

Mandate of the Special Rapporteur on minority issues

REFERENCE: UA
BGR 2/2015:

28 August 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 **the implementation of eviction orders against sixty-one Roma households from the Maksuda Roma settlement in Mladost sub-municipality of Varna**, which commenced on 20 August 2015. This letter follows up on my related communications of 13 July 2015, regarding the planned evictions of Roma in the city of Gurmen.

According to information received:

On 20 August 2015, the Varna municipality proceeded with executing eviction orders against 61 Roma families from Maksuda Roma settlement in Mladost sub-municipality of Varna.

According to the information received, the eviction orders had been issued by the Varna municipality in June 2014 and the decision to implement these orders was made directly following the 42nd session of the Varna Municipal Council of August 2015. Allegedly, at the said session, the Municipal council withdrew the Local Strategy on Roma Integration, and the Varna mayor announced his intention to proceed with the execution of the eviction orders.

The affected Roma communities were not informed regarding the date of eviction. Reportedly, the mayor of Mladost sub-district of Varna explicitly stated that he would not inform the community regarding the exact date of evictions in order to "avoid tension in the presence of media". Thus the evictions started with no prior

notice on August 20th 2015. Reportedly, forty-six of the fifty-eight orders were implemented, affecting over 1000 persons, including over 400 children.

The evicted Roma have not been provided with any alternative accommodation. The municipality only offered to place evicted children in social institutions, including into orphanages, thus separating families. Reportedly, most families do not wish to place their children in institutionalized care.

I regret to note that these latest evictions follow a number of prior evictions of Roma in 2014, when the residents did not receive any alternative accommodation and became homeless. Moreover, despite the will of parents, 36 children were placed in institutions.

I am aware that Varna is one of the cities involved in ROMACT, an EU programme which aims to improve the responsiveness and accountability of local authorities, particularly elected officials and senior civil servants, towards marginalized Roma communities. In this regard, I am aware that the municipality has taken some positive steps including working with Roma children, has involved Roma representatives as partners; and through its development of a local Roma Inclusion Strategy. Against the background of these positive developments, I regret the evictions of Roma in 2014, as well as the most recent evictions of August 2015.

I therefore express my grave concern at the 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 their fundamental human rights. I am particularly worried about the threat of institutionalization of Roma children and its impact on them and their families.

Furthermore, while I appreciate that substandard conditions present in the shantytown may require its ultimate demolition, any such action must take place in consultation with the affected Roma community, in a transparent way, when information and appropriate alternatives are provided to the affected community, including for resettlement, social housing or through the provision of lands to construct legal settlements. The protection of the family, including ensuring that children are not removed from their parents, must remain a key priority.

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 Article 5 (e) (iii) of the International Convention which 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.

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. Are the alleged facts accurate? 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 affected Roma families, in compliance with the above international instruments.

I am also aware of our most recent exchange regarding the recent planned evictions in Gurmen (UA BGR 1/2015: 13 July 2015). I thank your Excellency's Government for its response thereto dated 7 August 2015 and for reiterating its commitment to pursuing a better perspective for Bulgarian Roma based on the rule of law, democracy and human rights. I am pleased to hear that, according to the most recent information I have received, those alleged evictions have not been carried out.

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