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**Written statement* submitted by the International Federation of Human Rights
Leagues (FIDH), a non-governmental organization in special consultative status**

The Secretary-General has received the following written statement which is
circulated in accordance with Economic and Social Council resolution 1996/31.

[31 May 2007]

* This written statement is issued, unedited, in the language(s) received from the
submitting non-governmental organization(s).

Russia: forced evictions of Roma

The International Federation for Human Rights (FIDH) expresses its deep concern at ongoing forced evictions of Roma in the Russian Federation.

Roma peoples living in the Russian Federation are victims of severe forms of racial discrimination¹, one the most striking form being forced evictions. This phenomenon is widespread and increasing throughout the country. FIDH welcomes the report of the Special Rapporteur on the Right to Adequate Housing and in particular the *Basic Principles and Guidelines on Development-based Evictions and Displacement*. Indeed, one of the cause of the forced evictions of Roma is land acquisition measures associated with urban renewal.

Roma in the Russian Federation have been forced to settle down in 1956. *Decree N°21/863-450* (5th October 1956) of the Presidium of the Supreme Soviet prohibited any “vagrancy” for the so-called Gypsies, the only accepted appellation in spite of their diversity, in order to engage them in labour and to assimilate them.

After the collapse of the Soviet Union, the Russian authorities handled the privatisation of land but refused to effectively legalise the housing of the forcibly settled Roma families. Taking advantage of the lack of secured land tenure, education and of the extreme poverty level of the Roma population, the Russian administration refuses to regularise their occupation of the land and most often sells it by auction to the highest bidder. Concerning the attractive land where Roma families settled, the municipal administrations frequently confuse the public interest with private ones. The Roma settlements (*tabor*) are usually situated not far from the cities (Moscow, Saint-Petersbourg, Klin, Ivanovo...) on territories that combine proximity with town and a good environment, or within cities (Ekaterinburg, Tyumen...) with a booming economy and subject to development and infrastructure projects, in particular airport, shopping mall, housing speculation and renovation, and urban renewal.

The Roma are unable to react to the land acquisition measures or to the allocations of parcels in the general urban plannings (*GenPlan*) that are very often decided without their consultation. They are usually not considered when expressing territorial claims and powerless when confronted to legal griefs presented by the administration (lack of registration of their houses, unauthorized buildings, violation of construction norms and rules as protection against fire, water evacuation, waste disposal...). As a result, their only way out is through unofficial agreements that offer no guarantee of adequate compensation or relocation. They are then either cheated or victims of forced evictions when they refuse to leave voluntarily.

Most noticeably, forced evictions can even occur in situations of due occupation of their houses that is declared illegal by judgments denying Roma a fair trial and rendered for political or commercial motivations. As recalled by the Special Rapporteur, several human rights bodies have recognised that forced evictions constitute “*prima facie violations of a wide range of internationally recognized human rights and can only be carried out under exceptional circumstances. Forced evictions if to happen at all, should be carried out*

¹ See FIDH report *The Roma of Russia : the subject of multiple forms of discriminations*, n°407/2, November 2004

under exceptional circumstances and in full accordance with international human rights law”.

Forced eviction of Roma and demolition of their houses carried out by the authorities violate the right of everyone to an adequate housing guaranteed by the International Covenant on Economic, Social and Cultural Rights and the International the International Convention on the Elimination of All Forms of Racial Discrimination – ratified by the Russian Federation.

Domestic Legal framework

The right to housing is guaranteed by the Constitution of the Russian Federation. Pursuant to article 25 of the Constitution of the Russian Federation, the home is deemed inviolable : *(...) No one shall have the right to enter the home against the will of persons residing in it except in cases stipulated by the federal law or under an order of a court of law.* Article 40 further states that no one may be arbitrarily deprived of a home, and provides that *“low income citizens (...) who are in need of housing shall be housed free of charge of for affordable pay from government, municipal and other housing funds”.*

Moreover, the Constitution specifies that *“commonly recognized principles and norms of the international law and the international treaties of the Russian Federation shall be a component part of its legal system. If an international treaty of the Russian Federation stipulates other rules than those stipulated by the law, the rules of the international treaty shall apply.”* (Art. 15)

Concerning forced evictions in the specific case of the Roma population (which has not been documented for decades), acquisitive prescription pursuant to article 234 of the Civil Code of the Russian Federation seems to be the only available legal remedy to precarious Roma housing. It grants individuals legal ownership of property provided that they have been in possession of such property openly and uninterruptedly for fifteen years.

