
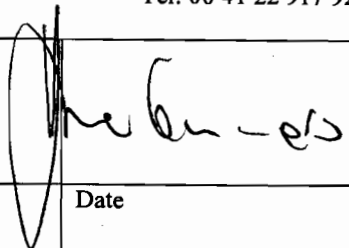


Sent to An 14/10/2009

NATIONS UNIES		UNITED NATIONS	
 OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS			
Palais des Nations CH-1211 Geneva 10		Telex: 41 29 62 Fax: 00 41 22 917 90 06 Tel: 00 41 22 917 92 55	
	Authorized by Jane Connors Director Special Procedures Division		
Room No. 3-017	Tel No. 00 41 22 917 92 55		
Priority IMMEDIATE	To: His Excellency Mr. Gancho Ganev Ambassador Extraordinary and Plenipotentiary Permanent Representative of Bulgaria to the United Nations Office at Geneva Permanent Mission of Bulgaria to the United Nations Office at Geneva Fax: 022 798 03 02		
File No. UA Housing (2000-9) G/SO 214 (78-15) Minorities (2005- 4) BGR 2/2009			
Subject: COMMUNICATION FROM SPECIAL PROCEDURES: URGENT APPEAL			

(5 PAGES ATTACHED)

Please find attached an urgent appeal sent by the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, the Independent Expert on Minority Issues, and the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance.

We would be grateful if this communication could be transmitted at your earliest convenience to H.E. Mrs. Rumiana Jeleva, Minister for Foreign Affairs.

NATIONS UNIES
HAUT COMMISSARIAT DES NATIONS UNIES
AUX DROITS DE L'HOMME



UNITED NATIONS
OFFICE OF THE UNITED NATIONS
HIGH COMMISSIONER FOR HUMAN RIGHTS

PROCEDURES SPECIALES DU
CONSEIL DES DROITS DE L'HOMME

Mandates of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, the Independent Expert on Minority Issues, and the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance

SPECIAL PROCEDURES OF THE
HUMAN RIGHTS COUNCIL

Téléfax: (41-22)-917 90 06
Télégrammes: UNATIONS, GENEVE
Téléx: 41 29 62
Téléphone: (41-22)-917 92 55
Internet www.ohchr.org
E-mail: urgent-action@ohchr.org



Address:
Palais des Nations
CH-1211 GENEVE 10

REFERENCE: UA Housing (2000-9) G/SO 214 (78-15) Minorities (2005-4)
BGR 2/2009

14 October 2009

Excellency,

We have the honour to address you in our capacity as Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, Independent Expert on Minority Issues, and Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance pursuant to General Assembly resolution 60/251 and to Human Rights Council resolutions 6/27, 7/6, and 7/34.

In this connection, we would like to draw the attention of your Excellency's Government to information we have received regarding the **reported forced eviction and housing demolition suffered by 40 Romani households in the Gorno Ezerovo district of Bourgas, as well as the threatened forced eviction of many others from Gomo Ezerovo and the Meden Rudnik community, also situated in Bourgas.**

According to information received:

The Regional Agency for the Control of Unlawful Building has issued eviction orders against the communities of Gorno Ezerovo and Meden Rudnik in the Municipality of Bourgas, Bulgaria. The eviction orders cite Art. 225, para 1 of the Territory Law which allows for demolition of housing built without the proper permits. It has been reported that the eviction orders are intended to remedy a property rights claim by private individuals over the land on which these long-standing communities reside.

His Excellency
Mr. Gancho Ganev
Ambassador Extraordinary and Plenipotentiary
Permanent Representative of Bulgaria
to the United Nations Office at Geneva

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In the Gomo Ezerovo community, 52 Romani households received eviction orders in 2007. On 8 September 2009, Bourgas municipal authorities forcibly evicted 27 Romani households and demolished their houses. The demolitions were carried out with the assistance of the local police, who reportedly forced the people out of their homes and in some cases assaulted them. The families were rendered homeless, including children and the elderly. It is expected that more families will be forcibly evicted this week.

In the Meden Rudnik community, approximately 32 houses out of 300 are allegedly under imminent threat of forced eviction, after originally receiving eviction orders in 2007. About half of these homes have existed for around 20 years while the other half are newer. Reports indicate that in the past few days 19 families have been forcibly evicted in this area.

According to allegations, no meaningful consultation has taken place with the communities prior to the evictions. In addition, none of the affected families have been offered alternative housing, despite public statements of local authorities ensuring resettlement for families legally registered in Bourgas. Although all evicted families are purportedly registered Bourgas inhabitants, no alternative housing has yet been offered to them.

The Gorno Ezerovo and the Meden Rudnik communities are settlements inhabited by impoverished Roma citizens of Bulgaria. Both communities have been in existence for over 50 years. During this time, the communities were reportedly recognized by public authorities, including being provided with individual mail service and publically regulated services such as water, sanitation and electricity.

It has been reported that the establishment of informal settlements in Gorno Ezerovo and Meden Rudnik has largely been the result of the persistent pattern of racial discrimination against Roma, who lack access to education and employment opportunities (necessary to afford housing at market rates), and are displaced from rural land.

While we do not wish to prejudge the accuracy of these allegations, we would like to remind your Excellency's Government of Article 11.1 of the International Covenant on Economic, Social and Cultural Rights, of which Bulgaria is a party, which holds that "the States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions." In addition, the International Convention on the Elimination of Racial Discrimination, of which Bulgaria is also a party, states in its article 5 that "States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of [...] economic, social and cultural rights, in particular [...] the right to housing".

