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HIGH COMMISSIONER FOR HUMAN RIGHTS**

**SPECIAL PROCEDURES OF THE  
HUMAN RIGHTS COUNCIL**

**Mandate of 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**

REFERENCE: UA Housing (2000-9)  
SRB 2/2011

17 November 2011

Excellency,

I have the honour to address you in my capacity as 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 pursuant to General Assembly resolution 60/251 and to Human Rights Council resolution 15/8.

In this connection, I would like to draw the attention of your Excellency's Government to information received regarding the **alleged imminent eviction of some 27 Roma families from the informal settlement in Block 72 in Novi Beograd by the Building Directorate of Serbia to build commercial housing on the site.**

According to information we have received:

Some 27 Roma families (111 persons) in Block 72, Novi Beograd face imminent eviction by the Building Directorate of Serbia and as of 16 November 2011, were given one day to vacate their houses. It is understood that 20 of these families are internally displaced persons from Kosovo, including 58 children. Reportedly the eviction process has already commenced with inspections being conducted and the issuance of building code violation notices to residents. Allegedly the process was initiated without prior consultation with the Roma community and no adequate alternative accommodation would have been offered. In addition the eviction would allegedly proceed despite the appeal to the Ombudsman who is seized of the matter.

While I do not wish to prejudge the accuracy of these allegations, I would like to remind your Excellency's Government of Article 11.1 of the International Covenant on Economic, Social and Cultural Rights, to which Serbia is a party, which states that "the States Parties to present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including housing, and to the continuous improvement of living conditions". The Committee on Economic, Social and Cultural Rights commented the right to adequate housing in its General Comment No. 4, stressing

that the right to housing should not be interpreted in a narrow or restrictive sense such as merely having a roof over one's head; rather, it should be seen as the right to live somewhere in security, peace and dignity. With "due priority to those social groups living in unfavorable conditions," the right to housing includes guaranteeing: (a) legal security of tenure; (b) availability of services, materials, facilities and infrastructure; (c) affordability; (d) habitability; (e) accessibility; (f) location; and (g) cultural adequacy. The Committee also added that "the right to housing should be ensured to all persons irrespective of income or access to economic resources

As repeatedly stated, including in resolutions 1993/77 and 2004/28 of the Commission on Human Rights, forced evictions constitute prima facie violations of a wide range of internationally recognized human rights and large-scale evictions may only be carried out under exceptional circumstances and in full accordance with international human rights law. According to the General Comment No. 7:

"15. Appropriate procedural protection and due process are essential aspects of all human rights but are especially pertinent in relation to a matter such as forced evictions which directly invokes a large number of the rights recognized in both the International Covenants on Human Rights. The Committee considers that the procedural protections which should be applied in relation to forced evictions include: (a) an opportunity for genuine consultation with those affected; (b) adequate and reasonable notice for all affected persons prior to the scheduled date of eviction; (c) information on the proposed evictions, and, where applicable, on the alternative purpose for which the land or housing is to be used, to be made available in reasonable time to all those affected; (d) especially where groups of people are involved, government officials or their representatives to be present during an eviction; (e) all persons carrying out the eviction to be properly identified; (f) evictions not to take place in particularly bad weather or at night unless the affected persons consent otherwise; (g) provision of legal remedies; and (h) provision, where possible, of legal aid to persons who are in need of it to seek redress from the courts.

"16. Evictions should not result in individuals being rendered homeless or vulnerable to the violation of other human rights. Where those affected are unable to provide for themselves, the State party must take all appropriate measures, to the maximum of its available resources, to ensure that adequate alternative housing, resettlement or access to productive land, as the case may be, is available."

I would also like to draw your Excellency's Government's attention to the recommendations it accepted during the Universal Periodic Review on 5 December 2008 that: "From June 2008-February 2009, the RS will be presiding over the Decade of Roma Inclusion 2005-2015. The priorities of the program of the presidency of the RS over this initiative are housing improvements...." (A/HRC/10/78/Add 1)

As it is my responsibility, according to the mandate entrusted to me by the Human Rights Council, to clarify all allegations brought to my attention. I would therefore greatly appreciate detailed information from your Government concerning the above situation and about the measures taken by the competent authorities. I would in particular appreciate to receive information on the following points:

1. Are the facts alleged in the above summary of the case accurate?
2. Could you please indicate the legal basis of the planned eviction?
3. Did appropriate consultations take place with the affected community? If yes, please provide details, date and outcome of these consultations.
4. 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?
5. What measures have been foreseen to ensure that the evicted persons will not become homeless?
6. 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.

I would greatly appreciate receiving from your Excellency`s Government within 30 days the above mentioned additional information. I undertake to ensure that your Excellency`s Government`s response to each of these questions is accurately reflected in the reports I will submit to the Human Rights Council for its consideration.

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

Raquel Rolnik  
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