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PERMANENT MISSION OF THE REPUBLIC OF SERBIA TO THE UNITED NATIONS OFFICE AND OTHER INTERNATIONAL ORGANIZATIONS

СТАЛНА МИСИЈА РЕПУБЛИКЕ СРБИЈЕ ПРИ УЈЕДИЊЕНИМ НАЦИЈАМА И ДРУГИМ МЕЂУНАРОДНИМ ОРГАНИЗАЦИЈАМА
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OHCHR REGISTRY

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Recipients: SPD.....
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The Permanent Mission of the Republic of Serbia to the United Nations Office and other International Organizations at Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights (Special Procedures Branch) and, referring to joint urgent appeal sent by 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 Independent Expert on minority issues and the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance dated 1 June, 2012 has the honour to enclose herewith information of the Ministry for Human and Minority Rights, Public Administration and Local Self Government of the Republic of Serbia.

The Permanent Mission of the Republic of Serbia to the United Nations Office and other International Organizations in Geneva avails itself of this opportunity to renew to the Office of the United Nations High Commissioner for Human Rights (Special Procedures Branch) the assurances of its highest consideration.

MZ

Geneva, 12 July 2012



*The Office of the United Nations High Commissioner for Human Rights
Special Procedures Branch
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**MINISTRY FOR HUMAN AND MINORITY RIGHTS,
STATE ADMINISTRATION AND LOCAL SELF-GOVERNMENT
DIRECTORATE FOR HUMAN AND MINORITY RIGHTS
Belgrade, 29 June 2012**

Reply

to questions posed by the UN Special Rapporteur on Adequate Housing, as components of the right to adequate living standards, as well as the right not to tolerate discrimination on these grounds, the Independent Expert on Minority Issues and the Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance in accordance with the Human Rights Council Resolutions 15/8, 16/6 and 16/33.

In relation to questions sent to us in a letter addressed to the Ambassador of Permanent Mission of the Republic of Serbia to the United Nations in Geneva, regarding the relocation of Roma families from the informal settlement *Belville* in Belgrade, we hereby inform you of the following:

1. Are the stated claims true?

Representatives of the City of Belgrade and competent secretariats have performed consultations with the families and all persons in any way involved in the relocation were adequately informed of the kind of accommodation available (mobile housing units), locations of the newly established settlements, as well as all kinds of aid to be offered by the City authorities (social welfare and health care, employment, enrollment of children to schools, assistance with the obtaining of personal identification documents etc.). The families were also informed of the precise dates of the relocation and the way it would be done.

The families submitted a request for the allocation of mobile housing units to the City's Secretariat for Social Welfare and agreed to that kind of accommodation and voluntary relocation from the settlement by signing corresponding declaration forms. Consequently, the relocation was completed without any use of force.

Before the relocation was completed, all personal identification documents were verified and one meeting was held with parents whose children were going to school regularly about where they would want their children to continue their school education once relocated elsewhere.

Most of these parents had expressed that they wanted their children to remain in the schools they were already attending. Therefore, the parents and the Secretariat for Social Welfare reached an agreement to move the families to the *Makiš* settlement from where the children would be taken to their schools in Novi Beograd and Zemun. The transportation of children was organised and paid for by the Municipality of Novi Beograd.

Bearing in mind that the settlement would be relocated on 26 April 2012, with month and a half left for the school summer holidays to start and most children never having attended school, it was decided not to enroll these children at the end of the school

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year. The reason behind such a decision was that the children will have missed 80 percent of the curriculum thus be unable to finish that school year. Otherwise, enrolling the children to schools at the end of a school year would not be positive from an educational perspective knowing how extremely important first year of school is for the adjustment of children to new surroundings and their elementary literacy.

Therefore, the younger pupils would be included in a preparatory school program and with children day-care centres working all year round, they would start regular schooling in September. As for the older students who would be starting school of elementary education for adults, they would have lessons organised and preparations held in the settlements before they were to start going to school.

The relocated families were provided transportation of their personal and house belongings. The transportation was organised by the City public companies. The families were transported directly to the new settlement/location at the expense of the City. They were given the opportunity to keep their remaining property at their own disposal (materials previously used to build objects, collected secondary raw materials).

