

**STATEMENT
BY
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HEAD OF DELEGATION OF THE REPUBLIC OF BULGARIA
62ND SESSION OF THE COMMITTEE AGAINST TORTURE**

Geneva, 20 November 2017

**Mr. Chairperson,
Distinguished Members of the Committee,
Ladies and Gentlemen,**

This month Bulgaria celebrated 28 years since the beginning of restoration of democratic governance in the country after decades of communist totalitarian rule: nowadays Bulgaria is a functioning multi-party parliamentary democracy based on the rule of law, respect for human rights, promotion of and support to a vibrant civil society. Bulgaria today is also a member of the European Union, a community of shared values, among which prominently feature respect for and promotion of human rights and fundamental freedoms. That is why the Republic of Bulgaria attaches great importance to the full compliance with and comprehensive implementation of the obligations under the UN human rights instruments and in particular – those, flowing from the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

In Bulgaria all relevant government bodies are committed to this task, as demonstrated by the composition of our delegation:

- Mr. Nikolay Prodanov, Deputy Minister of Justice;
- Mr. Milko Berner, Deputy Minister of Interior;
- Ms. Deyana Kostadinova, Permanent Representative of Bulgaria in Geneva;
- Mr. Rakovski Lashev, Deputy Permanent Representative of Bulgaria;
- Ms. Maria Spassova, Director of Human Rights Directorate, MFA;
- Ms. Kamelia Dimitrova-Childress, Secretary of the National Commission for Combating Trafficking in Human Beings;
- Ms. Nadya Radkovska, Head of Unit “International Cooperation and Professional Staff Training”, General Directorate “Execution of Penalties”, Ministry of Justice;
- Ms. Tsvetana Petrova, PhD, Chief assistant of Criminal law at the Academy of the Ministry of Interior;
- Ms. Mirena Tsenova, state expert, “International Legal Cooperation and European Affairs” Directorate, Ministry of Justice;

- Ms. Albena Gfeller, Counsellor at the Permanent Mission of Bulgaria in Geneva;
- Ms. Aleksandra Dimitrova, Attaché at the Human Rights Directorate, MFA,
- and myself, Yuri Sterk, Deputy Minister of Foreign Affairs.

Let me start with commending this Committee for its outstanding work in promoting compliance with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment worldwide and monitoring its implementation.

The report we are presenting today was prepared in a transparent manner with the active participation of all authorities and institutions, dealing with human rights, and with the involvement of civil society through relevant NGOs, which provided valuable comments. The draft was published on the official website of the Ministry of Foreign Affairs for broad public discussion and was subsequently approved by the National Coordination Mechanism on Human Rights. All recommendations of the Committee have been made available to the relevant stakeholders.

In this regard, I would like to emphasize the important role of the national human rights institutions, namely the Ombudsman and the Commission for Protection against Discrimination, who were consulted and involved in the preparation of the periodic report, especially given the role of the Ombudsman as National Preventive Mechanism.

This clearly demonstrates our readiness to share and discuss, in an open manner, how we are meeting our obligations under the Convention, what challenges we are facing and the lessons we have learned in the process.

Mr. Chairperson, I would now like to draw to the attention of the Committee to some significant developments in the recent years, in the fields of:

- **Development of the national and international legal framework;**
- **Migration; and**
- **Trafficking in human beings.**

1. National and international legal framework

Since 2011, in conformity with international standards on human rights protection, a number of important practical measures have been taken, strengthening the legal and institutional framework for prevention of and protection against torture and other inhuman or degrading treatment.

In 2013, by decision of the Council of Ministers a **National Coordination Mechanism on Human Rights** was established. It improves the coordination among public authorities involved in the implementation of the tasks arising from Bulgaria's obligations and commitments in the human rights field. The Mechanism considers conclusion of and accession to new international instruments and recommends amendments in the domestic legislation and administrative practices. Its members are ministers, heads of State agencies and independent institutions. NGOs are also represented.

