

SERBIA: ROMA STILL WAITING FOR ADEQUATE HOUSING

INADEQUATE HOUSING: “TEMPORARY” CONTAINER SETTLEMENTS

Governments must ensure that no one is made homeless or vulnerable to other human rights violations as a consequence of an eviction. Affected people must be compensated for all losses, and governments must provide adequate alternative housing to those who cannot provide for themselves.

Following their forced eviction in April 2012, Roma families from Belvil were moved into metal containers at four sites around Belgrade. The city claimed that this was only a temporary measure, as the Roma would be resettled in 2013. Amnesty International pointed out at the time that – even on a temporary basis - the containers did not meet criteria for adequate housing.

Most container settlements are segregated from their surrounding communities, on the margins of the city, far from local social, medical and other services. The promised employment opportunities never materialized. Two sites are more than 20 km from the centre of Belgrade where the majority of Roma had made their living from collecting and recycling scrap materials. While some Roma could afford to travel into the city to continue recycling, others told Amnesty International that their lack of income drove their families into dependency on social benefits and state soup kitchens.

By March 2014, some 67 Roma families forcibly evicted from other informal settlements, had also been living in container settlements, some for up to five years. They included families forcibly evicted from the Gazela Bridge settlement in August 2009 who had not been awarded social housing. All 67 families were included into the EC-funded programme.

According to the EU Delegation to Serbia, in March 2014, 147 Roma families were living in seven container settlements, including 80 families from Belvil and the 67 households described above. Another 20 former Belvil households, not living in the containers, were also eligible for resettlement, making a total of 167 eligible families.

LACK OF MEANINGFUL CONSULTATION

In July 2014, the UN Committee on Economic, Social and Cultural Rights urged Serbia to “take urgent measures to consult affected communities throughout all stages of evictions, to ensure due process guarantees and compensation and to provide in particular for adequate alternative accommodation in locations suitable for social housing construction”.

Although international standards call for genuine consultation with those affected by resettlement, none of the locations for resettlement were identified in consultation with the affected families, nor were their views sought on alternative locations. Indeed, the affected Roma have been largely excluded from the decision-making associated with resettlement, and their views ignored. For example, despite a series of consultations on

housing options and employment opportunities conducted by the United Nations Office for Project Services (UNOPS, responsible for managing the EC resettlement project), however, affected Roma were not consulted when plans to build individual prefabricated houses (preferred by the Roma), were abandoned, and plans for apartment blocks developed.

In a survey conducted by EIB's consultants, 99% of Roma stated that they needed to live close to the city centre, close to their work. Roma living in container settlements have also repeatedly told Amnesty International that the sites selected for resettlement did not fulfil their needs. In November 2013, for example, a Romani man living at a container settlement told Amnesty International, "We need to be near Belgrade so that we are able to work, as at Belvil; we did not get any social help there. Lately no one has come to talk to us [about resettlement]".

In late 2014, Michael Davenport, the EU ambassador to Serbia met with Siniša Mali, the Mayor of Belgrade, urging him to ensure support for the project, across the city administration. Two new sites were subsequently identified.

THE CITY'S FAILURE TO IDENTIFY RESETTLEMENT SITES

By the end of April/early May 2015, according to the City of Belgrade, the first 12 families forcibly evicted from Belvil should move into a new apartment block, located in Orlovsko naselje in Zvezdara municipality. They will move under a Resettlement Action Plan, agreed between the City and the European Commission, which outlines measures to be taken in advance of, during, and after resettlement. It will be three years since Belvil Roma were forcibly evicted, and two years after they were promised resettlement date. Why has this €3.6 million resettlement programme been so delayed?

Blame has to be laid at the doors of the City of Belgrade. The city was required by the European Commission to identify sites suitable for the resettlement of forcibly evicted Roma, but it was not until 2013 that six sites were identified. Each proposal was problematic in some way, and failed to reflect the Roma's stated preferences.

With the exception of Orlovsko naselje, most of the sites were far from the city centre, and failed to meet the criteria for the location of adequate housing, established by the UN Committee for Social and Economic Rights. The Serbian Commissioner for the Protection of Equality echoed these concerns, stating that only two of the selected sites met international standards.

