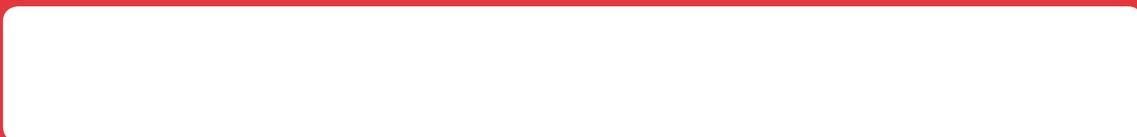


WRITTEN SUBMISSION

BY THE EUROPEAN ROMA RIGHTS CENTRE CONCERNING BULGARIA

To the Committee on the Elimination of Racial Discrimination, for consideration
at its 92nd Session (24 April - 12 May 2017)



CHALLENGING DISCRIMINATION PROMOTING EQUALITY

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INTRODUCTION

The European Roma Rights Centre (ERRC) is a Roma-led international public interest law organisation which monitors the human rights of Roma in Europe and provides legal defence in cases of human rights violations.¹ The ERRC is deeply concerned at the lack of progress made by Bulgarian authorities since CERD issued its concluding observations on Bulgaria in 2009 with specific reference to the committee's recommendations concerning the situation of Roma and other minorities. Bulgarian authorities continue to target Romani communities for forced evictions, and the de facto segregation of Roma continues in all areas of life, in particular in the spheres of residential segregation and segregation in healthcare facilities. Limited progress has been made with regards to enforcing legislation persecuting racially motivated hate crimes. Hate speech continues to affect Romani minorities in particular, leading to a number of instances of violence. In a number of cases, Bulgarian authorities have failed to protect Romani citizens from violent racist mobs attacking Romani communities and individuals. This submission also finds that CERD's calls for improving the situation of Roma in all areas of life, in particular of access to healthcare and housing, have yet to be adequately addressed.

HATE SPEECH AND HATE CRIME AGAINST ROMA AND CRIMES AND THE DEFICIENCIES OF THE BULGARIAN CRIMINAL JUSTICE SYSTEM

1. According to 2014 ECRI report on Bulgaria “[r]acist and intolerant hate speech in political discourse is escalating; the main target is now refugees. In the media and on Internet, expressions of racism and xenophobia against foreigners, Turks and Muslims are commonplace, as is abusive language when referring to Roma”.² ECRI has expressed its worries for the “open anti-Roma campaign [...] being waged by the media in which Roma are presented as a demographic threat to Bulgaria”.³ The 2016 U.S. Department of State report on human rights practices in Bulgaria confirms that “[t]he marginalization of and societal intolerance towards the Romani minority remained the country’s most pressing human rights problem.” And the report expressed concern at “the use of racist, xenophobic, and inflammatory rhetoric throughout the election campaign.”⁴ In the period 2014–2017 frequent anti-Roma hate speech in the run up to elections has been followed by outbreaks of anti-Roma protests and violent disorder.⁵ Hate speech against Roma on media remains prevalent, in particular prior to elections. Anti-Roma tension has been heightened by statements made by far-right politicians and further amplified by the media.⁶ A joint 2016 study by Media Democracy Foundation and the Centre for Political Modernisation⁷ found that for the period January 2015–February 2016 expressing intolerance towards Romani minority persists. There are established practices of focusing on ethnic belonging of Roma when reporting on criminal acts as well as when it comes to negative reporting in general. Such practices are common for media platforms of far-right nationalist groups as well as to wide range of other “online sources (including web publications of printed and electronic media).”⁸ The ERRC has observed that crimes against Romani individuals are given little or no attention by the media, whereas cases of alleged crimes committed by Roma are reported multiple times by various channels. Online hate speech is a particular concern, and social media such as

1 See: <http://www.errc.org/about-us-overview>.

2 ECRI report of Bulgaria (fifth monitoring cycle), 2014, p.9, available at: <https://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Bulgaria/BGR-CbC-V-2014-036-ENG.pdf>.

3 *Ibid.*, p.16.

4 Country Reports on Human Rights Practices for 2016. Bulgaria. Executive summary, available at: <https://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?dliid=265404&year=2016#wrapper>.

5 ERRC submission to the European Commission on the EU Roma Framework (February 2016), available at: <http://www.errc.org/cms/upload/file/2015-eu-roma-framework-written-comments-19-february-2016.pdf>.

6 Правата на човека в България през 2015 г. p.101, available at: http://www.bghelsinki.org/media/uploads/annual_reports/annual_bhc_report_2015_issn-2367-6930_bg.pdf.

7 The study focus on the period January 2015 – February 2016.

8 Езикът на омраза в България: рисковни зони, уязвими обекти, 2016, p.131-132, available at: http://www.fmd.bg/wp-content/uploads/2016/04/antihate_index.pdf.

9 *Ibid.*, p.6.

