with international standards, including safeguards and measures to protect the rights of the affected population, to ensure that any further resettlements by the City of Belgrade do not constitute forced evictions;
- Stops all forced evictions, and ensures that infrastructure projects do not result in any further forced evictions;
- Ensures that evictions are only carried out as a last resort after all other feasible alternatives to eviction have been explored. Procedural protections required under international human rights law should be in place, in particular the requirements on consultation, adequate notice and adequate alternative housing;
- Respects the rights of all victims to an effective remedy and reparations, including restitution, rehabilitation, compensation, satisfaction and guarantees of non-repetition;
- Provides adequate alternative housing to all those who have been forcibly evicted and compensation for losses to any property and possessions damaged in the process;
- Introduces legislation on evictions, providing safeguards and remedies in accordance with international standards.

With regard to freedom of movement and residence:

- Does not return Roma evicted from settlements in Belgrade to southern Serbia. Those who wish to voluntarily return should be allowed to return in safety and in dignity, and with their full and informed consent;

⁶⁸ Following the liberalization of EU visa arrangements with Serbia in early 2010, large numbers of mainly Roma, as well as ethnic Albanians from southern Serbia, have travelled to EU member states, the majority of which have not considered, on an individual basis, their eligibility for international protection; many were summarily returned from Belgium. In October, following letters from the European Commissioner for Home Affairs, Serbia took measures, including strengthening border controls, to reduce the number of citizens seeking asylum in EU countries.

- Offers those already forcibly relocated to southern Serbia the opportunity to return to Belgrade, with the assistance of the authorities and with the payment of adequate compensation for their forcible relocation;
- Ensures for those already returned and who wish to remain in southern Serbia, the legalization of settlements, the provision of adequate housing services such as water, sewage and electricity, and the employment of at least one member of each household, which the government had already committed to provide in its agreement with the EBRD.

With regard to internal displacement:

- Takes measures, including through legislative amendments, to ensure that all IDPs from Kosovo may register their residency in Serbia;
- Ensures the issuance of personal documents required to ensure that all IDPs from Kosovo, including Roma, Ashkali and Egyptians are guaranteed the rights, services, support and assistance that should be guaranteed under applicable international human rights treaties and reflected in the UN Guiding Principles for Internal Displacement, free from discrimination;
- Takes adequate measures to ensure the reception and integration of all persons returned under readmission agreements.

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