

**Mandates of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance; and the Special Rapporteur on minority issues**

REFERENCE:  
AL BGR 2/2020

6 May 2020

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance; and Special Rapporteur on minority issues, pursuant to Human Rights Council resolutions 34/35 and 34/6.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **the implementation of policy measures targeting specifically the Roma minority as part of the Government responses to COVID-19, including the institution of checkpoints at the entrance of Roma neighbourhoods and the implementation of a new police operation aimed at Roma called "Respect"**.

According to the information received:

On 13 March 2020, the Bulgarian Parliament voted to declare a state of emergency under article 57 (3) of the Constitution to prevent the spread of COVID-19. In this context, the government has nationally implemented several restrictive measures, including limiting the freedom of movement of the population. However, in some places, local authorities have implemented distinctive and harsher policy measures toward the Roma minority, with the support of the Ministry of Interior and the Office of the Prosecutor General.

On 19 March 2020, the Office of the Prosecutor General (Sofia Regional Prosecution Office) issued a public statement directing district mayors and the Police Department in Sofia to consider establishing checkpoints in Sofia districts inhabited by people from a different ethnic origin. This public statement referenced mass media reports of crowding in these areas, and it alleged that people in such neighbourhoods are demonstrating an unwillingness to respect the restrictions introduced under the state of emergency.

Some politicians also encouraged the implementation of special measures for Roma communities in the context of the COVID-19 pandemic and made racist statements against Roma in this context. On 18 March 2020, Angel Dzhambazki, member of the European Parliament from the nationalist political party VMRO-BND that is part of the governing coalition, submitted a request to the National Crisis Staff Against Coronavirus to set up checkpoints at the entrance of all Roma neighborhoods as a national measure. He asked the Bulgarian authorities to close

the areas inhabited by ethnic Roma as a measure against the spread of the virus, referring to Roma neighborhoods in the cities as potential “nests of infection”.

On 22 March 2020, the Minister of Interior delivered a speech in which he stressed that since he believes that the Roma do not follow the restrictions, there is a need to restrict their movement to protect “our people” and to force them to stay in their neighborhoods.

As a result, some mayors agreed to implement measures aimed at restricting drastically the freedom of movement of Roma. In Sofia, several districts’ mayors introduced police checkpoints in the segregated Roma neighbourhoods. The mayors of the cities Nova Zagora, Kazanlak, Sliven and Yambo also set up checkpoints in Roma neighbourhoods. In Nova Zagora, the segregated Roma neighbourhood is known for its poor access to adequate sanitation.

On 19 March 2020, the Ministry of Interior initiated a new police operation called “Respect” that targets Roma. The operation has been implemented in Roma neighbourhoods in the cities of Burgas and Sofia. Police officers are currently patrolling inside Roma neighbourhoods to control whether Roma communities respect the restrictions related to COVID-19. In the Roma neighbourhood in Burgas, the police has allegedly used a drone with a thermal camera for surveillance. In Sofia, police cars reportedly circulate day and night with loudspeakers, including late at night in the Roma neighbourhood called Faculteta, to announce the restrictive measures linked to the COVID-19 pandemic.

While we do not wish to prejudge the accuracy of the information made available to us, we wish to express our serious concern over the reported discriminatory limitations imposed on the Roma minority on an ethnic basis by several mayors with the support of the Ministry of Interior, the police, and the Office of the Prosecutor General as part of the broader measures to prevent the spread of COVID-19. We are deeply concerned by the discriminatory nature of the establishment of checkpoints at the entrance of already segregated neighbourhoods in Nova Zagora, Kazanlak, Sliven, Yambol, and Sofia, as they seem to apply only to the Roma neighbourhoods of those cities. We are further concerned that placing checkpoints in Roma neighbourhoods with poor access to adequate sanitation such as the Roma neighbourhood in Nova Zagora could further expose them to the virus.

We are also concerned about the police operation “Respect” initiated by the Ministry of Interior, as it specifically targets Roma minorities in Burgas and Sofia (Faculteta). If accurately described above, this operation adopts an overly-securitised approach that may risk the public health of the communities affected, threatens principles of non-discrimination and equality, and must be brought to an end. This approach fosters the **criminalisation** of the Roma in a state of emergency when the State is responsible for protecting their rights and fundamental freedoms.

