

check against delivery!

**Opening remarks by Ambassador Andrey Tehov,
Director General for European Affairs in the Ministry of Foreign Affairs
of the Republic of Bulgaria on the adoption of the Report of the Universal
Periodic Review**

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Geneva, 25 September 2015

**Mr. President,
Distinguished Delegates,
Ladies and Gentlemen,**

Today this Council will consider the Report of the Universal Periodic Review of Bulgaria conducted in May. It is an honour for our delegation to address you all today on behalf of the Bulgarian Government.

We attribute high importance to the UPR process as a most useful tool to objectively assess the human rights situation in every Member State and to set the path for its further improvement. The second cycle has proven to be for us a beneficial exercise, assisting us to evaluate our progress since the first cycle and to set our goals in the human rights sphere for the years ahead.

We will pursue our efforts within the National Coordination Mechanism for Human Rights aimed at improving the coordination among public authorities and other stakeholders actively involved in the implementation of the tasks arising from Bulgaria's obligations and commitments under the relevant international Human Rights instruments. In this regard, a seminar was held within the National Coordination Mechanism for Human Rights on the follow-up process of the UPR, during which all 182 recommendations received during our review last May were extensively discussed.

Subsequently, with the active participation of all authorities and relevant institutions, the Addendum to the Report of the Working Group was drafted. The Government of Bulgaria has accepted or accepted in principle 174 recommendations.

The National Coordination Mechanism for HR will further concretely consider the recommendations regarding the accession of the Republic of Bulgaria to new international HR instruments and possible amendments to domestic legislation, as well as administrative practices.

Mr President,

I would now like to take this opportunity to present some **additional information** on the topics covered by the National Report and on recommendations received, grouped as national human rights priorities:

Rights of the child

The protection and promotion of the rights of the child are a top priority for Bulgaria and the Government's work is very active in this sphere, especially with regard to deinstitutionalization.

Between July and September 2015 a study on the process of deinstitutionalization was conducted by the State Agency for Child Protection. The main achievements are as follows:

- A major part of the children have been taken out of institutions and placed into a family or similar to a family environment;
- Society has been widely informed on the aims and principles of deinstitutionalization, and there is full support for this process;
- New methods to combat abandonment have been introduced;
- The partnership between the health care, social assistance, and education sectors has been improved;
- Local networks of alternative residential and assisting services have been set up;
- Expertize at local level has been increasing steadily;
- An expert community has been formed, comprising administrative, professional and civil experience.

Between May and September 2015 by Decree of the Council of Ministers 8 homes for medico-social child care have been designated for closure by 1 October 2015. The children are to be transferred to special family type residential centres, taking into account every child's specific needs.

As at 31 July 2015 there are 78 specialised institutions caring for 1 932 children, compared to 137 such institutions and 7 587 children in 2009. Currently, 94 children are placed in 11 houses for children with mental and physical disabilities, as opposed to 1 386 children in 25 houses in 2009.

Gender equality and rights of persons with disabilities

Bulgaria is firmly and consistently committed to promoting **the active participation of women in all spheres of social and political life**. A **Gender Equality Act** is currently under preparation, aimed at ensuring an integrated policy on gender equality through the involvement of all institutions at every level. The act will further reinforce the efforts Government's to reduce and eliminate any gender pay gap, as part of the comprehensive policy towards a fair economic environment.

Likewise, the Bulgarian government has recently committed itself to further update and develop the **National Strategy for Gender Equality** with a view of adopting a new one, covering the period 2015 – 2020.

In pursuance of our commitments regarding the implementation of the UN Convention on the Rights of Persons with Disabilities, the Council of Ministers of the Republic of Bulgaria **approved on 25 May 2015 an Action Plan on the implementation of the UN Convention on the Rights of Persons with Disabilities for the period 2015-2020**. The plan outlines the specific steps, the role and responsibilities of the respective governmental bodies and stakeholders, with the assistance of the nationally represented organisations of persons with disabilities.

Tolerance and non-discrimination

Bulgarian society has a long-standing historic tradition of ethnic and religious tolerance. On this solid basis Bulgaria is pursuing a consistent policy aimed at

preventing and eliminating any form of discrimination and further enhancing understanding and tolerance among persons belonging to different ethnic, religious or linguistic groups. The main **efforts are focused on consolidating positive attitudes** and of addressing any prejudices towards citizens belonging to any ethnic or religious group.

Particular efforts are directed at the provision of all necessary conditions for the integration of Roma in the society. The full integration of Roma remains a goal to which the Government of Bulgaria attaches the highest importance.

I would also like to inform that Bulgaria has prepared and will present by the end of the year its periodic **report under article 9 of the International Convention on the Elimination of all Forms of Racial Discrimination**.

Asylum-seekers and refugees

We confirm our full commitment to ensuring the observance of human rights of all persons seeking protection in the territory of Bulgaria, in cooperation with our partners from the Office of the United Nations High Commissioner for Refugees, UNICEF, the IOM, as well as the relevant NGOs.

