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SERBIA

TIME FOR A LAW AGAINST
FORCED EVICTIONS

HOUSING IS A
HUMAN RIGHT

AMNESTY
INTERNATIONAL



Forced evictions are unlawful under international human rights law. Instead of acting in accordance with its international obligations, the Serbian government has failed to stop continuing violations of the right to adequate housing by the City of Belgrade authorities. The only way to stop the forced evictions is to prohibit them under Serbian law.

Amnesty International is campaigning for a law which will prohibit forced evictions in Serbia.

Between April and 1 November 2011, the City of Belgrade authorities carried out at least five forced evictions. Most of these evictions have affected Romani people in informal settlements. The government of Serbia has taken no action to prevent the evictions or to protect the people at risk from being forcibly evicted.

Over the past two years, Amnesty International and non-governmental organizations (NGOs) in Serbia have monitored, documented and reported on the human rights violations which have taken place before, during and after the evictions. Together, we have campaigned for them to stop and the campaign has local and international support. Reports by the European Union, the Council of Europe and international UN treaty bodies reflect Amnesty International's concerns.

But the forced evictions of Roma from settlements in Belgrade have continued.

Amnesty International believes that the only way to stop forced evictions is for the Serbian government to introduce a new law which prohibits forced evictions. The new law should include safeguards, based on the UN Basic Principles and Guidelines On Development-Based Evictions and Displacement (Basic Principles), to ensure that any evictions which take place are conducted lawfully.

In April 2011, the UN Committee on the Elimination of Racial Discrimination 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."

In October 2011, the European Commission reported:

"A large number of Roma live in illegal settlements under unacceptable conditions. There is still no systematic approach to the relocation of illegal Roma settlements, which is often conducted inappropriately, resulting in serious violations and breaches of basic human rights."



This briefing gives details of three forced evictions of Roma communities which have taken place in Belgrade between June and November 2011, and of other communities awaiting eviction. These recent evictions have again violated international and regional standards in several ways. The authorities have not consulted the Roma communities concerned, have not given them adequate notice and have failed to provide those evicted with compensation for damaged personal property. Romani people have been left homeless. In some cases families have been offered accommodation in metal containers, which Amnesty International does not consider to be adequate housing.

"I had books... personal possessions... I couldn't save those, they demolished everything. By the time I got there, they had already started to demolish [the building] and harass me."

Stanojka Banović



© Praxis

A bulldozer moves in during the forced eviction of an informal settlement on Omladinskih Brigada Street, October 2011. The banner "A roof over your head is a human right", is part of a joint campaign between Amnesty International and the Regional Centre for Minorities.

OMLADINSKIH BRIGADA STREET

On 5 October, the forced eviction of Omladinskih Brigada Street started, with the demolition of the first of six properties. The eviction took place in appalling circumstances. Belgrade City officials, accompanied by some 20 police officers, demolished one structure leaving the extremely vulnerable woman who lived there homeless. The woman – who suffers from a psychiatric illness – had disappeared the night before, when she learned that her home would be demolished. Her mother, who tried to prevent the eviction, had to be briefly hospitalized and treated for stress. She did not manage to save even personal possessions from her daughter's house.

Some eight people, including a disabled child, living in the other properties due to be demolished on the same day, were not evicted, and remain under threat of forced eviction. They may also end up in the street.

None of these people were consulted in advance; a formal notice of eviction was served to only some of the residents and

only then two days before the eviction. No alternative accommodation has been offered to any of them.

