



EQUAL OPPORTUNITIES INITIATIVE
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



83 RUE DE MONTBRILLANT
1202 GENEVA, SWITZERLAND
Tel: + 41.22.7341 028
Fax: + 41.227338 336
E-mail: litigation@cohre.org

**Written Comments of the Centre on Housing Rights and Evictions (COHRE)
and the Equal Opportunities Association
to the Human Rights Committee's Country Report Task Force
at the Committee's 100th Session on the occasion of the
Periodic Review of Bulgaria**

3 October 2010

Table of Contents

I. Introduction3

II. Forced Evictions of Roma.....3

 A. Introduction.....3

 B. Bourgas Forced evictions.....4

 C. Peshtera threatened forced evictions.....5

III. Recommended Issues for the List of Issues.....5

I. Introduction

1. The Centre on Housing Rights and Evictions (COHRE) is a leading international non-governmental human rights organisation committed to promoting practical, legal and other solutions to endemic problems of homelessness, inadequate housing and living conditions, forced evictions and other violations of economic, social and cultural rights. COHRE places particular emphasis on securing respect for the rights of groups that have traditionally faced discrimination. COHRE is registered as a not-for-profit foundation in the Netherlands and Switzerland with offices in Europe, Asia, Africa, and Latin America. COHRE has consultative status with ECOSOC. For further information see www.cohre.org and www.cohre.org/bulgaria.

2. Equal Opportunities Association (EOA) is a Bulgarian human rights non-governmental organisation and local partner of COHRE based in Sofia, Bulgaria which undertakes legal advocacy in defence of the non-discrimination of Roma individuals and communities in Bulgaria.

II. Forced Evictions of Roma

A. Introduction

3. In 2005, the Human Rights Committee (Committee) found that the practice of forced evictions “arbitrarily interferes with the Covenant rights of the victims of such evictions, especially their rights under Article 17 of the Covenant.”¹ More recently, the Committee found the forced evictions targeting racial minorities, in addition to violating Article 17, also violate Article 26 of the International Covenant on Civil and Political Rights (Covenant).²

4. Roma in Bulgaria often live in segregated housing settlements without legal security of tenure, thus placing them highly vulnerable to forced evictions. The causes for Roma communities being in informal settlements (*e.g.*, “unlawful buildings” under Bulgarian law) are due in large part to the persistent pattern of racial discrimination against Roma. This discrimination includes lack of education and employment opportunities necessary to afford housing at market rates. Indeed, the Committee on Economic, Social and Cultural Rights (CESCR) deplored “the discrimination against the Roma minority in many aspects of life, including education, work, social benefits and access to land. The Committee is especially concerned about the high rate of unemployment among the Roma minority and the poor quality of education afforded to this group.”³

5. These concerns were echoed by the Committee on the Elimination of Racial Discrimination (CERD) as early as 1997: “the persistent marginalisation of the large Roma

¹ Human Rights Committee, Concluding Observations: Kenya, UN Doc. CCPR/CO/83/KEN (29 April 2005).

² Human Rights Committee, Concluding Observations: Israel, UN Doc. CCPR/C/ISR/CO/3 (29 July 2010).

³ Committee on Economic, Social and Cultural Rights, Concluding Observations: Bulgaria, UN Doc. E/C.12/1/Add.37 (8 December 1999) at paras. 11.

population, in spite of continuing efforts by the Government, is a matter of concern.” 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 CERD found that “rural Roma are discouraged from claiming land to which they are entitled under the law disbanding agricultural collectives.”⁴

6. Finally, many Roma communities are threatened with forced eviction or have been forcibly evicted as a result of property disputes in the context of restitution of land. However, the remedy for enforcing property claims should not and indeed can not lawfully be implemented by carrying out a gross violation of human rights, particularly when the reason for informal tenancy status is the unwillingness of the Republic of Bulgaria to fulfil the right to adequate housing without discrimination.⁵

B. Bourgas Forced evictions⁶

7. The Regional Agency for the Control of Unlawful Construction has issued eviction orders against the Romani communities of Gorno Ezerovo and Meden Rudnik in the Municipality of Bourgas, Bulgaria. 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 Roma 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 to remedy a property rights claim 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 including being provided with publically regulated services such as water, sanitation and electricity, as well as individual mail service.

