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# CONTENTS

Introduction .....	5
The right to an adequate standard of living (Article 11).....	6
1. Measures to ensure the right to adequate housing for Roma (Question 36 and 37 in the List of Issues).....	6
Informal settlements.....	7
Right to adequate housing for Roma, Ashkali and Egyptians IDPs.....	7
Legalization .....	7
Social Housing.....	8
2. Legal framework (Question 38 in the List of Issues) .....	8
3. Forced evictions, a chronology (Question 39 in the List of Issues).....	9
Blok 67.....	10
19 Vojvodjanska.....	10
Gazela Bridge.....	10
Vidikovac.....	10
Lazar Kujundžić .....	11
16 Devičića .....	11
25 Vojvodjanska.....	11
Omladinskih brigada.....	11
Dalmatinska.....	11
Pančevački most .....	12
Obrenovac .....	12
55 Skardarska.....	12
Omladinskih brigada.....	12

Pregrevica: Zemun-Borča Bridge.....	12
Ljeska Street, Cukarica.....	13
Block 72.....	13
Belvil.....	13
Sava Bridge, Belvil.....	14
Zemunska Street.....	14
Vidikovac .....	14
4. Forced evictions and procedures for consultation, compensation and adequate alternative accommodation (Question 38 in the List of Issues).....	15
Failure to provide residents of informal settlements with adequate information or notice .....	15
Absence of adequate consultation.....	16
Lack of adequate notice.....	17
Right to an effective remedy-Compensation .....	17
Inadequate resettlement .....	18
Creation of segregated settlements .....	19
Inadequate resettlement in southern Serbia.....	20
Violation of the rights to safe drinking water and sanitation .....	20
Lack of consultation with host communities.....	21
Recommendations.....	21
Endnotes.....	22

# INTRODUCTION

Amnesty International submits this briefing for consideration by the United Nations (UN) Committee on Economic, Social and Cultural Rights (the Committee), ahead of its examination of Serbia's second periodic report on the implementation of the International Covenant on Economic, Social and Cultural Rights (the Covenant), at the 52<sup>nd</sup> session to be held in Geneva from 28 April to 23 May 2014.

In this briefing Amnesty International assesses Serbia's implementation of Article 11 of the Covenant, focusing on its failure to guarantee the right to adequate housing to Romani people without discrimination. It reflects and replies to the concerns set out by the Committee, in paragraphs 36 to 39 of the List of Issues.

Since 2009, Amnesty International has documented a pattern of forced evictions of Romani communities in Belgrade, the capital city of Serbia. It has found that the resettlement provided to communities who have been forcibly evicted does not meet international standards relating to the adequacy of housing and, in a number of cases, contributes to further segregation of these communities.

Further, the lack of safeguards against forced evictions 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 discrimination, on the basis of ethnicity.

In the context of forced evictions, Amnesty International has also documented discrimination against internally displaced (IDPs) Roma, Ashkali and Egyptians from Kosovo and Roma returned from European Union (EU) member states.

Amnesty International regrets that in a number of fundamental respects Serbia has failed to honour its obligations under the Covenant. The present briefing focuses on the following concerns:

- Failure to guarantee the right to adequate housing for Roma,
- Failure to guarantee the right to housing of internally displaced Roma, Ashkali and Egyptians from Kosovo;
- Failure to conduct evictions and resettlements in accordance with international standards.

Amnesty International also makes a number of recommendations to the State Party, in relation to specific questions on the Committee's List of Issues,.

# THE RIGHT TO AN ADEQUATE STANDARD OF LIVING(ARTICLE 11)

## 1. MEASURES TO ENSURE THE RIGHT TO ADEQUATE HOUSING FOR ROMA (Question 36 and 37 in the List of Issues)

Amnesty International considers that the Serbian government has failed to “adopt the necessary measures to prevent, diminish and eliminate the conditions and attitudes which cause or perpetuate substantive or de facto discrimination” in relation to the substantive discrimination faced by Roma in exercising their right to adequate housing.<sup>1</sup>

Despite the introduction of legal provisions and the formulation of a series of strategies and action plans, including within the context of the Decade of Roma Inclusion (2005-2015), few of those laws, strategies or action plans have been implemented, and the degree of commitment by the authorities remain low.<sup>2</sup>

Where measures have been taken, they have largely been initiated and/or funded by international donors, including the European Commission (EC) through the Instrument of Pre-accession Assistance funding and bilateral assistance from EU member states. However, these have been limited in their effectiveness, due to failures by both state and municipal authorities to fully and effectively implement the funded measures.

While the Covenant provides that countries may well seek to “progressively” realize the rights guaranteed by the Covenant, the Committee has also clarified that there remains an obligation to provide at least the minimum core standards.

Further, in the absence of reliable statistics, and none disaggregated by ethnicity, Serbia has been unable to evaluate the impact of the measures that have been taken to ensure the right to adequate housing of Roma.

As the State Party reports (paras.12-13), the government adopted a new National Strategy for the Promotion of the Position of Roma (National Roma Strategy) in April 2009. A National Action Plan for its implementation was approved in July 2009. Measures to improve the right to adequate housing, set out as one of the government’s priorities for the year of their Presidency of the Roma Decade, included the legalization and improvement of Roma settlements, relocation, the provision of low cost housing and combating discrimination.<sup>3</sup>

However, responsibility for implementation of these strategies and action plans, including with respect to the right to adequate housing, repeatedly devolved to ministries or departments within ministries, or finally a government “agency”, with a lack of capacity and decreasing power and influence.<sup>4</sup>

#### INFORMAL SETTLEMENTS

Amnesty International is particularly concerned that Serbia has denied the right to adequate housing to Roma, particularly those living in informal settlements.

No reliable estimates exist of the number of informal settlements, or the numbers of Roma, and others, living in such settlements. Published statistics continue to be based on a 2002 survey, which estimated there were 593 Roma settlements in Serbia. Of these, only 28 percent were estimated to be legalized, in that they were constructed within the urban planning process, and thus should have access to electricity, running water and sewage, with paved roads and access to, for example, garbage services.<sup>5</sup>The remaining 72 percent of Roma settlements were described as illegal or partially legalized.

Thus, around two-thirds of Roma settlements are estimated to be built on land not designated for housing in urban planning documents; other settlements have spontaneously grown, spreading into areas not designated for housing. Consequently they lack basic infrastructure – roads, piped water, sanitation, sewage and electricity.<sup>6</sup>

Living conditions in the majority of informal settlements in Serbia are frequently appalling. Constructed on wasteland, unused industrial land, abandoned land or waste dumps, homes (called barracks) are built from recycled materials, including wood and cardboard; occasionally structures may be built of brick or other salvaged building materials.

#### RIGHT TO ADEQUATE HOUSING FOR ROMA, ASHKALI AND EGYPTIANS IDPS

It has been estimated that Roma, Ashkali and Egyptians displaced from Kosovo make up 17 per cent of the population of informal settlements.<sup>7</sup> The findings of a 2011 needs assessment, conducted by the Serbian Commissioner for Refugees, UNHCR and the Statistical Office of the Republic of Serbia, found significant disparities between the status of Roma IDPs in comparison to the IDP population as a whole.<sup>8</sup>With respect to the right to adequate housing, Roma IDPs were identified as being substantially worse off than IDPs in general.<sup>9</sup> They comprised the 10.2% of IDPs who live in “objects or facilities not intended for housing” (i.e. in an informal settlement) and who were less likely to have access to running water, electricity, and sewage.<sup>10</sup> Amnesty International also considers Roma IDPs to be at far increased risk of forced eviction.<sup>11</sup>

#### LEGALIZATION

In 2008 the Ministry of Environment and Spatial Planning took measures to fund eight municipalities to draft Urban Plans, with the aim of legalization of 10 Roma settlements, in accordance with Guidelines set out in 2007. By 2011, the Organization for Security and Cooperation in Europe (OSCE) reported that progress had been slow, with only two municipalities completing their plans by 2010; no settlements had yet been “legalized” under this scheme, although settlements have been regularized elsewhere in Serbia, including in Belgrade.

