



EQUAL OPPORTUNITIES ASSOCIATION
3 313 str.,
1373 SOFIA, BULGARIA
Tel: + 359 2 8 22 11 44
Fax: + 359 2 8 22 11 44
E-mail: equal_opportunities@abv.bg

CENTRE ON
HOUSING RIGHTS
AND EVICTIONS



CENTRE ON HOUSING RIGHTS AND EVICTIONS
83 RUE DE MONTBRILLANT
1202 GENEVA, SWITZERLAND
Tel: + 41.22.7341 028
Fax: + 41.227338 336
E-mail: cohre@cohre.org & litigation@cohre.org

**Submission to the
Universal Periodic Review
Concerning Bulgaria**

**Ninth Session of the UPR Working Group of the Human Rights Council
(November 2010)**

The Centre on Housing Rights and Evictions (COHRE)

And

Equal Opportunities Association (EOA)

April 2010

I. Introduction

1. The general situation for Roma residents of Bulgaria is illustrative of decades of racial discrimination, including in the area of housing. Many Romani residents reside in inadequate housing that is overcrowded; lacking access to water, sanitation and electricity; and otherwise falling far short of the international standards defining adequate housing.¹ Indeed, just last year, the Committee on the Elimination of Racial Discrimination voiced its concern at “specific obstacles encountered by Roma in respect of access to ... housing.”² Similarly, in 2008, the Committee on the Rights of the Child expressed its deep concern at “persistent discrimination against Roma children ... in particular with regard to access to ... housing.”³

2. In 2009, threats of and actual forced eviction of Romani communities increased. Since the summer of 2009, the national government has unfortunately contributed to a climate in which municipalities have decreased dialogue with Romani communities meant to solve housing problems. Instead, there is an increased lack of meaningful participation of or consultation with those affected by decisions impacting on housing rights, all too often leading to outright housing rights violations.

3. Lack of enforcement of existing law has contributed to this increase in housing rights violations. For instance, while the Protection against Discrimination Act has been in place since 1 January 2004, it is not being adequately enforced in the context of discriminatory practices by state and municipal authorities or by federal ministries and agencies.

4. Furthermore, in 2009, the Government closed the Council on Ethnic and Demographic Issues of the Council of Ministers. This agency served as the administrator for the National Council for Cooperation on Ethnic and Demographic Issues and was responsible for the initiatives taken under the Decade of Roma Inclusion, both of which contributed to reducing the marginalization of Roma.

5. As mentioned above, housing rights violations against the Romani citizens of Bulgaria have increased in this context. The following report provides information on forced evictions and threatened forced eviction of Romani communities in Bulgaria. These forced evictions and threatened forced evictions violate the international human rights obligations of the Republic of Bulgaria, including in particular its obligations under Article 11 of the International Covenant on Economic, Social and Cultural Rights; Articles 2 and 5(e)(iii) of the International Convention on the Elimination of Racial Discrimination; and Articles 17 and 26 of the International Covenant on Civil and Political Rights.

¹ See, e.g., General Comment No. 4 on the right to adequate housing adopted by the Committee on Economic, Social and Cultural Rights.

² Committee on the Elimination of Racial Discrimination, Concluding Observations: Bulgaria, UN Doc. CERD/C/BGR/CO/19 (23 March 2009).

³ Committee on the Rights of the Child, Concluding Observations: Bulgaria, UN Doc. CRC/C/BGR/CO/2 (27 June 2008).

II. Forced Evictions and Racial Discrimination in Bulgaria

6. The recent forced evictions in the town of Bourgas are emblematic of the increased threat of forced eviction facing Romani communities throughout the country.

7. The Regional Agency for the Control of Unlawful Building issued eviction orders against the Romani communities of Gorno Ezerovo and Meden Rudnik in the Municipality of Bourgas, Bulgaria. While challenged in court, the orders were upheld. The eviction orders cite Art. 225, para 1 of the Territory Law, which allows for demolition of housing built without the proper permits. Both communities are made up of impoverished Romani citizens of Bulgaria. The orders require the residents to demolish their own homes or have them demolished by the Agency. If the latter occurs, the residents are required to reimburse the Agency for its costs. These eviction orders are ostensibly to remedy a property restitution claim asserted by private individuals over the land on which these long-standing communities reside.

8. The Gorno Ezerovo community has been in existence for over 50 years. During this time, the community was recognized by public authorities. This recognition included being provided with individual postal service as well as public services such as water, sanitation and electricity.

