



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](mailto:equal_opportunities@abv.bg)

CENTRE ON  
HOUSING RIGHTS  
AND EVICTIONS



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

20 January 2009

**Written Comments of the Centre on Housing Rights and Evictions (COHRE) and the Equal Opportunities Association to the Committee on the Elimination of Racial Discrimination at its 74<sup>th</sup> Session on the occasion of the Periodic Review of Bulgaria**

**Table of Contents**

- I. INTRODUCTION ..... 3
- II. PRIMARY ISSUES OF CONCERN ..... 4
  - A. Racial Discrimination ..... 4
  - B. Racial Segregation ..... 4
  - C. Forced Evictions, Abusive Police Raids and Arbitrary Destruction of Property ..... 5
    - 1. Forced Evictions ..... 8
    - 2. Threatened Forced Evictions ..... 9
  - D. Inadequate Housing Conditions ..... 11
- III. RECOMMENDATIONS ..... 12

## 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 and the Pacific, Africa, Latin America and the United States. COHRE has consultative status with ECOSOC. For further information see [www.cohre.org](http://www.cohre.org) and [www.cohre.org/bulgaria](http://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. PRIMARY ISSUES OF CONCERN

### A. *Racial Discrimination*

3. Racial discrimination, whether by intent or effect, permeates the housing sphere of Romani individuals and communities in Bulgaria. Racial discrimination manifests itself in racial segregation, forced evictions and threats of forced eviction, and inadequate housing conditions, including lack of drinking water and sanitation.

4. The prohibition on racial discrimination in the sphere of housing is explicitly guaranteed by Article 5(e)(iii) of the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) read in conjunction with Article 2 of ICERD. As such, Bulgaria is obligated to “condemn racial discrimination and undertake to pursue by all appropriate means and without delay a policy of eliminating racial discrimination in all its forms” including undertaking “to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of the following rights: ... Economic, social and cultural rights, in particular ... The right to housing.”<sup>1</sup>

5. In its General Recommendation XXVII, the Committee on the Elimination of Racial Discrimination (CERD) called on States Parties “to develop and implement policies and projects aimed at avoiding segregation of Roma communities in housing”, “to act firmly against local measures denying residence to and expulsion of Roma”, and “to refrain from placing Roma in camps outside populated areas that are isolated and without access to health care and other facilities..”<sup>2</sup>

### B. *Racial Segregation*

6. Racial segregation is a particularly extreme form of racial discrimination. Article 3 of ICERD states, “States Parties particularly condemn racial segregation and apartheid and undertaken to prevent, prohibit and eradicate all practices of this nature in territories under their jurisdiction.”<sup>3</sup>

7. In Bulgaria, Roma frequently live in segregated formal and informal settlements located far from the majority-occupied areas of town. Endemic discrimination prevents Roma from integrating into the majority population and exacerbates their marginalisation. The informal nature of the housing occupied by some Roma is put forth by Bulgarian authorities as justification for their failure to assist Romani residents and, at times, to harass them and/or to subject them to invasive practices incompatible with the international

---

<sup>1</sup> International Convention on the Elimination of All Forms of Racial Discrimination, Arts. 2 and 5(e)(iii), G.A. res. 2106 (XX), Annex, 20 U.N. GAOR Supp. (No. 14) at 47, U.N. Doc. A/6014 (1966), 660 U.N.T.S. 195, *entered into force* 4 January 1969.

<sup>2</sup> CERD, *General Recommendation XXVII*, para. 30 – 31.

<sup>3</sup> The Committee on the Elimination of Racial Discrimination (CERD), which monitor’s States’ compliance with the ICERD stated, in its General Comment 19 on racial segregation and apartheid, that racial segregation can “arise without any initiative or direct involvement by the public authorities. It invites States parties to monitor all trends which can give rise to racial segregation, to work for the eradication of any negative consequences that ensue, and to describe any such action in their periodic reports.” CERD. General Comment 19: Racial segregation and apartheid (Art. 3). August 18, 1995, paragraph 4.

human rights standards to which Bulgaria has voluntarily agreed to be legally bound, including ICERD. Romani residents of segregated housing settlements, both officially recognised and informal, are not afforded the legal protection that other residents of formal housing enjoy. As a result, they suffer frequent abuses of their fundamental rights, including forced evictions, abusive police raids and arbitrary destruction of their property. In many cases, persons residing in such housing do not have access in practice to public services such as the provision of electricity, heating and potable water, paved roads, street lighting and other infrastructure, and are excluded from a range of public services including removal of sewage and solid waste, public transport and access to quality schooling in close proximity.

