

Bulgaria  
RAXEN National Focal Point

Thematic Study

Housing Conditions of Roma and  
Travellers

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DISCLAIMER: This study has been commissioned as background material for a comparative report on housing conditions of Roma and Travellers in EU Member States by the European Union Agency for Fundamental Rights. The views expressed here do not necessarily reflect the views or the official position of the FRA. The study is made publicly available for information purposes only and does not constitute legal advice or legal opinion.

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# Executive summary

## Desk research

### Legal and policy framework

The Constitution of the Republic of Bulgaria proclaims several basic principles related to housing in general. Other important provisions regarding the ownership of real estate are included in the Law on Property, the Law on State Property and the Law on Municipal Property which govern the conditions and procedures for expropriation of private real estate by the state and municipalities. The rules governing forced eviction by private parties are part of the Civil Procedure Code. The legal framework governing forced evictions applies to all cases irrespective of the ethnic background of the individuals evicted. There are no specific provisions governing the forced eviction of Roma.

The Law on Municipal Property establishes the general legal framework for the provision of municipal lodgings. The power to specify the procedures for establishing the existence of housing needs and for accommodating people in municipal lodgings belongs to the respective municipal council. The legal framework governing the provision of municipal lodgings to persons with housing needs applies to all Bulgarian citizens who meet the respective requirements (economic status and certain territorial connection to the municipality). There are no specific provisions governing the provision of such lodgings to Roma.

Territorial and urban planning is regulated by the Law on the Organisation of Territory. The law governs the designation of different types of territories and lands, the planning and construction requirements, urban infrastructure development (including roads and streets), sewerage, water supply and energy supply infrastructure, procedures and measures to prevent or remove illegal construction, etc. The basic problems posed by the strict construction requirements as regards Romani neighbourhoods are related to ascertaining the ownership by the respective official body and issuing the deed to the property, as well as building up and maintaining the community infrastructure.

At the policy level, there are a number of strategic documents envisaging measures in the area of Romani housing. The most important of them are the National Housing Strategy of the Republic of Bulgaria, the National Programme for Improving the Housing Conditions of Roma in the Republic of Bulgaria and the action plans for its implementation, the Framework Programme for Equal Integration of Roma in Bulgarian Society and the action plans for its

implementation, the National Action Plan Decade of Roma Inclusion 2005-2015, the National Strategic Reference Framework 2007-2013, the Operational Programme Regional Development 2007-2013, etc.

## Quantitative data

The most recent official data about the number of Roma in Bulgaria dates back to 2001 when the last national census was carried out. According to this data, the total population of the country stood at 7,928,901 people. Out of the total population, 6,655,210 persons identified themselves as Bulgarians, 746,664 as Turks and 370,908 as Roma. Approximately 69,000 people belong to various other ethnic groups, the largest of which are the Russians (15,595), the Vlasi (10,566) and the Armenians (10,832). The size of the Romani population is often contested by various studies and surveys with unofficial estimates varying between 500,000 and 800,000. Many Roma identify themselves either as Turks or as Bulgarians, making the census and household surveys difficult to analyse.

Official data from the national census of 1992 indicated certain disparities between the housing conditions of Roma and those of other ethnic groups, as Roma were living in disproportionately smaller flats. Official data from the 2001 national census further confirmed the existence of disparities. According to this data, only 1/3 of the Bulgarian population has more than 16 square metres of living space. However, only 16 per cent of Romani dwellings (corresponding with 8.5 per cent of the Roma population) have more than 16 square metres per person.

In addition to the official data from the national census, several major studies that addressed the issue of Romani housing were conducted by international and local organisations. According to these surveys, the majority of Romani housing is described as dilapidated houses or flats, slums or shacks. Roma have 0.76 rooms per household member, while the majority has twice as much (1.58 rooms per household member). The average size of Romani dwellings is 15 sq.m. per household member, while for the majority of the population it is 34 sq.m. per household member. Only 29.8 per cent of Romani dwellings have sewerage, 4.1 per cent have running warm water, and 10.5 per cent have indoor toilet.

The urban Romani population, concentrated in around ninety municipalities, faces the worst cases of discrimination. While 92 per cent of all buildings in the total housing stock that are occupied by Bulgarians are supplied with electricity, running water and sewage, only 46 per cent of the Romani dwellings have such utilities. The situation of urban Roma is further exacerbated by the fact that as many as 70 per cent of the houses in urban Romani neighbourhoods are built illegally, either outside municipal boundaries or without due clearance by local authorities. In some neighbourhoods, this proportion reaches 85-90 per cent of the houses.

Another area where the government and public bodies should hold greater responsibilities in respect to Roma is housing, which is indicated by the structure of housing ownership. The most significant difference in the ownership structure between Roma and non-Roma is the greater dependency of Roma on municipal/state-owned housing. While 15 per cent of Roma live in public housing, it is only one per cent of the majority that lives in such housing.

The status of the public infrastructure in the areas with prevailing Roma population is still not satisfactory. According to 83 per cent of Roma, no public green areas and children playgrounds are available in their living districts.

## Qualitative information

The problems related to the housing situation of Roma have historical roots that go back to the 1960s when the communist government moved Romani families to two-room houses. As these did not meet the needs of Romani families as they were larger than Bulgarian families, many started to expand these buildings illegally by adding rooms, even entire buildings with inadequate planning and infrastructure.

Since 1989, the housing situation for Roma has deteriorated even more than it has for the overall population. The majority of the buildings where Roma live are built without necessary building permits, in contravention of building requirements, and outside of zoning plans of cities. This has made around 25 per cent of Romani housing illegal. The unclear situation with property rights has prevented the creation of appropriate cadastral maps, which has further stalled infrastructural development. Many Romani neighbourhoods do not have zoning plans, and in the few that do, they are disregarded.

The illegal construction has also prevented the inclusion of many buildings in the municipal utility infrastructure (roads, electricity, waste collection, sewerage, or piped water). Even in neighbourhoods where utilities are provided, population density is so great that it overloads existing utility services and infrastructure, often resulting in inadequate sanitation, health risks, and communal tensions. Therefore, the great majority of Romani neighbourhoods can be described as ghettos.

Roma face the worst instances of the housing market characteristics such as deteriorating condition of the housing stock, no system for housing subsidies, and difficulty in accessing mortgage loans due to their low purchasing power.

There is no available official statistical data on the forced evictions and demolitions of Romani dwellings. However, there are numerous reports in the media describing such cases.

## Case law and complaints

Only one case specifically focused on discrimination in housing has been dealt with by the Commission for Protection against Discrimination (CPD). A woman of Romani origin complained against the governor of her district that, after her family had been placed in a state-owned flat and after she had concluded a rental contract with the governor, she was never allowed to buy the flat pursuant to the law because of endless protraction of procedures. The governor was imposed a fine of 500 Levs. He was ordered to undertake the necessary measures and finish the proceedings for the sale of the flat to the applicant properly.

Another case that gave rise to a broad public discussion was the incident with the installation of electrometres in the Romani neighbourhoods, which was examined by the CPD in 2006. The CPD examined whether the practice of installing electrometres in Romani houses at a height of four to five metres, not reachable by the people, was discriminatory in light of the fact that similar electrometres for the rest of the consumers were installed at the height of 1.50-1.80 metres. The Commission ordered the discrimination to be stopped and the consequences of it to be removed, but the decision was repealed by the Supreme Administrative Court (SAC).

An exemplary case, providing a comprehensive and informative review of the situation of Roma in housing, is the decision of the European Committee of Social Rights (ECSR) on Complaint No 31/2005, *European Roma Rights Centre v. Bulgaria*. The ECSR issued a decision concluding that 'the situation concerning the inadequate housing of Roma families and the lack of proper amenities' as well as 'the lack of legal security of tenure and the non-respect of the conditions accompanying eviction of Roma families from dwellings unlawfully occupied by them' constitute violations of Article 16 of the Revised European Social Charter taken together with Article E.

Another major case was the forced eviction of Romani families from the Batalova Vodenitsa or Sredetz neighbourhood in the Vazrazhdane district of Sofia. Following a decision of the European Court of Human Rights (ECHR), the forced eviction was suspended pending the resolution of the housing problems.

## Identifying good practices

In the period 2001-2007, Sofia Municipality implemented a project for the construction of houses for Romani families in the Hristo Botev district in Sofia. During the first phase (2001-2003), ten blocks of flats were built with a total of 105 flats, two workshops and 14 shops for ensuring employment opportunities for the local population. During the second phase (2004-2007), two more blocks

were built with a total of 27 flats. Additionally, the infrastructure of the entire neighbourhood was rehabilitated. A total of 132 Romani families were accommodated in the newly built flats.

In the period 2002-2008, a total of 27 houses were built for vulnerable families in the Romani neighbourhood Iztok in Kyustendil. Additionally, these homes were furnished. Each flat has a living room with a kitchenette, a bedroom and a bathroom. The tenants of such housing had to participate in voluntary work in the construction of buildings, which subsequently made them more responsible in maintaining their homes. All tenants pay a token monthly rent, which is around 10 US Dollars. The money is collected by a specially appointed house manager, and is spent for carrying out urgent repairs. The costs of electricity and water are borne by the tenants.

## Major national projects

The implementation of Phare Project BG 2004/016-711.01.03 'Improvement of the situation and inclusion of the disadvantaged ethnic minorities with a special focus on Roma' is the major positive initiative on national level. The project focuses on improving the social integration of disadvantaged ethnic minorities by upgrading the existing public infrastructure and measures for legalising constructions.

The specifics of the living conditions of the Romani population are addressed in the Operational Programme 'Regional Development' 2007-2013 of the Ministry of Regional Development and Public Works. The measures for improving the living conditions of Roma are defined under Priority Axis 1: Sustainable and Integrated Urban Development.

A number of small-scale projects for the construction of Romani houses have been implemented throughout the country.

## Field research - interviews

### Brief description of the methodology

Field research was carried out through face-to-face interviews with representatives of government institutions and non-governmental organisations. Representatives of government institutions were identified by sending official



letters to the Coordinator of the Decade of Roma Inclusion 2005-2015 and to the FRA Liaison officer at the Ministry of Foreign Affairs. However, all the representatives of the Ministry of Regional Development and Public Works who were invited to be interviewed through an official letter refused to give the interview. To comply with the requirement for a minimum of five interviews, an additional interview was conducted with a senior representative of the Sofia Municipality's Public Council for the implementation of the municipal programme for development of the Romani community in Sofia. Non-governmental organisations have been selected among the most active organisations in the area of Romani housing, including participation in court cases.

All interviews were taped and conducted in accordance with the applicable EU regulations.

## Summary of main points

The main problems in the area of Romani housing are defined in a different way by representatives of government institutions and non-governmental organisations. Nevertheless, the major problems mentioned include the restructuring of illegal Romani neighbourhoods and settlements, the elaboration of cadastres and detailed urban plans for such areas and the urbanisation (building of streets, pavements, water supply, electricity, etc.). This situation was defined as 'insecurity' of Roma.

Although problems in the area of Romani housing are identical throughout the country and no regional specificities seem to exist, the attitude of the local administration differs from municipality to municipality, with some municipal administrations showing more understanding to Roma problems than others.

The poor living conditions in which Roma live disproportionately affect vulnerable groups such as women, children, the elderly and disadvantaged people.

Available resources were evaluated as sufficient by the government authorities and as insufficient by non-governmental organisations.

The assessment of existing programmes by non-governmental organisations is very negative. They are seen as non-transparent and without any practical impact. Government policies in the area of housing are also seen to be suffering from lack of coordination between the authorities on national and local level. The disregard for the opinion of the Romani community is also viewed as a serious weakness.

Among the best practices mentioned are some legislative changes, numerous awareness raising and educational measures, and some pilot projects for building Romani houses. The latter, however, is not seen as an effective measure by the non-governmental organisations.

There are no cases of discrimination in housing filed with Bulgarian courts, and there are few cases submitted to international institutions such as the European Court of Human Rights.

# 1. Desk research

## 1.1. Legal and policy framework

### 1.1.1. Protection of the right to adequate housing in national legislation

The *Конституция на Република България* [Constitution of the Republic of Bulgaria] proclaims several **basic principles related to housing in general** stipulating that: the right to property shall be guaranteed and protected by law; forcible expropriation of property for state or municipal needs shall be effected only by virtue of law, provided that these needs cannot be otherwise met, and after fair compensation has been ensured in advance; the home shall be inviolable and no one shall enter or stay inside a home without its occupant's consent, except in the cases expressly stipulated by law; entry or stay inside a home without the consent of its occupant or without the judicial authorities' permission shall be allowed only for the purposes of preventing an immediately impending crime or a crime in progress, for the capture of a criminal, or in extreme necessity.<sup>1</sup>

Other important provisions regarding the ownership of real estate are included in the *Закон за собствеността* [Law on Property],<sup>2</sup> *Закон за държавната собственост* [Law on State Property],<sup>3</sup> and *Закон за общинската собственост* [Law on Municipal Property]<sup>4</sup>. The Law on State Property governs the conditions and procedures for **expropriation of private real estate by the state**. This can only be done for meeting important state needs when the following conditions are in place: a detailed organisational plan has been adopted, there are no other means of meeting the important state needs, and the owners have been equally compensated. The expropriation order is subject to judicial control and interested parties may appeal against it before the competent administrative court. According to the Law on Municipal Property, the same conditions and procedures apply to the **expropriation of private property for municipal needs**.

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<sup>1</sup> Bulgaria/Държавен вестник, бр. 56/1991 (13.07.1991), available at: <http://www.parliament.bg/?page=const&lng=en> (26.03.2009).

<sup>2</sup> Bulgaria/Известие, бр. 92/1951 (16.11.1951), available at: <http://www.paragraf22.com/pravo/zakoni/zakoni-d/201.htm> (27.03.2009).

<sup>3</sup> Bulgaria/Държавен вестник, бр. 44/1996 (21.05.1996), available at: <http://www.bcnl.org/doc.php?DID=15> (27.03.2009).

<sup>4</sup> Bulgaria/Държавен вестник, бр. 44/1996 (21.05.1996), available at: <http://www.bcnl.org/doc.php?DID=69> (26.03.2009).

All cases of adverse possession of land are solved by filing a claim with the court. However, the Law on State Property and the Law on Municipal Property envisage specific procedures for **compulsory eviction in cases of unlawful occupation or use** of real estate owned by the state or municipality. Eviction is implemented on the basis of a special order issued by the district governor (for state property) or the mayor of the municipality (for municipal property). The eviction procedure in these cases is not a judicial procedure but an administrative one, and, if needed, it can be executed with the assistance of the police. The eviction order is subject to judicial control upon appeal before the competent administrative court.

The rules governing **forced eviction from private property** are part of the *Граждански процесуален кодекс* [Civil Procedure Code].<sup>5</sup> In these cases, eviction is carried out on the basis of a court decision or another act listed in the law (e.g. court order), and is executed by a bailiff.

The legal framework governing forced evictions applies to all cases irrespective of the ethnic background of the individuals evicted. There are no specific provisions governing the forced eviction of Roma, and there are also no specific provisions governing the provision of alternative accommodation in cases of forced evictions.

The Law on Municipal Property also establishes the general legal framework for the **provision of municipal lodgings**. According to the law, municipal lodgings are divided into two groups depending on the people accommodated in them. The first group includes lodgings for rent, which are provided to individuals with housing needs. The second group includes the so-called reserve lodgings which are designated for a period of maximum two years for persons whose housing has been rendered unfit for habitation as a result of natural or man-made disasters and industrial averages, or is in danger of collapsing, as well as for persons whose families have severe social or health problems. The power to specify the procedures for establishing the existence of housing needs and for accommodating people in municipal lodgings belongs to the respective municipal council.

At present, Bulgaria is divided into 264 municipalities, which means that the secondary legislation governing the provision of municipal lodgings is comprised of 264 different municipal ordinances. As an example, below is a description of the procedure applied in the metropolitan municipality of Sofia.

In Sofia, the provision of municipal lodgings for rent is governed by *Наредба за реда и условията за управление и разпореждане с общински жилища на територията на Столична община* [Ordinance on the procedure and conditions for management and disposal of municipal lodgings on the territory

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<sup>5</sup> Bulgaria/Държавен вестник, бр. 59/2007 (20.07.2007), available at: <http://lex.bg/laws/ldoc/2135558368> (27.03.2009).

of the Metropolitan Municipality] adopted by the municipal council of Sofia in 2005.<sup>6</sup> According to this ordinance, the right to apply for accommodation in municipal lodgings belongs to families and households which meet certain conditions. The latter are related primarily to the candidates' economic status and territorial relation with the municipality, and are as follows: (1) at least one member of the family (household) should be a Bulgarian citizen with registered address and permanent address on the territory of Sofia municipality for more than 10 years without interruption; (2) candidates should not possess any lodgings, villas or ideal shares of such real estate suitable for permanent habitation or right of use over such real estate, on the territory of Sofia municipality and in some other specified areas; (3) candidates should not possess any not built-up land designated for the construction of houses or villas, ideal shares of such real estate or building rights over such real estate on the territory of Sofia municipality and some other specified areas; (4) candidates should not possess any factories, workshops, shops, storehouses for commercial or economic activities or shares of such real estate in specified areas; (5) candidates should not have transferred any real estate mentioned above to other persons in the last 10 years with the exception of termination of joint ownership, transfer of shares to a third party or donation in favour of Sofia municipality; (6) candidates should not possess property worth more than half of the average market price of the lodging corresponding to the needs of the family (household) according to applicable norms; (7) one fourth of the total annual income of persons and the members of their families (households) should not be able to cover the expenditures for the average market rental price of a lodging corresponding to the needs of the family (household) according to applicable norms; (8) the persons and the members of their families (households) should not have been subject to eviction from a municipal lodging in the last two years. The application procedure starts with the submission of a written application and a number of supporting document. All families and households are then ranked according to certain criteria, and available lodgings are provided depending on the number of points accumulated by the candidates (candidates with more points are accommodated before the rest).

Apart from the provision of lodgings for rent, municipalities also provide reserve lodgings. In Sofia, according to the Ordinance on the procedure and conditions for management and disposal of municipal lodgings on the territory of the Metropolitan Municipality, reserve lodgings are designated for temporary accommodation (for six months up to two years) of persons whose housing has been rendered unfit for habitation as a result of natural or man-made disasters and industrial averages or in danger of collapsing, as well as persons whose families have severe social or health problems. Such persons and the members of their families should not have any other lodgings or villas suitable for habitation on the territory of Sofia municipality.

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<sup>6</sup> Bulgaria/Решение № 466 по Протокол № 53 (14.07.2005), available at: <http://www.sofiacouncil.bg/?page=ordinance&id=57> (27.03.2009).

The legal framework governing the provision of municipal lodgings to persons with housing needs applies to all Bulgarian citizens who meet the respective requirements. There are no specific provisions governing the provision of such lodgings to Roma.

**Territorial and urban planning** is regulated by the *Закон за устройство на територията* [Law on the Organisation of Territory].<sup>7</sup> The law governs the designation of different types of territories and lands, the planning and construction requirements, urban infrastructure development (including roads and streets), sewerage, water supply and energy supply infrastructure, procedures and measures to prevent or remove illegal construction, etc. According to the law, illegal construction is any construction or part of it which is built: (1) not in compliance with the provisions of the detailed urban plan in force; (2) without approved investment projects and/or without a building permit; (3) not in compliance with the approved investment project; (4) with construction materials that do not meet the substantial requirements for constructions, or in violation of the rules for the execution of building and construction works, if that affects the safety and the secure use of the construction and it is impossible to bring the construction into compliance with the requirements of the law; (5) without coordination with the *Национален институт за опазване на недвижимите културни ценности* [National Institute for the Protection of Cultural Monuments] in cases of constructions related to cultural monuments. Constructions are declared illegal by a special act issued by officials from the *Дирекция за национален строителен контрол (ДНСК)* [National Construction Supervision Directorate (NCSD)]. Based on this act, the head of NCSD issues an order for the removal of the illegal construction. If the order is not executed voluntarily within the specified period of time, the illegal construction is removed by the bodies of NCSD. There are no rules governing the provision of alternative accommodation in cases of removal of illegal construction.