9. Some 52 Romani households of Gomo Ezerovo, a community of over 400 households, received eviction orders in 2007. On 8 September 2009, Bourgas municipal authorities forcibly evicted 27 Romani households and demolished their homes. The demolitions were implemented with the assistance of the local police. The residents were forced out of their homes and some of them were beaten by the police. They were forced to leave much of their personal belongings, including furniture that was still in their homes when they were demolished. The families were rendered homeless, including children and the elderly. Those remaining presently face imminent forced eviction and have not been consulted or offered compensation or alternative housing.

10. The Meden Rudnik community has also been in existence for over 50 years. Similar to Gorno Ezerovo, during this time, the community was recognized by public authorities, including by being provided with individual postal service as well as public services such as water, sanitation and electricity.

11. In Meden Rudnik, approximately 32 houses out of some 300 received eviction orders in 2007. About half of these homes have existed for some 20 years while the other half are newer. On 25 September 2009, 19 of these households were forcibly evicted, had their homes demolished, and were rendered homeless. The others remain under imminent threat of forced eviction.

12. None of those forcibly evicted or threatened with forced eviction have been offered alternative housing and no meaningful consultation has taken place with the communities. Attempts at achieving due process and judicial remedies have been fruitless. While the Mayor of Bourgas has publicly stated that the municipality will provide alternative housing for the families who are legally registered in Bourgas,

none of those evicted were resettled even though they are legally registered Bourgas inhabitants, rather they have become homeless.

13. Forced eviction and destruction of homes has or will result in irreparable harm to the residents of the Gorno Ezerovo and Meden Rudnik communities. Such irreparable harm includes, *inter alia*, the loss of housing and other personal belongings with no prospect of compensation, the dangers associated with lack of shelter due to resulting homelessness, and the loss of social networks.

14. The causes for the communities of Gorno Ezerovo and Meden Rudnik being in informal settlements (*e.g.*, “unlawful buildings”) are due in large part to the persistent pattern of racial discrimination against Roma. This discrimination includes lack of access to education and employment opportunities necessary to afford housing at market rates. Indeed, the Committee on Economic, Social and Cultural Rights has stated that “success has not been achieved” in government efforts to combat unemployment as well as “deplor[ing] the situation where those [Roma] who are employed receive salaries which do not allow them to secure for themselves and their families an adequate standard of living.”⁴

15. Additionally, another cause of urban informal settlements is that rural Roma have been forced to seek economic opportunity, however meagre, in urban areas since essentially being displaced off rural land. Indeed, the Committee on the Elimination of Racial Discrimination found as early as 1997 that “rural Roma are discouraged from claiming land to which they are entitled under the law disbanding agricultural collectives.”⁵

16. Similarly, the Barite Romani community in Sofia has recently come under threat of forced eviction. Consisting of nine households, the Barite community includes several children that attend the nearby public school.

17. If forcibly evicted, the Barite community not only risks begin rendered homeless and displaced, but the children of the community risk losing access to education.

III. Recommendations

18. It should be reiterated that under international human rights law binding upon the Republic of Bulgaria, evictions can only be justified in highly exceptional circumstances and after all feasible alternatives to eviction have been explored in meaningful consultation with the persons affected. In any event, evictions should not be undertaken in a discriminatory manner or if they render those evicted homeless.⁶

⁴ Committee on Economic, Social and Cultural Rights, Concluding Observations: Bulgaria, UN Doc. E/C.12/1/Add.37 (8 December 1999) at paras. 13 and 14.

⁵ Committee on the Elimination of Racial Discrimination, Concluding Observations: Bulgaria, UN Doc. CERD/C/304/Add.29 (23 April 1997).

⁶ See Committee on Economic, Social and Cultural Rights, General Comments. Nos. 4 and 7.

19. The Republic of Bulgaria should implement a moratorium on all mass evictions until the proper legal framework is in place to ensure that unlawful or arbitrary evictions or other forced evictions do not occur and that any evictions are in compliance with international human rights law, including as informed by General Comments No. 4 and 7 of the Committee on Economic, Social and Cultural Rights and the Guidelines on Development-based Evictions and Displacements (UN Doc. No. A/HRC/4/18), prepared by the UN Special Rapporteur on Adequate Housing.

20. The Republic of Bulgaria should ensure that all residents enjoy a minimal degree of security of tenure that guarantees legal protection against forced eviction, harassment and other threats.⁷

21. The Republic of Bulgaria should fully enforce the Protection against Discrimination Act, including in the context of Romani housing.

22. The Republic of Bulgaria should ensure that the initiatives in the context of the Decade of Roma Inclusion are prioritized within government agencies and adequately funded and implemented.

23. The Republic of Bulgaria should ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.

⁷ This is essentially the process used by the Republic of South Africa in the case of *Modder East Squatters and Another v Modderklip Boerdery (Pty) Ltd* (SCA 187/03).