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The Permanent Mission of the Republic of Bulgaria to the United Nations Office and other international organizations in Geneva presents its compliments to the Secretariat of the United Nations (Office of the United Nations High Commissioner for Human Rights) and with reference to the joint communication by the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and the Special Rapporteur on minority issues, dated May 6th, 2020, has the honour to communicate the collective response provided by the competent Bulgarian authorities (herewith attached) in relation to information received by the Special Rapporteurs concerning the Republic of Bulgaria.

The Permanent Mission of the Republic of Bulgaria to the United Nations Office and other international organizations in Geneva avails itself of this opportunity to renew to the Secretariat of the United Nations (Office of the United Nations High Commissioner for Human Rights) the assurances of its highest consideration.

Annex: according to text (7 pages).

**OFFICE OF THE HIGH COMMISSIONER
FOR HUMAN RIGHTS**

GENEVA



INFORMATION BY THE REPUBLIC OF BULGARIA

In response to the Joint communication sent by the Special Rapporteur on contemporary forms of racism, racial discrimination xenophobia and the related intolerance and the Special Rapporteur on minority issues

Bulgaria as many other countries has been hit by the coronavirus pandemic with all the negative and frightening consequences it brings to the people. In order to fight the spread of the pandemic the Bulgarian National Assembly declared a State of Emergency on 13 March 2020, which limited free movement and introduced many other temporary restrictions to all citizens. Once the State of Emergency has been lifted (as of 13 May 2020), a “Sanitary Emergency” has been consequently declared in order to ensure the gradual transition to normality, easing the restrictive measures imposed earlier in the process. A National Operational Headquarters for Combatting the Coronavirus Infection was formed with two main tasks – to advise the Government and the Ministry of Health on further actions, and to inform the public about the latest developments on the national health situation.

All measures and activities taken to contain the spread of COVID-19 are regulated by the Measures and Activities during the Emergency Act and the Health Act.

The Orders of the Minister of Health (published on the official website of the Ministry of Health) are mandatory for all Bulgarian citizens and neither of them has or implies discriminatory content. The Orders to undertake additional measures, based on specific data about the spread of the infection, are issued by the Regional Health Inspections or the mayors. The Ministry of Interior monitors the execution of these Orders.

Measures limiting the free movement of persons were imposed in all 28 district towns between 21 March and 06 May 2020 (with the relevant exceptions for travel), as well as for other towns and villages (the town of Bansko, the village of Panicherevo, the village of Yasenovets, etc.) for certain periods.

In fulfilment of their duties, police officers have demonstrated non-discriminatory limitations. The Ministry of Interior has not received any signals.

Observing human rights and non-discrimination by the police authorities is enshrined in the Code of Ethics on the behaviour of civil servants working at the Ministry of Interior (2014). In-service briefings of police officers are being held on daily basis. Trainings of police officers, together with judges and prosecutors regarding human rights, hate crimes and non-discrimination are organized regularly. In addition, annual in-service trainings take place on local level to explore the work of the police officers in multi-ethnic environment. This measure is part of the National Strategy of Bulgaria for the integration of the Roma population 2012 – 2020 and the relevant National Action Plan.

It noteworthy that Bulgaria is the first country to apply in its full scale the TAHCLE programme of OSCE for the investigation of hate crimes. A handbook for trainings has been developed.

Having in mind the above, we would like to make the following comments concerning some concrete allegations mentioned in the Joint Communication as follows:

a. It is alleged that the checkpoints are placed only for the Roma communities - in the Roma neighbourhoods in Nova Zagora, Kazanlak, Sliven, Yambol, Sofia. In fact, temporary limitations to free movement, and placing of checkpoints were implemented based on the most recent developments around the pandemic situation. The checkpoints were based on an Order of the Minister of Health imposing a ban on leaving. The regional health inspectors and the police authorities control the implementation of the quarantine measures. Temporary limitations on free movement were the main instrument used to slow the spread of the pandemic and to control it.

b. There are allegations against the mass presence of police officers, specifically in Roma neighbourhoods. Police forces were tasked with the intermittent monitoring of the application of quarantine measures for all persons in quarantine, irrespective of their ethnicity. These measures were equally applied to all Bulgarian citizens and to all 28 districts of the country as noted in FRA's report on the coronavirus COVID-19 outbreak in the EU. Any specific risks a Bulgarian citizen might be in are promptly addressed by officials, pursuant to the rules established during the State of Emergency. Namely, police officers were observing social (physical) distance and wearing of facemasks; they were located to places where there is risk of high concentration of persons such as parks and shopping streets; they were obliged to ensure that there are no large gatherings of people anywhere. Local Roma activists also supported the local authorities and the police in their efforts to protect the established order and they fought against the provocations made by some people. To illustrate, in the city of Yambol local activists discouraged Roma from opposing the police forces.

