

STATEMENT  
BY  
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Thank you Ms. Chair,  
Distinguished Members of the Committee,  
Ladies and Gentlemen,

I'm honoured to present the introduction to the consideration of Bulgaria in the 92nd session of the Committee on Elimination of Racial Discrimination. At the beginning I would like to thank the country rapporteur **Mr. Kemal** for the List of themes which was a good base for our preparation.

The Republic of Bulgaria places great importance on the comprehensive implementation of the obligations under the UN Convention on the Elimination of All Forms of Racial Discrimination.

*All Bulgarian institutions are committed to this task, as demonstrated by the composition of our delegation (представяне на делегацията). Let me present my colleagues.*

We had planned a person of higher political level as a head of delegation but this morning the new Bulgarian government was elected in the Parliament and all the ministers and deputy-ministers are changing at this moment. Nevertheless, I'm sure that my colleagues who are experts with a long and profound expertise will answer all the relevant questions.

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 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 distributed 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 reports.

This clearly demonstrates **our readiness to share, 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.

The Republic of Bulgaria is committed to eliminating racism, racial discrimination, xenophobia and related intolerance towards all persons, on equal footing. In addition to the already provided information, I would like to draw to the attention of the Committee some significant developments in recent years, in the fields of:

- **National and international legal framework**
- **Protection of the rights of refugees and migrants**
- **Protection of the rights of Roma and other vulnerable groups**

### **1. National and international legal framework**

Since 2009, in conformity with international standards on human rights protection, a number of paramount legal amendments have been adopted, strengthening the legal and institutional framework for protection against discrimination.

In 2013, by decision of the Council of Ministers a **National Coordination Mechanism on Human Rights** (NCMHR) was established. It improves coordination among public authorities involved in the implementation of the tasks arising from Bulgaria's obligations and commitments in the sphere of human rights. The Mechanism considers signature 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 (CPD) and the Ombudsman invest continuous efforts in improving their systems for human rights protection. The **Commission for Protection against Discrimination** has optimised its administrative structure in order to **increase three times** the efficiency of its work. Its budget is also increasing gradually, which demonstrates the importance of this institution. We are especially pleased with the fact that the Commission gets more recognisable by the general public: for example, in 2015 there were 875 initiated case files compared to the 445 in 2014. The number of complaints on the grounds of "race", "ethnicity" and "multiple discrimination" has **decreased** in the past two years.

The Office of the Ombudsman is taking very seriously the recommendations of the Accreditation Committee in view of 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 apply for **reaccreditation** to statute A as **National Authority on Human Rights**.

The Government of the Republic of Bulgaria recognizes the challenges related to the protection and advancement of human rights in this field and the importance of addressing them in a consistent and timely manner. Clear

distinction must be made between the relevant policies and actions. Special attention should be paid to **prevention and early engagement**.

Prevention and combating of **hate crimes is a priority** of the police and the judicial authorities. In addition, the Bulgarian Penal Code has been amended to implement the standards enshrined in the Council of the European Union Framework Decision 2008/913/JHA by criminalizing acts of racism and xenophobia, as well as incitement to discrimination and violence, including on religious grounds. Furthermore, racial, and xenophobic motivation were introduced as qualifying circumstances in the elements of crime in the commission of homicide and bodily injury.

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. However, during the national census, we could overview the ethnic composition of the population through anonymous and voluntary self-identification. The CPD gathers unofficial disaggregated data for the purposes of its work.

Bulgaria is committed to increasing its international stance in the field of human rights. In the reporting period, my country acceded to a number of **important international Human Rights instruments**:

- The Convention on the Rights of Persons with Disabilities;
- The Convention on the Reduction of Statelessness;
- The Council of Europe Convention on preventing and combating violence against women and domestic violence;
- The Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

- Protocol 15 to the European Convention for the Protection of the Human Rights and Fundamental Freedoms; etc.

In 2014, the Government adopted a decision for one-time payment of compensations to **all individual complaints** for which damages had been recommended by the UN Treaty Bodies involved in the universal human rights instruments. One of the individual complaints was under the CERD Optional Protocol, demonstrating that the public is informed on the procedure provided under **article 14 of the Convention**.

During our second **UPR** in the United Nations Human Rights Council in **2015**, the national report contained information on the measures taken to prevent and combat racism, racial discrimination, xenophobia and related intolerance, which is in line with General Recommendation No. 33 of the Committee. In addition to that, all recommendations concerning the fight against racism and discrimination have been accepted and the responsible institutions are working towards their implementation.

We have responded to **questionnaires** on the topics of freedom of religion and belief, discrimination, and the rights of minority groups. We have accommodated the **visits paid** by the **Special Rapporteur on Minority Issues**, **the Special Rapporteur on the Independence of Judges and Lawyers** and **the Office of the High Commissioner for Human Rights**. All recommendations by UN special procedures are highly valued and carefully considered by the respective state bodies. All findings and considerations are being taken into account and put into practice, wherever possible, in line with national policies and priorities.