Two sites were more than 20 kilometres from the city centre, without adequate access to social services, health centres, hospitals and schools. With little employment available locally, poor transport links would also make it difficult for Roma who wanted to continue their work collecting and recycling scrap material in the city centre.

By November 2013, each of the other sites proposed by the city had been rejected by the Working Group on Belvil Resettlement: one was on land not designated for housing; the City's proposal for site at Glogonjski rit was rejected after nearby communities petitioned against the relocation of Roma. The land proposed at Obrenovac did not even belong to the city: the private owner reclaimed the land after the city had already installed the water

and sanitation infrastructure.

One proposed site at Jabučki rit, over 20 km from Belgrade, is located near an isolated rural village and will lead to the racial segregation of the Roma. Although the city had agreed to build a new road connecting Jabučki rit, to improve access to the nearest town. By March 2015, the road - now planned as a track - had not been built. The city started to build three apartment blocks there in March 2015 – two for EIB's beneficiaries still living at Belvil, and a third under the EC funding, for those living in containers. Roma are expected to move in by the end of July/early August 2015.

In January 2014, the City of Belgrade proposed four more “new” sites. Of the proposed locations, the site at Glogonjski rit had already been proposed and rejected, and at Padinska skela it was found that ownership could not be transferred to the city. Two sites remained: one at Mislođin, in a rural village 28km from Belgrade, the other at Krnjača, only 5km from the city centre, and therefore recycling work for the Roma.

TOO LITTLE, TOO LATE? ROMA FAMILIES AT RISK OF FAILED RESETTLEMENT

In January 2015, the City Secretariat for Social Welfare, responsible for implementing the Resettlement Action Plan agreed with the EC, called a meeting at Makiš, one of the container settlements. Rather than a consultation, the purpose of the meeting was to inform the affected Roma of the (lack of) progress of resettlement. UNOPS and local NGOs were present, but only 20-25 Roma were present, around half of those living at Makiš. Amnesty International has been informed that meetings were also held at other container sites, but attendance at those meetings is not clear.

Those Roma present were informed that under the available budget, housing would be provided for only 59 families (of the 118 still eligible for resettlement) in 12 apartments at Orlovsко naselje, 15 at Jabučki rit, and 32 at Mislođin. Another nine homes will be made available in apartments for refugee families being built by the UN Refugee Agency, UNHCR, in Zemun polje, specifically for Roma and Ashkali families who fled Kosovo in 1999. The City Secretariat for Social Welfare announced that there was no funding available for the resettlement of the remaining 50 families.

At the January meeting at Makiš, Roma present were told that in order to allocate the new housing, the city had drawn up criteria to identify priority families (identified as large households, single parents, elderly and disabled people). All those eligible for resettlement would have to resubmit their applications for social housing, and provide the relevant documents, just as they had done in 2012, when they originally applied to be included in the planned resettlement.

However, 50 families will not be resettled through the process outlined at the meeting and it is not clear when or if they will be resettled at all. If the EC provides additional funding, the city plans to resettle them at Krnjača, and in Ovča municipality. As of March 2015, funding had not been secured. The costs of purchase and preparation of the proposed sites at Krnjača and Ovča are estimated at over €1.1 million. It is also important to note that in both 2004 and 2009, proposed Roma resettlements were opposed, sometimes violently, by the local community in Ovča. Without adequate consultation with host

communities, resettlements may not be sustainable and may place Roma at risk of further human rights violations.

If funding cannot be secured, the city authorities explained, amid growing anger from the Roma at the meeting, the 50 families would have no prospect of resettlement. They will remain living in containers while they apply for a place in the city's inadequate stock of social housing - along with thousands of other families.

Amnesty International visited Makiš in February 2015 to follow up on the January meeting. Makiš - once the city' showpiece container settlement - was desolate and overgrown. Containers, left empty after 22 Makiš families had been resettled in village houses, were open to the elements and uninhabitable, adding to the sense of abandonment expressed by the families remaining at Makiš.

Some of those who had attended the meeting thought - or hoped - that they might move within a month to the new apartments at Orlovsko naselje, others were aware that they would not move until 2016, or might not be resettled at all. Some were completely resigned to their situation; others were really angry with the city. One man, told Amnesty International that he would leave Serbia and seek asylum in Germany. A woman evicted from Gazela Bridge in 2009 told Amnesty International, "Let them kick me out, let them try to evict me, I'm not going anywhere now, I've been here for years".