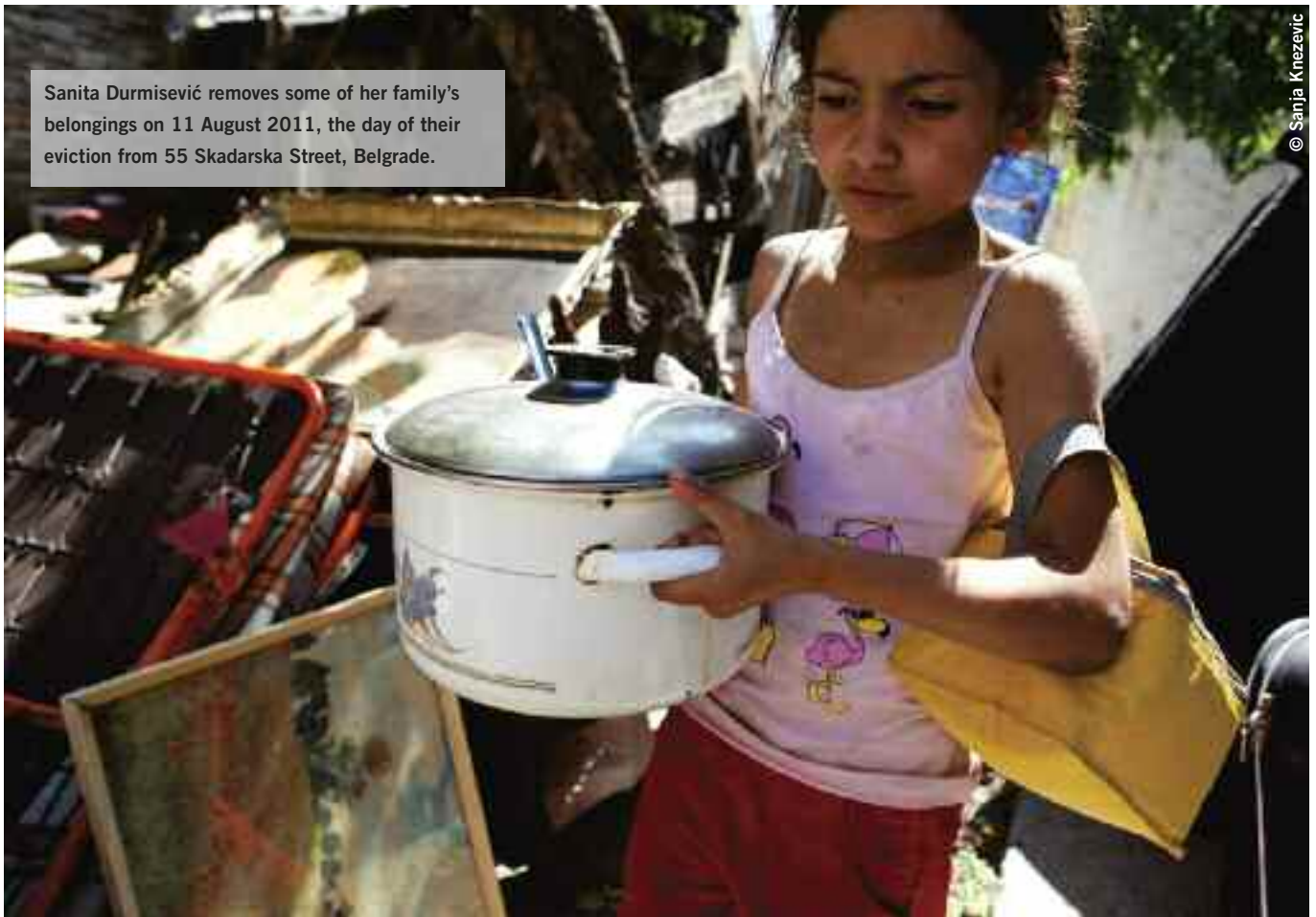
Activists from Belgrade NGOs tried to peacefully prevent the eviction by protesting in front of the site. City officials refused to talk to them or even identify themselves. The police prevented the activists from entering the site and observing the eviction. The Basic Principles recommend that "neutral observers, properly identified, shall be present during the resettlement so as to ensure that no force, violence or intimidation is involved". Instead city officials took a camera from one activist and deleted all the photographs, returning it only on the instruction of a police officer. Another activist was detained in a police station in degrading conditions for two hours because she did not have her identity card.

Cover: Five Roma families were forcibly evicted from 55 Skadarska Street in Belgrade on 11 August 2011. After the eviction, they ended up in the street with their belongings with nowhere to go. © Sanja Knezevic

FORCED EVICTIONS

A forced eviction is the removal of people against their will from the homes or land they occupy, without legal protections and other safeguards, including: genuine consultation with those affected, prior and adequate notice, and provision of adequate alternative housing, regardless of whether they rent, own or lease the land or housing in question. Not every eviction that is carried out by force constitutes a forced eviction. If the appropriate safeguards are in place, a lawful eviction which involves a proportionate use of force does not violate the prohibition of forced evictions.

Sanita Durmisević removes some of her family's belongings on 11 August 2011, the day of their eviction from 55 Skadarska Street, Belgrade.



SKADARSKA STREET

On 11 August 2011 five families were forcibly evicted from privately owned buildings at 55 Skadarska Street. They were not provided with any alternative accommodation. Some 20 Roma people, including 10 children, were removed from the building, and left in the street with all their possessions. The eviction was carried out on the basis of a decision made by a Belgrade court on 29 June, which stated that the residents had to vacate the property and remove all their possessions.

On 27 July, the affected families, together with activists from several Belgrade NGOs, had peacefully prevented an officer of the court, accompanied by police officers, from carrying out the forced eviction. They managed a postponement until 11 August. During these two weeks the NGOs tried all possible measures to influence the relevant authorities and ensure that the families were provided with adequate alternative housing after the eviction.

