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**Human Rights Council**  
**Working Group on the Universal Periodic Review**  
**Thirty-sixth session**  
4–15 May 2020

## **Summary of Stakeholders' submissions on Bulgaria\***

### **Report of the Office of the United Nations High Commissioner for Human Rights**

#### **I. Background**

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a summary of 14 stakeholders' submissions<sup>1</sup> to the universal periodic review, presented in a summarized manner owing to word-limit constraints. A separate section is provided for the contribution by the national human rights institution that is accredited in full compliance with the Paris Principles.

#### **II. Information provided by the national human rights institution accredited in full compliance with the Paris Principles**

2. The Ombudsman recommended to ratify the Optional Protocol to the Convention on the Rights of Persons with Disabilities. The Ombudsman noted that in 2018 the National Assembly had passed amendments to the Ombudsman Act, with the Ombudsman mandated to protect the rights and freedoms of citizens from the natural or legal persons subject to private law. The Ombudsman asserted that all recommendations made by the UN Subcommittee on Accreditation had been met and in March 2019 the Ombudsman's office was accredited with "A" status.<sup>2</sup>

3. Regarding the penitentiary system, the Ombudsman noted problems with overcrowding, lack of social workers, and violations of privacy of correspondence. He observed that, despite the efforts of the National Preventive Mechanism, the prison healthcare system was still unreformed.<sup>3</sup>

4. On juvenile justice, the Ombudsman asserted about problems related to outdated and inadequate legislation, and that it was necessary to build a system for children in conflict with the law, integrated with the child protection system, and premised on the specialization of all professionals working there and their regular training. She recommended repealing

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\* The present document was not edited before being sent to United Nations translation services.



the concept of antisocial behaviour; improving the existing protection, healthcare, education and social services systems to guarantee inclusion of all children below the age of criminal liability; and developing adequate services for the needs of children with deviant behaviour.<sup>4</sup>

5. The Ombudsman reported that 2019 amendments made in the Criminal Code regarding domestic violence had been welcome but not sufficient to fully address the issues of physical, psychological and economic violence and to protect women's rights as victims in pretrial and trial procedures. The Ombudsman expressed concern about the insufficient number of centers to accommodate victims of violence - twelve shelters for the entire country and one for Sofia, and the need to improve interaction between stakeholders to enhance public trust in institutions.<sup>5</sup>

6. The Ombudsman identified as an essential gap in the Child Protection Act the lack of an overall concept of children's rights and interests, and recommended elaborating criteria and procedures for all competent institutions to determine the best interests of the child.<sup>6</sup>

7. The Ombudsman noted the difficulty of including Roma children in mainstream schools. She recommended that fees for pre-school education be eliminated, and to introduce modern methods of teaching that take account of the specific needs of Roma children and guarantee multicultural perspectives.<sup>7</sup>

8. The Ombudsman noted the inequality of children with disabilities, including regarding participation, standard of living, healthcare, and access to education and leisure time. She recommended adaptation of the school environment, ensuring access to quality education for children with disabilities in residential care, and accessible mental health services in schools.<sup>8</sup>

9. The Ombudsman informed that persons with disabilities faced limited access to social services, and it was hoped that the Personal Assistance Act, which entered into force from 1 January 2019, would resolve these difficulties. The Ombudsman reported that a lack of suitable jobs was also a problem, and that in drafting the People with Disabilities Act, he had insisted on mechanisms to ensure adequate employment opportunities. The quota principle, sheltered employment, and a national program to support employment had been established.<sup>9</sup>

10. The Ombudsman informed about cases of minors in migrant detention centers who had been listed as accompanied, without the persons involved knowing each other, thereby avoiding the ban on detention of unaccompanied minors, a practice that continued. The Ombudsman reported that a safe zone for unaccompanied children had been created in the Voenna Rampa center in June 2019, following her recommendation.<sup>10</sup>

### **III. Information provided by other stakeholders**

#### **A. Scope of international obligations<sup>11</sup> and cooperation with international human rights mechanisms and bodies<sup>12</sup>**

11. ICAN recommended that Bulgaria sign and ratify the UN Treaty on the Prohibition of Nuclear Weapons.<sup>13</sup>

12. JS5 recommended to withdraw remaining reservations to the 1954 Convention Relating to the Status of Stateless Persons and the European Convention on Nationality.<sup>14</sup>

#### **B. National human rights framework<sup>15</sup>**

13. The CoE Venice Commission stated that the 2015 amendments to the Bulgarian Constitution had brought positive changes, including the separation of the Supreme Judicial Council (SJC) into two chambers, for judges and for prosecutors, and the election of lay

members with a qualified majority. However, it asserted that progress achieved should be solidified by further structural reforms, both at the constitutional and legislative levels.<sup>16</sup>

## C. Implementation of international human rights obligations, taking into account applicable international humanitarian law

### 1. Cross-cutting issues

#### *Equality and non-discrimination*<sup>17</sup>

14. OSCE/ODIHR reported that a positive development had been the decision of the Government to appoint a national coordinator on combating anti-Semitism. However, it informed that no new legislation had been adopted and there remained areas of concern in the Criminal Code, including that protected characteristics should be expanded to include religion and non-religious belief, sex, sexual orientation, gender identity and disability in all provisions dealing with bias-motivated crime; and to include a general penalty enhancement, specifically addressing bias motivation as an aggravated factor. OSCE/ODIHR recommended to include specific penalty enhancements for a number of crimes, coupled with the general penalty enhancement referring to bias motivation; to avoid overly vague terms in criminal provisions; and to bring criminal law provisions in line with the Rome Statute of the International Criminal Court and ensure that they are consistently covered by universal jurisdiction pursuant to the Criminal Code.<sup>18</sup>