In regard with the concrete issues under consideration, we would like to provide the following information:

- **on the reasons why the authorities are implementing distinctive and harsher measures towards the Roma minority in the context of the Government's response to the COVID-19 pandemic**

The measures taken by the Government are the same throughout the entire territory of Bulgaria with no special restrictive measures directed towards Roma minority. During the daily briefings of the National Operational Headquarters no names, addresses or ethnic affiliation of the infected or ill persons were ever mentioned.

The main measures taken were the following:

1. Everyone entering the country is to be in quarantine for a 14-day period;
2. Everyone for whom there is any doubt for infection is to be quarantined for 14 days including the people who have been in close contact with them; as of 28 May a total of 182 359 persons have undergone quarantine or are currently in one.
3. People were encouraged to stay home. When going out, people should keep social (physical) distance of 2 meters;
4. When entering any public building, supermarkets and shops people are to wear a mask (for a specific period of time they were to wear masks outside as well);
5. The employers are encouraged to ensure home office work when possible;
6. The schools and universities do not work; an online learning is organized;
7. The gathering in public, visits to parks, clubs and other entertainments, were prohibited for the State of Emergency period;

8. Hotels, restaurants, bars and other similar services, except grocery shops and pharmacies were closed;
 9. The free movement in and out of regional centers was restricted, only essential ones were allowed, documents proving the necessity of travel were checked at police checkpoints;
 10. Towns, villages, neighbourhoods, social institutions for the elderly and for young people with mental disorders, hospitals/their units were quarantined due to the spread of the virus;
 11. A package of social measures was put in place: supporting people (legal terms for executing obligations were ceased to run or were extended); encouraging employers not to terminate the employees' contracts and others.
 12. Competent authorities (regional health inspectors, police officers, prosecutors) were to control the implementation of the measures and to take the steps described by the law against the violators in case of violations.
- However, the Government, regional and the municipal authorities recognized the vulnerability of the Roma minority which due to the specific life conditions are exposed to higher health, educational, economic and other risks during the pandemic and after it.

- **on the measures taken to remove police checkpoints in Roma neighbourhoods throughout the country, and to stop the implementation of the police operation “Respect”.**

Due to established outbreaks of the infection, with an Order of the respective Regional Health Inspections, temporary checkpoints were established in the vicinity of certain neighbourhoods in Sofia, Yambol, Bansko, etc. Police officers worked together with mediators of Roma origin to raise awareness within the community. When the quarantine period expired, the respective restrictions were removed at once.

Specialized police operation *Respect* has never been conducted. At the beginning of the emergency in the neighbourhoods with a compact Roma population specialized police operations were carried in order to clarify the measures in relation to the State of Emergency (using loudspeakers people were called to avoid gathering in groups and to observe the quarantine).

- **on the concrete measures implemented to ensure that all the policies aimed at preventing the spread of the COVID-19 virus do not discriminate against Roma at national, regional and local levels, including inter alia, regarding access to information, health services, and the right to freedom of movement**

As stated above, we would like to underline that all policies and measures implemented by the Bulgarian Government introduced under the State of Emergency are aimed at preventing the spread of the COVID-19 virus and apply to all Bulgarian citizens, regardless of their ethnic background. Extra efforts were given with respect to the Roma communities, such as health counselling on prevention and symptoms of the illness, health care for persons without health insurance, distribution of sanitary products, food and water.

To be clear-cut, the Ministry of Labour and Social Policy as well as some municipal authorities provided Roma families with food packages and water on a regular basis; the Ministry of Education ensured Internet for free to the areas where there was no access to enable students to take part in online classes; some schools started donation campaigns for used devices in order to involve all students in the remote learning process.