8. A large number of Roma in Bulgaria today live segregated from non-Roma in areas known as “mahalas” or “ghettos”. Mahalas are usually found in the outskirts of larger cities. Officially, the Fakulteta Romani mahala in Sofia is home to approximately sixteen thousand Roma; unofficial sources place the number of residents closer to thirty thousand.<sup>4</sup> One result of such segregation is that the Fakulteta Romani mahala area lacks adequate streets to accommodate buses necessarily to transport children to school, resulting in a lack of access to education for thousands of Romani children. The Iztok Romani settlement in the central Bulgarian city of Pazardzhik is home to around thirty thousand Roma.<sup>5</sup> In rural areas, many Roma live on the outskirts of villages. In some instances, the segregation of Roma from the rest of the community has been enforced in urban and/or rural settings by the construction of physical barriers, such as metal or concrete fences, surround their neighbourhoods. Two-meter high fences constructed at the expense of the respective municipalities surround all the Sheker Romani mahala in Plovdiv, as well as in Romani neighbourhoods in Kazanlak and Kiustendil.<sup>6</sup> Regardless of whether they exist in an urban or a rural setting, segregated Romani mahalas or ghettos are characterised by markedly substandard conditions and the majority of residents do not enjoy legal security of tenure.<sup>7</sup> Residents of such neighbourhoods have limited access to social benefits, employment or quality education. Public services such as trash collection or public transportation is also limited in such areas.

### **C. Forced Evictions, Abusive Police Raids and Arbitrary Destruction of Property**

9. Roma living in segregated housing settlements without legal security of tenure are highly vulnerable to forced evictions, abusive police raids on their homes and even destruction of property, phenomena which strike at the fundamental basis of family existence and stability, namely the need for security, privacy and shelter.<sup>8</sup>

10. The obligations of States to prevent and remedy forced evictions are clearly set out in General Comments of the UN Committee on Economic, Social and Cultural Rights (CESCR) concerning Article

---

<sup>4</sup> Information from the Romani Baht Foundation. August 2003. Sofia.

<sup>5</sup> ERRC interviews with Mr Minko Minkov and Mr Mitko Assenov of the Napredak and Badeshte foundations, respectively. September 2003. Pazardzhik.

<sup>6</sup> Open Society Institute (OSI). Monitoring the EU Accession Process: Minority Protection. p. 94.

<sup>7</sup> For example, according to Mr Minko Minkov and Mr Mitko Assenov of the Napredak and Badeshte foundations, respectively, only 10 percent of the homes inhabited by the almost thirty thousand Romani residents of the Iztok Romani neighbourhood in Pazardzhik are legally registered.

<sup>8</sup> Abusive police raids and the violent disruption and destruction of Romani homes is in violation of Articles 3 (prohibition on inhuman and degrading treatment) and 8 (respect for private and family life, home and correspondence) of the European Convention for the Protection of Human Rights and Fundamental Freedoms.

11(1) of ICESCR. The UN Commission on Human Rights has repeatedly condemned the practice of forced evictions.<sup>9</sup> In its General Comment 4, CESCR, which monitors States' compliance with the ICESCR stated, at paragraph 18, "[...] instances of forced eviction are *prima facie* incompatible with the requirements of the Covenant and can only be justified in the most exceptional circumstances, and in accordance with the relevant principles of international law."<sup>10</sup> General Comment No. 4 also requires that "all persons should possess a degree of security of tenure which guarantees legal protection against forced eviction, harassment and other threats" and that "States parties [to the ICESCR] should consequently take immediate measures aimed at conferring legal security of tenure upon those persons and households currently lacking such protection, in genuine consultation with affected persons and groups."<sup>11</sup>

11. In its General Comment 7 on forced evictions, the CESCR defined forced evictions as "the permanent or temporary removal against their will of individuals, families and/or communities from the homes and/or land which they occupy, without the provision of, and access to, appropriate forms of legal or other protection" and that "that all feasible alternatives [to eviction] are explored in consultation with affected persons."<sup>12</sup> Paragraph 16 sets out, "Evictions should not result in individuals being rendered homeless or vulnerable to the violation of other human rights. Where those affected are unable to provide for themselves, the State party must take all appropriate measures, to the maximum of its available resources, to ensure that adequate alternative housing, resettlement or access to productive land, as the case may be, is available." The United Nations has further set out in its Fact Sheet 21 on the Right to Adequate Housing the duty of state to respect and protect the right to adequate housing and specifically, refrain from and prevent the practise of forced evictions on their territory.<sup>13</sup>

---

<sup>9</sup> UN Commission on Human Rights Resolution, 1993/77, *Forced Evictions*, adopted unanimously on 10 March 1993; UN Commission on Human Rights Resolution 2004/28, *Forced Evictions*, adopted on 16 April 2004.

<sup>10</sup> Committee on Economic, Social and Cultural Rights (CESCR). General Comment 4: The right to adequate housing (Art. 11.1 of the Covenant). December 13, 1991, paragraph 18.