On the day of the relocation, the City of Belgrade invited interested organisations to monitor and observe the relocation process as independent bystanders (for instance, the UNHCR, WHO, EU Delegation, Mission OSCE to Serbia, as well as a number of NGOs).

Activities which had not been completed in time were continued after the relocation was completed (personal identification documents, social aid), as were offers of employment/training.

Currently undergoing is the process of transferring medical charts from old to new health care centres and help people with disabilities, chronic illnesses and pregnant women to register with suitable health care institutions in order for them to receive appropriate health care.

All the families were given the right to use national kitchens. National kitchen meals consist of vegetables, meat and dessert/fruit juice. The menu of the national kitchens is as follows:

- Monday – casserole with meat, bread, fruit juice;
- Tuesday – cabbage with meat, bread, piece of cake or chocolate banana bar;
- Wednesday – green beans with meat, fruit juice and bread;
- Thursday – potato stew/paprikash, bread;
- Friday – beans with meat;
- Weekend - lunch packs: pâté, sardine, 2 boiled eggs, 2 fruit juices, 2 slices of bread or one slice of bread and rice, apple pie/strudel, piece of cake.

As all socially endangered citizens of Belgrade, the families relocated from the informal *Belville* settlement will be able to take their meals at national kitchen counters which they can easily reach by using public city transport. City transport stops are located nearby the settlement.

Individual meetings are held each week concerning the enrollment of children to schools, social aid, job offers, training and other activities.

Similarly, employees of the City secretariats are making weekly visits to the newly established settlements.

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All the newly established settlements have their own representatives responsible for managing the settlement who in return receive a monthly salary from the Secretariat for Social Welfare.

All the families are entitled to one or two mobile housing units. Each family from 1 to 5 members shall have one mobile housing unit of 14.8 m². On the other hand, families with 6 or more members will be given two mobile housing units of 29.6 m² in total, whereas a family of 11 or more members is entitled to three mobile housing units of a total of 44.4 m².

2. Please state the reasons and legal grounds for the relocation.

The relocation of the informal settlement *Belville* was done in accordance with the 2009 Action Plan for the Relocation of Unhygienic Settlements on the Territory of the City of Belgrade. The Action Plan was adopted in the City Assembly sessions held on 28 May and 26 August 2009, with the Plan for the Relocation of Families Living in *Belville* being an annex to the Action Plan.

The Relocation Project envisages an emptying of the land which, according to the 2021 General Plan of Belgrade, is planned to be one of public content- all towards using the land for its intended purpose.

The same document prescribes a specific designated space in Block 42 for the development and full inner and outer city bus stop program. Furthermore, it is meant to be a location of exceptional convenience and with good connection to all parts of the city, somewhere between the inner arterial half ring/motorway, tram route and planned capacitance rail track system and the Novi Beograd train station.

In addition, the City Institute of Public Health has made a report on the sanitary-hygienic conditions in the informal settlement *Belville*. The following are summarised conclusions of the report:

- The existing housing and daily living conditions for the families living at the specified location do not meet the basic sanitary-hygienic conditions which are necessary for the maintenance of hygiene, heating, disposal of waste materials and other;
- The second considerable problem is the risk of fire starting in the settlement. Taking into account that the settlement shacks are made of waste wood and set up very close to one another, there could easily be an outbreak of fire which could spread to the nearby shacks, as so often happens during the winter.

3. What legal remedies are available to the affected population in order for them to challenge the relocation? Is legal aid available to all persons?

The Expropriation Law (Official Gazette of the Republic of Serbia no. 53/95 and no. 20/09) provides a legal framework for the expropriation of property in the Republic of Serbia for persons who have formal and legal rights to property (land/objects). The Law stipulates that persons who find themselves on land which is being expropriated but have no legal right to use that land or objects found on it (as is commonly the case with persons living in areas covered by this project) shall have no right of compensation.

