

Iveta Radičová
Prime Minister
Námestie Slobody 1
81370 Bratislava
Slovakia

8 December 2010

URGENT REQUEST TO RESOLVE THE HOUSING SITUATION OF THE ROMANI SETTLEMENT IN PLAVECKÝ ŠTVRTOK

Dear Prime Minister Radičová

Amnesty International, the European Roma Rights Centre and the Centre on Housing Rights and Evictions (hereby, the organisations) are writing to express their deep concern at the threat of forced evictions of Romani families in Plavecký Štvrtok. In addition, the organizations are concerned about recent statements by the Slovak Minister of Interior, Daniel Lipšic, endorsing, according to media reports, demolition plans for the Romani settlement.

According to documentation gathered by the organisations between March and October 2010, at the end of 2009 the municipality initiated the demolition of the informal Romani settlement based on alleged concerns for the safety of its inhabitants due to its vicinity to a gas line. Ninety Romani families were asked to prove ownership of their homes. On 16 April 2010, the municipality sent notices to at least 12 Romani families ordering them to demolish their homes themselves within three months and announced to send similar notices to other families. There has been no consultation with the families and no alternative accommodation or compensation has been offered.

On 6 August 2010, the district prosecutor cancelled at least 12 demolition orders due to procedural shortcomings. The prosecutor found that the demolition orders issued by the municipality failed to identify specific plots of land and the individual constructions concerned. The municipality was also found to have omitted a review of the status of the constructions; and to provide evidence of concrete life and health hazards that would justify the immediacy of the demolition ordered. As a result, on 26 August 2010, the municipality of Plavecký Štvrtok revoked the demolition orders.

However, despite the prosecutor's findings of procedural shortcomings, the Mayor of Plavecký Štvrtok, Ivan Slezák, repeatedly reiterated his intention to proceed with the demolitions, disregarding Slovakia's obligations under national and international law, including the obligation to provide adequate alternative housing and compensation for losses. For example, on 19 October, the Mayor openly stated that he is "not under any obligation to provide alternative housing [for the victims of the evictions]."¹ On 26 October 2010, he stated publicly that "it is not in the municipality's interest to create another Roma settlement by building rented housing, which would constitute a financial or technical burden [for the municipality]."²

The organizations are deeply concerned that during his 19 October visit, Minister Lipšic was reported, in the media, as having endorsed the demolition of the houses. The organizations are concerned that the Minister of Interior would endorse plans for evictions, which could amount

¹ 'Aký je problém Rómov v Plaveckom Štvrtku?', Týždeň weekly, 19 October 2010, available (in Slovak) at <http://www.tyzden.sk/reportaze-tyzdna/problemom-su-cierne-stavby-na-plynovode-alebo-kriminalita.html>

² 'Rómom idú zbúrat' osadu, ubytovanie pre nich nemajú', SME daily, 26 October 2010, available (in Slovak) at <http://zahorie.sme.sk/c/5611566/romom-idu-zburat-osadu-ubytovanie-pre-nich-nemaju.html>

to forced evictions contrary to Slovakia's obligations under the key regional and international human rights treaties. When asked why Roma communities had not been consulted the Minister for the Interior was quoted as stating to journalists that he "did not come to solve the Roma issue, but security of people."³ The Minister has not denied these media reports. Furthermore, the organizations are concerned about statements stigmatizing the Romani community in emphasizing the need to adopt enhanced policing measures of Roma.

According to the Slovak Press Agency (TASR), Minister Daniel Lipšic promised to support the municipality "both in what regards the demolition of the illegal constructions and the strengthening of the district police in Stupava to maintain the public order and to decrease the criminal activity."⁴ On 27 October, the Minister published a commentary in the daily *SME*, alleging that the segregated Roma settlement would be the "source of criminality" in Plavecký Štvrtok, without any reference to concrete data.⁵ Furthermore, he announced an increase of staff of the nearest police department in Stupava starting on 1 December, and the allocation of a special police force for Plavecký Štvrtok. The Minister for the Interior also informed the media, that a new emergency unit would be established to "effectively intervene" against violations of law.

Amnesty International, the European Roma Rights Centre and the Centre on Housing Rights and Evictions are deeply concerned that the planned evictions will amount to forced evictions⁶ in violation of a range of international and regional human rights treaties to which Slovakia is a party, including the International Covenant on Economic, Social and Cultural Rights (Article 11) and the International Covenant on Civil and Political Rights (Article 17).

