



Ref: CommHR/CL/sf 004-2016

Mr Boyko BORISSOV
Prime Minister
Bulgaria

Strasbourg, 26 January 2016

Dear Prime Minister,

In the course of last year, I received numerous reports of evictions of Roma families in different localities in Bulgaria, including Garmen and Varna, which are of serious concern to me. In particular, I am informed that over 400 persons have been left homeless as a result of forced evictions and the demolition of houses which took place in Varna in August 2015.

I would like to recall that any eviction without due process and without the offer of adequate alternative housing is a violation of Bulgaria's international obligations, particularly if these evictions result in homelessness.

I am furthermore informed that alternatives proposed to evicted persons have included the placement of children in institutions for social care. However, placing children in institutions cannot be considered a human rights compliant alternative solution to insalubrious housing. Such a placement is at variance with the UN Convention on the Rights of the Child and the case-law of the European Court of Human Rights (the Court). As I have stressed in the report following my visit to Bulgaria in February 2015, which was published in June 2015, children should never be separated from their families based solely on the socio-economic situation of their parents. Families should instead be provided with support to help them out of poverty and find adequate housing solutions.

As you know, Bulgaria was already found in violation of the European Social Charter in 2006, after implementing forced evictions of Roma. The European Committee on Social Rights found that the legislation limiting the possibility of legalising illegal dwellings disproportionately affected Roma and that the evictions did not satisfy the conditions required by the Charter, notably as they rendered the evicted persons homeless. Moreover, the Committee recalled that evictions should always be enforced in conditions that respect the dignity of the evicted persons. In 2012, the Court also established, in *Yordanova and others v. Bulgaria*, that evictions of Roma families that had been ordered would constitute a violation of Article 8 of the European Convention on Human Rights (right to respect for private and family life), should they be implemented.

I note that one of the objectives of Bulgaria's National Roma Integration Strategy (2012-2020) relates to the improvement of the housing conditions of Roma. Under this objective, the Bulgarian authorities must ensure appropriate housing for Roma persons moved out of illegally occupied houses or evacuated in case of danger for their safety and health. In its latest report on Bulgaria, the European Commission against Racism and Intolerance (ECRI) stressed as a positive development a change in the law in 2012 allowing illegally built houses to be legalised and no longer subject to demolition leaving Roma families homeless. Against this background, I find it particularly worrying to learn that forced evictions of Roma families in violation of both international standards and national commitments have been ongoing.

It is also very disturbing that the recent evictions mentioned above have taken place in a context of widespread public manifestations of anti-Roma hostility, as evidenced by the numerous anti-Roma demonstrations which took place in 2015 in various places in Bulgaria. There are many concurring reports that anti-Roma rhetoric has been used as a campaigning tool by various politicians during the run-up for the municipal elections, which were held on 25 October and 1st November 2015. All these manifestations of hostility further exacerbate the already high level of anti-Gypsyism in the country and cannot but lead to further violations of human rights of the Roma.

I therefore urge you to stop forced evictions of Roma families without provision of adequate alternative accommodation. Human rights compliant alternatives must also be urgently provided to all the families that have forcibly been evicted. When devising alternatives to be provided, the rights of children and of vulnerable persons must be fully respected. Moreover, effective remedies and, as appropriate, adequate compensation should be made available to persons that have forcibly been evicted. Long-term housing solutions, respectful of international human rights standards, should be identified for all persons at risk of eviction. Finally, I call on Bulgarian political leaders to speak up and take action against anti-Gypsyism in all its forms.

Given the seriousness of the human rights issues at stake, I should like to request you to provide me with information on measures the Bulgarian authorities intend to take to prevent future forced evictions and to provide those evicted with adequate alternatives and effective remedies.

I look forward to receiving your reply and to continuing a constructive dialogue with you and your government.

Yours sincerely

Nils Muižnieks