Facebook is swamped by racist comments which attract high rates of responses and attention from users. These provide channels to widely disseminate ultra-nationalist and racist views to a growing and receptive audience⁹. “The most common victims of hate speech are the Bulgarian Roma, mentioned in 93 per cent of the cases cited in the study, followed by refugees (73 per cent), LGBT men and people from the Middle East in general (70 per cent each)”, according to the report.”¹⁰

HATE SPEECH AGAINST ROMANI PEOPLE

2. Anti-Roma rhetoric becomes particularly fervent prior to and during election campaigning. The recent Bulgarian presidential election in 2016, and the early parliamentary election held on 26 March 2017 have become a showcase of the use of anti-Roma sentiment to mobilize voters. The primary targets of hostility and hate speech by nationalist parties during electoral campaigns are Roma and Syrian migrants. The presidential election debate stressed once again that in order to save the Bulgarians from demographic “threats”, preserve their socio-cultural identity and resolve economic problems, it is necessary to discipline the “Gypsies” who are burdening and tormenting the local population, in particular the elderly and those living in remote locations.¹¹ Such statements were part of the presidential campaign of the candidate of the far-right coalition of the United Patriots, Krasimir Karakachanov who secured almost 15% of the national vote. His quotes were largely shared by national and local media. The Karakachanov campaign was built around promises to “end the demographic catastrophe” and “promote literate fertility through tax breaks”, which assumed clear ethnically-biased policies against Romani families. The anti-Roma fertility discourse was one the highlights of his campaign: “Gypsy families have made a business out of giving birth and live on social assistance, they do not pay for their electricity and water, and rampage and harass people in small towns”¹². He repeatedly stressed the importance of “stopping Gypsy raids and everyday (Gypsy) crime.”¹³ Other candidates also expressed similar views: Nikolay Barekov, member of the European Parliament and leader of the recently established populist political party “Bulgaria Without Censorship”, issued a statement announcing the establishment of a new party by the end of the year. Among its main priorities are: “extraditing the Roma to India”¹⁴, by refusing their right to citizenship as well as “deportation of the Syrian refugees”.¹⁵ Similar discourses, including demands for the demolition of Romani neighbourhoods continued in the period prior to the elections in March.¹⁶
3. Amnesty International, in its 2015 report Missing the Point, states that by failing to ensure justice for the victims of hate crimes, the Bulgarian state creates an atmosphere in which such attacks are likely to be repeated. The practice of dealing with hate crimes as being simply motivated by hooliganism results in no reliable data on hate crime, and even less confidence in the justice system among those communities at greatest risk.¹⁷
4. In 2016, the leader of the political party “Ataka”, Volen Siderov, was fined for two articles which used racist slurs to depict the Romani population in Bulgaria. The Commission for Protection against Discrimination (CPD) imposed fines of 1,000 lev for Mr. Siderov and a journalist of the party newspaper for a publication entitled “Mangals killed Bulgarian in Ghent”¹⁸ (a highly derogatory term for Roma). The article was published in the party newspaper on October 2014. The CDP initiated legal proceedings after being warned by the Bulgarian

10 Hate Speech ‘Thriving’ in Bulgarian Media, 2016, available at: <http://www.balkaninsight.com/en/article/experts-warn-against-epidemic-of-hate-speech-in-bulgaria-03-28-2016#sthash.wTKCpWV2.dpuf>.

11 Красимир каракачанов: политниците са откраднали много повече от цар киро <https://slivensega.wordpress.com/2014/E/>.

12 Каракачанов: Няма да допусна българите да издържат нелегалните имигранти! <http://www.dnes.bg/izbori-16/2016/11/01/karakachanov-niama-da-dopusna-bylgarite-da-izdyrjat-nelegalnite-imigranti.320567>.

13 *Ibid.*

14 Предозиране: Барекков иска екстрадиране на ромите в Индия http://www.dnevnik.bg/bulgaria/2016/11/25/2871242_predozirane_barekov_iska_ekstradirane_na_romite_v/.

15 See: https://www.offnews.bg/news/Obshtestvo_4/Barekov-Da-ekstradirame-romite-v-rodната-im-Indiia_640782.html.

16 Барекков: Трябва да има прочистване на циганските гета в София и Пловдив: <https://www.novini.bg/news/289945-2.html>.

17 Cited in What’s so difficult about establishing the racist motive behind racist crimes against Roma? <http://www.errc.org/blog/whats-so-difficult-about-establishing-the-racist-motive-behind-racist-crimes-against-roma/103>; see the full report at: <https://www.amnesty.org/en/documents/eur15/0001/2015/en/>.

18 Сидеров отнесе 1000 лева глоба за статията си “Мангали убиха българин в Гент” <http://www.varna.news/2016/07/1000.html>.

Helsinki Committee (BHC). The second article was entitled “Dark skinned [man] attacked a reporter in Pernik.” Despite the offensive language in both articles, the CPD ruled that only the first article was in violation of the Bulgarian anti-discrimination legislation. Besides imposing fines on Siderov and the author of the articles, the CPD issued mandatory recommendations (instructions) to take concrete measures to prevent discrimination in the future. However, this case remain rather exceptional as no other anti-Roma hate-speech has been persecuted despite the worrying increase of hate-speech against Roma.¹⁹

5. In December 2014 the Bulgarian Minister of Health Petar Moskov, from the Democratic Party “Reformist Block”, used racist slurs to depict Roma.²⁰ This statement was expressed in relation to the escalated tension and occurrence of violence against emergency teams claimed to be caused by Roma patients. More precisely, Moskov expressed such views after an accident where a doctor was hit by a drunk Roma man. Following his words, the same day the Minister announced that the emergency teams entering Romani districts where conflicts between emergency teams and Roma already happened will not enter such settlements. To back up his decision, Moskov made a claim that 80% of the violent attacks against the emergency staff (175 out of 226 cases) happen in Roma settlements.²¹ After a meeting with Roma civil society representatives on 10 December 2016, Moskov claimed that the Roma representatives agreed that emergency medical teams entering Romani settlements where incidents of violence had occurred should be escorted by police officers.²² Such claims were contested by a number of the Romani representatives. The BHC has condemned the statement.²³ Sofia City Prosecutor’s Office (HRI) refused to initiate a criminal case after a signal from Movement for Rights and Freedom (MRF) parliamentary group against the Minister of Health Petar Moskov. The prosecution found that the statement of the minister does not lead to purposeful and deliberate incitement to racial discrimination, hatred or violence based on race, nationality or ethnicity.²⁴

