



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS

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Excellency,

I wish to inform you that the Committee on the Elimination of Racial Discrimination, during its 96th session, considered the follow-up report submitted by the Government of the Republic of Bulgaria, pursuant to Article 9 (1) of the Convention, and Rule 65 (1) of the Rules of Procedure of the Committee.

The Committee welcomes the submission of the report, in response to its request to receive information within one year of the implementation of the recommendations contained in paragraphs 10 (a) and 22 of the Concluding Observations (CERD/C/BGR/CO/20-22), adopted following the consideration of the State party's combined 20th to 22nd periodic reports, at its 92nd session held in April-May 2017.

The Committee appreciates the opportunity provided to continue its dialogue with the State party, and would like to draw the State party's attention to the observations mentioned below. The Committee requests that comments and responses on actions taken by the State party on these issues be included in its combined 23rd to 25th periodic reports, to be submitted in a single document by 4 January 2020.

Paragraph 10 (a) of the Concluding Observations

The Committee thanks the State party for the information it provided concerning the adoption of amendments to the Ombudsman Act in 2018, but is concerned by the lack of specificity on the substance of these amendments, and on measures taken to improve the Commission for the Protection against Discrimination. The Committee requests that the State party provide in its next periodic report detailed information on how the amendments and any other measures the State party has taken have strengthened the capacity, independence and financial resources of both the Commission and the Ombudsman, in line with the Paris Principles.

Her Excellency Ms. Deyana Kostadinova
Permanent Representative of the Republic of Bulgaria
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Paragraph 22 of the Concluding Observations

The Committee thanks the State party for the information it provided on: (a) the strict observation of the principle of non-refoulement, intolerance for abuse of individuals crossing into the State party's territory, and instructions provided to border police officers on the protection of human rights and the use of force; (b) its laws pertaining to entry into its territory; (c) the planned increase in 2018 to the budget of the State Agency for Refugees; (d) efforts of the Agency to protect migrants in vulnerable situations, including children; (e) the increase in the number and capacity of reception centres, and the possibility for refugees to be housed in municipal apartments, where they receive financial support to cover the rent and a portion of monthly utilities; and (f) the provision of bi-weekly Bulgarian and English classes in all reception centres, as well as the adoption in 2017 of the Ordinance on the Conditions and Procedure for Concluding, Implementing and Terminating the Agreement on the Integration of Foreigners with Granted Asylum or International Protection, which aims to provide a range of services and assistance to qualifying foreigners with the goal of integration.

However, the Committee is concerned by the lack of: (a) detailed information on any investigations that have taken place to respond to excessive use of force by law enforcement officials in the context of migration at the border or in detention facilities, and on related sanctions; (b) information on whether the State party is contemplating modifying article 279 (1) of the Penal Code, which continues to criminalize irregular border crossing; (c) information on whether the State party has reinstated an adequate monthly payment for all asylum seekers residing in reception centres; and (d) specific, detailed information as to how the access of all migrants (including asylum seekers and undocumented migrants) to basic services, including education, health care, justice and language training, vocational training, has been strengthened. The Committee, therefore, requests that the State party provide this information in its next periodic report, as well as: (a) updated information on the draft law concerning alternatives to detention for citizens of third countries; and (b) statistics, disaggregated by nationality of the applicant, on asylum applications filed, granted and denied.

Rest assured, Excellency, that the Committee looks forward to continuing its constructive dialogue with the Government of the Republic of Bulgaria, with a view to providing it with assistance in its efforts to ensure the effective implementation of the Convention.

Please accept, Excellency, the assurances of my highest consideration.

Yours sincerely,

Nouredine Amir
Chair

Committee on the Elimination of Racial Discrimination