



СНЦ "ИНИЦИАТИВА
ЗА РАВНИ
ВЪЗМОЖНОСТИ"



European Roma Rights Centre

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Budapest, 11 May 2016

Re: Demolition of “illegal constructions” in the Kantona neighbourhood of Radnevo

Dear Sir/Madam,

The European Roma Rights Centre (ERRC), an international public interest law organisation which monitors the human rights of Roma in Europe and provides legal defense in cases of human rights violations, and the Equal Opportunity Initiative Association (EOIA), a Roma-led non-governmental organization working in Bulgaria on equal rights and non-discrimination, are deeply concerned about the proposed demolition of “illegal constructions” in the Kantona neighbourhood of Radnevo, following a road incident between Roma and non-Roma individuals and subsequent anti-Roma protests.

According to information compiled from various sources, three ethnic Bulgarians were injured in a fight with a group of Roma individuals following a road incident on 2 May 2016. The Roma were subsequently charged with attempted murder. The incident sparked violent anti-Roma demonstrations by over 2000 people shouting racial abuse and demanding that the Kantona settlement be demolished. Police were injured in violent clashes as they held back crowds from attacking the settlement.¹ In the immediate aftermath the Mayor of Radnevo issued Order No 677/4.05.2016 adopting immediate measures for the identification and demolition of “illegal constructions”. The municipality also published a petition on their website in support of the demolition of the “illegal constructions” in the Kantona district.²

The Kantona settlement is home to approximately 1200 people, the majority of whom are Roma. They have been living there for the past 20 years. The majority of the houses there are informal dwellings.

In the context of heightened ethnic tensions in Radnevo, the Council's actions are particularly ill-advised. Furthermore, it is highly unlikely that such actions are lawful. The sudden rush to demolish Romani housing in the Kantona district creates the impression that the Municipality condones the anti-Roma protests. Mobilising support for the demolitions through sharing a public petition on its website is further evidence that this is no ordinary application of construction regulations. These elements undermine any public interest justification of the decision.³ Such targeting of a Romani community for demolition meets the legal definition of harassment.⁴

Evictions, including demolitions, should not take place without adequate prior notice, until the people concerned have been genuinely consulted, afforded due process guarantees and provided with alternative accommodation or compensation enabling them to access adequate accommodation. Specifically, anyone faced with an eviction should have prior access to a court capable of determining the proportionality of the measure.⁵ An eviction that leaves vulnerable people – including Roma – homeless is likely to amount to inhuman or degrading treatment.⁶ The European Court of Human Rights has underlined that authorities have particular obligations in respect of homes in long-standing informal Romani communities.⁷ If such minimum safeguards are not respected, an eviction would amount to a forced eviction, a practice prohibited by international and regional human rights standards.⁸

The circumstances of the Kantona demolitions seriously call into question whether these safeguards are being respected. In particular, a collective demolition decision can never fulfil the requirement that the proportionality of the measure be assessed on an individual basis. Furthermore, the demolition appears to be intended as a collective punishment which is both reprehensible and plainly unlawful.⁹

The developments in Radnevo are particularly worrisome given rampant anti-Roma sentiment throughout Bulgaria as highlighted by an European Commission against Racism and Intolerance report from 2014 on Bulgaria.¹⁰ The authorities should focus on securing the physical safety / safe return of the Romani community in Kantona and taking measures to de-escalate tensions, instead of further fueling anti-Roma sentiment with their actions.

¹ See: <http://www.novinite.com/articles/174329/Protesters+Clash+with+Police+Near+Roma+Areas+of+Bulgaria's+Radnevo>

² See: <http://radnevo.acstre.com/currentNews-1091-.html>

³ See *mutatis mutandis*, *Bączkowski and others v Poland*, judgment of the European Court of Human Rights, 2007, § 100

⁴ The Bulgarian Protection against Discrimination Act defines harassment as “any unwanted conduct on the grounds referred to in Article 4, Paragraph 1, expressed in a physical, verbal or any other manner, which has the purpose or effect of violating the person’s dignity or creating a hostile, degrading, humiliating or intimidating environment, attitude or practice”

⁵ *Winterstein v. France*, ECtHR, case no. 27013/07, 2013, § 148

⁶ Contrary to article 3 of the European Convention on Human Rights

⁷ *Yordanova and others v. Bulgaria*, ECtHR, case no. 25446/06, 2012, § 121

⁸ General comment no. 7 on forced evictions - Article 11 of the International Covenant on Economic Social and Cultural Rights

⁹ Article 35 of the Bulgarian Criminal Code clearly states that “criminal responsibility is personal”

¹⁰ <https://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Bulgaria/BGR-CbC-V-2014-036-ENG.pdf>

Given the gravity of the situation outlined above, the ERRC and EOIA request the following information in writing as defined under the Access to Public Information Act:

- What is the motivation of the Municipality to initiate immediate procedures for demolishing illegal dwellings?
- What is the purpose of the petition in favor of demolishing informal dwellings in Kantona? Did the municipality initiate or support this petition?
- What measures have been taken to ensure that any proposed demolition is non-discriminatory, proportional given the circumstances of the affected family and does not result in inhuman and degrading treatment?
- What measures have been taken or are planned to reduce ethnic tensions in Radnevo and guarantee the safety / safe return of the Romani community in Kantona?

We look forward to your response.

Sincerely,

Equal Opportunity Initiative Association
Daniela Mihailova

Chair

European Roma Rights Centre
Đorđe Jovanović

President