HATE CRIMES AGAINST ROMANI PEOPLE

6. The 2014 ERCI report on Bulgaria has expressed worries that “[ra]acist violence continues to be perpetrated against Roma, Muslims, Jews and nontraditional religious groups and their property. It is seldom prosecuted under the criminal law provisions specifically enacted for this purpose; very often hooliganism is invoked instead”.²⁵ In the period 2014-2017 on a number of occasions, national and local authorities have failed to protect Romani citizens from racist mobs.²⁶ During such incidents, the debate and comments on electronic media and social media platforms, such as Facebook also increase its intensity leaving an impression that it has heavy influence of offline anti-Roma actions. Racist comments and threats against Roma remain unregulated.²⁷
7. On 14 March 2017, two Romani men from Dobrich, were attacked during the day by a racist mob. One of them had his jaw broken, and the other lost three teeth. The local police office initiated an investigation.²⁸

19 Езикът на омраза в България: рисковни зони, уязвими обекти, 2016, available at: http://www.fmd.bg/wp-content/uploads/2016/04/antihate_index.pdf.

20 Moskov called Roma “yahoos”, and claimed that if they behave as such they shall bear the treatment of such; http://www.lentata.com/page_6217.html.

21 Москов: Екипи на спешна помощ няма да ходят в ромските махали, докато не се гарантира сигурността им <https://vesti.bg/bulgaria/moskov-lekari-niama-da-hodiat-v-romski-mahali-ako-e-opasno-6028601> <http://http/www.novinite.com/articles/165264/Emergency+Medical+Teams+Will+Avoid+Roma+Districts+unless+their+Safety+Is+Guaranteed>.

22 See: <http://http/dnes.dir.bg/news/romi-politza-speshna-pomosht-petar-moskov-izbori2013-romski-mahali-18004362>.

23 Отворено писмо до министъра на здравеопазването д-р Москов по повод вангането на границата между аборт и раждане, 11 Декември 2014, available at: <http://www.bghelsinki.org/bg/novini/press/single/otvoreno-pismo-do-ministra-zdraveopazvaneto-d-r-moskov-po-povod-vdiganeto-na-granicata-mezhdu-abort-i-razhdane/>.

24 See: <http://www.bghelsinki.org/bg/novini/bg/single/prokuraturata-otkaza-da-obrazuva-delo-sreshu-moskov-zaradi-romite/>.

25 ECRI report of Bulgaria (fifth monitoring cycle), 2014, p.9, available at: <https://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Bulgaria/BGR-CbC-V-2014-036-ENG.pdf>.

26 See: <http://www.errc.org/cms/upload/file/2015-eu-roma-framework-written-comments-19-february-2016.pdf>.

27 Прокуратурата отказа да образува дело срещу Москов заради ромите, 23 Февруари 2015, available at: http://www.bghelsinki.org/media/uploads/annual_reports/annual_bhc_report_2015_issn-2367-6930_bg.pdf.

28 Двама ромни изядоха як пердах наред Добрич, available at: http://www.blitz.bg/kriminalni/prestplenie/dvama-romi-izyadokha-yak-perdakh-nasred-dobrich_news495760.html.