<sup>11</sup> *Ibid.* at para. 8(a).

<sup>12</sup> CESCR. General Comment 7: The right to adequate housing (art. 11.1 of the Covenant): forced evictions. May 20, 1997, paragraphs 3 and 14.

<sup>13</sup> Fact Sheet 21 on the Right to Adequate Housing states: "To Respect': The duty to respect the right to adequate housing means that Governments should refrain from any action which prevents people from satisfying this right themselves when they are able to do so. Respecting this right will often only require abstention by the Government from certain practices and a commitment to facilitate the "self-help" initiatives of affected groups. In this context, States should desist from restricting the full enjoyment of the right to popular participation by the beneficiaries of housing, rights, and respect the fundamental right to organize and assemble.

In particular, the responsibility of respecting the right to adequate housing means that States must abstain from carrying out or otherwise advocating the forced or arbitrary eviction of persons and groups. States must respect people's rights to build their own dwellings and order their environments in a manner which most effectively suits their culture, skills, needs and wishes. Honouring the right to equality of treatment, the right to privacy of the home and other relevant rights also form part of the State's duty to respect housing rights.

"To Protect': To protect effectively the housing rights of a population, Governments must ensure that any possible violations of these rights by "third parties" such as landlords or property developers are prevented. Where such infringements do occur, the relevant public authorities should act to prevent any further deprivations and guarantee to affected persons access to legal remedies of redress for any infringement caused.

In order to protect the rights of citizens from acts such as forced evictions, Governments should take immediate measures aimed at conferring legal security of tenure upon all persons and households in society who currently lack such protection. In addition, residents should be protected, by legislation and other effective measures, from discrimination, harassment, withdrawal of services or other threats.

Steps should be taken by States to ensure that housing-related costs for individuals, families and households are commensurate with income levels. A system of housing subsidies should be established for sectors of society unable to afford adequate housing, as well as for the protection of tenants against unreasonable or sporadic rent increases.

12. In addition, a number of provisions of the European Convention on Human Rights applicable to Bulgaria provide protections against forced evictions, arbitrary invasion of the home, and destruction of property. Article 8(1) of the European Convention on Human Rights sets forth the following guarantees: “Everyone has the right to respect for his private and family life, his home and his correspondence.” In *Buckley v. the UK*,<sup>14</sup> the Commission found that an applicant's complaint which argued she was prevented from living with her family in her caravans on her land fell within the scope of Article 8 of the Convention as relating to her right to respect for her family life, private life and home. In its opinion, the Commission stated that the “concept of a home is not limited to those which are lawfully occupied or which have been lawfully established. ‘Home’ is an autonomous concept which does not depend on classification under domestic law.”<sup>15</sup> Article 8's protection encompasses each of the following rights: the right of access<sup>16</sup>, the right of occupation<sup>17</sup>, and the right not to be expelled or evicted, and is thus intimately intertwined with the principle of legal security of tenure (see above).<sup>18</sup> Indeed, in the case of *Cyprus v. Turkey* the Commission specifically stated the following: “The Commission considers that the evictions of Greek Cypriots from houses, including their own homes, which are imputable to Turkey under the Convention, amount to an interference with rights guaranteed under Article 8 paragraph 1 of the Convention, namely the right of these persons to respect for their home, and/or their right to respect for private life....”<sup>19</sup> In *Velosa Barreto v. Portugal*<sup>20</sup>, the Court confirmed that Article 8 does not give a landlord the right to recover possession of a rented house on request and in any circumstances. Further, the European Court has developed extensively under its Article 8 jurisprudence the concept of “positive obligations”, under which a Contracting State must not only restrict its own interferences to what is compatible with Article 8, but may also be required to protect the enjoyment of those rights and secure the respect for those rights in its domestic law.<sup>21</sup> In addition, protections available under Article 1 of Protocol 1 to the European Convention -- guaranteeing the peaceful enjoyment of one's possessions -- have been interpreted to include the protection of housing rights.<sup>22</sup> In some circumstances, forced evictions may rise to the level of cruel and degrading treatment or

---

States should ensure the creation of judicial, quasi-judicial, administrative or political enforcement mechanisms capable of providing redress to alleged victims of any infringement of the right to adequate housing.” The Fact Sheet is available on the Internet at: <http://www.unhcr.ch/housing/fs21.htm#obligations>.

<sup>14</sup> *Buckley v. UK*, 23/1995/529/615.

<sup>15</sup> See *Buckley v. UK*, Commission decision,

<sup>16</sup> *Wiggins v. United Kingdom*, No. 7456/76, 13 D & R 40 (1978).

<sup>17</sup> *Ibid.*

<sup>18</sup> *Cyprus v. Turkey*, 4 EHRR 482 (1976).

<sup>19</sup> *Ibid.*, para. 209.