A new process, funded by the EU, begins in 2014. The €4.8 million project, “Technical Support for Roma Inclusion”, to be led by the OSCE, will oblige 20 municipalities to support the Roma Strategy, including by legalizing or regularizing informal Roma settlements.<sup>12</sup>

In October 2013, the Law on the Legalization of Objects and the Law on Special Conditions

for the Registration of Property Rights on Objects Constructed without a Construction Permit were adopted.<sup>13</sup> The former requires the owner of an illegally built or adapted property (constructed without planning permission or outside areas designated for specific building purposes) by January 2014, to initiate an application for the legalization of their property.

Article 42 of the Law on the Legalization of Objects provides for an exemption from the fees associated with legalization for single parents, persons with a disability and those receiving social benefits. The November 2013 conference on Roma Housing in Serbia, recommended that Roma should also be granted exemption from fees.<sup>14</sup> It also called on NGOs to facilitate communication between Roma and the authorities on the legalization process.

Amnesty International notes that following the introduction of similar legislation in Macedonia, a project to assist Roma in legalizing their property<sup>15</sup>, found that few were aware of the legislation, faced considerable obstacles in providing the required documentation,<sup>16</sup> and where exemptions from fees were not applied, could not afford to obtain some of the documentation required.

#### SOCIAL HOUSING

Article 10 of the 2009 Law on Social Housing provides for the housing needs of "persons who are homeless or persons without adequate housing".<sup>17</sup> Criteria to determine the order of priority for such housing include: housing status, amount of income, health status, disability, number of household members and property, and additional criteria including belonging to a vulnerable group. Vulnerable groups were listed in order of priority, with Roma at the end of the list.<sup>18</sup>

In 2011, the city of Belgrade's criteria for eligibility for social housing were found to discriminate against Roma. Some 114 families were resettled into containers after being forcibly evicted from the Gazela Bridge settlement in August 2009 (see below, p. 10). They were informed that they would be eligible for social housing, and provided with assistance in securing the relevant documentation.<sup>19</sup> Initial applications foundered: by 2011, only one family had been provided with a social apartment. A complaint on behalf of families who had been unsuccessful in applying was submitted to the Serbian Constitutional Court in October 2010 by the European Roma Rights Centre (ERRC), on the basis that some criteria discriminated against Roma, including those based on educational achievement and employment records, and revised criteria were issued by the city.<sup>20</sup> Some 46 households were subsequently provided with social housing; however, 41 households have still not been provided with social housing, but remain living in metal containers.

Hostility to plans for Roma to be allocated social housing remains a concern. Public opposition to plans to build social housing, for amongst others, resettled Roma, contributed to the abandonment of plans for social housing in Ovča municipality in 2004. In November 2013, following racially motivated demonstrations against Roma, local residents petitioned the authorities to exclude Roma from social housing which is to be built in the Zemun municipality.<sup>21</sup>

## 2. LEGAL FRAMEWORK (Question 38 in the List of Issues)

In March 2011, the UN Committee on the Elimination of Racial Discrimination (CERD) urged Serbia, "to ensure that any resettlements do not involve further forced evictions and that

procedural protections which respect due process and human dignity be put in place".<sup>22</sup>

Serbia has, to date, failed to introduce a legal framework which would prohibit forced evictions, and agree binding guidelines on the conduct of any further evictions to ensure they are carried out in accordance with international standards.<sup>23</sup>

In late 2011, the government agreed that such guidelines be drafted by the then Directorate of Human and Minority Rights, based on the experience of the process around the eviction of Blok 72 (see below, p. 13). The final version written by the Working Group for the Relocation of Blok 72, although included some elements of the UN Basic Principles and Guidelines on Development-based evictions and Displacement (UN Basic Principles) and however fell short of a full compliance with international standards on evictions and Displacement.<sup>24</sup>

Consultations on this document, however, were cut short by the election of a new government in May 2012. Under the new administration, responsibility for developing the guidelines passed to the newly created Agency for Human and Minority Rights.

Later in 2013, the Ministry of Justice took over the process, with a view to introducing legislation rather than guidelines. A working group, comprising the Ministry of Justice, the Agency for Human and Minority Rights and OSCE was due to start drafting the law in January 2014.

### 3. FORCED EVICTIONS, A CHRONOLOGY (Question 39 in the List of Issues)

Since 2009, Amnesty International has documented forced evictions, predominantly affecting Roma living in informal settlements in the city of Belgrade. The majority of these evictions have been conducted by the City of Belgrade authorities, the Belgrade Land Agency (Beoland) or individual municipalities within Belgrade.<sup>25</sup> The government of Serbia has failed to take any measures to prevent any of the forced evictions listed below.

Amnesty International believes that at least 2,500 people, mainly Roma, have been forcibly evicted from informal settlements in the City of Belgrade since early 2009. Many of these people, particularly IDPs from Kosovo, had previously, and often repeatedly, been forcibly evicted from other informal settlements in the city, particularly in 2002 to 2003.<sup>26</sup> The chronology and details summarized below are either based on Amnesty International's monitoring and documentation of forced evictions or on information shared by our partner NGOs in Serbia, in particular the Regional Centre for Minorities and Praxis. While the list attempts to be comprehensive, it is not exhaustive.

In almost all of the cases outlined below, evictions have been carried out or planned without fully informing the families and genuine consultation. There has been no opportunity for communities to propose alternative options for their resettlement, or be consulted on resettlement plans. Instead they have been evicted without sufficient prior notice or without any notice at all. They have not been afforded an effective legal remedy for forced eviction or informed of their right to appeal against eviction. They have not been provided with adequate alternative accommodation, but have been forced into the street or offered metal containers or in one case, flats in the open market that they cannot afford. They have received no compensation for the loss or destruction of their personal property.

#### BLOK 67

On 5 April 2009, around 128 Romani people (47 families), including children, the elderly and infirm, many of them displaced from Kosovo, were forcibly evicted, with less than 24 hours' notice, from an informal settlement at Blok 67 in Novi Beograd (New Belgrade). There was no consultation with the community to identify alternatives to eviction, which took place in order to build an access road for the 2009 Student Games.

Temporary alternative accommodation in the form of containers had apparently been prepared by the City of Belgrade in the suburb of Boljevcı. However, the convoy of buses which took the evicted Roma to Boljevcı was met with protests from local residents, some of whom attempted to set fire to three containers, causing some damage. Faced with such opposition, the city's plans to accommodate the Roma from Blok 67 in Boljevcı were abandoned. The authorities offered temporary accommodation to women and children at a social care centre. Some accepted, but because this was not offered to the men, some women 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. The Mayor of Belgrade stated that only Roma registered in Belgrade would be provided with alternative accommodation, a policy which has continued to date. Some 15 families evicted from Blok 67 were finally provided with accommodation in metal containers at Orlovskonasilje by December 2009. The remainder, predominantly IDPs from Kosovo, moved to other informal settlements, where they remained at risk of further forced evictions.<sup>27</sup>

#### 19 VOJVODJANKSA

In March 2009, eight families (24 individuals) were forcibly evicted from a house at 19 Vojvodjanksa Street, without adequate notice or consultation. According to one of those affected, although a city official had issued them with an eviction notice, which stated that they would be evicted in three days' time, the forced eviction took place without warning on the day after the notice was issued.<sup>28</sup> Some of the families were moved to the first container settlement, established at Orlovskonasilje; others moved to other informal settlements.