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Although the Law on Planning and Construction (Official Gazette of the Republic of Serbia no. 72/09, 81/09-rev., 64/10- Constitutional Court, and 24/11) allows for the legalisation of objects illegally build on state land, the objects which are covered by this project do not satisfy any of the main criteria for possible legalisation and consequently neither criteria for subsequent compensation prescribed by the Expropriation Law. Namely, the quality of the objects which are mostly made of wooden boards and cardboard waste and have no infrastructure, do not meet any of the technical requirements for legalisation. When legalisation of objects is not possible, the Law on Planning and Construction prescribes the removal of those objects without possibility of any compensation. Should people in such circumstance move out without there being adequate solution to accommodation, their right to adequate housing as defined under Article 11 (1) of the International Covenant on Economic, Social and Cultural Rights, may be violated. In order to avoid this from occurring, the families are provided with alternative accommodation in mobile housing units in the newly established settlements.

The Republic of Serbia has an established legal framework which provides help and solutions to the issue of accommodating people. According to the Housing Law of the Republic of Serbia (Official Gazette of the Republic of Serbia no. 50/92, 76/92, 84/92, 33/93, 46/94, 47/94, 49/95, 16/97, 46/98, 26/2001 and 99/2011), the country takes measures to enable the construction of apartments and resolve housing situations of socially endangered persons. The Law on Social Housing (Official Gazette of the Republic of Serbia no. 72/09) regulates the allocation of apartments to families which are unable to afford adequate housing by market prices for either social, economical or other reasons. Social housing, i.e. the allocation of apartments, and the corresponding detailed procedure and criteria are defined on state, municipal or city levels - depending on the source of financing. At present, the need for social housing in Serbia, particularly in Belgrade, largely exceeds the availability and possibility of social housing. Most of the local self-governments do not have sufficient means to independently resolve this matter, i.e. meet the needs of socially endangered persons when it comes to their housing situation.

The Law on Social Welfare (Official Gazette of the Republic of Serbia no. 24/2011) secures the right of all citizens to different forms of financial social benefit and other social welfare services. Serbia also has a set of laws which provides help to vulnerable groups of people to improve their own living standards (health care, education, employment, etc.). These laws were used as a basis for defining special rights within this Action Plan. For instance, every person is guaranteed under equal conditions a free and mandatory preschool and elementary education (of 9 years in total: preparatory preschool program of 9 months prior to starting elementary school of 8 years). The set of laws referred to which guarantee these rights contain the following legislation: the Constitution of the Republic of Serbia (Official Gazette of the Republic of Serbia no. 83/06 and 98/2006), Law on Foundations of the Education System (Official Gazette of the Republic of Serbia no. 72/2009 and 52/2011), Law on Preschool Education (Official Gazette of the Republic of Serbia no. 18/2010), Law on Elementary School (Official Gazette of the Republic of Serbia no. 50/92 and 22/2002). Another example is the Law on Health Insurance of the Republic of Serbia (Official Gazette of the Republic of Serbia no. 107/2005, 109/2005 and 57/2011) which assures the right to free health care. Equally, the Law on Employment and Insurance for Unemployment of the Republic of Serbia

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(Official Gazette of the Republic of Serbia no. 36/2009 and 88/2010) offers special measures for the protection of the most vulnerable groups of the population (including the Roma people). Under this law, the National Employment Service is obliged to apply active measures of employment and secure the implementation of the affirmative action measures.

4. Which measures have been taken in order to complete the relocations in accordance with Serbia's obligations and international human rights legislation? We would particularly like you to provide us with answers to the following questions:

- a. Have any significant consultations been had with the affected population since the meeting held in April 2011? If yes, please specify the details, dates and outcomes of these consultations.
- b. Were the relocated persons given all the information concerning the relocation process and the new location?
- c. Did the relevant institutions take into account potential alternatives for the relocation?
- d. Please provide information about measures taken by the Government authorities to prevent homelessness of the relocated persons as the result of the forceful relocation.

The City of Belgrade and the Secretariat for Social Welfare have held six meetings with the inhabitants of the informal settlement *Belville*.

The first public meeting in the *Belville* settlement was held for the families residing in Belgrade and internally displaced persons from Kosovo and Metohija. It took place on 15 March 2012, at 12 o'clock in the afternoon, on a parking lot across the street from the outdoor flea market *Buvljak*. The aim of the consultative meeting was to formally and timely inform all *Belville* inhabitants of the City's intention to relocate this informal settlement. All the inhabitants were invited a day earlier to attend the meeting. The Secretariat for Social Welfare hanged the written announcements of the meeting on visible sites around the settlement and distributed them to the inhabitants of the settlement. The meeting was attended by representatives of the City of Belgrade Mayor's Office, the Ministry of Labour and Social Policy, the Secretariat for Social Welfare and the non-governmental sector.

