

CENTRE ON
HOUSING RIGHTS
AND EVICTIONS



29 June 2006

Mr Georgi Parvanov
President of Republic Bulgaria
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Fax: +359-2-980 44 84

Re: Forced Evictions in Sofia

Honourable Mr. President,

The Centre on Housing Rights and Evictions (COHRE) and the European Roma Rights Centre (ERRC) appeal to you to undertake urgent action to stop the forced eviction of Roma families from Batalova vodenitsa or NPZ Sredetz neighbourhood in the Vazrazhdane district of Sofia, planned to be executed on 30 June 2006. In the absence of adequate provision of alternative housing and social support for the families, the forced eviction of the Romani families, who have lived in this neighbourhood for several generations, constitutes a gross violation of Bulgaria's obligations under international human rights law. We are also concerned by announcements of the pending evictions of other communities in Sofia.

COHRE is an international human rights non-governmental organisation based in Geneva, Switzerland, with consultative status with the United Nations. ERRC is an international public interest law organisation, which monitors the human rights situation of Roma and provides legal defense in cases of human rights abuse.

COHRE and ERRC are deeply concerned about threatened housing rights violations in Bulgaria. On 16 May 2006, the vice-mayor of the Sofia City Council, Tsvetan Tsvetanov, announced that all 'illegal' Roma settlements would be 'liquidated' and gave the mayors of Sofia municipalities 20 days to draw up a list of such settlements. The announcement indicated that mayors will investigate ways to limit the 'setting up and enlargement of the Roma ghettos' within Sofia and that a Consultative Council, which has not yet been formed, will prepare a strategy for the development of the Roma community. However, no details were provided as to the content of the strategy and the announcement contained no guarantee that the human rights of Roma to protection from forced eviction would be upheld. We understand that non-governmental organisations who are part of the Sofia Roma Public Council, such as Romani Baht Foundation, were not consulted about this announcement and that no consultation has been carried out with Roma communities.

A similar announcement was made by the Sofia City Council in August 2005 and led to devastating consequences for some Roma communities. On 31 August 2005, at least 24 Romani homes in the Hristo Botev neighbourhood of Sofia were demolished and some 150 Roma lost their homes and were not provided with any resettlement. Forced evictions of Roma, including the destruction of housing, were threatened in the Sofia districts of Lyulin, Krasno selo, Vazrazhdane and Suhodol-3, Ilinden.

We are particularly concerned about two imminent eviction threats in the district of Vazrazhdane in Sofia. First, we have been informed that Roma families, up to 1600 persons, living in the Serdika

neighbourhood have been threatened with imminent forced eviction, to take place on 30 June 2006. Some of this community, known as Batalova vodenitza or NPZ Sredetz, were threatened with eviction last year, and took legal action to stop the eviction. However, on 21 June 2006, the Mayor of the Sub-Municipality of Varazhdane and a Deputy Mayor of Sofia city declared that the eviction and demolition will now proceed due to the ruling of the Supreme Administrative Court, which confirmed that the Mayor could proceed with the eviction. Notices were issued on 23 June 2006, giving the residents only seven days to leave. This is despite the fact that this community has lived on this land for almost a century. Although the Bulgarian media have reported that some socially vulnerable families are entitled to one-time support in the amount of BGN 275 (approximately Euro 130), this compensation is extremely inadequate to cover even the most urgent needs of the families who will be rendered homeless after the evictions, and might not even be provided to all of the affected families.

Second, on 26 June 2006, the Municipality issued eviction notices to the 16 families of another community also called Batelova vodenitza, which is in the district of Vazrazhdane. Despite the community residing on this land since 1926, the families were informed that Administrative acts have been issued against them and they now have 14 days to object. The acts and the objections will be sent to the Regional Directorate on Control of Illegal Constructions who will have the power to forbid the use of the buildings and cut off electricity and water supplies.

The UN Commission on Human Rights has condemned forced evictions as a gross violation of human rights in its 1993 and 2004 resolutions. As a State party to the International Covenant on Economic, Social and Cultural Rights and the European Social Charter, Bulgaria is legally obligated to respect, protect and fulfil the right to adequate housing, including the prohibition on forced evictions, as guaranteed under Article 11(1) of the Covenant and Article 16 of the Charter. These treaties require Bulgaria to refrain from interference with persons' existing access to housing, as well as protecting everyone within its jurisdiction from forced evictions, including those undertaken by third parties such as municipal authorities.

