

Christopher Hurst

Director General - Projects Directorate
98-100 Boulevard Konrad Adenauer
L-2950 Luxembourg

**AMNESTY
INTERNATIONAL**



European Institutions Office

Our Ref: B1238

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Dear Mr Hurst,

When EIB president Mr. Werner Hoyer met with Amnesty International's Secretary General, Mr. Salil Shetty, on Monday 23 July they discussed intensively concerns related to the failure of the Serbian Ministry of Labour and Social Policy (MLSP) and relevant municipalities in southern Serbia to deliver on measures required by the EIB to overcome human rights violations resulting from the Gazela Bridge Rehabilitation Project.

Amnesty International conducted a mission to affected communities in southern Serbia in June 2012. Please find our core findings in the attached document.

We look forward to your response to these particular issues, and other measures the EIB is currently taking in order to ensure that both the MLSP and the respective municipalities fulfil their obligations to Roma returned from Gazela Bridge in 2009.

Yours sincerely,

Dr Nicolas J Beger
Director

Cc: Matthew Arndt, Head of Division, Environment, Climate and Social Office

AMNESTY INTERNATIONAL'S CONCERNS IN SOUTHERN SERBIA

Amnesty International is deeply concerned at the failure of the Serbian authorities to implement measures recommended by the European Investment Bank (EIB) Complaints Team in connection with the Gazela Bridge Rehabilitation Project.

The organisation notes with concern that measures set out in an Action Plan agreed between the EIB Complaints Team and the Serbian Ministry of Labour and Social Policy, following the Gazela Bridge Rehabilitation Project have not been fully implemented, at a governmental or municipal level. Amnesty International is particularly concerned at the failure to provide adequate alternative housing and employment to Roma who were returned to southern Serbia following the forced eviction of the Gazela Bridge settlement in Belgrade on 30 August 2009.

Amnesty International has been monitoring the situation for Roma returned to the south of Serbia since early 2010, and has documented the situation in our reports and other publications.¹ The organisation has previously drawn the EIB's attention to its concerns during 2011, and is now reiterating those concerns in the context of a recent mission, in June 2012, to the southern Serbian municipalities of Bojnik and Vranje.

GAZELA BRIDGE REHABILITATION PROJECT

Following the forced eviction on 30 August 2009 of Roma living in an informal settlement in Belgrade, in advance of construction projects funded by the European Bank of Reconstruction and Development and the EIB, a complaint² was submitted to the EIB's Complaints Office,³ which cited failures by the EIB to properly comply with its transparency and social standards in relation to the Gazela Bridge Rehabilitation Project.

The concluding report by the Complaints Office⁴, issued in July 2010, included recommendations to the Serbian authorities to develop an Action Plan to address the necessary improvements in housing and related conditions and livelihood restoration; and to implement urgent measures to improve the temporary housing and related conditions to a standard acceptable to the EIB.

The Action Plan set out measures to be taken by the Ministry of Labour and Social Policy,⁵ with specific reference to southern Serbia, including:

- A priority action to improve the housing in Vranje and Bojnik so as to achieve at least minimum standards
- Provide infrastructure to the PAPs [Projected Affected People] residences (access roads, water, and for electricity)
- Planning for employment opportunities⁶

¹ See in particular, *Home is more than a roof over your head: Roma denied adequate housing in Serbia*, Index EUR 70/0001/2100, April 2011

² Submitted on 28 September 2009, by Zvezdan Kalmar on behalf of the Centre for Ecology and Sustainable Development (CEKOR) and Anna Roggenbuck on behalf of the CEE Bankwatch Network, <http://bankwatch.org/project.shtml?apc=147584-1961998o--1&x=2240084&d=r>

³ http://www.eib.org/attachments/strategies/complaints_office_tor_en.pdf

⁴ Conclusions Report, Complaint SG/E/2009/07, Gazela Bridge Rehabilitation Project, Belgrade, Serbia, 14 July 2010, EIB. See also: http://bankwatch.org/documents/EIB_ConclusionsReport_Gazela_14Jul2010.pdf

⁵ In conjunction with relevant municipal authorities.

Following an audit by the EBRD, detailed action plans and timelines for southern Serbia were agreed with the City of Belgrade and the Ministry for Labour and Social Policy. The EBRD and EIB both deployed staff to assist both the city and southern municipalities to implement these requirements and have carried out regular site visits to monitor progress.⁷As of 10 January 2011 (the latest publicly available report), these measures were identified by the EIB Complaints Team as being “substantially completed”.