The Commission for Protection against Discrimination and the Ombudsman invest continuous efforts in improving their respective mechanisms for human rights protection. The Office of the Ombudsman is taking very seriously the recommendations of the Accreditation Committee in view of ensuring compliance of the mandate of the

Ombudsman with the Paris Principles. During the most recent meeting of the National Coordination Mechanism on Human Rights, the relevant Government bodies and the Office of the Ombudsman have taken the decision to undertake the necessary legal amendments in order to substantiate an upcoming application for **reaccreditation to statute A** as National Authority on Human Rights. With the adoption of the proposed amendments to the Ombudsman Act, the Ombudsman will be able to work in accordance with the highest standards, to ensure effective protection of the rights of Bulgarian citizens, including violations in the private sector, to observe and promote the compliance with international instruments for the protection of human rights within the UN. The introduction of clear and transparent rules for vacancies guarantees the pluralism of the institution and will further contribute to a better level of protection of human rights and fundamental freedoms.

The proposed changes have undergone a public consultation procedure and are accompanied by a preliminary impact assessment and consultation on compliance with the Convention for the Protection of Human Rights and Fundamental Freedoms and the Practice of the European Court of Human Rights.

Further to the amendments, the Ombudsman shall be duly notified if drafts of normative acts may affect his/her powers as a **National Preventive Mechanism**, so that he or she may act accordingly on any possible statutory impairments.

Bulgaria is committed to increasing its international stance in the field of human rights. In the reporting period, my country undertook steps to become party to several **important international Human Rights instruments**, having ratified the UN Convention on the Rights of Persons with Disabilities and Protocol 15 to the European Convention for the Protection of the Human Rights and Fundamental Freedoms, and signed the Council of Europe Convention on preventing and combating violence against women and domestic violence.

We have also welcomed two visits by the **Committee on the Prevention of Torture and Inhuman or Degrading Treatment or Punishment of the Council of Europe** – in 2015, and just recently between September 25 and October 6, 2017.

In between these visits, Bulgaria has been facing challenging international and domestic developments such as increased transnational migration pressure, especially until the autumn of 2016, series of early elections with respective succession of several governments, rescheduling earlier in time of the upcoming Presidency of the Council of the EU, and other factors. These may have affected the speed of progress in addressing some of the shortcomings, but the efforts of the relevant authorities continue.

Concerning the Committee's prior recommendations on the need for improved **data collection and disaggregation**, the Republic of Bulgaria is limited by its national Constitution and binding commitments to international and European conventions, under which the equality of all citizens and the obligation to prevent discrimination based on racial profiling, hinders the possibility to gather data on racial or ethnic origin.

2. Turning to the **situation of refugees and migrants** in the country, in July 2016, the Office of the United Nations High Commissioner for Human Rights conducted a **Migration Mission to Bulgaria**. The Mission was offered unhindered access to migrants and refugees, to various facilities, including the Sofia Central Prison, as well as to officials, first responders and front-line workers from the Ministry of Interior and the Ministry of Justice. The conclusions of the Mission are highly valued and have been distributed to the appropriate stakeholders.

As a result of the unprecedented migratory pressure faced by the Republic of Bulgaria at the end of 2013, urgent measures needed to be taken in order to meet the challenges of the crisis. The activities carried out in 2015-2017 were aimed at ensuring **sustainability** and **increasing the capacity of the reception and accommodation of foreigners** applying for international protection.

Bulgaria has received EU funding of EUR 160 million for emergency measures under the Internal Security Fund and for the Asylum, Migration and Integration Fund. Some of these funds are designed to improve the conditions for specialized homes for the temporary accommodation of foreigners in the villages of Busmantsi and Lyubimets. Some projects have already been completed and some will be finalised by the next year. At the moment Bulgaria is no longer subject to strong migratory pressures and all institutions concerned are firmly committed to do everything necessary to improve the conditions for the reception and accommodation of foreigners.

