



2 July 2008

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**Re: Impending Forced Eviction of Romani Families from Sofia's Batalova Vodenitsa Neighbourhood**

Honourable President Parvanov and Mayor Borisov,

The European Roma Rights Centre (ERRC), a public interest law organisation working to promote the rights of Roma, is writing today to urge you to undertake urgent action to stop the forced eviction of Romani families from the Batalova Vodenitsa or NPZ Sredetz neighbourhood in the Vazrazhdane district of Sofia. The eviction, which is authorised by the Mayor Sofia's Vazrazhdane district on the basis of a previous court decision and is to be executed by 11 July 2008, will affect around 180 Romani individuals who have lived in Batalova Vodenitsa for several generations. Absent provision of adequate alternative housing, including some form of security of tenure and social assistance for the affected families, the eviction constitutes a gross violation of Bulgaria's obligations under international human rights law.

The ERRC notes that the housing situation of Romani families in Bulgaria has given rise to a finding of violation by the Bulgarian state of the European Social Charter (Revised) in 2007. Resolution CM/ResChS(2007)2 of the Committee of Ministers of the Council of Europe concluded that Bulgaria is in violation of the European Social Charter (Revised) due to the "inadequate housing of Roma families and the lack of proper amenities" and "lack of legal security of tenure and the non-respect of the conditions accompanying eviction of Roma families from dwellings unlawfully occupied by them".<sup>1</sup> The Committee of Ministers also noted that, "By failing to take into account that Roma families run a higher risk of eviction as a consequence of the precariousness of their tenancy, Bulgaria has discriminated against them."<sup>2</sup> In response to the ruling, Bulgarian government announced a range of positive action measures to remedy the situation such as new legislation to simplify the legalisation of existing buildings and the construction of new dwellings; provision for free or for a nominal fee of the right to build on municipal property and to build municipal housing that is leased or put up for sale; as

<sup>1</sup> Council of Europe Committee of Ministers, Resolution CM/ResChS(2007)2 Collective Complaint No. 31/2005 by the European Roma Rights Centre against Bulgaria. Available online at: [https://wcd.coe.int/ViewDoc.jsp?Ref=CM/ResChS\(2007\)2&Language=lanEnglish&Site=CM&BackColorInternet=9999CC&BackColorIntranet=FFBB55&BackColorLogged=FFAC75](https://wcd.coe.int/ViewDoc.jsp?Ref=CM/ResChS(2007)2&Language=lanEnglish&Site=CM&BackColorInternet=9999CC&BackColorIntranet=FFBB55&BackColorLogged=FFAC75)

<sup>2</sup> Ibid.

well as permitting delays in the execution of court verdicts which damage the interests of the Roma community.<sup>3</sup>

Further, we note that the forced eviction of the Romani families from Batalova Vodenitsa was suspended once in 2006. The threat of a forced eviction in 2006 provoked expressions of concern by Members of the European Parliament and rights groups in Europe. The suspension of the eviction was also preceded by a complaint against Bulgaria filed by several Romani individuals from Batalova Vodenitsa with the European Court of Human Rights who claimed violations of various articles of the European Convention on Human Rights and Fundamental Freedoms. In that instance the European Court of Human Rights applied its urgent notification of application rule and notified the Bulgarian government about the complaint.

President Parvanov and Mayor Borisov,

As a State Party to the International Covenant on Economic, Social and Cultural Rights and the European Social Charter (Revised), Bulgaria is legally obligated to respect, protect and fulfil the right to adequate housing, including the prohibition on forced evictions, as guaranteed under Article 11(1) of the Covenant and Article 16 and 31 of the Charter. These treaties require Bulgaria not only to refrain from interference with persons' existing access to housing but also to protect everyone within its jurisdiction from forced evictions. The Bulgarian state has a positive obligation to ensure that evictions, when carried out, satisfy respect for the dignity of the persons concerned, even when they are illegal occupants, and that alternative accommodation or other compensatory measures are available in order to ensure that the persons evicted are not made homeless. The ERRC notes that the provision of alternative accommodation is in fact a principle recognised under domestic law; as acknowledged by the Committee of Ministers in Resolution CM/ResChS(2007)2, such accommodation was in fact provided in some cases.

Honourable President Parvanov and Mayor Borisov, the ERRC calls on your respective offices to ensure the indefinite postponement of the forced eviction of Roma from Sofia's Batalova Vodenitsa neighbourhood until such time as a sustainable and adequate housing solution is available for the individuals concerned.

We respectfully request you to inform us of the measures undertaken on the case before July 11.

Sincerely,

Savelina Danova  
Acting Executive Director

CC:

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<sup>3</sup>Ibid.

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