

Mandate of the Special Rapporteur on minority issues

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13 July 2015

Excellency,

I have the honour to address you in my capacity as Special Rapporteur on minority issues pursuant to Human Rights Council resolution 25/5.

In this connection, I would like to draw the attention of your Excellency's Government to information I received regarding alleged imminent forced evictions of two Romani households, as well as the threatened demolition of 124 other Romani households in Gurmen municipality.

According to information received:

The Roma settlement located within Marchevo village, Kremikovtzi settlement, in Gurmen municipality, consists of around 134 houses of which 114 have been allegedly built on agricultural land.

Two Roma families, including eight children, of whom two with severe disabilities and one eight month pregnant mother are scheduled to be forcibly evicted from their homes on 13 July 2015, under orders from the Directorate for National Construction Control (DNCC).

Two appeals to stop the evictions were filed on 8 July 2015 with the Blagoevgrad Administrative Court (for the family of [REDACTED]
[REDACTED]
[REDACTED])

On 10 July 2015, the European Court of Human Rights issued urgent interim measures to stop the execution of the demolition order (request number 33586/15, [REDACTED] and others v. Bulgaria). The decision, pursuant to Rule 39 of the Rules

of the Court, ordered the Bulgarian Government to “stop the demolitions, until alternative housing is secured for the vulnerable claimants”.

According to information received, the pending evictions take place in the context of previous evictions of Roma households, carried out under other orders of the DNCC. On 29 June 2015 four families, including fifteen children, were evicted. The Gurmen municipality allegedly offered the persons whose homes were demolished accommodation in a remote and abandoned school in Osikovo. However, it was reported that, following protests by villagers in Osikovo who disagreed with the Government's decision, the plan was not implemented thereby leaving the Romani families, including 15 children, homeless.

According to reports received, since May 2015 anti-Roma protests have taken place in the Gurmen and Orlandovzi (Sofia) neighborhoods, where protesters demanded that Roma illegal settlements be demolished. Public anti-Roma gatherings and initiatives continue to be organized on a daily basis in Gurmen, requesting the local authorities to continue the evictions of Roma from Gurmen.

In this context, there is also the ongoing threat of the demolition of a large number of other Romani households in Gurmen municipality. Allegedly, 124 eviction orders for other houses in the community have also been issued by the DNCC. If carried out, these will affect approximately 700 Roma people.

Authorities have reportedly failed to engage in formal and comprehensive consultations with the affected Roma community. Information also suggests that they have failed to provide information and propose appropriate alternatives to the affected community, including for resettlement, social housing or legalization of the settlements to the extent possible.

Furthermore, these evictions have allegedly targeted solely Romani-owned houses and ignore numerous other unlawful constructions that exist throughout the country that do not have Romani owners or residents. In this regard, this practice suggests selective, less-favorable treatment which may amount to discrimination on an ethnic basis.

I express my grave concern at the imminent reported evictions, which may reinforce the alleged exclusion and marginalized position of Roma communities in the region and may have serious implications on the enjoyment of fundamental human rights of affected Roma individuals, including the immediate impact these measures could have on Roma children who may face difficulties in accessing education.

While I do not wish to prejudge the accuracy of these allegations, I would like to remind your Excellency's Government of the applicable international human rights norms and standards relevant to this case, including the obligation 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, notably in the enjoyment of the right to housing.

I would like to refer to the General Recommendation No. 27 of the Committee on the Elimination of Racial Discrimination (CERD), which recommends to act firmly against any discriminatory practices affecting Roma, mainly by local authorities and private owners, with regard to taking up residence and access to housing; to act firmly against local measures denying residence to and unlawful expulsion of Roma, and to refrain from placing Roma in camps outside populated areas that are isolated and without access to health care and other facilities.

Furthermore, I would like to draw the attention of your Excellency's Government to the International Convention on the Elimination of All Forms of Racial Discrimination, which condemns racial discrimination as "any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life." Article 5 (e) (iii) of the ICERD obliges States to prohibit and eliminate racial discrimination in all of 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 the right to housing.

The full texts of the human rights instruments and standards recalled above are available on www.ohchr.org or can be provided upon request.

In view of the urgency of the matter, I would appreciate a response on the initial steps taken by your Excellency's Government to safeguard the rights of the above-mentioned person(s) in compliance with international instruments.

As it is my responsibility, under the mandate provided to me by the Human Rights Council, to seek to clarify all cases brought to my attention, I would be grateful for your observations on the following matters:

1. Please provide any additional information and any comment you may have on the above mentioned allegations.
2. Please indicate the legal basis of the planned evictions.
3. Did appropriate consultations take place with the affected persons? If yes, please give the details, date and outcome of these consultations.

4. To what extent have measures of compensation been put in place for all concerned persons, with a due assessment of the loss of their housing?
5. What measures have been foreseen to ensure that the evicted persons will not become homeless?
6. What has been foreseen in terms of relocation? If sites have been designated for relocation, please provide details on the exact location, including details on the area and quality of land, access to public services and livelihood sources, and cultural appropriateness for the Roma communities.

While awaiting a reply, I urge that all necessary interim measures be taken to safeguard the rights of the Roma families from the settlements located within Marchevo village, Kremikovtzi settlement, in Gurmen municipality, in compliance with the above international instruments.

Your Excellency's Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

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

Rita Izsák
Special Rapporteur on minority issues