The amendments to the Law on Organisation of Territory adopted in 2003 provided a possibility for the legalisation of illegal constructions but the procedure applied only to constructions built before the entry into force of the amendments, i.e. before 26.07.2003. For illegal constructions built after this date there is no possibility for legalisation.

The Law on Organisation of Territory also envisages that certain rules and requirements applied to other types of construction do not apply to the building of social houses. A social house is defined by the law as a house designated for persons with established housing needs the construction of which has been funded or carried out with the support of the state or the municipality.

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<sup>7</sup> Bulgaria/Държавен вестник, бр. 1/2001 (2.01.2007), available at: <http://lex.bg/laws/ldoc/2135558368> (27.03.2009).

In Bulgarian legislation there are no rules governing **halting sites, mobile homes, etc.**

Bulgaria has ratified several international instruments related to Romani housing, in particular the UN International Covenant on Economic, Social and Cultural Rights (3.01.1976), UN International Convention on the Elimination of All Forms of Racial Discrimination (17.08.1974), and the Council of Europe revised European Social Charter (7.06.2000).

### 1.1.2. Specific protection in national legislation

In Bulgarian legislation there are no special rules or provisions envisaging specific protection of Roma and Travellers' rights. There are many provisions, including in the Constitution as well as other laws and regulations, declaring the general principle of equality and non-discrimination without specifically referring to Roma or any other ethnic groups.

The *Закон за защита от дискриминация* [Law on Protection against Discrimination] provides the general legal framework as regards the protection against discrimination, including protection against ethnic discrimination.<sup>8</sup> The law defines direct and indirect discrimination and regulates the different procedures for protection against all forms of discrimination. All the provisions of the law are generally applicable to all citizens and no special protection is provided for specific groups, including Roma or other ethnic minorities. The law has a wide scope of application and covers all areas of public life, including housing. However, specific provisions in the area of housing are not provided.

Bulgaria has no specific legislation on minorities or on Roma.

### 1.1.3. Legislative or administrative decisions regarding 'ethnic' data collection

In Bulgaria the processing of ethnic related data is forbidden by law. According to the *Закон за защита на личните данни* [Law on Protection of Personal Data], it shall be prohibited to process personal data which reveal racial or ethnic origin. However, there is a list of exceptions describing seven cases when this prohibition does not apply. These cases are when: (1) processing is necessary for the purposes of exercising specific rights and implementing obligations of the data controller in the field of labour legislation; (2) the individual to whom such data refer has given his/her explicit consent to the

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<sup>8</sup> Bulgaria/Държавен вестник, бр. 86/2003 (16.09.2003), available at: [http://www.kzd-nondiscrimination.com/index.php?option=com\\_content&task=view&id=15&Itemid=30](http://www.kzd-nondiscrimination.com/index.php?option=com_content&task=view&id=15&Itemid=30).

processing of such data, except when otherwise provided by a special law; (3) processing is necessary in order to protect the life and health of the individual to whom such data refer, or of another person, and the physical condition of such individual makes him or her incapable of giving his/her consent, or there are legal impediments to doing so; (4) processing is carried out by a non-profit organisation, including such with a political, philosophical, religious or trade-union goal, in the course of its legitimate activities and with appropriate protection, provided that such processing refers exclusively to the members of the organisation or to persons who have regular contact with it in connection with its goals, and the data are not disclosed to a third party without the consent of the individual to whom such data refer; (5) such processing refers to data which have been made public by the individual to whom such data refer, or it is necessary for the establishment, exercise or defence of rights through the court; (6) processing of the data is required for the purposes of preventive medicine, medical diagnostics, the provision or management of health-care services provided that such data are processed by a medical professional who is bound by law to professional secrecy, or by another person under a similar obligation of secrecy; (7) processing is performed exclusively for the purposes of journalism, literary or artistic expression, provided that it does not violate the right of privacy of the person to whom such data refer.<sup>9</sup>

#### 1.1.4. General public policy on housing

On **policy level**, on 14.05.2004 the Bulgarian government adopted a national strategy entitled *Национална жилищна стратегия на Република България* [National Housing Strategy of the Republic of Bulgaria].<sup>10</sup> The National Housing Strategy defined three operational directions for improving the housing situation in the country. The second operational direction, entitled ‘Solving priority problems in housing’, included a separate section named ‘Improving housing conditions of Roma’ which envisaged the adoption of a special programme by the *Национален съвет за сътрудничество по етнически и демографски въпроси (НССЕДВ)* [National Council for Cooperation on Ethnic and Demographic Issues (NCEDI)] in coordination with the *Министерство на регионалното развитие и благоустройството (МРРПБ)* [Ministry of Regional Development and Public Works (MRDPW)].

In line with the National Housing Strategy, on 22.03.2006 the government adopted a comprehensive programme entitled *Национална програма за подобряване жилищните условия на ромите в Република България за периода 2005-2015 година* [National Programme for Improving the Housing

<sup>9</sup> Bulgaria/Държавен вестник, бр. 1/2002 (21.12.2001), available at: <http://www.cdpd.bg/en/index.php?p=element&aid=128>.

<sup>10</sup> Bulgaria/Министерски съвет (2004) *Национална жилищна стратегия на Република България*, available at: <http://www.mrrb.government.bg/index.php?lang=bg&do=law&type=4&id=220> (29.03.2009).



Conditions of Roma in the Republic of Bulgaria].<sup>11</sup> The programme was elaborated in two other governmental documents as well: *План за действие за реализация на инициативата 'Десетилетие на ромското включване 2005-2015 г'* [Action Plan for the Implementation of the Initiative for 'Decade of Roma Inclusion 2005-2015'] and *Рамкова програма за равноправно интегриране на ромите в българското общество* [Framework Programme for Equal Integration of Roma in the Bulgarian Society]. The National Programme for Improving the Housing Conditions of Roma was developed jointly by the relevant governmental agencies on national and local level in cooperation with Romani non-governmental organisations.

The programme envisages four groups of measures: amendments to the regulation of the territories inhabited by Roma; improvement of the technical and social infrastructure within the districts where Roma live; construction of new social housing, and training. The programme does not contain any specific gender aspects.

The programme has been annexed with a detailed financial plan for the period until 2015. The programme's budget amounts to 644 million Euro, of which the government is to contribute 40 per cent, the municipalities – 17 per cent, and the rest of the funds are to be secured through the EU Structural Funds. The programme targets over 412,000 Romani beneficiaries (approximately 85,900 households) located in 88 towns, and provides for construction of 30,000 new houses. The main expenses include development of new territorial plans (56 million Euro), investment in infrastructure (211 million Euro), and construction of new houses (260 million Euro).

The National Programme for Improving the Housing Conditions of Roma is implemented through detailed action plans adopted on a regular basis.

- The first such plan was the *План за действие 2006-2007 за изпълнение на Националната програма за подобряване жилищните условия на ромите в Република България за периода 2005-2015 година* [Action Plan 2006-2007 for the Implementation of the National Programme for Improvement of Living Conditions of Roma in Bulgaria 2005-2015] adopted by the government in 2006. The 2006-2007 Action Plan provided for 120,000 Euro from the state budget to be spent in 2006 for repair of streets in residential districts inhabited by Roma, and, in 2007, additional 500,000 Euro were spent on the same activity. For 2007, the action plan envisaged

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<sup>11</sup> Bulgaria/Министерски съвет (2006) *Национална програма за подобряване жилищните условия на ромите в Република България за периода 2005-2015 година*, available at: [http://www.ncedi.government.bg/en/NRP-071%2003%202006%20Final%20en%20\(2\).htm](http://www.ncedi.government.bg/en/NRP-071%2003%202006%20Final%20en%20(2).htm) (29.03.2009).

the spending of 5,000,000 Euro from the budget for the improvement of the living conditions of Roma.<sup>12</sup>

- The second plan was the *План за действие 2007-2008 за изпълнение на Националната програма за подобряване жилищните условия на ромите в Република България за периода 2005-2015 година* [Action Plan 2007-2008 for the Implementation of the National Programme for the Improvement of Living Conditions of Roma in Bulgaria 2005-2015] adopted by the government in 2008.<sup>13</sup>
- The latest plan is the *План за действие 2008-2009 за изпълнение на Националната програма за подобряване жилищните условия на ромите в Република България за периода 2005-2015 година* [Action Plan 2008-2009 for the Implementation of the National Programme for the Improvement of Living Conditions of Roma in Bulgaria 2005-2015] adopted by the government on 29.01.2009.<sup>14</sup>

However, certain concerns have been expressed as to the effectiveness of the measures under the National Programme for the Improvement of Living Conditions of Roma and the action plans for its implementation. According to a report published by the *Институт 'Отворено общество'* [Open Society Institute] entitled 'Roma Integration in Bulgaria: Necessary Reforms and Economic Effects', part of the measures related to the construction of new dwellings and rehabilitation of the existing Romani dwellings have some weak points. The authors of the report argue that the subsidised dwellings do not solve problems in the long run if such initiatives are not accompanied with economic integration. Without sufficient income, Roma would not be able to maintain the new or improved houses and pay the bills for the utilities services, which would soon lead to the recent situation again. On the other hand, the centralised planned construction of dwellings creates risks of complete segregation and the establishment of entirely Romani residential districts.<sup>15</sup>

Concerns have been also expressed that the actual amount of funds provided are too limited and could not cover the activities related to spatial regulation and

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<sup>12</sup> Bulgaria/Министерски съвет (2006) *План за действие 2006-2007 за изпълнение на Националната програма за подобряване жилищните условия на ромите в Република България за периода 2005-2015 година*, available at: <http://www.ncedi.government.bg/plan%20deystvie.htm> (29.03.2009).

<sup>13</sup> Bulgaria/Министерски съвет (2008) *План за действие 2007-2008 за изпълнение на Националната програма за подобряване жилищните условия на ромите в Република България за периода 2005-2015 година*, available at: [http://www.ncedi.government.bg/upload/docs/Housing\\_policy\\_for\\_Roma\\_plan\\_sa\\_deistvie\\_2007\\_2008\\_17.08.07.pdf](http://www.ncedi.government.bg/upload/docs/Housing_policy_for_Roma_plan_sa_deistvie_2007_2008_17.08.07.pdf) (29.03.2009).

<sup>14</sup> Bulgaria/Министерски съвет (2009) *План за действие 2008-2009 за изпълнение на Националната програма за подобряване жилищните условия на ромите в Република България за периода 2005-2015 година*.

<sup>15</sup> G. Angelov, L. Bogdanov (2006) *Roma Integration in Bulgaria: Necessary Reforms and Economic Effects*, Sofia: Open Society Institute, p. 39, available at: [http://www.osi.bg/downloads/File/ResumeG.Angelov\\_EN.pdf](http://www.osi.bg/downloads/File/ResumeG.Angelov_EN.pdf) (29.03.2009).

development of cadastre plans for Romani ghettos within large cities such as Sofia, Plovdiv, Varna, Burgas and others.<sup>16</sup>

An assessment of the programme was also made by DecadeWatch. According to this assessment, 'several worrying results have already appeared'. One of the main problems is the financing. Most of the local authorities, according to Decade Watch, 'have shown them reluctant to contribute their own funds in the pilot phase of the program. The mechanisms for ensuring financing from the states also appear unclear'. For most of the measures, the programme stipulates that the financing will be provided by the Ministry of Regional Development and Public Works, depending on opportunities in the budget and within the expenditure limits of the ministry. The actual funding for the implementation of the programme in 2006-2007 indicates the drawback of this provision. Only about two per cent of the total ten-year budget estimate was allocated for the first two years. While some of this disproportionate allocation can be justified by the claim that most activities during the first two years are of a preparatory nature, this is too weak explanation for such a sharp discrepancy in funding.<sup>17</sup>

Another important set of strategic documents is the *Рамкова програма за равноправно интегриране на ромите в българското общество* [Framework Programme for Equal Integration of Roma in Bulgarian Society] adopted by the government in 1999, and the action plans for its implementation.<sup>18</sup> In the area of housing, the framework programme sets as priority tasks the legalisation of existing Romani dwellings and their improvement primarily through support measures for the owners. The programme has a separate gender component entitled 'The Roma Woman', but the activities included under this chapter do not refer to housing. The general objective of this component is to develop a culture of equality among Romani women for an effective individual, social and economic participation in public life. The activities included in the chapter include primarily education, professional training and support for finding a job.

- The first action plan, entitled *План за действие за изпълнение на Рамковата програма за равноправно интегриране на ромите в българското общество за периода 2003-2004 година* [Action Plan for the Implementation of the Framework Programme for Equal Integration of Roma in Bulgarian Society for the Period 2003-2004], was adopted by the

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<sup>16</sup> М. Иванов (2006), 'Гетата на България', in: *Обектив*, No. 134, p. 29-31, available at: <http://www.bghelsinki.org/obektiv/2006/134/134-16.pdf> (29.03.2009).

<sup>17</sup> DecadeWatch (2007) *Roma activities assess the progress of the Decade of Roma Inclusion*, p. 65, available at: [http://demo.itent.hu/roma/portal/downloads/DecadeWatch/DecadeWatch%20-%20Bulgaria%20\(English;%20Final\).pdf](http://demo.itent.hu/roma/portal/downloads/DecadeWatch/DecadeWatch%20-%20Bulgaria%20(English;%20Final).pdf) (30.03.2009).

<sup>18</sup> Bulgaria/Министерски съвет (1999) *Рамкова програма за равноправно интегриране на ромите в българското общество*, available at: <http://www.bghelsinki.org/zakoni/otherdocs/FrameworkProgram.doc> (29.03.2009).

government in 2003.<sup>19</sup> In the area of housing, the Action Plan envisaged the building of 284 new houses for Roma, the development of detailed urban plans for areas populated by Roma, and the improvement of the infrastructure in Romani neighbourhoods.

- The second action plan, entitled *План за действие за изпълнение на Рамковата програма за равноправно интегриране на ромите в българското общество за 2006 година* [Action Plan for the Implementation of the Framework Programme for Equal Integration of Roma in Bulgarian Society for 2006], was adopted by the government in 2006.<sup>20</sup> In the area of housing, the Action Plan envisaged the performance of analysis of the living conditions of Roma, development and adoption of legislative amendments to improve control over illegal construction, campaigns for cleaning Romani neighbourhoods and continuing the construction of lodgings for Roma.

Since the Framework Programme for Equal Integration of Roma in Bulgarian Society was designed to cover a period of ten years and will expire in 2009, the government started working on the development of a new framework programme. So far, a draft version of the document has been elaborated and discussed on several occasions in late 2008 and early 2009. The new framework programme is expected to be adopted by the government by the end of 2009.

Measures in the area of housing are also included in the National Action Plan entitled *Национален план за действие Десетилетие на ромското включване 2005-2015* [National Action Plan for the Decade of Roma Inclusion 2005-2015], adopted by the government in 2005.<sup>21</sup> The main responsible institutions for implementing these measures are the *Министерство на регионалното развитие и благоустройството (МРРБ)* [Ministry of Regional Development and Public Works] and the municipalities. The measures include:

- Analysis and revision of existing legislation regulating housing policy in view of ensuring access to adequate housing in areas with prevailing Romani population;
- Development and introduction of national information system for the housing conditions of vulnerable ethnic minorities.

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<sup>19</sup> Bulgaria/Министерски съвет (2003) *План за действие за изпълнение на Рамковата програма за равноправно интегриране на ромите в българското общество за периода 2003-2004 година*, available at: [http://ethnos.bg/pdf/2\\_276\\_bg.pdf](http://ethnos.bg/pdf/2_276_bg.pdf) (29.03.2009).

<sup>20</sup> Bulgaria/Министерски съвет (2006) *План за действие за изпълнение на Рамковата програма за равноправно интегриране на ромите в българското общество за 2006 година*, available at: [http://europeaninstitute.bg/upload/docs/PLAN\\_2006.pdf](http://europeaninstitute.bg/upload/docs/PLAN_2006.pdf) (29.03.2009).

<sup>21</sup> Bulgaria/Министерски съвет (2005) *Национален план за действие Десетилетие на ромското включване 2005-2015*, available at: [http://www.nccedi.government.bg/upload/docs/Nacionalen\\_plan\\_dekada\\_2005\\_2015.pdf](http://www.nccedi.government.bg/upload/docs/Nacionalen_plan_dekada_2005_2015.pdf) (29.03.2009).

- Development of reports and studies evaluating the condition of existing houses and infrastructure in areas with prevailing Romani population;
- Development and completion of urban plans and maps.
- Solution of the property problems and the illegal construction in areas with prevailing Romani population on the basis of respective legislative amendments.
- Analysis, assessment and improvement of existing infrastructure.
- Development of municipal housing programmes targeting socially weak Romani families.
- Organisation of awareness and education campaigns in Romani communities as regards the opportunities for access to adequate housing and living environment.

The funding needed for each measure is determined on an annual basis as part of the procedure for the adoption of the state budget.

In line with the National Action Plan Decade of Roma Inclusion 2005-2015, many municipalities adopted their own action plans or strategies related to the Decade of Roma Inclusion including, among others, measures for the improvement of the living conditions of Roma.

Other policy documents dealing with housing in general with potential impact on the housing conditions of Roma are the *Национална програма за обновяване на жилищните сгради в Република България* [National Programme for Housing Stock Rehabilitation in the Republic of Bulgaria],<sup>22</sup> *Национална стратегия за регионално развитие на Република България за периода 2005-2015 г.* [National Regional Development Strategy of the Republic of Bulgaria for the Period 2005-2015],<sup>23</sup> regional development plans of the six planning regions of the country, and others.

Issues related to Romani housing are also included in the framework documents for EU Structural Funds. The basic strategic document in this area is the *Национална стратегическа референтна рамка 2007-2013 (НСРП)* [National Strategic Reference Framework 2007-2013 (NSRF)]. The document has been prepared in line with Article 27-28 of the Council Regulation (EC) No 1083/2006 of 11.07.2006 laying down general provisions for the European Regional Development Fund, the European Social Fund and the Cohesion Fund. It is a mid to long-term strategic document, describing the role of the Structural

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<sup>22</sup> Bulgaria/Министерски съвет (2005) *Национална програма за обновяване на жилищните сгради в Република България*, available at: <http://www.mrrb.government.bg/index.php?lang=bg&do=law&type=4&id=225> (29.03.2009).

<sup>23</sup> Bulgaria/Министерски съвет (2005) *Национална стратегия за регионално развитие на Република България за периода 2005-2015 г.*, available at: <http://www.europe.bg/htmls/page.php?category=264&id=2231&translation=en> (29.03.2009).

Funds during the period 2007-2013 in support of the wider development strategy of Bulgaria. The NSRF provides the major integrated policy objectives formulated with the awareness that the concrete results should be gradually realised further in the implementation process and with the accumulation of financial and non-financial resources.<sup>24</sup>

In its analytical part, the NSRF states that: 'Further problems include the housing conditions of Roma which are considerably worse than of the rest of the population. Inadequate dwellings – without sanitary facilities, electricity, water supply, sewage system and waste removal – still exist. The lack of infrastructure in Romani neighbourhoods poses serious problems, and there are many illegal constructions with illegal connections to water, electrical and sewage installations'.<sup>25</sup>

According to the NSRF, improving housing conditions foresees joint actions between national housing strategy, national strategy for regional development and community development plans. Specific activities for the solution of the Romani housing problem include building and reconstruction of the existing and new technical and social infrastructure in areas inhabited by Roma.<sup>26</sup>

The main instrument for the realisation of the objectives in the area of housing laid down in the NSRF is *Оперативна програма 'Регионално развитие' 2007-2013* [Operational Programme 'Regional Development' 2007-2013]. According to the programme, housing falls under the first priority axis entitled 'Sustainable and Integrated Urban Development'. The specific objectives of housing activities are 'to provide better living conditions for citizens and make a contribution to social inclusion through raising living standards and generally improving the quality of life among disadvantaged and vulnerable urban communities'. The list of indicative activities in the area of housing includes, among other measures, delivery of modern social housing of good quality for vulnerable, minority and lower income groups and other disadvantaged groups through renovation and change of use of existing buildings owned by public authorities or non-profit operators.<sup>27</sup>

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<sup>24</sup> Bulgaria/Министерски съвет (2007) *Национална стратегическа референтна рамка 2007-2013*, available at: <http://www.eufunds.bg/docs/NSRF%20Bulgaria%202007-2013%20-%20very%20last%20ENG.pdf> (13.05.2009).