15. EUFRA noted that a national survey by the Bulgarian commission for protection against discrimination had showed that slightly more than one in 10 respondents perceived themselves as victims of discrimination, mostly on the ground of ethnicity, followed by age, religion and disability. About one in 20 respondents had claimed they experienced discrimination at work, most often on the grounds of ethnicity, followed by age and gender.<sup>19</sup>

16. The 2018 CoE Committee of Ministers Resolution on the implementation of the Framework Convention for the Protection on National Minorities noted that cases of incitement to intolerance and to racism had been reported. The Resolution stated that the government decision to respond to a sudden influx of asylum seekers and illegal migrants by building a temporary fence along part of its border had tended to aggravate anti-immigrant messages, and that there had been some extremist political parties which tried to instrumentalise anti-immigrant and anti-Roma sentiments. The Resolutions reported that there had been physical attacks against Roma, refugees, asylum seekers and persons perceived as belonging to these groups, as well as attacks on places of worship used by persons belonging to minorities, notably mosques.<sup>20</sup>

17. JS3 reported that no significant progress had been made on the issues of the equality of lesbian, gay, bisexual, transgender and intersex (LGBTI) people.<sup>21</sup>

18. JS3 noted that the Constitution enshrines equality before the law on the basis of an exhaustive set of characteristics that do not include *sexual orientation* and *gender identity or gender expression*, and that the 2016 Equality between Women and Men Act regulates equality in the context of the gender binary and does not recognise the existence of persons outside it.<sup>22</sup> JS3 and LGBT Deystvie informed that both the Constitution and the Family Code define marriage as a voluntary union only between a man and a woman, but not of persons of the same sex.<sup>23</sup> LGBT Deystvie noted that there was no legislation to establish the legal connection of children born and/or raised in same-sex families and their parents.<sup>24</sup>

19. JS3 stated that the most pressing issues for the LGBTI community remained access to education on the sexual and reproductive health of their communities, the legal framework of same-sex marriage, the lack of a free administrative procedure to change civil gender along the one-stop shop model, and changing the medical practices affecting mental illness and genital development anomalies. JS3 identified the main challenges as including lack of expert and public debate on the issues, lack of policy ownership, and a well-financed conservative movement working against the advancement of the rights of women and LGBTI people.<sup>25</sup>

*Human rights and counter-terrorism*

20. EUFRA noted that civil society organizations had expressed concerns about the effect on civil society of the Counter-terrorism Act, which allows public prosecutors to ask courts for permission to close non-profit entities where there is information leading to the ‘justified assumption’ that the entity in question is linked to the “preparation, support of or carrying out of terrorism.”<sup>26</sup>

**2. Civil and political rights***Right to life, liberty and security of person*<sup>27</sup>

21. The CoE European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) asserted that the legislative and institutional framework must change to meet Bulgaria’s positive obligations under the European Convention on Human Rights regarding effective investigations into allegations of ill-treatment by the police, and recommended that measures be taken accordingly, taking into account the criteria for “effective”.<sup>28</sup>

22. The CPT reiterated its recommendation that every detained person brought to a police detention facility benefit from a full medical assessment; that whenever a detained person presents injuries and/or makes allegations of ill-treatment, he/she is promptly seen by an independent doctor; that persons deprived of their liberty by the police be expressly guaranteed the right of access to a doctor from the very outset;<sup>29</sup> and that special training be offered to health-care professionals working in immigration detention facilities and prisons<sup>30</sup>. The CPT recommended to remind prison staff in all penitentiary establishments at regular intervals that ill-treatment of prisoners is a criminal offence and will be punished accordingly,<sup>31</sup> and to continue efforts towards the development of social care in the community, in order to shorten or avoid institutional stay and reduce the potential for ill-treatment.<sup>32</sup>

23. The CPT recommended amending the relevant Ministerial Order to make clear that all persons in police custody should be given a mattress for the night; and issuing uniform instructions concerning the provision of blankets, food and the cleaning of police cells and toilets.<sup>33</sup>

*Administration of justice, including impunity, and the rule of law*<sup>34</sup>

24. EUFRA noted that police in Bulgaria have a right to detain a person for 24 hours outside the scope of criminal proceedings.<sup>35</sup>

25. The CPT called upon the authorities to step up their efforts to ensure that the right of access to a lawyer for all persons deprived of their liberty by law enforcement officials is rendered fully effective, as from the very outset of their deprivation of liberty, and reiterated its recommendation to ensure the effectiveness of the system for free legal representation throughout the criminal procedure.<sup>36</sup>

26. The CPT reiterated its recommendation that information on rights be given systematically to all persons apprehended by the police, first verbally and, subsequently in a written form; that the form on rights be made available in an appropriate range of languages; and to ensure that detained foreign nationals who do not understand Bulgarian are promptly provided with an interpreter.<sup>37</sup>

