

**Submission by the United Nations High Commissioner for Refugees**

**For the Office of the High Commissioner for Human Rights' Compilation Report –**

**Universal Periodic Review:**

**REPUBLIC OF BULGARIA**

**I. BACKGROUND INFORMATION**

Bulgaria ratified the *1951 Convention Relating to the Status of Refugees* and its *1967 Protocol* (hereafter jointly referred to as the *1951 Convention*) on 22 April 1992. The actual processing of asylum applications by the Government began in 1994. With the adoption of the 1999 Refugee Law, the Agency for Refugees assumed the functions of the National Bureau for Territorial Asylum and Refugees. Under the 2002 Law on Asylum and Refugees (LAR), the Agency became the State Agency for Refugees (SAR). The *1951 Convention* is, by virtue of the provisions of the current Constitution of the Republic of Bulgaria adopted on 12 July 1991, automatically considered part of the domestic legislation and superseding any national legislation.

Persons with recognized refugee status have all the rights and obligations of Bulgarian citizens. Article 32(1) of LAR enumerates the restrictions on the rights of refugees: 1) the right to participate in national and local elections and referendums, and to participate in the establishment, or be a member, of political parties; 2) take on positions which require Bulgarian citizenship (most of the administrative bodies as well as other state authorities); 3) become members of the armed forces; and 4) other restrictions expressly stipulated in a law. Beneficiaries of humanitarian status have the same rights and obligations as aliens holding permanent residence permit in Bulgaria.

The Law on Asylum and Refugees provides that aliens who have been granted temporary protection are entitled to the right of residing in the country throughout the duration of the temporary protection, an identity document, social security, food, shelter, medical care and services.

Bulgaria acceded to the *1954 Convention relating to the Status of Stateless Persons* and the *1961 Convention on the Reduction of Statelessness* in 2012.

For the period 1993 until 15 August 2014, a total of 33,430 asylum applications have been registered. 4,598 persons were recognized as refugees, and humanitarian status (subsidiary protection) was granted to 8702 persons during the same period. From 1

January 2014 to 15 August 2014, 5090 asylum claims were registered, of which 2876 persons received refugee status and 1635 persons received humanitarian status.

The number of stateless persons registered as asylum-seekers were 137 in 2012, 561 in 2013 and 173 (as of 15 August) in 2014. Palestinian asylum-seekers are generally registered as stateless persons by the authorities. Refugee status was granted to 6 in 2012, 2 in 2013 and 208 (as of 15 August) in 2014. Humanitarian Status was granted to 13 in 2012, 324 in 2013 and 148 (as of 15 August) in 2014. According to the Ministry of the Interior, in 2009, there were approximately 2,200 stateless persons in Bulgaria, of which 200 were granted permanent residence, and in 2009, 51 stateless persons received Bulgarian citizenship. The Ministry of Interior has reported the number to be 66 as of July 2014.

According to information from the Ministry of Justice, in 2010, a total of 27 stateless persons were given Bulgarian citizenship, in 2011 – 45 persons, in 2012 – 75, in 2013 – 19, in 2014 – 15 as of 30 June.

In 2013, legislative amendments to the Law on Foreigners led to the prohibition of detention of unaccompanied children.

In November 2013, the Government of Bulgaria presented amendments to the Law on Asylum and Refugees (LAR) aimed at transposing relevant EU legislation on qualification for international protection and reception of asylum seekers UNHCR welcomed the particular attention paid to asylum seekers with specific needs in the proposed draft law. UNHCR expressed its concern that the transposition of the recast RCD is conducted only partially. In that regard UNHCR is concerned that the Government is mainly transposing the provisions related to the introduction on restrictions of movement and detention grounds of persons in need of international protection. However, it also provided for the detention of asylum seekers without the necessary guarantees that it would be an exceptional measure of last resort, applied after alternatives have been exhausted and for the shortest possible period and subject to judicial review. The second (final) reading of the draft amendment is still pending. In the meantime the Parliament was dissolved in August and preliminary election scheduled for 5 October. It is only after October when the process of amending the law could be expected to start.