#### GAZELA BRIDGE

On 31 August 2009, between 10am and 1pm, almost 200 homes in an informal settlement under the Gazela Bridge were destroyed. Although the affected community had been informed (rather than consulted) about the eviction, the advance warning was insufficient and therefore, few people had time to rescue their belongings before the bulldozers moved in. An estimated 935 Roma (175 families) were forcibly evicted by the city of Belgrade authorities, in advance of repair works, funded by the European Investment Bank (EIB), under an action plan, developed, but never finally agreed with the European Bank of Reconstruction and Development (ERBD). The eviction was not conducted according to international standards. Families whose residence was registered in Belgrade were resettled to container settlements, while those originating from outside Belgrade were returned to their municipalities of origin.<sup>29</sup>

#### VIDIKOVAC

At the end of March 2010, 35 families were forcibly evicted without warning from an informal settlement in the Vidikovac area of Ćukarica municipality; they were not provided with any alternative accommodation or any other assistance. Among them were some 20-25

families who had been deported from Germany between 2003 to 2005, after their temporary leave to remain had expired. Following their deportation, they returned to their home village, Tibužde in Vranje municipality, but found that their homes had been razed to the ground, and the building materials removed, allegedly by the local Serbian community. Having received no assistance from the Vranje authorities, the families moved to Vidikovac. After being forcibly evicted, the families moved to another informal settlement in Vidikovac, where they remained at risk of forced eviction.

#### LAZAR KUJUNDŽIĆ

On 20 April 2010, around 38 Romani families (more than 100 individuals) were forcibly evicted from an informal settlement in Lazar Kujundžić street in Čukarica municipality. At the insistence of a Roma NGO, they were provided with temporary accommodation at a Roma Cultural Centre. On 22 April 2010, at around 6pm, municipal officials, arrived with a bus, stating that all those prepared to return to southern Serbia would receive financial assistance of between 10,000 to 20,000 dinars (between one and two months social assistance for a five member family). The evicted families felt that they had no choice but to accept this offer. Seven families with residency registered in Belgrade were promised, but not provided with alternative accommodation. By mid-July 2010, six families had moved to other informal settlements in Belgrade and one family remained in the Roma Cultural Centre.

#### 16 DEVIČIĆA

On 13 July 2010, three Romani families (17 individuals including nine children, two pregnant women and a woman of 79 years of age) were forcibly evicted from an abandoned building at 16 Devičića street in Čukarica municipality. The families believed they had informally been given permission to use the building, owned by a construction company, since 2008, and had renovated the apartments they were living in. The evicted Roma received no help or offers of alternative accommodation.<sup>30</sup>

#### 25 VOJVODJANSKA

On 10 October 2010, 36 individuals (eight families), including 17 children and one pregnant woman, were forcibly evicted by the Belgrade Land Development Agency (Beoland), acting on behalf of the City of Belgrade. Most of them had been provided with accommodation in Vojvodjanskastreet in 2003, after they had been forcibly evicted from an abandoned factory in the Dorčul area. Following protests by NGOs and the intervention of the then Assistant Minister for Human Rights and Minorities, six families were moved into metal containers at Makiš.<sup>31</sup>

#### OMLADINSKIH BRIGADA

On 26 November 2010, three families (nine individuals) were evicted without warning from barracks on the corner of Milutina Milankovića and Omladinskihbrigada in New Belgrade. They had been provided with eviction notices in April and June 2010, but had received no further notification or information. In December 2010, the remaining four families (nine individuals) were forcibly evicted in sub-zero temperatures. Some of the families were provided with alternative accommodation in containers at Makiš and Rakovica.<sup>32</sup>

#### DALMATINSKA

On November-December 2010, there was an attempt to forcibly evict the Sremčević family from their home in Dalmatinska street in central Belgrade (a legal property, but in which they

lived without adequate security of tenure). Another attempted eviction of the family in December 2010 was prevented by NGOs. On 23 December, the family, accompanied by a lawyer and NGO representatives was informed that the administrative procedures to evict them would be stopped.<sup>33</sup>

#### PANČEVAČKI MOST

On 7 June 2011, some 12 Roma families (70 individuals) were forcibly evicted without any formal notice, from an informal settlement under the Pančevo Bridge. They were given only two hours to pack their belongings and were then bussed from their homes to a site at Dren in the Obrenovac municipality, on the outskirts of Belgrade, and provided with unfurnished metal containers to live in.<sup>34</sup>

#### OBRENOVAC

Since July 2011, 17 predominantly Roma families (78 people, including 35 children and four people over 65 years of age) living in historic buildings in Obrenovac municipality, Belgrade, have remained at risk of forced eviction. Some families have been living in this location for more than 40 years, and most have contracts with the municipality allowing them to use the property indefinitely. Up until the announced eviction, most had paid taxes and other bills, including for heating and lighting, to the municipality.<sup>35</sup> Most of the families refused the offer of metal containers as inadequate. The ERRC and the Belgrade Minority Rights Centre, submitted a claim on behalf of five of those families against the Municipality of Obrenovac, requesting the court to establish the right to adequate accommodation in the event of eviction. The case remains pending before a Belgrade court.<sup>36</sup>

#### 55 SKARDARSKA

On 11 August 2011, five families (20 people, including 10 children) were forcibly evicted from a property at 55 Skadarskastreet, following a decision by a Belgrade court on 29 June. On 27 July, the affected families, together with Belgrade NGOs, had peacefully prevented an officer of the court, accompanied by police officers, from carrying out the forced eviction and negotiated postponement with the court official until 11 August. In the intervening period, the NGO Praxis had, without success, requested the Ministry of Labour and Social Policy, the City Secretariat for Social Protection and the City Centre for Social Work to ensure the families were provided with adequate alternative accommodation.<sup>37</sup>

#### OMLADINSKIH BRIGADA

On 5 October 2011, the forced eviction of mainly non-Roma households living in former workers barracks in Novi Beograd began with the demolition of one structure. A woman suffering from psychiatric illness, who had been informed the day before that she would be evicted, had disappeared that night. Her mother, who tried to prevent the eviction, had to be briefly hospitalized for stress.

The remaining 21 people living in the five other workers barracks were forcibly evicted in December 2011.<sup>38</sup> They were not consulted in advance; a formal notice of eviction was served to only some of the residents only two days before the eviction. No alternative accommodation was offered.

#### PREGREVICA: ZEMUN-BORČA BRIDGE

Although Roma living in informal settlements are the main victims of forced evictions, people

from other communities are also affected. From September 2011 some 79 Serb, Bosniak, Croat, Albanian and Roma families were forced to leave their homes, owned by the former state-owned company NAPRED, in Pregrevica Street in Zemun municipality. They were forcibly evicted in advance of construction of the Zemun-Borča Bridge by the China Road and Bridge Corporation, partially funded by the Chinese Exim Bank. The families, mainly former company employees, had lived in the apartments since the 1960s. They believed they had security of tenure. Many had paid rent, water and electricity bills. Some had bought or were in the process of buying the apartments they were living in.