<sup>20</sup> Series A, No. 334.

<sup>21</sup> E.g. *Costello-Roberts v. United Kingdom*, March 25, 1993, Series A, No. 247-C; 19 E.H.R.R. 112, para.26.

<sup>22</sup> In *Öneriyildiz v. Turkey*, a case involving the destruction of slum dwellers' homes following an explosion at a rubbish tip, the European Court of Human Rights, while finding a violation by the Turkish government of Article 1 of Protocol 1 ruled, *inter alia*, “The Court reiterates that the concept of ‘possessions’ in Article 1 of Protocol No. 1 has an autonomous meaning and certain rights and interests constituting assets can also be regarded as “property rights”, and thus as “possessions” for the purposes of this provision ... the Court considers that neither the lack of recognition by the domestic laws of a private interest such as a ‘right’ nor the fact that these laws do not regard such interest as a ‘right of property’, does not necessarily prevent the interest in question, in some circumstances, from being regarded as a ‘possession’ within the meaning of Article 1 of Protocol No. 1 ... It must be accepted ... that notwithstanding that breach of the planning rules and the lack of any valid title, the applicant was nonetheless to all intents and purposes the owner of the structure and fixtures and fittings of the dwelling he had built and of all the household and personal

punishment, as banned under Article 3 of the Convention.<sup>23</sup> Similarly, the Committee Against Torture has found that forced evictions may rise to the level of cruel, inhuman or degrading treatment in violation of the Convention against Torture and other forms of Cruel, Inhuman or Degrading Treatment or Punishment.<sup>24</sup>

13. The above-mentioned housing rights standards, all binding on Bulgaria, should be used to inform and define the “right to housing” enshrined in Art. 5(e)(iii) of ICERD for which racial discrimination is prohibited.

## **1. Forced Evictions**

14. Forced evictions of Roma occur frequently in Bulgaria, often as a direct consequence of a lack of legal security of tenure, including the minimum degree of security of tenure required by international human rights law, and has resulted in the homelessness of Roma in Bulgaria, for example:

- In September 2002, a Romani family comprised of eleven members, including a number of small children, was evicted from their municipally-owned flat in the central Bulgarian city of Shumen, due to non-payment of rent. According to ERRC research, local authorities failed to provide alternative housing and as of ERRC research in September 2003, the family lived in extremely substandard conditions in an abandoned building near the city centre.
- In Shumen, in 2002 and 2003, between thirty and forty Romani families were evicted from their state-owned flats without the provision of alternative accommodation. The evictions were reportedly the result of the inability of the Romani residents to pay increased rental fees for the flats in which local government had placed them at the beginning of the 1990s, following the construction of a road through their neighbourhood. Evictions rendering people homeless are in violation of Bulgarian domestic law.<sup>25</sup> The majority of the evicted Romani families currently reside with relatives in the Romani settlement or in illegally erected shacks and shanties within the settlement short of electricity and potable water.
- In 2002, Ms Zlatka Raykova Marinova, a 41-year-old widowed Romani woman, and her four children, were evicted without prior notice or an eviction order from the brick home she had built without permission several years earlier in the Vitosha settlement in Shumen.<sup>26</sup> According to Ms Marinova’s

---

effects which might have been in it. Since 1988 he had been living in that dwelling without ever having been bothered by the authorities (see paragraphs 28, 80 and 86 above), which meant he had been able to lodge his relatives there without, *inter alia*, paying any rent. He had established a social and family environment there and, until the accident of 28 April 1993, there had been nothing to stop him from expecting the situation to remain the same for himself and his family. ... In short, the Court considers that the dwelling built by the applicant and his residence there with his family represented a substantial economic interest. That interest, which the authorities allowed to subsist over a long period of time, amounts to a 'possession' within the meaning of the rule laid down in the first sentence of Article 1 § 1 of Protocol No. 1..."

<sup>23</sup> See *Mentes and Others v. Turkey*, 58/1996/677/867 and *Selcuk and Asker v. Turkey*, 12/1997/796/998-999.

<sup>24</sup> See, e.g., *Hajrizi v. Yugoslavia*, UN Committee Against Torture, Communication No 161/2000: Yugoslavia. 02/12/2002, UN Doc. CAT/C/29/D/161/2000 (2 December 2002); UN Committee Against Torture, Concluding Observations on Israel, UN Doc. CAT/C/XXVII/Concl.5 (23 November 2001); UN Committee Against Torture, Concluding Observations on the Russian Federation, UN Doc. CAT/C/RUS/CO/4 (6 February 2007).