## **II. ACHIEVEMENTS AND BEST PRACTICES**

Bulgaria has developed a favourable time frame for recognized refugees to apply for naturalization. Article 13(a) of the Law on Bulgarian Citizenship (in force since 1999 and the last amendments came into force in December 2013) stipulates that a person granted refugee status or asylum can apply for naturalization after three years from the date of acquiring refugee status or asylum in Bulgaria, while the general requirement for foreigners and humanitarian status holders is five years.<sup>1</sup>

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<sup>1</sup> In 2009, a total of 12 refugees and humanitarian status holders obtained Bulgarian citizenship. For the period of 1 January, 2010 – 30 June, 2014, a total of 136 refugees and humanitarian status holders were

In April 2010, the *Tripartite Memorandum of Understanding* was signed among the Border Police (under the, Ministry of Interior), UNHCR and the Bulgarian Helsinki Committee (BHC), on modalities of mutual co-operation and co-ordination to support the access of persons seeking protection to the territory of and the procedure for granting protection in the Republic of Bulgaria.

Following the European Asylum Support Office's extensive training of, and other support to, SAR staff, the registration process has been streamlined and takes place within 48 hours of the arrival of an asylum-seeker at the reception centres of Sofia, Banya and Harmanli and in the Transit Centre Pastrogor. According to SAR, there is no longer a backlog for the registration of applications for international protection for persons accommodated within SAR facilities, nor is there a backlog for those who have opted to live at external addresses. All those who have applied for international protection have been issued registration cards. In cases of individuals requesting asylum at the border, during the 3-5 day waiting period for full registration, the Bulgarian authorities have given assurances that they are protected against *refoulement* pending complete registration and issuance of a registration card.

### **III. CHALLENGES, CONSTRAINTS, AND RECOMMENDATIONS**

#### **Issue 1: Access to Territory**

Until around the last quarter of 2013, access to the territory of Bulgaria has been generally granted and there have been no officially reported cases of *refoulement* from the border. Asylum-seekers mainly entered irregularly to Bulgaria through the "Green Zones" of Bulgaria's border with Turkey (primarily in the Elhovo region). Arriving generally in mixed migratory flows, individuals or groups intercepted by the border police are detained by the border police for 24 hours at a Border Police detention center. Challenges of timely transfer of asylum-seekers to SAR multiplied in mid-2013 with the increase of arrivals, and lack of reception and processing capacity of SAR. In October 2013 alone there were 3,626 new arrivals. In early November 2013, 1,500 police were deployed to reinforce controls along the Bulgarian-Turkish border in the Elhovo region. The number of new arrivals then decreased dramatically. Furthermore, the Government started construction of a 33-km fence along the border. These measures could result in violation of Bulgaria's international obligations towards refugees and the principle of *non-refoulement*. UNHCR is seriously concerned about reports that individuals who may be in need of international protection have been prevented from reaching or entering Bulgarian territory.

The inadequacy of the safeguards for the respect of the *non-refoulement* principle has been evident through the measures to control irregular entry to Bulgaria which may have prevented people in need of international protection from entering and requesting asylum in Bulgaria. There were reports that individuals who may be in need of international

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given Bulgarian citizenship (24 persons in 2010, 34 in 2011, 54 in 2012, 21 in 2013 and 3 in 2014 as of the end of June).

protection have been prevented from reaching or entering Bulgarian territory or have been forcibly returned from Bulgarian territory without being able to apply for international protection.<sup>2</sup>

### **Recommendations:**

UNHCR recommends that Bulgaria:

- Ensure full respect of the principle of *non-refoulement* and facilitate access of persons in need of international protection to fair and efficient asylum procedures; and
- Ensure that border authorities have the relevant information and receive the necessary training (in accordance with EU Directive 2013/32/EU).<sup>3</sup>

### **Issue 2: Reception of Children and Other Persons with Specific Needs**

In case there is a reasonable doubt about the age of an applicant who is unaccompanied minor, SAR orders an age assessment (LAR, Article 61(3)). The registration – reception centres provide care for unaccompanied minors by accommodating them with relatives or friends, in foster care, or in institutions.<sup>4</sup> Unaccompanied children are currently not appointed a guardian but are represented during the RSD procedure by a social worker from the Department of Child Protection, whose role is limited to the procedure and often purely formal. The social worker is not legally authorized to represent the child in matters of daily life including school enrolment, medical and legal assistance, and issuing of documents.