These standards oblige Slovakia to ensure that evictions are only carried out as a last resort after all other feasible alternatives to eviction have been explored in genuine consultation with the affected communities, and only when procedural protections are in place. These requirements include the provision of prior and adequate notice, information on the proposed evictions and 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; the provision of legal remedies, including legal aid where necessary; and the provision of compensation for all losses and adequate alternative housing.⁷ In this respect, the Committee on Economic, Social and Cultural Rights states that "[e]victions should not result in individuals being rendered homeless or vulnerable to the violation of other human rights." The Committee further emphasises the obligation of States to take all appropriate measures, to the maximum of available resources, to ensure that adequate alternative housing, resettlement or access to productive land is available to those affected where they are unable to provide for themselves.⁸

The organizations also stress the need of having adequate and effective measures in place for the protection against forced evictions in line with provisions under international human rights law. The Committee on Economic, Social and Cultural Rights has clarified that "[n]otwithstanding the type of tenure, all persons should possess a degree of security of tenure which guarantees legal protection against forced eviction, harassment and other threats. States parties should consequently take immediate measures aimed at conferring legal security of tenure upon those persons and households currently lacking such protection, in genuine consultation with affected persons and groups".⁹

³ 'Lipšic si s Rómami v osade na Záhorí ruku nepodal', *SME* daily, 19 October 2010, available (in Slovak) at: <http://zahorie.sme.sk/c/5601009/lipšic-si-s-romami-v-osade-na-zahori-ruku-nepodal.html#ixzz15jklINjh>.

⁴ „Plavecký Štvrtok: Lipšic chce riešiť problém s rómskou osadou”, TASR, 19 October 2010, available at (in Slovak) at: <http://tvnoviny.sk/spravy/regiony/plavecky-stvrtok-lipšic-chce-riesit-problem-s-romskou-osadou.html>

⁵ "Ad: Lipšic sa vlády nepýta", *SME*, 27 October 2010, available (in Slovak): <http://komentare.sme.sk/c/5613706/ad-lipšic-sa-vlady-nepyta-26-10.html>

⁶ The UN Committee on Economic, Social and Cultural Rights has defined a forced eviction "as the permanent or temporary removal against their will of individuals, families and/or communities from the homes and/or land which they occupy, without the provision of, and access to, appropriate forms of legal or other protection." Committee on Economic, Social and Cultural Rights, General Comment 7, para 3, available at: <http://www.unhcr.ch/tbs/doc.nsf/%28symbol%29/CESCR+General+Comment+7.En?OpenDocument>

⁷ Committee on Economic, Social and Cultural Rights, General Comment 7, paras 13, 15.

⁸ Committee on Economic, Social and Cultural Rights, General Comment 7, para 16

⁹ Committee on Economic, Social and Cultural Rights, General Comment no. 4, para 8 (a)

In view of the concerns listed above, Amnesty International, the European Roma Rights Centre and the Centre on Housing Rights and Evictions request that the Slovak government and relevant local authorities undertake the following measures:

- Take immediate steps to ensure that residents of the Romani settlement in Plavecký Štvrtok are not evicted from their homes, unless adequate alternative accommodation or adequate compensation is provided and sufficient safeguards are put in place to ensure that the eviction does not contravene Slovakia's international legal obligations;
- Issue sufficient guidance to local authorities to prevent future forced evictions, drawing attention to the UN Basic Principles and Guidelines on Development-Based Evictions and Displacement;¹⁰
- Call on the municipality of Plavecký Štvrtok to confer legal security of tenure to Romani families, exploring *ex post* legalisation and other measures to guarantee the right to adequate housing;
- Set up a process of genuine consultation with the Romani community, and to provide adequate information on relevant processes and all possible alternatives, as well as on the provision of adequate alternative housing and possible risks and benefits should evictions be necessary to ensure the safety of the families;
- Ensure that all public officials and agents of the state act consistently with Slovakia's obligation to prevent and refrain from forced evictions; and
- Protect Romani families from discrimination in conformity with Slovakia's legal obligations.

Amnesty International is a global movement of 2.2 million people in more than 150 countries and territories who campaign to end grave abuses of human rights. Our vision is for everyone to enjoy all the rights enshrined in the Universal Declaration of Human Rights and other international human rights standards. We are independent of any government, political ideology, economic interest or religion – funded mainly by our membership and public donations.

This work is part of Amnesty International's Demand Dignity campaign which aims to end the human rights violations that drive and deepen global poverty. The campaign will mobilise people all over the world to demand that governments, corporations and others who have power listen to the voices of those living in poverty and recognise and protect their rights. For more information visit <http://www.amnesty.org/en/demand-dignity>.

The European Roma Rights Centre is an international public interest law organisation engaging in a range of activities aimed at combating anti-Romani racism and human rights abuse of Roma. The approach of the ERRC involves strategic litigation, international advocacy, research and policy development, and training of Romani activists.

The Centre on Housing Rights and Evictions (COHRE) is an independent, international, non-governmental, not-for-profit human rights organisation whose mission is to ensure the full enjoyment of the human right to adequate housing for everyone, everywhere.

¹⁰ See Annex 1 to UN.Doc. A/HRC/4/18, 5 February 2007 available at http://www2.ohchr.org/english/issues/housing/docs/guidelines_en.pdf. These Basic Principles were developed by the UN Special Rapporteur on Adequate Housing as a Component of the Right to an Adequate Standard of Living and reflect and elaborate upon existing human standards and jurisprudence on forced evictions. Though the Basic Principles focus on development-based evictions, in Amnesty International's view they provide useful guidance to States on steps that they should take prior to, during and following all evictions.