<sup>25</sup> Civil Procedural Code, SG No. 12/8.02.1952. Article 339 states: “Execution may not be directed against the following items belonging to an individual in debt: [...] g) the dwelling of debtor, if the latter and neither one of the members of his family living with him have another place of habitation, irrespective of the fact that the debtor resides in it. (If the home surpasses the needs of the debtor or the members of his family, the part adjudged to exceed those needs should the conditions of Article 39, Para. 2 PA of the Property Act be present, shall be sold.)”



testimony, police officers, who simply arrived at her home and told her to leave, were verbally abusive during the eviction. As local authorities failed to provide her with alternative accommodation, Ms Marinova moved in with her sister's family and applied repeatedly for social housing, only to be refused by the Municipal Administration Office. In April 2003, she decided to erect a 3.5 squared metre shack made of nylon, timber and old materials on municipal land on the periphery of the Vitosha settlement. The shack, which houses Ms Marinova and her four children, lacks electricity and running water. Since Ms Marinova still lacks legal security of tenure for her house, the imminent threat of eviction is continuously present. The Shumen-based Romani organisation Neve Droma entered negotiations on behalf of Ms Marinova with the municipality and, reportedly in connection to the local elections, the municipality donated cement and various building materials to Ms Marinova which will enable her to construct a solid house consisting of two rooms.

- In the summer of 2001, one hundred and fifteen Romani residents of the Assanova Romani settlement in Sofia were forcibly evicted and their homes destroyed by municipal authorities. The evicted Roma were relocated to a single room metal barrack lacking both electricity and running water. As of early 2009, the community is still housed in wagons on a highway between Sofia and Serbia and continue to lack any services, although cold water was recently provided. This case clearly demonstrates violations by the municipality of anti-discrimination legislation and international law by failing to adequately resettle the community. Furthermore, the present living conditions drastically fall short of Bulgaria's Territory Law in terms of infrastructure and the distance between the houses.
- In 2006 three Romani families were forcibly evicted from their homes in Christo Botev settlement in Sofia with no alternative housing provided. Two of the evicted families eventually moved in with their relatives in the countryside. The third family remains homeless on the Sofia streets – a single mother and 14 children.

## **2. Threatened Forced Evictions**

- The Sofia-based Romani organisation Romani Baht Foundation reports that the Municipality of Sofia is about to implement a project for the construction of a new highway, running through the Fakulteta Romani neighbourhood, with funding from the World Bank. According to the Foundation, between 250 and 300 Romani homes will be destroyed to make way for the highway, creating mass homelessness among the residents. There is reportedly no provision of alternative accommodation in the plans and as the homes to be destroyed have been built without legal permission, the owners will not be compensated.<sup>27</sup>
- A community of three large Roma families have lived on Tzarigradsko shoes boulevard in Sofia for at least 20 years. For the past several years they have lived under the threat of forced eviction. Eviction orders have been issued by the Sofia municipality in 2006 and are currently under a court review. The Bulgarian internal law does not provide for any alternatives for the people who are evicted on account lacking legal grounds to inhabit their houses.
- A community of 16 Roma families have lived on The Dobri Jelyazkov street for at least 50 years in Sofia face the threat of forced eviction. Eviction orders have been issued by the Sofia municipality in 2006

---

<sup>26</sup> ERRC interview with Ms Zlatka Raykova Marinova. August 2003. Shumen.

<sup>27</sup> Information from the Romani organisation Romani Baht Foundation, August 2003, Sofia.

and are currently under a court review. The Bulgarian internal law does not provide for any alternatives for the people who are evicted on account of lacking legal grounds to inhabit their houses. For more than three years these families have lived in this insecure situation.

- Bulgaria has denied the long-standing communities of Meden Rudnik and Gorno Ezerovo, situated in Bourgas, Bulgaria, any security of tenure, including the minimum “degree of security of tenure which guarantees legal protection against forced eviction, harassment and other threats” required by its international human rights obligations.<sup>28</sup> There are no mechanisms at the domestic level to challenge eviction in such cases where there exists a denial of even the minimum degree of security of tenure. Indeed, in 1999 the Committee on Economic, Social and Cultural Rights noted “with regret that the delegation [of Bulgaria] was not able to specify any procedure through which minorities can voice complaints about the status of their enjoyment of economic, social and cultural rights.”<sup>29</sup> The Regional Agency for the Control of Unlawful Building has issued eviction orders against the communities of Meden Rudnik and Gorno Ezerovo. These eviction orders are to remedy a property rights claim by private individuals over the land on which these long-standing communities reside. These two communities remain under threat of forced eviction as of the beginning of 2009. COHRE and EOA assert that forced eviction or any other gross violation of human rights can not be lawfully undertaken, and would amount to violations by Bulgaria of its international human rights obligations and that such gross violations of human rights can not be a remedy to a mere property rights claim.
- Similar to the Bourgas communities mentioned above, Bulgaria has denied the long-standing community of Stolipinovo, situated in Plovdiv, Bulgaria, any security of tenure, including the minimum “degree of security of tenure which guarantees legal protection against forced eviction, harassment and other threats” required by its international human rights obligations.<sup>30</sup> There are no mechanisms at the domestic level to challenge eviction in such cases where there exists a denial of even the minimum degree of security of tenure. The Municipality of Plovdiv, Bulgaria has issued orders against 15 Roma families, part of the Stolipinovo Roma community, to forbid the access to the houses and cease the electricity and water supplies (under art. 224 of the Territory law). The orders are presented to the owners and to the electricity and water supply companies for execution. The families live on the place for over 20 years. No alternative housing is available for any of the families concerned. The buildings lack construction papers, which is the situation for every single building in Stolipinovo, excluding the

