



International Convention on the Elimination of All Forms of Racial Discrimination

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Summary record of the 2535th meeting

Held at the Palais Wilson, Geneva, on Friday, 5 May 2017, at 10 a.m.

Chair: Ms. Crickley

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The meeting was called to order at 10.10 a.m.

Consideration of reports, comments and information submitted by States parties under article 9 of the Convention *(continued)*

Combined twentieth to twenty-second periodic reports of Bulgaria (continued)
(CERD/C/BRG/20-22; CERD/C/BRG/Q/20-22)

1. *At the invitation of the Chair, the delegation of Bulgaria took places at the Committee table.*
2. **Ms. Spassova** (Bulgaria), referring to paragraph 9 of the State party report (CERD/C/BGR/20-22), said that a special council had been established to monitor the implementation of the Updated Strategy for Continuing the Reform of the Judiciary and had met several times in 2016 and 2017. She also referred to paragraph 10 of the report and said that a national council and a civil council had been established to further the development of anti-corruption policies and to monitor the implementation of the Anti-Corruption Strategy. Moreover, several government ministries and agencies had already drawn up anti-corruption plans in accordance with the Anti-Corruption Strategy, and a specialized inter-agency unit for anti-corruption investigation had been established.
3. After drawing attention to paragraph 96 of the periodic report, she said that the amendments to the Judicial System Act adopted in 2016 provided for the objective appraisal of magistrates with a view to fair and transparent career development; improved procedures for judicial appointments, transfers and promotions; and disciplinary proceedings which were adversarial in nature.
4. **Ms. Kostadinova** (Bulgaria) said that there were two national human rights institutions in Bulgaria: the Commission for Protection against Discrimination (CPD) and the Ombudsman. The CPD consisted of nine members who represented various minority groups, including the Roma. Its budget had progressively increased from BGN 2 million in 2014 to BGN 2.5 million in 2017 and would further increase to BGN 3 million in 2019. Similarly, the number of the CPD Regional Representatives, who were responsible for informing citizens of their legal rights and supporting the activities of the CPD at the national and regional levels, had risen from 20 in 2013 to 25 in 2017. The CPD Regional Representatives had held more than 6,000 consultations in 2016.
5. The International Convention on the Elimination of All Forms of Racial Discrimination was regularly invoked in the rulings of the CPD. In accordance with the Protection against Discrimination Act, the first specialized panel of the CPD considered cases of discrimination on the basis of ethnicity or race, while the five-member panel of the CPD considered cases involving multiple forms of discrimination. Between 2014 and 2016, six cases involving racial discrimination had been considered by the CPD: three by the first specialized panel and three by the five-member panel. As to a reverse burden of proof, article 9 of the Protection against Discrimination Act provided that, once the complainant had established the facts of an alleged act of discrimination, the defendant must prove that the right to equal treatment had not been infringed.
6. The activities of the Ombudsman were aimed at promoting tolerance, preventing all forms of hate speech and creating an atmosphere of mutual respect in society. With regard to the mandate of the Ombudsman and its compliance with the Principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles), steps were already being taken to implement the recommendations of the Subcommittee on Accreditation of the Global Alliance of National Human Rights Institutions. The implementation of certain recommendations required legislative amendments: for example, the Ombudsman Act would have to be amended so that the mandate of the Ombudsman covered both the protection and promotion of human rights. The relevant amendments would be proposed through Parliament in due course and, once they had been adopted, the Ombudsman's office would submit an application for "A" status.
7. The Constitution provided that the structure of the Prosecutor's Office should correspond to that of the courts and that the Prosecutor General should oversee legality and provide methodological guidance to all other prosecutors. As to the structure of the courts,

the Supreme Court of Cassation exercised supreme judicial oversight as to the precise and equal application of the law by all courts, while the Supreme Administrative Court exercised supreme judicial oversight as to the precise and equal application of the law in administrative justice. The former was competent in civil and criminal matters, while the latter was competent in administrative matters.