According to the Asylum and Refugees Act, foreigners have the right to apply for international protection in the Republic of Bulgaria. Applications must be filed in one of the territorial units of the State Agency for Refugees, or with another state body. **Accelerated application procedures** have been put into practice, in order to respond to the increasing migration flow.

The Bulgarian Government is constantly improving its national procedures, while bearing in mind that the protection and surveillance of the **state border** is a legally binding obligation stipulated in the Constitution and the national legislation, and the Republic of Bulgaria is implementing strict measures to execute this obligation both at entry and exit. Nevertheless, we are strictly observing the **non-refoulement principle**, defined in the Charter of Fundamental Rights of the EU, Treaty on the functioning of the EU, UN Convention on Refugees, the Schengen Borders Code and other related instruments, and we are providing all persons with the possibility to apply for humanitarian protection and asylum.

Asylum seekers have the right to **formal education** from the start of the asylum procedure. The right of access to formal education for children seeking international protection is regulated in the Law on Asylum and Refugees and the Ordinance on the conditions and procedures for admission and training of persons seeking or having been granted international protection, approved by the Minister of Education and Science.

In view of the **initial adaptation of foreign minor asylum seekers** and the creation of the necessary conditions for learning Bulgarian, the State Agency for Refugees is working in partnership with a wide range of **NGOs**, and offers **Bulgarian language courses at its registration and reception centres**. The objectives of the Bulgarian language programs are aimed at literacy, building of learning habits, learning spoken and written Bulgarian, and development of skills for understanding and communication.

Mr. Chairperson,

3. In the area of **trafficking in human beings**, Bulgaria has made significant progress. My country is an origin country and to lesser extent a transit country of trafficking victims. Nevertheless, it is one of the countries in Europe with the most comprehensive institutional framework to combat trafficking in human beings. In its aspiration to EU accession, back in 2003 Bulgaria was one of the pioneers in Europe to adopt specialized anti-trafficking legislation. Bulgaria penalized trafficking in line with

the highest international legal standards, and went further to ensure more severe punishments in cases where the victim is a child.

The National Commission to Combat Trafficking in Human Beings has made the early identification of victims of trafficking in mixed migration flows one of its priorities for this year and partners successfully with the UN bodies and international humanitarian organizations. Bulgaria highly values its cooperation with the Office of the United Nations High Commissioner for Refugees, the Office of the UN High Commissioner for Human Rights, the UNODC and with international and regional organizations with related goals, with the aim of ensuring effective management of migration processes and respect of human rights of people on the move.

A **National Referral Mechanism** for Support to Trafficked Persons in Bulgaria was adopted by the Council of Ministers with a Decision on 20 July 2016. The main objective of the Mechanism is to guarantee the respect for the human rights of the victims of trafficking, including unconditional support, security and safety, confidentiality and protection of personal information and non-discriminatory approach. The Mechanism defines standard operating procedures in identification, referral, protection, assistance and social inclusion of those who suffered from this crime.

There were 285 pre-trial proceedings on human trafficking in the first 6 months of 2017, according to data of the Prosecutor's Office. There were 59 new proceedings, and 44 prosecutorial acts were filed with the court. The punishments imposed on convicted and sanctioned persons with enforced judicial acts for the same period are 63. The total number of identified victims was 366.

**Mr. Chairperson,
Distinguished Members of the Committee,**

The Republic of Bulgaria is mindful of the challenges that lie ahead and takes targeted and effective measures to properly address them. These include, inter alia:

- The overall situation in penitentiary institutions;
- The need to improve the living conditions in reception/accommodation centres;
- The cases of violence against women and girls;
- Certain challenges in the area of trafficking in human beings.

We are committed to continue our active and comprehensive work in these fields, in accordance with the recommendations of this Committee and the obligations under the UN Convention against Torture. We are looking forward to a constructive dialogue with all of you.

Thank you.