AMNESTY INTERNATIONAL’S CONCERNS

In the week of 17 January 2011, in a meeting EIB complaints team held at the Hyatt Hotel in Belgrade Amnesty International delegates, Sian Jones and Elena Wasylew, raised concerns that EIB’s and ERBD’s requirements had in fact not been met. They drew attention particularly to the inadequacy of housing for Roma returned to southern Serbia and the absence of measures to provide employment. They raised particular concerns about the inadequacy of housing, and the poor quality of repairs in both Vranje and Bojnik.⁸

Amnesty International subsequently made these concerns public in a report published in April 2011, copies of which were sent to the EIB. Amnesty International delegates also raised these matters with the EIB in a meeting held in the EIB office in Luxembourg on 14 June 2011.

Throughout 2011 Amnesty International outlined significant concerns in relation to the housing conditions of some of those who were sent to Southern Serbia as a result of the Gazela Bridge Rehabilitation Project. Despite assurances in January 2011 from the Serbian Ministry of Labour and Social Policy (MLSP), and from members of the EIB’s Complaints Office that improvements to affected people’s housing were being carried out in accordance with the Resettlement Action Plan, the organization remained extremely concerned that a number of families would continue to live in sub-standard housing.

During the meeting in Belgrade in January 2011 with staff from the Complaints Office, Amnesty International was told that, while the complaints procedure team had identified a number of outstanding problems, with the exception of Bojnik municipality, the southern municipalities were on track with the implementation of the Resettlement Action Plan.

⁶ To include (a) Together with the Ministry of Infrastructure identify employment opportunities (one job per family on the construction of road Corridor X);

(b) Identify other employment opportunities at enterprises and other places of employment;

(c) Identify suitable training programs for the PAPs;

(d) Planned monitoring by the Ministry of employment and training opportunities identified; employment and training opportunities utilized by PAPs.

⁷ Letter from EBRD to Amnesty International, 18 May 2010.

⁸ The same matters had previously been reported to the EIB Complaints Team by the non-governmental organisation, CEKOR, *Letter regarding situation and issues in South Serbia- Gazela resettlement to Board of Directors of EBRD and EIB*, 24 December 2010.

However, during their visit to Southern Serbia, in January 2011, our researchers found people living in conditions which were far from the standards required under the right to adequate housing. For example, Amnesty International saw the inadequacy of the repairs which had been carried out by private building companies contracted by the local municipalities. Our researchers visited Project Affected People (PAPs) in both Bojnik and Vranje during a very cold and snowy period and found that many of the houses visited, as well as those viewed externally did not provide adequate protection against the weather conditions. In particular, in both Bojnik and in Vranje Amnesty International found that roofs placed onto houses had only been partially constructed, and that weather-boarding and other construction which would protect against the snow and other weather conditions had not been provided, leaving roof spaces open to the elements. This had also resulted in high levels of damp inside the houses occupied by the families interviewed by Amnesty International. Due to some houses only having heating in one room, our researchers found families living in houses where several of the rooms are unusable or extremely damp, resulting in overcrowding of the useable room. Amnesty International found that the houses failed to meet the requirement of habitability as per international human rights norms and standards.

Amnesty International was also concerned about the lack of piped water and the continued use of electricity from illegal connections to the supply in settlements that we visited. The organization had been given to understand that piped water, electricity and sewage will only be provided once the houses have been legalised, and were also concerned that little or no progress seems to have been made towards resolving the issue of the legality of houses in both Vranje and in Bonik, and ensuring that the PAPs have guaranteed security of tenure.

The organization visited both Vranje and Bojnik again in June 2011, and found that there had been no further progress.

ADEQUACY OF HOUSING IN 2012

Amnesty International's researchers again visited both Vranje and Bojnik in June 2012, and found that very little had changed with regard to the adequacy of housing one year later. On the positive side, we note that:

- Public lighting had been installed in the settlement in Bojnik
- Some additional exterior water points had been installed in Bojnik; standpipes had been connected to the water supply in Ciganski rit (Vranje)
- The electricity supply in Ciganski rit is unreliable, and often overloaded
- Some gravel chippings have been laid down on one of the "roads" through the settlement in Bojnik.

However, Amnesty International found that in both Vranje and Bojnik:

- No further work had been carried out to the defective roofs and the partial roofs covering one or two rooms had not been extended
- No further work had been carried out to make the houses wind and water tight: weather boarding had not been fitted to the roof spaces, which remained open to the elements; nor had gaps in the windows and door frames been made wind and watertight
- In visual inspections of houses in both Bojnik and Vranje it was possible to see mould growing on walls, and feel how damp the houses were, even in temperatures of 35 degrees Celsius

- Only some houses in Bojnik had access to legal electricity supply
- Running water had not been connected to houses in either Vranje or Bojnik
- No sanitation (canalization) had been installed in Vranje (Ciganski rit)

Amnesty International was unable to establish whether measures had been taken in Bojnik with regard to the legalization of settlements and security of tenure, as the municipal authorities chose not to meet with the organization. However, in the Ciganski rit settlement in Vranje, families evicted from Gazela Bridge told Amnesty International that there had been no further progress since 2010, when they had signed an agreement on legalization with the municipal authorities, and that they remained concerned about their security of tenure.