27. The CPT reiterated its recommendation that the authorities ensure that detained juveniles are not questioned, do not make any statements or sign any documents related to the offence of which they are suspected without the benefit of a lawyer and of another trusted adult being present and assisting the juvenile.<sup>38</sup>

28. The CoE Venice Commission recommended to develop a procedure allowing for effective and independent investigation into alleged misconduct of the Prosecutor General; that suspension of judges under investigation should be subject to an effective control by the SJC Judicial Chamber; and the SJC should have the power to nominate candidates to the position of Inspectors, and remove them in cases of serious breaches.<sup>39</sup>

29. EUFRA noted the CoE's Parliamentary Assembly resolution in October 2017, calling on several CoE member states to fully implement the principle of the rule of law, and expressing concerns about Bulgaria's tendency to limit the judiciary's independence through attempts to politicise the judicial councils and the courts.<sup>40</sup>

*Fundamental freedoms and the right to participate in public and political life*<sup>41</sup>

30. ECLJ noted that all religious organisations, other than the constitutionally recognised Bulgarian Orthodox Church, were required to register with the government in order to operate lawfully within the country. Applicants seeking registration were required to submit detailed information, and registered organisations enjoyed numerous benefits not afforded to non-registered groups, with unregistered groups prohibited from accessing public funding, owning property, operating schools, and publishing and distributing religious materials.<sup>42</sup>

31. ECLJ informed that in 2018, the Bulgarian Parliament had drafted changes to the 2002 Religious Denominations Act that would severely restrict religious freedom and increase governmental control over the country's minority religions. Under the proposed rules, only Bulgarian citizens would be permitted to carry out religious services; training members of the clergy as well as running religious schools would be restricted to only Eastern Orthodox and Muslim groups; a foreigner would be permitted to conduct religious services only if accompanied by a Bulgarian ordained minister; and a membership quota of 3,000 would be established. While the Bulgarian Parliament voted to remove these provisions, the organization expressed concern that the proposal had even been up for consideration. ECLJ asked that Bulgaria uphold the principles in Article 18 of the ICCPR, and reform its laws to ensure that members of all religions are able to freely practice their religion.<sup>43</sup>

32. The CoE Commissioner for Human Rights reported from his 9 to 11 February 2015 visit that media freedom in Bulgaria was threatened by a combination of practices which created an environment conducive to widespread self-censorship among journalists and undue external pressure on media. He urged the authorities to improve the independence of media outlets; and establish independent monitoring of media ownership and financing, as well as rules aimed at favouring media pluralism. The Commissioner called on the Bulgarian authorities to reinforce the protection of journalistic sources, to better protect journalists from physical and other forms of violence, to fully decriminalise defamation, to address shortcomings in self-regulation, and to guarantee the efficiency of media regulatory and ethical bodies.<sup>44</sup>

33. OSCE/ODIHR reported that its 2017 ODIHR and Venice Commission Joint Opinion, on the amendments to the Electoral Code of Bulgaria, had made a number of recommendations. These included to ensure a broad public consultation process; provide for electoral reform well in advance of election; ensure the establishment of polling stations abroad; and provide for an effective system of appeal of all election-related decisions to a competent body and an effective mechanism for challenging election results.<sup>45</sup>

34. OSCE/ODIHR, following its Limited Election Observation Mission (LEOM) to observe the March 2017 early parliamentary elections, recommended to review restrictions on voting rights for prisoners and persons with mental disabilities; respect the principle of equality of opportunities for all electoral contestants, including independent candidates; not prevent candidates holding dual citizenship from standing for office; consider producing materials for voter education in languages other than Bulgarian; review the legal framework to prevent interference with freedom of expression and subjective interpretations by authorities during the campaign; allow individuals who identify themselves as belonging to national minorities to campaign in their mother tongue; and improve election dispute resolution.<sup>46</sup>

*Prohibition of all forms of slavery*<sup>47</sup>

35. The CoE Group of Experts on Action Against Trafficking in Human Beings (GRETA) urged the authorities to take further steps to improve the timely identification of victims, including through ensuring that the National Mechanism for Referral and Support

of Trafficked Persons is effectively implemented, reinforcing the capacity of labour inspectors, and paying increased attention to detecting victims of trafficking among foreign workers, asylum seekers and persons in immigration detention centres.<sup>48</sup>

36. GRETA urged the authorities to ensure that all victims of trafficking receive adequate assistance and support; ensure adequate funding and staff to work with victims and facilitate the reintegration of victims into society by providing them with vocational training and access to the labour market; and guarantee access to health care to all victims.<sup>49</sup> GRETA urged the authorities to guarantee access to compensation to victims.<sup>50</sup>

37. GRETA urged the authorities to improve the identification of and assistance to child victims of trafficking, paying particular attention to children in care institutions, Roma children and unaccompanied foreign minors; provide adequate support and services adapted to the needs of child victims; ensure long-term monitoring of the reintegration of child victims; ensure that proper risk assessment is conducted before returning children to their parents; review the application of the guardianship system for child victims of trafficking and pay increased attention to children trafficked by family members; and initiate consultations with destination countries and EU institutions to adopt effective cross-border mechanisms.<sup>51</sup>