The domestic legislation, of which the 1951 Convention relating to the Status of Refugees and the Optional protocol thereto are an integral part, provides for the full protection of the rights of the persons seeking international protection. On **10 June 2015** the Bulgarian Government adopted a **National Strategy on Migration, Asylum and Integration for the period 2015-2020**. It is aimed at creating a comprehensive and stable legal and institutional framework for the proper governance of legal migration and for the prevention of illegal migration, for integration of and care for the persons seeking international protection, and those who have been granted asylum or refugee status in Bulgaria.

It would be noted, however, that Bulgaria is mainly a **transit country for mixed migration flows**. Most of these persons do not wish to remain in the country and cannot be forced to do so. We are committed to integrating and supporting those who express their will to stay, while taking the necessary precautions regarding our national security.

Judicial reform

The reform of the judicial system was the subject of recommendations addressed to my country by a number of delegations last May. Let me therefore inform that subsequent to the approval by the National Assembly in January 2015 of an Updated Strategy to Continue the Reform of the Judicial System and in line with the six strategic goals, on 29 May 2015 the Ministry of Justice published for public discussion on its official website a **Draft Act to Amend and Supplement the Judiciary System Act**. The proposal envisages a change in the structure and organisation of the Supreme Judicial Council namely by way of separation of the colleges of judges and prosecutors. These proposals were formulated following consideration of the respective recommendations of the Venice Commission and of the Consultative Council of European Judges of the Council of Europe.

The main aims of these amendments to the Judiciary System Act are to reinforce the independence and objectivity of the court and to elaborate in detail the appraisal of the performance of judges, prosecutors and investigating magistrates as a basis for their career development.

Two day ago, on 23 September, the National Assembly of the Republic of Bulgaria adopted by a qualified majority of $\frac{3}{4}$ on first reading amendments to the Constitution providing for the separation of the colleges of judges and prosecutors. The significance of the majority attained is that it will allow for these amendments to be submitted for adoption on second and third reading through an accelerated procedure.

The amendments will also reinforce the principle of democratic accountability regarding the work of the prosecutors and investigative magistrates.

Mr. President,

Let me now briefly elaborate on some of the recommendations **that Bulgaria did not accept**.

- On recommendation **123.80** – we fully agree with the principle of stopping “state funding of organisations and political parties that advocate racism”, but the allegation suggesting the existence of such practices in Bulgaria is factually inaccurate. Consequently, we cannot accept such a recommendation;

- On recommendation **123.163** – since 20 years there is an individual legal procedure providing for the recovery and change of the names of Bulgarian citizens who have been forced to change their previous names. Amendments to the Civil Registry Act do provide for a brisk and light administrative procedure which isn't bound by a deadline. The procedure can also be applied to deceased persons;
- On recommendation **123.164** – as already explained the Religious Denominations Act provides for the restitution of nationalized, expropriated, confiscated or otherwise illegally taken properties of religious communities, subject to the condition that the relevant legal requirements are met. In case these legal requirements are not met, restitution cannot take place. Restitution of confiscated properties is provided based on court decisions case-by-case on a strictly non-discriminatory basis;
- On recommendation **123.165** – under art. 36, par. 2 of the Constitution citizens for whom the Bulgarian language is not a mother tongue have the right to study and use their own language, alongside the compulsory study of the Bulgarian language. The Constitution guarantees the free use of mother tongue in many spheres of life. However, Bulgarian, as a state language, should be used in election campaigns. This requirement of the law does not affect in any way the free exercise of any political rights of any citizen of our country.

Mr. President,

Let me reiterate Bulgaria's engagement with the UPR process and our firm commitment to follow through with the implementation of the accepted recommendations with a view to further strengthening the protection of human rights and fundamental freedoms.

Furthermore, we will again be preparing a **voluntary mid-term report** on the implementation of recommendations.

Thank you!

Closing remarks

Thank you, Mr. President,

On behalf of my Government I would like to **warmly thank all delegations** which took part in the consideration of this report and for their helpful comments and remarks. Allow me also to **express our sincere gratitude** to the Troika – Côte d'Ivoire, Ireland and Pakistan, the Secretariat, and the translators for their invaluable assistance. We also thank the NGOs and other speakers for their active participation. Some important issues were raised which will be the subject of serious consideration back in Bulgaria.

The Government of Bulgaria is fully committed to the transparent and thorough implementation of the accepted recommendations. Our deliberations today will further contribute to our endeavours in the field of human rights. We will continue to strengthen our administrative capacity and will involve even more stakeholders in this process, including the participation of the respective civil society organisations.

The follow-up will be an essential part of the work of the National Coordination Mechanism for Human Rights, as we commence our preparation of the mid-term report. The government shall maintain its strong commitment and responsibility regarding the implementation of our human rights obligations. The UPR process is an essential part of this mission.

We will look forward to our next review in the 3rd UPR cycle four years from now.

Thank you!