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<sup>2</sup> The accounts received by UNHCR of pushbacks on the Bulgaria-Turkey border include Syrians as well as Palestinians from Syria. In some cases such measures have resulted in family separation. Syrian refugees mostly traveling in groups, including families and children have reported being pushed back by Bulgarian Border Police and, in some cases, having their intention to seek asylum ignored. Reports from Human rights organizations also include disturbing accounts of forced returns of asylum seekers on the Turkey-Bulgaria border, and many asylum seekers have reported being mistreated, beaten and abused while attempting to enter Bulgaria. In November 2013, after a drastic increase of arrivals of mostly Syrians that had begun in June 2013, Bulgarian authorities put in place measures to restrict access to their territory along the border with Turkey. Of the 11,606 persons arrested for irregularly crossing the Bulgarian-Turkish Border in 2013, it is estimated that over 6,600 were Syrian nationals. A total of 1,500 police officers were deployed to reinforce controls in the Elhovo region along the Bulgarian-Turkish border. Approximately 160 of these police officers have been removed as the number of new arrivals has decreased. In addition, preparations have commenced for the erection of a fence along the border. According to information provided to UNHCR, 1,514 irregular arrivals (65% of them Syrians) were recorded on the Turkey-Bulgaria border from January to June 2014, compared to the 3,600 who arrived in October 2013 alone. See UN High Commissioner for Refugees (UNHCR), *Syrian Refugees in Europe: What Europe Can Do to Ensure Protection and Solidarity*, 11 July 2014, available at: <http://www.refworld.org/docid/53b69f574.html>.

<sup>3</sup> Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection (recast).

<sup>4</sup> Most unaccompanied children are currently accommodated at the RRC-Banya where the conditions do not meet the appropriate standards concerning care and supervision, access to education, leisure and recreational facilities. A significant number of unaccompanied children leave the centre only a few days after being accommodated there, which poses significant risks to their safety and raises concerns about them being exposed to a risk of trafficking or becoming, inter alia, victims of trafficking.

According to the law, asylum-seeking and refugee children have access to education under the same conditions as Bulgarian citizens. However, access is limited in practice due to the requirement to take an exam in Bulgarian that determines which grade the child will be enrolled in.

Regarding persons with specific needs, concerns remain about the lack of systematic identification of such persons, as well as a system to respond to such needs once identified. SAR introduced a questionnaire for use by their staff for the early identification of asylum-seekers with specific needs; however, this questionnaire is not systematically used, and only serves to identify victims of trauma.

Where specific needs are identified by SAR, their staff does not have the capacity to respond to them. The Border Police have stated that the biggest challenge to properly identifying asylum-seekers with specific needs is the lack of interpreters. While towards the end of 2013, the situation in relation to interpreters improved to a certain extent, their number and training is still insufficient to ensure proper identification of vulnerable asylum seekers.

Despite the existence of a National Mechanism for Referral and Support of Trafficked Persons, possible asylum-seeking and refugee victims of trafficking are not identified and referred to appropriate and safe accommodation and rehabilitation services. As noted by the Committee on the Elimination of Discrimination against Women, Bulgaria needs to “provide adequate assistance and protection to all women victims of trafficking, increase the number of shelters for victims, expedite efforts to establish compensation mechanisms for victims and strengthen programmes for victims’ reintegration into society.”<sup>5</sup>

### **Recommendations:**

UNHCR recommends that Bulgaria:

- Provide Border Police with further training on identification of persons including unaccompanied children who may be in need of international protection, and establish procedures to facilitate such identification and a further referral mechanism;
- Ensure unaccompanied children are provided with, and receive, assistance from an effective representative or guardian in accordance with Article 24 (1) of the recast Reception Conditions Directive, and that they are housed promptly in Banya, which is now designated for this purpose and is expected to provide the necessary conditions and services;
- Urgently respond to the practical absence of access to formal primary education for asylum-seeking children, thus meeting the requirements of the recast Reception Conditions Directive;<sup>6</sup>
- Hire and train additional interpreters to assist in proper identification of vulnerable asylum seekers; and

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<sup>5</sup> Committee on the Elimination of Discrimination Against Women, [Concluding Observations CEDAW/C/BGR/CO/4-7](#), 2012, 28 (b).

<sup>6</sup> *Ibid.*, Article 14.

- Create tailor-made accommodation in the Sofia reception center for additional persons with specific needs, such as those with reduced mobility, given that some suitable infrastructure already exists there (ramps, lifts).