#### *Right to privacy and family life*<sup>52</sup>

38. JS1 recommended for Bulgaria to review its export control and licensing procedures to ensure protection for human rights, transparency, and accountability, including to review surveillance technology licenses issued in the past five years and the human rights impacts of licenses granted. It also recommended to ensure that regulations comply with international human rights frameworks.<sup>53</sup>

39. ADF informed that in early 2019, the Government proposed the ‘National Strategy for the Child 2019–2020’ (‘the Strategy’), but parents’ and pro-family organisations had not been included in the relevant consultation process, and the Strategy had referenced the role of parents solely as beneficiaries of competence development support. ADF asserted that the Strategy contained provisions that would allow State agencies to interfere with family life, including regular home visits by a healthcare provider for all children of age 0-3 years. While the Government stopped adoption of the Strategy following pressure from civil society, it subsequently adopted the Regulations for Implementation of the Child Protection Act and the Social Services Act, which re-proposed some of the measures previously provided in the Strategy.<sup>54</sup>

40. ADF recommended to ensure that family integrity is not arbitrarily undermined, and to provide, in accordance with its obligations under international human rights law, the widest possible protection and support for the family as the natural and fundamental unit of society.<sup>55</sup>

### **3. Economic, social and cultural rights**

#### *Right to education*<sup>56</sup>

41. NNC reported that, despite programmes for organised school transport for children in rural and remote areas, and new integrated schools to enable children at risk of early dropouts to continue their education in or near where they live, there was still a large gap in the level of education in big cities and small settlements. The organization asserted that, although education was free of charge and compulsory for all children up to the age of 16, and minority children received additional support when their mother tongue was other than Bulgarian, there was still a problem with segregated schools in Roma communities. NNC noted that many migrant children did not attend classes regularly, and children who were accommodated in refugee centers did not attend general schools.<sup>57</sup> NNC stated that investment was needed in early childhood development and education.<sup>58</sup>

42. NNC informed that, notwithstanding planned measures for inclusive education since 2016, mainstream schools remained inaccessible for children with physical disabilities and they were often educated at home. Children with other disabilities also had limited access to

education due to the lack of specialists in general schools to work with them, and insufficient recognition of inclusive education in society.<sup>59</sup>

#### 4. Rights of specific persons or groups

##### *Women*<sup>60</sup>

43. JS2 reported that domestic violence and violence against women crimes continued to be serious and growing problems, and that in the preceding three years murders of women committed by spouses, partners, and close relatives had increased by 50 per cent.<sup>61</sup> NNC asserted that there was a lack of support services for victims of domestic violence, including their children, that the number of crisis centers for victims of domestic violence in the country were still insufficient, and national programs for combating domestic violence were funded on a project-by-project basis, which posed an obstacle to the sustainability of services for victims.<sup>62</sup>

44. JS2 informed that Bulgaria had amended its Criminal Code in 2019 to expand the definition of domestic violence to include psychological violence and some elements of coercive control; enhance criminal penalties for several crimes committed “in conditions of domestic violence”; and impose criminal penalties for stalking and other forms of violence against women, such as forced marriage. JS2 asserted that persistent stereotypes regarding women in society and the family perpetuated violence against women, and that patriarchy and misogyny remained pervasive in all levels of public and private life, negatively impacting the State response.<sup>63</sup>

45. JS3 informed that in 2018, in connection with the attempt to ratify the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (the Istanbul Convention), a debate had begun regarding the word *gender* in the Convention, which had been declared a dangerous ideological concept seeking to eliminate the differences between men and women and to fundamentally change the understanding of the sexes. The opponents of the Convention had been successful and the Constitutional Court impeded its ratification.<sup>64</sup>

46. JS2 asserted that considerable delay of the government to sign the Istanbul Convention, along with the Constitutional Court decision deeming ratification unconstitutional, or to align Bulgarian legislation and practice with this treaty, had had harsh consequences for women and their children.<sup>65</sup> EUFRA noted that Bulgaria’s Constitutional Court had stopped the process of ratification of the Istanbul Convention in July 2018, stating that ratification was unconstitutional. EUFRA relayed that the court had proclaimed the gender dimension counterproductive to protecting women against violence, and had found that the convention would oblige Bulgaria to create procedures to recognise ‘genders’ different from the biological sexes.<sup>66</sup> CoE noted that in 2018, the CoE Commissioner for Human Rights had urged the Parliament of Bulgaria to ratify the Istanbul Convention as soon as possible. He had stressed the importance of eliminating misconceptions about the Convention in public discourse and that the Convention was aimed at preventing violence against women and domestic violence, protecting victims, and prosecuting perpetrators.<sup>67</sup> JS2 recommended that the State acknowledge that there is no legal obstacle for the Constitutional Court to adopt a new decision recognizing that norms of the Istanbul Convention are in accordance with the Bulgarian Constitution.<sup>68</sup>

47. JS2 recommended to create a system for collection of statistical data on domestic and gender-based violence against women; to counter harmful stereotypes about women and domestic violence, and provide improved trainings for police, prosecutors, judges, social services and healthcare providers; ensure adequate funding for shelters, counselling, legal aid and other social services for victims; amend the Criminal Code to remove the requirement that survivors prove three prior incidents of domestic violence before public criminal charges are filed; amend the Law on Protection against Domestic Violence to remove the 30-day deadline for survivors to seek an order for protection; and effectively implement the Coordination Mechanism for Assistance and Support to Victims of Domestic Violence.<sup>69</sup>