8. In January 2017, according to media reports, a drunk soldier from the Special Unit for Combatting Terrorism (SOBT) attempted to murder Romani individuals, after being provoked by his colleague to shoot them. The shooter, Sokol Rumenov, pulled out his gun and opened fire on one Romani man. His colleague prevented the killing and the deviated bullet pierced the window. The attempt took place in a bar in Botevgrad, while the two soldiers were on annual leave. The soldier was fired and police initiated legal proceedings for hooliganism against the perpetrator.²⁹ No legal proceedings were taken against the second soldier for inciting his colleague to open fire.
9. In December 2016, a Romani woman and her eight-year-old girl were harassed in the metro in Sofia by neo-Nazi extremists.³⁰ The hooligans screamed racial slurs and murder threats. The Romani woman contacted the police at metro station “Vardar” after the incident. The Neo-Nazis escaped from the scene. No further measures have been reported on the case.
10. In April 2016, a 17-year-old Romani boy Dimitar Yonkov from Ovchepoltsi village was brutally beaten by a 24-year-old man, Angel Kaleev, after telling Kaleev that they are equal, despite their different ethnicities. Kaleev considers himself an ethnic Bulgarian nationalist and filmed the attack himself. The footage features Kaleev’s attack, which he accompanied with a racist rant. During an interview on BTV, a national broadcaster, Kaleev admitted what he did and his racist motivation.³¹ On 11 July, the District Court of Pazardzhik found Angel Kaleev guilty of using ethnically motivated violence against a person (Article 162. para. 2, CC), and of inflicting minor bodily harm with xenophobic and ‘hooligan’ motives (Article 131. para 1, p 12, CC). This is the first time a criminal court has made a decision which acknowledges a racially motivated attack against an ethnic minority in Bulgaria. The court, after an agreement between the prosecution and the defense, sentenced Angel Kaleev to only 11 months imprisonment, which was deferred to a probationary period of three years with four months community service³²
11. According to the OSAC in March 2015 prosecutors indicted four persons accused of planting a bomb in front of a Romani café, a headquarter of the party “Evroroma” in Sandanski. The bomb killed the person who picked up the bag which contained it while he was opening the cafe. In October 2015, the trial was proceeded at the local District Court.³³ The victim Malin Iliev was a candidate for the party in the local elections.
12. In May 2015, violent anti-Roma protests were being organized by local nationalists in Garmen. The protest sparked because of quarrel between Roma and non-Roma individuals in over loud music. The protest was joined by football hooligans and other right-wing nationalist groups. Number of individuals were injured, and the police prohibit Roma children from school, as they failed to protect them. The European Court of Human Rights’ (ECHR) sent letter on the request for interim measures and the injunctions issued by the Pazarjik Administrative court prevented making people homeless and potential victims of a future humanitarian crisis.³⁴
13. On June 21 in Sofia 2015, a week after the anti-Roma protest in “Orlandovci”, Sofia a Roma father and his twin sons were severely beaten³⁵ just because of their ethnicity.
14. In 2015 the Bulgarian authorities failed to protect Romani citizens against violent racist mobs in Radnevo who were incited to commit violent attacks against Roma by far-right groups. The authorities also failed to intervene in anti-Roma protests which occurred in Gurmen, Vidin, Stara Zagora, Varna and other locations,

29 Пияна барета стреля по цигани, предизвикан, че не може да ги гръмне (Ексклузивно видео) available at: <https://www.24chasa.bg/novini/article/5989820>.

30 Безобразие и в софийското метро: Дете си глътна езика от страх, докато скинари крещят на майка му: „Циганко, ставай! Време е за Лушвипт!“, available at: http://www.blitz.bg/obshtestvo/stolitsa/bezobrazie-i-v-sofiyskoto-metro-dete-si-gltna-ezika-ot-strakh-dokato-skinari-kreshchayat-na-mayka-mu-tsiganko-stavay-vreme-e-za-aushvits_news472075.html.

31 Romani Boy Attacked in Bulgaria for Declaring himself Equal, 19 April 2016, available at: <http://www.errc.org/article/romani-boy-attacked-in-bulgaria-for-declaring-himself-equal/4473>.

32 Bulgarian Judge Rules for Mitko in Landmark Case: a Bitter-Sweet Victory 14 July 2016, available at: <http://www.errc.org/blog/bulgarian-judge-rules-for-mitko-in-landmark-case-a-bitter-sweet-victory/116>.

33 Bulgaria 2015 Crime and Safety Report, 2015, available at: <https://www.osac.gov/pages/ContentReportDetails.aspx?cid=17096>.

34 ERRC submission to the European Commission on the EU Roma Framework (February 2016), available at: <http://www.errc.org/cms/upload/file/2015-eu-roma-framework-written-comments-19-february-2016.pdf>.

35 Обстановката в „Орландовци“ след сблъсъците между ромни и българи: <http://btvnovinite.bg/video/videos/tazi-sutrin/obstanovkata-v-orlandovtsi-sled-sblasatsite-mezhdu-romi-i-balgari.html>.

According to local and international actors³⁶ the protests were heavily politicized and manipulated by political leaders. Use of racially biased language and hate-speech against Romani has considerably contributed to the ethnic tension, climate of fear, and lack of security for the Romani citizens.³⁷

15. According to information compiled from various sources, as a consequence of a road incident on 3 May 2016 after a fight between several Romani and Bulgarian ethnics, three Bulgarian ethnics were injured, after being beaten by a group of Roma, which were subsequently charged with attempted murder. This incident was followed by a 2000-strong anti-Roma protest in the Romani settlement in Kantona district.³⁸ In the immediate aftermath Tenjo Tenev, the Mayor of Radnevo issued an order adopting immediate measures for the identification and demolition of “illegal constructions”. The municipality also published a petition in support of the demolition of “illegal constructions” in the Kantona settlement, which is home to approximately 1200 people, the majority of which are Roma. They have been living there for the past 20 years. The majority of the houses there are stable, but unregistered dwellings. The municipality has already identified and served demolition notices for three unregistered constructions belonging to the three Roma who were charged following the initial affray. The events mentioned above and proceedings taken by the local authorities are an alarming sign of the increase in anti-Roma sentiment in the territory of Radnevo and the country Bulgaria as whole.³⁹
16. Major challenges in the area of anti-discrimination are the lack of provision of effective protection from racist attacks by national and local authorities, politically manipulated protests against Roma in various locations, use of racist language for political gain, use of racist language by mainstream media in the country and the lack of taking measures by the national regulative organs. According to the US Human Rights State Department report and the Sofia Globe⁴⁰ the Bulgarian media used discriminatory and abusive language to describe Roma and other minorities. Extreme nationalist parties such as Ataka and the Patriotic Front based their political campaigns on strong anti-Roma, anti-Turkish, and anti-Semitic slogans and rhetoric. In June 2015, after a flood hit Varna, killing 13 persons and destroying many houses, municipal council member blamed the Romani inhabitants for the disaster, calling them “parasites” and “inhuman scum” that do not deserve “to inhabit our civilisation”. Human rights activists filed hate speech complaints against Kostadinov and Rumenov, who had used similar language on the subject in a Radio Darik Varna programme. As of November 2015, the prosecution was conducting an inquiry into the case.⁴¹