The eviction took place without any genuine consultation. Residents first heard about the eviction in May 2010 and were promised housing nearby. In June 2011, they were again informed by the Belgrade Land Development Agency about the eviction, and in July that they would be evicted within two months. By October 2011, 38 families had reluctantly accepted alternative accommodation, which was unaffordable for many families, and offered on the basis of unfair or unclear criteria. The remaining families were forced to move into dilapidated NAPRED workers dormitories, for a limited period of time.<sup>39</sup>

#### LJESKA STREET, CUKARICA

On 25 October 2011, a Romani woman, forcibly displaced from Kosovo after the 1999 war, and her six children, were forcibly evicted from a basement flat in an old hospital, which she had been granted in 2006. Her possessions were loaded onto a truck and taken to an informal settlement at Belvil. After pressure from NGOs and wide media coverage, the City Centre for Social Work finally agreed to temporarily provide her with a room in an orphanage.<sup>40</sup>

#### BLOCK 72

This was the only forced eviction to take place on government-owned land. On 3 November 2011, some 33 families (17 from Belgrade, one from southern Serbia and the remainder Roma and Ashkali IDPs from Kosovo), including 10 pregnant women and 80 children, were informed that they would be evicted before the end of the year. On 16 November, they were told that their houses would be demolished the following day. On 19 December 2011, under pressure from NGOs, the eviction was postponed, due to bad weather conditions.<sup>41</sup> At the request of the Ombudsperson (Protector of Citizens) the first consultation process conducted by the government was then initiated (see for more details p. 16).

Some families subsequently left of their own accord. The remaining families were evicted between 17 and 23 March 2012. The final stage of the eviction, postponed to 27 March, did not take place, as the authorities were aware that the remaining families intended to leave of their own accord. As no alternative accommodation was provided, they had no option but to move to another informal settlement, where they remained at risk of eviction.

#### BELVIL

On 26 April 2012, around 240 families (some 1,500 people) were forcibly evicted from the informal settlement at Belvil. Some 124 families were taken to container settlements on the outskirts of Belgrade. Amnesty International characterized the process as a forced eviction, and considered that the alternative accommodation provided in metal containers failed to meet the criteria for adequacy of housing set out by this Committee. They remain to be resettled, as promised, into permanent housing, although as of the time of writing, the resettlement programme remains delayed, for reasons including the city's inability or

unwillingness to identify sites suitable for housing. Amnesty International considers that at least one of the proposed resettlement sites will in effect create a racially segregated settlement.

Around 133 families were forced to return to inadequate housing conditions in the poorest municipalities in Serbia where their residence was registered. The majority returned to inadequate housing; some returned to homelessness.<sup>42</sup> This forced eviction is discussed in more detail in the following section.

#### SAVA BRIDGE, BELVIL

After the forced eviction on 26 April 2012, some 93 families remained on another part of the Belvil site. They were awaiting resettlement under a Resettlement Action Plan agreed between the City of Belgrade and the EIB, prior to the construction of an approach road to the Sava Bridge. Following the intimidation, harassment and bribery of Roma remaining at the settlement, allegedly by Roma believed to be connected with the city authorities, only some 51 eligible families remained on the site by 2013. Although the EIB, at Amnesty International's request, made attempts to locate the other families, at a consultation meeting held by the city and EIB on 7 February 2013, a cut-off date of 6 March 2013 was set for registration for the resettlement. Four previously eligible families who had left the site, but who returned in the summer of 2013, were subsequently considered to be no longer eligible for resettlement.<sup>43</sup> They have been informed by the city authorities that if they remain on the site after the other families are resettled, they will be forcibly evicted.

At a "consultation" meeting on 26 February 2014 those remaining at the site were informed they would be resettled into permanent housing at Orlovsko nasilje (26 families) and Jabučki rit (25 families) before September 2014. Amnesty International considers that at least one of the proposed resettlement sites will in effect create a racially segregated settlement.

#### ZEMUNSKA STREET

On 20 September 2012, 80 Roma (23 families), including 40 children, were forcibly evicted from an abandoned factory in Zemunska street, New Belgrade. No alternative accommodation was provided, and families were left in the street without any assistance or support. Some 15 of the 23 evicted families had reportedly previously been forcibly evicted from Belvil by the city authorities in April 2012. Without residency in Belgrade, they had been forced to return to southern Serbia. Unable to find work in their home municipalities, they had subsequently returned to Belgrade.<sup>44</sup> Others had been forcibly evicted from Blok 72 in March 2012.

The eviction was carried out by court bailiffs, accompanied by around 30 Ministry of Interior police officers, wearing riot equipment. Representatives of NGOs and UN bodies were excluded from independently monitoring the eviction, in violation of international standards; journalists were also prevented from viewing the eviction.<sup>45</sup>

#### VIDIKOVAC

On 22-23 April 2013, between 30 and 40 households in the Vidikovac area of Čukarica municipality were evicted.<sup>46</sup> The forced eviction was carried out by the Belgrade city authorities and Čukarica municipal authorities. The eviction did not meet even the basic requirements set out in the Serbian administrative law, which requires the issuing of an advance notice of the eviction, and a subsequent notice, setting out the grounds of the

eviction and the date on which it is due to take place. This circumvented the minimum level of legal protection available in Serbian law by using municipal regulations to justify the eviction. According to municipal and city officials, they were carrying out a “cleaning operation”, based on a decision by the Communal Inspectorate.

When one man asked for the eviction notice, he was reportedly slapped and racially abused by a police officer; another man was reportedly arrested.

Many of the families originated from southern Serbia, and had previously been evicted from Belvil in March 2012, and in some cases from Gazela Bridge in August 2009.

On 26 April 2013, between three and five families were forcibly evicted from a small informal settlement at Žarkov, also in Čukarica municipality.

#### **4. FORCED EVICTIONS AND PROCEDURES FOR CONSULTATION, COMPENSATION AND ADEQUATE ALTERNATIVE ACCOMMODATION (Question 38 in the List of Issues)**

Amnesty International considers that in conducting evictions, Belgrade city and municipal authorities have repeatedly failed to provide the affected people with adequate prior notice, adequate information, legal remedies and compensation. There has been a lack of consultation, including to identify feasible alternatives to the eviction. Further, the inadequate resettlement and alternative accommodation provided contravenes international standards. Only on one occasion have the Serbian authorities attempted, albeit unsuccessfully, to protect people from forced eviction and mitigate these practices (see Blok 72, p.13 and16).

**FAILURE TO PROVIDE RESIDENTS OF INFORMAL SETTLEMENTS WITH ADEQUATE INFORMATION OR NOTICE**  
In all but three of the 20 forced evictions outlined in this submission the authorities have failed to consult in advance with the affected population, as set out in the UN Basic Principles. Even where consultations have taken place (Gazela, Belvil and Blok 72), they have failed to meet these standards.

The City of Belgrade authorities have also failed to provide Roma residents of informal settlements with adequate information and notice about the eviction. Nor have they been informed about the purpose of the eviction and the alternative use to which land or buildings would be put. In no instance have attempts been made by the authorities to consult affected households to explore feasible alternatives to eviction or their resettlement options.

The forced eviction of Belvil in April 2012, for example, was ostensibly justified on the basis of the unhygienic state of the settlement, although this information was never discussed with those most affected. At the time of the eviction, Amnesty International questioned why no attempts were made by the city authorities to explore options to upgrade the settlement. In a subsequent letter to 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 authorities stated that according to the city’s 2021 general plan, some part of the area was identified for a bus or transport terminus.<sup>47</sup>

#### ABSENCE OF ADEQUATE CONSULTATION

In the vast majority of forced evictions outlined above, there was no consultation with the affected population. The only attempts to engage in some degree of consultation were made in the context of development-based evictions and resettlements, conducted in advance of infrastructure projects funded by the EBRD and the EIB (Gazela Bridge, Sava Bridge), resettlement funded by the EC (Belvil), or at the initiative of the Ombudsperson, in the case of Blok 72.

In the case of Belvil, the consultation meetings in advance of eviction failed to provide the community with information on the purpose of the eviction, nor were people given opportunities to suggest feasible alternatives. While the city authorities did meet with the affected community, attempts at sharing information were at best half-hearted. At a meeting held in mid-April 2012, for example, Bojan Bovan of the Mayor's Cabinet spoke only for a short time, without a microphone; many of those present stated that they could not hear him clearly.

