

CENTRE ON
HOUSING RIGHTS
AND EVICTIONS



19 July 2006

Mr Georgi Parvanov
President of Republic Bulgaria
Sofia, 2 Dondukov Blvd.
Fax: +359-2-980 44 84

Mr Serguei Stanishev
Prime Minister of Republic Bulgaria
Sofia, 1 Dondukov Blvd.
Fax: +359-2-9802042

Re: Forced Evictions of Roma: Dobri Jelyazkov, Sofia

Dear Mr. President and Mr. Prime Minister,

Our organisations appeal to you to undertake urgent action to stop the forced eviction of sixteen Roma families living on Dobri Jelyazkov street, Sofia. On 12 July 2006, the district government sent letters to these residents requiring them to leave their homes within 10 days or the municipality would issue an order for their summary eviction, despite the fact that the communities have lived on this land for several generations. In the absence of reasonable justification, adequate notice, consultation with the affected families, compensation and any provisions for alternative housing and social support for the families, such an eviction constitutes a gross violation of Bulgaria's obligations under international human rights law.

The Centre on Housing Rights and Evictions (COHRE) is an international human rights non-governmental organisation based in Geneva, Switzerland, with consultative status with the United Nations. The European Roma Rights Centre (ERRC) is an international public interest law organisation, which monitors the human rights situation of Roma and provides legal defense in cases of human rights abuse.

On 29 June 2006, COHRE and ERRC wrote to the President of Bulgaria about the announcement made by the Sofia City Council that all 'illegal' Roma settlements would be 'liquidated', and about the plans of the Vrazhdane district to immediately demolish homes and evict Roma families from Batalova vodenitza (NPZ Sredetz). In our letter, COHRE and ERRC explained that these actions would constitute housing rights violations. On that day, the Government of Bulgaria, in a welcome intervention, suspended the demolition of Roma families from Batalova vodenitza.


We therefore urge the Government of Bulgaria to now intervene in the case of Dobri Jelyazkov. The community, which has lived on the land since 1926, is facing two separate eviction threats. On 26 June 2006, the district government sent each family a notice threatening eviction under article 178 (5) of the Territory Law. The families responded by filing objections to this notice within the 14-day period as required by the legislation. However, on 12 July, the district government sent a second notice requiring the families to leave their homes voluntarily within ten days or the government would evict them under article 65 of the Municipality Property Act, which enables the local authority to summarily evict the families without providing any remedies. The district government has also made clear that, if the families are evicted under either law, they will not provide them with alternative housing and, consequently, the families will most likely be rendered homeless. The eviction would also threaten the community's ability to commute to their places of work and the access to education of the children.

Under international treaties ratified by Bulgaria, including the European Convention on Human Rights, evictions can only proceed if there is exceptional justification; adequate notice; a search for alternatives to evictions in *genuine* consultation with affected people; due process; and the provision of remedies, including compensation and adequate resettlement within a reasonable distance to sources of employment and education. The planned forced evictions also violate the Constitution of Bulgaria; in particular, Articles 4(2), 6(1) and 6(2), 7, 14, 17(1) and 17(5), 22(1), 35(1), 57(1) and 57(2), and 58(2).

We also request that the Government call for an immediate moratorium on all evictions of Roma communities until the laws and procedures governing forced eviction in Bulgaria are made consistent with the Constitution and international human rights treaties ratified by Bulgaria, and in-depth consultations are made by the Government and the Sofia Municipality with affected Roma communities and civil society organisations such as Equal Opportunities Association, Romani Baht Foundation and Bulgarian Helsinki Committee, in order to explore all feasible alternatives to the planned evictions.

We look forward to your response and intervention and an ongoing dialogue with you on the rights of its people to adequate housing. Thank you very much for your time and consideration.

Sincerely,



Jean du Plessis
Executive Director (a.i), COHRE
jean@cohre.org



Dimitrina Petrova
Executive Director, ERRC
dimitrinapetrova@compuserve.com

CC: Ms Emilia Maslarova
Minister of Labour and Social Policy
Government of Republic Bulgaria
Sofia, 2 Triaditsa St, Fax: +359-2-988 44 05

Mr Todor Modev
Governor of Sofia
Sofia, 22 Alabin St.
Fax: +359-2-988 47 94

Mr Vladimir Kisyov
Chair of the Sofia Municipal Council
Sofia, 33 Moskovska St.
Fax: +359-2-987 08 55

Anna Tibaijuka
Executive Director
UN-Habitat
P.O. Box 30030, Nairobi, Kenya
Fax: 254-20-623-477

Ms. Gay McDougall
Independent Expert on Minority Issues
UN OHCHR, Palais Wilson, 52 rue de Paquis
CH-1201 Geneva
E-mail: gfox@ohchr.org

S.E. Dimiter Tzantchev
Ambassador, Permanent Mission of Bulgaria
C. des Crets-de-Pregny 1218 Grand-Saconnex Switzerland
Fax : +41 22 798 03 02

Boiko Borisov
Mayor of Sofia
Sofia, 33 Moskovska St.
Fax: +359-2-980 98 65

Thomas Hammarberg
Commissioner for Human Rights
Council of Europe Avenue de l'Europe
67075 Strasbourg Cedex France
Email: CommissionerHR.Communication@coe.int

Miloon Kothari
UN Special Rapporteur on the Right to Housing
Office of the High Commissioner for Human Rights
Palais Wilson, 1211 Geneva 10, Switzerland
Fax: 41-22-9179010