We are concerned by the allegations of **racist and hate speech** against the Roma minority by officials, including Angel Dzhambazki from the VMRO-BND political party, the Minister of Interior, and the Prosecutor General Office. These officials have spoken in support of a government response to COVID-19 that singles out Roma on an ethnic basis. If these allegations are correct, the government must condemn this and any other conduct that targets Roma on an ethnic or related basis. Remarks such as these contribute to and exacerbate anti-Roma sentiments among the population and foster Roma social exclusion, segregation and marginalisation, when the Roma minority is already especially vulnerable to racial discrimination. The authorities should not exploit the state of emergency to further exclude Roma and portray them as criminals and contagious.

We also remain concerned that the racist speeches reported and the discriminatory policy measures implemented are the result of attitudes and decisions from the States institutions represented in this context by the Minister of Interior, the Office of the Prosecutor General, the police, and the mayors, which reveals the existence of institutionalized racism against members of the Roma minority. Indeed, as stated by the Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance to the Human Rights Council **institutionalized racial discrimination** occurs when Roma are subjected to racism and racial discrimination by State institutions and officials, through discriminatory legislation, policies and practices, including *inter alia* abuse by the police, and racist statements by public officials (A/HRC/17/40, para. 24).

Similarly, on the occasion of International Roma Day, the Special Rapporteur on minority issues raised concern about the alarming rise of hate speech and scapegoating of the Roma in recent months. In particular, he highlighted that right-wing extremist and xenophobic groups have been targeting and blaming Roma and other minorities for spreading the COVID virus or accusing them of not respecting public authorities' protection measures. The Special Rapporteur urged governments to redouble efforts for the protection of human rights and the promotion of equality and non-discrimination for all, including Roma minorities, in their fight against the COVID-19 pandemic.<sup>1</sup>

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 our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would 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.

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<sup>1</sup> International Roma Day – 8 April 2020 “UN expert urges political action to promote equality and non-discrimination during the COVID-19 crisis”, available at <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25782&LangID=E>

2. Please provide 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.
3. Please provide information on the measures taken to remove police checkpoints in Roma neighbourhoods throughout the country, and to stop the implementation of the police operation "Respect".
4. Please indicate concrete measures and guarantees 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.
5. Please provide information 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.
6. Please provide information 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.
7. Please provide information 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.

This communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#) within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, we 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.

We may publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with your Excellency's Government's to clarify the issue/s in question.

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

E. Tendayi Achiume  
Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia  
and related intolerance

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Special Rapporteur on minority issues

## **Annex**

### **Reference to international human rights law**

In connection with above alleged facts and concerns, we would like to recall your Excellency's Government obligations under international human rights law.

**Article 5 (d) (i)** of the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), ratified by Bulgaria on 8 August 1966, requires States Parties to prohibit and eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of the right to freedom of movement. Furthermore, **article 2 (1) of ICERD** provides that States Parties shall ensure that all public authorities and public institutions, national and local, act in conformity with the State obligation to condemn and eliminate racial discrimination; and take effective measures to review governmental, national and local policies, which have the effect of creating or perpetuating racial discrimination. States Parties are also required under **article 3** of the Convention to condemn racial segregation and to prevent, prohibit and eradicate all practices of this nature.

We also bring to the attention of your Excellency's Government that **article 4** requires States Parties to "condemn all propaganda and all organizations which are based on ideas or theories of superiority of one race or group of persons of one colour or ethnic origin, or which attempt to justify or promote racial hatred and discrimination in any form, and undertake to adopt immediate and positive measures designed to eradicate all incitement to, or acts of, such discrimination". In this respect, "States Parties shall not permit public authorities or public institutions, national or local, to promote or incite racial discrimination". In this relation, we would like to recall that **General Recommendation No. 35 (2013) on combating racist hate speech** of the Committee on the Elimination of Racial Discrimination is vital to combating racist expression. In its General Recommendation No. 35, the Committee emphasizes that "formal rejection of hate speech by high-level public officials and condemnation of the hateful ideas expressed play an important role in promoting a culture of tolerance and respect" (CERD/C/GC/35, para.37). It also stresses that "the faithful implementation of the Convention as a whole, integrated into wider global efforts to counter hate speech phenomena, represents the best hope of translating the vision of a society free from intolerance and hatred into a living reality and promoting a culture of respect for universal human rights" (CERD/C/GC/35, para. 46). Finally, the Committee indicates that "as a minimum requirement, and without prejudice to further measures, comprehensive legislation against racial discrimination, including civil and administrative law as well as criminal law, is indispensable to combating racist hate speech effectively" (CERD/C/GC/35, para. 9).