In meetings held on 24 April 2012, people were informed where they would be resettled, or if they were being returned to their original municipalities. Roma registered in Belgrade were presented with one option: to move to metal containers at a specified location, not of their choice, despite concrete alternatives proposed by some individuals.

A second group - comprising of people not registered as residents of Belgrade - were informed that they would be transported along with their belongings back to their municipalities of origin, and told they would be given 200-300 euros or if necessary, receive help to rebuild their homes. People raised their concerns in the meeting about this proposal, pointing out that they had come to Belgrade because they needed to find work and questioning the feasibility of help from their municipalities. They were not offered any alternatives, nor provided with documents confirming the precise arrangements.

A consultation process was also envisaged for the resettlement of Roma from Block 72 (on land owned by the government) following the establishment of a working group initiated by the Ombudsperson. The Blok 72 relocation was the first time that government authorities had engaged in an eviction process. Nine meetings were held with the affected families, facilitated by the then Ministry of Human and Minority Rights, Public Administration and Local Self-Government. The "consultations" took place over several months, and included separate meetings with women, IDPs and Belgrade residents. They also involved relevant ministries, city authorities and the NGO Praxis.

According to the government, the consultation and resettlement had been carried out according to the UN Basic Principles.<sup>48</sup> However, according to Praxis, "the consultation was... limited to imposing solutions and not accepting any of the residents' proposals".<sup>49</sup> All but two of the 17 families with Belgrade residency finally accepted the alternative accommodation offered in container settlements.

Five IDP families were excluded from resettlement options, on the basis that they had previously received support for their return to Kosovo. The authorities- including the Commissariat for Refugees- decided that these families would not be offered further assistance, even though they had clearly been unable to make a sustainable return. Amnesty

International notes that UNHCR, in their current eligibility guidelines on return to Kosovo, identify Roma as a vulnerable group who should not be returned.<sup>50</sup>

Ten IDP families were offered accommodation in collective centres mainly in southern Serbia, which they declined, requesting accommodation in Belgrade. This was refused on the basis that the Commissariat for Refugees planned to close the centres in Belgrade. Only one IDP family eventually accepted accommodation at a collective centre in Kragujevac; others reportedly declined after visiting the centre due to the appalling conditions.<sup>51</sup>

#### LACK OF ADEQUATE NOTICE

The forced evictions of small settlements and houses described above 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.<sup>52</sup>

#### RIGHT TO AN EFFECTIVE REMEDY-COMPENSATION

Serbian law does not provide any specific remedies in cases of forced eviction, including for an individual or group to challenge a proposed eviction or to apply for compensation for the destruction or damage to their personal property during an eviction.<sup>53</sup>

The Resettlement Action Plan (RAP) for the Gazela Bridge settlement provided for a complaints procedure. However, the RAP was never made available to the affected Roma, nor were the affected population fully informed of this provision.

An eviction notice issued by the Čukarica municipality (see p. 14) to a family living in Ibarsku Put No. 66, stated that they were entitled to file a complaint to the Belgrade authorities at a cost of 30 dinar (€3). When Amnesty International asked an affected person whether they had complained, it was clear that he was unable to read, and had no knowledge of his right to appeal.<sup>54</sup>

Eviction notices served in April 2012 at Belvil, clearly stated that complaining against the eviction would have no effect on the scheduled date for the eviction,<sup>55</sup> thus failing to provide any genuine opportunity to appeal against eviction, or to have access to a court. Because provisions in Serbian law have a non-suspensive effect, this discourages impacted individuals from appealing eviction decisions. Even where appeals have been made, the authorities have failed to decide on them in accordance with the law.<sup>56</sup>

However, some successful appeals have been made. Following the eviction of Roma families in October 2010 from Vojvodanska Street, an appeal was lodged by a lawyer granted power of attorney by four of the families. The appeal was made on the basis of Article 5 of the Law on Housing, which states that a body or person has to have a legal interest in the property in order to request an eviction. This first successful legal challenge to a Belgrade eviction was made entirely on an administrative basis, to the Secretariat for Property Rights. The onus lay on the municipality, which had conducted the eviction, to demonstrate that the City Development Agency (Direkcija), which had requested the eviction, had a legal interest in the property. The appeal initially received a negative decision but on a subsequent appeal, in two instances, a positive reply was issued stating that the eviction had been illegal on the basis

that “there was no evidence that the Direkcija has a legal interest in the property”, meaning that the agency had no documentation stating that they owned or had another legal interest in the property.<sup>57</sup>

In all other cases of forced evictions documented by Amnesty International affected people have not been provided with any effective remedies.

#### INADEQUATE RESETTLEMENT

In cases where alternative housing has been offered, the Belgrade authorities have provided metal containers as alternative housing. Amnesty International emphasizes that metal containers cannot be considered as housing and they fail on several counts of adequacy as defined in international human rights law and standards.

Seven container settlements were established in City of Belgrade municipalities in 2009, initially for the resettlement of Roma evicted from the Gazela Bridge settlement.<sup>58</sup> Following the eviction of Belvil in 2012, four additional container settlements were created-Jabučkirit, Kijevo, Resnik and Dren- whilst one container settlement –Makis- was expanded. Each of the settlements was isolated from other communities and in some cases, far away from clinics, schools, municipal offices, shops and other amenities, with no adequate transport. Two settlements – Dren and Jabučki Rit– were located in the furthest municipalities within the city of Belgrade, more than 50 and 26 km, respectively from Belvil, and located in open country.

The resettlement in metal containers offered to Roma forcibly evicted from Gazela Bridge, Belvil, Blok 72 and some other smaller sites does not meet the seven elements of adequacy of housing, as determined by this Committee.<sup>59</sup> The transfer to container settlements has resulted in the loss of livelihoods and lack of access to employment. The majority of resettlement sites chosen by the authorities for former residents of Gazela and Belvil are far away from the city and from sources of work. There is little or no work available near the container sites, or – because of the rural location of many such sites –the opportunity for Roma to assume their previous occupations in collecting and re-selling scrap or recyclable materials. Indeed, evicted Roma were informed that they could not take any of their stored scrap materials with them, and were forbidden from storing scrap at the container sites. Many families in container settlements have since repeatedly told Amnesty International of the considerable challenges they face in earning money to feed themselves and their families.

Inadequate resettlement options provided to former Belvil residents denied them access to work, food, health and social security. Following the Belvil eviction, only those already claiming or entitled to social welfare were eligible for food parcels; however, many had not previously claimed social welfare, and did not have the documentation they needed to access it. Despite the assistance of UNHCR implementing partners, including Praxis, in gaining access to documentation, even in November 2013 some individuals (including some Roma IDPs) still did not have all the documentation they needed in order to sign contracts for their permanent housing. By mid-August 2012, most people had still not received contracts for their tenancy of the containers. Without a contract, they had no registered address; without an address, the authorities could not process their applications for social welfare payments, or to register for healthcare.

Many households resettled to container settlements were initially dependant on the one meal a day provided by the National Kitchens; some remain dependant almost two years later. At two sites, this involves a round trip of up to 45 minutes (from the Resnik site) and over two hours (from the Jabučki Rit site), including the time spent in the queue.

On a more positive note, Amnesty International notes that, as part of the EU resettlement, the Swedish International Development Cooperation Agency, working through OSCE, has provided funding for the implementation of the “village house” scheme, identified in the 2010 Roma Strategy. This scheme, previously used with IDPs, enables beneficiaries to move into an abandoned house (within certain criteria). Over 70 households, due for resettlement, have shown an interest in this option, and by November 2013, some 11 applications had been approved. Households will have security of tenure and will, after five years, own the property outright.

#### CREATION OF SEGREGATED SETTLEMENTS

In 2011, the CERD, in the context of forced evictions, urged the Serbian authorities to “avoid residential segregation of minorities”.<sup>60</sup> Yet the Belgrade authorities have continued to establish racially segregated container settlements, including at Jabučki Rit and Dren.