---

<sup>28</sup> Committee on Economic, Social and Cultural Rights, General Comment No. 4, UN Doc. The right to adequate housing (Sixth session, 1991), U.N. Doc. E/1992/23, annex III at 114 (1991), reprinted in *Compilation of General Comments and General Recommendations Adopted by Human Rights Treaty Bodies*, U.N. Doc. HRI/GEN/1/Rev.6 at 18 (2003) at para. 8(a), (stating in relevant part that “Tenure takes a variety of forms, including rental (public and private) accommodation, cooperative housing, lease, owner-occupation, emergency housing and informal settlements, including occupation of land or property. Notwithstanding the type of tenure, all persons should possess a degree of security of tenure which guarantees legal protection against forced eviction, harassment and other threats. States parties should consequently take immediate measures aimed at conferring legal security of tenure upon those persons and households currently lacking such protection, in genuine consultation with affected persons and groups.”)

<sup>29</sup> Committee on Economic, Social and Cultural Rights, *Concluding Observations: Bulgaria*, UN Doc. E/C.12/1/Add.37 (8 December 1999) at para. 12.

<sup>30</sup> Committee on Economic, Social and Cultural Rights, General Comment No. 4, UN Doc. The right to adequate housing (Sixth session, 1991), U.N. Doc. E/1992/23, annex III at 114 (1991), reprinted in *Compilation of General Comments and General Recommendations Adopted by Human Rights Treaty Bodies*, U.N. Doc. HRI/GEN/1/Rev.6 at 18 (2003) at para. 8(a), (stating in relevant part that “Tenure takes a variety of forms, including rental (public and private) accommodation, cooperative housing, lease, owner-occupation, emergency housing and informal settlements, including occupation of land or property. Notwithstanding the type of tenure, all persons should possess a degree of security of tenure which guarantees legal protection against forced eviction, harassment and other threats. States parties should consequently take immediate measures aimed at conferring legal security of tenure upon those persons and households currently lacking such protection, in genuine consultation with affected persons and groups.”)

municipal flats. The cause for the Stolipinovo community being in informal settlements (e.g., “unlawful buildings”) is due in large part to the persistent pattern of racial discrimination against the Roma.

- A similar case occurred in the town of Peshtera, Pazarjik region. A community of more than 90 families is denied any housing security. The Peshtera mahala is situated on land which is now considered the private property of a company which produces chemicals. The entity claims that the houses lay in the “environmental zone” and demands eviction orders by the Regional Agency for Control of Unlawful constructions. Orders have been issued and are presently under a court review.

#### **D. Inadequate Housing Conditions**

15. The housing conditions endured by a large number of Roma in Bulgaria fall far short of international standards related to the right to adequate housing. In its General Comments 4 on the right to adequate housing, the CESCR set out very clear criteria as to what characteristics housing must possess to be considered adequate. In accordance with the CESCR’s comments, adequate housing entails legal security of tenure, access to services, materials, facilities and infrastructure, affordability, habitability, accessibility, location and cultural adequacy.<sup>31</sup>

16. The standard of housing in Romani settlements is generally below the average Bulgarian standard. According to the Bulgarian government, living space per capita for Roma is only 7.1 metres squared, while the figure for the country as a whole is 16.9 square metres.<sup>32</sup> In some rural areas, it has been found that Roma live in as little of 5.2 square metres of living space per person.<sup>33</sup> High levels of overcrowding in Romani neighbourhoods is in many cases aggravated by a lack of public services such as running water, hot water, central heating and adequate sewage systems. According to the World Bank, 32.4 percent of Romani households in Bulgaria do not have access to cold running water, 90.6 percent do not have access to hot running water, 47.7 percent do not have canalisation or sewers, 76.5 percent do not have bathrooms or showers in their homes, 85 percent do not have indoor toilets and 36.7 percent sleep on earthen floors in their homes.<sup>34</sup>