The pending crisis of housing rights violations is subject to a Collective Complaint under the Revised European Social Charter, which was brought by the ERRC against Bulgaria in April 2005, for persistent and systematic violations of the right of the family to social, legal and economic protection. That complaint is currently pending and particular scrutiny is now being paid to Bulgarian Government actions with respect to the adequate housing of Roma. Moreover, in the matter of *European Roma Rights Centre v. Italy*, the European Committee of Social Rights – the body supervising the compliance of states with the European Social Charter – reiterated that “State Parties must make sure that evictions are justified and are carried out in conditions that respect the dignity of the persons concerned, and that alternative accommodation is available. The law must also establish eviction procedures, specifying when they may not be carried out (for example, at night or during winter), provide legal remedies and offer legal aid to those who need it to seek redress from the courts. Compensation for illegal evictions must also be provided.”

The European Court of Human Rights has stated clearly in *Connors v United Kingdom* that evictions require ‘requisite procedural safeguards’ and ‘proper justification’ due to their ‘serious interference’ with the rights in Article 8 of the European Convention on Human Rights and Fundamental Freedoms. In *Prokopovich v. Russia*, the Court specifically stated that “the applicant's eviction from the contested flat by State officials constituted an interference with her right to respect for her home by a public authority” and such interference cannot be considered to be “in accordance with the law” if it does not respect important domestic procedural safeguards against arbitrary evictions. It has also ordered compensation in cases of evictions and demolitions.

The planned forced evictions also violate the Constitution of Bulgaria, including in particular Articles 4(2), 6(1) and 6(2), 7, 14, 17(1) and 17(5), 22(1), 35(1), 57(1) and 57(2), and 58(2).

COHRE reminds the Government of Bulgaria that in terms of international human rights law, for forced evictions to be considered as lawful, they may only occur in very “exceptional circumstances” and “all feasible alternatives” must be explored. If and only if such “exceptional circumstances” exist and there are no feasible alternatives, can evictions be deemed justified. However, certain requirements must still be adhered to. These are:

1. States *must* ensure, prior to any planned forced evictions, and particularly those involving large groups, that *all* feasible alternatives are explored *in consultation with affected persons*, with a view to avoiding, or at least minimizing, the need to use force.

2. Forced evictions should not result in rendering individuals homeless or vulnerable to the violation of other human rights. Governments *must* therefore, ensure that adequate alternative housing is available to affected persons.

3. In those rare cases where eviction is considered justified, it *must* be carried out in strict compliance with international human rights law and in accordance with general principles of reasonableness and proportionality. These include, *inter alia*:

- Genuine consultation with those affected;
- Adequate and reasonable notice for all affected persons prior to the scheduled eviction date;
- 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;
- Especially where groups of people are involved, government officials or their representatives to be present during an eviction;
- All persons carrying out the eviction to be properly identified;
- Evictions not to take place in particularly bad weather or at night unless the affected persons consent otherwise;
- Provision of legal remedies; and
- Provision, where possible, of legal aid to persons who are in need of it to seek redress from the courts.

The pending evictions, as planned, would violate the Government of Bulgaria’s obligations under international law, as well as constitutional law, for a number of reasons, including:

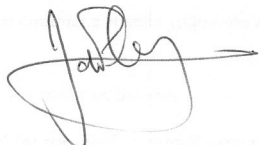
- (1) the evictions have not been deemed to meet the “exceptional circumstances” threshold by an independent and impartial tribunal;
- (2) all feasible alternatives to the planned eviction have not been considered;
- (3) sufficient notice has not been given to affected persons;
- (3) no compensation is being offered;
- (4) the affected community has not been consulted throughout the process; and
- (5) alternative housing or adequate resettlement sites have not been provided.

COHRE urgently requests the Government of Bulgaria to reconsider any plan that may result in forced eviction and further urges the Government to abide in full with its respective legal obligations to “explore *all* feasible alternatives” to the planned eviction in consultation with Roma communities and representatives such as Equal Opportunities Association, Romani Baht Foundation and Bulgarian Helsinki Committee.

If no feasible alternative is available, following in-depth consultations with the affected communities, COHRE strongly urges the Government of Bulgaria to abide by its legal obligations under international law, and in particular the legal requirement that affected persons receive adequate alternative housing, in full conformity with international human rights standards.

We look forward to your response within 14 days and an ongoing dialogue with your government on the rights of its people to adequate housing. Thank you very much for your time and consideration.

Sincerely,



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