<sup>25</sup> Bulgaria/Министерски съвет (2007) *Национална стратегическа референтна рамка 2007-2013*, p. 35, available at: <http://www.eufunds.bg/docs/NSRF%20Bulgaria%202007-2013%20-%20very%20last%20ENG.pdf> (13.05.2009).

<sup>26</sup> Bulgaria/Министерски съвет (2007) *Национална стратегическа референтна рамка 2007-2013*, p. 194, available at: <http://www.eufunds.bg/docs/NSRF%20Bulgaria%202007-2013%20-%20very%20last%20ENG.pdf> (13.05.2009).

<sup>27</sup> Bulgaria/Министерски съвет (2007) *Оперативна програма 'Регионално развитие' 2007-2013*, pp. 103-104, available at: [http://www.eufunds.bg/docs/OPRD\\_29August\\_FINAL\\_Revised.pdf](http://www.eufunds.bg/docs/OPRD_29August_FINAL_Revised.pdf) (13.05.2009).

An important strategic document on the local level is the *Общинска стратегия по Десетилетие на ромското включване в София 2007-2013 г.* [Municipal Strategy on the Decade of Roma Inclusion in Sofia 2007-2013].<sup>28</sup> The strategy was developed by the *Обществен съвет за реализация на общинска програма за развитие на ромската общност в София към Столична община* [Public Council for the implementation of the municipal programme for development of the Romani community in Sofia with the Municipality of Sofia] and was adopted by the Municipal Council of Sofia on 28.09.2007. Housing policy and infrastructure is one of the priority areas of the strategy with three main goals specified:

- Improvement of the housing conditions of Roma in the Sofia Municipality;
- Improvement of the utilities in areas with predominating Romani population;
- Regulation of the territories, improvement of the existing infrastructure and construction of new technical infrastructure.

The strategy formulates a number of specific measures:

- Development, adoption and implementation of municipal housing programmes for socially vulnerable families from ethnic groups with active participation of the community;
- Analysis of the possibilities for legalisation of solid buildings in compliance with the building norms, and, where possible, their legalisation (including adoption of changes to the regulation plan);
- Providing funds for repair of municipal homes;
- Building children's playgrounds and parks in areas with Romani population with the active participation of non-governmental organisations and companies;
- Building houses for Romani families with the active participation of Roma in their construction;
- Construction of water supply and sewerage networks in districts with Romani population;
- Information and educational campaigns among Roma on the possibilities of access to quality homes and living conditions – consultations on entering the catalogue system for social houses; update of the catalogues and procedures for getting a municipal house or flat.

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<sup>28</sup> Bulgaria/Столичен общински съвет (2007) *Общинска стратегия по Десетилетие на ромското включване в София 2007-2013 г., приета с Решение № 884 на Столичния общински съвет от 28.09.2007 година*, available at: [http://www.sofiacouncil.bg/content/docs/c\\_f13160.pdf](http://www.sofiacouncil.bg/content/docs/c_f13160.pdf) (30.03.2009).

The strategy envisages the building of permanent homes for Romani families under a pilot project. The amount of the necessary funds is 12,159,478 Levs. Additionally, as part of this pilot project, temporary homes for 800 Roma will be built. The temporary homes will be for Roma, whose homes are not habitable. The funds that will be spent on the temporary homes are 5,624,721 Levs.

### 1.1.5. Positive actions measures

Bulgarian legislation does not prohibit the development and implementation of positive measures aimed at improving the participation of Roma in different areas of public life, including housing. There are different strategic documents and concrete projects aimed exclusively at improving the housing conditions of the Romani community. These are analysed in the subsections on housing policy and good practices. No positive measures have been applied so far on legislative or administrative level.

### 1.1.6. Housing components of gender equality legislation and policy

The state policy on gender equality in Bulgaria aims to guarantee prevention and elimination of gender-based discrimination, equal access to the labour market and economic activities, and appropriate measures for reconciliation of work and family life. Education and health care, especially reproductive health, are areas of special concern, as well as combating domestic violence and trafficking in human beings.<sup>29</sup> So far, gender equality policy in this country has not included any housing components.

The policy on gender equality for the period 2009-2015 will be implemented along the priorities laid down in the *Национална стратегия за насърчаване на равнопоставеността на половете за периода 2009-2015 година* [National Strategy for Promotion of Gender Equality for the Period 2009-2015] which is expected to be adopted by the end of 2009. According to the latest draft version of the document, housing is not among the strategy's fields of action. According to the draft, the objectives of the strategy will be: (1) achievement of gender equality in the economic and social field; (2) promotion of reconciliation of professional and family obligations; (3) promotion of gender equality in governance and decision-making; (4) eradication of gender violence and human trafficking; (5) change of stereotypes existing in society based on gender in the sphere of education, culture, the media and labour; (6)

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<sup>29</sup> Bulgaria/Министерство на регионалното развитие и благоустройството (2009) *Overview of the State Policy on Gender Equality in Bulgaria*, available at: <http://www.mlsp.government.bg/equal/equalen/equality.asp> (13.05.2009).



promotion of gender equality in the policy of good neighbourly relations and the development policies; (7) gender equality in the security system.<sup>30</sup>

Apart from the Law on Protection against Discrimination and some general anti-discrimination provisions in other laws, Bulgaria has no specific legislation on gender equality. There is a *Законопроект за равните възможности на жените и мъжете* [Draft Law on the Equal Opportunities of Women and Men], which is still in Parliament, but it similarly does not envisage a specific housing component. According to the draft law, the specific areas for ensuring equal opportunities for women and men are education, employment, and the media.<sup>31</sup>

### 1.1.7. Housing components of disability legislation and policy

Disability policies in Bulgaria are developed and implemented along the priorities formulated by the *Стратегия за осигуряване на равни възможности на хората с увреждания 2008-2015 г.* [Strategy for Ensuring Equal Opportunities for Persons with Disabilities 2008-2015]. The housing component of the strategy is part of a larger section on ensuring accessible environment for persons with disabilities, and envisages, as a priority activity, the education of engineers, investors, builders and all other relevant specialists involved in construction works based on the principles and standards of accessibility. The strategy does not have any special provisions related to Roma or other ethnic minorities.<sup>32</sup>

The main piece of legislation related to people with disabilities is the *Закон за интеграция на хората с увреждания* [Law on Integration of Persons with Disabilities]. The law does not have a separate section dealing with housing issues, but contains several provisions in this area. According to those, people with permanent disabilities have the right to an additional monthly payment for renting a social house and to social aid for reconstruction. The Law on Integration of Persons with Disabilities also stipulates that municipalities should provide municipal lodgings to persons with disabilities in line with the rules and

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<sup>30</sup> Bulgaria/Министерство на регионалното развитие и благоустройството (2009) *Национална стратегия за насърчване на равнопоставеността на половете за периода 2009-2015 година*, available at: <http://www.mlsp.government.bg/equal/bglaw.asp?id=288> (13.05.2009).

<sup>31</sup> Bulgaria/Народно събрание (2006) *Проект на Закон за равните възможности на жените и мъжете*, available at: <http://www.parliament.bg/bills/40/602-01-70.pdf> (13.05.2009).

<sup>32</sup> Bulgaria/Министерски съвет (2008) *Стратегия за осигуряване на равни възможности на хората с увреждания 2008-2015*, available at: [http://www.mlsp.government.bg/bg/law/regulation/disable\\_strategy.doc](http://www.mlsp.government.bg/bg/law/regulation/disable_strategy.doc) (13.05.2009).

procedure laid down in the Law on Municipal Property. The law does not contain any Roma-specific provisions.<sup>33</sup>

### 1.1.8. The impact of legislation and the Race Equality Directive on the housing situation of Roma and Travellers

Most of the studies on Romani housing in Bulgaria focus on the poor conditions of Romani neighbourhoods without evaluating the impact of the legislation on that situation. However, there are some reports by NGOs explaining how the current legislation affects the situation of Roma in housing.

According to a joint study by the World Bank and the Bulgarian sociological agency *Витосха Рисърч* [Vitosha Research], the basic problems posed by the legal framework derive from the strict construction requirements. According to this report, such strict requirements, as regards Romani neighbourhoods, are related to ascertaining the ownership by the respective official body and issuing the deed to the property, as well as building up and maintaining the community infrastructure.<sup>34</sup>

According to those NGOs, the strict construction requirements laid down in the legislation make most of the Romani houses illegal and, respectively, subject to demolition, while, at the same time, the legal basis does not provide for any possibilities for subsequent legalisation of illegal construction. Some local initiatives envisage legalisation of illegal construction as a specific measure; however, most of these measures are not likely to be implemented in practice because of the restrictive legal framework.<sup>35</sup> On the other hand, the fact that most Romani settlements are not covered by urban plans has turned them into ghettos and is still hampering the allocation of funds for the infrastructural improvements.<sup>36</sup>

The Race Equality Directive has been transposed into Bulgarian legislation through the Law on Protection against Discrimination, but, due to the lack of official data on the number of complaints related to housing, it is difficult to evaluate its impact in this particular field.

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<sup>33</sup> Bulgaria/ Държавен вестник, бр. 81/2004 (2.09.2005), available at: <http://www.mlsp.government.bg/bg/law/law/ZIXY.doc> (13.05.2009).

<sup>34</sup> World Bank, Vitosha Research (2001) *Sociological and Beneficiary Assessment of Potential Low Income Housing Micro-Projects*, available at: <http://siteresources.worldbank.org/INTROMA/Resources/repmain.pdf> (27.03.2009).

<sup>35</sup> Center for the Study of Democracy (2009) *Interview with a senior representative of the Equal Opportunities Initiative, conducted on 23.03.2009.*

<sup>36</sup> Center for the Study of Democracy (2009) *Interview with a senior representative of the Romani Baht Foundation, conducted on 18.03.2009.*

### 1.1.9. The impact of general public policies on the housing situation of Roma and Travellers

The general public policies on the housing situation of Roma in Bulgaria have never been subject to official impact assessment, and the official reports on their realisation, where such reports have been published, are limited to the enumeration of the implemented measures. However, there are some reports by NGOs that provide assessment of the impact of such policies.

Most NGOs believe that the implementation of the basic strategic documents in the area of Romani housing is not satisfactory. Apart from the performance of various studies, few measures have been implemented in practice, and only small-scale pilot projects for building houses for Roma have been implemented with uncertain effect in different areas of the country.<sup>37</sup> NGOs also point out the inefficient spending of the available resources as a serious problem hampering the achievement of substantial results.<sup>38</sup>

According to NGOs, government policies in the area of housing suffer from lack of coordination between the authorities on national and local level (initiatives adopted on national level are not implemented on local level), as well as from lack of financial resources ensuring the implementation of the various programmes adopted by the government (programmes usually rely on external funding).<sup>39</sup>

One of the most frequently discussed specific policies in the area of Romani housing is the construction of houses for Romani families and households. Construction of houses features in most of the strategies and programmes in the area of Romani housing. Romani houses have been built in many municipalities with prevailing Romani population, and will continue to be built according to the current strategic framework.

However, this particular policy is often criticised by NGOs as ineffective. According to the report 'Roma Integration in Bulgaria: Necessary Reforms and Economic Effects' published by the Open Society Institute, the provision of subsidised housing does not solve long-term problems because, in the absence of economic integration and chances for prosperity, the beneficiaries cannot afford to use, preserve and maintain housing facilities even if the initial conditions for obtaining them are favourable. The centralised planned

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<sup>37</sup> Center for the Study of Democracy (2009) *Interview with a senior representative of the Romani Baht Foundation, conducted on 18.03.2009.*

<sup>38</sup> Center for the Study of Democracy (2009) *Interview with a senior representative of the Bulgarian Helsinki Committee, conducted on 26.03.2009.*

<sup>39</sup> Center for the Study of Democracy (2009) *Interview with a senior representative of the Equal Opportunities Initiative, conducted on 23.03.2009.*

construction of housing facilities for Roma also creates a risk of total segregation and establishment of neighbourhoods only for Roma.<sup>40</sup>

The construction of Romani houses has been also described by NGOs as 'eye-wash' because such small number of houses is not able to solve the existing problems, but is rather creating new ones giving rise to conflicts as to who should be accommodated in the new buildings.<sup>41</sup> However, a good example of such a project well perceived and accepted by the community was a project in Kyustendil where Roma were supplied only with the necessary materials and had to build their houses by themselves.<sup>42</sup>

## 1.2. Quantitative data

### 1.2.1. Number of Roma and Travellers in the country

The most recent official data about the **number of Roma** in Bulgaria date back to 2001 when the last national census was carried out. According to these data, the total population of the country stood at 7,928,901. Out of the total population, 6,655,210 people identified themselves as Bulgarians, 746,664 as Turks, and 370,908 as Roma. Approximately 69,000 people belong to various other ethnic groups, the largest of which are the Russians (15,595), the Vlasi (10,566), and the Armenians (10,832).<sup>43</sup>

The share of the Romani population is relatively high in the south-eastern region and the north-western region – 7.1 per cent and 6.1 per cent of the population of these regions respectively. This is due mainly to the higher share of the Romani population in Sliven District (12.3 per cent of the population in the region are Roma) for the south-eastern region, and in Montana District (12.5 per cent) for the north-western Planning Region. The share of the Romani population is the lowest in the south-western region (2.8 per cent) and the north-central region (3.3 per cent). Nearly half of the Roma live in rural areas.<sup>44</sup>

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<sup>40</sup> G. Angelov, L. Bogdanov (2006) *Roma Integration in Bulgaria: Necessary Reforms and Economic Effects*, Sofia: Open Society Institute, available at: [http://www.osi.bg/downloads/File/ResumeG.Angelov\\_EN.pdf](http://www.osi.bg/downloads/File/ResumeG.Angelov_EN.pdf) (29.03.2009).

<sup>41</sup> Center for the Study of Democracy (2009) *Interview with a senior representative of the Equal Opportunities Initiative, conducted on 23.03.2009.*

<sup>42</sup> Center for the Study of Democracy (2009) *Interview with a senior representative of the Romani Baht Foundation, conducted on 18.03.2009.*

<sup>43</sup> Bulgaria/Национален статистически институт (2001) *Окончателни резултати от преброяване 2001*, available at: <http://www.nsi.bg/Census/Census.htm> (29.03.2009).

<sup>44</sup> Bulgaria/Министерски съвет (2007) *Оперативна програма 'Регионално развитие' 2007-2013*, p. 22, available at: [http://www.eufunds.bg/docs/OPRD\\_29August\\_FINAL\\_Revised.pdf](http://www.eufunds.bg/docs/OPRD_29August_FINAL_Revised.pdf) (13.05.2009).

The official number of the Romani population is often contested by various studies and surveys, with unofficial estimates varying between 500,000 and 800,000.<sup>45</sup> Many Roma identify themselves either as Turks or as Bulgarians, making the census and household surveys difficult to analyse. About 350,000 people share socio-cultural characteristics that are close to those of the Romani community, but such that they, nevertheless, identify themselves as Turks, Bulgarians or Roma.<sup>46</sup>

## 1.2.2. Data on housing conditions

In order to put data on the condition of Romani housing in a broader context, it is important to mention some background information on the overall housing situation and its dynamics in the country during the transition period. In terms of **housing conditions**, since 1989 the overall situation in Bulgaria has worsened with the economic crisis and low incomes making housing maintenance unaffordable to the majority of the population. According to data provided by the *Национален статистически институт (НСИ)* [National Statistical Institute (NSI)], the purchase of new housing has become increasingly difficult as prices soared while incomes lagged behind. If in 1989 the purchase of an average (70 square metres) flat required 2.8 annual household incomes, in 2002 it required 6.1 annual incomes. This made new housing affordable to only around ten per cent of the population. The processes of privatisation left public housing by 2001 at three per cent of the total housing stock (96.5 per cent are owned by private individuals and 0.5 per cent by companies) down from seven per cent in 1990. Additionally, only 1.9 per cent of the households in the total housing stock reside in privately rented flats.<sup>47</sup>

As of 2002, the 3,691,787 existing homes significantly exceeded the number of households, leaving about 471 homes per 1,000 population. In reality, though, the picture is more worrying. The growing unemployment in some regions of the country has also led to an increased number of vacant dwellings. The share of such buildings in the general housing stock grew from 7.8 per cent in 1992 to 14 per cent in 2001. Therefore, only 69.3 per cent of homes are occupied by one household only. In 130,000 homes there are three individuals per room, and in 55,000 there are four or more individuals per room. The building of new homes

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<sup>45</sup> European Commission (2003) *Background Survey on Urbanisation and Housing in Roma Neighbourhoods, Bulgaria*, Framework Contract: AMS/451 Lot No. 8, p. 1.

<sup>46</sup> Bulgaria/Министерски съвет (2007) *Оперативна програма 'Регионално развитие' 2007-2013*, p. 22, available at: [http://www.eufunds.bg/docs/OPRD\\_29August\\_FINAL\\_Revised.pdf](http://www.eufunds.bg/docs/OPRD_29August_FINAL_Revised.pdf) (13.05.2009).

<sup>47</sup> Bulgaria/Министерство на регионалното развитие и благоустройството (2004) *Национална жилищна стратегия на Република България*, available at: <http://www.mrrb.government.bg/index.php?lang=bg&do=law&type=4&id=220> (29.03.2009). See also: S. Tsenkova (2005) *Trends and Progress in Housing Reforms in Southeast Europe*, Paris: Council of Europe Development Bank, available at: [http://www.coebank.org/upload/Brochure/EN/Housing\\_reforms\\_in\\_SEE.pdf](http://www.coebank.org/upload/Brochure/EN/Housing_reforms_in_SEE.pdf) (29.03.2009).

declined dramatically from three new dwellings per 1000 population in 1989 to 0.9 per 1,000 population in 2001. The largest problem is the 18,900 concrete panel buildings situated in 120 housing districts of cities, and accommodating 707,441 flats and 1.77 million people – almost a quarter of the population. It is estimated that 10 per cent of them are in need of immediate repair. Without any utilities are 88,610 dwellings (2.4 per cent of the total). The sewer system remains to be the largest problem as, although 82.5 per cent of the dwellings are registered to have sewerage, practically only 40 per cent of the population uses sewer system, as, in most instances, it is unfinished and unusable. Only 12.7 per cent of homes in forty-two cities have central heating.<sup>48</sup>

Official data from the national census of 1992 already indicated certain **disparities between the housing conditions of Roma and those of other ethnic groups** with Roma living in disproportionately smaller flats.<sup>49</sup>

Official data from the 2001 national census further confirmed the existing disparities. According to these data, only one-third of the Bulgarian population has living floor space above 16 square metres with Roma being in the worst position in this respect. Only 16 per cent of Romani dwellings (8.5 per cent of Roma) have more than 16 square metres per person. Compared to the 1992 census results, there has been no improvement in the situation of the Romani population, while the situation of the Bulgarian population has improved by six points, and of the Turkish population – by 3.4 points.<sup>50</sup>

In addition to the official data from the national census, several major studies were conducted by international and local organisations that addressed the issue of Romani housing. In 2001, the World Bank started a project entitled 'Urbanization and Housing in Roma Neighbourhoods, Bulgaria'. The survey conducted for this project focused on ten Romani settlements.<sup>51</sup> The United Nations Development Programme (UNDP) conducted two surveys – in 2002 and in 2004.<sup>52</sup> Data from various sources are also cited in the National

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<sup>48</sup> Bulgaria/Министерство на регионалното развитие и благоустройството (2004) *Национална жилищна стратегия на Република България*, available at: <http://www.mrrb.government.bg/index.php?lang=bg&do=law&type=4&id=220> (29.03.2009). See also: S. Tsenkova (2005) *Trends and Progress in Housing Reforms in Southeast Europe*, Paris: Council of Europe Development Bank, available at: [http://www.coebank.org/upload/Brochure/EN/Housing\\_reforms\\_in\\_SEE.pdf](http://www.coebank.org/upload/Brochure/EN/Housing_reforms_in_SEE.pdf) (29.03.2009).