*Children*<sup>70</sup>

48. NNC reported that there was a strategy for deinstitutionalisation of children, and that there had been a steady decrease in the number in specialized institutions, amounting to 653 by the end of 2018. NNC asserted that the quality of care in small group homes, where more than 2800 children were placed, was at risk due to underfinance, and lack of appropriate personnel and professional support.<sup>71</sup> CoE noted that, in the report of the CoE Commissioner for Human Rights on his February 2015 visit, the Commissioner had expressed concern about the continuing placement of children in social and medical care institutions, the overrepresentation of Roma children, poor children and children with disabilities in such institutions, and the risk of re-institutionalisation of children in smaller residential units.<sup>72</sup>

49. The Commissioner had stressed the need to prevent the separation of families and to ensure that residential institutions are replaced by family and community-based services. He had recommended that the authorities reform the juvenile justice system, close correctional boarding schools for children with so-called “anti-social behaviour”, and effectively investigate violations perpetrated against children in all types of institutions.<sup>73</sup>

50. The CoE Committee of the Parties to the Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse urged Bulgaria to ensure equal sanctions for sexual abuse committed within a heterosexual or homosexual sexual activity; to set up mechanisms for data collection; extend mandatory screening to the recruitment of all professionals (public or private) in regular contact with children; and to evaluate the effectiveness of the intervention measures.<sup>74</sup>

51. NNC observed that the tradition of early marriages and cohabitation was still continuing, especially in ethnic communities with girls under 18, and that an estimated 2,500 underage mothers were supported by the social assistance system in 2017.<sup>75</sup>

*Persons with disabilities*<sup>76</sup>

52. EUFRA noted that policy for the deinstitutionalisation of adults in Bulgaria had been laid out in 2014, but successive changes of government had delayed its implementation, and a new Action Plan for the implementation of the National Strategy for Long-term Care had been adopted in January 2018. Data suggested that 5,356 adults with disabilities lived in institutions in September 2017, and EUFRA reported that the greatest number of these were adults with intellectual disabilities, but significant numbers also lived in institutions for people with physical and sensory disabilities and in mental health institutions. EUFRA asserted that few deinstitutionalisation projects for adults were in place.<sup>77</sup>

53. The CoE Commissioner for Human Rights recommended to introduce a system of supported decision-making, noting that the guardianship system was one of the main obstacles to the deinstitutionalisation of adults with intellectual and psycho-social disabilities.<sup>78</sup> The CPT recommended that authorities review the legal status of all the residents of social care establishments, exclude involuntary placement in social care establishments, and introduce different procedures for voluntary placement in a social home or in a “residential service” in the community.<sup>79</sup>

*Minorities*<sup>80</sup>

54. OSCE/ODIHR informed that Bulgaria had witnessed a steep rise in hate speech against Roma in recent years, and noted that there were no self-declared Roma in the parliament at that time, whereas in the two previous parliaments elected within the review period, there had been one and two Roma members of parliament. The 2017 OSCE/ODIHR EOM report on the early parliamentary elections had also noted that “some parties used inflammatory and xenophobic rhetoric” targeting Roma, and that the election campaign had been affected by cases of racist, xenophobic and anti-Roma rhetoric.<sup>81</sup>

55. EUFRA informed that “anti-Gypsyism” had manifested itself in housing in 2018, as demolitions and evictions had continued to affect Roma disproportionately.<sup>82</sup> EUFRA noted that alternative housing was available only as part of EU-funded pilot projects, while the



lack of funds prevented most municipalities from offering municipal housing to evicted Roma families.<sup>83</sup>

56. The Committee recommended to make specific budgetary provision for the implementation of the current strategies and action plans for the integration of Roma, and regularly evaluate their implementation; systematically condemn hate crimes and hate speech and ensure that all racially motivated offences are effectively investigated, prosecuted and sanctioned; protect the right of persons belonging to minorities to learn their mother tongue; intensify efforts to address the socio-economic problems confronting persons belonging to minorities, particularly Roma; ensure that the Commission for Protection against Discrimination and the Ombudsman have adequate resources to take effectively into account the rights of persons belonging to minorities; work with representatives of ethnic communities in drawing up a national cultural strategy; and intensify efforts to promote the full integration of Roma children in mainstream schools and classes.<sup>84</sup>

*Migrants, refugees and asylum seekers*<sup>85</sup>

57. JS4 informed that Bulgaria served as a transit country into the EU, and the number of irregular non-citizens apprehended in the country had decreased including a 90 percent drop between 2015 and 2017. Despite this decrease, immigration detention had remained a key tool in Bulgaria's response to migration and asylum flows, in addition to other measures such as the construction of a border fence.<sup>86</sup>

58. JS4 reported that many migrants, asylum seekers, and refugees had experienced pushbacks.<sup>87</sup> EUFRA noted that in 2018 reported cases of *non-refoulement* related to migrants and refugees apprehended after having crossed the border outside official border crossing points.<sup>88</sup> The CoE Commissioner for Human Rights had urged the authorities to ensure that migrants are not subject to push-backs and collective expulsions and to effectively investigate any such allegations.<sup>89</sup>

