

AMNESTY INTERNATIONAL PUBLIC STATEMENT

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Bulgaria: Legal framework and practice on hate crimes fall short of international human rights standards and situation of refugees and asylum-seekers remains inadequate

Human Rights Council adopts Universal Periodic Review outcome on Bulgaria

Amnesty International is concerned that Bulgaria's legal framework and practice concerning hate crimes fall short of international human rights standards. The government's past commitments to prevent, address and remedy such crimes have not resulted in the adoption of adequate measures to tackle the issue.

Bulgaria's acceptance of recommendations to increase efforts to combat discriminatory acts and statements is welcome.¹ Our recent research shows that Bulgaria's criminal justice system fails to ensure thorough investigation and prosecution of racist and xenophobic hate crimes. In many cases, discriminatory violence against Roma, Muslims, Jews and non-traditional religious groups, and their property, is prosecuted under criminal law provisions on "hooliganism", rather than under the provisions specifically enacted for "hate crimes". This in turn hampers access to effective remedy for victims of racially motivated attacks.

Bulgaria's Criminal Code does not include disability, real or perceived sexual orientation or gender identity as protected characteristics on the basis of which a hate crime can be perpetrated. The process of revising the Criminal Code has stalled since the fall of the previous government in July 2014, and the new government has yet to revive this process.

Despite some progress, serious gaps remain in the asylum system. Amnesty International has documented persistent inadequate conditions in reception centres. Several measures have been enacted to control the flow of refugees and migrants since late 2013, including the construction of a 30 km fence on the border with Turkey, plans for an additional 60 km to be built and extensive patrolling and border surveillance. Several instances of illegal push-backs have been documented, although the authorities deny that these have taken place.

Amnesty International urges Bulgaria to immediately halt unlawful push-backs of migrants and refugees and to carry out prompt, effective and independent investigations into all such allegations. In line with recommendations accepted by Bulgaria, Amnesty International calls on the government to promptly adopt the Action Plan for the implementation of the National

¹ Report of the Working Group on the Universal Periodic Review – *Bulgaria*, A/HRC/30/10, recommendations 123.60 (Niger), 123.65 (Angola), 123.67 (Finland), 123.68 (Cote d'Ivoire), 123.69 (the former Yugoslav Republic of Macedonia), 123.70 (France), 123.71 (Mexico), 123.72 (Uruguay), 123.73 (Canada), 123.74 (Sierra Leone), 123.75 (Malaysia), 123.76 (Uruguay), 123.77 (Argentina), 123.78 (Germany), 123.79 (Israel), 123.81 (Czech Republic), 123.82 (Israel), 123.83 (Uruguay), 123.84 (Uruguay), 123.85 (Switzerland), 123.86 (Belgium).

Integration Strategy for Refugees² and to ensure that people in need of international protection are guaranteed an adequate standard of living and access to health-care, education and other public services.³

Background

The UN Human Rights Council adopted the outcome of the Universal Periodic Review of Bulgaria on 25th September 2015 during its 30th session. Prior to the adoption of the review outcome, Amnesty International delivered the oral statement above.

Amnesty International had earlier submitted information on the situation of human rights in Bulgaria:

<https://www.amnesty.org/en/documents/document/?indexNumber=eur15%2F0004%2F2014&language=en>

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² A/HRC/30/10, recommendations 123.169 (Nigeria), 123.170 (Germany), 123.173 (France) 123.182 (Slovakia).

³ A/HRC/30/10, recommendation 123.71 (Germany), 123.172 (Nigeria), 123.181 (Russian Federation),