<sup>49</sup> I. Tomova (1995) *The Gypsies in the Transition Period*, Sofia: International Centre for Minority Studies and Intercultural Relations, p. 65. For the full data see Table 2 of Annex 1.

<sup>50</sup> Н. Терезова (2003) *Преброяване на населението, жилищния фонд и земеделските стопанства през 2001. Жилищен фонд: Жилищни условия на населението*, Sofia: National Statistical Institute, pp. 24-26. For the full data see Table 3 of Annex 1.

<sup>51</sup> World Bank, Vitosha Research (2001) *Sociological and Beneficiary Assessment of Potential Low Income Housing Micro-Projects*, available at: <http://siteresources.worldbank.org/INTROMA/Resources/repmain.pdf> (27.03.2009).

<sup>52</sup> UNDP (2004) *Faces of Poverty, Faces of Hope*, available at: <http://vulnerability.undp.sk/DOCUMENTS/bulgaria.pdf> (30.03.2009); UNDP (2002) *Avoiding the Dependency Trap*, available at:

Programme for Improving the Living Conditions of Disadvantaged Ethnic Minorities in Urban Areas – a report published by UNDP in 2005.<sup>53</sup> Another major survey carried out in the framework of the Phare Programme focused on the needs of those Roma who live in cities.<sup>54</sup> Comparison between these surveys is difficult due to their different scopes and sampling methodologies. In fact, interpreting any household survey on housing is, to some extent, speculative due to the lack of clear picture of the actual distribution of Roma in rural and urban areas.

The poor state of Romani housing is well captured in the 2002 UNDP survey where the interviewers clearly describe **the majority of Romani housing as ruined houses or flats, shacks or slums**. According to the survey, 37.2 per cent of Roma live in ruined houses (additional 3.7 per cent live in ruined flats), 11.6 per cent live in slums and 3.5 per cent live in shacks.<sup>55</sup>

### 1.2.3. Data on housing tenure of Roma and Travellers

In the sense of the Law on Organisation of Territory, the majority of Roma live in illegally built houses. There is no commonly accepted estimate as to the share of Roma living in such houses. According to the Open Society Institute, as many as 70 per cent of the **houses in urban Romani neighbourhoods are built illegally**, either outside municipal boundaries or without due clearance by local authorities. In some neighbourhoods this proportion reaches 85-90 per cent of the houses.<sup>56</sup> Romani neighbourhoods have been developed inefficiently in terms of land utilisation, with habitation density for Roma amounting to 15 sq.m./person against a country average of 33.4 sq.m./person.<sup>57</sup>

Another indication of the greater responsibilities that the government and public bodies should hold in respect to Romani housing is provided by looking at the structure of **housing ownership**. The 2004 UNDP survey showed that a great number of respondents answered that they live with relatives and friends,

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<http://europeandcis.undp.org/home/show/67D586E9-F203-1EE9-BE5BEB0F6A1D4179> (30.03.2009).

<sup>53</sup> UNDP (2005) *National Programme for Improving the Living Conditions of Disadvantaged Ethnic Minorities in Urban Areas*, available at:

<http://www.undp.bg/publications.php?id=1498> (30.03.2009).

<sup>54</sup> Phare Program (2003) *Background Survey on Urbanisation and Housing in Roma Neighbourhoods, Bulgaria, Framework Contract: AMS/451 Lot No. 8*.

<sup>55</sup> UNDP (2002) *Avoiding the Dependency Trap*, available at:

<http://europeandcis.undp.org/home/show/67D586E9-F203-1EE9-BE5BEB0F6A1D4179> (30.03.2009). For the full data see Table 4 of Annex 1.

<sup>56</sup> Институт 'Отворено общество' (2002) *Minority Protection in Bulgaria: an Assessment of the Framework Programme for Equal Integration of Roma in Bulgarian Society and the 'Integration of Minority' Component of the Programme 'People are the Wealth of Bulgaria'*, p. 23.

<sup>57</sup> Phare Programme (2003) *Background Survey on Urbanisation and Housing in Roma Neighbourhoods, Bulgaria, Framework Contract: AMS/451 Lot No. 8*, p. 99.

indicating the greater density of multiple families in a single household. The most significant difference in the ownership structure between Roma and non-Roma is the greater dependency of Roma on municipal/state-owned (social) housing. While 15 per cent of Roma live in public housing, it is only 1 per cent of the majority that lives in such housing. The 2002 UNDP survey, which sampled more villages than the 2004 survey, shows that in rural areas Roma were less dependent on municipal housing.<sup>58</sup>

#### 1.2.4. Number of Roma/Travellers living in regulated encampments

In Bulgaria, there is no legislative framework as regards encampments, and, therefore, there is no data on the number of Roma living in such encampments, on the approximate duration of residence or on the available public utilities.

#### 1.2.5. Number of Roma/Travellers living in unregulated encampments

There is no official data on unregulated encampments of Roma in the country. The only information that is indirectly related to unregulated encampments is provided by the 2002 UNDP survey, according to which only 0.1 per cent of Roma live in caravans or tents.<sup>59</sup> Based on this number, one can conclude that, in Bulgaria, it is not a common practice for Roma to live in encampments.

#### 1.2.6. Number of Roma/Travellers living in segregated settings

There are no available official statistics on the number of Roma living in segregated settings. However, most of the strategies and programmes in the field of Romani housing speak about 'Roma neighbourhoods', indirectly leading to the conclusion that segregation exists.

According to the Open Society Institute, the majority of Roma live in segregated neighbourhoods (ghettos). However, the report neither cites nor

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<sup>58</sup> UNDP (2004) *Vulnerable Groups in South Eastern Europe Dataset*, available at: <http://vulnerability.undp.sk/> (30.03.2009); UNDP (2002) *Avoiding the Dependency Trap Dataset*, available at: <http://vulnerability.undp.sk/> (30.03.2009). For the full data see Table 8 of Annex 1.

<sup>59</sup> UNDP (2002) *Avoiding the Dependency Trap*, available at: <http://europeandcis.undp.org/home/show/67D586E9-F203-1EE9-BE5BEB0F6A1D4179> (30.03.2009). For the full data see Table 4 of Annex 1.



refers to concrete official or unofficial statistical data on the number of Roma living in segregated areas. According to the study, the main reason for this situation is forced and/or voluntary segregation.<sup>60</sup>

### 1.2.7. Data on household type and size

In Bulgaria, there are no legal provisions setting national room and space standards relating to overcrowding, and, therefore, there are no official statistics on overcrowding.

Survey data suggest there are considerable disparities between Roma and non-Roma in terms of the room and space availability. According to the 2004 UNDP survey, Roma have 0.76 rooms per household member, while the majority of the population has twice as much – 1.58 rooms per household member. The average size of Romani dwellings is 15 sq.m. per household member, while for the majority of the population it is 34 sq.m. per household member. The survey also showed the disparities in the living conditions of Roma according to several other criteria.<sup>61</sup>

### 1.2.8. Data on forced evictions

There is no centralised system for collecting data on the number of forced evictions, including forced evictions of Roma. Information is available only from NGOs and media reports, and this is presented in the section on qualitative information on the housing situation of Roma.

In Bulgaria, there is no legal framework governing the provision of alternative accommodation in cases of forced evictions, and, therefore, there are no official data on the provision of such accommodation.

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<sup>60</sup> G. Angelov, L. Bogdanov (2006) *Roma Integration in Bulgaria: Necessary Reforms and Economic Effects*, Sofia: Open Society Institute, available at: <http://www.osf.bg/cyeds/downloads/Roma%20inclusion%20-%2011%20April%202007-EN.pdf> (13.05.2009).

<sup>61</sup> UNDP (2004) *Faces of Poverty, Faces of Hope*, p. 16, available at: <http://vulnerability.undp.sk/DOCUMENTS/bulgaria.pdf> (30.03.2009). For the full data see Table 5 of Annex 1.

### 1.2.9. Data on access of Roma/Travellers to public utilities

According to the national representative survey conducted by Mediana Agency in 2006, only 29.8 per cent of Romani dwellings have sewerage, 4.1 per cent have running warm water, and 10.5 per cent have indoor toilet.<sup>62</sup>

The urban Romani population, concentrated in around ninety municipalities, faces the worst cases of discrimination. There, the housing stock numbers 1,444,149 units from which Romani dwellings make up 2.5 per cent (35,552). The disparities between the housing conditions of Roma and non-Roma population are evident. While 92 per cent of all Bulgarian-occupied buildings in the total housing stock are supplied with electricity, running water and sewage, only 46 per cent of the Romani dwellings have such utilities.<sup>63</sup>

According to the Operational Programme 'Regional Development' 2007-2013 of the Ministry of Regional Development and Public Works, the Romani housing features absence of infrastructure amenities, in-house water supply and sewerage systems. The document also reads: 'Surveys also record around 25% of Roma housing as without legal status, although without clear criteria this is likely to be grossly underestimated.' Especially among central and local government officials, legalisation is considered as the most critical obstacle to the integration and development of Romani neighbourhoods. The programme also refers to UNDP data of 2005 stating that up-to date cadastre mapping with accurate property registration is rare and many of the locations have no formal detailed layout plans, or, where available, there is evidence of widespread non-compliance.<sup>64</sup>

In 2007, the Ministry of Regional Development and Public Works commissioned the *Национален център за териториално развитие* [National Centre for Regional Development] to do a study of the conditions of lodgings in several Romani populated neighbourhoods in Sofia. According to the results of this study, the majority of Romani households in the studied neighbourhoods live in unacceptable living conditions. In the Hristo Botev neighbourhood, every third lodging is about 30 square metres, and that 'justifies the conclusion that 40 per cent of the inhabitants of the neighbourhood live in unacceptable living conditions'. In the Filipovtsi neighbourhood, 97 per cent of the lodgings are less than 30 square metres, while the average density is four people per

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<sup>62</sup> Агенция Медиана (2006) *Ethnic Assumptions and Discrimination, National Representative Survey*, p. 4. For the full data see Table 6 of Annex 1.

<sup>63</sup> Bulgaria/Национален статистически институт (2001) *Преброяване на населението, жилищния фонд и земеделските стопанства през 2001*. For the full data see Table 7 of Annex 1.

<sup>64</sup> Bulgaria/Министерство на регионалното развитие и благоустройството (2007) *Operational Programme 'Regional Development' 2007-2013*, p. 22, available at: [http://www.eufunds.bg/docs/OPRD\\_29\\_August\\_FINAL\\_Revised.pdf](http://www.eufunds.bg/docs/OPRD_29_August_FINAL_Revised.pdf) (30.03.2009).

lodging, making this area the most overpopulated one, and '80 per cent of its inhabitants live in unacceptable living conditions'. In the Fakulteta neighbourhood, the average density is 3.4 people per lodging, every second lodging is about 30 square metres, and that 'leads to the conclusion that over 90 per cent of the inhabitants live in unacceptable living conditions'. The study concludes that the majority of lodgings occupied by Romani families are illegal, the living standards are extremely poor (little space, overpopulation, lack of basic infrastructural components, bad microclimate), the lack of income prevents the people from paying their bills, there are no municipal lodgings for rent, most of the open spaces are turned into dunghills, the public buildings are in poor condition, and most of the activities related to public works that were carried out in the past are no longer applied.<sup>65</sup>

The current tendencies related to the living conditions of Roma were published in 2008 by the Open Society Institute-Sofia in the 'Information Guide: The Roma in Bulgaria'.<sup>66</sup>

According to data collected by the Open Society Institute-Sofia and the World Bank in 2007, in more than a half of the Romani lodgings there is no sewerage, while for the Bulgarians the percentage is two times lower – i.e. 21 per cent. Within the town population, the disparities are even more striking: 43 per cent of Roma in towns claim that they do not have access to sewerage, compared to 7 per cent of the Bulgarians, also living in towns.<sup>67</sup>

According to the data of the 'Health Status of Roma' survey carried out by the Open Society Institute-Sofia at the end of 2007, 10 per cent of the Romani households do not have running cold water. It was established that the share of the lodgings without bathroom, although marking a descending tendency compared with the previous period five years ago, is still very high – every second Romani household is without bathroom (noting that only 9 per cent of the interviewed claimed that there are public baths in their district). For comparison, according to data by the United Nations Development Programme (UNDP) from 2003, 70 per cent of the Romani households were without bathroom. Even though there is an improvement on this criterion, there is still a considerable difference in the situation between Roma and the rest of the

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<sup>65</sup> Bulgaria/Министерство на регионалното развитие и благоустройството (2008) *Letter of 18.09.2008 to the Center for the Study of Democracy*.

<sup>66</sup> А. Пампоров, Д. Колев, Т. Крумова, И. Йорданов (2008) *Ромите в България: Информационен справочник*, София: Институт 'Отворено общество' – София, available at: <http://www.osi.bg/downloads/File/RomaGuideFinal.pdf> (30.03.2009).

<sup>67</sup> А. Пампоров, Д. Колев, Т. Крумова, И. Йорданов (2008) *Ромите в България: Информационен справочник*, София: Институт 'Отворено общество' – София, р. 46, available at: <http://www.osi.bg/downloads/File/RomaGuideFinal.pdf> (30.03.2009).

population in Bulgaria – 10 per cent of the Bulgarian households and one third of the Turkish households claim that they do not have bathroom.<sup>68</sup>

Approximately 95 per cent of the Romani homes are connected to the electricity supply networks, but 10 per cent of Romani households do not have electrometers, and each fourth household is without water-metre. Frequently, illegal construction of Romani lodgings results in illegal connection to the networks for supply of electricity, drinking water and sewerage services, which results in losses for the utilities service companies. It was reported that many representatives of the non-Romani population think that the utilities service companies transfer the losses from the non-loyal clients to their loyal clients by increasing the prices for the utilities services. Approximately 29 per cent of Roma interviewed in the survey claim that, within the areas where they live, there are terminations of the supply with electricity for the entire neighbourhood due to unpaid electricity bills by individual consumers, and, according to 23 per cent, there are problems with the quality of the electricity supply to their homes. The water-supply restrictions and low quality of the water-supply services affect an even greater number of Roma: 33 per cent with water-supply restrictions; 42 per cent with insufficient water pressure; 46 per cent with low quality of the drinking water in the water supply pipes.<sup>69</sup>

The status of the public infrastructure in the areas with prevailing Romani population at the end of 2007 was still not satisfactory. According to 83 per cent of Roma, no public green areas and children playgrounds were available in their living districts. Only 23 per cent of the interviewed thought that the municipality kept good standard for the cleaning services for their living neighbourhoods, while 35 per cent of the areas with prevailing Romani population claimed that there were problems with the access to public transport.<sup>70</sup>

There is no available statistical data showing how the poor living conditions of Roma affect vulnerable groups within the Romani minority (elderly people, women, children, or people with disabilities). However, according to NGOs, the poor living conditions are potentially most dangerous for certain vulnerable groups, such as children and old people. There is a tradition among Roma according to which old people transfer all their property to their children or younger relatives, spending the rest of their lives in very poor lodgings, or even as homeless people. As far as children are concerned, they have to live in large

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<sup>68</sup> А. Пампоров, Д. Колев, Т. Крумова, И. Йорданов (2008) *Ромите в България: Информационен справочник*, София: Институт 'Отворено общество'-София, р. 46, available at: <http://www.osi.bg/downloads/File/RomaGuideFinal.pdf> (30.03.2009).

<sup>69</sup> А. Пампоров, Д. Колев, Т. Крумова, И. Йорданов (2008) *Ромите в България: Информационен справочник*, София: Институт 'Отворено общество'-София, р. 46, available at: <http://www.osi.bg/downloads/File/RomaGuideFinal.pdf> (30.03.2009).

<sup>70</sup> А. Пампоров, Д. Колев, Т. Крумова, И. Йорданов (2008) *Ромите в България: Информационен справочник*, София: Институт 'Отворено общество'-София, рр. 46-47, available at: <http://www.osi.bg/downloads/File/RomaGuideFinal.pdf> (30.03.2009).

families together with other relatives witnessing situations which may affect their development (e.g. quarrels).<sup>71</sup>

A report by the Open Society Institute concludes that poor living conditions have a direct effect on the health status and mortality, quoting as evidence official data of the National Statistical Institute of 2003, according to which child mortality rate in the country is 9.9/1,000 among Bulgarians; 17/1,000 among Turks and 28/1,000 among Roma, while the share of elderly people (above the age of 60) in the Romani community is four times lower than among Bulgarians. According to the same study, poor living conditions of Roma are an indirect result of poor education (segregation of Roma in separate neighbourhoods leads to the existence of segregated Roma-only schools, and the average quality of education in such schools is lower than that in mainstream schools), which leads to fewer employment opportunities (discrimination can be based on the permanent address, and candidates who live in certain neighbourhoods could be *a priori* excluded) and lack of investment (segregated neighbourhoods drive investors back for either racist concerns or fear of higher criminality, or just for an objective recognition of the high concentration of poverty).<sup>72</sup>

### 1.2.10. Data on available halting sites

In Bulgaria, there is no legal framework for halting sites and there is no data on the availability of such sites.

## 1.3. Qualitative information

### 1.3.1. Quality of housing available to Roma and Travellers

The problem with the housing situation of Roma has historical roots that go back to the 1960s, when the communist government moved Romani families to two-room houses. As these did not meet the needs of Romani families as they were larger than Bulgarian families, many started to expand these buildings by

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<sup>71</sup> Center for the Study of Democracy (2009) *Interview with a senior representative of the Romani Baht Foundation, conducted on 18.03.2009.*

<sup>72</sup> G. Angelov, L. Bogdanov (2006) *Roma Integration in Bulgaria: Necessary Reforms and Economic Effects*, Sofia: Open Society Institute, available at: <http://www.osf.bg/cyeds/downloads/Roma%20inclusion%20-%202011%20April%202007-EN.pdf> (13.05.2009).

adding rooms illegally, even entire buildings with inadequate planning and infrastructure.<sup>73</sup>

Since 1989, the housing situation for Roma has deteriorated even more than it has for the overall population. The majority of the buildings where Roma live are built without necessary building permits, in contravention of building requirements, and outside of zoning plans of cities. This has made around 25 per cent of the Romani housing illegal.<sup>74</sup>

The unclear situation with property rights has prevented the creation of appropriate cadastral maps, which has further stalled infrastructural development. Many Romani neighbourhoods do not have zoning plans, and in the few that do, they are disregarded. The main problems related to property rights are problems with the ownership of the buildings when the latter have been constructed on municipal or state-owned, or privately owned, land without an official building permit, as well as problems related to co-ownership when a number of heirs hold title to a property and, in this case, construction on the property, or any extension or transformation of the existing structures, which can only be done subject to full agreement of all parties.<sup>75</sup>

During recent years, significant changes within the structure of the Romani family have taken place, making cohabitation of several generations in a single household ever more stressful, particularly in small and overcrowded housing. Cohabiting Romani families, particularly young families, state ever more often the desire for separate housing. Therefore, the demand for adequate housing has been increasing.<sup>76</sup>

The report 'Roma Integration in Bulgaria: Necessary Reforms and Economic Effects', published by the Open Society Institute in 2006, concluded that the living conditions of Roma are considerably worse than the average in the country, and that the segregation of Roma in some areas continues to be problematic. The **living conditions of Roma** are identified as one of the **factors hindering the economic integration of Roma**. Alternatives to the government policy for improving the living conditions of Roma are proposed based on the understanding that Roma inclusion into the economic activities is the key to the

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<sup>73</sup> I. Tomova (1995) *The Gypsies in the Transition Period*, Sofia: International Centre for Minority Studies and Intercultural Relations, p. 65.