17. The living conditions in Romani neighbourhoods in Bulgaria are often appalling. Many homes consist of makeshift shacks made of cardboard, metal scraps and mud bricks and frequently are devoid of windows, doors and walls. Homes in the outer areas of informal settlements (“mahalas”) often lack electricity and running water. More than twenty thousand Roma live in the Maksuda Romani neighbourhood in northern Bulgarian city Varna on the coast of the Black Sea; according to ERRC research, a mere twenty houses in the neighbourhood had running water as of September 2003. The entire neighbourhood lacked a sewage-removal system, and inhabitants were forced to dig self-built outdoor toilets. Very few of the Romani residents of this neighbourhood had legal security of tenure and at the time of ERRC field research in September 2003; a legal case for the repossession of land has recently been filed by pre-Communist Era landowners. Thousands of Roma are therefore faced with the threat of

---

<sup>31</sup> CESCR. General Comment 4, paragraph 8.

<sup>32</sup> CESCR. Reply to the List of Issues: Bulgaria 09/07/99. November 15 to December 1, 1999, paragraph 4(1). Available on the Internet at: [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/d3ca19895b9f9922802567ac004ecbd6?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/d3ca19895b9f9922802567ac004ecbd6?Opendocument).

<sup>33</sup> Zoon, Ina. “On the Margins: Roma and Public Services in Romania, Bulgaria and Macedonia”. Mark Norman Templeton, ed. New York: Open Society Institute. 2001, p.142.

<sup>34</sup> Revenga, A., Ringold, D., and Tracy W.M. “Poverty and Ethnicity: A Cross-Country Study of Roma Poverty in Central Europe”. In Ringold, D., Orenstein, Mitchell A., and Wilkens, Erika. “Roma in an Expanding Europe: Breaking the Poverty Cycle”. The World Bank: Washington, D.C. 2003, p. 34.

homelessness.<sup>35</sup> Romani residents of the Iztok Romani neighbourhood in Pazardzhik live almost entirely without basic infrastructure. At the time of ERRC field research in September 2003, in the settlement, which is home to up to thirty thousand Roma, only two streets were paved. Only half of the homes had access to water and about seventy homes had access to public sewage removal. Further, the municipality did not collect trash from the settlement.<sup>36</sup> Many of the homes had access to electricity, but, as is common in Romani settlements in Bulgaria, electric meters had been placed on poles approximately five metres from the ground, meaning that Roma are unable to check the validity of the bills they receive, leading many Roma to contest the amounts of their electricity bills.<sup>37</sup> Common metres count electrical usage in many Romani communities in Bulgaria, meaning that individual Romani residents cannot tell how much power they have consumed and therefore do not know how much money they owe.

18. The Stolipinovo Romani neighbourhood in the central Bulgarian city of Plovdiv is home to approximately forty thousand Roma. According to ERRC research, 95 percent of the residents of the neighbourhood live without legal security of tenure. A Romani activist from the neighbourhood informed the ERRC that during the 1970s, the Bulgarian government built several blocks of flats in the neighbourhood which stand today in terrible condition as the government does not maintain the buildings. Residents living on the top floors of the buildings do not have water due to problems with water pressure in the buildings and, despite complaints filed with the Water Company, no actions have reportedly been taken to restore water in the flats. While there are some standard houses in the settlement, a large number of makeshift shacks exist and several families inhabit each house. Four segregated schools exist in the settlement, which are also cut off from electrical supply during this time, rendering education nearly impossible.<sup>38</sup>

### III. RECOMMENDATIONS

19. COHRE urges the Committee on the Elimination of Racial Discrimination to recommend that:

19.1. The Republic of Bulgaria use all appropriate means to protect and promote the right to adequate housing for all, and guarantee protection against forced evictions including ensuring that:

- (a) Evictions do not result in individuals being rendered homeless or vulnerable to other human rights abuses;
- (b) Evictions only proceed where there is a justifiable reason for doing so, in accordance with international human rights law;
- (c) Security of tenure is guaranteed to all Romani occupants of houses and land, ensuring, *inter alia*, a general protection from forced evictions;
- (d) Evictions conducted for discriminatory reasons or carried out in a discriminatory fashion are prohibited;

---

<sup>35</sup> ERRC field research in Varna. August 2003.

<sup>36</sup> ERRC interviews with Mr Minko Minkov and Mr Mitko Assenov of the Napredak and Badeshte foundations, respectively. September 2003. Pazardzhik.

<sup>37</sup> For example, in summer 2003, Romani Baht Foundation initiated legal action on behalf of Ms Lyutfia Kocheva, a Romani woman from Sofia, who, upon receiving an unusually high bill, asked the National Electric Company to check her metre because she is unable to. The National Electric Company refused to either check her metre or to allow Ms Kocheva to view the data from the metre.

<sup>38</sup> ERRC interview with Mr Anton Karagyozov, Head of the Roma Foundation. September 2003. Plovdiv.