We would like to bring to the attention of your Excellency's Government the international standards regarding the protection of the rights of persons belonging to minorities, in particular to **article 27** of the **International Covenant on Civil and Political Rights** (ICCPR), ratified by Bulgaria on 21 September 1970. Furthermore,

**article 26** of ICCPR guarantees equality before the law without any discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

We also wish to refer to the **United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities** (Declaration on Minorities), adopted by the General Assembly in 1992. In its **article 1**, the Declaration on Minorities refers to the obligation of States to protect the existence and the identity of minorities within their territories and to adopt measures to that end. **Article 2** further establishes that persons belonging to minorities have the right to enjoy their own culture, to profess and practice their own religion, and to use their own language, in private and in public, freely, without any interference or any form of discrimination and provides for the effective participation of minorities in cultural, religious, social, economic and public life, as well as in decision-making processes on matters affecting them. **Article 4** establishes that “States will take measures where required, to ensure that persons belonging to minorities may exercise fully and effectively all their human rights and fundamental freedoms without any discrimination and in full equality before the law”.

We also refer your Excellency’s Government to its obligations deriving from **General Recommendation No. 27 (2000) on discrimination against Roma** of the Committee which recommends that States Parties express determined political will and moral leadership, with a view to improving the situation of Roma and their protection against discrimination by State bodies (CERD/C/GC/27, para. 2); and develop and encourage appropriate modalities of communication and dialogue between Roma communities and central and local authorities (CERD/C/GC/27, para 8).

We wish to bring to the attention of your Excellency’s Government the recommendations made by **the Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance** in the report to the General Assembly (**A/73/305**) to condemn racist and nationalist populism swiftly and unequivocally (para. 60), and where nationalist populism threatens racial equality to take action to combat this threat at all levels of government, including national, provincial and local. Local authorities play an especially vital role in the enforcement of human rights (para. 61). Furthermore, as stated in the report of the Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance to the Human Rights Council (**A/HRC/17/40**), “due to the audience they reach and the moral authority they carry, politicians are urged to avoid the stigmatization of Roma in their statements and political debates, and to firmly condemn any racist or xenophobic action or discourse against Roma” (para. 79 (c)). Moreover, “racial discrimination and racism within State institutions is a reality that States should not deny. In this regard, it is important to ensure that their legal frameworks and the attitudes of their agents comply with their international human rights obligations (para. 83).”. Finally, States should “develop a comprehensive approach based on stronger legal, political and institutional measures that would (a) take into account the structural dimension of racism, racial discrimination, xenophobia, and related intolerance against Roma; (b) duly

consider the interrelation between the racism and racial discrimination they suffer and their socio-economic marginalization and political exclusion; and (c) pay due attention to the situation of the most vulnerable Roma (para. 77)”.

Finally, we refer would like to bring to the attention of your Excellency’s Government the Recommendations made by the **Special Rapporteur on minority issues** on the human rights of the Roma minority. In particular, the Comprehensive study on the human rights situation of Roma worldwide presented at the Human Rights Council (**A/HRC/29/24**), revealed the deep-rooted problems of racism and extreme marginalization experienced by Roma worldwide, and highlighted the ongoing invisibility of many of these communities’ struggles. The report also exposed the underlying structural discrimination that Roma face, including the interrelation between anti-Gypsyism and the socioeconomic marginalization and political exclusion that Roma experience (para. 88). Among the steps to combat discrimination, anti-Gypsyism and exposure to violence, the Special Rapporteur recommends that “States should implement fully the Declaration and other relevant regional and international human rights standards, including comprehensive anti-discrimination legislation that prohibits all forms of discrimination, and identify State agencies tasked with monitoring and combating discrimination (para. 90)” In addition, “States should take measures to monitor hate speech and incitement to violence against Roma, including in the media and social media, and respond appropriately, including by prosecuting perpetrators. States should collect data on hate crimes against Roma [...] (para. 93). On this last point, the report of the **Special Rapporteur on minority issues** to the Human Rights Council on hate speech and incitement to hatred against minorities in the media (**A/HRC/28/64**) states that action to address hate speech and hate crime must engage majority communities, including politicians, intellectuals, celebrities and ordinary people concerned about discrimination and hatred in their societies, to join marginalized and disadvantaged minorities in demanding human rights, equality and human dignity for all. Such coordinated action must include legislative steps and swift and efficient social responses. If hate incidents are not tackled quickly and effectively, targeted groups may experience permanent damage to their self-esteem and sense of belonging within their societies, increasing their marginalization. (para. 102).