



# Roma in Serbia

## Housing and Discrimination

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Basic infrastructure exists in over 80 percent of all Roma settlements in Serbia, urbanistic plans exist for some 60 settlements, approximately 50 have been relocated, while 10,000 apartments have been built to accommodate Roma across the country.

This is how a news report might read in 2015 if the Action Plan for Roma Housing is implemented as planned. 2015 is the last year of the Decade of Roma Inclusion.

**Belgrade: Housing for Roma - How Certain Is the Future?**

**By Viktor Strbac**



# The Foundations

## Universal Declaration of Human Rights

Article 1: All human beings are born free and equal in dignity and rights.

Article 2: Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, birth or other status.



## UDHR

Article 6: Everyone has the right to recognition everywhere as a person before the law.

Article 7: All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination...

Article 25: Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care...



# International Covenant on Economic, Social and Cultural Rights

Article 2: 2. The States Parties to the present Covenant undertake to guarantee that the rights enunciated in the present covenant will be exercised without discrimination of any kind as to race, colour, sex, language, religion...

Article 11: The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living ... including adequate food, clothing and housing...



# International Covenant on Civil and Political Rights

Article 2: Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language religion...

Article 16: Everyone shall have the right to recognition everywhere as a person before the law.



## International Convention on the Elimination of all forms of Racial Discrimination

Article 5: ... States parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of the following rights... (e) ... (iii)  
The right to housing; ...



# However...

Number of Roma in Serbia – subject to controversy

Last census: 108,000 – widely accepted to be a significant underestimation of the true size

Some surveys: 270,000 at least (Jaksic and Basic 2002/2005)

Commonly quoted estimate: 450-500,000 – OSI 2007





60 - 80% of Roma persons live in unhygienic settlements (Macura, Petrovar, Vujovic)

Roma settlements - almost 600 in total – very poor housing conditions

70% of the settlements partially legalized or not legalized at all

40% considered as slums (settlements of misery and despair)

60% of Roma lives in unhealthy and unsafe environments

Housing and legalization of Roma settlements set as a priority during Serbia's presidency of the Roma Decade. To date the issues of legalization, upgrading, construction, etc have not been addressed systematically.



# State obligations under International Human Rights Law:

The right to adequate housing, as defined in the Article 2 of the Int. Covenant on Economic, Social, and Cultural Rights:

to take steps, to the maximum of available resources, with a view of achieving progressively the full realization of the rights



# Implementation of ESC Rights: PROGRESSIVE REALIZATION

Steps have to be deliberate, concrete and targeted towards the full realization of the rights

GC 4: 10. Regardless of the state development of any country, there are certain steps which must be taken immediately. ... To the extent that any such steps are considered to be beyond the maximum resources available to a State party, it is appropriate that a request be made as soon as possible for international cooperation ...



## Some rights can be ensured immediately!

As defined by the ICESCR, State parties have the immediate obligation to ensure non-discrimination (Article 2 of the Covenant) ...

The Committee has interpreted these provisions as requiring measures to prevent discrimination, as well as positive affirmative action initiatives to compensate for past discrimination that go beyond the enactment of legislation.’ (Chapman, Russel 2002)



# General Comment #4

CESCR (1991)

The human right of the adequate housing ... is of central importance for the enjoyment of all economic, social and cultural rights

... the right to housing should not be interpreted in a narrow or restrictive sense which equates it with ... the shelter provided by merely having a roof over one's head... Rather it should be seen as the right to live somewhere in security, peace and dignity.



## GC #4 Aspects of the right that have to be taken into account:

- a) Legal security of tenure ... which guarantees legal protection against forced eviction, harassment and other threats...
- b) Availability of services, materials, facilities and infrastructure ... essential for health, security, comfort and nutrition ... safe drinking water, energy for cooking, heating, lighting, sanitation and washing facilities, means of food storage, ...



- c) Affordability ... percentage of the housing related costs is, in general, commensurate with income levels ... establish housing subsidies ...
- d) Habitability ... adequate space, protecting them from cold, damp, heat, rain, wind or other threats to health, structural hazards, and disease vectors. The physical safety of occupants must be guaranteed as well.
- e) Accessibility ... disadvantaged groups must be accorded full and sustainable access to adequate housing resources



- f) Location ... in a location which allows access to employment options, health care services, schools, child-care centres and other social facilities.
  
- g) Cultural adequacy ... The way housing is constructed, the building materials used and the policies supporting these must appropriately enable the expression of cultural identity and diversity of housing.





# Discrimination!

The discrimination against Roma in Serbia is evident, and it is visible in all segment of life and of the society starting from the issue of basic personal documentation which is the precondition of enjoyment of the rights citizens are entitled to, going through the vaccination of children, mortality rates, unemployment rates, school drop-out rates, education level, living conditions (poverty rates), you name it.



# CESCR COBs 2005

- expressed concern about non-existence of the systematic and comprehensive anti-discrimination legislation
- expressed deep concern about reported incidents of inter-ethnic violence against Roma
- deep concern about the widespread discrimination against Roma, persisting with regards to employment, social security, housing, health care and education



- deep concern about uncertain residence status and if the limited access to personal identification documents
- noted that the poverty among Roma is between four and five times higher than among the general population
- expressed grave concern about poor conditions in which thousands of Roma families live in sub standard informal settlements without access to basic services...



# Call for action – UN in Serbia

- The Government of Serbia should fully implement the existing Constitutional norms and laws prohibiting discrimination and to propose to Parliament the adoption of general anti-discrimination legislation.
- The Government of Serbia should take all measures to raise awareness in Serbian society on the plight of the Roma population towards the goal of combating discrimination of Roma.



- The Government of Serbia is urged to intensify implementation of the four National Action Plans on health care, education, employment and housing through the provision of regular and appropriate budget allocations, and provide the institutional arrangements for their implementation.
- The Government of Serbia is urged to create the conditions and impose obligations on local authorities to allocate sustainable funds for the improvement and upgrading of Roma settlements and housing



- The Government of Serbia should work towards the adoption of a law on eviction in line with European standards to address the problems associated with the eviction of Roma living in illegal settlements without the provision of alternative solutions, allowing them to resettle in adequate living conditions.



Poor housing conditions are in fact a major cause of Roma exclusion in our societies. It is important that we refute the old “argument” that Roma people are nomads and therefore do not want or need proper housing. Their social and spatial exclusion today is intimately linked to Europe’s shameful history of discrimination and severe repression of the Roma.

*By Thomas Hammarberg, CoE HCHR  
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