<sup>74</sup> Bulgaria/Министерски съвет (2006) *Национална програма за подобряване жилищните условия на ромите в Република България за периода 2005-2015 година*, p. 8, available at: [http://www.ncedi.government.bg/en/NRP-071%2003%202006%20Final%20en%20\(2\).htm](http://www.ncedi.government.bg/en/NRP-071%2003%202006%20Final%20en%20(2).htm) (29.03.2009).

<sup>75</sup> World Bank, Vitoshka Research (2001) *Sociological and Beneficiary Assessment of Potential Low Income Housing Micro-Projects*, p. 59, available at: <http://siteresources.worldbank.org/INTROMA/Resources/repmain.pdf> (27.05.2009).

<sup>76</sup> Bulgaria/Министерски съвет (2006) *Национална програма за подобряване жилищните условия на ромите в Република България за периода 2005-2015 година*, p. 8, available at: [http://www.ncedi.government.bg/en/NRP-071%2003%202006%20Final%20en%20\(2\).htm](http://www.ncedi.government.bg/en/NRP-071%2003%202006%20Final%20en%20(2).htm) (29.03.2009).

complete Roma integration in society. The approach of the report is 'directed towards the people, not to the houses' – the situation could be improved in practice through increasing the income earned by Roma, moving them to other districts, through the improvement of the conditions and infrastructure in the Romani districts, and the improvement of the economic environment. The problems related to the ownership of the land and the legality of the houses are defined as major problems. The legal uncertainty generates a short-term attitude in Roma towards their houses. That could be improved by transferring the ownership over the land to the Roma that live there, by improving the infrastructure and by supporting the compliance with the requirements of the spatial law. The economic integration of Roma is also an important aspect for a long-term improvement of the living conditions of Roma. The construction and maintenance of a dwelling-place requires a certain level of income. Therefore, the report suggests that, to a great extent, the housing problems of Roma could be solved only by increasing the income of the Romani households.<sup>77</sup>

In 2007, DecadeWatch, an initiative of a group of Romani activists and researchers, compared Bulgaria with eight other European countries to assess progress under the Decade of Roma Inclusion 2005-2015. In the priority area of housing, Bulgaria was ranked on third place. DecadeWatch assessed progress of the countries by looking at the availability of data on Romani housing, of measures to overcome non-registration and illegal settlements, of access to communal services, and of access to quality social housing. As noted by DecadeWatch: 'The government itself does not have any nationally representative, regularly updated data', and there is no governmental mechanism for monitoring and collection of data on discrimination specifically in the housing sector.<sup>78</sup>

In terms of **affordability**, Roma face the worst instances of the housing market characteristics such as deteriorating condition of the housing stock, no system for housing subsidies, and difficulty in accessing mortgage loans due to their low purchasing power.<sup>79</sup> Additionally, real estate prices increased significantly over the past several years (only between 2007 and 2008, prices rose from 1,091.24 Levs/sq.m. to 1,363.48 Levs/sq.m.).<sup>80</sup>

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<sup>77</sup> G. Angelov, L. Bogdanov (2006) *Roma Integration in Bulgaria: Necessary Reforms and Economic Effects*, Sofia: Open Society Institute, available at: [http://www.osi.bg/downloads/File/ResumeG.Angelov\\_EN.pdf](http://www.osi.bg/downloads/File/ResumeG.Angelov_EN.pdf) (29.03.2009).

<sup>78</sup> DecadeWatch (2007) *Roma activities assess the progress of the Decade of Roma Inclusion*, p. 28, available at: [http://demo.itent.hu/roma/portal/downloads/DecadeWatch/DecadeWatch%20-%20Bulgaria%20\(English;%20Final\).pdf](http://demo.itent.hu/roma/portal/downloads/DecadeWatch/DecadeWatch%20-%20Bulgaria%20(English;%20Final).pdf) (30.03.2009). For the full data see Table 9 of Annex 1.

<sup>79</sup> Phare Programme (2003) *Background Survey on Urbanisation and Housing in Roma Neighbourhoods, Bulgaria, Framework Contract: AMS/451 Lot No. 8*, p. 47.

<sup>80</sup> Bulgaria/Национален статистически институт (2008) *Average Annual Market Prices of Dwellings*, available at: [http://www.nsi.bg/Cpi\\_e/CPI\\_e.htm](http://www.nsi.bg/Cpi_e/CPI_e.htm) (30.03.2009).

In terms of **habitability**, Romani houses are in the worst conditions compared to those of other ethnic groups. According to the 2004 UNDP survey, Roma have 0.76 rooms per household member, while the majority of the population has twice as much – 1.58 rooms per household member. The average size of Romani dwellings is 15 sq.m. per household member, while for the majority of the population it is 34 sq.m. per household member.<sup>81</sup> Many Romani houses are built on lands that are not suitable for construction, which creates a risk for the safety of the inhabitants.<sup>82</sup>

In terms of **accessibility**, there is no available information about vulnerable Romani groups being ensured any priority consideration in the area of housing.

In terms of **location**, a report by the Open Society Institute concludes that segregation of Roma in separate neighbourhoods leads to the existence of segregated Roma-only schools (the average quality of education in such schools is lower than that in mainstream schools), fewer employment opportunities (discrimination can be based on the permanent address, and candidates who live in certain neighbourhoods can be *a priori* excluded) and lack of investment (segregated neighbourhoods drive investors back for either racist concerns or fear of higher criminality, or just for an objective recognition of the high concentration of poverty).<sup>83</sup>

A study published by the World Bank in 2001 offered the following general typology of Romani housing:

- Primitive housing (dugouts, cardboard houses, hovels, etc.). Those are inhabited by the poorest sections of the Romani population, all too often anomic and marginalised even within the Romani community itself. In many cases such 'housing' constitutes a separate part of the Romani neighbourhoods, detached from the other inhabitants ('a ghetto within the ghetto').
- Flimsy structures (wooden sheds, adobe houses, tumbledown houses, etc.). There exist neighbourhoods in the large towns, inhabited by extremely poor families, where flimsy structures predominate. Such buildings are illegal in terms of Bulgarian territorial planning and development law. Migration is highest among the families inhabiting such housing. They typically try to squat the deserted houses or expropriated property of their former

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<sup>81</sup> UNDP (2004) *Faces of Poverty, Faces of Hope*, p. 16, available at: <http://vulnerability.undp.sk/DOCUMENTS/bulgaria.pdf> (30.03.2009). For the full data see Table 5 of Annex 1.

<sup>82</sup> Center for the Study of Democracy (2009) *Interview with a senior official from the National Council for Cooperation on Ethnic and Demographic Issues, conducted on 20.03.2009*.

<sup>83</sup> G. Angelov, L. Bogdanov (2006) *Roma Integration in Bulgaria: Necessary Reforms and Economic Effects*, Sofia: Open Society Institute, available at: <http://www.osf.bg/cyeds/downloads/Roma%20inclusion%20-%202011%20April%202007-EN.pdf> (13.05.2009).



neighbours, but are forced to return to the housing built by them with every campaign launched by the municipal and police authorities.

- Semi-solid one-floor and two-floor structures. Very common in the Romani neighbourhoods, such structures are typically built without the proper construction permits and documents, and in the absence of deeds to the property. They are often left unfinished, unpainted, unroofed, etc.
- Solid one-floor and two-floor structures. Few members of the Romani community can afford to build such houses. Essentially, these structures hardly differ from, and may even surpass in quality, the standard houses typically built by Bulgarians.
- Concrete panel housing. Part of the Romani population has been accommodated (forcibly in some cases) in panel housing developments built mainly in the 1970s and 1980s, most of which are in deplorable condition.<sup>84</sup>

The same report offered an overview of the general appearance of homes in 11 Romani neighbourhoods, concluding that most of the homes inhabited by Roma are in bad condition (unfinished, with leaks, unpainted, in need or urgent repairs, etc.); they consist mainly of semi-solid, one or two-storey buildings whose state (construction, used building materials, disposition, room size and purpose) differs significantly from the generally acceptable concept of a modern home. According to the report, most of these homes have been built without a preliminary and duly approved architectural plan. They were built with the use of low-quality and non-standard or old and unfit materials, without the necessary studies of the strength and bearing capacity of the ground. The necessary heat and hydro-insulation is ignored in their construction, making them uncomfortable to live in. For these reasons the homes quickly grow old and dilapidated. The disposition of the rooms and their purpose do not conform to accepted standards either. The houses usually have two or three rooms, which are used as a bedroom, kitchen and living room at the same time. The necessary distance between buildings has not been observed during construction either. Most of the houses adjoin each other. This is more common in large cities due to the limited space and large population of these neighbourhoods. A characteristic feature of the areas in which the Romani population lives is that there is no district development plan approved by the municipality. The homes are built haphazardly, according to people's needs, close to each other. This impedes the establishment of infrastructure in these districts. The described state of the homes, their construction and location are also a reason for their poor power and water supply.<sup>85</sup>

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<sup>84</sup> World Bank, Vitosha Research (2001) *Sociological and Beneficiary Assessment of Potential Low Income Housing Micro-Projects*, p. 24, available at: <http://siteresources.worldbank.org/INTROMA/Resources/repmain.pdf> (27.05.2009).

<sup>85</sup> World Bank, Vitosha Research (2001) *Sociological and Beneficiary Assessment of Potential Low Income Housing Micro-Projects*, p. 27-28, available at: <http://siteresources.worldbank.org/INTROMA/Resources/repmain.pdf> (27.05.2009).

The problems in Romani housing in Bulgaria have been mentioned, although only generally, by the Committee on the Elimination of Racial Discrimination (CERD) in its Concluding observations on Bulgaria. According to this document, the Committee is concerned about the specific obstacles encountered by Roma in respect of access to work, housing, health care and education, and recommends that Bulgaria continue taking positive measures to improve the living conditions of Roma in respect of access to work, health care, housing and education within the framework of the Plan of Action for Roma Inclusion and the Decade for Roma Inclusion.<sup>86</sup>

### 1.3.2. Issues of spatial and social segregation

Discrimination against Roma in housing is also due to the lack of understanding and the existing inertia. Many Roma are either reluctant to move from Romani neighbourhoods, or cannot move out of their neighbourhoods, which reinforces segregation.<sup>87</sup>

In general, the majority of Roma in Bulgaria live in segregated neighbourhoods. In larger settlements such as Sofia, Plovdiv, Burgas, Shumen, Stara Zagora and Sliven, Romani neighbourhoods are usually located on the outskirts of the city. In most cases, the outside representatives of the macro-social environment lack a 'natural' access to the Romani neighbourhoods. The reasons for this are complex – limited transport and communication, remoteness from the central city zones, poor road infrastructure, ethnic prejudices, etc. The specific differences in culture (that of the predominantly Bulgarian population and that of the Romani minority), combined with the discriminatory attitudes of part of the majority gradually led to this visible territorial division of the two communities. Roma are a community that seemingly tends to accept the everyday norms of the majority, and, conversely, the majority takes a largely negative attitude to the way of life and cultural specifics of the Romani community. The above-mentioned conclusions are also valid for Roma in large city neighbourhoods covered by the study.<sup>88</sup>

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<sup>86</sup> World Bank, Vitosha Research (2001) *Sociological and Beneficiary Assessment of Potential Low Income Housing Micro-Projects*, p. 27-28, available at: <http://siteresources.worldbank.org/INTROMA/Resources/repmain.pdf> (27.05.2009).

<sup>87</sup> Committee for the Elimination of Racial Discrimination (2009) *Consideration of reports submitted by States parties under Article 9 of the Convention. Concluding observations of the Committee on the elimination of Racial Discrimination – Bulgaria*, p. 4, available at: <http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain?page=publisher&docid=49eee5e02&skip=0&publisher=CERD&querysi=bulgaria&searchin=title&display=10&sort=date> (15.06.2009).

<sup>88</sup> World Bank, Vitosha Research (2001) *Sociological and Beneficiary Assessment of Potential Low Income Housing Micro-Projects*, p. 22, available at: <http://siteresources.worldbank.org/INTROMA/Resources/repmain.pdf> (27.05.2009).

### 1.3.3. Access to private housing

The main problem in the area of private housing is that, due to their low income, Roma cannot afford to rent or buy a house, and have a very limited access to mortgage loans.<sup>89</sup>

### 1.3.4. Access to social housing

There is no available information indicating that Roma are directly or indirectly excluded from the provision of social housing. On the opposite, according to the 2004 UNDP survey, Roma are much more dependent on social housing than the non-Romani population. The survey showed that 15 per cent of Roma live in public housing, compared to only 1 per cent of the surrounding majority. The 2002 UNDP survey, which sampled more villages than the 2004 survey, shows that in rural areas Roma are less dependent on municipal housing.<sup>90</sup>

### 1.3.5. Forced evictions

There is no available official statistical data on the **forced evictions and demolitions** of Romani dwellings. The only available information comes from reports in the media describing such cases.

- In January 2009, a Romani neighbourhood in the town of Kazanlak accommodating about 40 Romani families started to be demolished.<sup>91</sup>
- In November 2008, five Romani houses in the city of Varna were destroyed.<sup>92</sup>
- In July 2008, 24 Romani houses built illegally on municipal land in the town of Svilengrad were destroyed.<sup>93</sup>
- In June 2008, four illegal houses occupied by Romani families were demolished in the city of Plovdiv.<sup>94</sup>

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<sup>89</sup> Phare Programme (2003) *Background Survey on Urbanisation and Housing in Roma Neighbourhoods, Bulgaria, Framework Contract: AMS/451 Lot No. 8*, p. 47.

<sup>90</sup> UNDP (2004) *Vulnerable Groups in South Eastern Europe Dataset*, available at: <http://vulnerability.undp.sk/> (30.03.2009); UNDP (2002) *Avoiding the Dependency Trap Dataset*, available at: <http://vulnerability.undp.sk/> (30.03.2009). For the full data see Table 8 of Annex 1.

<sup>91</sup> В. Стоянов (2009) 'Бутат ромски къщи в Казанлък', in: *24 часа* (27.01.2009).

<sup>92</sup> 'Събарят къщи на ромски семейства във Варна', in: *News.bg* (21.11.2008), available at: [http://news.ibox.bg/news/id\\_1188681625](http://news.ibox.bg/news/id_1188681625) (30.03.2009).

<sup>93</sup> Д. Иванов (2008) 'Събарят незаконни ромски постройкики в Свиленград', in: *Haskovo.com* (29.07.2008), available at: [http://haskovo.info/index.php?option=com\\_content&task=view&id=8078&Itemid=2](http://haskovo.info/index.php?option=com_content&task=view&id=8078&Itemid=2) (30.03.2009).

- In July 2007, Romani houses occupied by more than 100 persons were demolished in the city of Stara Zagora.<sup>95</sup>
- In August 2005, more than 20 houses were demolished in the Roma populated Hristo Botev district in Sofia.<sup>96</sup>
- In October 2004, the authorities in the city of Burgas made a decision to demolish an entire Romani neighbourhood in the city's suburbs built illegally on municipal land.<sup>97</sup>

According to NGOs, forced evictions have happened quite often causing a feeling of 'insecurity' among Roma irrespective of how long they have occupied certain lodgings.<sup>98</sup> There are two main reasons for such evictions: illegal use of state or municipal land and construction not corresponding to the applicable rules and regulations.<sup>99</sup>

### 1.3.6. Legality and legalisation of settlements

The majority of the buildings where Roma live are built without necessary building permits, in contravention of building requirement, and outside of zoning plans of cities, making around 25 per cent of Romani housing illegal.<sup>100</sup> The legal framework allowing for the legalisation of illegal construction is no longer applicable, and currently there are no opportunities for such legalisation to be carried out. There are some local initiatives formally envisaging the legalisation of illegal construction; however, according to NGOs, there are serious doubts as to whether they will be implemented in practice in view of the restrictive legal framework.<sup>101</sup>

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<sup>94</sup> A. Апостолов (2008) 'Бутнаха незаконни ромски къщи в центъра на Пловдив', in: *Econ.bg* (10.06.2008), available at: <http://www.econ.bg/news86032/analysis/article142637.html> (30.03.2009).

<sup>95</sup> 'Събарят гето, за да спасят Стара Загора от пожар', in: *News.dir.bg* (30.07.2007), available at: <http://dnes.dir.bg/2007/07/30/news1944539.html> (30.03.2009).

<sup>96</sup> И. Шентов (2005) 'Събориха 22 коптора в ромско гето', in: *Новинар* (1.09.2005), available at: <http://www.novinar.net/?act=news&act1=det&stat=right&mater=MTcwMjs3> (30.03.2009).

<sup>97</sup> Б. Божков (2004) 'Събарят циганското гето в Бургас', in: *Сеза* (25.10.2004), available at: <http://www.segabg.com/online/article.asp?issueid=1330&sectionid=2&id=00016> (30.03.2009).

<sup>98</sup> Center for the Study of Democracy (2009) *Interview with a senior representative of the Bulgarian Helsinki Committee, conducted on 26.03.2009.*

<sup>99</sup> Center for the Study of Democracy (2009) *Interview with a senior official from the National Council for Cooperation on Ethnic and Demographic Issues, conducted on 20.03.2009.*

<sup>100</sup> Bulgaria/Министерски съвет (2006) *Национална програма за подобряване жилищните условия на ромите в Република България за периода 2005-2015 година*, p. 8, available at: [http://www.ncedi.government.bg/en/NRP-071%2003%202006%20Final%20en%20\(2\).htm](http://www.ncedi.government.bg/en/NRP-071%2003%202006%20Final%20en%20(2).htm) (29.03.2009).

<sup>101</sup> Center for the Study of Democracy (2009) *Interview with a senior representative of Equal Opportunities Initiative, conducted on 23.03.2009.*

### 1.3.7. Movement, encampment and use of private land

There is no available official information on the **movement** of Roma. However, according to a study published by the World Bank in 2001, sedentary Roma presently make up the major group in Bulgaria. They have settled in nearly all of the large towns in this country. According to the report, the reason for the concentration of the Romani population in large cities – the so-called social migration – is largely economic since they have no way of making a living in the smaller communities. Some Romani communities from the smaller towns and villages still have a semi-nomadic lifestyle, spending the winter at home and travelling in the summer around the country selling various goods they have made themselves – mostly wooden and metal household objects.<sup>102</sup>

Bulgarian legislation does not govern the establishment of **encampments** and, therefore, no such facilities are provided.

In terms of **land ownership**, a report of the World Bank published in 2001 described six basic patterns:

- The citizen is the legitimate owner of his or her land, holds the deed to the property and to a lawful structure built on that land. This situation is so rarely encountered (mainly in the rural regions) that it could easily be dropped from the classification, but is, nevertheless, presented for the purpose of accuracy.
- The citizen is the legitimate owner of his or her land, holds the deed to the property and lives in an unlawful structure.
- The citizen owns the land but does not hold a legitimate deed.
- The citizen lives on state-owned or municipal land where he or she has built a dwelling after having been granted a building permit by the state or municipality.
- The citizen lives on state-owned or municipal land and has built a dwelling without acquiring a building permit from the state/municipality. This is the most common situation in the Romani neighbourhoods.
- The citizen lives on privately owned land – for the most part restituted property. In such situations, Roma are usually forcibly evicted from the property, which they refuse to leave voluntarily because they have no alternative.