The container site at Dren was situated on marshland outside of Dren village, located over 50km from the centre of Belgrade, an hour by car, and with only two buses a day. The marshland was polluted from use as a local rubbish dump. There was no running water available when Amnesty International visited in the afternoon of 29 April 2012. Water was being delivered to a cistern on a daily basis. Neither was there any protection from the sun: the temperature that day was 30 degrees Celsius. All of those forcibly evicted were worried about access to their work. Parents were concerned that no arrangements had been made so that the children could continue going to school. Several of those sent to live there had disabilities (including a wheelchair user), and were effectively unable to leave the site. Under pressure, Dren was closed by October 2012.

In April 2012, the EC agreed to allocate €3.6 million for the provision of housing for those forcibly evicted from Belvil. Roma resettled to containers in April 2012 were provided with options including units in prefabricated housing, abandoned rural houses or assistance with rebuilding their own property.

Amnesty International welcomed the intention to build permanent housing for evicted Roma, but expressed concerns about the locations proposed by the city. Five of the six proposed sites were far from the city centre, with poor public transport links and services; some further proposals were made, and considered against criteria, broadly in line with international standards for adequacy of housing proposed by the UN Office of the High Commissioner for Human Rights (OHCHR) in Serbia. A number of proposed sites were abandoned, either as a result of local opposition (Glogonskirit), contested ownership (Obrenovac) or planning conditions. The city failed to identify sites which would meet international human rights standards, including smaller sites in city centre locations. At the time of writing, construction is planned on only two of the originally proposed sites.

Although the EU has publicly stated that it will not create segregated settlements,<sup>61</sup> Amnesty International considers that the current construction of apartments for Roma households

(including those evicted from Belvil) at Jabučki Rit, will result in the creation of a segregated settlement, even if measures to mitigate against the site's isolation, including the building of a road to the nearest town, proposed by the OHCHR, are put into effect.

#### **INADEQUATE RESETTLEMENT IN SOUTHERN SERBIA**

Romani individuals and families who are not registered in Belgrade have been excluded from resettlement options in Belgrade and returned to southern Serbia in violation of their rights to freedom of movement, residence and adequate housing. Hundreds of Roma "returned" to the south have been returned to inadequate accommodation, or have been rendered homeless.

The Committee in General Comment 7 has emphasized that all persons who cannot provide for themselves must be provided with adequate alternative housing. Therefore, the authorities cannot draw a distinction among affected people on the basis of their residency status. Further, according to the Committee, evictions must not "render individuals homeless or vulnerable to the violation of other human rights" (para 16). However, municipalities in southern Serbia face considerable challenges in ensuring the rights of Roma to education, employment, adequate housing and other human rights.

In January 2009, the City of Belgrade authorities refused to resettle 240 people (53 families) living at the informal settlement under Gazela Bridge on the basis of their residency status. They were not registered as residents in Belgrade, but originated from seven of the poorest municipalities in southern Serbia. Most had lived in Belgrade for between 10 and 20 years, moving there to work, sometimes on a seasonal basis. Following the eviction they were bussed to 27 municipalities of origin, in southern Serbia and Vojvodina. Despite a six-month consultation with destination municipalities, led by the Ministry of Labour and Social Policy, many municipalities were unable to fulfil the conditions required under the Resettlement Action Plan, including the guarantee of adequate housing.

At Belvil (26 April 2012), the preparation for the forced eviction of Roma registered in other municipalities did not begin until late March 2012. The Ministry of Labour and Social Policy again contacted destination municipalities, but a week before the eviction only few had replied; the majority of those who replied stated that they did not have the resources to accept the returnees. At that point, despite having no jurisdiction to do so, Belgrade city authorities took over the coordination of the return process with the municipalities.

Provisions made for returned Roma were considerably worse than in 2009. The lack of adequate preparation, planning and consultation left many Roma homeless, including in Leskovac (18 individuals), Bojnik (14 families), Prokuplje (seven to 10 people), and Surdulica (one family).

#### **VIOLATION OF THE RIGHTS TO SAFE DRINKING WATER AND SANITATION**

Some Roma sent back to Niš from Belvil in April 2012 were due to be housed in containers promised by the city of Belgrade, but these never arrived. The Roma, including a 16-year-old pregnant young woman, her mother and grandmother, along with families with young children, were "temporarily" resettled in an abandoned warehouse without any security of tenure.

The abandoned warehouse had no access to electricity, running water or sanitation. Although

they could use plastic containers to fetch water from inside a public market 115 metres away, access to water there was restricted according to the market's opening hours – 7am to 3pm – and the whims of a market official who frequently denied access to the Roma families. The nearest alternative public water source was more than a 30-minute walk away in the city centre. By June temperatures were beginning to soar above 35 degrees Celsius. Running water was not turned on until 18 July, after a new local government was elected.<sup>62</sup>

#### LACK OF CONSULTATION WITH HOST COMMUNITIES

In the absence of meaningful consultation with host communities in areas planned for the resettlement of Roma, members of some local communities have taken part in racist attacks on the lives and property of the resettled community. In April 2009, containers planned to house Roma were set on fire, forcing buses carrying Roma evicted from Block 69 to turn around, and leaving evicted Roma to spend the night on the streets. On June 2011, a Romani woman evicted from Pančevo Bridge was attacked at the container settlement in Dren, to which she had been resettled. Although the authorities had hired a security firm to protect the Roma community from attacks by the local population, they were not able to protect her, nor find the perpetrator.<sup>63</sup>

On 26 April 2012, 10 Belvil families who had been told by the city authorities that they were going to a settlement at Rakovica, were informed - just before they boarded the bus - that they were being taken instead to Resnik, where there had been racist demonstrations by residents against the resettlement of Roma in the area.<sup>64</sup> On 1 May 2012, around 15 to 20 masked individuals attacked the settlement in Jabučki Rit, shouting racist slogans including "Serbia for Serbs, Roma out of Serbia" and drew a swastika on one of the metal containers where the Roma were living.

## RECOMMENDATIONS

#### **Amnesty International recommends that the Serbian authorities:**

- Stop all forced evictions, and introduce a legal framework in full compliance with international human rights law to prohibit all forced evictions;
- Ensure that evictions are only carried out as a last resort after all other feasible alternatives to eviction have been explored, and with the procedural protections required under international human rights law in place, in particular the requirements on consultation, adequate notice and adequate alternative housing;
- Provide adequate alternative housing to all those who were forcibly evicted and ensure that they are provided with access to effective remedies;
- Ensure that people who have been forcibly evicted are resettled as soon as possible in permanent housing which complies with international standards on adequacy of housing, following the genuine consultation with the communities on all aspects of this resettlement,

including location;

- Implement the right to adequate housing of Roma, as set out in the 2009 National Roma Strategy;
- Ensure that the relevant Human and Minority Rights body is fully staffed and financially resourced, in order to implement - in conjunction with other relevant ministries - the provisions on housing within the National Roma Strategy;
- Ensure that Roma living in informal settlements are given priority in access to adequate housing, including social housing, alongside other priority groups, as outlined in the Law on Social Housing and National Housing Strategy.

## ENDNOTES

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<sup>1</sup> CESCR General Comment 20, Non-discrimination in economic, social and cultural rights, Article 8 (b).