8. Concerning the decriminalization of illegal border crossings, article 279 (1) of the Penal Code provided that any person who crossed the border without a permit would be punished by deprivation of liberty for up to five years and by a fine of from BGN 100 to BGN 300. However, article 279 (5) stated that persons who entered the country to avail themselves of the right of asylum should not be punished. Even in cases where such persons had not indicated that they sought international protection in accordance with the right of asylum, conditional measures that did not deprive them of their liberty or restrict their freedom of movement were applied.

9. **Ms. Petrova** (Bulgaria) said that the Ministry of the Interior provided police officers with initial and in-service training on human rights protection and anti-discrimination legislation. Two handbooks had been prepared and widely distributed for training purposes: the first addressed the exercise of police powers in relation to human rights, while the second dealt with human rights protection and provided guidelines for police officers working in multi-ethnic environments, including Roma communities. In 2015, 41 trainers had received instruction and had subsequently provided training to their colleagues throughout the country, and another 175 police officers had participated in special courses on tolerance and non-discrimination against vulnerable groups, including the Roma.

10. Police actions and the exercise of police powers must adhere to the principles of legality, necessity and proportionality. The Ministry of the Interior Act strictly regulated the use of physical force, auxiliary means and firearms in accordance with the “absolute necessity” criterion established by the European Court of Human Rights. A mechanism for the submission of complaints against the police was in place, and a permanent commission on human rights and police ethics had been set up within the Ministry of the Interior. With regard to data on complaints filed against the police, between 2014 and 2016, the number of reported incidents relating to the use of firearms and auxiliary means had significantly decreased, while the number of complaints arising from the use of physical force had slightly increased. A total of 168 incidents had been reported and investigated, 9 of which had been substantiated. As a result, three police officers had been dismissed and six had received lighter disciplinary penalties. In the event that a police officer committed a criminal offence, the Prosecutor’s Office was obliged to institute criminal proceedings, in accordance with the Criminal Procedure Code. The status of the police officer and any biased motivation for the commission of the crime were considered aggravated circumstances and would result in the imposition of more severe penalties.

11. As to hate crimes, amendments to articles 116 and 131 of the Penal Code had drawn a distinction between acts of hooliganism and acts that were motivated by racism or xenophobia. Steps were being taken to establish a broad definition of hate crimes, which would cover crimes that were motivated by race, skin colour, nationality, ethnicity, gender, gender identity, age or social or medical status, with a view to the collection of more accurate data on the commission of such crimes. Other typical hate crimes were punished under articles 162 to 165 of the Penal Code.

12. **Ms. Beltcheva** (Bulgaria) said that the Council for Electronic Media (CEM) had been established to protect minors from inappropriate audiovisual content and did not infringe the fundamental right of freedom of expression. The CEM was composed of 5 members and 62 experts, who monitored a vast media landscape of over 230 television and radio programmes. It organized ad hoc monitoring of issues such as hate speech and investigated any complaints received from viewers, listeners, institutions or organizations. All complaints were thoroughly investigated, and administrative and criminal proceedings were initiated accordingly. The CEM was governed by the Radio and Television Act, which prohibited media services from inciting hatred on the basis of race, sex, religion or nationality and media service providers from distributing any programmes in violation of the principles laid down in its article 10, or any broadcasts inciting national, political, ethnic, religious or racial intolerance. While article 10 of the Act referred to the inadmissibility of

programmes which incited intolerance or hatred on the basis of race, sex, religion or nationality, it did not explicitly define hate speech, which inevitably complicated criminal proceedings. Steps were therefore being taken to introduce a legal definition of hate speech into both the Radio and Television Act and the Protection against Discrimination Act. The amendments were currently being drafted by the Ministry of the Interior and would soon be forwarded to the Ministry of Justice. With regard to the number of sanctions imposed by the CEM during the reporting period 2014-2017, the CEM had issued more than 21 punitive decrees, most of which had stemmed from cases of ethnic and religious intolerance. As to a concern which had been raised by Mr. Avtonomov, she confirmed that a public television channel continued to provide 10 minutes of daily news coverage in Turkish.

13. **Mr. Krastev** (Bulgaria), referring to requests for data on the integration of Roma, said that the most recent national census had been conducted in 2011 and that personal information relating to ethnic origin, mother tongue and religion had been submitted on a voluntary basis. The National Statistical Institute had carried out extensive consultations with representatives of the Roma community prior to the census, and persons of Roma origin had participated in the data analysis.

14. With regard to the ethnic composition of the country, 80.8 per cent of respondents had described themselves as Bulgarian; 8.8 per cent, Turkish; and 4.9 per cent, Roma. More than half of the respondents who had identified themselves as Roma lived in urban areas. Bulgarian was the mother tongue for 85.2 per cent of the population; Turkish, for 9.1 per cent; and Roma, for 2.4 per cent.

15. **The Chair** said that while the data from 2011 census was informative, the Committee was more concerned about the current situation in Bulgaria and was therefore looking for more up-to-date statistics. Moreover, the 2011 census did not reflect the recent influx of refugees into Bulgaria.

16. **Mr. Krastev** (Bulgaria) said that his Government did not have more up-to-date statistics; however, estimates from unofficial surveys showed that the current figures and percentages were roughly the same as those provided by the 2011 census.

17. All Bulgarian citizens, irrespective of their ethnic origin or religion, had equal rights and obligations under the Constitution and were entitled to equal access to public services. Roma communities in Bulgaria faced special social and economic challenges that were being addressed by a series of measures which aimed to improve their access to health care, education and employment. The National Strategy for Roma Integration had been developed by an interdepartmental working group and subsequently adopted by Parliament. All government bodies, including municipal bodies, were therefore required to implement the Strategy. The measures under the Strategy and its Action Plan were funded by the European Union and other donors, including the World Bank. The National Council for Cooperation on Ethnic and Integration Issues prepared comprehensive annual reports on the implementation of the Strategy, on the basis of information collected from all districts and municipalities.

18. The Ministry of Education and Science had adopted a series of measures to ensure equal access to quality education for all children, including Roma. Such measures included: the protection of schools in towns and villages with small populations; the provision of free transport to and from schools in larger communities for children who lived in small communities with no schools; and special funding for children with learning difficulties who were at risk of dropping out of school. Between 2007 and 2015, 32,846 school dropouts had been reintegrated into the education system; and the number of school dropouts had decreased from 8,820 in 2008/09 to 3,490 in 2013/14.

19. **The Chair** said that the Committee would like to learn more about the current situation of refugees and asylum seekers in Bulgaria.

20. **Ms. Klisurska** (Bulgaria) said that there were currently 2,344 asylum seekers living in reception centres in Bulgaria. As a result of the significant increase in the number of asylum seekers in late 2013, measures had been taken to increase the capacity of reception centres; streamline the registration of asylum seekers and the assessment of their applications; and improve their living conditions and level of medical care. According to

the Office of the United Nations High Commissioner for Refugees (UNHCR) and various other agencies and organizations, the asylum-granting capacity of Bulgaria had significantly improved since 2013. For example, the State Agency for Refugees had set up a new container settlement for an additional 400 persons at its reception centre near the Turkish border; constructed buildings for initial admissions; built sports grounds for asylum seekers in reception centres; reconstructed and renovated reception centres; and installed video surveillance in reception centres. The asylum procedure was regulated by the Asylum and Refugees Act which was based on a number of European Union laws and directives. Under the Act, the registration of asylum seekers must be completed within three working days from the date when the application was submitted to the State Agency for Refugees and within six working days from the time it was submitted to other State bodies. The Chief of the State Agency for Refugees would issue a decision granting or refusing refugee status or humanitarian status within three months of the submission of the application.

The meeting was suspended at 11.30 a.m. and resumed at 11.45 a.m.

21. **Mr. Kemal** (Country Rapporteur) said he wished to know what action had been taken by the Government to counter discriminatory or derogatory narrative in the political sphere, in particular about refugees and asylum seekers. In that connection, and noting that Bulgaria was on the front line of the refugee crisis in Europe, he would welcome statistics on the number of persons who had passed through Bulgaria and how many migrants, including those in an irregular situation, there were currently in the country. Lastly, he asked whether the Government had taken any special measures to ensure that there was broad representation in the National Assembly, by, for example, introducing quotas for representatives of Roma and ethnic Turkish minorities.

22. **Ms. McDougall** said that she had yet to receive answers to the questions she had raised at the previous meeting. In particular, she was concerned that efforts to integrate Roma children into mainstream education had largely ceased and that there had even been a pattern of regression towards segregated education. In that light, she wished to know whether there were plans to launch any new inclusion programmes. She noted with concern that the housing situation for Roma did not seem to be improving, since evictions of Roma families continued to occur, even as recently as the past week, and that disproportionate force was often used. She would also welcome clarification regarding the Family Allowances Act, which, according to alternative sources, had been amended with the effect that underage young mothers could not receive child benefits, a change that seemed to target the Roma community in particular.

23. Turning to the issue of hate speech, she said she was surprised to learn that Valeri Simeonov, a nationalist politician who, in December 2014, had made a statement before the National Assembly in which he had described Roma persons as “ferocious apes” who wanted “sickness benefits without being ill, child allowances for children who wallow with the pigs on the streets, and maternity benefits for women who have the instincts of street bitches”, had just been made deputy prime minister. If that was the case, the seriousness with which the State party was tackling hate speech had to be called into question, since not only did it appear that Mr. Simeonov had never been prosecuted for that offence, he was now serving as a high-level member of the Government.

24. **Ms. Kostadinova** (Bulgaria) said that, like many countries around the world, Bulgaria had not been immune to the rise of populism, a trend that was particularly visible during election campaigns. There was, however, a clear difference between the populist sentiments uttered during elections and the concrete actions later taken by the ruling party. There was nothing, for example, in the ruling coalition’s programme of work to suggest that Bulgaria would abandon its commitment to protecting and promoting human rights. On the contrary, there was a clear path towards deeper integration into the European Union and compliance with its high human rights standards. Moreover, at his inauguration just the previous day, Prime Minister Borisov had pledged his commitment to safeguarding ethnic peace in the country. Instances of hate speech by politicians seldom occurred and in any case were viewed unfavourably by the public. Nevertheless, measures were consistently taken by government institutions and the executive branch to tackle hate speech and foster public awareness. By way of example, the Ministry of Foreign Affairs had released statements calling for tolerance and greater understanding of the plight of migrants and

refugees, and the Prime Minister and the President had issued a joint statement on the same issue. Moreover, organizations whose activities were aimed at incitement to racial hatred or violation of civil rights and liberties were prohibited under the Constitution. Similarly, under the Political Parties Act, parties that promoted racial or ethnic hatred or propaganda could be dissolved. Individual members of the National Assembly could only be prosecuted for criminal offences on the authority of parliament: however, criminal proceedings could be instituted with the written consent of the politicians concerned.

25. **Ms. Klisurska** (Bulgaria) said that, to illustrate the scale of unlawful migration to Bulgaria, a total of 720 third-country nationals had been apprehended in the first quarter of 2017: 262 had been stopped on entry, primarily on the Bulgarian-Turkish border; 95 had been held at exit points; and 363 had been detected on the territory without the proper registration documentation. Around half were migrants from Afghanistan, followed by persons from Iraq and the Syrian Arab Republic.

26. **Ms. Spassova** (Bulgaria) said that persons from minority groups played an active role in Bulgarian public and political life. For example, the Movement for Rights and Freedoms, a party which promoted the rights of persons of Turkish origin, was well-established at national and local levels and had successfully fielded candidates in elections to the National Assembly and local government. Members of ethnic minorities, including Roma, had also been elected as mayors and municipal councillors. Moreover, during the recent elections, mainstream parties had shown a greater interest in minority issues and had included representatives of ethnic minorities as candidates on party lists.

27. **Mr. Krastev** (Bulgaria) said that a number of programmes to improve access to education were in place, many of which had been funded by the European Union. Among other things, those programmes provided, access to services, such as transport, and resources to facilitate attendance and participation in school. Other initiatives included “protected schools”, which were primarily located in rural areas and Roma settlements and could not be closed owing to their special status; their number had increased from 119 in 2011 to 137 in 2014. While schools in certain areas were attended predominantly by Roma children, that was the result of the demographic composition of the regions concerned and not of any segregation policy. Moreover, Roma families enjoyed the right to freedom of movement and often travelled abroad with their children for several months at a time before returning. The authorities were currently considering whether or not those absences should be counted as school dropout.

28. Evictions were an ongoing issue; however, every case was dealt with on its merits and evictions only occurred once the proper administrative procedures had been completed and a court order issued. Moreover, national and municipal social services were fully involved so as to ensure that persons affected were provided with alternative accommodation. In that connection, three regions had now taken steps to build social housing. Efforts were also under way to coordinate projects in different thematic areas with a view to combining efforts and achieving better and more durable results in regard, inter alia, to housing, education and health.

29. **The Chair** said that if a child travelled for four months before returning to the school of enrolment, most countries would consider the child as still registered and not to have dropped out. It would therefore be interesting to know how the State party had recorded such cases in its statistics. The continued existence of segregated education remained a concern and she would welcome specific answers on what the State party was doing to address and eliminate segregation as well as to prevent evictions of Roma families and uphold their right to culturally appropriate accommodation and due process.

30. **Ms. Kostadinova** (Bulgaria) said that the Ministry of Labour and Social Policy had taken concrete measures to promote the employment of vulnerable groups, including Roma. Over the past decade, 120,000 unemployed Roma alone had been registered with employment bureaux and, to date, those bureaux had found work for more than 200,000 job seekers. It was important to note, however, that the underlying reasons for unemployment of Roma included a lack of motivation, insufficient education or work experience, the absence of a developed work habit and a preference for relying on social benefits. There were, however, examples of good practice, such as the use of labour mediators, who were

often from the Roma community, and specialized labour exchanges. Moreover, meetings had been held between Roma NGOs and Roma community leaders with a view to coordinating joint activities to motivate Roma to find employment.

31. Regarding the amendment to the Family Allowances Act, underage mothers still received benefits but in the form of allowances in kind, such as products, rather than cash payments. The amendment affected all young Bulgarian mothers under 18 years of age and, thus, was not targeted at Roma girls in particular. There had, however, been a reduction in the number of new mothers under the age of majority since it had been introduced.

32. **Mr. Yeung Sik Yuen** said he wished to know whether the anti-corruption body mentioned in paragraph 10 of the State party's report had now been established and, if so, what funding it had been allocated. Information regarding any cases of corruption it had investigated and their outcomes would also be appreciated. He would also be interested to hear about the results of the programme to reform the judiciary and ensure that it was independent and free of corruption. In particular, he wondered what challenges had been encountered and what steps had been taken to overcome them.

33. **Mr. Avtonomov** asked whether the Government took into account the religious and cultural differences within the country's ethnic Turkish minority groups when providing for their needs.

34. **Mr. Amir** said that he wished to highlight the State party's tradition of humanitarianism, as demonstrated by the fact that it had welcomed and treated thousands of Algerians who had been seriously injured during the Algerian War in the 1950s. Bulgaria had a long history of helping people in need from other countries, and its vibrant civil society could enable it to rise above and eliminate hate speech.

