

Mandates of the Special Rapporteur on minority issues and the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance

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15 May 2015

Excellency,

We have the honour to address you in our capacity as Special Rapporteur on minority issues and Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance pursuant to Human Rights Council resolutions 25/5 and 25/32.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the **alleged imminent forced evictions of 53 members of a Roma community, including 34 children, from the settlements in the city of Irkutsk.**

According to information received:

At the time of writing this communication, 53 Russian citizens of Roma ethnicity are under imminent forced eviction following the decision of the Leninskii District Court of Irkutsk (case No. 2-966/14, court ruling of 8 July 2014 and case No. 2-1957/14, court ruling of 16 August 2014) to demolish a total of six houses located in 1st Kirovskaya street (Irkutsk) on the grounds of unauthorized settlement on that land.

The city administration plans to complete the eviction on 15 May 2015.

Authorities have reportedly failed to engage in formal and comprehensive consultations with the affected community. Information also suggests that they have failed to provide information and propose appropriate alternatives to the affected community, including for resettlement, social housing or legalization of the settlements to the extent possible.

We express our grave concern at the imminent reported evictions, which may reinforce the alleged exclusion and marginalized position of Roma communities in the Irkutsk region and have serious implications on the enjoyment of fundamental human rights of affected Roma individuals, including the immediate impact these measures could have on Roma children who may face difficulties in accessing education. We are further concerned that the above alleged facts may be resulting from discriminatory practices against Roma people.

While we do not wish to prejudge the accuracy of these allegations, we would like to remind your Excellency's Government of the applicable international human rights norms and standards relevant to this case, including the obligation to ensure that persons belonging to minorities may exercise fully and effectively all their human rights and fundamental freedoms without any discrimination and in full equality before the law, notably in the enjoyment of the right to housing.

The above-mentioned allegations also seem to be in contravention of the General Recommendation No. 27 of the Committee on the Elimination of Racial Discrimination (CERD), which recommends to act firmly against any discriminatory practices affecting Roma, mainly by local authorities and private owners, including with regard to taking up residence and access to housing and against local measures denying residence to and unlawful expulsion of Roma.

Furthermore, we would like to refer your Excellency's Government to the Concluding Observations of CERD, adopted on 26 and 27 February 2013, in which the Committee remained deeply concerned that forced evictions of Roma and destruction of Roma settlements continue to take place and about reports that such actions are frequently carried out with violence, and that Roma are rarely offered alternative housing or adequate compensation, leaving them in an even more precarious situation. On that occasion the Committee recommended the Russian Federation to halt the persistent practice of forced evictions and destruction of Roma settlements without offering alternative housing or adequate compensation and reiterated its previous recommendation that existing settlements be legalized to the extent possible.

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

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

1. Please provide any additional information and any comment you may have on the above mentioned allegations.
2. Please indicate the legal basis of the planned evictions.

3. What are the legal recourses available to the affected residents to contest the decision of the local authorities in Irkutsk? Has free legal aid been made available for the affected residents in this case?

4. Has a complaint been lodged by or on behalf of the affected communities?

5. Did appropriate consultations take place with the affected persons? If yes, please give the details, date and outcome of these consultations.

6. To what extent have measures of compensation been put in place for all concerned person, with a due assessment of the loss of their housing?

7. What measures have been foreseen to ensure that the evicted persons will not become homeless?

8. What has been foreseen in terms of relocation? If sites have been designated for relocation, please provide details on the exact location, including details on the area and quality of land, access to public services and livelihood sources.

In view of the urgency of the matter, we urge that all necessary interim measures be taken to safeguard the rights of the Roma families from the settlements of 1st Kirovskaya street in Irkutsk, in compliance with the above international instruments.

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

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

IZSÁK Rita
Special Rapporteur on minority issues

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Special Rapporteur on contemporary forms of racism, racial
discrimination, xenophobia and related intolerance