### **Issue 3: Quality of RSD Procedure**

The assessment of credibility in the Refugee Status Determination (RSD) procedure is not conducted in a structured, systematic and comprehensive way, which may result in denying protection to those who are in need of it. UNHCR is particularly concerned that minor inconsistencies in the applicant's story on matters not material to the claim are used to make an adverse credibility finding and reject the claim. In some cases, when an opportunity is granted to the applicant to explain discrepancies, their explanation is dismissed.

The legal analysis, which is often conflated with credibility assessment, often fails to link the asylum-seeker's account of persecution with the relevant Convention ground, potentially denying protection to those who qualify for it. Some decisions only discuss part of the asylum seeker's account stated during the interviews, while failing to address other parts material to the claim or evidence provided by the applicant. Decisions often focus on the actual experience of past persecution, rather than on the fear thereof. Persecution is understood narrowly to encompass mainly arrest and imprisonment by state authorities. The analysis is not forward-looking; insufficient attention is paid to future risk upon return for the individual applicant. The problems identified above are compounded by the case of applicants with specific needs whose vulnerability is not taken into account sufficiently and consistently during the interview and the assessment of the claim. With regard to children, the fact that the applicant is a child is sometimes not taken into consideration, e.g., when assessing credibility, whether certain human rights violations reach the threshold of persecution even though they may not in case of an adult, and what risks the child faces upon return. **At the conclusion of its last review of Bulgaria, the Human Rights Committee on Civil and Political Rights urged Bulgaria to “review the asylum procedure and the decisions on applications for international protection by the State Agency for Refugees (SAR) with a view to ensuring that all asylum-seekers have access to a fair and efficient asylum system.”**<sup>7</sup>

Bulgarian law does not explicitly recognize child- and gender-specific forms of persecution despite the requirements of EU legislation.<sup>8</sup> Concerning gender-related

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<sup>7</sup> Human Rights Committee on Civil and Political Rights, Concluding Observations (2011) CCPR/C/BGR/CO/3, 102<sup>nd</sup> Session, 19 August 2011, paragraph 16; available at: <http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhskh%2bqy5CyN8D%2fZ%2bBzREI4JFx6G6YrFutj3Dyv45LzNIQVZZwyA9JoocJ9anwJn5RsH%2ft%2btwNbosJ%2fAMFtg%2bJ3imZuvRTtN%2fx8GMNQ1CiMKgf>

<sup>8</sup> [Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international](#)

persecution, the Committee on the Elimination of Discrimination against Women urged the Bulgarian government “to consider gender persecution as a ground for recognition of refugee status, according to the Convention relating to the status of refugees (1951).”<sup>9</sup> This gap is intended to be rectified following the entry into force of amendments to the LAR, but no specific deadline is provided.

There is insufficient understanding of the issues affecting Lesbian, Gay, Bisexual, Transgender, and Intersex (LGBTI) applicants, and lack of knowledge of appropriate interview techniques, credibility assessment and legal analysis of claims based on sexual orientation and gender identity.

Although the law (since March 2013) provides for mandatory legal aid for asylum-seekers in all instances, in the absence of a State budget, the law remains theoretical. From April 2014, the National Bureau for Legal Aid has been providing legal aid (from the European Refugee Fund) during the procedure at first instance. However, the State does not provide legal aid to rejected asylum-seekers who submit subsequent applications unless they provide new evidence.

### **Recommendations:**

UNHCR recommends that Bulgaria:

- Take into account UNHCR’s eligibility guidelines, protection considerations and other sources of information in providing a structured, systematic and comprehensive RSD assessment;
- Provide continuous training and guidance to case workers and staff involved in the assessment of refugee claims;
- Adopt the necessary amendments to the LAR to ensure that child- and gender-related persecution is recognized and that the law is in conformity with EU Qualification Directive and international standards; and
- Make additional funding available to continue and strengthen the provision of quality legal aid and representation.

### **Issue 4: Effective integration of beneficiaries of international protection in Bulgaria**

Following the conclusion of the National Programme for Integration of Refugees (NPIR) 2013, while a national strategy on integration was adopted in July 2014, a new integration programme aimed at assisting beneficiaries of international protection, (some 2,000 persons in total) and the budgetary framework have not been adopted. As such, Bulgaria still has no integration programme since December 2013. During the Ministerial Intergovernmental Event on Refugees and Stateless Persons in December 2011, Bulgaria

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[protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted](#) Article 9(1)f.