According to the study, as for the ownership of the land on which the house is built, there was a high share of positive answers in many Romani

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<sup>102</sup> World Bank, Vitosha Research (2001) *Sociological and Beneficiary Assessment of Potential Low Income Housing Micro-Projects*, p. 21, available at: <http://siteresources.worldbank.org/INTROMA/Resources/repmain.pdf> (27.05.2009).

neighbourhoods. However, the report concludes that these findings suggest a misinterpretation of the question on the part of the Roma, and the data obtained from the Romani population itself is overstated.<sup>103</sup>

### 1.3.8. Access to public utilities

Illegal construction has prevented the inclusion of many buildings in the municipal utility infrastructure (roads, electricity, waste collection, sewerage, or piped water). Even in neighbourhoods where utilities are provided, population density is so great that it overloads existing utility services and infrastructure, often resulting in inadequate sanitation, health risks, and communal tensions. Therefore, the great majority of Romani neighbourhoods could be described as ghettos.<sup>104</sup>

The problems with the access to public utilities are usually seen as a result of the lack of urban plans covering Romani neighbourhoods.<sup>105</sup> At the same time, according to NGOs, the lack of basic infrastructure often leads to 'inhuman situations'. The way some of the public utility services are provided in Romani neighbourhoods is also discriminatory as, for example, electricity is cut for the entire neighbourhood when only individual households have failed to pay their bills.<sup>106</sup>

According to the report of the World Bank published in 2001, half of the studied neighbourhoods are located close to city freeways, and most of them near busy thoroughfares. All neighbourhoods have formal streets with names, seven of them also have informal streets (without names), and eight of them so-called 'paths' between the houses, which are used by the neighbourhood's inhabitants. Most of the roads are asphalted; however, not a single type of road surface in a single neighbourhood was assessed to be in good condition.<sup>107</sup>

The report also presents information about the infrastructure of the studied neighbourhoods and their main infrastructure problems collected from the local

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<sup>103</sup> World Bank, Vitosha Research (2001) *Sociological and Beneficiary Assessment of Potential Low Income Housing Micro-Projects*, pp. 61-64, available at: <http://siteresources.worldbank.org/INTROMA/Resources/repmain.pdf> (27.05.2009).

<sup>104</sup> Bulgaria/Министерски съвет (2006) *Национална програма за подобряване жилищните условия на ромите в Република България за периода 2005-2015 година*, p. 8, available at: [http://www.ncedi.government.bg/en/NRP-071%2003%202006%20Final%20en%20\(2\).htm](http://www.ncedi.government.bg/en/NRP-071%2003%202006%20Final%20en%20(2).htm) (29.03.2009).

<sup>105</sup> Center for the Study of Democracy (2009) *Interview with a senior official from the National Council for Cooperation on Ethnic and Demographic Issues, conducted on 20.03.2009*.

<sup>106</sup> Center for the Study of Democracy (2009) *Interview with a senior representative of Bulgarian Helsinki Committee, conducted on 26.03.2009*.

<sup>107</sup> World Bank, Vitosha Research (2001) *Sociological and Beneficiary Assessment of Potential Low Income Housing Micro-Projects*, pp. 29-30, available at: <http://siteresources.worldbank.org/INTROMA/Resources/repmain.pdf> (27.05.2009).

population by means of a quantitative study. Respondents were asked about the three most important problems in their neighbourhoods. In first place, the respondents in all 11 settlements cited the streets in their neighbourhoods, followed by the problem of street lighting and, thirdly, sewerage. Dislike of the houses in their neighbourhoods is ranked in fourth place. The market, shops and kindergarten were ranked last in the list of the neighbourhood's main problems.<sup>108</sup>

### 1.3.9. Access and quality of housing for third country Roma/Travellers immigrants

There is no available information about access and quality of housing for third country Romani immigrants. There is also no official or unofficial data on the number of Romani immigrants from other countries, including EU nationals. However, based on the fact that most of the studies on immigration in Bulgaria do not mention Roma among the largest immigrants' communities in the country, one can conclude that their number, if any, is insignificantly small.

### 1.3.10. Campaigns undertaken by authorities on the right to adequate housing

The National Programme for Improving the Housing Conditions of Roma in the Republic of Bulgaria envisages some measures for informing potential beneficiaries about the programme and involving them in the practical activities for its implementation. These measures include the education and training of 2,400 representatives of local communities as well as consultation. The funds available for these activities amount to 940,000 Levs (approximately 470,000 Euro).<sup>109</sup> However, according to NGOs, the implementation of the programme is not effective, and most of the available resources are spent for studies without any practical impact.<sup>110</sup> Most of the measures are seen as non-concrete and not efficiently coordinated between national and local level.<sup>111</sup>

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<sup>108</sup> World Bank, Vitosha Research (2001) *Sociological and Beneficiary Assessment of Potential Low Income Housing Micro-Projects*, p. 33, available at:

<http://siteresources.worldbank.org/INTROMA/Resources/repmain.pdf> (27.05.2009).

<sup>109</sup> Bulgaria/Министерски съвет (2006) *Национална програма за подобряване жилищните условия на ромите в Република България за периода 2005-2015 година*, available at: [http://www.ncedigovernment.bg/en/NRP-071%2003%202006%20Final%20en%20\(2\).htm](http://www.ncedigovernment.bg/en/NRP-071%2003%202006%20Final%20en%20(2).htm) (29.03.2009).

<sup>110</sup> Center for the Study of Democracy (2009) *Interview with senior representative of Bulgarian Helsinki Committee, conducted on 26.03.2009*.

<sup>111</sup> Center for the Study of Democracy (2009) *Interview with senior representative of Equal Opportunities Initiative, conducted on 23.03.2009*.

Information campaigns have been carried out on local level as well. Thus, for instance, the Municipal Strategy on the Decade of Roma Inclusion in Sofia 2007-2013 envisages the carrying out of informative and educational campaigns among Roma for the possibilities of access to quality homes and living conditions – consultations for entering the catalogue system for social houses, update of the catalogues and procedures for getting a municipal house.<sup>112</sup>

A national Deliberative Poll of Bulgaria on policies on Roma, organised by the Centre for Liberal Strategies in partnership with *Алфа рисърч* [Alpha Research], *Българска национална телевизия* [Bulgarian National Television] and the Open Society Institute-Sofia, produced many strong and statistically significant changes in the direction of an integrationist perspective. After deliberation, participants expressed far less support for separate Romani neighbourhoods, but increased support for measures that would help Roma obtain adequate and legal housing. Those who thought that ‘the Roma should live in separate Roma neighbourhoods’ declined from 43 per cent to 21 per cent, while those who thought the government ‘should legalise those buildings that meet current regulations and then destroy the rest’ rose from 66 per cent to 77 per cent. Those agreeing that ‘the government should help people living in illegal housing to get and repay loans to build new houses’ went from 47 per cent to 55 per cent. After deliberation, participants also placed increased value on self-reliance in approaching this issue. Those agreeing that ‘the Roma will take better care of houses that they built with their own resources’ rose from 76 per cent to 91 per cent. As participants deliberated they increasingly agreed that separate Romani neighbourhoods posed a problem. Those who thought ‘the Roma neighbourhoods breed crime and disease that affect everyone’ rose from 60 per cent to 69 per cent. And while the participants moderated somewhat in their view of what should be done, they continued to be disturbed about unpaid electricity bills. For example, those believing that ‘power should be cut off in the neighbourhoods where the residents do not pay’ fell from 82 per cent to a still very high 75 per cent. Nevertheless, there was no support after deliberation for punitive measures such as ‘building a wall around the ghetto’. Support for this option fell from 12 per cent at the beginning to only 7 per cent after deliberation.<sup>113</sup>

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<sup>112</sup> Bulgaria/Столичен общински съвет (2007) *Общинска стратегия по Десетилетие на ромското включване в София 2007-2013 г., приета с Решение № 884 на Столичния общински съвет от 28.09.2007 година*, available at: [http://www.sofiacouncil.bg/content/docs/c\\_f13160.pdf](http://www.sofiacouncil.bg/content/docs/c_f13160.pdf) (30.03.2009).

<sup>113</sup> Институт ‘Отворено общество’ – София (2007) *Deliberative Poll® Supports Integration of the Roma in Bulgarian Society*, available at: [http://www.osi.bg/downloads/File/Deliberative%20Poll\\_ENG.pdf](http://www.osi.bg/downloads/File/Deliberative%20Poll_ENG.pdf) (30.03.2009). The deliberations took place in the National Palace of Culture and were televised nationally. The scientific sample of 255 residents drawn from around the country by Alpha Research spent the weekend of 14-15.04.2007 deliberating about issues affecting the Roma, including housing.



The results of the deliberative poll received broad media coverage and were even cited by foreign media. According to the New York Times, the results ‘appeared to indicate that most Bulgarians were more willing to support measures to integrate Roma into society, even though nationalist politicians use increasingly hostile language toward them’.<sup>114</sup>

## 1.4. Case law and complaints

The main body which records and processes housing discrimination complaints is the *Комисия за защита от дискриминация (КЗД)* [Commission for Protection against Discrimination (CPD)], which is the national equality body established in 2005 in line with the Racial Equality Directive. The CPD deals with complaints for direct and indirect discrimination on all grounds, including on the grounds of ethnicity and race.

Since its establishment in 2005, the CPD has not instituted any proceedings upon complaints for ethnic or racial discrimination in the area of housing, including discrimination or unequal treatment of Roma.<sup>115</sup> There is only one case related to discrimination in housing dealt with by the CPD in 2008. A woman of Romani origin complained against the governor of her district that, after her family had been placed in a state-owned flat and after she had concluded a rental contract with the governor, she was never allowed to buy the flat pursuant to the law because of endless protraction of procedures. The respondent governor claimed that the applicant did not fulfil any of the conditions for preferential purchase of the flat, many other tenants were in the same situation and she was still allowed to use the flat, which was a proof that there was no discrimination. The CPD looked at the regulation for buying state-owned flats and noted many procedural violations in the treatment of the applicant. The CPD found a case of continued violation, because the applicant was not allowed to buy the flat for a long time. The applicant presented proof that she was treated less favourably because of her ethnicity, while the governor did not present evidence to the opposite. According to the CDP, that was a case of direct discrimination combined with persecution, because, after the CPD proceedings had been opened, the governor sent the applicant a letter that her rental contract may be terminated. The governor was imposed a fine of 500 Levs. He was ordered to undertake the necessary measures and finish properly the proceedings for the sale of the flat to the applicant.<sup>116</sup>

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<sup>114</sup> N. Wood (2007) ‘Bulgaria Invites Guests for a Day of Intense Democracy’, in: *The New York Times* (7.05.2007), available at: <http://www.nytimes.com/2007/05/07/world/europe/07bulgaria.html?ex=1179201600&en=4683603dddfcbfc3c&ei=5070&emc=eta1> (30.03.2000).

<sup>115</sup> Bulgaria/Комисия за защита от дискриминация (2009) *Letter to the Center for the Study of Democracy No 12-20-20 of 22.05.2009*.

<sup>116</sup> Bulgaria/Комисия за защита от дискриминация (2008) *Решение № 90/22.04.2008*.

Another case that gave rise to a broad public discussion was the incident with the installation of electrometers in the Romani neighbourhoods, which was dealt with by the CPD. The discrimination of Roma in relation to electricity supply services – one of the essential services for good housing conditions – was reviewed by the Commission for Protection against Discrimination in 2006. The complaint to the Commission was lodged against the electricity services provider in the city of Lom – *Електроразпределение-Плевен АД* [Elektrozpredelenie-Pleven AD]. The main issue was whether the practice of installing the electrometers in Romani houses at a height of four to five metres, not reachable by the people, was discriminatory, while the electrometers for the rest of the consumers were installed at 1.50-1.80 metres height. In its decision of 16.10.2006, the CPD found that there was indirect discrimination on ethnic grounds against Roma resulting in supply of electricity under less favourable conditions. The Commission ordered the discrimination to be stopped and the consequences of it to be removed.<sup>117</sup> However, the Commission's decision was repealed by the *Върховен административен съд (ВАС)* [Supreme Administrative Court (SAC)] on 11.07.2007.<sup>118</sup>

Complaints against housing rights violations may also be submitted to the courts following the general rules on court proceedings. This applies also to cases of forced evictions where the order of the local authorities could be appealed against before the respective court. However, in Bulgaria, there is no centralised public register of court decisions, and information about court cases is kept only by the respective court hearing the case. Such information is provided only to parties to the proceedings.

NGOs report about providing legal assistance (consultancy, representation) to Roma, including in cases of housing rights violations. However, publicly accessible official information about these cases is not available. Data about the ethnic background of the parties to a case is not available either.

An exemplary case, providing a comprehensive and informative review of the situation of Roma in housing, is the decision of the European Committee of Social Rights (ECSR) on Complaint No 31/2005, *European Roma Rights Centre v. Bulgaria*. The decision examines the legal guarantees for equal treatment of Romani families in relation to their housing rights, the lack of legal security of tenure and the forced eviction of Romani families from sites of dwellings unlawfully occupied by them. The European Roma Rights Centre claimed that 'Bulgaria discriminates against Roma in the field of housing with the result that Roma families are segregated in housing matters, lack legal security of tenure, are subject to forced evictions and live in substandard

<sup>117</sup> Bulgaria/Комисия за защита от дискриминация (2006) *Решение №44а от 16.10.2006 г.*

<sup>118</sup> Bulgaria/Върховен административен съд (2007) *Решение №10899 от 11.07.2007 г.*, available at: <http://www.sac.government.bg/court22.nsf/d038edcf49190344c2256b7600367606/734b802f82370ab1c225738a00402079?OpenDocument> (30.03.2009).

conditions in breach of Article 16 of the Revised European Social Charter (the Revised Charter) read alone or in conjunction with Article E'.<sup>119</sup>

The ECSR issued its decision on 18.10.2006 concluding that 'the situation concerning the inadequate housing of Roma families and the lack of proper amenities' as well as 'the lack of legal security of tenure and the non-respect of the conditions accompanying eviction of Roma families from dwellings unlawfully occupied by them' constitute violations of Article 16 of the Revised European Social Charter taken together with Article E.<sup>120</sup>

Although the ECSR recognised that the effective implementation of the right to housing might require time, it also found that, given the urgency of the housing situation of Romani families, a time frame of six years following the adoption in 1999 of the Framework Programme for Equal Integration of the Roma into Bulgarian Society should have been enough to realise significant improvements.

The decision also stated that, notwithstanding the clear political will expressed by the government to improve the housing situation of Romani families, all these programmes and their implementing measures have not yet yielded the expected results. There is not enough evidence that the various programmes and action plans concerning Roma adopted so far are being effectively implemented. The decision referred to the National Programme for Improvement of the Living Conditions of Roma in the Republic of Bulgaria for the Period 2005-2015 being the last one of a series which date back to 1999, which has been subsequently embedded in the National Action Plan for Decade of Roma Inclusion 2005-2015.<sup>121</sup>

The European Roma Rights Centre alleged that the large number of Roma in Bulgaria lived separated and segregated from non-Roma population in settlements, often walled off from them through physical barriers such as metal or concrete fences and almost completely removed from the mainstream of Bulgarian social and economic life. Romani neighbourhoods, as the government itself recognised in the Framework Programme for Equal Integration of Roma in Bulgarian Society, are usually found on the outskirts of cities, towns and villages, are not included in city plans and lack adequate infrastructures. According to the European Roma Rights Centre, Romani neighbourhoods are overcrowded and have markedly substandard housing and living conditions. Many homes consist of makeshift shacks made of cardboard, metal scraps and mud bricks, often devoid of windows, doors, and walls. From a 2001 World

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<sup>119</sup> European Committee of Social Rights with the Council of Europe (2006) Decision on the merits: *European Roma Rights Centre v. Bulgaria* (Complaint No 31/2005), p. 15, available at: <http://hudoc.esc.coe.int/esc1doc/escce/doc/200714/cc-31-2005-en-2.doc> (29.03.2009).

<sup>120</sup> Bulgaria/Комисия за защита от дискриминация (2007) *Letter No 12-20-1733 of 18.09.2007 to the Center of the Study of Democracy*.

<sup>121</sup> European Committee of Social Rights with the Council of Europe (2006) Decision on the merits: *European Roma Rights Centre v. Bulgaria* (Complaint No 31/2005), p. 11, available at: <http://hudoc.esc.coe.int/esc1doc/escce/doc/200714/cc-31-2005-en-2.doc> (29.03.2009).

Bank Survey, quoted in the complaint, it appears that in the Fakulteta neighbourhood of Sofia 17 per cent of the respondents lived in ‘primitive houses’ (cardboard houses and hovels), and another 59 per cent in ‘flimsy structures’ (wooden sheds, makeshift shacks). Basic infrastructure such as water, electricity, heating, sewage and solid waste removal, and public transportation are non-existent or insufficient to meet the needs of the population in large cities such as Varna (Maksuda settlement), Pazardzhik and Plovdiv (Stolipinovo settlement). The provision of electricity has recently raised serious concerns: the complainant mentions several cases of Romani neighbourhoods being cut off from electricity supply due to unpaid electricity bills. The collective disconnection from the electrical grid also affected Romani families who did not have debts with the state-owned provider, representing thereby a collective punishment. In the Fakulteta neighbourhood in Sofia, the provider refused to repair a breakdown in the grid because of unpaid debts, thereby affecting all clients of the network.

According to the decision of the ECSR, in all its submissions the government emphasised that Bulgarian legislation provides adequate safeguards for the prevention of discrimination. In fact, the legislation in force in the area of housing does not differentiate the people by ethnic origin. Furthermore, Article 4 of the Law for Protection against Discrimination prohibits any direct or indirect discrimination on the grounds of race, nationality, ethnicity, citizenship, origin, religion or belief, while Article 5 of the same law explicitly states that racial segregation shall be deemed discrimination. However, the ECSR found that ‘in the case of Roma families, the simple guarantee of equal treatment as the means of protection against any discrimination does not suffice’. According to the decision: ‘the ECSR considers that Article E imposes an obligation of taking into due consideration the relevant differences and acting accordingly. This means that, for the integration of an ethnic minority such as Roma into mainstream society, measures of positive action are needed’.<sup>122</sup>

The ECSR further concluded that the situation in Bulgaria ‘constitutes a violation of Article 16 in combination with Article E because Romani families are disproportionately affected by the legislation limiting the possibility of legalising illegal dwellings; and the evictions carried out did not satisfy the conditions required by the Charter, in particular that of ensuring persons evicted are not rendered homeless’. According to the ECSR, ‘the current legislation on the legalisation of dwellings affects Roma families in a disproportionate manner’. The decision explains that by strictly applying the rules on legalisation to Roma, whose situation also differs as a consequence of the state non-intervention over a certain period (regarding property documents, or the respect of construction safety and hygiene rules), Bulgaria has discriminated against

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<sup>122</sup> European Committee of Social Rights with the Council of Europe (2006) Decision on the merits: *European Roma Rights Centre v. Bulgaria* (Complaint No 31/2005), p. 12, available at: <http://hudoc.esc.coe.int/esc1doc/escce/doc/200714/cc-31-2005-en-2.doc> (29.03.2009).

Romani families by failing to take due consideration of the specificity of their living conditions.