59. JS4 recommended to cease automatic detention at the border; employ detention only as a measure of last resort based on necessity and proportionality assessment in each case, and for the shortest period possible; ensure judicial review of detention; consider non-custodial measures before resorting to detention; and significantly improve material conditions and health care in detention.<sup>90</sup> CoE CPT recommended that no foreign national is detained at a Home for a period exceeding the maximum time-limit of 18 months.<sup>91</sup>

60. The CoE Commissioner for Human Rights had called on the authorities to ensure that children were not subjected to immigration detention.<sup>92</sup> JS4 recommended to cease completely the immigration detention of children.<sup>93</sup>

61. JS4 recommended to investigate and punish all cases of ill-treatment of detainees by staff.<sup>94</sup> CoE CPT recommended that a firm message be delivered to Border Police officers that all forms of ill-treatment of persons deprived of their liberty are unlawful and will be punished accordingly.<sup>95</sup>

62. CoE informed that the CoE Commissioner for Human Rights, in his February 2015 visit report, while noting that reception conditions for asylum seekers had improved, was concerned about the sustainability of public funds for covering the costs of basic assistance for asylum seekers. He had called on the authorities to improve the system for the early identification of, and support for, vulnerable asylum seekers with specific needs; and ensure the integration of recognised refugees and other beneficiaries of international protection in Bulgarian society.<sup>96</sup>

63. CoE CPT recommended that more efforts be made in immigration detention establishments to improve staff's training in languages most commonly spoken by detained foreign nationals and in inter-cultural communication.<sup>97</sup> JS4 recommended to guarantee that detainees are informed of detention and their rights in the language they understand.<sup>98</sup>

64. The CoE European Commission against Racism and Intolerance (ECRI) in 2017 noted that in 2014 it had recommended that the authorities organise an awareness-raising campaign promoting a positive image of and tolerance for asylum seekers and refugees. ECRI asserted that the situation for asylum seekers and refugees had not improved since

then and that organised anti-migrant protests had sparked tensions between local residents and refugees. It concluded that its recommendation had not been implemented, and in view of the high levels of intolerance for asylum seekers and refugees in Bulgaria, it called upon the authorities to take urgent action.<sup>99</sup>

#### *Stateless persons*

65. JS5 reported that in December 2016, Bulgaria had introduced a statelessness determination procedure. In April 2019, Bulgaria had further amended its statelessness law to provide for the right to a continuous residence permit, for a renewable period of up-to-one year, for holders of stateless status, which would enter into force on 24 October 2019.<sup>100</sup>

66. JS5 recommended to take concrete steps to facilitate access to the statelessness determination procedure for all persons on the territory; introduce a temporary residence permit for applicants for stateless status, thus ensuring access to minimum social rights and subsistence; issue a reasoned decision in writing where an applicant is found not to be stateless in order to guarantee the individual an effective remedy; make appropriate amendments to the Law on Labour Migration and Labour Mobility and the Law on Health Insurance, so that holders of statelessness status can work and pay for their health insurance; and reform the national legal framework to provide for a right to appeal decisions on acquisition or loss of Bulgarian nationality.<sup>101</sup>

#### *Notes*

<sup>1</sup> The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: [www.ohchr.org](http://www.ohchr.org). (One asterisk denotes a national human rights institution with “A” status).

#### *Civil society*

##### *Individual submissions:*

ADF International	Alliance Defending Freedom International, Geneva (Switzerland);
ECLJ	European Centre for Law and Justice, Strasbourg (France);
ICAN	International Campaign to Abolish Nuclear Weapons, Geneva (Switzerland);
LGBT Deystvie	LGBT Deystvie, Sofia (Bulgaria);
NNC	National Network for Children, Sofia (Bulgaria).

##### *Joint submissions:*

JS1	<b>Joint submission 1 submitted by:</b> Access Now, New York (United States of America) and Digital Republic;
JS2	<b>Joint submission 2 submitted by:</b> Advocates for Human Rights, Minneapolis (United States of America);
JS3	<b>Joint submission 3 submitted by:</b> Bilitis Resource Center Foundation, Sofia (Bulgaria) and GLAS Foundation;
JS4	<b>Joint submission 4 submitted by:</b> Global Detention Project, Geneva (Switzerland) and Foundation for Access to Rights;
JS5	<b>Joint submission 5 submitted by:</b> Institute on Statelessness and Inclusion, Eindhoven (Netherlands), Foundation for Access to Rights and European Network on Statelessness.

##### *National human rights institution:*

Ombudsman	Ombudsman of the Republic of Bulgaria*, Sofia (Bulgaria).
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##### *Regional intergovernmental organization(s):*