FORCED EVICTIONS AND DISCRIMINATION AGAINST ROMA IN HOUSING

17. The current situation in Bulgaria has continued to worsen compared to previous years. The period 2014-2017 has been defined by a high number of planned and implemented evictions of Roma in Sofia, Radnevo, Plovdiv Gurmen, Vidin, Stara Zagora, Varna and other locations. These evictions were orchestrated by violent attacks against Roma by nationalist groups. The recent 2017 joint report of the Equal Opportunities Initiative Association (EOIA) and Open Society Foundations⁴² has found that in 90% of forced evictions, illegal residential buildings belonging to Roma are targeted, which “shows that, even if the discrimination is indirect, such discrimination cannot be justified because, in particular, of the failure of Bulgarian legislation

36 Езикът на омраза в България: рисковни зони, уязвими обекти София, 2016, available at: http://www.fmd.bg/wp-content/uploads/2016/04/antihate_index.pdf. ERRC submission to the European Commission on the EU Roma Framework (February 2016), available at: <http://www.errc.org/cms/upload/file/2015-eu-roma-framework-written-comments-19-february-2016.pdf>.

37 Езикът на омраза в България: рисковни зони, уязвими обекти София, 2016, available at: http://www.fmd.bg/wp-content/uploads/2016/04/antihate_index.pdf.

38 Protesters Clash with Police Near Roma Areas of Bulgaria’s Radnevo, May 2016, available at: <http://www.novinite.com/articles/174329/Protesters+Clash+with+Police+Near+Roma+Areas+of+Bulgaria’s+Radnevo>.

39 Bulgarian Officials Ignite Anti-Roma Abuse, Defying #RomaAreEqual Movement, 12 May 2016, available at: <http://www.errc.org/article/bulgarian-officials-ignite-anti-roma-abuse-defying-%23romaareequal-movement/4481>.

40 US: Marginalisation of Roma most pressing human rights problem in Bulgaria, 14 April 2016, available at: <http://www.balkaneye.com/us-marginalisation-roma-most-pressing-human-rights-problem-bulgaria/>.

41 ERRC submission to the European Commission on the EU Roma Framework (February 2016), available at: <http://www.errc.org/cms/upload/file/2015-eu-roma-framework-written-comments-19-february-2016.pdf>.

42 Violations of EU Law and Fundamental Rights by Bulgaria’s Discriminatory Treatment of Roma in the Area of Housing, February 2017, available at: <http://www.equalopportunities.eu/images/pdf/bulgaria-roma-infringement-memo-20170214.pdf>.

to ensure individual consideration by Government bodies and courts of the necessity for and proportionality of forced demolitions and evictions, thereby violating the Directive”.⁴³ In most of the cases, evictions are initiated as a result of anti-Roma campaigns. A number of the demolitions are initiated after complaints of non-Roma individuals. Evictions lack a “systematic and balanced approach”⁴⁴ and disproportionately affect Roma. The report suggests that since February 2016, 6080 demolition orders have been issued, and 4530 have been executed, 514 of those concerned residential building 500 of which targeted Roma, and 201 of the orders concerning residential buildings have been executed. No alternative solutions are made available to those concerned, rendering Romani individuals and families homeless. The demolition in Romani neighbourhoods were massive, and no prior notice with concrete date for demolitions were given to the families, which amounted to sudden forced evictions where most of Roma lost all their belongings including identity documents.⁴⁵ The European Court of Human Rights found last year that Bulgarian legal procedures for assessing the lawfulness of forced evictions are not compatible with the European Convention on Human Rights, meaning that Roma do not have access to appropriate remedies to challenge them”.⁴⁶

18. In 2017, In Krasna Polyana, a city-district of Sofia more than 320 Romani living in a group of buildings, the so-called “Vietnamese Residences,” fear forced evictions. The district mayor has vowed “to ‘liquidate’ the first ghetto in Bulgaria,” and to forbid Roma from “congregating again in one place.” They have lived in these buildings since 1990. Bulgarian families have long complained about noise, crime, and the state of cleanliness around the buildings, and called for the buildings to be demolished and the Roma evicted. Two of the buildings have been already demolished.⁴⁷
19. After anti-Roma riots in September 2015, Bulgarian authorities evicted Roma from the Kremikoytzi settlement in the municipality of Gurmen without prior notice. According to civil society sources, no alternative accommodation was offered and a total of 41 people, including 21 children, were made homeless as a result. Altogether, there are 124 houses on the government demolition list. They were built in the early 1960s on municipal land by special decrees of the communist regime, which in 1957 and 1958, handed down laws that forced Roma to settle in permanent homes.⁴⁸ Today, over 800 Roma live in the neighbourhood. An article of Open Society Foundations from 2015⁴⁹ mentions that the status of their homes has remained unclear for decades, and even though they were aware that their houses were considered illegal, the municipal authorities had issued a “certificate of tolerance” that made their demolition unlikely.
20. In July 2014, local authorities demolished houses in Lozanec, a Romani neighborhood of the Bulgarian city, Stara Zagora.⁵⁰ According to authorities, the buildings were ‘illegal’, and the mayor of the city, Zhikov Todorov, stated, “The complete procedure for the removal of the structures has been followed and was started more than a year ago.”⁵¹ He claimed there was no way some of the dwellings could ever be “regularised” due to their being located in a city park. Protests had previously postponed the evictions, which had been planned for May of that year.⁵² However, in July, “[n]early 1,000 employees of the Gendarmerie” were brought in to quell the protests.⁵³ Two Roma men were arrested after trying to prevent the destruction of

43 *Ibid.* p.3.