<sup>9</sup> Committee on the Elimination of Discrimination Against Women, [Concluding Observations CEDAW/C/BGR/CO/4-7](#), 2012, 46.

stated its commitment “to implement an effective national refugee integration policy by further improving some internal procedures and developing a National Programme for Integration of Refugees.”<sup>10</sup>

Beneficiaries of international protection have difficulties securing stable employment, housing, and education not only due to the adverse economic situation in Bulgaria, but also due to some structural obstacles and lack of targeted support to overcome barriers. Among the obstacles noted are lack of recognition of previous qualifications; absence of the means to secure adequate housing; health issues following experiences of flight; the time spent in the asylum system; absence of and concern for family members, coupled with lack of facilitated family reunification; and lack of a support network. There continues to be a gap with regard to access to health care when asylum-seekers are recognized as refugees or are granted subsidiary protection, due to the change in their health care status, which can take up to two months.<sup>11</sup> Beneficiaries of international protection also have difficulty obtaining Bulgarian citizenship because of a lack of Bulgarian language proficiency for the written examination requirement for naturalization.

### **Recommendations:**

UNHCR recommends that Bulgaria:

- Facilitate the effective integration of beneficiaries of international protection with the view to achieving the full realization of all basic socio-economic rights protected under the International Covenant on Economic, Social and Cultural Rights (ICESCR);<sup>12</sup> and
- Provide intensive and quality Bulgarian language courses to facilitate the naturalization of beneficiaries of international protection.

### **Issue 5: Racism, racial discrimination, xenophobia and related intolerance**

Over the years, refugee issues have continued to receive a wider coverage, characterized with frequent hate-filled xenophobic remarks and messages. The general public continued to treat refugees and asylum-seekers on par with illegal migrants, thereby, hindering to some extent effective integration mechanisms. In 2013, numerous incidents of violence based on anti-foreigner and specifically anti-refugee sentiment, including very serious violent acts, occurred in Sofia. On November 4, a 17 year old Syrian boy was stabbed and beaten by unknown men. On December 1, three asylum-seekers, including two Syrians, were brutally attacked by more than 20 youths who had organized themselves on Facebook. Legislation on incitement to hatred exists, but is not enforced.

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<sup>10</sup> “Bulgaria, Excerpts from National Statement” in Pledges 2011: Ministerial Intergovernmental Event on Refugees and Stateless Persons, UNHCR. Available at <http://www.refworld.org/pdfid/50aca6112.pdf>.

<sup>11</sup> In the meantime, they may appear as “uninsured” in the electronic systems of the National Insurance. Additionally they have to pay a monthly instalment of approximately 17 BGN (8.7 euros) in order to access the services of the national health insurance, as do nationals. Medicines are not covered and neither is psychological care.

<sup>12</sup> To accomplish this, ensure access to basic services including education and health care, adequate housing, and provide efficient and flexible Bulgarian language courses accessible to all categories of refugees and vocational skills trainings and employment opportunities

A television network, associated with an extreme rightist political party, broadcasts programs targeting ethnic minorities and foreigners. To date, there has not been any action taken against the channel, despite the repeated complaints lodged by representatives of ethnic minorities.

Despite some positive steps observed, these positive steps, anti-foreigner political parties are enjoying rising popularity. On 19 February, an Iraqi asylum-seeker was assaulted by three unidentified men in Sofia.

On 26 April 2014, three Syrian families (17 people, including 6 children) who were granted international protection in Bulgaria, were expelled by local villagers from a house they had legally rented 48 hours earlier in the village of Kazanluk of Rozovo. While Bulgaria's government announced it would investigate the incident, it is not known whether it was actually investigated and what the findings were.

The manifestations of public intolerance towards religious minorities may have contributed to unfavourable perceptions of persons of concern. While no data are available from official sources regarding cases of reported vandalism against sites/properties of religious importance to the minority populations, various public reports (e.g. ODHIR, US Department of State and Ombudspersons Office) refer to persistent discrimination.

#### **Recommendations:**

UNHCR recommends that Bulgaria:

- Reinforce measures aiming at preventing and responding to incidents relating to racism, racial discrimination, xenophobia and related intolerance.

