

**EUROPEAN COMMITTEE OF SOCIAL RIGHTS  
COMITÉ EUROPÉEN DES DROITS SOCIAUX**



6 June 2006

**Collective Complaint No. 31/2005  
European Roma Rights Center  
v. Bulgaria**

**Case Document No. 5add**

**ADDENDUM TO RESPONSE BY ERRC  
TO WRITTEN SUBMISSIONS FROM THE BULGARIAN  
GOVERNMENT ON THE MERITS**

**registered at the Secretariat on 1 June 2006**





## EUROPEAN ROMA RIGHTS CENTRE

1386 Budapest 62, P.O. Box 906/93, Hungary  
Phone: (36-1) 413-2200; Fax: (36-1) 413-2201  
E-mail: [office@errc.org](mailto:office@errc.org)  
<http://errc.org>

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### **Events Coming to the Attention of the ERRC Subsequent to the 15 May Deadline for Comments on the “Written Submissions from the Bulgarian Government on the Merits” Document:**

#### **Threatened Demolition of Irregular Romani Settlements in Bulgaria**

According to publications in several Bulgarian dailies of 17 May 2006, the Public Order and Security Committee of the Sofia Municipal Council took the decision to “start cleaning illegal Romani ghettos” within two months time, apparently meaning that they intend to undertake systemic destructions of informal dwellings of Roma in Sofia. The number of irregular Romani settlements targeted for the action in Sofia was estimated to be 15 by the municipality, according to media sources.

The ERRC is concerned that the execution of this decision may trigger massive violations of Charter rights and other fundamental rights of a large number of individuals, and lead to significant degradation of the persons concerned.

As noted in the collective complaint filed by the ERRC against Bulgaria under Article 16 of the ESC, around 70% of Romani housing in Bulgaria is illegal – i.e. housing built on terrains which are outside the city plans and housing which is not in compliance with the construction standards set in Bulgarian law. Authorities at local and central levels have tolerated this situation for several decades and failed to take measures to regularise these neighbourhoods nationwide, despite criticism by international human rights bodies and despite a number of policy documents prioritizing the housing situation of Roma. Moreover, during the past decades, authorities have failed to provide the growing Romani families in the Romani neighbourhoods with adequate accommodation, a fact which has led to growing illegal construction and worsened living conditions in the Romani neighbourhoods. The demolition of these houses in the absence of a clear plan for the provision of adequate alternative accommodation for the Roma will expose a large number of Roma to homelessness and therefore implicates Charter rights.

In addition to these neighbourhoods, which have been home to Romani families for several decades, in the post-communist years, another type of illegal Romani settlements has arisen in the capital and in larger urban areas in Bulgaria. Romani families, usually from smaller towns and villages, confronted with extreme poverty and lack of opportunities to find gainful or any employment, have moved to the capital and larger cities looking for better opportunities to find means of survival. Those who have not been able to find other accommodation, have built shacks and tents in proximity to other Romani neighbourhoods or in empty spaces and vacant lots. Although many of them have some form of accommodation – and often an official address -- in their hometowns, they are forced to live under extremely inadequate, without access to health, education or other social services, due to severe deprivation in their hometowns.

Bulgarian authorities apparently hold the view that it is permissible to destroy this latter type of informal housing without providing alternate accommodation, because the persons at issue have addresses outside the urban area in which they have established informal dwelling. This position however begs the question of whether the housing available in the home village can be regarded as adequate, if the persons concerned prefer to live in extreme squalor, rather than in the dwellings available in these extremely marginal rural areas.

In this regard, the ERRC recalls, in addition to the Committee's own case law, that The UN Committee on Economic, Social and Cultural Rights has held that "location" is included among elements to be assessed when determining whether housing meets the standard of "adequate". In the Committee's view, an adequate location entails the following:

"Adequate housing must be in a location which allows access to employment options, health-care services, schools, child-care centres and other social facilities. This is true both in large cities and in rural areas where the temporal and financial costs of getting to and from the place of work can place excessive demands upon the budgets of poor households. Similarly, housing should not be built on polluted sites nor in immediate proximity to pollution sources that threaten the right to health of the inhabitants."<sup>1</sup>

The demolition of this type of informal housing belonging to Roma, and the subsequent forcible return of such persons to their hometowns and/or the toleration of rooflessness arising from the expulsion from such persons from their makeshift dwellings, gives rise to extreme and urgent concerns under the Charter, parallel to and congruent with the planned forced eviction of persons from other forms of informal settlement in urban areas in Bulgaria. While the Romani families in question cannot continue living in extremely substandard conditions, their failure to date to return to their own houses is compelling evidence of the inadequacy of these rural dwellings as housing. The Committee is urged to undertake all actions available to it to persuade Bulgarian authorities that before proceeding with demolition of this type of housing, Bulgarian authorities ensure that the Roma who will be affected have adequate alternate accommodation in conformity with international law and standards, including also the requirement that the location of such housing not be at extreme remove from possibilities for gainful employment.

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<sup>1</sup> United Nations Committee on Economic, Social and Cultural Rights, General Comment 4, Sixth Session, 1991.