44 *Ibid.* 9.

45 *Ibid.* p.5.

46 *Ivanova and Cherkezov v Bulgaria* (2016).

47 Протести спряха проект за социален център в София, February 2017, available at: <http://www.segabg.com/article.php?id=843942>.

48 Violations of EU Law and Fundamental Rights by Bulgaria’s Discriminatory Treatment of Roma in the Area of Housing, February 2017, available at: <http://www.equalopportunities.eu/images/pdf/bulgaria-roma-infringement-memo-20170214pdf.pdf>.

49 Opportunistic Politicians in Bulgaria Evict Roma for Votes, October 9, 2015, available at: <https://www.opensocietyfoundations.org/voices/opportunistic-politicians-bulgaria-evict-roma-votes>.

50 Violent clashes break out after Bulgarian town mayor orders 55 illegally-built Roma homes to be demolished, July 2014, available at: <http://www.dailymail.co.uk/news/article-2700210/Violent-clashes-break-Bulgarian-town-mayor-orders-55-illegally-built-Roma-homes-demolished.html>.

51 Събориха 18 незаконни постройки в старозагорския квартал Лозонец, available at: http://www.standartnews.com/regionalni/saboriha_18_nezakonni_postroyki_v_starozagorskiya_kvartal_lozonets-246966.html.

52 Clashes Erupt in Bulgarian Stara Zagora over Illegal Houses Demolition, July 21, 2014, available at: <http://www.novinite.com/articles/162122/Clashes+Erupt+in+Bulgarian+Stara+Zagora+Over+Illegal+Houses+Demolition>.

53 3 Police Officers Injured in Roma Clashes in Bulgaria’s Stara Zagora, 21 July 2014, available at: <http://www.novinite.com/articles/162144/3+Police+Officers+Injured+in+Roma+Clashes+in+Bulgaria%27s+Stara+Zagora>.

their homes.⁵⁴ Fifty-five houses were destroyed, many along with all of the families' belongings.⁵⁵ According to some sources, the number of unlicensed constructions in the neighbourhood is greater than 350.⁵⁶ Many of the families, including those with children and mothers, had no choice but to sleep out in the open, near the remains of their demolished houses.⁵⁷ The Romani community had already been 'relocated' once to the area from where they have now been evicted.⁵⁸ In the 1960s, due to the construction of a military memorial complex, the Romani community, which had been living on the proposed site, was moved to the Lozenec neighborhood and, upon the advice and consent of the local authorities, began constructing their homes there.⁵⁹ Large groups of Bulgarian residents organised themselves via social media to show their support for the mayor's "bravery and courage" to defend their rights as citizens and to prevent the neighborhood of Lozenec from "attracting more and more groups of Roma who migrate there from the slums elsewhere."⁶⁰

ACCESS TO EDUCATION

21. Access to quality education for Bulgarian Roma is still of great concern. Overrepresentation of Romani children in segregated schools, or in schools for pupils with Special Educational Needs (SEN), as well as the lack of funding for the education of Roma persists and hinders Romani access to the labour market. The 2015 report of the Roma Education Fund (REF) suggests that between 44% and 70% of school-age Roma, or, between 44,000 and 70,000 students, are segregated in separate schools from non-Roma.⁶¹ Romani pupils continue to be disproportionately represented in schools for children with SEN. This perpetuates segregation in education and seriously affects the chances of the students to find employment upon graduation. According to the European Commission (EC) report: 'Education and Training Monitor 2016',⁶² the number of early school dropouts has increased for the period 2011-2015, a worrying tendency that primarily affects minorities. Enrollment in pre-school remains a major concern. The 2013 World Bank study reports that only 38% of Romani girls and 42% of Romani boys enroll in pre-school (compared to 75% of the majority population). The low enrollment rate is assumed to be in "strong correlation" with graduation from secondary schools and reduction of drop-out rates.⁶³ According to the 2011 census 93% of Roma do not complete upper secondary education. The 2016 EC report finds that 15% of Romani children do not complete any form of formal education.⁶⁴ The Roma Inclusion Index 2015⁶⁵ estimates 26% of Romani children attend Roma-only schools. The 2016 FRA report suggests 60% of the Romani children surveyed attend schools where a majority of the pupils are of Romani origin.⁶⁶ The report reaffirms that discrimination, negative

54 Арестуваха двама при събарянето на ромската махала в Стара Загора ,available at: http://www.standartnews.com/regionalni/arestuvaha_dvama_pri_sabaryaneto_na_romskata_mahala_v_stara_zagora-246973.html.

55 Базери отново влязоха в ромския квартал в Стара Загора, 25 July 2016, available at: <http://btvnovinite.bg/article/bulgaria/regionalni-novini/bageri-otnovo-vljzoha-v-romskija-kvartal-v-stara-zagora.html>.