#### **Issue 6: Statelessness**

Despite acceding to the *1954 Convention Relating to the Status of Stateless Persons* and the *1961 Convention on the Reduction of Statelessness*, Bulgaria has not introduced a definition of a stateless person in its legislation and has not established a statelessness determination procedure as urged by the Committee Against Torture.<sup>13</sup> Regarding the *1954 Convention*, Bulgaria has put reservations on Article 7, paragraph 2 (*Exemption from Legislative Reciprocity*), Article 21 (*Housing*), Article 23 (*Public Relief*), Article 24 paragraphs 1.b and 2 and 3 (*Labour Legislation and Social Security*), Article 27 (*Identity Papers*) Article 28 (*Travel Documents*) and Article 31 (*Expulsion*).<sup>14</sup>

#### **Recommendations:**

UNHCR recommends that Bulgaria:

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<sup>13</sup> Committee Against Torture, [Concluding observations CAT/C/BGR/CO/4-5](#), 2011, 15.

<sup>14</sup> United Nations Treaty Collection, *Convention Relating to the Status of Stateless Persons* (1954), available at:

[https://treaties.un.org/pages/ViewDetailsII.aspx?&src=TREATY&mtdsg\\_no=V~3&chapter=5&Temp=mtsg2&lang=en#EndDec](https://treaties.un.org/pages/ViewDetailsII.aspx?&src=TREATY&mtdsg_no=V~3&chapter=5&Temp=mtsg2&lang=en#EndDec).

- Incorporate the definition of a stateless person as per article 1 of the 1954 Convention into Bulgarian legislation
- Lift the reservations made to the 1954 Convention; and
- Establish a dedicated and formal statelessness determination procedure to ensure stateless persons enjoy their basic human rights.

**Human Rights Liaison Unit**  
**Division of International Protection**  
**UNHCR**  
**September 2014**

## Excerpts of Concluding Observations from UN Treaty Bodies

### - Universal Periodic Review:

#### BULGARIA

We would like to bring your attention to the following excerpts from UN Treaty Monitoring Bodies' Concluding Observations relating to issues of interest and persons of concern to UNHCR with regards to Bulgaria.

#### **Committee on Economic, Social and Cultural Rights**

[Concluding observations \(2012\) E/C.12/BGR/CO/4-5, 49<sup>th</sup> Session](#)

11 December 2012

#### **Principal subjects of concern and recommendations**

9. The Committee is concerned about the situation of asylum seekers who are not allowed to work during the first year of their stay in the State party, and therefore only have access to the monthly allowance in application with the Social Assistance Act, highly prejudicing their access to the rights set out in the Covenant. The Committee is also concerned that the assistance provided to newly recognized refugees does not give them access to adequate housing, food, clothing and education needs (art. 3).

**The Committee recommends that the State party take the appropriate steps to amend its legislation, allowing asylum seekers to obtain a work permit within the year of their arrival to the State party. The State party should also reinforce its National Programme for the Integration of Refugees throughout its territory, including through the implementation of language trainings more adapted to the persons in need, of social orientation and vocational training programmes, and providing special attention to vulnerable persons, including older persons and persons with disabilities.**

16. The Committee is concerned about the ongoing increase of trafficking of persons in the State party, despite the actions developed by the National Commission for Combating Trafficking in Human Beings and the implementation of the National Programme for Prevention and Counteraction of Trafficking in Human Beings and Protection of Victims (art. 10).

**The Committee recommends that the State party continue its efforts to raise awareness and to combat trafficking in persons in cooperation with neighbouring countries and through the development of effective programmes, combating all aspects of trafficking and sexual exploitation of women and children. It should ensure that all individuals responsible for trafficking in persons are prosecuted and punished in a way that is commensurate with the gravity of the crimes committed, and that victims of trafficking have access to rehabilitation services.**

17. The Committee is concerned that couples in de facto unions and the status of children born as a result of those relationships are not regulated and protected by law. The Committee is also concerned that same-sex couples are not legally recognized and by the absence of a legal framework for the protection of the rights of such couples (arts. 2 and 10).