One of the NGOs, Praxis, wrote to the Ministry of Labour and Social Policy, the City

Secretariat for Social Protection and the City Centre for Social Work, asking for the families to be provided with adequate alternative housing. Amnesty International also called on the authorities to stop the forced eviction and provide adequate housing. Neither the government nor the city authorities responded positively to these requests and the families were left in the street. As of October, two of the families had moved into an empty house, from which they will almost certainly be forcibly evicted once they are discovered. None of the children attend school and the families no longer receive any social assistance. One woman living in Skadarska Street had fled to Belgrade to escape domestic violence in southern Serbia; she faces being returned there.

“They are forcing us to leave our homes but they are not giving us anything else. This is really a disgrace, a disgrace for Belgrade.”

Romani woman forcibly evicted from Skadarska Street

PANČEVO BRIDGE TO DREN

“If they wanted to move us, why didn't they take us to a place where children can go to school? How will my son go to school, if I don't have the money to send him to school, if he is not clean or doesn't have clean clothes?”

Woman evicted to Dren

On 7 June 2011, without prior notice, the City of Belgrade evicted 12 Romani families from their homes under the Pančevo Bridge. Although there had been rumours, the actual eviction – which followed a fire under the bridge – took the Roma community completely by surprise. There was no formal eviction notice, let alone any consultation.

City officials, police and social welfare workers arrived at 10 am and gave the families less than two hours to pack their belongings. They were then put onto a bus – escorted by the police – and told only that they were being taken to Obrenovac, a Belgrade municipality 37 km from Pančevo Bridge.



Marko Durmisević moving his belongings after being evicted from 55 Skadarska Street. He was unable to find anywhere else to live so he ended up back on the street outside the home he had been evicted from.

The bus took the 12 families to a site near marshlands outside the village of Dren. Metal containers were provided for their accommodation. The containers had no furniture, and were in a worse condition than those provided in any of the other segregated container settlements established in Belgrade since April 2009. The site had no electricity and no sewage system; just two portable toilets and water from a cistern. There was no primary health care centre or school nearby.

Nor was the community safe and secure. On the afternoon of 12 June 2011, a Romani woman from the site was attacked by an unidentified man. 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. Amnesty International is concerned that there were insufficient measures to ensure the security of the relocated Roma community. Apart from providing adequate security, the authorities should have carried out a dialogue with the local community in Dren, including on their responsibility to respect the rights of the evicted Roma.

By October, all 12 families were relocated again to an existing container settlement in Makiš, another Belgrade municipality. The site is closer to the city but they still live in containers.

COMMUNITIES UNDER THREAT

OBRENOVAC

Seventeen predominantly Romani families, including 35 children and four people over 65, have been under threat of forced eviction from buildings owned by the Obrenovac municipality in Belgrade since February 2011. Some live in an historic building, which is in disrepair, and the majority in other buildings nearby. There are rumours that these will be demolished in advance of a new development.

Some of the families have been living there for more than 40 years. Most have contracts with the municipality allowing them to use the property indefinitely. They paid rent until shortly before the eviction was announced, when the municipality stopped

asking them for rent, and they continue to pay for water and electricity.

The community first found out that they would be evicted from media reports published in October 2010. A meeting with municipal representatives was held in February 2011, and a second one was held on 6 May. At that meeting it was proposed that other housing options should be considered, but the municipality was reportedly not interested. By this time, the community had been informed that they would be evicted in advance of demolition of the buildings, and would be housed in metal containers.

Despite repeated approaches by the community, by local NGOs and by Amnesty International to the Mayor of Obrenovac, no further consultation has taken place. The affected families have not been consulted on any alternative housing options, nor offered any form of compensation for their eviction, although many of them had rental contracts for an indefinite period which should have provided them with security of tenure.



Romani women and children outside containers at the Makiš settlement, Belgrade in February 2010. Some families evicted from Gazela Bridge settlement in 2009 are still living there.

Because one of the buildings is over 100 years old, demolition has yet to be approved by the Cultural Heritage Preservation Institute. In addition, more than five separate lawsuits have been initiated on behalf of the residents by a lawyer acting for the Minority Rights Centre. These are proceeding slowly. As of October, none of the residents knew what would happen to them.

“We have lived here for over 30 years with tenancy agreements; we paid taxes and everything. We were promised houses; we do not want to live in containers.”

D.L. and M.M., under threat of eviction

UNDER THE BRIDGES

Many forced evictions in Belgrade are being carried out in advance of similar infrastructure projects, including new roads and bridges. Amnesty International has no wish to stand in the way of such developments, but they must comply with international standards.