As regards eviction, which is the consequence of the non-legalisation of dwellings, the ECSR found that while it is true that legislation exists and it includes judicial redress, it does not address properly the specific situation of Romani families, with the exception of the suspended eviction of the Vazrazhdane neighbourhood in Sofia. 'By failing to take into account that Roma families run a higher risk of eviction as a consequence of the precariousness of their tenancy, Bulgaria has discriminated against them', the decisions says. In particular, the ECSR observed that, though in certain cases the evicted Roma are provided with alternative accommodation or compensation, these measures, on the one hand, do not concern all families involved because of the conditions set by the law; and, on the other hand, accommodation is either substandard or of a temporary nature (vans, barracks or municipal dwellings whose rent was too expensive for low income families such as Roma). The ECSR also recalled that it is the responsibility of the state to ensure that evictions, when carried out, respect the dignity of the persons concerned even when they are illegal occupants, and that alternative accommodation or other compensatory measures are available.<sup>123</sup>

Another major case was the forced eviction of Romani families from the Batalova Vodenitsa or Sredetz neighbourhood in the Vazrazhdane district of Sofia. The forced eviction was authorised by an order of the District Mayor of Vazrazhdane on 17.09.2005. The order was then appealed before the *Софийски градски съд (СГС)* [Sofia City Court (SCC)] which on 12.01.2006 issued a decision confirming its legality. The decision of the Sofia City Court was, in turn, appealed before the *Върховен административен съд (ВАС)* [Supreme Administrative Court (SAC)] which also confirmed its legality by a decision of 12.06.2006. Based on the court's decision, on 27.06.2008, the municipal authorities served on the inhabitants of the area a notice requiring them to leave their houses by 10.07.2008, failing which they would be evicted forcibly on 11.07.2008. That would have affected around 180 Romani individuals.<sup>124</sup> Following the decision of the European Court of Human Rights (ECHR) of 08.07.2008 indicating to the Government of Bulgaria interim measures under Rule 39 of the Rules of Court, the forced eviction was suspended on 22.07.2008 by the District Mayor 'pending the resolution of the housing problems of the Batalova Vodenitsa residents'.<sup>125</sup>

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<sup>123</sup> European Committee of Social Rights with the Council of Europe (2006) Decision on the merits: *European Roma Rights Centre v. Bulgaria* (Complaint No 31/2005), p. 12, available at: <http://hudoc.esc.coe.int/esc1doc/escce/doc/200714/cc-31-2005-en-2.doc> (29.03.2009).

<sup>124</sup> European Roma Rights Centre (2008) *Letter to the President of the Republic of Bulgaria and to the Mayor of Sofia of 2 July 2008*, available at: <http://www.errc.org/db/03/0B/m000030B.pdf> (29.09.2008).

<sup>125</sup> European Courts of Human Rights, Fifth Section (2008) *Application No 25446/06, Statements of Facts and Questions to the Parties*, available at:

## 1.5. Identifying good practices

In the period 2001-2007, the Sofia Municipality implemented a project for the construction of houses for Roma:

- Title: *Изграждане на експериментални жилища за ромски семейства в квартал Христо Ботев, София* [Building of Experimental Houses for Roma Families in Hristo Botev district in Sofia].
- Organisation/institution: *Столична община* [Sofia Municipality].
- Type of organisation/institution: local government.
- Contact information and internet link:  
<http://sg.stroitelstvo.info/show.php?storyid=381710>.
- Type of initiative: support, advice to immigrants/minorities.
- Total budget and sources of funding: 10,875,000 Levs, loan from the European Bank for Reconstruction and Development.
- Rationale: construction of blocks of flats and accommodation for socially disadvantaged Romani families.
- Objectives: building of modern infrastructure and healthy living conditions for Romani families, improvement of the relations among the inhabitants in the neighbourhood, and overcoming of conflicts between the Romani community and the Bulgarian population.
- Target group: Roma and Travellers.
- Time frame and location: first phase 2001-2003, second phase 2004-2007, Sofia
- Brief description of main activities: During the first phase (2001-2003), ten blocks of flats were built with a total of 105 flats, two workshops and 14 shops for ensuring employment opportunities for the local population. During the second phase (2004-2007), two more blocks were built with a total of 27 flats. Additionally, the infrastructure of the entire neighbourhood was rehabilitated. A total of 132 Romani families were accommodated in the newly built flats.
- Involvement of Roma and Travellers in the design, implementation and assessment: the project was implemented jointly with the Public Council for the implementation of the municipal programme for development of the Romani community in Sofia and with the Municipality of Sofia which includes representatives of Romani NGOs.

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<http://cmiskp.echr.coe.int/tkp197/view.asp?item=2&portal=hbkm&action=html&highlight=yordanova&sessionid=24293234&skin=hudoc-cc-en> (29.05.2009).

- Any specific focus on Romani women, children, the elderly or persons with disabilities: N/A.
- Difficulties and limitations encountered: the main difficulty in the implementation of such projects is the finding of appropriate land for building the houses.
- Any impact assessment or other evaluation: no impact assessment of the project has been done due to the lack of financial resources.
- Sustainability: funds are being sought for the continuation of the project in other districts of Sofia.
- Possibilities for transferability and mainstreaming: the project can be replicated in other municipalities with similar problems.

In the period 2002-2008, 27 houses for vulnerable Romani families were built in the city of Kyustendil:

- Title: *Изграждане на жилища за социално слаби ромски семейства в квартал Изток, Кюстендил* [Romani Houses in Iztok District, Kyustendil].
- Organisation/institution: АДРА България [ADRA Bulgaria].
- Type of organisation/institution: civil society.
- Contact information and internet link: <http://www.adra-bg.org/WEB/News/tabid/760/Default.aspx>.
- Type of initiative: support, advice to immigrants/minorities.
- Total budget and sources of funding: 240,000 Euro, funding from the municipality of Vienna, Austrian industrialists, private individuals in Austria, ADRA-Austria, Municipality of Kyustendil.
- Rationale: construction of houses and accommodation for vulnerable Romani families.
- Objectives: accommodation for vulnerable Romani families.
- Target group: Roma and Travellers.
- Time frame and location: 2002-2008, Kyustendil.
- Brief description of main activities: A total of 27 houses were built for vulnerable families in the Romani neighbourhood Iztok in Kyustendil. Additionally, these homes were furnished. Each flat has a living room with kitchenette, bedroom and bathroom. The tenants of such housing had to participate in voluntary work in the construction of the buildings, which subsequently made them more responsible in maintaining their homes. All tenants pay a token monthly rent, which is around 10 USD. The money is collected by specially appointed house manager and spent on urgent repairs. The costs of electricity and water are borne by the tenants.

- Involvement of Roma and Travellers in the design, implementation and assessment: the local Roma public council had its representatives in the committee selecting the families to be accommodated in the new flats; Roma selected for accommodation had to personally take part in the building of the houses.
- Any specific focus on Romani women, children, the elderly or persons with disabilities: the selection of families to be accommodated in the newly built flats was done on the basis of a list of socially disadvantaged Romani families in line with additional criteria such as income, family members, health status, etc.).
- Difficulties and limitations encountered: N/A.
- Any impact assessment or other evaluation: no impact assessment of the project has been done.
- Sustainability: N/A.
- Possibilities for transferability and mainstreaming: the project can be replicated in other municipalities with similar problems.

## 1.6. Major national projects

The implementation of Phare Project BG 2004/016-711.01.03 'Improvement of the situation and inclusion of the disadvantaged ethnic minorities with a special focus on Roma' is a major positive initiative on **national level** addressing the issue of Romani housing. The project focuses on improving the social integration of disadvantaged ethnic minorities by upgrading the existing public infrastructure and measures for legalising constructions. Under the fourth component of the project entitled 'Improvement of housing conditions', on 12.07.2007 the *Министерство на финансите* [Ministry of Finance] announced a public procurement procedure for the rehabilitation and construction of objects of technical infrastructure on the territory of Romani quarters in seven municipalities: Plovdiv, Pazardzhik, Kazanlak, Haskovo, Kyustendil, Dulovo and Omurtag. The estimated value of the contract was 3,534,000 Euro. The procedure covered nine lots:

- Lot 1: Reconstruction of 1,887 metres of water main and sewerage network in Plovdiv. Approximate value – 306,545 Euro.
- Lot 2: Construction and rehabilitation of streets in Plovdiv. Approximate value – 427,539 Euro.
- Lot 3: Rehabilitation of water main and sewerage networks in eight blocks of flats in Plovdiv, Stolipinovo neighbourhood. Approximate value – 634,024 Euro.



- Lot 4: Construction of streets, water-mains, sewerage and street lights in Pazardzhik. Approximate value – 303,911 Euro.
- Lot 5: Construction of water main and sewerage and a street in Kazanlak. Approximate value – 430,034 Euro.
- Lot 6: Rehabilitation and construction of 142.98 metres of sewerage for rainwater in Kyustendil. Approximate value – 22,436 Euro.
- Lot 7: Reconstruction of sewerage in Haskovo. Approximate value – 192,067 Euro.
- Lot 8: Improvement of the technical infrastructure in Dulovo. Approximate value – 220,613 Euro.
- Lot 9: Reconstruction and rehabilitation of water mains and streets in Omurtag. Approximate value – 986,827 Euro.

The second phase of the project – Phare Programme: BG 2005/017-353.01.03: 'Improvement of the situation and inclusion of the disadvantaged ethnic minorities with a special focus on Roma – Phase 2'. Its component entitled 'Improvement of the living conditions in populated areas with a focus on Roma population' took place in February 2008. Grants were allocated after a competitive procedure to a total of 33 projects submitted by municipalities in partnerships with non-governmental organisations. The total value of the scheme was 8,654,327.87 Euro. The projects covered two priority areas: 1. Construction and rehabilitation of the technical infrastructure in the villages and towns (or parts of them) with compact Romani population: water-supply and sewerage networks, streets and pavements, street lightening in coordination with the electricity distribution companies. The total amount for this priority was 5,180,229.34 Euro, and a total of 14 projects in 14 municipalities were financed. 2. Construction or reconstruction of buildings – municipal properties – part of the social infrastructure (for example: education, health care, social support, administrative services, etc.) in villages and towns (or parts of them) with compact Romani population, which will be of assistance to and/or will be used by the Romani population. The total amount for this priority was 3,474,098.53 Euro, and a total of 19 projects in 18 municipalities were financed.

The specifics of the living conditions of the Romani population are addressed in the Operational Programme 'Regional Development' 2007-2013 of the Ministry of Regional Development and Public Works. The measures for improving the living conditions of Roma are defined under Priority Axis 1: Sustainable and Integrated Urban Development. According to the programme entitled 'recognising the predominance of the Roma people in urban low-income neighbourhoods and the particularly critical conditions of their housing and public services, the proposed priority axis will have a special focus on this ethnic minority'. Particular attention will be given to the revitalisation of neighbourhoods with predominantly Romani population in order to promote their social inclusion, prevent crime and ensure calm living conditions for the citizens. The programme defines housing policy as an important part of the

urban environment, and, for this reason, 'investments will be encouraged to revitalise and refurbish the building stock of the multi-family residential buildings, to renovate the prefabricated panel residential buildings and to establish important social housing facilities (low-cost houses for vulnerable groups, social homes, etc.) in support of the social function of the cities' authorities'.<sup>126</sup> In the list of indicative activities to be supported under 'Operation 1.2. Housing', funding will be provided for delivery of modern social housing of good quality for vulnerable, minority and lower income groups and other disadvantaged groups etc., through renovation and change of use of existing buildings owned by public authorities or non-profit operators.<sup>127</sup> More specifically, interventions are envisaged to be financed under Priority Axis 1 entitled 'Sustainable and integrated urban development' for neighbourhoods with predominantly Romani population, as well as for making social infrastructure and public transport system friendlier to disabled people. Also, by means of the activities under Priority Axis 2 entitled 'Regional and local accessibility', people living in isolation and in underdeveloped areas will get access to better services and economic development possibilities, thus improving the quality of life.<sup>128</sup>

A number of small-scale projects for the construction of Romani houses have been implemented throughout the country.

- One of the largest projects was implemented in 2004 in the city of Plovdiv, where 284 housing units were planned for 1,136 individuals, but only 81 were completed on time.<sup>129</sup> The project was funded through a loan from the Council of Europe Development Bank. Apart from the failure to comply with the initial deadline, the project was strongly criticised for not designing the houses in accordance with the specific needs of the Roma. According to one of the Deputy Ministers at the Ministry of Regional Development and Public Works, these deficiencies are to be taken into account as lessons learnt for the development of similar projects in the future.<sup>130</sup>
- In 2006, the Pazardzhik Municipality announced the construction of sixteen new houses for 100 homeless Roma.<sup>131</sup> The project continued in 2007 with the allocation of 95,000 Levs from the municipal budget. The social houses

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<sup>126</sup> Bulgaria/Министерство на регионалното развитие и благоустройството (2007) *Operational Programme 'Regional Development' 2007-2013*, p. 97, available at: [http://www.eufunds.bg/docs/OPRD\\_29\\_August\\_FINAL\\_Revised.pdf](http://www.eufunds.bg/docs/OPRD_29_August_FINAL_Revised.pdf) (30.03.2009).

<sup>127</sup> Bulgaria/Министерство на регионалното развитие и благоустройството (2007) *Operational Programme 'Regional Development' 2007-2013*, p. 104, available at: [http://www.eufunds.bg/docs/OPRD\\_29\\_August\\_FINAL\\_Revised.pdf](http://www.eufunds.bg/docs/OPRD_29_August_FINAL_Revised.pdf) (30.03.2009).

<sup>128</sup> Bulgaria/Министерство на регионалното развитие и благоустройството (2007) *Operational Programme 'Regional Development' 2007-2013*, p. 166, available at: [http://www.eufunds.bg/docs/OPRD\\_29\\_August\\_FINAL\\_Revised.pdf](http://www.eufunds.bg/docs/OPRD_29_August_FINAL_Revised.pdf) (30.03.2009).

<sup>129</sup> '200 луксозни мезонета за роми в "Столипиново"', in: *Ceга* (27.07.2004).

<sup>130</sup> Н. Анева (2006) 'Държавата строи къщи за ромите в осем общини', in: *Ceга* (22.03.2006).

<sup>131</sup> Е. Терзиева (2006) 'Пазарджик вдига 16 къщи за 100 бездомни роми', in: *Ceга* (8.08.2006).

for Roma in Iztok District are considered as one of the most important infrastructure projects of the municipality. Twenty-one social houses have been built so far, and socially vulnerable Romani families already live there.<sup>132</sup>

- The municipality of Sliven, where more than 10 per cent of the population are Roma, announced the construction of one hundred houses in 2006 that will accommodate not only Roma, but also homeless people from all ethnic groups.<sup>133</sup>

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<sup>132</sup> Bulgaria/Община Пазарджик (2006) *Поименен списък на разходите за финансиране на инвестиции за 2007 година*, available at: <http://www.pazardjik.bg/biudjet/biudjet2007/4biujet2007.html> (29.03.2009).

<sup>133</sup> З. Танева (2006) 'Строят 100 къщи за бездомни цигани', in: *Дарик радио* (10.07.2006), available at: [http://dariknews.bg/view\\_article.php?article\\_id=74349&comments=1](http://dariknews.bg/view_article.php?article_id=74349&comments=1) (30.03.2009).

## 2. Field research - interviews

### 2.1. Brief description of the methodology

Field research was carried out through face-to-face interviews with representatives of government institutions and non-governmental organisations.

Representatives of government institutions were identified by sending official letters to the Coordinator of the Decade of Roma Inclusion 2005-2015 and to the FRA Liaison officer at the Ministry of Foreign Affairs. However, all the representatives of the Ministry of Regional Development and Public Works, invited to be interviewed through an official letter, did not respond. In order to comply with the requirement for a minimum of five interviews, an additional interview was conducted with a representative of the Sofia Municipality's Public Council for the implementation of the municipal programme for the development of the Romani community in Sofia, and, at the same time, written answers to the questions were obtained from the Ministry of Regional Development and Public Works.

Non-governmental organisations were selected among the most active organisations in the area of Romani housing, including participation in court cases. One of the selected organisations is a Romani NGO (Romani Baht Foundation), while the other two (Bulgarian Helsinki Committee and Equal Opportunities Initiative) are the largest NGOs which provide support to Roma.

All interviews were taped and conducted in line with the applicable EU regulations. The questionnaires were translated into Bulgarian, and interviews were conducted in Bulgarian as well. The applicable consent form was also translated in Bulgarian, and duly signed by each of the respondents.

### 2.2. Summary of main points

The main **problems in the area of Romani housing** are defined in a different way by representatives of government institutions and non-governmental organisations.

According to a representative of the National Council for Cooperation on Ethnic and Demographic Issues (NCCEDI), the major problems in the area of Romani housing are the restructuring of Romani neighbourhoods and settlements that 'drastically contradict to the urban plans', the elaboration of cadastres and detailed urban plans for such areas, and the urbanisation (building of streets, pavements, water supply, electricity, etc.). According to the same respondent, some of these settlements are built not only on state or municipal land without

permission, but also on lands that are not suitable for construction (e.g. settlements built in parts of river beds, which are flooded when the river rises). Such settlements are subject to removal, but, according to the respondent, municipalities are not willing to destroy them because they do not wish to become involved in conflicts with the local population.

A similar observation was made by the representatives of the Ministry of Regional Development and Public Works. According to them, in some of the Romani neighbourhoods the technical infrastructure needs to be further developed, and there are neighbourhoods where the regulatory plan has been violated, and neighbourhoods that are even outside the regulatory plan, in which there is a lack of sufficiently developed technical infrastructure.

The issue of illegal Romani dwellings and the lack of urban plans covering Romani settlements were mentioned also by the representative of Equal Opportunities Initiative. According to this respondent, the legal basis does not provide for any possibilities for subsequent legalisation of illegal construction. Some local initiatives envisage legalisation of illegal construction as a specific measure; however, the respondent expressed serious doubts as to their potential implementation in view of the restrictive legal framework. The lack of legal mechanisms for the legalisation of illegal construction was also mentioned as a serious problem by the senior representative of Public Council for the implementation of the municipal programme for the development of the Romani community in Sofia with the Municipality of Sofia.

A representative of the Romani Baht Foundation defined the major problem in the area of Romani housing as 'insecurity', explaining that most Romani settlements are located in the suburbs, or even outside the cities (near rivers, railroads, etc.), and are not covered by urban plans. According to the same respondent, Romani settlements have turned into ghettos in the last fifteen years because of the lack of urban plans, which hampers the allocation of funds for the improvement of such areas. At the same time, it is difficult to elaborate urban plans for Romani neighbourhoods because the latter are very dynamic and their architectural structure changes much faster than the time needed to complete the planning procedure.

According to the representative of the Romani Baht Foundation, problems in the area of Romani housing are the same throughout the country, and no **regional specificities** exist. The same view was shared by the NCCEDI representative. However, in the opinion of a representative of the Equal Opportunities Initiative, the attitude of local administration differs from municipality to municipality, with some municipal administrations showing more understanding to Roma problems than others. An example for 'understanding' is the case in Peshtera, where most of the Romani houses were illegally built on land owned by a large local enterprise. The latter filed individual claims with a court against all the households, while the municipal administration, in coordination with the district governor, was trying to identify

a site or municipal lands to offer them to the enterprise in exchange of the land on which the Romani settlement had been built. The opposite approach for solving a similar issue is being applied in the city of Burgas where, due to the very expensive land which has been occupied by Roma, opportunities for moving the people to another piece of land are being examined. In the view of the representative of the Equal Opportunities Initiative, the worst case in this respect is the metropolitan municipality of Sofia where there is confrontation between the municipal administration and the Romani community.

'Insecurity' was also mentioned as the major problem by a representative of the Bulgarian Helsinki Committee. According to this person, Roma 'live in formally illegal houses and face the risk of being evicted irrespective of how long they have occupied these lodgings'. Such cases have happened quite often in the past, and one case is even pending before the European Court of Human Rights in Strasbourg (the case is described in section 1.4 of the report). Another serious problem is the lack of basic infrastructure, (such as electricity) leading sometimes to 'inhuman situations of families of 13-15 people, including 10-12 children, living without electricity'. The way some of these services are provided in Romani neighbourhoods is also discriminatory. Thus, for instance, when individual households have not paid their electricity bills, electricity is cut for the entire neighbourhood, or if there is a break down, its repair is deliberately delayed until the bills are paid. Such practices are not common in other neighbourhoods. The Bulgarian Helsinki Committee has participated in such a case in Sofia, winning it before the court of first instance and reaching agreement before the court of second instance.

