AMNESTY INTERNATIONAL PUBLIC STATEMENT

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Hungary: Mayor of Miskolc must halt evictions of Roma

Amnesty International wrote to Mr Ákos Kriza, the Mayor of Miskolc, Hungary's fourth largest city, calling for an immediate halt to evictions of some 450 mainly Roma families, with a further 450 yet to receive any information about their housing situation.

According to information Amnesty International received from NGOs in Hungary, the affected residents in the 'Numbered Streets' neighbourhood and their representatives, around 450 mainly Roma families have been asked to vacate their homes in July. Amnesty International understands that the basis of the eviction is an amendment of the local government decree on social housing adopted in May 2014. According to the decree, tenancy agreements for people living in 'low comfort' housing, a description used for low standard social housing, will be terminated and the tenants will be offered compensation up to 2 million HUF (approximately 6,450 Euros) to purchase a property outside of the city of Miskolc on the condition that they do not sell or remortgage it for five years. The local government decree states that the reason for the eviction is that the housing units in the 'Numbered Streets' neighbourhood are old and inadequate.

In its letter to the Mayor of Miskolc Amnesty International expressed concern that in the absence of legal and procedural safeguards as required under international human rights law and standards, the planned eviction in the 'Numbered Streets' neighbourhood could result in a forced eviction which is a human rights violation.

LACK OF GENUINE CONSULTATION

In the letter, Amnesty International also expressed concern that contrary to international human rights standards, all those affected by evictions in the 'Numbered Streets' neighbourhood have not had an opportunity to engage in genuine consultation on their proposed eviction or explore feasible alternatives to evictions, a key safeguard against forced evictions.

Letters from the municipality seen by Amnesty International and sent to around half of the 900 families residing in the neighbourhood in the course of the last couple of weeks state that they must leave their homes by either 15 or 30 July, either because they have rent arrears or because their current tenancy contract will not be renewed, with the remaining families receiving similar letters in the weeks to come. These letters appear to have been the only communication from the municipality regarding the eviction. None of the families and residents Amnesty International has spoken to had been previously informed or consulted by the municipality about the plans for the neighbourhood, the

reasons for such plans and any alternative housing provision or compensation for their eviction. Furthermore, all the information received by Amnesty International indicates that affected people were not informed of ways in which they could legally or administratively challenge their eviction.

LACK OF INFORMATION ON PROVISION OF ALTERNATIVE HOUSING

Amnesty International understands that the local government decree sanctioning the eviction of residents of social housing in the 'Numbered Streets' neighbourhood states that tenants will be offered a compensation up to 2 million HUF (approximately 6,450 Euros) to purchase a property outside of the city of Miskolc. However, based on information available to the organization, the letters of eviction issued by the municipality do not mention any such compensation. Full, accurate and timely information is key to ensuring a meaningful consultation.

In its letter, Amnesty International sought more information on what steps the municipality has taken to ensure that alternative housing and other resettlement measures have been put in place before the eviction of affected people in the 'Numbered Streets' neighbourhood.

The organization also understands that the compensation or provision of alternative housing will be available only to those tenants who are not in rent arears. The letter also requested more information on the measures that have been put in place by the municipality to ensure that, in line with its international human rights obligations, no one is made homeless or vulnerable to other human rights violations as a result of the eviction.

Given the apparent lack of implementations of any safeguards against forced evictions in the 'Numbered Streets' neighbourhood in Miskolc, Amnesty International called on the municipality of Miskolc to halt any eviction proceedings immediately, including the threat of legal action against the residents until:

- A genuine consultation with all the affected residents has been carried out, including clear explanation of the reasons for the evictions, of the alternative adequate housing provision enabling them to challenge, including in court, the decision to evict through provision of legal aid for the families who cannot afford their own legal representation, takes place;
- The alternative housing is located in a manner that provides adequate access to services such as health, education, transport, sanitation and water;
- The alternative housing to be provided in a manner that does not lead to racial segregation and is provided without discriminatory conditions such as the prohibition of living within the city of Miskolc;
- The families are adequately compensated for the loss of their homes.

BACKGROUND INFORMATION

THE RIGHT TO ADEQUATE HOUSING AND HUNGARY'S INTERNATIONAL HUMAN RIGHTS OBLIGATIONS

As a state party to the International Covenant on Economic, Social and Cultural Rights (ICESCR)

and other human rights treaties, Hungary is under an obligation to respect, protect and fulfil the right to adequate housing. This includes the obligation to prohibit, refrain from and prevent forced evictions.