THE EUROPEAN INVESTMENT BANK RESETTLEMENT: A SLIGHTLY MORE POSITIVE EXAMPLE?

On 26 December 2014, the first 19 of the 50 families still living at Belvil, moved straight from the settlement into their new homes at Orlovsko naselje, in Zvezdara municipality in Belgrade; another four families moved into the apartments in early 2015.

This resettlement took place under a Resettlement Action Plan concluded between the City of Belgrade and the European Investment Bank (EIB). In March 2010, the city had announced that another 98 families living at Belvil would be evicted to make way for access roads to the new Sava Bridge, funded by the EIB. Instead of being moved into containers, the City promised in 2012, that they would be resettled by 2013, in advance of construction work on the bridge. Around 48 families, some of whom were intimidated by other Roma, allegedly employed by the City, into leaving Belvil, moved out of the area and were deemed ineligible for resettlement.

The two apartment blocks were built after repeated delays, including in the tender process, in gaining building permits and due to a change in planning law.

The new tenants were generally content with the resettlement, which was largely carried out in line with international standards, according to local NGOs present. "The flat is super and fine", one woman said.

However, some aspects of the resettlement were problematic. Firstly, the city only signed tenancy agreements on 3 February 2015 in most cases. As Amnesty International

emphasized to the City Secretariat for Social Welfare in November 2014, tenancy contracts should be signed immediately on resettlement to provide the families with immediate security of tenure. Legal tenure would then provide resettled Roma families with a registered address, and enable them to access doctors, hospitals, social support and other social services in their new municipality.

Without a registered address, the mother of a three-month old baby told Amnesty International that she had not been able to register for social benefits, and families in need could not use the local soup kitchen, where they were entitled to one meal a day. There was confusion about which school children should attend, one family alleging that their child was being sent to a predominantly Roma school, instead of the nearest to where they lived. Others had not been able to register with the nearest health centre.

There were also issues with the quality of housing itself. Roma showed Amnesty International some basic problems which need to be addressed. For example, the external door of each apartment is made of chipboard, and can be pushed open, splintering the flimsy door frame, rendering the door unlockable, and raising personal security concerns. The only source of heating is a wood burning stove in the main living room; every other room is cold, and condensation runs down the windows. Wood is in short supply. Consequently some families and individuals live in just one room of their new flat. Inside some flats, there are damp patches in the ceilings. Outside, with a lack of drainage fittings, access paths to the apartments were flooded. A wheelchair user had no flat access from the car park into her new home.

Resettled Roma were also concerned about the lack of employment opportunities, promised under the Resettlement Action Plan. They now had to pay a monthly subsidized rent of 1,000-1,200 Serbian dinars (€10-12), as well as electricity bills. "What will we do for work?" they asked. The only options provided were cleaning the streets (for those under 30) or competing with hundreds of others for 50 places in a project providing training to start small businesses or enter formal employment, open to all Roma in the wider community. Resettled Roma were concerned that few of them would find a place in the project. One woman had withdrawn her application, without the support to draw up the required business plan.

Finally, some families were distressed at the reception they had received from the local community. "We are not welcome here, this is the major problem", one family told Amnesty International. Although the city took some measures to prepare the host community, many of whom are also Roma, some of the resettled families were worried about integration. "They call us "Cigani" and "Shiptar", (a derogatory word for Albanians), they say we are not Serbian and tell us to go back to Kosovo. We are really feeling discrimination", a family of Roma displaced from Kosovo told Amnesty International. "This is Serbia, we are all Serbian. It's just because we are Roma". Others said they would leave if the situation did not improve, saying, "You can't live somewhere where you are not welcome".

Amnesty International raised these issues with the City Secretary for Social Welfare in February 2015, urging the city to provide resettled Roma with the support promised for their transition. With respect to reports of discrimination, the City Secretary reported that

though they had worked since mid-2014 to inform the host community about the resettlement, many local people perceived the resettled Roma as “being handed everything on a platter”. Amnesty International urged the city to fully implement its methodology for consultation which aims to “raise the consciousness of the receiving community about the prohibition of discrimination.”