- (e) Due process in accordance with international standards is guaranteed in relation to any forced eviction, including (i) opportunity for genuine consultation; (ii) adequate and reasonable notice; (iii) full disclosure of information concerning the eviction, including purpose for which land or housing will be used; (iv) presence of government officials during eviction; (v) proper identification of those carrying out eviction; (vi) evictions not to proceed in bad weather; (viii) provision of legal remedies; adequate pecuniary and non-pecuniary civil compensation as well as comprehensive criminal and administrative redress in cases of illegal forced evictions; and (ix) provision of legal aid where possible for those seeking redress in courts;
- (f) Adequate alternative housing, resettlement or access to productive land is made available to those affected by evictions who are unable to provide for themselves;
- (g) Those affected by eviction meaningfully participate in any decision regarding their housing situations including upgrading existing housing or resettlement and alternative housing.

19.2. Bulgarian authorities cease forthwith unlawful or arbitrary invasions of the homes of Roma, destruction of property belonging to Roma and forced evictions, and that all public officials responsible for, or who have acquiesced in the carrying out of forced evictions of Roma, destruction of property belonging to Roma and unlawful or arbitrary invasions of the homes of Roma, in breach of national and international law, are prosecuted to the fullest extent of the law.

19.3. The Republic of Bulgaria take immediate steps to improve the living conditions in Romani settlements, including:

- (a) Ordering local authorities to provide, without delay, adequate potable water, electricity, sanitation, waste removal, public transport, road provisions and other public infrastructure to those Romani settlements which presently lack one or more of the above;
- (b) In the interest of empowering Roma to take control of their own housing fate, provide an executive “amnesty” for the so-called “illegal” Romani settlements currently existing on state-owned land, granting title to land and property to persons factually resident on a particular plot, and establishing a “year zero” for the purposes of zoning and future regulation.

19.4. The Republic of Bulgaria ensure that Roma are not denied access to social services, including social housing.

19.5. The Republic of Bulgaria ensure that adequate legal assistance is available to victims of discrimination and human rights abuse, including forced evictions, by providing free legal services to indigents and members of weak groups, including Roma.

19.6. The Republic of Bulgaria conduct systematic monitoring of access of Roma and other minorities to social and economic rights -- the right to adequate housing in particular -- and establish a mechanism for collecting and publishing disaggregated data in these fields, in a form readily comprehensible to the wider public.

19.7. The Republic of Bulgaria conduct public information campaigns on human rights and remedies available to victims of human rights abuse, including such public information campaigns in the Romani language.

19.8. At the highest levels, officials of Bulgaria speak out publically against racial discrimination against Roma and others, and make clear that racism will not be tolerated.

20. COHRE recommends the following Concluding Observations:

20.1. The Committee expresses its grave concern about information according to which Roma people are particularly vulnerable to inadequate housing conditions, forced evictions and segregation in housing, and regrets that the State party has not taken sufficient action to tackle these issues. It is further concerned that domestic regulations do not clearly prohibit racial discrimination in the enjoyment of the right to housing. (Articles 2, 3 and 5 (e) (iii)).

The Committee reminds the State party that it may not invoke the provisions of its internal law as a justification for its failure to implement the Convention, and urges the State party to adopt all steps necessary to ensure the right to housing to all without discrimination, whether direct or indirect, based on race, colour, descent or national or ethnic origin, including in particular at the local level. The State party should ensure that domestic legislation clearly prohibits racial discrimination in the enjoyment of the right to housing, and protects vulnerable persons, including Roma, from evictions. In particular, such legislation should include measures providing the greatest possible security for tenants and strictly enumerate the circumstances under which evictions may be carried out.

20.2. The Committee expresses grave concern about the isolation of the Roma community in ghetto-like neighbourhoods and their critical situation in respect of housing conditions. (Articles 2, 3 and 5 (e) (iii)).

In light of its general recommendation XXVII, the Committee recommends that the State party effectively implement policies and projects aimed at avoiding segregation of Roma communities in housing and involve Roma communities and associations as partners in housing construction, rehabilitation and maintenance projects. Furthermore, the Committee encourages the State party to take all possible measures to further improve housing conditions for Roma, taking also into account that for families, and particularly children, living in a proper environment is an essential prerequisite for access to education and employment on an equal footing.

20.3. The Committee expresses its grave concern about information according to which Roma people are particularly vulnerable to lack of access to sufficient drinking water, sanitation services and electricity and regrets that the State party has not taken sufficient action to tackle this issue. (Articles 2, 5 (e) (iii) and 5 (e) (iv)).

In light of its general recommendation XXVII, the Committee recommends that the State party effectively implement policies and projects aimed at providing services to Roma communities and households including sufficient drinking water, sanitation services and electricity. Furthermore, the Committee encourages the State party to take all possible measures to further improve access to all public and essential services for Roma.