56 Сблъсъци в циганската махала в Стара Загора (обновена), 21 July 2014, available at: <http://www.novini.bg/news/221%29.html>.

57 See: <http://www.errc.org/cms/upload/file/2015-eu-roma-framework-written-comments-19-february-2016.pdf> <http://news7.bg/E>.

58 Гето с часовников механизъм, available at: http://www.standartnews.com/bulgariya-obshtestvo/geto_s_chasovnikov_mehanim-zam-247313.html.

59 ERRC submission to the European Commission on the EU Roma Framework (February 2016), available at: <http://www.errc.org/cms/upload/file/2015-eu-roma-framework-written-comments-19-february-2016.pdf>.

60 Публикувано във факти.бг: Митинг в подкрепа на кмета на Стара Загора, 23 July 2014, available at: <http://fakti.bg/bulgaria/107159-miting-v-podkrepa-na-kmeta-na-stara-zagora->.

61 Advancing the Education of Roma in Bulgaria REF Country Assessment – 2015 http://www.romaeducationfund.hu/sites/default/files/publications/bg_country_assessment_2015_web.pdf.

62 Education and training monitor 2016, p.4, available at: https://ec.europa.eu/education/sites/education/files/monitor2016-bg_en.pdf.

63 Mitigating the Economic Impact of an Aging Population Mitigating the Economic Impact of an Aging Population: Options for Bulgaria Options for Bulgaria, 2013, available at: <http://documents.worldbank.org/curated/en/795781468235152407/pdf/789790PRSPOENG00Box0379828B000UO090.pdf>.

64 Cited in Education and Training Monitor.Bulgaria, p.4: https://ec.europa.eu/education/sites/education/files/monitor2016-bg_en.pdf.

65 Roma Inclusion Index 2015 decade of roma inclusion secretariat foundation, September 2015, available at: <http://www.ngobg.info/bg/documents/7154/1520romainclusionindex2015s.pdf>.

66 Second European Union Minorities and Discrimination Survey (EU-MIDIS II) Roma – Selected findings, available at: <http://fra.europa.eu/en/publication/2016/eumidis-ii-roma-selected-findings>.

stereotypes, and socio-economic and cultural factors are the main contributors to marginalization. According to 2016 survey on public attitudes towards hate speech in Bulgaria conducted by Open Society Foundation Sofia, hate speech is “one of the factors for school dropout among Romani children, while the segregation of kindergartens is a factor for further marginalization of the Romani community”.⁶⁷

DISCRIMINATION OF ROMA IN ACCESS TO HEALTH CARE

22. Major challenges concerning the health of Roma are: access to quality health care, racial discrimination, and lack of health insurance. Romani access to health services continued to be a problem and in some cases Roma seeking healthcare were subject to discrimination, the US state department report mentioned. A 2013 government survey estimated 30% of Roma had not signed up with a general practitioner (i.e., lacked health insurance), and 78.8% had no access to a dentist. The US State Department report states that quality of medical care given Roma by medical personnel and social workers was very low.⁶⁸

SEGREGATED MATERNITY WARDS

23. The ERRC, together with the Bulgarian Helsinki Committee (‘BHC’), have commissioned and conducted research into segregated maternity wards in hospitals throughout Bulgaria. This new research, based on 63 qualitative in-depth interviews conducted in early 2016, lays bare the severity and the widespread nature of systemic discriminatory practices which target Romani women who attempt to access to sexual and reproductive health care services.⁶⁹ Romani women recounted instances where they were physically abused by medical staff, relegated to substandard rooms with poor or none of the necessary equipment, and were often subjected to neglect, under treatment, or mistreatment, and often a combination of the three. The discrimination is particularly severe in relation to racially segregated maternity wards, inferior and abusive treatment of Romani women in maternity care, and disparate impact of lack of health insurance on Romani women with regards to access to their reproductive health. These discriminatory policies and practices undermine the protection of reproductive health of Romani women in Bulgaria.
24. Segregation within healthcare facilities, and abusive and discriminatory practices are not new phenomena in the Bulgarian healthcare system, having already been described and condemned in a previous complaint and decision before the European Committee of Social Rights, from 2007 and 2008 respectively, in which the Committee found “failure of the authorities to take appropriate measures” to address systemic discrimination faced by Romani women in Bulgaria in the area of healthcare.⁷⁰ In 2016, the Committee released a follow-up to the decision on the merits, reiterating “the Committee considers that the situation has not been brought into conformity with the Charter.”⁷¹

67 Public Attitudes towards Hate Speech in Bulgaria in 2016, p.13, available at: http://www.osf.bg/downloads/File/2016/Hate%20speech%20ENG%202016%20interact_final.pdf.

68 ERRC submission to the European Commission on the EU Roma Framework (February 2016), available at: <http://www.errc.org/cms/upload/file/2015-eu-roma-framework-written-comments-19-february-2016.pdf>.

69 The complete findings of the report are not yet public.

70 Collective Complaint, European Roma Rights Centre v. Bulgaria, October 2007, available at: <http://www.errc.org/cms/upload/media/02/82/m00000282.pdf>. Decision on the merits, 3 December 2008. European Roma Rights Centre (ERRC) v. Bulgaria Complaint No. 46/2007, available at: <http://www.errc.org/cms/upload/file/decision-on-the-merits-by-the-european-committee-of-social-rights-03-december-2008.pdf>.

71 Follow-up to decisions on the merits of collective complaints Findings 2015, available at: <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016805939f5>.