Within the EIB project, another 25 families remain at Belvil, waiting to move into two apartment blocks being built at Jabučki rit. Amnesty International has repeatedly informed the authorities that this site - 23kms from Belvil - with no employment opportunities nearby - will constitute a segregated settlement, in violation of international standards on adequate housing and non-discrimination.

THE VILLAGE HOUSE PROJECT: LACK OF EMPLOYMENT

In addition to resettlement in rented apartments, affected Roma were offered resettlement to village houses which, after five years, they will own. Initially, additional funding for this project was provided by the Swedish International Development Agency (SIDA), and implemented by the Organization for Security and Cooperation in Europe (OSCE) and the Danish Refugee Council. The project was subsequently funded from the EC's €3.6 million and implemented by UNOPS. The project offered Roma families the opportunity to find an abandoned house in a rural area, up to the value of €8,000. Provided the house was legalized, with water and electricity, and passed a building survey, it would be bought on behalf of the families, and ownership transferred to them. Another €2,000 was available to make two rooms habitable, provide a wood burning stove, fridge, washing machine, toilet, bath and water boiler and building materials to renovate other rooms, and a grant or equipment to set up a small business. Despite the financial and transport difficulties faced by Roma in travelling to look at houses, the scheme was eagerly taken up by around 50 families.

Some 39 houses met the criteria, and 39 households (190 individuals) moved in from September 2014. The UNOPS project website “Let’s build a home together”, shows sunlit photographs of happy Roma moving into their new homes, but when Amnesty International visited in February 2015 some of the families in the rural village of Bačko Petrovo Selo, in Vojvodina, 133 kilometres north of Belgrade, the picture was less rosy.

“At least we have a roof over our heads”, two families told us, *“and the children went to school from the first day”*. However, they were finding the transition to their rural location hard, and despite visits from UNOPS project workers, still needed assistance. The day Amnesty International visited Bačko Petrovo Selo, local social workers were visiting the families for the first time, assessing their needs and arranging promised wood deliveries.

The main concern expressed by resettled Roma was the lack of work. Apart from social benefits, they had no other income. One family told us that they had some work in the previous year, but the agricultural equipment provided, did not generate any income in the winter months. One man, given a cultivator, but no land to cultivate, told Amnesty International: “I used to be able to get a bit of work in Belvil, but here there is nothing. There are not enough people here to work for.”

The four other families resettled to Bačko Petrovo Selo, had gone to Germany to find work,

according to their neighbours, as had two of the seven families in a nearby village. Another family had returned to Belgrade to work.

When they moved into the village houses, families were provided with building materials to complete the repairs needed to their homes. Apart from the home of a woman who had received additional financial help from her family in Austria, the houses were in some disrepair, with several uninhabitable rooms, in need of plastering and repainting and repairs to windows. One family who had resettled in December was happy to start work in the spring, another seemed defeated by the amount of work required to renovate their house to make it habitable and in real need of assistance.

Around 20-25 families remaining at Makiš are interested in a village house. According to UNOPS, given the available budget, maybe only half will have that option.

THE OTHER BELVIL FAMILIES: LACK OF EFFECTIVE REMEDIES

Around 120 families forcibly evicted from Belvil in April 2012, who were not registered as living in Belgrade, were not included in the EC's resettlement plans, but were put on buses and – without consultation or consent – taken back to the municipalities, mainly in southern Serbia, where they had last registered their residency. Denying them resettlement in Belgrade and forcibly returning them to their original municipality is not only a violation of their right to adequate housing, but also of the rights to freedom of movement and residence, enshrined in the International Covenant on Civil and Political Rights.

The provision of adequate alternative housing is a basic remedy for those whose rights have been violated through forced eviction. But for those sent back to southern Serbia, there was no remedy. Many were sent back to homes which were uninhabitable; others were rendered completely homeless. They were initially provided with a small grant of up to 40,000 Serbian dinar (€400), but proposals to allocate some of the €3.6 million EC funding to assess further needs in the municipalities to which they were returned were dropped, and those sent back to southern Serbia received no further EC support.

Many of these families are in the same or worse situation than before their forced eviction from Belvil. Some tried to make a living in the economically deprived southern municipalities, or travelled the country seeking seasonal work but, without any assistance, many returned again to informal settlements in Belgrade, to earn a living from recycling.

