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Serbia: Proposed law on housing would violate human rights

Amnesty International is concerned that the Serbian government's draft Bill on Housing and Maintenance of Buildings would violate the rights of individuals and families in vulnerable communities at risk from forced eviction if adopted by parliament.

The bill is being introduced as part of essential housing reforms in Serbia, and is shortly due to be considered in an expedited process. The draft bill includes provisions on the conduct of authorities around evictions, as specifically required by the European Commission and included in Serbia's Action Plan towards EU accession. The initiative to introduce such a bill was strongly welcomed by Amnesty International.

Amnesty International has campaigned since 2010 for the introduction of a law prohibiting forced evictions, and which provides appropriate protections against such evictions for communities affected by them. The organization has monitored and documented the forced eviction of more than 20 predominantly Roma communities encompassing up to 3,000 people from informal settlements in Belgrade since 2009.

In October 2015, the Deputy Prime Minister invited Amnesty International to comment on the draft section of the bill regulating forced evictions. In our response the organization made a number of detailed recommendations, including that the bill should include a clear prohibition of forced evictions, and ensure that, following resettlement after a lawful eviction, adequate accommodation should reflect international law and standards and provide access to employment opportunities.

However, none of these, nor other protection measures, appear in the current proposal. If adopted by parliament, the proposed bill – already approved by the government after a period of consultation – would potentially result in Serbia being in violation of its international and regional obligations by failing to protect the rights of those at risk of forced eviction. During the parliamentary debate, appropriate amendments to the draft must be introduced in order to meet these obligations.

The organization has written to the Deputy Prime Minister Zorana Mihajlović, outlining its concerns that provisions in the bill relating to evictions fall far short of international standards prohibiting forced evictions and ensuring the right to adequate housing without discrimination.

Amnesty International has urged the government to ensure that the law is amended to guarantee the necessary due process, and appropriate safeguards, including genuine consultation and adequate notice, throughout the whole eviction procedure – before, during and afterwards. These standards are set out in the UN Basic principles and guidelines on development-based evictions and displacement but are also reflected in treaties ratified by Serbia.

The most critical omissions in the bill include that forced evictions should be made illegal and that no eviction should result in individuals being rendered homeless or vulnerable to the violation of other human rights.

The bill also fails to mention the assessments which should be undertaken ahead of the adoption of a decision to evict; including the obligation to consider all feasible alternatives to eviction and to explore them in genuine consultation with all affected persons. The bill also lacks clear provisions on the period of adequate notice required prior to an eviction, as well as the requirement to adequate alternative accommodation for those people affected by eviction and resettlement.

Finally, with regard to adequate alternative housing, the current bill fails to include key criteria required by international law – including ensuring that resettled communities have access to employment options, health-care services, schools, childcare centres and other social facilities.

Serbia has also been encouraged to adopt a law preventing forced evictions by the UN Special Rapporteur on the right to adequate housing. This has also been supported by the Council of Europe Commissioner for Human Rights, and the Advisory Committee on the Framework Convention on the National Minorities.

In order to live up to Serbia's international obligations, its lawmakers must ensure that the bill adopted in Parliament fulfils the criteria set out in international law and that it provides the specific safeguards required to ensure that all those affected by eviction are able to enjoy their right to housing, without discrimination.

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