International standards relating to forced evictions have repeatedly been ignored or broken by the city and municipal authorities. Following the forced eviction of Roma living underneath the Gazela Bridge at the end of August 2009, in advance of repair works on the bridge, two years later the evicted families are still living in containers. Only 11 families have been granted the social housing they were promised.

These standards continue to be ignored, despite pressure from Amnesty International and the major international lenders to such projects.

BELVIL: RESETTLEMENT OR FORCED EVICTION?

Around 80 Romani families living in makeshift housing in the Belvil informal settlement in New Belgrade await eviction in advance of the building of an access road to the Sava Bridge funded by the European Investment Bank (EIB). The City authorities are required by the EIB to agree a Resettlement Action Plan, which should include measures to ensure that the forthcoming resettlement of Roma from Belvil is not a forced eviction.

In April 2011, Amnesty International welcomed an initial information session held by the city authorities, with members of the Romani community affected. At the meeting the community learned that they would be resettled on six or seven sites around Belgrade, in prefabricated housing, which meets international standards. However, there has been no further consultation since April, and according to the EIB none is anticipated. As of October 2011, community representatives had not officially visited the seven sites identified for their relocation by the Belgrade city authorities in order to



One of the homes in the Belvil informal settlement in Belgrade, January 2011. Although the authorities have consulted the community, they remain under threat of forced eviction.

choose where they will live. A Roma activist who visited the sites found no evidence of any construction work on houses for the community, who are now worried that they will also be forced to live in containers.

The EIB reported that the Resettlement Action Plan they had requested had not been approved by the city authorities by October. The affected Roma were not consulted during the drafting of the Resettlement Action Plan. Amnesty International is concerned that this eviction, if carried out without genuine consultation and adequate resettlement options, may also constitute a forced eviction.

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. From 2006, the company allowed them to live in the apartments rent free. The families continued to pay water and electricity bills. They believed they had security of tenure. Some were trying to buy their apartments from NAPRED. But as the land the apartments were built on belonged to the city, the apartments had always been classed as “temporary housing” and ownership of the apartments was unclear.

The eviction took place without any adequate 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 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, from which they are due to be evicted in 2013.

NO PLACE TO CALL HOME

On 24 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. After pressure from NGOs and wide media coverage, the City Centre for Social Work agreed to temporarily provide her with a room in an orphanage. A week later she was sent to the container settlement in Makiš, where she lives in inadequate accommodation.

On 1 November, the city authorities – acting for a government company – initiated the eviction of 27 Roma families living in Blok 61, New Belgrade. They had not been consulted or offered alternative accommodation, and may be evicted in winter conditions. Twenty of the families were internally displaced from Kosovo to Serbia after the 1999 war.

EVICCTIONS CONTINUE

In almost all of the cases outlined in this briefing, evictions have been carried out or planned without fully informed 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 that they cannot afford. They have received no compensation for the loss or destruction of their personal property.

The lack of legal protection against forced evictions in Serbia's national law means that affected families do not have any effective legal remedies in the event of a violation of their rights to adequate housing. These forced evictions are illegal under international law; which is binding on the Serbian authorities.

Amnesty International is calling for an end to all forced evictions in Belgrade. A law prohibiting forced evictions should be introduced, which ensures that all future evictions are carried out in full compliance with international human rights law, as a last resort, and after all feasible alternatives have been explored, including by developing legislative guidelines on evictions, based on the Basic Principles.

For further information, see Amnesty International's youtube page:
<http://tinyurl.com/65bgzx7>

Above: Roma living at 55 Skadarska Street in Belgrade, trying to persuade police to let them stay in their homes, before their forced eviction, 11 August 2011.



© Sanka Knezevic

RECOMMENDATIONS

Amnesty International recommends that the Serbian Government should:

- Introduce legislation to prohibit forced evictions.
- Enact safeguards and guidelines for evictions based on the UN Basic Principles to ensure that evictions are only carried out in full compliance with international human rights law.
- Ensure that any evictions are only carried out as a last resort and after all other feasible alternatives to eviction have been explored.
- Put in place procedural protections required under international human rights law, in particular the requirements on consultation, adequate notice and adequate alternative housing.
- Respect the rights of all victims to an effective remedy, including access to justice and the right to reparations, including restitution, rehabilitation, compensation for losses of any property and possessions damaged in the process, satisfaction and guarantees of non-repetition.
- Provide adequate alternative housing to all those who are forcibly evicted, including those from Gazela Bridge.

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Amnesty International is a global movement of more than 3 million supporters, members and activists in more than 150 countries and territories who campaign to end grave abuses of human rights.

Our vision is for every person to enjoy all the rights enshrined in the Universal Declaration of Human Rights and other international human rights standards.

We are independent of any government, political ideology, economic interest or religion and are funded mainly by our membership and public donations.

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