CoE	The Council of Europe, Strasbourg (France); <b>Attachments:</b> (CoE-Commissioner) Report by Mr. Nils Muižnieks, Commissioner for Human Rights of the Council of Europe, following his visit to Bulgaria from 9 to 11 February 2015, Strasbourg, CommDH (2015) 12; (CoE-Commissioner) Letter by Mr. Nils Muižnieks, Commissioner for Human Rights of the Council of Europe, addressed to the President of the National Assembly of
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Bulgaria, dated 22 January 2018 Ref: CommHR/NM/sf 002-2018;  
 (CoE-CPT) Report by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment on the visit to Bulgaria carried out from 25 September to 6 October 2017, CPT/Inf (2018) 15;  
 (CoE-ECRI Conclusions) European Commission against Racism and Intolerance's conclusions on the implementation of the recommendations in respect of Bulgaria subject to interim follow-up, adopted on 23 March 2017, CRI(2017)22;  
 (CoE-CM) Committee of Ministers, Resolution CM/ResCMN(2018)2 on the implementation of the Framework Convention for the Protection of National Minorities by Bulgaria, adopted on 7 February 2018;  
 (CoE-GRETA) - Group of Experts on Action against Trafficking in Human Beings, Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Bulgaria, Second Evaluation Round, Strasbourg, adopted on 20 November 2015 GRETA(2015)32;  
 (CoE-CP) Committee of the Parties to the Council of Europe Convention on Action against Trafficking in Human Beings, Recommendation CP (2017) 30 on the Implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Norway, adopted on 13 October 2017;  
 (CoE-Venice Commission) European Commission for democracy through law (Venice Commission) Bulgaria opinion on the judicial system act adopted by the Venice commission 6-7 October 2017 CDL-AD(2017)018.  
 EUFRA European Union Agency for Fundamental Rights, Vienna (Austria).  
 OSCE/ODIHR Organization for Security and Co-operation in Europe/ Office for Democratic Institutions and Human Rights, Warsaw (Poland).

- <sup>2</sup> Ombudsman, page 3.  
<sup>3</sup> Ombudsman, paras. 6 and 8.  
<sup>4</sup> Ombudsman, para. 10.  
<sup>5</sup> Ombudsman, pages 3-4.  
<sup>6</sup> Ombudsman, para. 11.  
<sup>7</sup> Ombudsman, para. 12.  
<sup>8</sup> Ombudsman, para. 13.  
<sup>9</sup> Ombudsman, paras. 22-23.  
<sup>10</sup> Ombudsman paras. 24-26.

<sup>11</sup> The following abbreviations are used in UPR documents:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination;
ICESCR	International Covenant on Economic, Social and Cultural Rights;
OP-ICESCR	Optional Protocol to ICESCR;
ICCPR	International Covenant on Civil and Political Rights;
ICCPR-OP 1	Optional Protocol to ICCPR;
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty;
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women;
OP-CEDAW	Optional Protocol to CEDAW;
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
OP-CAT	Optional Protocol to CAT;
CRC	Convention on the Rights of the Child;
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict;

OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography;
OP-CRC-IC	Optional Protocol to CRC on a communications procedure;
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;
CRPD	Convention on the Rights of Persons with Disabilities;
OP-CRPD	Optional Protocol to CRPD;
ICPPED	International Convention for the Protection of All Persons from Enforced Disappearance.

- <sup>12</sup> For relevant recommendations see A/HRC/30/10 paras. 123.1, 123.2, 123.3, 123.4, 123.5, 123.6, 123.7, 123.7, 123.8, 123.9, 123.10, 123.11, 123.12, 123.13.
- <sup>13</sup> ICAN, page 1.
- <sup>14</sup> JS5, para. 23.
- <sup>15</sup> For relevant recommendations see A/HRC/30/10, paras. 123.14, 123.15, 123.16, 123.17, 123.18, 123.19, 123.20, 123.21, 123.22, 123.23, 123.24, 123.25, 123.26, 123.27, 123.32, 123.34, 123.87, 123.144, 123.170, 123. 174.
- <sup>16</sup> CDL-AD (2017)018, paras. 111-112.
- <sup>17</sup> For relevant recommendations see A/HRC/30/10, paras. 123.56, 123.57, 123.58, 123.59, 123.60, 123.61, 123.62, 123.63, 123.64, 123.65, 123.66, 123.67, 123.68, 123.69, 123.70, 123.71, 123.72, 123.73, 123. 74, 123.75, 123. 76, 123.77, 123.78, 123.79, 123.80, 123.81, 123. 82, 123.83, 123.84, 123.85, 123.86, 123.117, 123.129.
- <sup>18</sup> OSCE/ODIHR, paras. 9-11.
- <sup>19</sup> EUFRA, page 7.
- <sup>20</sup> CM/ResCMN (2018)2, page 2.
- <sup>21</sup> JS3, page 1.
- <sup>22</sup> JS3, pages 2 and 3.
- <sup>23</sup> JS3 pages, 2 and 3, and LGBT Deystvie page 1
- <sup>24</sup> LGBT Deystvie, pages 1-2.
- <sup>25</sup> JS3, page 1.
- <sup>26</sup> EUFRA, page 15.
- <sup>27</sup> For relevant recommendations see A/HRC/30/10 paras. 123.88, 123.89, 123.100, 123.115.
- <sup>28</sup> CPT/Inf (2018) 15, para. 26.
- <sup>29</sup> CPT/Inf (2018) 15, paras. 34-35.
- <sup>30</sup> CPT/Inf (2018) 15, page 22.
- <sup>31</sup> CPT/Inf (2018) 15, para. 66.
- <sup>32</sup> CPT/Inf (2018) 15, para. 140.
- <sup>33</sup> CPT/Inf (2018) 15, para. 40.
- <sup>34</sup> For relevant recommendations see A/HRC/30/10, paras. 123. 109, 123.110, 123.111, 123.112, 123.113, 123.114, 123.121, 123.122, 123.123, 122.124.
- <sup>35</sup> EUFRA, page 11.
- <sup>36</sup> CPT/Inf (2018) 15, page 24.
- <sup>37</sup> CPT/Inf (2018) 15, paras. 36-37.
- <sup>38</sup> CPT/Inf (2018) 15, para. 38.
- <sup>39</sup> CDL-AD (2017)018, paras. 111-112.
- <sup>40</sup> EUFRA, page 9.
- <sup>41</sup> For relevant recommendations see A/HRC/30/10, paras.123.130, 123.131, 123.132, 123.133, 123.134, 123.135, 123.136.
- <sup>42</sup> ECLJ, paras. 4-5.
- <sup>43</sup> ECLJ, paras. 7,8, 12 and 14.
- <sup>44</sup> CoE, page 3.
- <sup>45</sup> OSCE/ODIHR, para. 8.
- <sup>46</sup> OSCE/ODIHR, para. 5.
- <sup>47</sup> For relevant recommendations see A/HRC/30/10 paras.123.101, 123.102, 123.103, 123.104, 123.105, 123. 106, 123.107, 123.108.
- <sup>48</sup> GRETA (2015)32, page 49.
- <sup>49</sup> GRETA (2015)32, page 49.
- <sup>50</sup> GRETA (2015)32, page 50.
- <sup>51</sup> GRETA (2015)32, page 50.
- <sup>52</sup> For relevant recommendations see A/HRC/30/10, para. 123.125.
- <sup>53</sup> JS1, paras. 23 and 26.
- <sup>54</sup> ADF, paras. 7-14.
- <sup>55</sup> ADF, para. 20.