UNEQUAL ACCESS TO HEALTHCARE

25. Bulgaria is in the midst of a prolonged and ongoing national crisis regarding access to healthcare. In 2013, the official statistics from the National Revenue Agency estimated 2,034,000 Bulgarian citizens lack health insurance. Out of a population of 7,282,000, the percentage of those uninsured is 27.93% - nearly one-third of every Bulgarian lacks health insurance.⁷² However, the situation for Bulgarian Romani citizens is far more worrisome. Estimates of the uninsured rate amongst the Romani population in Bulgaria range between 55% and 80%.⁷³ The Roma Inclusion Index, released in 2015, lists the national averages for those uninsured as 15% for the general population, 52% for the general Romani population, and 53% for Romani women nationwide.⁷⁴ Bulgarian Roma continue to show the lowest insurance coverage rates according to the 2017 European Union Minorities and Discrimination Survey conducted by FRA.⁷⁵ In nearly every available compilation of data and statistics related to access to healthcare and insurance coverage, over half of the Roma population in Bulgaria lacks basic health insurance, effectively putting routine, prophylactic, chronic, and all similar forms of non-emergency care entirely out of their reach, due to the prohibitive costs of treatment as uninsured individuals.
26. The Bulgarian government adopted a National Roma Integration Strategy (‘the Strategy’) for the period 2012-2020, which both recognises as a systemic problem and states as a clear goal, “[i]ncreasing the number of health insured persons of the ethnic minorities in disadvantaged position, by launching legislative initiatives relating to health insurance of low income people, including the ones durably unemployed.” However, each of the subsequent European Commission assessments of the Strategy, while recognizing some positive steps had been taken - for example, increased use of health mediators and mobile health units - have described the continued severe lack of health insurance coverage for Roma as the “main challenge” or “key problem” of health-related inequality in the country.⁷⁶ The Bulgarian government’s own annual assessments of the Strategy passed over the topic and goal entirely without mention, and the systematic problem of lack of health insurance coverage continues to go unaddressed.⁷⁷

RECOMMENDATIONS:

- Stop forced evictions of Roma, as a matter of urgency and ensure access to adequate alternative accommodation to all affected by evictions;
- Take immediate measure to regulate the housing situation of the Roma by providing affordable housing solutions, in particular by giving options for regularizing of unregistered housings/ or dwellings of Romani people;
- Enforce existing legislation to ensure that racially motivated crimes against minorities, in particular Roma, are properly investigated and persecuted; fully enforce the Protection against Discrimination Act, in particular concerning the Roma in housing and segregation in medical establishments;
- Guarantee access to minimum security of tenure to all citizens, in particular the Roma and guarantee the safety of Roma in all communities;

72 See: http://www.standartnews.com/balgariya-zdraveopazvane/nad_2_miliona_sa_zdravno_neosigureni-225304.html.

73 Health-uninsured individuals and Health Insurance in Bulgaria REPORT, 2009, available at: http://osi.bg/cyeds/downloads/Report_Health_Uninsured_2009_ENG.pdf.

74 Decade of Roma Inclusion Secretariat Foundation, ‘Roma Inclusion Index 2015’, September 2015, available at http://www.roma-decade.org/cms/upload/file/9810_file1_roma-inclusion-index-2015-s.pdf.

75 Second European Union Minorities and Discrimination Survey (EU-MIDIS II) Roma – Selected findings, 2015, available at: <http://fra.europa.eu/en/publication/2016/eumidis-ii-roma-selected-findings>.

76 See: http://ec.europa.eu/justice/discrimination/files/roma_bulgaria_strategy2_bg.pdf. Country Assessment 2014. Bulgaria, 2014 available at: http://ec.europa.eu/justice/discrimination/files/country_assessment_2014/bulgaria_en.pdf. Country Factsheet 2012. Bulgaria, 2012, available at: http://ec.europa.eu/justice/discrimination/files/country_factsheets_2012/bulgaria_en.pdf.

77 Административен мониторингов доклад за 2015 г. По изпълнението на „Националната стратегия на република България за интегриране на ромите” 2012-2020, available at: <http://www.strategy.bg/FileHandler.ashx?fileId=7208>, <http://www.strategy.bg/FileHandler.ashx?fileId=7208>.

- Take immediate measures to stop ethnic discrimination and segregations of Romani women in maternity wards and ensure equal treatment of Romani women is in place in all medical establishments;
- Ensure that Romani patients, in particular Romani children and women, have equal access to quality and affordable healthcare and ensure emergency healthcare is available and provided to all Romani settlements;
- Step up efforts to provide equal access to quality education and end segregation of Romani children in all school facilities;
- The ERRC recommends that the authorities monitor the actions the far-right groups and political parties and take measures against any activities leading to incitement to discrimination, hatred and violence in particular when it comes to the Romani minority;
- Guarantee full and effective investigation of hate motivated crimes motivated by racism, xenophobia or other forms of discrimination; take specific measures against perpetrators against whom there is sufficient admissible evidence of criminal activity;
- Ensure comprehensive desegregated data collection of hate crime at all level throughout the process of reporting, investigation and persecution;
- Condemn all instances of hate crimes when they occur and make clear that hate crime cannot be tolerated;
- Ensure full investigation through independent and impartial process of all alleged misconduct of law enforcement authorities, in particular those committed against Roma and other minorities.