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 provided with 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 since the summer of 2013, urgent measures needed to be taken in order to meet the challenges of the crisis. The activities carried out were aimed at **sustainability and increasing the capacity of the reception and accommodation of foreigners** applying for international protection. Since the beginning of 2017, several new activities have started, funded under the Asylum, Migration and Integration Fund, Emergency Measures, and are due to be finalized within the year.

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.

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 before another state body. **Accelerated application procedures** have been put into practice, in order to respond to the increasing migration flow.

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 the application for admission to school, which is submitted to the head of the respective regional education administration, the parent (guardian or legal representative) of the child indicates the level of proficiency in Bulgarian, information about attended school classes, the child's native language, and the level of proficiency in other European languages. A commission at the school also offers vocational training, as well as the opportunity to choose between part-time, individual or evening form of study.

For children and pupils who are seeking or having been granted **protection** and are **enrolled in Bulgarian schools and kindergartens**, additional modules are provided in Bulgarian language and literature as part of the overall support for acquiring the expected learning outcomes of the subject matter defined in the curriculum for the relevant class; additional training in Bulgarian as a foreign language is also provided, in order to further community integration and inclusion.

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.

We highly appreciate the trilateral Memorandum of understanding between UNHCR, **Bulgarian Helsinki Committee** and the General Directorate of Border Police on which base the three parties are cooperating actively.

Despite these significant achievements Bulgaria is facing a number of challenges. We all witness the raising of populism in many countries not only in Europe but all over the world. My country can't be an exception from this threatful trend of stigmatization of migrants. Although Bulgaria has not a strong record of such acts the Bulgarian authorities closely monitor all alleged manifestations of intolerance against any person on our territory, and, where necessary, take decisive steps to prosecute such acts and bring those responsible to justice. Bulgarian authorities continue to be attentive, since similar developments could not be underestimated.

Ms. Chairperson,

I would now like to address some of the issues pertaining to the **protection of the rights of Roma and other minority groups (3)**.

The **National Roma Integration Strategy** of the Republic of Bulgaria (2012-2020) has been developed as an omnibus document, strengthening the comprehensive approach of the whole package of documents that exist in this area. The National Action plan for the period **2015-2020** was adopted by the Council of Ministers on 11 May 2016. It includes actualized measures under the Strategy's priorities in different areas of interest, including **education, health, employment and housing**.

A number of significant improvements have been achieved in the past few years:

- In the period from 2005 to 2015, measures were taken to remove the barriers preventing children belonging to disadvantaged groups, including Roma, from accessing and successfully completing their **education**. Between 2005 and 2015, the group **net enrolment ratio in pre-school education of children aged 3-6 years increased from 73.6% to 82.9%**;
- Implementing the measure on Roma **employment** during the Decade of Roma Inclusion has provided employment to **217 877 unemployed**



persons, which is more than **six times the indicators in the plan (35 000)**. Continuing this trend, in 2016, 3482 unemployed young Roma, aged 24, were involved in motivational training, vocational training and employment;

- **An example of good practice is conducting annual prophylactic examinations** in settlements and neighbourhoods populated mainly by uninsured Bulgarian citizens of Roma origin. Examinations are carried out by **23 mobile units**. Annual examinations and tests are carried out on **uninsured persons of Roma origin** in various areas of the country and for the period 2011-2015, mobile units carried out a **total of 44 249 tests and examinations**;
- The National Program for Improving the **Housing** Conditions of Roma in Bulgaria for the Period 2005-2015 shows not only the cadastral maps and registers that need to be assigned, constructed and approved, but also the numbers of activities associated with the repair, reconstruction, and renovation of objects of educational, social and cultural infrastructure **that have already benefited tens of thousands of persons, belonging to minority groups**.

Still, in order to achieve the objectives of the integration policy, **serious challenges** remain, including the rate of economic development and economic growth; the development of labour markets and social systems undermining the process of integration. Furthermore, there is a rising need to establish better communication with communities, as well as to engage more with individuals who could be crucial in overcoming stereotypes and negative attitudes. Finally, in some cases, better allocation of financial resources is necessary.

Ms. Chair,

Distinguished Members of the Committee,

The Republic of Bulgaria is mindful of the challenges that lie ahead and takes targeted and effective measures to ensure the promotion and protection of human rights. These include, inter alia:

- Creating conditions for equality and adaptation of children and students of Roma origin;
- The protection of children of refugees and asylum-seekers;
- The fight against hate speech and hate crimes.

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 on the Elimination of All Forms of Racial Discrimination.

We are looking forward to a constructive dialogue with all of you - a dialog that not only will point the gaps but also will propose solutions.

Thank you.