9. Some 52 Romani households of Gomo Ezerovo received eviction orders in 2007. On 8 September 2009, Bourgas municipal authorities forcibly evicted 27 Romani households and demolished their houses, in contravention of Articles 17 and 26 of the Covenant. The demolitions were implemented with the assistance of the local police, the people were forced out of their homes and some of them were beaten. They were forced to leave much of their personal belongings including furniture which was still in their homes when they were demolished. The families were rendered homeless, including children and the elderly. The other households continue to face imminent forced eviction.

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

⁴ Committee on the Elimination of Racial Discrimination, Concluding Observations: Bulgaria, UN Doc. CERD/C/304/Add.29 (23 April 1997).

⁵ The UN Commission on Human Rights has repeatedly stated that “the practice of forced eviction constitutes a gross violation of human rights, in particular the right to adequate housing.” See Commission on Human Rights resolutions 1993/77 (10 March 1993) and 2004/28 (16 April 2004).

⁶ Bourgas is a city situated in the southeast of Bulgaria near the Black Sea.

being provided with publically regulated services such as water, sanitation and electricity as well as individual mail service.

11. In Meden Rudnik, approximately 32 houses out of some 300 became under imminent threat of forced eviction, after originally receiving eviction orders in 2007. About half of these homes have existed for some 20 years while the other half are newer. On or about 25 September 2009, 19 families from the Meden Rudnik community were forcibly evicted, had their homes demolished, and were rendered homeless.

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. The Bourgas mayor has publicly stated that the municipality will provide alternative housing for the families who are legally registered in Bourgas. In fact all of the people who were left homeless are registered Bourgas inhabitants; however no one has been resettled.⁷

C. *Peshtera threatened forced evictions*⁸

13. The Ediveren community, a community of more than 90 Romani families, is threatened by forced eviction in the town of Peshtera in the Pazarjik region. If implemented, these forced evictions would violate Articles 17 and 26 of the Covenant on account of the failure to provide alternative housing and the discriminatory effect on the Romani residents. The Ediveren community is situated on land which is now considered the private property of Biovet Company, a company which produces chemicals. The company claims that the houses lay in the “environmental buffer zone” and demands eviction orders by the Regional Agency for Control of Unlawful Construction. Orders have since been issued.

14. The community, however, has since entered into a tentative agreement with the municipal authorities of Peshtera and the Biovet Company. This tentative agreement is known as the Joint Protocol of the Peshtera municipality, Biovet Company and the local Roma Initiative Committee. This tentative agreement will result in a land swap allowing the Ediveren community to remain in place and it is a model means of meeting international human rights obligations, including in particular the obligation to engage with communities to seek all feasible alternatives to eviction.

15. The Joint Protocol, however, is tentative as it still requires action by the national government to agree to the land swap.

III. Recommended Issues for the List of Issues

16. To what extent will the Republic of Bulgaria ensure that its domestic laws, policies and practices are in compliance with its obligations under the International Covenant on Civil and Political Rights including the prohibition on forced evictions under Articles 17 and 26?

⁷ Note that the Bourgas forced evictions are under consideration by the Human Rights Committee in *Mr. Stoyko Iliev Draganov et al. v. Republic of Bulgaria*, Communication No. 1926/2010.

⁸ Peshtera is a town situated in southwestern Bulgaria.

17. To what extent does the Republic of Bulgaria ensure that municipal authorities abide by the obligations under the International Covenant on Civil and Political Rights, including the prohibition on forced evictions under Articles 17 and 26?

18. Is the Republic of Bulgaria aware of the Joint Protocol of the Peshtera municipality, Biovet Company and the local Roma Initiative Committee and will it consider taking the action necessary to see that the Joint Protocol is implemented and thus prevent the forced eviction of the Ediveren community?