The UN Committee on Economic, Social and Cultural Rights (the UN Committee) has emphasized in its General Comment 7 that evictions may be carried out only as a last resort, once all feasible alternatives to eviction have been explored. Even when an eviction is considered to be justified, it should only be carried out when appropriate procedural protections are in place and if compensation for all losses and adequate alternative housing is provided.[1] Under international law, forced evictions and housing demolition must not be used as a punitive measure against people who lack residency or other status.

Moreover, under international human rights law and standards, Hungarian authorities must ensure that an eviction does not directly or indirectly result discrimination and inequality. While planning projects or considering evictions for any purpose, authorities must assess if any particular group is at higher risk of eviction. Hungarian authorities have an obligation to take positive measures to combat discrimination of improve security of tenure of marginalized groups, including the Roma.

SAFEGUARDS AGAINST FORCED EVICTIONS

As articulated by the UN Committee, prior to carrying out any evictions, authorities must put in place legal protections and safeguards to ensure that evictions do not result in human rights violations.[2] These include:

- An opportunity for genuine consultation with affected people;
- Adequate and reasonable notice of eviction;
- Information on the proposed evictions and, where applicable, 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;
- Government officials or their representatives to be present during the evictions;
- Anyone carrying out the eviction to be properly identified;
- Evictions to not take place in particularly bad weather or at night unless the affected people consent; and
- Provision of legal remedies and access to legal aid.

The Committee has also emphasised that no one should be made homeless or vulnerable to other human rights violations as a result of eviction.

Additionally, the UN Basic Principles and Guidelines on Development-based Evictions and Displacement (Basic Principles) stipulate: “Urban or rural planning and development processes should involve all those likely to be affected and should include the following elements: (a) appropriate notice to all potentially affected persons that eviction is being

[1] See UN Committee on Economic, Social and Cultural Rights, The right to adequate housing (Art. 11.1): forced evictions 05/20/1997 CESCR General Comment No. 7

[2] See UN Committee on Economic, Social and Cultural Rights, The right to adequate housing (Art. 11.1): forced evictions 05/20/1997 CESCR General Comment No. 7

considered and that there will be public hearings on the proposed plans and alternatives; (b) effective dissemination by the authorities of relevant information in advance, including land records and proposed comprehensive resettlement plans specifically addressing efforts to protect vulnerable groups; (c) a reasonable time period for public review of, comment on, and/or objection to the proposed plan; (d) opportunities and efforts to facilitate the provision of legal, technical and other advice to affected persons about their rights and options; and (e) holding of public hearing(s) that provide(s) affected persons and their advocates with opportunities to challenge the eviction decision and/or to present alternative proposals and to articulate their demands and development priorities."[3]

The Basic Principles also make clear that, "[s]tates should explore fully all possible alternatives to evictions. All potentially affected groups and persons, including women, indigenous peoples and persons with disabilities, as well as others working on behalf of the affected, have the right to relevant information, full consultation and participation throughout the entire process, and to propose alternatives that authorities should duly consider. In the event that agreement cannot be reached on a proposed alternative among concerned parties, an independent body having constitutional authority, such as a court of law, tribunal or ombudsperson should mediate, arbitrate or adjudicate as appropriate."[4]

A consultation is meaningful if it explores all the feasible alternatives to evictions. For example, where an eviction is sought because of non-payment of rent, consultations may result in an agreement allowing people more time to pay. Where evictions are planned because people live in unsafe housing, it may be possible to upgrade rather than demolish the properties.

LACK OF INFORMATION ON PROVISION OF ALTERNATIVE HOUSING

The UN Committee's General Comment 7 stipulates that, where those affected are unable to provide for themselves, the authorities must ensure that adequate alternative housing, resettlement or access to productive land, as the case may be, is available.[5]

Further, according to the Basic Principles and Guidelines, "All resettlement measures, such as construction of homes, provision of water, electricity, sanitation, schools, access roads and allocation of land and sites, must be consistent with the present guidelines and internationally recognized human rights principles, and completed before those who are to be evicted are moved from their original areas of dwelling."[6]

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[3] Principle 37, Basic Principles and Guidelines on Development-Based Evictions and Displacement (Basic Principles), Annex 1 to UN.Doc, A/HRC/4/18, 2007

[4] Principle 38, Basic Principles and Guidelines on Development-Based Evictions and Displacement (Basic Principles), Annex 1 to UN.Doc, A/HRC/4/18, 2007

[5] See UN Committee on Economic, Social and Cultural Rights, The right to adequate housing (Art. 11.1): forced evictions 05/20/1997 CESCR General Comment No. 7, Paragraph 16

[6] Principle 44, Basic Principles and Guidelines on Development-Based Evictions and Displacement (Basic Principles), Annex 1 to UN.Doc, A/HRC/4/18, 2007

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