Comparative photographs relating to our findings in January 2011 and June 2012 are attached.

EMPLOYMENT

International standards require that no one should be materially worse off as a result of an eviction. Following the forced eviction of the Gazela Bridge settlement, the population of Gazela were removed from the centre of Belgrade, where the majority of them had work in collecting and recycling or selling waste materials.

Under the Gazela Bridge Resettlement Action Plan, project affected people were promised access to employment. Yet such promises of employment have not materialised (with a few temporary exceptions). Indeed in January 2011, members of the EIB Complaints Team, who had just visited the south, told Amnesty International that promises of employment had not been realised.

Amnesty International found that families returned to the south were rendered dependant on social assistance, which in Bojnik was only paid for six months of the year on the assumption that people would be able to get seasonal work.

In our visit in June 2012, Amnesty International found that the economic situation of those families returned after the forced eviction of the Gazela Bridge settlement had severely deteriorated since 2011.

Unable to find work, many of those families resettled to the south after the eviction of Gazela Bridge settlement had moved back to Belgrade. Some 41 families from Bojnik had previously returned to Belgrade and had been living in the Belvil settlement, from which they were again evicted and returned by the authorities to the south in April 2012 (at least half of them had previously been evicted from Gazela). In Vranje five families were similarly returned by the authorities to the south after the Belvil eviction; at least two of these families had previously been evicted from Gazela.

Further, in June 2012, Amnesty International met with other Roma from Bojnik, who had been evicted from Gazela, and – unable to make a living in the south – had moved back to another informal settlement in Belgrade. In addition, by June 2012, some six weeks after their forced eviction from Belvil, many individuals, and in some cases, entire families from Bojnik had again returned to Belgrade in order to gain access to work; many of them are now living in the same informal settlement in Vidikovac (Čukarica municipality, Belgrade)..

THE RESPONSIBILITIES OF THE EBRD AND EIB

The EIB and EBRD, and EU member states, which are owners or shareholders respectively in those banks, have a responsibility to ensure that they do not support projects which cause or contribute to human rights violations, including forced evictions. Where such forced evictions take place, the UN Guiding Principles on Development Based Evictions and Resettlement⁹ states, at Para. 59, that, “All persons [...] subject to forced evictions have the right of access to timely remedy. Appropriate remedies include a fair hearing, access to legal counsel, legal aid, return, restitution, resettlement, rehabilitation and compensation...”.¹⁰

Amnesty International recognizes that the monitoring programme, established by the EIB Complaints Team, was an attempt to rectify the harm and damage caused to families who were forcibly evicted by Gazela Bridge and subsequently forced to return to southern Serbia, through monitoring a series of specified activities required of the southern municipalities and the Ministry of Labour and Social Policy.

According to the EIB website, the monitoring programme is due to continue until the end of 2012.

Amnesty International calls on the EIB, through their monitoring programme:¹¹

- To acknowledge that measures agreed on in the Action Plan have not been implemented and hence the conditions for full disbursement of the loan are not met
- To ensure that the Ministry of Labour and Social Policy, and the relevant officials in Vranje and Bojnik municipalities take all necessary measures before the winter to guarantee that housing provided to PAPs meets international standards of adequacy, in particular:
 - the houses of all those returned from Gazela Bridge are made wind and watertight, including, where necessary, in the provision of roofs
 - running water is piped into each house
 - a reliable electricity supply is connected to each property
 - gravelled/tarmac roads are laid down in each settlement
 - a commitment is made to the legalisation of the settlement and each property

⁹ http://www2.ohchr.org/english/issues/housing/docs/guidelines_en.pdf

¹⁰ In accordance with the Basic Principles and Guidelines on the Right to Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law. The duties of the competent authorities in the provision of effective remedies are further elaborated in paras. 60-68 of the Guiding Principles.

¹¹ On 11 March 2010, the EIB reported: “Both the EIB and the EBRD have been closely monitoring the resettlement process undertaken to date by the Serbian authorities, with the conclusion that while there have been achievements, significant outstanding issues remain. These include the provision of sustainable housing solutions for project affected people and the restoration of their livelihoods. Subsequent disbursements will be conditional upon the implementation of the resettlement as agreed between the Serbian authorities and the EIB, with a further contractual condition to repay the loan if the specific requirements are not met by the year end.” <http://www.eib.org/projects/news/update-on-gazela-bridge-rehabilitation-project-in-serbia.htm>. Amnesty International was again assured, in a meeting with the EIB Complaints Team in Belgrade in January 2011, that they would not disburse any further funds until the conditions of the loan had been satisfied.

With respect to employment, Amnesty International urges the EIB to press Serbian authorities to ensure that Roma returned from Gazela Bridge (and Belvil) are offered the necessary training (as specified in Section B, 5 of the Action Plan) so that they may develop the skills required to be employed, including, where appropriate, in the completion of building works.