<sup>2</sup>This view is also reflected in the findings of a November 2013 conference, see *Roma Housing in Serbia: from Strategy to Reality*, Draft Conclusions and Recommendations, <http://www.housingcenter.org.rs/en/download/Conclusions%20and%20recommendations.pdf>

<sup>3</sup>*Strategy for the Improvement of the Status of Roma in the Republic of Serbia*, pp. 23-24, <http://www.inkluzija.gov.rs/wp-content/uploads/2010/03/Strategija-EN-web-FINAL.pdf>

Measures and activities for the strategy implementation included solutions to enable “a *relatively simple and fast legalization*” of suitable settlements, through the urban planning process; the improvement of basic living conditions (water, electricity, access roads etc.) *in the settlements for which it is established that they cannot be legalized and improved*, in the period until they are resettled or moved; and the *legalization of individual houses*, in settlements in which the property status of land is regulated [All italics].

<sup>4</sup> Ministry of Human and Minority Rights to 2011; Directorate for Human and Minority Rights, within the Ministry for Human and Minority Rights, Public Administration and Local Self-Government, to May 2012; succeeded by the Agency for Human and Minority Rights.

<sup>5</sup>Božidar Jakšić& Goran Bašić, *Romany Settlements, Living Conditions And Possibilities Of Integration Of The Roma in Serbia*, Ethnicity Research Centre, December 2002, p.10; the survey assumed a minimum

population of 27,000 Roma, p.17. A survey of informal settlements is due to take place in 2014, to be conducted by the OSCE and funded by a European Commission, Instrument of Pre- Accession (IPA) programme.

<sup>6</sup> Under the 1992 Law on Planning and Construction (amended 2003), in order to start construction or other changes, the land on which such settlements are built has to be formally recognized or legalized in Urban Plans.

<sup>7</sup>[http://www.jips.org/system/cms/attachments/259/original\\_Serbia\\_profile\\_at\\_a\\_glance.pdf](http://www.jips.org/system/cms/attachments/259/original_Serbia_profile_at_a_glance.pdf)

<sup>8</sup>*Assessment of the Needs of Internally Displaced Persons in Serbia*, February 2011, [http://www.unhcr.rs/media/IDP\\_Needs\\_AssessmentENGLISH.pdf](http://www.unhcr.rs/media/IDP_Needs_AssessmentENGLISH.pdf). The survey was based on a sample of 2,006 households and 8,335 individuals. Some 45.2% of households were determined to be in need (22,886 households or 97,286 persons). There has been no re-registration of IDPs since 2000; estimates of the number of Roma, Egyptians and Ashkali displaced from Kosovo to Serbia in 1999 and 2004, vary from 22,000 to 50,000.

<sup>9</sup> With respect to adequate housing, while the average size of housing occupied by IDPs was 59.41 m<sup>2</sup>, with 17.71 m<sup>2</sup> per household member, for Roma IDPs the average living area is 40.73 m<sup>2</sup>, or 10.1 m<sup>2</sup> per household member. Even more indicative was that 73.1% of Roma households occupied less than 10 m<sup>2</sup> per member, compared with 26.3% of non-Roma. Further, they were less likely to own property and much more likely to live in “other” (or informal) settlements.

<sup>10</sup>*Assessment of the Needs of Internally Displaced Persons*, p. 9. Some 40.2% of Roma IDPs did not have access to running water, as compared to 2.3% of non Roma IDPs; 66.4% of Roma IDPs did not have interior toilets, as opposed to 16.4% of non-Roma.

<sup>11</sup> Almost half of the 46 households due to be resettled as part of the Sava Bridge project, under a Resettlement Action Plan agreed with the European Investment Bank, are Ashkali from Kosovo.

<sup>12</sup> This project accompanies the introduction of laws required under Serbia's process of accession to the EU, designed to ensure the legalization and establishment of title to property built outside planning regulations and not officially registered.

<sup>13</sup>Zakon o Legalizaciji Objekata ("Sl. glasnik RS", br. 95/2013), [http://www.paragraf.rs/propisi/zakon\\_o\\_legalizaciji\\_objekata.html](http://www.paragraf.rs/propisi/zakon_o_legalizaciji_objekata.html); adopted 31 October 2013. Zakon o PosebnimUslovimazaUpisPravaSvojinenaObjektimalzgrađenimbezGrađevinskeDozvole, <http://www.parlament.gov.rs/upload/archive/files/lat/pdf/zakoni/2013/422-13Lat.pdf>.

<sup>14</sup>*Roma Housing in Serbia: from Strategy to Reality*, Draft Conclusions and Recommendations, <http://www.housingcenter.org.rs/en/download/Conclusions%20and%20recommendations.pdf>

<sup>15</sup> “Report for project Legalization of Roma housing – Macedonia, first phase”, National Roma Centrum, 22 February 2014, <http://static.nationalromacentrum.org/pdf/roma-housing/Legalization-of-Roma-housing-phase1.pdf>

<sup>16</sup>In Serbia, the required documents include: 1) land survey report; 2) as-built design in three copies; 3) evidence on the right of use, ownership, or lease of the construction land, or evidence of ownership over the building; 4) evidence on settling the relations concerning the payment of the construction land development fee; 5) evidence of payment of the administrative tax.

<sup>17</sup>Zakon o Socijalnom Stanovanju, Official Gazette RS, no. 72/2009, 11 September 2009;  
[http://www.paragraf.rs/propisi/zakon\\_o\\_socijalnom\\_stanovanju.html](http://www.paragraf.rs/propisi/zakon_o_socijalnom_stanovanju.html).

<sup>18</sup> “In determining the order of priority according to the basic criteria priority will be given to persons belonging to vulnerable social groups: young people, orphans, single parents, families with many children, single households, persons over 65 years of age, persons with disabilities, veterans personal, family veterans, civilian war invalids, refugees and internally displaced persons, *Roma* and other socially vulnerable groups” in Zakon o Socijalnom Stanovanju, Official Gazette RS, no. 72/2009.

<sup>19</sup> “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 Shanty 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).

<sup>20</sup> European Roma Rights Centre, *Legal briefing: The Right to Housing*, <http://www.errc.org/article/roma-rights-2011-funding-roma-rights-challenges-and-prospects/4062/6>.

<sup>21</sup><http://www.minoritycentre.org/sh/actuals/rasisti%C4%8Dki-nemiri-u-zemun-polju-zahtevaju-neodlo%C5%BEenu-reakciju-dr%C5%BEave>, <http://www.minoritycentre.org/sh/actuals/sramota-je>

<sup>22</sup> Concluding observations of the Committee on the Elimination of Racial Discrimination, 10 March 2011, (CERD/C/SRB/CO/1), para.14, [http://www2.ohchr.org/english/bodies/cerd/docs/co/Serbia\\_AUV.pdf](http://www2.ohchr.org/english/bodies/cerd/docs/co/Serbia_AUV.pdf)

<sup>23</sup>Amnesty international, *Serbia: Amnesty International petitions Serbian Deputy Prime Minister*, 17 October 2011, <http://www.amnesty.org/en/library/info/EUR70/023/2011/en>

<sup>24</sup> Sent to Amnesty International for comment, but not currently publicly available.

<sup>25</sup>Research conducted by the NGO Praxis, under the Law on Free Access to Information, found that 89% of the 936 individual evictions conducted in Serbia under Article 5 of the Law on Housing in 2010-2011, were carried out in the city of Belgrade, Praxis, *Analysis of the Main Obstacles and Problems in Access of Roma to the right to Adequate Housing*, May 2013, p. 67-68.

<sup>26</sup>Humanitarian Law Centre, *Roma in Serbia*, 2004. Not available online. See Amnesty International, *Home is more than a roof over your head, Roma denied adequate housing in Serbia* (Index: EUR 70/001/2011), p.6, <http://amnesty.org/en/library/info/EUR70/001/2011/en>

<sup>27</sup>Amnesty International, *Home is more than a roof over your head*, p. 34.

<sup>28</sup> Amnesty International interview, (name known to AI), 24 February 2010.