The National Roma Contact Point – NRCP (in fact this is the Secretariat of the National Council for Cooperation on Ethnic and Integration Issues – NCCEII) is in constant contact with many NGOs, Roma activists, health and educational mediators, ethnic experts on the ground, directors of Health Regional Inspectorates, directors of Regional Education Offices, experts from the Ministry of Health and the Ministry of Labour and Social Policy.

Health mediators of the Roma community are invaluable aides in this process, providing constant information on the situation, assistance and even mental support to Roma people. The Ministry of Health, in cooperation with the National Network of Health Mediators has developed instructions with guidelines for the work of the said mediators in order to limit the spread of the COVID-19 pandemic. Information materials on the topic are provided. The National Association of Municipalities in the Republic of Bulgaria and Health Mediators have distributed them throughout the country. The link to the guidelines on the work of the mediators to limit the spread of the pandemic of COVID-19 and safety at work is available at the following website:

<http://www.zdravenmediator.net/pic/news/files/Nasoki%20za%20zdravni%20mediatori%20-%20Koronavirus.pdf>

No complaints from local activists about Roma rights violations or discrimination have been registered via the daily contact between NRCP and NGOs, health mediators and Roma activists. On the contrary, local authorities and mediators assess the presence of police officers in neighbourhoods as a positive measure that contributes to their work to enforce policies aimed at preventing the spread of the COVID-19 virus. The Ministry of Interior is an active participant in projects exploring the dialogue between the police authorities and the Roma community (JUSTROM 1 and 2, projects under the Norwegian Financial Mechanism, etc.).

A video with prevention tips in regard of the COVID-19 has been produced by the Roma Standing Conference in Romanes and in Bulgarian. [REDACTED] translated the video as well as some additional materials in Turkish, due to the fact that many of the Roma communities in Bulgaria speak Turkish. Several organizations shared the cost and printed over 15,000 brochures, which were distributed across the country, while the video has been shared on the social networks.

- **on whether representatives from the Roma minorities are involved in the elaboration and implementation of the Government's strategy to overcome the spread of the virus, including at the decision-making levels and at all levels of government. Please indicate to what extent vulnerable Roma, such as older persons, children persons with disabilities, and women, are taken into account in the Government's response to COVID-19.**

The ensured communication between the authorities, mainly via the NRCP and the Roma minority represented via NGOs, activists and others are evidence for the active involvement of the Roma in the decision-making processes, as well as preconditions for prevention of discrimination against the Roma minority. More than 15 Roma NGOs have joined the newly established by the NRCP coordination mechanism – an online group for coordination and support of vulnerable Roma communities, which actively participates in the implementation of the government's measures to control the coronavirus epidemic. They also provide assistance on the spot.

Within Joint Programme of the Council of Europe ROMACT, [REDACTED] organized their Community Action Groups (CAGs) in 46 municipalities to identify and list the most vulnerable Roma families together with local activists who needed assistance at this stage. [REDACTED] highlighted that the National Operational Headquarters for Combatting the Coronavirus Infection sent directions to the municipal staffs to assist these persons and families in need.

Last but not least, elderly persons and persons with disabilities in care homes were identified as particularly vulnerable group after several care homes in the district of Vidin (one of the most affected districts) reported first COVID-19 positive persons among their staff and accommodated persons. Those who were tested positive were initially isolated on a separate floor and later transferred to medical establishments. As a consequence of this case, the Bulgarian authorities announced that testing in social services for older persons will be prioritised due to the higher vulnerability risk of this group.

- **on the legal and institutional framework applying to hate speech and incitement to racial hatred. Kindly indicate the measures taken to ensure that persons belonging to the Roma minority are protected against racist and hate speech, and indicate if any prosecution and/or sanctions have been implemented towards those officials who made such statements against Roma.**

The Bulgarian Criminal Code (CC) regulates the criminal prosecution of hate speech (Article 162 - Article 164 of Chapter Three “Crimes against the Rights of Citizens” of the Special Part of the Code). Article 162, para.1 provides for penalties for inciting and propagating discrimination, violence or hatred on the basis of race, nationality or ethnic origin through speech, press or other media (including the Internet). Pursuant to paragraph 2 of that article, any act of violence or damage to the property of persons on the grounds of race, nationality, ethnic origin, religion or political conviction shall be punishable. Paragraph 3 of Article 162 criminalizes the establishment or management of organizations or groups carrying out the activities described in the preceding paragraphs, and paragraph 4 criminalizes membership in such organizations and groups.