The second public meeting was organised by the representatives of the City of Belgrade on Friday 30 March 2012, at 12 o'clock and also held on the parking lot across the street from the outdoor flea market *Buvljak*. These consultations were attended by the representatives of the City of Belgrade Mayor's Office and the Secretariat for Social Welfare, as well as the non-governmental sector. Inhabitants of the settlement expressed their concerns over various visits by unidentified individuals who were spreading rumours and causing the inhabitants to feel fear and uncertainty over the situation. The representatives of the City of Belgrade explained to the inhabitants that they should only trust information that was given to them during the public meetings and by the official representatives of the City themselves. The representatives were reassuring the inhabitants that these were the only valid information. The families were notified about their relocation to the mobile housing units on the territory of the City of Belgrade. Once the City defines the locations, the families will be given an opportunity to make their own

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decisions as to which location they would be moved to. In case they cannot agree on the matter, the Secretariat shall make the decision for them and arrange the families to each location.

Parents were encouraged to make their own decision whether or not to have their children who were regularly attending elementary school continue their education in their old schools or be transferred to educational institutions in the new location. The parents were explained that their children who would remain loyal to their old schools would have an organised and free transportation from the new location to the old school and back.

The families were also told that after they had been relocated, the City of Belgrade in collaboration with relevant secretariats would assist them with obtaining personal identification documents, becoming included in the health care, social welfare and education system. The assistance was to include job offers in public communal companies.

Furthermore, the City representatives informed the families that any property they may have owned would have to be reported to the Secretariat for Social Welfare. Otherwise, anyone with an ownership over any form of housing object on the territory of the Republic of Serbia would not be entitled to any help from the City after the relocation.

All those who attended the consultations were asked to address the Secretariat for Social Welfare with any issues or questions they may have. On that note, they were all given the address and contact details of the Secretariat and explained how to get to the Secretariat in person.

On 5 April 2012, the representatives of the Secretariat for Social Welfare held another public meeting in the settlement and invited the inhabitants of the settlement with the place of residence in Belgrade and the internally displaced persons from Kosovo and Metohija to come to the Secretariat to submit their requests for the allocation of mobile housing units by 12 April 2012. They were explained that they would have to sign a statement declaring that they accept the alternative accommodation provided by the City of Belgrade, as well as all the corresponding rights. The inhabitants of the settlement were informed about this both orally and in writing (the representatives of the Secretariat were handing them out printed flyers).

Bearing in mind that not all families had submitted their requests by 12 April 2012, the representatives of the Secretariat for Social Welfare held another public meeting in the settlement and reminded the families of the new deadline, i.e. Tuesday 24 April 2012.

On that Tuesday 24 April 2012, yet another public meeting was held with the inhabitants of the local community *Gazela* (located nearby the informal settlement *Belville*) at different hours of the day. Namely, the inhabitants of the settlement with the place of residence in Belgrade and the internally displaced persons from Kosovo and Metohija were spoken to at 3 pm. The families were notified of the precise time of the relocation, including the arrangement of families per newly established settlement where they would be accommodated in mobile housing units. At 4 pm that day, families residing in other cities and municipalities of Serbia were addressed. They were explained the way in which they would be taken care of in their places of residence.

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5. To what extent have the compensation measures been implemented to the benefit of all relocated persons, with a corresponding estimated value of losing an apartment, as well as the possibility of receiving support?

Objects covered by this project do not satisfy any of the main criteria determined for potential legalisation and consequently do not satisfy criteria for subsequent compensation under the Expropriation Law. Nonetheless, the families were entitled to keep or sell the building materials that were of any value. The families were informed in time about when the relocation would take place which effectively gave them enough time to sell or dispose of the collected secondary raw materials.

6. Please provide detailed information about the current situation all relocated persons find themselves in, especially:

- Please provide information due to existing concerns over the location, adequate living conditions, competence and accessibility of public services, employment opportunities, objects and the infrastructure of the current location.

All locations have entirely been equipped in terms of infrastructure prior to the relocation. They have access roads, electricity in every mobile housing unit, built sewage and running water supply system.