**The Committee recommends that the State party undertake a comprehensive review of its legislation to ensure de jure equality between de facto and official unions, to legally recognize same-sex couples, to regulate the financial effects of such relationships, and to guarantee the full protection of the rights of children born out of wedlock.**

19. The Committee is concerned that some groups within the State party's population, especially its most disadvantaged and most marginalized members, including the Roma, still do not have access to adequate housing. The Committee is also particularly concerned about the numerous forced evictions affecting the Roma (art. 11).

**The Committee recommends that the State party ensure that the 2010 Act encouraging low-cost housing construction is implemented and that it pursues its social housing construction programme, giving priority in the assignment of such dwellings to disadvantaged and marginalized groups, particularly the Roma. The Committee draws the State party's attention to its General Comment No. 4 on the right to adequate housing. It also recommends that the State party prevent forced evictions of Roma to take place until these have been consulted and offered alternative accommodations or compensation. The Committee further draws the State party's attention to its General Comment No. 7 (1997) on forced evictions.**

**Committee on the Elimination of Discrimination against Women**  
**[Concluding observations \(2012\) CEDAW/C/BGR/CO/4-7, 52<sup>nd</sup> Session](#)**  
12 July 2012

27. While welcoming the legislative, institutional and policy measures taken to combat trafficking in persons, the Committee remains concerned about gaps in the implementation of legislation and strategies, the lack of preventive measures to address the root causes of trafficking, in particular with regard to Roma women, and the scarcity of shelters for women victims of trafficking. The Committee also notes the inadequate assistance and protection provided to victims and the lack of rehabilitation procedures, of compensation and of funding for cooperation with non-governmental organizations that provide assistance and temporary shelter to victims. While noting that sexual exploitation is a criminal offence in the State party, the Committee regrets the absence of information with regard to women and teenagers trafficked for purposes of sexual exploitation. There is also a lack of information about the prevalence of prostitution in the State party and about exit programmes for women who wish to leave prostitution.

**28. The Committee recommends that the State party:**

- (a) **Tackle the root causes of trafficking and exploitation of women by increasing its efforts to improve the economic situation of women and girls, in particular Roma women, thereby eliminating their vulnerability to exploitation and traffickers;**
- (b) **Provide adequate assistance and protection to all women victims of trafficking, increase the number of shelters for victims, expedite efforts to establish compensation mechanisms for victims and strengthen programmes for victims' reintegration into society;**
- (c) **Broaden cooperation with non-governmental organizations in implementing and monitoring the national referral mechanism for victims of trafficking in human beings and provide funding for anti-trafficking activities by non-governmental organizations;**

45. The Committee is further concerned that gender-related persecution is not considered as a ground to grant asylum in the State party.

**46. Based on the statement made by the delegation of the State party that this issue is currently being examined by Parliamentary committees, the Committee calls on the State party to consider gender persecution as a ground for recognition of refugee status, according to the convention relating to the status of refugees (1951).**

### **Committee against Torture**

[Concluding observations \(2011\) CAT/C/BGR/CO/4-5, 47<sup>th</sup> Session](#)

14 December 2011

6. The Committee notes the State party's ongoing efforts to revise its legislation in areas of relevance to the Convention, including the amendment to the Constitution in 2007 establishing the Supreme Judicial Council, and:

- (c) Amendment to the Law on Asylum and Refugees providing a mechanism for the refugee status determination procedure, 2007

14. The Committee is concerned that the State party has not taken measures to ensure the implementation of all rights of asylum-seekers and refugees, including issues such as detention and transfer of asylum-seekers, the lack of translation and legal assistance services and the expulsion of foreigners on the basis of national security considerations (arts. 3, 11 and 14).

**The Committee recommends that the State party:**

- (a) Amend article 16 of the Ordinance for the Responsibilities and Coordination between the State Agency for Refugees, the Directorate of Migration and the Border Police – in order to formally remove the rule that allows for the detention of asylum-seekers on the basis of illegal entry and ensure that asylum-seekers enjoy accommodation, documentation, access to health care, social assistance, education and language training, as provided in articles 29 and 30 (a) of the Law on Asylum and Refugees;**
- (b) Ensure that the detention of asylum-seekers is only used as a last resort, when necessary, for as short a period as possible and that safeguards against refoulement are fully implemented;**
- (c) Accelerate the long-awaited opening of the Pastrogor transit centre in order to correct the current practice of transferring asylum-seekers to detention centres because of inadequate reception facilities;**
- (d) Ensure interpretation and translation services at all border crossings and centres dealing with asylum-seekers;**
- (e) Ensure that the State Agency for Refugees reinstate its legal assistance programme and make sure that reports, descriptions of evidence presented by asylum-seekers, minutes and interviews are established in a professional manner.**

15. The Committee is concerned that the legislation of the State party does not provide for a legal definition of a stateless person and that no legal framework or mechanisms exist to determine the status of such people (arts. 2 and 3).

