

Mandate of the Special Rapporteur on the situation of human rights defenders

REFERENCE:
AL BGR 2/2016

3 November 2016

Excellency,

I have the honour to address you in my capacity as Special Rapporteur on the situation of human rights defenders, pursuant to Human Rights Council resolution 25/18.

In this connection, I would like to bring to the attention of your Excellency's Government information I have received concerning the physical attack against human rights defender, Mr. Krassimir Kanev, which is believed to be connected to his legitimate work in defence of human rights in Bulgaria, especially on behalf of individuals and groups who are in vulnerable situations.

Mr. Krassimir Kanev is a prominent human rights defender and the Chairman of the Bulgarian Helsinki Committee (BHC), which is one of the leading organisations for the protection of human rights in Bulgaria. For many years, Mr. Kanev has been advocating on behalf of groups in vulnerable situations in Bulgaria, in particular ethnic and religious minorities, refugees and members of LGBTI community.

According to the information received:

On 27 October 2016, Mr. Krassimir Kanev was attacked by two unknown individuals in front of the Radisson hotel in Sofia. The human rights defender was hit in the face and stomach. Subsequently, his attackers fled. Police was called on the site of the incident. Mr. Kanev sustained minor injuries and received medical treatment. Later on the same day, he filed a complaint to the police.

Concern is expressed at the physical attack against Mr. Krassimir Kanev, which appears to be connected to his legitimate work in defence of human rights in Bulgaria, in particular in the context of the alarming trend of rising incidents of xenophobia, Islamophobia and racism in the country.

While we do not wish to prejudge the accuracy of these allegations, we would like to draw the attention of your Excellency's Government to the relevant international norms and standards that are applicable to the issues brought forth by the situation described above.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is my responsibility, under the mandate provided to me by the Human Rights Council, to seek to clarify all cases brought to my attention, I would therefore be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please provide the details, and where available the results, of any investigation carried out in relation to the physical attack against Mr. Kanev. If no inquiries have taken place, or if they have been inconclusive, please explain why.
3. Please provide details of any protection measures that have been provided by the Government to Mr. Kanev to prevent further attacks against him in future.
4. Please indicate what measures have been taken to ensure that human rights defenders in Bulgaria are able to carry out their legitimate work in a safe and enabling environment without fear of threats or acts of intimidation and attacks of any sort.

I would appreciate receiving a response within 60 days.

While awaiting a reply, I urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

Your Excellency's Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

Please accept, Excellency, the assurances of my highest consideration.

Michel Forst
Special Rapporteur on the situation of human rights defenders

Annex
Reference to international human rights law

In connection with above alleged facts and concerns, we would like to draw your attention to the following human rights standards:

We would like to refer your Excellency's Government to the fundamental principles set forth in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, also known as the UN Declaration on Human Rights Defenders. In particular, we would like to refer to articles 1 and 2 of the Declaration which state that everyone has the right to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels and that each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms. Furthermore, we would like to bring to the attention of your Excellency's Government the article 12 of Declaration, which provides that the State shall take all necessary measures to ensure the protection of everyone against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the Declaration.