As stated repeatedly, including in resolution 1993/77 and 2004/28 of the Commission on Human Rights, forced evictions constitute prima facie violations of a

range of internationally recognized human rights, and large-scale evictions may only be carried out under exceptional circumstances and in full compliance with international human rights law.

We would also like to draw your Excellency's attention to General Comment No. 7 on forced evictions, adopted by the Committee on Economic, Social and Cultural Rights in 1997. In paragraph 15, the Committee stated that:

"Appropriate procedural protection and due process are essential aspects of all human rights but are especially pertinent in relation to a matter such as forced evictions which directly invokes a large number of the rights recognized in both the International Covenants on Human Rights. The Committee considers that the procedural protections which should be applied in relation to forced evictions include: (a) an opportunity for genuine consultation with those affected; (b) adequate and reasonable notice for all affected persons prior to the scheduled date of eviction; (c) 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; (d) especially where groups of people are involved, government officials or their representatives to be present during an eviction; (e) all persons carrying out the eviction to be properly identified; (f) evictions not to take place in particularly bad weather or at night unless the affected persons consent otherwise; (g) provision of legal remedies; and (h) provision, where possible, of legal aid to persons who are in need of it to seek redress from the courts".

The Committee also underlined that "evictions should not result in individuals being rendered homeless or vulnerable to the violation of other human rights. Where those affected are unable to provide for themselves, the State party must take all appropriate measures, to the maximum of its available resources, to ensure that adequate alternative housing, resettlement or access to productive land, as the case may be, is available."

Furthermore, we would like to draw your Excellency's attention to the Concluding Observations on Bulgaria of the Committee on Economic, Social and Cultural Rights (E/C.12/1/Add.37 of 1999), which state that "The Committee deplores the discrimination against the Roma minority in many aspects of life, including education, work, social benefits and access to land". In addition, the Concluding Observations of the Committee on the Elimination of Racial Discrimination on Bulgaria (CERD/C/BGR/CO/19 of 2009) recommended that "The State Party continue taking specific measures to improve the living conditions of the Roma in respect of access to work, health care, housing and education in the framework of the Plan of Action for the implementation of the Decade for Roma Inclusion, in accordance with article 5 of the Convention and General Recommendation No. 27 (2000) on discrimination against the Roma (art. 5)."

We would also recall to your Excellency's Government the provisions of the UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, in particular to articles 3 and 4 which state respectively that "Persons belonging to minorities may exercise their rights, including those set forth in the

present Declaration, individually as well as in community with other members of their group, without any discrimination" and "States shall take measures where required to ensure that persons belonging to minorities may exercise fully and effectively all their human rights and fundamental freedoms without any discrimination and in full equality before the law".

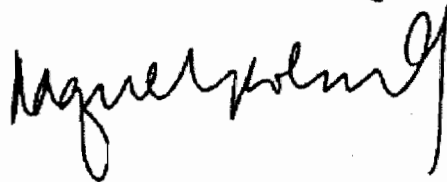
We urge your government to take all necessary measures to guarantee that the rights and freedoms of the aforementioned persons are respected, and that the competent authorities facilitate negotiations to reach a fair outcome. We also request that your Government, upon consideration of the legality of these actions, adopts effective measures to prevent the recurrence of acts found to be contrary to its obligations under international human rights law. We also call upon your Government to ensure accountability of any persons guilty of alleged violations, particularly concerning the right to adequate housing.

In this context, we would greatly appreciate detailed information from your Government concerning the situation described in this letter and about the steps taken by the competent authorities in compliance with the provisions of international legal instruments, particularly regarding the following questions:

1. Are the facts alleged in the above summary of the case accurate?
2. Has a complaint been lodged by or on behalf of the alleged victims?
3. On what legal basis are the evictions and housing demolitions carried out?
4. What measures have been taken to ensure that the evictions are in accordance with Bulgaria's obligations under international human rights law? In particular:
 - a) Did appropriate consultations take place with the affected persons? If yes, please give the details, date and outcome of these consultations.
 - b) Following the issuance of the eviction orders of 2007, were the affected populations given adequate and reasonable prior notifications before the evictions and housing demolitions? If yes, please provide the dates of notifications. Were the affected persons given adequate and reasonable time to withdraw their belongings before the destruction of their residences?
 - c) What measures have been foreseen to ensure that the persons affected by the housing demolition, will not become homeless? Were the affected persons offered compensation for the loss of their houses and livelihood? If not, state the reasons for this decision. What has been foreseen in terms of relocation?
5. Are measures being taken to ensure that no individual or group of individuals is subjected to discrimination based on legislation or policies that are manifestly incompatible with legal obligations relating to the right to adequate housing?

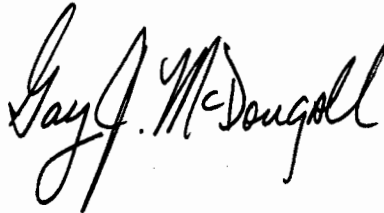
We undertake to ensure that your Excellency's Government's response to each of these questions is accurately reflected in the reports we will submit to the Human Rights Council for its consideration.

Please accept, Excellency, the assurances of our highest consideration.



Raquel Rolnik

Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context



Gay McDougall

Independent Expert on Minority Issues



Githu Muigai

Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance