



# International Convention on the Elimination of All Forms of Racial Discrimination

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## Committee on the Elimination of Racial Discrimination 111th session

### Summary record of the 3033rd meeting

Held at the Palais Wilson, Geneva, on Tuesday, 28 November 2023, at 3 p.m.

*Chair:* Ms. Shepherd

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

*Combined twenty-third to twenty-fifth periodic reports of Bulgaria*

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*The meeting was called to order at 3 p.m.*

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

*Combined twenty-third to twenty-fifth periodic reports of Bulgaria (CERD/C/BGR/23-25; CERD/C/BGR/Q/23-25)*

1. *At the invitation of the Chair, the delegation of Bulgaria joined the meeting.*
2. **Mr. Sterk** (Bulgaria), introducing his country's combined twenty-third to twenty-fifth periodic reports (CERD/C/BGR/23-25), said that, over the previous 30 years, Bulgaria had developed into a vibrant democracy with an active and engaged civil society. Its Government was accountable, open to criticism and advice, and ready to clarify its own policies and to engage in dialogue. The Government recognized that effective democracy required not only regular elections, the separation of powers and constitutional checks and balances, but also a civil and political culture of respect for the rule of law, the rights of others and tolerance and diversity. For that reason, it pursued a consistent policy aimed at preventing and eliminating all forms of discrimination. The rights and freedoms of Bulgarian citizens were guaranteed by the Constitution, national legislation and international human rights obligations. The principles of equality and non-discrimination were consistently respected.
3. As one of the first countries to become a State party to the Convention, Bulgaria attached great importance to the full implementation of its obligations. During the reporting period, the Convention had been directly cited in court decisions and regularly invoked in the rulings of the Commission for Protection against Discrimination.
4. A national census held every 10 years afforded every person living permanently in Bulgaria the opportunity to declare freely their affiliation to ethnic, religious, linguistic or other groups. The 2021 census had revealed that 84.5 per cent of the population self-identified as Bulgarians, 8.4 per cent as Turks, 4.4 per cent as Roma and 1.3 per cent as belonging to other ethnic groups. Bulgarian was the most widely spoken language and Eastern Orthodox Christianity was the most practised religion.
5. In recent years, Bulgaria had stepped up its engagement with international and regional organizations to combat racism, racial discrimination, xenophobia and related intolerance. In 2018, the Government, during its presidency of the Council of the European Union, had organized thematic events on the fight against antisemitism, hate speech and xenophobia. Bulgaria had become a member State of the International Holocaust Remembrance Alliance, and the Government had adopted the Alliance's definition of antisemitism. Bulgaria had had a National Coordinator on Combating Antisemitism since 2017. In recognition of the Government's track record, Bulgaria had been elected to the Human Rights Council for a second term, for the period 2024–2026. During the third cycle of the universal periodic review, the Government had accepted all 45 of the recommendations it had received in relation to the elimination of racial discrimination, racism, xenophobia and related intolerance, and the competent institutions were working to implement them.
6. Several laws had been amended to strengthen the legal and institutional framework for protection against discrimination, with a focus on combating hate speech. In 2020, the Radio and Television Act had been amended to introduce stricter measures against the use of hate speech and to prohibit the use of audiovisual media services and video-sharing platforms to incite violence, hatred and acts of terrorism. In 2022, the Legal Aid Act had been amended to create new categories of persons entitled to free legal aid, including persons seeking or receiving international protection. In 2023, the Criminal Code had been amended to introduce "racist and xenophobic motives" as constituent elements in other criminal provisions and, consequently, to introduce heavier penalties for offences committed with such motives. The provisions governing hate speech and crimes against labour rights had been amended to include the grounds of colour and origin. Amendments to the Code of Criminal Procedure had expanded the list of procedural rights enjoyed by victims of hate crimes, racism and xenophobia. Administrative capacity-building, training and information campaigns had been carried out and monitoring mechanisms established to ensure that legislation to eliminate discrimination, intolerance, racism and xenophobia was effectively implemented.

7. The two national human rights institutions – the Commission for Protection against Discrimination and the Office of the Ombudsman – strived to improve the human rights protection system by focusing on prevention and early engagement. In 2019, the Office had been accredited with A status in accordance with the Paris Principles. Both institutions had recorded a sharp increase in the number of complaints submitted.

8. The Government had adopted several national strategies that established a framework for its efforts to address racism, discrimination and intolerance. They included the National Action Plan on Combating Antisemitism 2023–2027 and the National Strategy for the Equality, Inclusion and Participation of Roma 2021–2030. Additional priority measures aimed at improving the situation of Roma included the provision of targeted funding for the appointment of educational mediators, social workers and teaching assistants to kindergartens and schools attended predominantly by students from vulnerable social groups; the establishment of a permanent coordination mechanism to ensure the inclusion of children in the education system and to prevent their dropping out; the amendment of the Employment Promotion Act to establish an electronic register of economically inactive persons; the recruitment of additional labour mediators to help Roma into work; the launch of a project to support improved access to health care for vulnerable groups; the recruitment of additional health mediators; and efforts to empower and encourage the participation in society of young people and Roma women.

9. The Asylum and Refugees Act guaranteed the rights of foreign nationals in need of international protection in accordance with the principle of non-discrimination. In 2020, the Act had been amended to ensure that the authorities assessed the needs and drew up a support plan for refugees and asylum-seekers belonging to vulnerable groups, and to ensure that children, including unaccompanied minors, were represented by a lawyer.

10. As Bulgaria was situated on the external border of the European Union, the country had been facing external pressures and challenges since 2014. Those challenges had been exacerbated by the war of aggression of the Russian Federation against Ukraine. Since 24 February 2022, 2.1 million Ukrainians had entered Bulgaria, 171,571 of whom had been granted temporary protection. That status conferred full access to the labour market, welfare assistance, social services, housing and education. The Government was also implementing a programme with funding from the European Union to support asylum-seekers who belonged to vulnerable groups or had special needs, including unaccompanied minors.

11. **Ms. Li** (Country Rapporteur) said that, in its report, the State party had provided little information on the application of the Convention by domestic courts, which the Committee had requested in its previous concluding observations ([CERD/C/BGR/CO/20-22](#)). She would be grateful if the delegation could provide information in that regard. The Committee would also appreciate information on measures taken to address reported shortcomings in the functioning of the criminal justice system when handling cases of racial discrimination, including the claims that law enforcement bodies and the judiciary made insufficient efforts to investigate such cases and that the public lacked awareness of rights and remedies. She would welcome specific examples of remedies that victims of racial discrimination had received. The delegation might also comment on reports that Roma and non-citizens continued to face discrimination in the criminal justice system.

12. It would be useful to learn why articles 116 and 131 of the Criminal Code referred to “crimes committed with hooligan, racist or xenophobic motives”. In particular, the delegation might explain why those three motives were grouped together and how “hooligan” motives differed from racist or xenophobic ones.

13. She wondered why, despite the rising number of reports of racial discrimination, so few cases were brought before the courts in application of article 162 (2) of the Criminal Code. She would be interested to know more about the aggravating circumstances that applied when certain criminal offences were motivated by race, colour, descent or national or ethnic origin. She wished to know whether the State party had any plans to adopt a unified national action plan against racism and racial discrimination with clear targets and adequate resources for implementation.

14. Welcoming the accreditation of the Office of the Ombudsman with A status, she wished to know how many complaints of discrimination on grounds of racial, ethnic or

national origin that institution had received since 2019 and what the nature and outcome of those complaints had been. She would be interested to know whether the Commission for Protection against Discrimination was an organ of the State and, if so, how its independence, including financial independence, was guaranteed. Who appointed the head of the Commission, what was the recruitment process for its members and how did the Commission's mandate differ from that of the Office of the Ombudsman?

15. The Committee was concerned that a lack of data disaggregated by ethnicity was hampering regular and reliable monitoring of the situation and planning of relevant measures, especially for the most vulnerable groups. Drawing attention to paragraph 11 of the Committee's reporting guidelines (CERD/C/2007/1) on expectations vis-à-vis States that did not collect information on the racial or ethnic origin of individuals in their censuses, she wished to know whether the State party could provide a qualitative description of the ethnic characteristics of the population. The Committee would welcome information on the ethnic composition of the prison population.

16. **Ms. Tlakula** (Country Task Force), recalling that the Committee had previously recommended that the State party should amend its laws to include a definition of hate speech in line with article 4 of the Convention, said that she wished to know whether the 2022 amendment of the Criminal Code included such a definition and whether the amended Criminal Code had come into effect. Alternatively, had the Protection against Discrimination Act been amended in line with the Committee's recommendation?

17. The March 2022 report of the Ombudsman had noted an increase in hate speech, a lack of preventive action, and discouragement among victims because hate crimes went unrecognized by the authorities, which subsumed them under hooliganism. In that light, she would appreciate information on the additional powers assigned to the Council for Electronic Media to address hate speech and incitement to violence and hatred; any relevant cases investigated by the Council and their outcomes; measures taken to curb online hate speech and hate crimes; measures taken to address hate speech, hate crimes and incitement to hatred by political parties; and any investigations, prosecutions and convictions of politicians and public figures for hate speech.

18. In the same vein, she wished to know what steps had been taken to implement the judgments of the European Court of Human Rights in the *Budinova and Chaprazov v. Bulgaria* and *Behar and Gutman v. Bulgaria* cases and what measures had been taken to combat racial hate speech against ethnic and religious minorities and to create a just and tolerant atmosphere during elections. Information on criminal proceedings initiated under articles 162 to 164 of the Criminal Code between 2020 and 2022, on instruments establishing civil, labour and administrative liability for acts of racial discrimination and on penalties handed down by the competent bodies would be welcome.

19. She would welcome information about the measures taken to prevent racial discrimination, including racially motivated violence and racial profiling, by law enforcement officials, and to ensure accountability for such crimes in line with the Committee's general recommendation No. 36 (2020) on preventing and combating racial profiling by law enforcement officials, along with data on complaints, investigations and convictions in cases of police brutality and discrimination. The delegation was invited to comment on the persistent reports of migrants and persons belonging to ethnic minorities, in particular Roma, being ill-treated, tortured and even killed while in detention, while the perpetrators enjoyed impunity. Had any law enforcement officials been investigated for racially motivated violence or for practices amounting to racial profiling? If so, what had the outcomes been?

20. **Mr. Kut** (Follow-up Coordinator) said that he wished to commend the State party on the timely submission of its interim report (CERD/C/BGR/CO/20-22/Add.1), which addressed the issues selected for follow-up in the Committee's previous concluding observations.

21. The Committee had recommended that the State party should take immediate measures to strengthen the capacity, independence and financial resources of both the Commission for Protection against Discrimination and the Office of the Ombudsman. In the light of the information contained in paragraph 32 of the State party report, it would be useful

to learn what developing the full potential of the Commission entailed, whether the Commission's powers had in fact been expanded and, if so, what those new powers were.

22. **Mr. Diaby** said that he would appreciate further details about the police operation codenamed "Respect" that had been conducted in Sofia and Burgas to check that the Roma population was respecting the coronavirus disease (COVID-19) restrictions. In particular, he wished to know the reasons for targeting that group and whether steps had been taken to put an end to what was a discriminatory practice. Furthermore, in the light of the racist incidents that had taken place during a 2019 football match between Bulgaria and England, he wished to know whether the State party intended to enact legislation to prevent and punish racism in sport.

*The meeting was suspended at 4.10 p.m. and resumed at 4.30 p.m.*

23. **A representative of Bulgaria** said that the Constitution was the supreme law of Bulgaria and no other law might contravene it. All duly ratified and promulgated international treaties formed part of national law and took precedence over any conflicting provisions of national law. Visibility of the Convention had been improved through the anti-discrimination training delivered by the National Institute of Justice. Between June 2020 and October 2023, the Institute had held 60 training sessions on racial discrimination, relevant international instruments and the protection of victims. Four of the sessions had focused on implementing articles 2 and 4 of the Convention.

24. Examples of cases in which the courts had invoked the Convention included decisions of the Administrative Court of Sofia No. 3183 of 13 May 2019, regarding article 1 of the Convention, and No. 4411 of 2 July 2021, concerning article 2; Administrative Court of Plovdiv decision No. 242 of 14 February 2022 regarding articles 2 and 5; Supreme Court of Cassation judgment No. 1143; and Supreme Administrative Court decision No. 9871 of 2021, concerning article 4.

25. From 2020 to 2023, the Commission for Protection against Discrimination had received 222 complaints of discrimination based on ethnic origin and 11 complaints of racial discrimination. During that period, it had handed down decisions on 55 cases of ethnicity-based discrimination and 3 cases of racial discrimination.

26. Measures had been taken to ensure that the Protection against Discrimination Act and the Criminal Code included definitions of racist hate speech and hate crimes that were in line with article 4 of the Convention and included all grounds of discrimination set forth under article 1. Bulgaria had a sound, up-to-date national legal framework for combating all types of hate crime, hate speech, intolerance and xenophobia. Several Criminal Code articles had been supplemented by new paragraphs that established heavier penalties for offences committed with xenophobic or racist motives. The provision on "hooligan, xenophobic or racist motives" pertained only to article 116, on murder, and article 131, on bodily injury – offences that carried severe penalties.

27. The Government had developed an action plan to implement the judgments in the cases of *Budinova and Chaprazov v. Bulgaria* and *Behar and Gutman v. Bulgaria*, which concerned hate speech by a politician against the Roma and Jewish communities. The country's political discourse had been transformed in the many years since the events that had given rise to the two cases – few allegations of discrimination against vulnerable ethnic groups were now made as a result of political speeches. The European Court of Human Rights judgments had been translated into Bulgarian and communicated to the Sofia Regional Court, the Supreme Court of Cassation and the Commission for Protection against Discrimination, as well as the National Institute of Justice, which used them in initial and continuing training for magistrates.

28. Relevant initiatives had included the "Stop Hate Speech" international conference, held in December 2022 in Sofia, which had brought together more than 130 representatives of religious denominations, chief prosecutors from across Europe and representatives of public institutions, non-governmental organizations and academia. In June 2023, the National Institute of Justice had organized a training seminar for magistrates on the implementation of the European Court of Human Rights at the national level, with the participation of three of the Court's judges. One of the panels had concerned protection against hate speech.

29. **A representative of Bulgaria** said that, every year, the Commission for Protection against Discrimination organized national awareness campaigns on the rights and remedies available to victims of rights violations. The 2023 campaign had included 480 broadcasts on national and regional radio. The Commission's regional representatives held regular informative meetings with various local authorities and representatives of civil society. In 2022 and 2023, 90 events had been held to increase target groups' awareness of discriminatory practices, tolerance-building in public relations and the prevention of hate speech. The Council for Electronic Media regularly participated in awareness-raising events on the fight against antisemitism and the promotion of Roma rights. The Council publicly condemned discriminatory attacks on journalists and referred such cases to the Commission when necessary.

30. The Protection against Discrimination Act laid down the rules on the Commission's membership and functioning. The Commission was composed of nine people, who served five-year terms. The Act required that the Commission's membership should be gender-balanced and representative of ethnic minorities. Four members should have a legal education. The National Assembly elected five members, including the President and Vice-President, and the President of Bulgaria appointed four members. The current President and Vice-President of the Commission both belonged to the Roma community.

31. The Commission had local branches in every district of Bulgaria. As well as awareness-raising, the Commission had a quasi-judicial function. It could receive complaints of discrimination from individuals, and issue decisions on those complaints. Complainants who were dissatisfied with a decision of the Commission could appeal to the courts. The Commission also trained other institutions in implementing the Protection against Discrimination Act and certified that private entities were implementing the Act appropriately. A project with a budget of 1.6 million Bulgarian leva had been launched with the aim of increasing the Commission's capacity and expertise.

32. According to statistics from the Prosecutor's Office, crimes involving ethnic or racial discrimination remained few. In January 2022, the guidelines on the collection of statistics by the Prosecutor's Office had been amended to ensure the collection and processing of data on offences related to discrimination, including hate crimes. Between 2019 and 2023, there had been 22 cases of crimes against the rights of citizens under articles 162 and 163 of the Criminal Code; no cases of formation or membership of a group preaching hatred; and 73 cases of crimes against religious denominations. The authorities were still discussing whether it would be efficient to adopt a unified national action plan against racism and racial discrimination, given the relatively low number of cases.

33. Bulgarian censuses were conducted in accordance with European Union standards. Respondents could choose to answer a multiple-choice question that allowed them to self-identify as belonging to one of the country's main ethnic groups. Information on the ethnic composition of Bulgaria, disaggregated by region, was publicly available on the website of the National Statistical Institute.

34. **A representative of Bulgaria** said that the National Strategy for the Equality, Inclusion and Participation of Roma 2021–2030 contained an annex with indicators for monitoring the Strategy's implementation. Many of those indicators measured data relating to ethnicity.

35. **A representative of Bulgaria** said that the Labour Code prohibited all forms of discrimination, including on racial and ethnic grounds. Under the Protection against Discrimination Act, harassment on the grounds of race, ethnicity or origin was considered discrimination. Any employer who received a complaint of harassment from an employee was required to immediately launch an investigation and take steps to put an end to the harassment. Employers that failed to prevent workplace harassment might be held liable. Accordingly, victims of discrimination were entitled to apply to the courts for compensation from the employer or the worker who committed the violation. The Protection against Discrimination Act contained an entire chapter on labour and working rights. The Ministry of Labour and Social Policy was investing in building the capacity of the Commission for Protection against Discrimination, including through training related to the Charter of

Fundamental Rights of the European Union, the Convention and other internationally recognized instruments.

36. **A representative of Bulgaria** said that, at the beginning of the COVID-19 pandemic, the Ministry of Health had introduced measures to restrict the spread of the disease, which had been based on proposals by the Chief State Health Inspector. The Ministry had instructed regional health directors to include health mediators in municipal crisis teams. Health mediators had been tasked with supporting the most vulnerable families, in particular in districts where Roma communities lived, and had been heavily involved in municipal pandemic response measures, including vaccination campaigns and the distribution of hygiene products and food to vulnerable groups. The Ministry had signed contracts with 114 municipalities to provide additional remuneration for health mediators during the pandemic.

37. **A representative of Bulgaria** said that emergency measures to limit the spread of COVID-19 had been implemented on a temporary basis in line with the principles of proportionality, non-discrimination and necessity and with respect for human rights and fundamental values. The restriction of free movement, and the establishment of checkpoints for that purpose, had been a national policy that had been applied throughout the country, regardless of the ethnicity, religion or economic or social status of the people affected.

38. **A representative of Bulgaria** said that countering hate crime and online hate speech was a priority of the Ministry of the Interior. Over the previous year, the police had significantly strengthened its capacity to combat cybercrime and online abuse, including through the transformation of the cybercrime department of the Directorate General for Combating Organized Crime into a directorate with over 100 employees. The new Cybercrime Directorate regularly monitored and responded to reports of hate speech received from non-governmental organizations and individuals, most of which concerned social media posts, and took prompt action to identify and ensure the deletion of the offending content.

39. The Ministry implemented a wide range of measures to prevent discrimination in all its forms. Officials from the Cybercrime Directorate gave presentations on cybercrime prevention to secondary school students. The training provided at the national police academy included topics such as protecting human rights, police ethics and protection from discrimination. Police officers received almost 30 hours of training on preventing discrimination in their daily work. The Ministry was involved in various projects at the international level aimed at improving coordination and dialogue between the police and the Roma community. In addition, the Directorate General of National Police worked with regional police directorates to improve the situation of the Roma population. A handbook focusing on issues such as discrimination, radicalization and protection of human rights had been developed for the benefit of public institutions working with Roma communities. Eight training sessions on preventing discrimination had been carried out in 2023 and had been attended by about 300 police officers.

40. While police officers did not set out to violate people's rights, it was true that sometimes they had acted in excess of their powers. Members of the public had filed 229 complaints against police officers in 2022. An internal commission had investigated those complaints and had found that only 12 of them were substantiated. There had been no complaints of racially motivated violence by police officers.

41. "Respect" had been the name not of a police operation, but of a temporary measure restricting free movement in some districts of Sofia in response to the COVID-19 pandemic. It had not been designed to discriminate against communities on the basis of race. Many people living in the affected neighbourhoods had been working in other European countries before the outbreak of the pandemic and had returned to their families in its early stages. The Government had responded to the consequent increase in local cases by instructing the police to work in those neighbourhoods to protect the health of inhabitants.

42. The Prime Minister had sent a strong message that the comments and gestures made during the football match between Bulgaria and England had been unacceptable. Such incidents were covered by the Act on Public Order Protection during Sports Events. The perpetrators had been identified and punished with one-year stadium bans and fines. There had been no reports of similar incidents at matches played since then.

43. **Ms. Li** said that she would appreciate clarification of whether the inclusion of language on “racist and xenophobic motives” in the Criminal Code duly established an aggravating circumstance. She would welcome an explanation of the distinction between “racist and xenophobic motives” and “hooligan motives” in articles 116 and 131 of the Criminal Code.

44. **Mr. Sterk** (Bulgaria) said that the purpose of the recent amendments to the Criminal Code had been precisely to establish racist or ethnic motivations as an aggravating circumstance. The Criminal Code did not equate hooliganism with racism. “Hooligan motives” had long been included in the Criminal Code as an aggravating factor; “racist and xenophobic motives” had been added in order to ensure that the harshest possible penalties were handed down for such offences.

45. **A representative of Bulgaria** said that racist and xenophobic motives certainly constituted an aggravating circumstance in the case of murder, as foreseen under article 116 (11) of the Criminal Code. Racially aggravated murder was punishable by 15 to 20 years’ imprisonment, life imprisonment or life imprisonment without commutation.

46. **Ms. Tlakula** said that it was unclear whether the definition of hate speech in the Protection against Discrimination Act had been brought into line with article 4 of the Convention. It was regrettable that offences motivated by hooliganism and offences motivated by racism and xenophobia were grouped together in the Criminal Code. While efforts to train the police were appreciated, it was troubling that so few complaints against police officers had been upheld, as it was well understood that colleagues tended to protect one another in such situations. She wished to know more about the 12 complaints that had been upheld, including the details of those cases and the punishments handed to the police officers involved.

47. **Mr. Sterk** (Bulgaria) said that the Bulgarian police did not apply methods or practices, or collect or store data, on the basis of racial or ethnic affiliation or origin. Claims of racial profiling were therefore unjustified.

48. **The Chair**, supported by **Ms. Tlakula**, said that the delegation might wish to consult the Committee’s general recommendation No. 36 on preventing and combating racial profiling by law enforcement officials, before providing more detailed information on that subject.

49. **Mr. Sterk** (Bulgaria) said that, although there was no internationally agreed definition of racist hate speech, Bulgaria had brought its legislation into line with the elements and criteria set forth under article 4 of the Convention. The legislature had been of the view that amending the Criminal Code – the authoritative legal instrument on the prosecution and punishment of acts of racism, racial intolerance and hatred – would have a more far-reaching impact than amending the Protection against Discrimination Act.

50. **Ms. Li** said that she wished to know whether the State party could provide a description of the ethnic characteristics of the population, in accordance with paragraph 11 of the Committee’s reporting guidelines.

51. **A representative of Bulgaria** said that the State party collected data on ethnicity and mother tongue through the national census. Such information was provided voluntarily and on the basis of self-identification. Disaggregated data on ethnicity and mother tongue were published on the website of the National Statistical Institute.

*The meeting rose at 5.55 p.m.*