**The Committee recommends that the State party consider introducing the definition of a stateless person in its legislation and establish a legal framework and mechanisms to determine statelessness. It encourages the State party to consider acceding to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.**

16. The Committee is concerned that the State party does not fully apply its obligation under article 3 of the Convention with regard to the respect the principle of non-refoulement (art. 3).

**The Committee recommends that the State party:**

- (a) Observe the safeguards ensuring respect for the principle of non-refoulement, including consideration of whether there are substantial grounds indicating that the asylum-seeker might be in danger of torture or ill-treatment upon deportation;**

- (b) Amend its legislation to guarantee a suspensive in-country right of appeal and respect for all safeguards and interim measures with regard to asylum and deportation procedures pending the outcome of the appeals;
- (c) Ensure interpretation services for asylum-seekers in asylum cases and appeals;
- (d) Submit situations covered by article 3 of the Convention to a thorough risk assessment, notably by ensuring appropriate training for judges regarding the risks of torture in receiving countries and by automatically holding individual interviews in order to assess the personal risk to applicants; and
- (e) Follow up cases, in the light of the judgment of the European Court of Human Rights and, in particular, follow up the cases of the two rejected Palestinian asylum-seekers, Youssef Kayed who was tortured upon his return to Lebanon on 27 November 2010, and Moussa Kamel Ismael, who was tortured upon his return to Lebanon, also on 27 November 2010, and update the Committee on their situation in its next periodic report.

**Human Rights Committee on Civil and Political Rights**

[Concluding observations \(2011\) CCPR/C/BGR/CO/3, 102<sup>nd</sup> Session](#)

19 August 2011

9. The Committee regrets the recent manifestations of intolerance towards religious minorities and non-traditional religious groups in Bulgaria (110 cases of reported vandalism against mosques in the last two decades, and assault of Muslims praying in front of the Banya Bashi mosque in downtown Sofia on 20 May 2011). Taking note of the existing legal framework on anti-discrimination and hate speech, the Committee regrets the poor enforcement of the related legislation (articles 18, 20 and 26).

**The State party should take all the necessary measures to promote the prevention, investigation and sanction of acts of hate crimes, hate speech and harassment against minorities and religious communities, especially Roma and Muslims, through the full implementation of the existing legislation and through nationwide awareness-raising campaigns targeting minorities, religious groups, and the population at large.**

16. The Committee is concerned at the insufficient procedural safeguards in the procedure of Refugee Status Determination (RSD), particularly with regard to the delays between the presentation of the initial registration of the claim and the access to RSD, and to the lack of a provision in the Law on Asylum and Refugees guaranteeing audio

recording of the RSD interviews and access to personal files by the applicants and their legal representatives before a decision is taken (articles 7, 10 and 13).

**The State party should review the asylum procedure and the decisions on applications for international protection by the State Agency for Refugees (SAR) with a view to ensuring that all asylum-seekers have access to a fair and efficient asylum system.**

25. While taking note that religious freedom is recognized as a fundamental right under domestic law, the Committee is concerned at the ambiguity in the Religious Denomination Act, 2002, which incorporates a specific registration procedure for the Bulgarian Orthodox Church (articles 2, 18).

**The State party should revise the dispositions of the Religious Denomination Acts 2002, harmonizing the procedures and modalities of the registration of all religious organisations. The State party should also ensure the training of local authorities and law enforcement officials to avoid unnecessary interference with the right to freedom of religion.**

26. The Committee is concerned at manifestations of hate speech and intolerance in the public domain, which are echoed by certain media (article 19).

**The State party should strengthen measures to prevent and prohibit the advocacy of hate speech, intolerance and discrimination, in full compliance with the principles of article 19 of the Covenant.**

**Human Rights Liaison Unit  
Division of International Protection  
UNHCR  
August 2014**