Hate crimes may be reported to the authorities in accordance with the general procedure in the Criminal Procedure Code provided for the reporting of a crime. According to Art. 208 of the PPC, legal grounds for initiating an investigation are: 1. notification to the pre-trial authorities for a committed crime; 2. information about a committed crime, disseminated through the mass media; 3. appearance of the perpetrator in person before the pre-trial authorities with a confession for committing a crime; 4. immediate disclosure by the pre-trial authorities of signs for committed crime.

Under the CC, hate crimes, as well as hate speech crimes, are crimes of a general nature. In view of this, victims of such crimes are covered by the provisions of the Crime Victim Assistance and Financial Compensation Act (CVAFCA) and may seek protection and redress if they have not received one in court.

In the first place, the CVAFCA expressly provides for the right of victims to be informed of the bodies to which they can file a complaint about a crime committed against them and the procedures and options they have afterwards. Secondly, victims of hate crime and hate speech crime can benefit from several forms of assistance that benefit victims of property and non-pecuniary damage of crimes of a general nature: medical assistance in case of emergency in accordance with the Health Act; psychological counselling and assistance; free legal aid under

the Law on Legal Aid; practical assistance. Third, victims of hate crime and hate speech crime are also eligible for financial compensation if they have cumulatively suffered pecuniary damage from any of the following crimes: terrorism; premeditated murder; attempted murder; premeditated grievous bodily harm; fornication; rape; human trafficking; crimes committed on request or in execution of a decision of an organized criminal group; other serious intentional crimes, out of which death or grievous bodily harm have occurred as incriminating consequences.

In 2019, a draft Law on Amending and Supplementing the Criminal Procedure Code was prepared, aiming at full implementation in Bulgarian legislation of the requirements of Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime and replacing Council Framework Decision 2001/220/JHA. The purpose of the proposed amendments is to provide adequate measures for the protection of victims, which will reduce the risk of secondary and re-victimization, intimidation and retaliation by the perpetrator and adequate support tailored to the needs of the victim and their relatives: the right of all victims, including hate crime victims, to be accompanied by a person of their choice is supplemented. The assistance and moral support that this person may provide will contribute to a better interaction of the victim with the pre-trial authorities during the course of the investigative actions; the right of translation is supplemented - the victim is given the right to receive a written translation of the decree to refuse to initiate criminal proceedings if they do not speak Bulgarian; the possibility of retrial or additional interrogation of the victim as a witness is restricted, etc.

- **on the measures implemented to raise awareness on the principles of non-discrimination and equality in the International Covenant on Civil and Political Rights and in the International Convention for the Elimination of all Forms of Racial Discrimination among State institutions and public officials, including politicians.**

Although we find this formulation to be overly broad and vague in terms of relevance to the issue at hand, we would like to provide the following information concerning measures taken in order to ensure awareness among the Bulgarian community on the foundations for the enjoyment of human rights.

In recent years, a number of public events have been organized to give a clear signal of intolerance to hatred and discriminatory attitudes and to affirm the vision of Bulgaria as a state of tolerance that guarantees the equal participation of all communities, regardless of ethnic, religious or other background. In 2018 and 2019, a "Together for Bulgaria, together for Europe" tolerance march was held with over 1500 participants and a public campaign "Sofia - a city of tolerance and wisdom" was organized, on which a manifesto "Together against Hate speech" was signed by numerous representatives of the government, local authorities and the public. In 2018, a memorandum of cooperation was signed between the government and the Jewish community to ensure the security of members of that community and to counter all forms of anti-Semitism.

A number of measures are also being taken to increase the capacity and efficiency of the work of law enforcement and law enforcement agencies for the prevention and counteraction of hate crimes. A number of trainings and seminars have been organized for police officers and prosecutors together with the European Commission, the EU Agency for Fundamental Rights (FRA) and the OSCE Office for Democratic Institutions and Human Rights (ODIHR). On 20 and 21 June 2019, a high-level event was held in Sofia in collaboration with the ODIHR and

the FRA to raise awareness of the need to enhance Bulgaria's response to hate crime. A technical seminar to effectively prosecute and punish these crimes was held as well with practitioners from the police, the judiciary and the relevant ministries and of the civil society.

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