

URGENT ACTION

ROMANI FAMILIES REMAIN AT RISK OF FORCED EVICTION

22 Romani families are at imminent risk of forced eviction on 31 August. They are part of a total of 124 Romani households in Gurmen municipality that have received demolition orders. Bulgarian authorities have not yet committed to put in place key international human rights safeguards.

124 Romani households in Kremikovtzi neighbourhood, Gurmen municipality, are at risk of forced eviction and have received demolition orders. The orders have not been accompanied by genuine consultation with the affected community to identify all feasible alternatives to the planned evictions and adequate resettlement options. 22 Romani families - 118 people, including 1 pregnant woman and two disabled children, one of whom is paralyzed - are at imminent risk of forced eviction on 31 August. Eight houses have already been demolished on 29 June (four by the Bulgarian authorities and four reportedly by people themselves under the threat of fines) and at least 16 people have been rendered homeless. 80 other households have demolition orders awaiting execution. For the remaining 14 households new eviction procedures are going to be initiated.

In response to Amnesty International's Urgent Action issued on 30 July, the Ministry of Regional Development and Public Works stated that demolitions of Romani households will be enforced and that the Gurmen municipality "must ensure housing and accommodation of residents of illegal buildings and their families in appropriate living and healthy conditions". However, according to statements of the mayor of Gurmen in a meeting with Amnesty International and according to previous communication from the Bulgarian authorities, the municipality does not have any social housing available for the affected families and any alternatives provided would be temporary. Following the evictions in June, Amnesty International was informed by NGOs working with the community and members of the community themselves that the only alternative housing option proposed to people evicted involved placement of parents in emergency shelters whilst children would be placed in childcare institutions (separating them from their parents).

Despite the Bulgarian Constitution recognising the right to housing as a fundamental right, Bulgaria's housing legislation does not explicitly prohibit forced evictions nor establishes safeguards in line with international human rights standards which must be complied with before an eviction is carried out. Several other cases of forced evictions of Roma from informal settlements have been reported by Bulgarian media and NGOs in the past years.

Please write immediately in English or your own language:

- Urging local authorities to provide the eight families whose houses have been demolished with adequate alternative housing and compensation for their losses;
- Urging the authorities to engage, prior to any eviction, in meaningful consultations with the remaining families at risk, to explore all feasible alternatives to the planned evictions and resettlement options, including the provision of adequate alternative housing, in accordance with international human rights standards;
- Calling on the Bulgarian authorities to adopt a law prohibiting forced evictions and ensure that lawful evictions are carried out in accordance with international standards.

PLEASE SEND APPEALS BEFORE 7 OCTOBER 2015 TO:

Minister of Regional Development
Lilyana Pavlova
Kiril I Metodii Street No. 17 – 19
Sofia, Bulgaria
Fax: + 359 29 87 25 17
Email: e-mrrb@mrrb.government.bg
Salutation: Dear Minister

Regional Governor
Biser Mihaylov
Georgi Izmirliiev Street, No. 9
Blagoevgrad 2700, Bulgaria
Fax: + 359 73 88 14 03
Email: info@bl.government.bg
Salutation: Dear Governor

And copies to:
Mayor of Gurmen
Minka Kapitanova
Gurmen Village, No. 35 "Purva" Str
2960, Blagoevgrad region, Bulgaria
Fax: + 359 75 23 31 79
Email: obs_garmen@bitex
Salutation: Dear Mayor

Also send copies to diplomatic representatives accredited to your country. Please insert local diplomatic addresses below:

Name Address 1 Address 2 Address 3 Fax Fax number Email Email address Salutation Salutation

Please check with your section office if sending appeals after the above date. This is the first update of UA 169/15. Further information:

<https://www.amnesty.org/en/documents/eur15/2199/2015/en/>

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ADDITIONAL INFORMATION

The Romani families have been living in Gurmen municipality for decades, some from 1960s when they were settled there through a Governmental Decree by the Council of Ministers against Travellers. The houses were built on agricultural land.

Between November 2010 and July 2011, 134 houses in the neighbourhood were issued with “certificates of tolerance” by the municipality, specifically recognising the community’s longstanding occupancy and protecting the houses from demolition. In 2013-2014, Gurmen municipality organised a public tender resulting in 24 Roma families becoming owners of the housing they were living in.

In 2012, the National Construction Control Directorate (NCCD) revoked 104 of the tolerance certificates. The grounds for the revocation of the certificates has not been communicated to the inhabitants of the houses. NCCD also declared around 124 of the houses unlawfully built after inspections and issued demolition orders (10 houses were deemed adequately constructed and were not issued demolition orders). Some of the orders were appealed before administrative courts but were upheld meaning that they are now due to be executed.

Amnesty International is deeply concerned that the eviction of Romani families from Gurmen village in the absence of adequate safeguards will amount to forced evictions, which are prohibited under international law. On 24 April 2012, the European Court of Human Rights held, in a landmark decision, that the removal of a Romani community in Bulgaria, from land that they had been occupying informally but for a long period of time and de facto tolerated by the authorities, would be unlawful. The Court emphasized that based on a proportionately analysis if a whole community has lived in a place for a long period of time such as a number of years, the authorities should not treat the situation as other “routine cases of removal... from unlawfully occupied property” but differently. In so doing the authorities have to consider the risk of the community being dispersed and of socially disadvantaged people being rendered homeless as a result of the eviction (Yordanova et al v. Bulgaria).

Bulgaria is a party to a range of international and regional human rights treaties, which strictly require it to prohibit, refrain from and prevent forced evictions. These treaties include the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Convention on the Rights of the Child and the International Convention on the Elimination of All Forms of Discrimination. The UN Committee on Economic, Social and Cultural Rights has emphasized in its General Comment 7 that evictions should only be carried out as a last resort, once all other feasible alternatives have been explored in genuine consultation with the communities affected.

Even if an eviction is considered to be justified, it can only be carried out when the appropriate procedural protections are in place and if compensation for all losses and adequate alternative housing is provided to all people affected.

Bulgaria is obliged to ensure that the affected families are provided with adequate alternative accommodation, and are not rendered homeless or made vulnerable to other human rights violations as a consequence of an eviction. Victims of violations must be provided with effective remedies including compensation for all losses and provision adequate alternative housing to those who cannot provide for themselves. These obligations extend to all tiers of government including city authorities.

Name: Romani community in Gurmen
Gender m/f: men, women and children

Further information on UA: 169/15 Index: EUR 15/2334/2015 Issue Date: 26 August 2015