- <sup>56</sup> For relevant recommendations see A/HRC/30/10, paras. 123.137, 123.138, 123.139, 123.140.
- <sup>57</sup> NNC, pages 2-3.
- <sup>58</sup> NNC, page 5.
- <sup>59</sup> NNC, pages 4-5.
- <sup>60</sup> For relevant recommendations see A/HRC/30/10, paras. 123.36, 123.37, 123.38, 123.39, 123.40, 123.41, 123.42, 123.43, 123.44, 123.45, 123.46, 123.47, 123.48, 123.49, 123.50, 123.51, 123.52, 123.53, 123.54, 123.55, 123.90, 123.91, 123.92, 123.93, 123.94, 123.95, 123.96, 123.97, 123.98, 123.116.
- <sup>61</sup> JS2, paras. 1-2 and 6.
- <sup>62</sup> NNC, page 3.
- <sup>63</sup> JS2, paras. 17, 19 and 30.
- <sup>64</sup> JS3, page 1.
- <sup>65</sup> JS2 para. 6
- <sup>66</sup> EUFRA, page 5.
- <sup>67</sup> CoE, pages 2-3.
- <sup>68</sup> JS2, para. 35.
- <sup>69</sup> JS2, para. 35.
- <sup>70</sup> For relevant recommendations see A/HRC/30/10, paras.123.99, 123.118, 123.119, 123.120, 123.126, 123.127, 123.128.
- <sup>71</sup> NNC, page 4.
- <sup>72</sup> CoE, page 2.
- <sup>73</sup> CoE, page 2.
- <sup>74</sup> CoE, page 7.
- <sup>75</sup> NNC, page 3.
- <sup>76</sup> For relevant recommendations see A/HRC/30/10, paras. 123.142, 123.143, 123.145, 123.146, 123.147, 123.148, 123.149, 123.150.
- <sup>77</sup> EUFRA, page 14.
- <sup>78</sup> CoE, page 2.
- <sup>79</sup> CPT/Inf (2018) 15, para. 170.
- <sup>80</sup> For relevant recommendations see A/HRC/30/10, paras. 123. 28, 123.29, 123.30, 123.35, 123.151, 123.152, 123.153, 123.154, 123.155, 123.156, 123.157, 123.158, 123.159, 123.160, 123.161, 123.162, 123.163, 123.164, 123.165.
- <sup>81</sup> OSCE/ODIHR, paras. 12-15.
- <sup>82</sup> EUFRA, page 4.
- <sup>83</sup> EUFRA, page 9.
- <sup>84</sup> CM/ResCMN (2018)2, pages 3-4.
- <sup>85</sup> For relevant recommendations see A/HRC/30/10, paras. 123.166, 123.167, 123.168, 123.169, 123.171, 123.172, 123.173, 123.175, 123.176, 123.177, 123.178, 123.179, 123.180, 123.181, 123.182.
- <sup>86</sup> JS4 page 1
- <sup>87</sup> JS4, page 1.
- <sup>88</sup> EUFRA, page 4.
- <sup>89</sup> CoE, page 3.
- <sup>90</sup> JS4, page 3.
- <sup>91</sup> CPT/Inf (2019) 24, paras. 9, 12, 16, 38, 40, 41 and 48.
- <sup>92</sup> CoE, page 3.
- <sup>93</sup> CoE, page 3.
- <sup>94</sup> JS4, page 3.
- <sup>95</sup> CPT/Inf (2019) 24, paras. 9, 12, 16, 38, 40, 41 and 48.
- <sup>96</sup> CoE, page 3.
- <sup>97</sup> CPT/Inf (2019) 24 page 5.
- <sup>98</sup> JS4, page 3.
- <sup>99</sup> CRI (2017)22, page 5.
- <sup>100</sup> JS5, paras. 11, 17 and 22.
- <sup>101</sup> JS5, page 7.