35. **Mr. Murillo Martínez** said that, in the State party's next periodic report, he would like to see information on the impact of the ambitious programme of judicial reforms, with particular reference to how it had helped to combat racial discrimination and xenophobia and promote tolerance. It would also be useful if research could be undertaken by the Council for Electronic Media (CEM) in order to identify whether discriminatory attitudes towards women online were widespread and to shed light on the prevalence of cybercrime. He would also welcome an account of what action was being taken by media companies to tackle racial discrimination and xenophobia.

36. **Mr. Marugán**, while commending the progress made in the State party, said that the lack of socioeconomic data in the periodic report had made it difficult to fully assess the impact of laudable initiatives such as the National Strategy for Roma Integration. Comprehensive data regarding, inter alia, employment, education and health, and covering at least the past five years, should therefore be provided to enable comparisons to be made between the situation of Roma and the general population. Only then would the Committee be able to draw conclusions on how their circumstances had evolved over the years and the extent to which the situation had improved.

37. Similarly, while the information provided by the State party seemed to suggest that it had made progress in collecting and dealing with complaints of hate crime and hate speech, more data were required, not least because he would have expected to see an increase in the number of cases, not a decrease. Moreover, since reports suggested that, within the European Union at least, 90 per cent of victims of hate crime did not report those offences to the competent authorities, underreporting was likely to be a serious issue in Bulgaria. With that in mind, he would appreciate information regarding specific action taken to address underreporting and data showing how the situation had evolved over the years, as well as global data showing how things had changed to make it easier for labour inspectors to deal with complaints of racial discrimination in the workplace.

38. **Ms. Shepherd** said that she would be grateful for answers to the questions she had raised at the previous meeting, in particular whether information could be provided regarding the situation of persons of African descent living in Bulgaria; what action had been taken to tackle xenophobic behaviour at sporting events; and what activities had been planned by the Government to mark the International Decade for People of African Descent.

39. **Ms. Kostadinova** (Bulgaria) said that the delegation would forward the information requested by the Committee in writing.

40. The anti-corruption body had yet to be established, in part because an anti-corruption bill submitted to the previous National Assembly had not yet been approved. Since legal reforms were a priority of the Government, it was hoped it would pass during the term of the current National Assembly.

41. **Mr. Lashev** (Bulgaria) said that, compared to other countries of the region and Europe, the influence of Islam was deeply rooted in Bulgarian history and society, with Muslims of both Bulgarian and Turkish descent living in the country. By way of example, data from the 2011 census revealed that 8.8 per cent of the population self-identified as Bulgarian Turks.

42. As with Algeria, Bulgaria had a history of opening its doors to persons of African descent, in particular from north African countries. There had been very few instances of xenophobia at sporting events and a mechanism was in place to combat football hooliganism, which comprised special measures to tackle xenophobic acts and protective measures for teams and supporters' groups. What was more, a large number of sports professionals from abroad, including from Africa, played in football and basketball teams around the country and were popular with fans.

43. Lastly, in reply to a question raised by Mr. Bossuyt at the previous meeting, he said that the community centres mentioned in paragraph 181 of the periodic report were usually equipped with libraries and provided a range of cultural activities, such as music, art classes and theatre performances, that were open to all Bulgarian citizens.

44. **Mr. Kemal** thanked the delegation for the constructive dialogue and for the answers provided to the Committee's many questions. On the basis of the information it had received, the Committee would now deliberate so as to provide the State party with appropriate concluding observations in furtherance of its implementation of the Convention.

45. **Ms. Kostadinova** (Bulgaria) expressed appreciation of the open and inclusive dialogue with the Committee, which had been useful in assessing the progress achieved and identifying areas for improvement. The Bulgarian Government attached priority to eliminating racism, racial discrimination and intolerance, and Bulgarian society had a long history of mutual respect and open-mindedness. By implementing the International Convention on the Elimination of All Forms of Racial Discrimination, the Government aimed to enhance national capacities for the furtherance of the rights of all minority groups in Bulgaria. The dialogue with the Committee would help guide future measures in that regard, and the Committee's questions and recommendations would be carefully studied on the delegation's return to Bulgaria.

The meeting rose at 1 p.m.