



REPUBLIC OF BULGARIA
MINISTER OF FOREIGN AFFAIRS

NILS MUIŽNIEKS
COMMISSIONER FOR HUMAN RIGHTS
COUNCIL OF EUROPE

Sofia, 18 February 2016

DEAR COMMISSIONER MUIŽNIEKS,

With reference to your letter, Ref: CommHR/CL/sf004-2016, regarding alleged reports of evictions of Roma families in different localities in Bulgaria, including Garmen and Varna, allow me to share the following information:

The Constitution and the legislation of the Republic of Bulgaria prohibit racial discrimination in the most categorical manner. Bulgaria has proven to be a reliable and responsible partner, upholding its international obligations. According to the Constitution of the Republic of Bulgaria there shall be no privileges or restriction of rights on the grounds of race, nationality, ethnic self-identity, sex, origin, religion, education, opinion, political affiliation, personal or social status or property status.

In reference to the specific **case of Garmen Municipality**, the Directorate for National Construction Control (DNCC) has issued orders for removal of the unlawful constructions and the beginning of the activities on their compulsory removal was assigned to start on July, 13th, 2015. These orders have been appealed on July, 8th, 2015 by the concerned persons before the Administrative Court in the town of Blagoevgrad. The applicants claimed that the actions of the DNCC were void and violate the rights of the persons, residing in the unlawful buildings. The Administrative Court rejected the requests and found them inadmissible in procedure and the proceedings of the cases have been discontinued in the respective parts. Furthermore, the requests for stopping their execution have been left without consideration. In this part, the Decisions of the regional court are final on the grounds of Article 298, paragraph 4 of the Administrative Procedure Code.

Meanwhile, in July 2015 the affected families have approached the European Court of Human Rights on the grounds of Rule 39 of the Rules of the Court with the purpose of imposing interim measures against Bulgaria. In this connection, additional information has been requested from the Bulgarian government concerning the measures undertaken to secure accommodation for the vulnerable individuals, pursuant to Article 8 of the European Convention on Human Rights, as well as information whether the envisaged measures provide for separation of the children from their parents. As a result of the information submitted by the Bulgarian authorities, the European Court of Human Rights refused to impose interim measures in order to stop the execution of the order for demolition of the unlawful constructions.

Furthermore, in all cases when the DNCC is being addressed by the Ministry of Labour and Social Policy and the State Agency for Child Protection for presence of families with children and/or people and children with disabilities, the execution of the orders is being postponed until their accommodation in appropriate houses.

The abovementioned case is not a precedent for unlawful construction on the Bulgarian territory. According to Articles 272 and 273 of the Administrative Procedure Code, the competent body is entitled to implement the execution in the fixed term, using ways and means, which, with regard of the specific circumstances of the concrete case, will ensure the most effective execution of the obligation and would be most favourable for the involved citizens or organizations. For example, the invitations for voluntary execution in Garmen Municipality were addressed in full compliance with the Law. In case of lack of voluntary execution, timely actions for compulsory removal of the unlawful settlements are undertaken, in accordance with the Spatial Development Act.

Moreover, all unlawful constructions represent by definition “buildings, which are dangerous and threaten the lives and health of their inhabitants, amongst whom there are juveniles and persons under age”. These buildings do not comply with the normative requirements for a “house” and do not offer normal hygienic conditions, sanitary junctions and water supply. The occupancy of these unlawful buildings, in its essence, is an illegal conduct, out of which nobody cannot derive rights.

Furthermore, in reference to the specific **case of the Municipality of Varna**, let me inform you of the following:

Fifty-eight orders to remove illegal constructions within the Municipality of Varna were issued, out of which 46 were executed, whereas all legal requirements have been met. The orders were issued on the basis of the Spatial Planning Act. All interested parties have been informed, but none of them appealed within the legally established time limit and the orders entered in force. Most of these buildings were set up on public municipal property, which is against the law.

Concerning child protection and protection of adults with disabilities and those in vulnerable position, all affected persons were notified for the upcoming demolition, including the legal representatives of minors. Teams of

social workers, psychologists and mediators have been on the ground, advising on the possibilities for accommodation in social institutions. All affected persons were proposed accommodation in social institutions of the municipality of Varna.

It should be further clarified that temporary shelters were provided for adults with children. All efforts were directed towards keeping families together. Bedding, hygiene products, food and clothing were also available.

Experts, social and health workers, psychologists, mediators, and representatives of the Bulgarian Red Cross have been dispatched to the grounds and have worked extensively to offer suitable accommodation possibilities for everyone and inform about the possibilities for one-time financial assistance from Varna Municipality. Numerous consultations have been held to help the persons with papers, employment, accommodation, access to education and municipal facilities, etc.

In conclusion, the recent cases in Garmen and Varna are rather related to certain social problems on local level, exacerbated by the worsening economic situation, than to a general negative trend of anti-Roma attitudes and action, rising within the society. Steps have been taken to address them within the existing institutional framework. The demonstrations which took place in 2015 in various places in Bulgaria and the anti-Roma rhetoric used by some of the participants is only one of the many different interpretations of the events and their origin, in the course of the on-going intense public debate on the issue. On numerous occasions, including in public statements related to the afore-mentioned events, Bulgarian authorities have condemned such rhetoric and have continuously warned against the use of hate and discriminatory speech of any kind in public discourse.

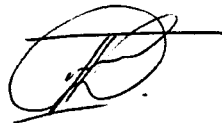
Bulgaria is implementing a National Strategy for Roma Integration 2012-2020, which provides a road-map with emphasis on six priority areas of integration policies: education, healthcare, housing, employment, rule of law and non-discrimination, and culture and media. A large array of governmental and non-governmental actors is engaged in the implementation of the Strategy at national, regional and local level. The strategy uses an integrated territorial approach, allowing the simultaneous undertaking of measures across the territory of the country and unifying the resources under different priorities, taking account of the specific local needs, particularly the needs of the most disadvantaged people, in order to bring about visible changes in the individual settlements/neighbourhoods.

I would further like to inform you that the Bulgarian Government, with the financial support of the Norwegian Financial Mechanism, is conducting a project entitled "Strengthening the capacity for the execution of judgments of the European Court of Human Rights". The aim of the project is to identify concrete measures in implementing the decision *Yordanova and others v. Bulgaria* of the European Court of Human Rights. The project started in June 2015 and will end in April 2016 with a proposal for possible changes to the legislation, as well as the practice of the courts and other competent bodies.

The Republic of Bulgaria has achieved a good progress in its policy on the integration of the minority groups, including Roma communities, though challenges remain. Efforts shall persist and Bulgaria is committed to pursue a better perspective for its Roma population, based on the rule of law, democracy and human rights.

Bulgaria's efforts in the area of integration of the Roma minority have been consistent and are constantly evolving. Our efforts will continue, in line with the national legislation, the international obligations and the highest human rights standards.

Sincerely yours,

A handwritten signature in black ink, appearing to be 'D. Mitov', written over a horizontal line.

DANIEL MITOV
Minister of Foreign Affairs