<sup>29</sup> For a fuller description, see Amnesty International, *Serbia: Stop the forced evictions of Roma settlements*, June 2010, <http://www.amnesty.org/en/library/info/EUR70/003/2010/en>; see also *Home is more than a roof over your head*.

<sup>30</sup>Amnesty International, *Home is more than a roof over your head*, p. 45.

<sup>31</sup>Amnesty International, *Home is more than a roof over your head*, pp. 39-40.

<sup>32</sup><http://minoritycentre.org/actuals/coalition-against-discrimination-new-forcible-eviction-barracks-novi-beograd>

<sup>33</sup>Amnesty International, *Home is more than a roof over your head*, p.35.

<sup>34</sup>Amnesty International, *Belgrade must stop forced evictions* (Index: EUR 70/008/2011), 10 June 2011, <http://www.amnesty.org/en/library/info/EUR70/008/2011/en>

<sup>35</sup>Amnesty International, *Forced evictions of Roma in Serbia* (Urgent Action), 1 July 2011, <http://www.amnesty.org/en/library/info/EUR70/009/2011/en>

<sup>36</sup>ERRC, *Legal briefing: The Right to Housing*, October 2012, <http://www.errc.org/article/roma-rights-2011-funding-roma-rights-challenges-and-prospects/4062/6>; updated by Amnesty International interview with ERRC, December 2013.

<sup>37</sup>Amnesty International, *Serbia: Further information: Eviction in Belgrade leaves families homeless* (Index: EUR 70/012/2011), 12 August 2011, <http://www.amnesty.org/en/library/info/EUR70/012/2011/en>

<sup>38</sup>Amnesty International, *Forced eviction in Belgrade conducted with complete disregard for human rights* (Index: EUR 70/021/2011), 7 October 2011, <http://www.amnesty.org/en/library/info/EUR70/021/2011/en>

<sup>39</sup>Amnesty International, *Serbia: Time for a law against forced evictions* (Index: EUR 70/025/2011), p.7, <http://www.amnesty.org/en/library/info/EUR70/025/2011/en>

<sup>40</sup>Amnesty International, *Serbian activists arrested for protecting evicted Roma family*, 25 October 2011, <http://www.amnesty.org/en/news-and-updates/serbian-activists-arrested-protecting-evicted-roma-family-2011-10-25>

<sup>41</sup>See Praxis, *Eviction from the informal settlement in Block 72, New Belgrade*, May 2012.

<sup>42</sup>Amnesty International, *After Belvil: Serbia needs new laws against forced eviction* (Index: 70/015/2012), 17 October 2012, <http://www.amnesty.org/en/library/info/EUR70/015/2012>

<sup>43</sup>Letter to Amnesty International from EIB, February 2014.

<sup>44</sup>Amnesty International, *Serbia: Amnesty International deplors Belgrade's forced eviction* (Index: 70/018/2012), 20 September 2012, <http://www.amnesty.org/en/library/info/EUR70/018/2012/en>

<sup>45</sup>The police were present on the basis that the factory was private property and that the eviction was being conducted on the order of the commercial court under the Law on Execution, which calls for a mandatory police presence.

<sup>46</sup>Amnesty International, *Serbia: "Cleaning" of Roma settlement violates international law* (Index: 70/008/2013), 25 April 2013, <http://www.amnesty.org/en/library/info/EUR70/008/2013/en>  
<http://www.praxis.org.rs/index.php/en/praxis-in-action/social-economic-rights/housing/item/555-announcement-about-today%25E2%2580%2599s-demolition-of-a-part-of-informal-roma-settlement-in-vidikovac>.

<sup>47</sup>Permanent Mission of the Republic of Serbia to the United Nations Office, July 2012, [https://spdb.ohchr.org/hrdb/21st/Serbia\\_12.07.2012\\_\(1.2012\).pdf](https://spdb.ohchr.org/hrdb/21st/Serbia_12.07.2012_(1.2012).pdf)

<sup>48</sup>European Integration Office, *National Plan for the Adoption of the Acquis*, (2013-2016), February 2013, p, 72, [http://www.seio.gov.rs/upload/documents/nacionalna\\_dokumenta/npaa13\\_16.pdf](http://www.seio.gov.rs/upload/documents/nacionalna_dokumenta/npaa13_16.pdf)

<sup>49</sup>Praxis, *Eviction from the informal settlement in Block 72, New Belgrade*, May 2012.

<sup>50</sup> UNHCR, *Eligibility Guidelines for Assessing the International Protection Needs of Individuals from Kosovo*, HCR/EG/09/01, November 2009, <http://www.unhcr.org/refworld/docid/4af842462.html>

<sup>51</sup> As of 18 March 2012, one IDP family who had decided to return to Kosovo in November 2012, had succeeded in finding accommodation in a collective centre; without personal identity documents, they were unable to access health care and other basic services. Email from NGO Praxis.

<sup>52</sup> Article 5, Law on Housing, (Zakon o Stanovanju), ("Sl. glasnik RS", br. 50/92, 76/92, 84/92 - ispr., 33/93, 53/93, 67/93, 46/94, 47/94 - ispr., 48/94, 44/95 - dr. zakon, 49/95, 16/97, 46/98, 26/2001, 101/2005 - dr. zakon i 99/2011), [http://www.paragraf.rs/propisi/zakon\\_o\\_stanovanju.html](http://www.paragraf.rs/propisi/zakon_o_stanovanju.html)

Under Serbian law, 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 be 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 the law.

<sup>53</sup>UN *Basic Principles and Guidelines on Development-based Evictions and Displacement*, para 59.

<sup>54</sup> "A bunch of people including the police brought the notice. Nobody has told me about this appeal. I don't know why we are going to be evicted. I haven't been offered any alternative accommodation", Amnesty International interview (name known to AI), June 2010.

<sup>55</sup> Based on Article 184(7), Law on Planning and Construction; similar provisions are made under Article 36, Law on Public Utility Services, and Article 5, Law on Housing.

<sup>56</sup> For appeals made against the eviction of Blok 72, and violation of the right to a remedy, see Praxis, *Analysis of Obstacles*, pp. 42-43.

<sup>57</sup> In 2003 the families had been allowed to move to Vojvodjanska Street and some but not all were given a document (izjava, or statement), which provided them with the ability, to live in the building on the basis that under Serbian law a "statement of will" can constitute an agreement. The families concerned were uncertain as to whether they wish to continue with this legal case as they fear this may have a negative impact on their prospects of being re-housed.

<sup>58</sup>Barajevo, Čukarica (Orlovkso nasilje), Lazarevac, Makiš, Obrenovac, Surcin, Zemun.

<sup>59</sup>For an analysis against the CESCR criteria, see Amnesty International, *Home is more than a roof over your head*, pp. 41-43.

<sup>60</sup>CERD/C/SRB/CO/1, para. 14.

<sup>61</sup> The Delegation of the European Union to the Republic of Serbia, *EU Response to Roma Rights*, <http://www.europa.rs/en/mediji/najnovije-vesti/1783/EU+response+to+Roma+rights.html>

<sup>62</sup> The right to water requires that water be available in – or in the immediate vicinity of – where people live. According to the World Health Organization, people face health risks when their water source is more than 100 metres away from their household, or if it takes them more than five minutes to collect water.

Amnesty International, *Serbia: Evicted Roma families finally granted access to water*, 19 July 2012,

<http://amnesty.org/en/news/serbia-evicted-roma-families-finally-granted-access-water-2012-07-19>

<sup>63</sup> ERRC, *SERBIA: EU Enlargement Programme 2012 report*, May 2012, p.5,  
<http://www.errc.org/cms/upload/file/ecprogress-serbia-2012.pdf>

<sup>64</sup><http://praxis.rs/index.php/en/praxis-in-action/discrimination/item/624-racist-attacks-on-resettled-roma-in-belgrade>

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