The representative of the Romani Baht Foundation viewed the poor living conditions of Roma as potentially most dangerous for some **vulnerable groups, such as** children and old people. The same respondent described an existing tradition among Roma according to which old Roma transfer all their property to their children or younger relatives, spending the rest of their lives in very poor lodgings, or even as homeless people. As far as children are concerned, they have to live in large families together other relatives witnessing a lot of situations that may affect their development (e.g. quarrels). A similar view was expressed by the representative of the Bulgarian Helsinki Committee who explained that 'general problems disproportionately affect women, children, old persons and disadvantaged people'. An example from the practice of the Bulgarian Helsinki Committee in this respect is the forced eviction of a Romani family with 13 children living in the Hristo Botev neighbourhood in Sofia. The eviction left the family homeless, and, as a result, the oldest children stopped going to school. The case is still pending in court. The same opinion as to the effect of the poor living conditions on specific vulnerable groups within the Romani community was shared by the representative of the Equal Opportunities Initiative who, however, denied the possible relation between the housing conditions of Roma and the fact that many Romani children end up in orphanages.

According to the NCCEDI representative, 'in the late 1990s Bulgarian municipalities stopped building houses for persons in need' and 'only the procedures for provision of lodgings remained and lodgings are being provided incidentally, most often lodgings obtained through deals of exchange'.

In the opinion of the NCCEDI representative, the Council has the necessary **resources** to assist the process of development and/or revision of policies aimed at improving the housing conditions of Roma. However, this opinion was not shared by the representatives of non-governmental organisations. The representative of the Bulgarian Helsinki Committee regarded the allocated resources for improving the housing conditions of Roma as 'insufficient', mentioning also that existing funds are not spent in the most appropriate way. The same opinion was shared by the representative of the Equal Opportunities Initiative who described the human and financial resources as 'insufficient'.

In the opinion of the representatives of the Ministry of Regional Development and Public Works, the basic strategic documents in the area of Romani housing are being effectively implemented, and, as a result, a lot of individual projects, primarily ones for development of urban plans and building of houses, have been successfully realised. According to the ministry's officials, the elaboration of cadastre maps and registers has created an opportunity for the regulation of the territories of settlements; the building of water supply and sewerage networks improves the sanitary-hygienic conditions with all the positive consequences thereof as regards the health status of the people living in, and around, neighbourhoods with prevailing Romani population; the construction of street networks improves the transport access to, and in, Romani neighbourhoods both for the people living there and for the public services (the motor vehicles of the emergency aid, fire and emergency security, law enforcement, etc.).

The representative of the Romani Baht Foundation was aware of the main **strategic documents** addressing the issue of Romani housing but stated that 'so far nothing has been done' apart from various studies. Only small-scale pilot projects for building houses for Roma have been implemented with uncertain effect in different areas of the country.

The existing programmes and project were also criticised by the representative of the Bulgarian Helsinki Committee who 'have not witnessed a real consequence of their implementation'. According to the same person, too much funds are spent on studies and plans, and no real work is being done. Romani housing is not seen as a priority by the government, and the measures that are implemented are 'usually the result of external pressure'. The representative of the Bulgarian Helsinki Committee described the situation as 'pessimistic' pointing out that there is a worrying 'consensus in society' (including among the media, state administration and the judiciary) that 'Roma are the guilty ones for this situation and the other people are the victims'.

The existing programmes were negatively assessed also by the representative of the Equal Opportunities Initiative who described them as 'non-concrete' (measures are formulated but never realised). According to the same respondent, government policies in the area of housing suffer from a lack of coordination between the authorities on national and local level (initiatives adopted on national level are not implemented on local level), as well as from a lack of financial resources ensuring the implementation of the various programmes adopted by the government (programmes usually rely on external funding). Similar arguments were stated by the senior representative of the Public Council for the implementation of the municipal programme for the development of the Romani community in Sofia with the Municipality of Sofia, according to whom 'the clearest problem seems to be the lack of coordination between the state and the local authorities, which is due to political contradictions'. In the opinion of the same respondent, projects have been most effectively implemented when both the central and the local government were belonging to the same political party.

The representative of the Romani Baht Foundation criticised the government authorities for the non-transparent implementation of the various programmes, for 'not knowing the situation in the different cities', for making decisions without considering the opinion of Roma themselves, for the lack of sufficient financial resources and adequately trained staff, etc. In this person's view, there is also significant inconsistency in the government efforts since many new programmes and measures are not based on, and do not take into account, the previous studies and analyses, i.e. 'each administration starts from the beginning'.

Respondents from non-governmental organisations pointed out some **concrete activities carried out by their organisations**.

The representative of the Romani Baht Foundation explained that, in the late 1990s, the foundation implemented a large-scale legal programme aimed at educating Roma on general legal issues and informing the government institutions about the problems of the Romani community. The process was 'a difficult one' as Roma proved to have poor legal knowledge and preferred to comply with their own community law rather than the official legislation (and the two often contradict to each other). The legal programme had a housing component as well which included the assistance to Roma to legalise the ownership of their lodgings (the foundation participated in more than 100 such cases and offered consultation in 'thousands of cases').

The representative of the Equal Opportunities Initiative also referred to some of its organisation's activities, such as assessment of legislation and development of recommendations for its improvement (including in the area of legalising illegal construction), provision of legal services and legal representation in cases of forced eviction, etc. In terms of cases from their own practice, the representative of the Equal Opportunities Initiative mentioned a case concerning



16 Romani houses located in a district in the centre of Sofia. The case has been pending for three years now, which in itself is seen as 'success' by the organisation's representative, since the organisation's main task is to find the mistakes in the administrative procedures and claim the repeal of the eviction orders. The Equal Opportunities Initiative also has several cases submitted to the United Nations.

The NCCEDI representative mentioned as a **best practice** the amendment of the Law on the Organisation of Territory through which the architectural and construction requirements have been softened as regards some specific neighbourhoods. This amendment, in the opinion of the NCCEDI, targeted the Romani settlements in particular. The same respondent also mentioned the numerous awareness raising and educational measures, which in the opinion of the same official, have had 'limited impact'. However, the same respondent gave a negative assessment of all pilot projects implemented so far, since the accommodation of a small number of individuals against the background of the great number of people in need 'reveals an element of ostentation'.

The same opinion was shared by the representative of the Equal Opportunities Initiative who described such pilot projects as 'eye-wash', as such a small number of houses is not able to solve the existing problems, but is rather creating new ones as they give rise to arguments (both within the Romani community and between the Romani community and the administration) who should be accommodated in the new buildings. According to the same respondent, too much funds have been spent for building few expensive houses while, at the same time, the majority of Roma remain homeless.

In the opinion of the Romani Baht Foundation representative, there are no good practices apart from some very small projects. A good example of a project well perceived and accepted by the community was a project in Kyustendil where Roma were supplied with the necessary materials to build their own houses.

According to the representative of the Public Council for the implementation of the municipal programme for the development of the Romani community in Sofia with the Municipality of Sofia, the major difficulty with such construction projects is that, despite the availability of resources, there are no suitable lands that could be used for building the houses. An illustration of these problems was the project implemented in the Hristo Botev district in Sofia where the largest problem for the realisation of the project was finding land for building the houses for Roma. Sometimes, according to the same respondent, the problems with the land come from the resistance of the population living in the neighbourhood to have Romani houses built next to their homes (e.g. because of expected increase of crime).

The NCCEDI representative was not aware of any **cases of discrimination in housing**, pointing out only a single case in the area of education that had a certain relation to housing since the school in question was located in a Romani

neighbourhood. According to the same respondent, the settlement of Roma in specific areas or neighbourhoods is 'a question of their own choice and a matter of survival', and 'Roma are not closed there and these are not ghettos in the word's own meaning'.

The representative of the Romani Baht was similarly unaware of cases of discrimination of Roma in the area of housing apart from the cases of forced eviction of Roma who were staying in the lodgings illegally. The same respondent expressed scepticism as to the occurrence of such cases, e.g. cases of segregation, in the future as well since 'there will be no judge to deliver such a decision because the government does not have the resources to accommodate these people elsewhere'.

## Annex 1: Statistical data and tables

	2000-2009
Number of complaints regarding ethnic discrimination received by complaints authorities (such as ombudsperson's offices and national equality bodies).	N/A
Number of instances where ethnic discrimination was established by complaints authorities (such as ombudsperson's offices and national equality bodies).	N/A
Follow-up activities of complaints authorities (such as ombudsperson's offices and national equality bodies) once discrimination was established (please disaggregate according to type of follow-up activity: settlement, warning issued, opinion issued, sanction issued, etc.).	N/A
Number of sanctions and/or compensation payment in ethnic discrimination cases (please disaggregate between court, equality body, other authorities or tribunals, etc.) regarding access to housing (if possible, disaggregated by gender and age).	N/A
Range of sanctions and/or compensation in your country (please disaggregate according to type of sanction/compensation).	N/A

**Table 2: Ethnicity and size of housing in 1992 (per cent of ethnic group)<sup>134</sup>**

	Up to 29 sq.m.	30-44 sq.m.	45-59 sq.m.	60+ sq.m.
Bulgarian	18.8%	38.5%	25.0%	17.7%
Turkish	18.5%	28.3%	22.3%	30.9%
Roma	32.0%	31.2%	18.5%	18.2%

Source: National Statistical Institute, Census 1992.

**Table 3: Ethnicity and size of housing per household member in 2001 (per cent of ethnic group)<sup>135</sup>**

	Up to 15 sq.m.	15-29 sq.m.	30-44 sq.m.	45-59 sq.m.	60+ sq.m.
Bulgarian	1.78%	16.98%	38.93%	24.85%	17.46%
Turkish	3.32%	18.72%	31.62%	21.55%	24.79%
Roma	7.40%	32.10%	31.75%	15.80%	12.95%

Source: National Statistical Institute, Census 2001.

**Table 4: State of Romani Housing<sup>136</sup>**

<sup>134</sup> I. Tomova (1995) *The Gypsies in the Transition Period*, Sofia: International Centre for Minority Studies and Intercultural Relations, p. 65.

<sup>135</sup> Н. Терезова (2003) *Преброяване на населението, жилищния фонд и земеделските стопанства през 2001. Жилищен фонд: Жилищни условия на населението*, Sofia: National Statistical Institute, pp. 24-26.

Well kept house	38.8%
Ruined house	37.2%
Well kept flat	5.1%
Ruined flat	3.7%
Slums	11.6%
Shack	3.5%
Caravan/tent	0.1%
Table total	100.0

Source: UNDP.

**Table 5: Housing and living conditions<sup>137</sup>**

Shares of population not having access to	Roma	Majority
Secure housing (shows the share of those living in 'ruined houses' or 'slums')	33%	4%
Improved sanitation (shows the share of households not having a toilet or bathroom inside the house )	81%	26%
Improved water source (shows the share of the population living in households not having piped water inside the dwelling or in the garden/yard )	10%	0.2%

Source: UNDP.

**Table 6: Ethnic Breakdown of Housing Conditions<sup>138</sup>**

	Bulgarian	Turk	Roma
Sewerage	88.3%	55.7%	29.8%
Running water	99.7%	94.0%	66.3%
Running warm water	41.7%	10.2%	4.1%
Indoor toilet	77.3%	27.0%	10.5%
Housing area	80.9 sq.m.	67.8 sq.m.	43.7 sq.m.

Source: Mediana Agency.

**Table 7: Public services in cities (2001)<sup>139</sup>**

Public service	Cities (average)	Roma (average)
Electricity, water supply, sewerage network	92%	46%
Electricity, water supply, septic pit	6%	15%

<sup>136</sup> UNDP (2002) *Avoiding the Dependency Trap*, available at: <http://europeandcis.undp.org/home/show/67D586E9-F203-1EE9-BE5BEB0F6A1D4179> (30.03.2009).

<sup>137</sup> UNDP (2004) *Faces of Poverty, Faces of Hope*, p. 16, available at: <http://vulnerability.undp.sk/DOCUMENTS/bulgaria.pdf> (30.03.2009).

<sup>138</sup> Агенция Медиана (2006) *Ethnic Assumptions and Discrimination, National Representative Survey*, p. 4.

<sup>139</sup> Bulgaria/Национален статистически институт (2001) *Преброяване на населението, жилищния фонд и земеделските стопанства през 2001*.

Electricity, water supply	1%	7%
Water supply, sewerage network	0%	0%
Water supply, septic pit only	59%	19%
Water supply, septic pit only	0%	0%
Electricity only	2%	30%
Water supply only	0%	0%
No services at all	0%	1%

Source: National Statistical Institute.

**Table 8: Ownership and ethnicity<sup>140</sup>**

	Majority living in close proximity to Roma (2004)	Roma (2004)	Roma (2002)
My family / member of the family	88%	66%	74.5%
My relatives	7%	11%	17.5%
Other's person ownership	3%	5%	3.6%
Municipal/State ownership	1%	15%	2.3%
Dwelling in unregulated area	0%	2%	n/a
Other	0%	*	1.4%
Refused/Don't Know	*	2%	0.8%

Source: UNDP.

**Table 9: Comparative assessment of progress of the Decade of Roma Inclusion in the area of housing<sup>141</sup>**

Rank	Country	Score	6.1	6.2	6.3	6.4
1	Hungary	1.75	1	3	2	1
2	Croatia	1.50	2	2	1	1
3	Bulgaria	1.25	2	1	1	1
3	Slovakia	1.25	2	0	3	0
5	Czech Republic	1.00	1	1	1	1
6	Romania	0.75	2	0	1	0
7	Macedonia	0.50	1	0	0	1
7	Montenegro	0.50	1	0	0	1
7	Serbia	0.50	2	0	0	0

Source: DecadeWatch.

<sup>140</sup> UNDP (2004) *Vulnerable Groups in South Eastern Europe Dataset*, available at: <http://vulnerability.undp.sk/> (30.03.2009); UNDP (2002) *Avoiding the Dependency Trap Dataset*, available at: <http://vulnerability.undp.sk/> (30.03.2009).

<sup>141</sup> DecadeWatch (2007) *Roma activities assess the progress of the Decade of Roma inclusion*, p. 28, available at: [http://demo.itent.hu/roma/portal/downloads/DecadeWatch/DecadeWatch%20-%20Bulgaria%20\(English;%20Final\).pdf](http://demo.itent.hu/roma/portal/downloads/DecadeWatch/DecadeWatch%20-%20Bulgaria%20(English;%20Final).pdf) (12.10.2007). The top score is four, awarded to best practice performance, while zero measures no government input. The intermediate scores differentiate between the various degrees of government involvement in putting Roma inclusion policies in place.

## Annex 2: Court, specialised body or tribunal decisions

Case title	N/A
Decision date	16.10.2006
Reference details (type and title of court/body; in original language and English [official translation, if available])	<i>Комисия за защита от дискриминация</i> [Commission for Protection against Discrimination] Decision No 44A/16.10.2006 Case file No 15/2006 Alert No 120020206 supplemented by Request No 234A/28.02.2006
Key facts of the case (max. 500 chars)	The electricity services provider <i>Elektrorazpredelenie-Pleven AD</i> installed the electrometers in the Romani neighbourhood in the city of Lom outside the houses of the people living there on poles at a height of about five metres. Due to such installation, the consumers of electricity were unable to visually control the amount of the consumed energy and to plan their family budgets accordingly. In the other neighbourhoods of the city, where the population was predominantly of Bulgarian origin, the electrometers were installed either inside the houses or on the border of the real estate at a height of 1.40-1.60 metres.
Main reasoning/argumentation (max. 500 chars)	After examining the evidence collected in the course of the procedure, the Commission for Protection against Discrimination concluded that cases represented indirect discrimination on the grounds of ethnicity. According to the Commission's decision, the electricity service provider failed to apply equal standards when installing the electrometers in the different neighbourhoods in the city of Lom, thus treating the people living in the Romani neighbourhoods in a less favourable manner compared to the consumers living in the other parts of the city.
Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	One of the key concepts clarified by the case was the one of indirect discrimination. According to the Commission's decision, the installation of electrometers resulted in a less favourable treatment of certain consumers, and such a measure was inappropriate and unnecessary for achieving the company's aims.

Results (sanctions) and key consequences or implications of the case (max. 500 chars)	The Commission for Protection against Discrimination imposed administrative measures on Elektrorazpredelenie-Pleven AD obliging the company to change the position of the electrometres of all consumers to a height of 1.40-1.60 metres, and to refrain from committing the same violation in the future within any of the districts covered by its services. The Commission also imposed fines of 2,000 Levs on the executive director and two members of the managing board of the company. The Commission's decision was repealed by the Supreme Administrative Court.
Case title	N/A
Decision date	22.04.2008
Reference details (type and title of court/body; in original language and English [official translation, if available])	<i>Комисия за защита от дискриминация</i> [Commission for Protection against Discrimination] Decision No 90/22.04.2008 Case file No 132/2007 Complaint No 44-00-5570/18.07.2007
Key facts of the case (max. 500 chars)	A woman of Romani ethnicity complained against the governor of her district that, after her family had been placed in a state-owned flat and after she had concluded a rental contract with the governor, she was never allowed to buy the flat pursuant to the law because of endless protraction of procedures. The respondent governor claimed that the applicant did not fulfil any of the conditions for preferential purchase of the flat, and that many other tenants were in the same situation and she was still allowed to use the flat, which was a proof that there was no discrimination.
Main reasoning/argumentation (max. 500 chars)	The Commission looked at the regulation for buying state-owned flats and noted many procedural violations in the treatment of the applicant. The Commission found a case of continued violation, because the applicant was not allowed to buy the flat for a long time. The applicant presented proof that she was treated less favourably because of her ethnicity, while the governor did not present evidence to the opposite. There was a case of direct discrimination, combined with persecution, because, after the Commission proceedings were opened, the governor sent the applicant a letter that her rental contract may be terminated.

Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	This decision contributes to the clarification of the concept of continued violation, and re-iterates the principle of shift in the burden of proof in cases of discrimination. It also uses the tool of comparing the applicant's situation with that of other persons, but of different ethnic origin, in comparable situations to see if the applicant was treated less favourably.
Results (sanctions) and key consequences or implications of the case (max. 500 chars)	The governor was imposed a fine of 500 Levs. He was ordered to undertake the necessary measures and finish properly the proceedings for the sale of the flat to the applicant.

Case title	N/A
Decision date	12.06.2006
Reference details (type and title of court/body; in original language and English [official translation, if available])	<i>Върховен административен съд</i> [Supreme Administrative Court] Decision No 6304/12.06.2006 Administrative case file No 3582/2006
Key facts of the case (max. 500 chars)	On 17.09.2005, the mayor of the Vazrazhdane District in Sofia issued an order for the eviction of the people occupying the municipal real estate located in the Batalova Vodenitsa neighbourhood. The order was appealed by a group of complainants before the Sofia City Court. The latter confirmed the legality of the issued order by a decision of 12.01.2006 under administrative case No 2617/2005. The decision of the Sofia City Court was then appealed before the Supreme Administrative Court.
Main reasoning/argumentation (max. 500 chars)	In its decision, the Supreme Administrative Court concluded that the real estate was municipal property and, due to the lack of any contractual relations between the municipality and people living there, it is indeed used without any legal grounds. According to the court, the fact that people had their registered addresses there does not justify the occupation of the real estate. The court also established that there was no violation of the provisions of the European Convention on Human Rights as long as the complainants did not manage to prove their ownership over the land.



Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	The Supreme Administrative Court rejected the complainants' claims that their rights and freedoms had been violated on the grounds of their ethnicity. Furthermore, the court concluded that the complainants had not proved their property rights, and that 'by indicating their ethnic background and through their unjustified statements for discrimination against them have violated the principle that no one can draw rights from his/her own unlawful conduct'.
Results (sanctions) and key consequences or implications of the case (max. 500 chars)	The Supreme Administrative Court's decision confirmed the legality of the decision of the Sofia City Court, and thus re-confirmed the legality of the eviction order issued by the Mayor of the Vazrazhdane District. The issue of the forced eviction in Batalova Vodenitsa was then forwarded to the European Court of Human Rights where it is still pending.

## Annex 3: Bibliography

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