Some families who had returned, moved to an informal settlement at Vidikovac, from where they were again evicted in April 2013. A family that was sent back to Niš, where they lived in an abandoned warehouse provided by the local authority, and another, who had been temporarily housed by the local authority in a hostel in Leskovac, were both back in Belvil in 2014.

WHERE DID THE €3.6 MILLION GO?

In April 2012, the European Commission allocated €3.6 million to house 124 families forcibly evicted by the City of Belgrade and moved to containers. Subsequently, additional families evicted from Gazela Bridge and other settlements were added to the EC's eligibility list. However, as of April 2015, only 49 families have actually

moved: ten families were provided with assistance to rebuild their own previously inadequate housing and 39 families resettled under the village housing project. In April/May, 12 families should be resettled into an apartment block at Orlovsko naselje. But this falls far short of the promised resettlement.

The €3.6 million provided the City of Belgrade with financial assistance that would enable them to honour their obligations to those they had forcibly evicted. It provided the European Commission with an opportunity to pilot a model for resettlement in accordance with international standards. The project would show how those affected by future evictions could be provided with adequate housing. So, even given the slowness of the City in identifying sites, why were the eligible Roma not resettled before the deadline for spending the money ran out?

Under EU rules for Instrument for Pre-Accession funding, the €3.6 million was due to be spent, and all the Belvil families resettled, by February 2015. The EC has extended this deadline for another year. The remaining funds are allocated for the resettlements at Orlovsko naselje, Jabučki rit, and Mislodin. Unless the EC can secure additional funding, the remaining 50 families will not be resettled.

But why was €3.6 million insufficient to resettle all of the eligible Roma? According to UNOPS, the shortfall is due in part to the fact that the village house project had to be funded out of the EC budget.

Amnesty International requested information on how much of the EC's money had already been spent at a meeting with the EU Delegation in Serbia in early February; the organization wrote to the EU Delegation in Serbia on 5 March 2015 to request the same information, but had not yet received a reply.

A LAW PROHIBITING FORCED EVICTIONS

Under international standards, no one should be subject to forced evictions. Serbia is obliged under several international human rights treaties, including the International Covenant on Economic, Social and Cultural Rights (ICESCR) to respect, protect and fulfil the right to adequate housing, among other human rights. This includes a duty to refrain from and prevent forced evictions and where forced evictions have been carried out, to provide effective remedies. These obligations extend to all tiers of government including city authorities.

Amnesty International has repeatedly urged the government to adopt a law prohibiting forced evictions, and to provide administrative guidelines ensuring that any future evictions are conducted in accordance with international standards. As a result, in 2013, the Serbian authorities agreed to introduce a law prohibiting forced evictions. The adoption of this law by the end of 2015 was agreed with the EC, as one of the legislative measures required for Serbia's progress towards membership of the EU. However, according to the OSCE, who will provide technical assistance on the law, in February 2015, the Office for Human and Minority Rights and Ministry of Justice had yet to start work on drafting the law.

RECOMMENDATIONS

Amnesty International calls on the City of Belgrade to:

- Identify without delay sites for the resettlement of the remaining evicted Roma, which meet international standards for adequate housing, and will not result in the creation of potentially segregated settlements;
- Establish and implement an action plan, in cooperation with the EU and UNOPS, to ensure the timely and coordinated execution of the resettlement programme;
- Ensure full and meaningful consultation for people affected by resettlement, as well as with future host communities;
- Ensure effective consultation with future host communities to mitigate against further human rights violations;
- Ensure, through relevant city agencies that on resettlement, Roma are provided with immediate security of tenure and access to education, health and social services, and targeted, timely transitional support and assistance;
- Ensure access to meaningful employment opportunities;
- Refrain from returning forcibly evicted Roma to southern municipalities.

Amnesty International calls on the European Commission to:

- Guarantee continued funding for the construction of adequate housing for all evicted Roma from container sites in Belgrade, as promised in 2012;
- Include the successful conclusion of the Resettlement Action Plan as a key indicator in Serbia's accession negotiations.

Amnesty International calls on the government of Serbia to:

- Adopt legislation prohibiting forced evictions, in accordance with international standards, by the end of 2015.

For further information see, *Serbia: After Belvil, Serbia needs new laws against forced eviction*, 17 October 2012,

<https://www.amnesty.org/en/documents/eur70/015/2012/en/>

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