

HOW THE EBRD'S FUNDING CONTRIBUTED TO A FORCED EVICTION IN BELGRADE, SERBIA

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The Gazela Bridge Rehabilitation project, part of the Belgrade Highway and Bypass project funded by the EBRD and the European Investment Bank, led to the second largest forced eviction to date of Roma from informal settlements in Serbia. Amnesty International considers that the EBRD failed to carry out adequate human rights due diligence in order to identify potential negative human rights impacts in advance of the planned resettlement of Roma from the Gazela Bridge settlement. Amnesty International considers that a robust due diligence process could have assessed the recipient's commitment and ability to respect and protect human rights relevant to the project.

The city's lack of commitment to the rights of Roma to adequate housing was clear, well in advance of the forced eviction. Forced evictions of Roma had taken place under the previous city administration in 2002-3. Further, previous plans to build social housing for Roma had been abandoned in 2005, following racist demonstrations by local residents opposing the resettlement of Roma in their area. Further, Serbia lacked legislation to prohibit and provide protection from forced evictions.

In line with its policy requirements, the EBRD had made its loan disbursement conditional on the development of an agreed Resettlement Action Plan (RAP) for the communities affected by the project. In 2007, the city authorities duly initiated a consultation with the Roma community living under the Gazela Bridge on resettlement options, including plans to build social housing. But, in October 2008, after residents in the area proposed for social housing opposed the resettlement of the Roma in their municipality, the city authorities withdrew these plans.

In February 2009, without any consultation with the affected community, the Deputy Mayor of Belgrade announced that only Roma registered as Belgrade residents and displaced Roma from Kosovo would be provided with "new accommodation", most of which would be on the outskirts of Belgrade, and that the remaining Roma would be returned to their municipalities of origin, with the assistance of the Ministry of Labour and Social Policy. There was no further meaningful consultation on resettlement options with the communities affected. At that stage, it was clear from the city's actions that it intended to carry out evictions without complying with international standards. Six weeks before the eviction, the Belgrade Roma were informed that they would be resettled in metal containers. The EBRD was either unable or unwilling to take stronger actions. Timely action by the EBRD may have prevented some of the most egregious violations which followed

On 25 August 2009, the city assembly approved the final resettlement action plan. According to EBRD, this was "without the prior notification of, or approval of either the EBRD or EIB". On 31 August, without informing the EBRD, the city forcibly evicted 175 Roma households, without any of the guarantees and safeguards required under international law and EBRD requirements. No compensation was subsequently provided for loss of and damage to personal property and no legal remedies were available.

The City of Belgrade had been required, as part of the funding conditions imposed by the EBRD and the EIB, to provide the affected population with “adequate permanent housing”. Instead some 114 households were transported by buses to the outskirts of Belgrade and resettled in metal containers. The remaining 61 families were transported to municipalities in southern Serbia, where they returned to inadequate housing, or in some cases, were rendered homeless. On 29 September 2009, CEE Bankwatch Network and Serbian NGO CEKOR lodged a complaint to the EIB about that bank’s failure to comply with its performance requirements in the resettlement of the Gazela communities.

Yet, in February 2010, the EBRD released the first loan instalment following the granting by the EBRD board of a derogation to its 2003 Environmental Policy on the grounds of safety concerns cited by Putejvi Srbija (Roads of Serbia). In granting the derogation, the EBRD demanded that the City of Belgrade make additional commitments to address the EBRD’s outstanding concerns. The subsequent Action Plan accepted by the city required Belgrade to address deficiencies in the container settlements, and to draw up a plan to provide evicted Roma with social housing. The Ministry of Labour and Social Welfare was also required to take measures to address housing, employment, education and other conditions for Roma returned to informal settlements in southern Serbia. However, despite subsequent monitoring by EBRD and EIB (including as a result of the Bankwatch complaint), in the absence of employment and adequate housing, many of those returned to the south subsequently returned to other informal settlements in Belgrade.

Although Roma resettled into containers had been told they were entitled to apply for social housing, and received assistance to do so, by January 2011 only one family had been allocated an apartment. The city’s eligibility criteria for social housing were challenged by NGOs and found to discriminate against Roma; they were subsequently amended, and 46 families were subsequently provided with social housing.

While the EBRD continued to urge the City of Belgrade to develop a Housing Strategy for the forcibly evicted households – as set out in the Action Plan, and provided funding from its technical programme, in the face of resistance from the mayor of Belgrade the EBRD had limited leverage. By 2013, four years after their forced eviction, 41 households (165 individuals), have still not been provided with social housing, and continue to live in containers.

Amnesty International acknowledges that EBRD has continued to make efforts to try to improve the situation of the Gazela Roma. In particular, in 2013, the EBRD obtained agreement that that the Gazela families remaining in containers will be included in a separate EU-funded resettlement programme. However, continued delays in that resettlement, for reasons including the failure by the Belgrade city authorities to identify suitable resettlement sites, mean that Gazela Roma will live in metal containers for some time to come.

The forced eviction of Roma from Gazela Bridge shows that EBRD did not have sufficiently robust project appraisals or assessments in place to prevent, or mitigate against, human rights violations, including the violation of the right to adequate housing.

This forced eviction highlights the need for the EBRD to incorporate into its proposed Environment and Social Policy and in its Public Information policy:

1. Human rights due diligence processes that include an assessment of measures taken by the client to comply with international human rights standards in advance of the project, and continued assessment, throughout the project cycle. When such an assessment identifies risks to human rights, a human rights impact assessment must be carried out,
2. Public disclosure of such assessments by EBRD well in advance of project approval in order to allow affected communities and the public to determine whether they are adequate, encompass all relevant impacts to human rights and set out solid prevention strategies,
3. A clear statement that a client's previous record in regard to human rights abuses shall be taken into account in project appraisals, and that human rights abuses in the context of an EBRD funded project may be a bar to future lending unless the client can show that it has done all that it can to ensure the infringements are adequately remedied, and
4. Performance Requirements that are fully aligned with, and explicitly refer to, international human rights law and standards, for example, in the context of Involuntary Resettlement, the UN Basic Principles and Guidelines on Development-based Evictions and Displacement.
5. Without such reforms, the rights of communities and individuals affected by projects funded by EBRD remain at risk.

For more detailed information on this case, see Amnesty International, *Serbia: Home is more than a roof over your head: Roma denied adequate housing in Serbia* (Index: EUR 70/001/2011).