Every settlement also contains sanitary containers with shower cabins, toilets and sinks. Each sanitary container holds a boiler of 80 litres of water, two shower cabins, four toilets and four sinks.

The City of Belgrade bears all the costs of used utilities such as electricity and water, rubbish collection, etc.

Selected few mobile housing units meet international housing standards and look similar to those the City authority representatives could see in Italy which are used for similar purposes.

The minimum technical specifications of the mobile housing units are as follows:

- construction: steel construction with 6 steel legs which guarantee stability on a gravel surface;
- dimensions: length from 5.77 m to 6.06 m, width from 2.15 m to 2.44 m and interior height of 2.3 m;
- windows: PVC carpentry, 100 x 120 cm, double windows;
- doors: steel single wing, lock and 3-key cylinder;
- floor: steel construction, waterproof;
- roof: coated galvanised multilayered sheet metal, plywood ceiling;
- walls: coated galvanised multilayered sheet metal, piece together the PVC molding.

Accommodation in the mobile housing units on the locations specified satisfies all the adequate housing conditions according to the definitions confirmed by the UN Habitat Plan of Action. Article 60 of the mentioned Plan reads as follows:

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Adequate shelter means more than a roof over one's head. It also means adequate privacy; adequate space; physical accessibility; adequate security; security of tenure; structural stability and durability; adequate lighting, heating and ventilation; adequate basic infrastructure, such as water-supply, sanitation and waste-management facilities; suitable environmental quality and health-related factors; and adequate and accessible location with regard to work and basic facilities; all of which should be available at an affordable cost.

Upon voluntarily submitting their requests for the mobile housing units and signing a declaration that they agree to this form of accommodation and freely leave the settlement, every family then signs a Contract for the Use of Mobile Housing Units with the Secretariat for Social Welfare.

The Contract specifies the terms of use of the mobile housing units, period of use (until permanent housing is made possible), duties and responsibilities of the contracting parties. The Contract also defines the City's duties to maintain the mobile housing units, infrastructural systems and similar.

- Please provide detailed information about the current situation of families which have been relocated to municipalities outside of Belgrade. Did the families receive material or financial aid?

According to the Law on Social Welfare, social welfare centres competent to help people with a place of residence registered outside of Belgrade are those belonging to the very municipalities these people are from. Equally, the local self-governments would also be responsible for the people coming from municipalities which fall under their jurisdiction. The City of Belgrade Administration had secured funding to help the relocated families and had the funds transferred to the relevant units of local self-governments. 20,000 dinars were transferred for one-time payments and 100,000 dinars per finishing works on the existing housing objects or renovation of existing housing objects.

7. Please provide us with details concerning the long-term overall relocation plan for relocated persons, including whether or not consultations will be held with the community about the new locations after the relocation, apartments and services to be provided.

The City of Belgrade has already started building apartments for the socially endangered citizens by using funds from its budget. Thus far practice has shown that around 15% of social housing is provided for persons of Roma nationality. In fact, the Regulation on the Allocation of Apartments allows for the families currently accommodated in the mobile housing units as part of this plan, to have equal rights and opportunities to compete for moving into these apartments as do all other socially endangered citizens of the City of Belgrade.

Currently being finalised is the Study of Housing and Social Inclusion of Settlement Inhabitants Living in Mobile Housing Units based on which recommendations

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for permanent housing solutions will be made. After the Study is completed, the plan is to start preparations for the implementation of suggested solutions. Hopefully, the families will be permanently accommodated in adequate housing objects as of next year. The Study is being performed by mutual co-operation between the City of Belgrade, Directorate for Human and Minority Rights of the Ministry for Human and Minority Rights, State Administration and Local Self-Government and OSCE Mission to Serbia. The implementation of permanent housing solutions is expected to be supported by the 2010 IPA funding.

With the help of donor organisations, the City of Belgrade shall strive to secure and expand the scope of possibilities for finding housing solutions for endangered families (e.g. by encouraging individual construction of objects, purchase of agricultural homes and other).

Representatives of the City of Belgrade Mayor's Office, Directorate for Human and Minority Rights of the Ministry for Human and Minority Rights, State Administration and Local Self-Government and OSCE Mission to Serbia have already started consultations with the inhabitants of the newly established settlements regarding the matter of finding them permanent housing solutions.