FIDH recalls that the procedural requirements provided for by international law (General Comment n° 7) in case of eviction applies to all vulnerable persons irrespective of whether they hold title to home and property under domestic law.

Forced evictions

In most cases, forced evictions are accomplished after a court ruling authorizing the administration to demolish the houses considered as “unauthorised buildings”. Such evictions are often carried with violence. In some cases, the judgments followed a campaign in the local media against the entire Roma population, presenting them as drugdealers and criminals.

In Kaliningrad, in the village of Dorozhnoe, the Roma families were evicted during June 2006 by special police forces (*OMON*), the bailiff service of the Government of the Russian Federation, and Gurievsk administration, violently evicting them before demolishing and burning their houses. Meanwhile, the Roma families were threatened with machine guns and subjected to racist remarks. They received neither adequate compensation nor adequate relocation alternative and the destruction of their homes has effectively rendered the residents homeless. They were then living in temporary, makeshift shelters that do not have any heat, gas, electricity or water and were exposed to sub-freezing temperatures during the winter endangering their right to health. The children are

unable to go to school and, now that they have no official residence, they face difficulties obtaining medical care for chronic conditions or illnesses arising from the mental hardship and the harsh conditions they endure as a result of their forced evictions.

Regarding this case, the Roma families, which had previously been invited by the administration to regularise their property and even to collaborate in the development of a reconstruction plan for their community, were faced with cynicism when they questioned the local administration about rumours of possible evictions in their settlements. They finally received a copy of judicial decisions whose proceedings had never been properly notified declaring Roma families' occupation of their houses illegal. The decisions enabling the authorities to conduct the demolitions followed a marginalisation process initiated by the administration that among others depicted the Roma as drug dealers. For some of them, it was possible to file an appeal with the Regional Court which was nevertheless dismissed.

FIDH fears that similar cases of forced evictions will take place in other places of the Russian Federation, such as in Tula, in the village of Kosaya Gora, where one Roma resident receives copy of a collective judgement whose proceeding have never been properly notified and declaring occupation of at least 50 houses illegal.

In Arkhangelsk, the Roma residents have been cheated by the Mayor who had promessed to clean the city of Gypsies in his political campaign. They received a very low compensation and a one-way train ticket to Moscow.

In Ivanovo or Tula (Leninskij Rajon), the Roma that were requested to leave the land they occupy and to destroy their houses have received an informal poor alternative of relocation, placing them in isolated camps outside populated areas ("in the woods"), without access to health care and other facilities. In Ivanovo, 6 parcels were proposed to settle 500 families with more than 200 children. There is no school facility around and only one bus a day serving the city, and no gaz supply.

In Chudovo (Saint-Petersburg), the Roma residents were asked to tear down their houses and received already several warnings from the authorities concerning an imminent demolition. They were also intimidated by the *OMON* (special police forces).

FIDH calls on the Human Rights Council to urge the Russian authorities to:

- **Immediately stop forced evictions of Roma;**
- **Ensure that the current legislation is brought in conformity with the right to housing as defined by the Committee on Economic, Social and Cultural Rights and in particular integrate Roma population in decision-making processes regarding development and infrastructure projects which affect their right to housing;**
- **Address a standing invitation to the UN Special Rapporteur on the Right to Housing, and the UN Special Rapporteur on Racial Discrimination;**
- **Incorporate the Basic Principles and Guidelines on Development-based Evictions and Displacement into national legislation and policy.**
