



Suggested recommendations to Bulgaria for its review during the 36th session of the UPR Working Group, 2- 13 November 2020

Key Amnesty International Documents on Bulgaria for reference

[Exposed, Silenced, Attacked: Failures to Protect Health and Essential Workers during the Covid-19 Pandemic](#), 13 July 2020, (Index: POL 40/2572/2020)

[Policing the Pandemic: Human Rights Violations in the enforcement of Covid-19 measures in Europe](#), 24 June 2020, (Index: Eur 01/2511/2020)

[Stigmatizing Quarantines of Roma Settlements in Slovakia and Bulgaria](#), 17 April 2020, (Index: EUR 01/2156/2020)

[Human Rights in Europe - Review Of 2019, 16 April 2020](#), (Index: EUR 01/2098/2020)

[Right to be Free from Rape, Overview of Legislation and State of Play in Europe and International Human Rights Standards](#), 24 November 2018, (Index: EUR 01/9452/2018)

[Dangerously Disproportionate: The Ever-Expanding National Security State In Europe](#), 17 January 2017, (Index: EUR 01/5342/2017)

Recommendations to the government of Bulgaria

VIOLENCE AGAINST WOMEN

- Amend the Criminal Code to ensure that the criminal offence of rape is defined in line with international human rights law and standards and explicitly includes the lack of consent as a requirement for the commission of the offense.
- Amend the Criminal Code to explicitly criminalize rape and sexual violence within marriage.
- Amend relevant legislation to allow for 'ex officio' prosecutions of domestic violence while ensuring adequate victim protection.
- Take steps to ensure that victims of domestic and sexual violence, in particular those belonging to socially or economically marginalized communities and living in remote rural areas, have adequate access to government-funded shelters and specialized support, including medical care and psycho-social assistance.
- Provide appropriate, continuous training for the professionals working with survivors or perpetrators in prevention and detection of sexual violence, appropriate handling of referrals and the needs and rights of victims with the view of preventing 'secondary victimisation'.
- Promote changes in the social and cultural patterns of behavior of people of all genders and take immediate steps towards eradicating harmful gender stereotypes and myths around sexual violence.

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REFUGEES AND MIGRANTS

- End the practice of automatic detention of irregular migrants, including of unaccompanied children, and ensure that they have access to legal representation, interpretation and health care.
- Take measures to ensure that reception centres for refugees and migrants provide the necessary resources and services to ensure they can enjoy their rights to an adequate standard of living and to physical and mental health;
- Ensure prompt access to education for all asylum-seeker and refugee children;
- Ensure full implementation of the National Strategy for the integration of refugees and migrants and ensure that they have access to education, housing, healthcare and the means to enjoy an adequate standard of living.

COUNTER-TERROR MEASURES

- Amend the vague and overly broad definitions of "terrorism" in law so that each constituent element of terrorism-related offences under national law is precisely and sufficiently circumscribed to uphold the principle of legality.

PANDEMIC RESPONSE MEASURES

- Ensure that any coercive enforcement of lockdown measures conform with the principle of legality, necessity, proportionality and non-discrimination and ensure that the powers and responsibilities of law enforcement officials are clearly circumscribed and refrain from bestowing additional powers to enforce lockdown measures
- Explicitly prohibit discrimination, including discriminatory identity checks, in police and antidiscrimination laws and ensure adequate mechanisms to implement the prohibition, including a system of disciplinary measures for law enforcement officials who breach the prohibition of discrimination.
- Put an end to discriminatory forced quarantines of Roma settlements.
- Unequivocally condemn hate speech, racists remarks and discriminatory conduct that targets Roma and other minorities, and discourage public officials from engaging in anti-Roma rhetoric.
- Take steps to ensure that Roma communities, in particular those affected by mandatory quarantines, have access to adequate water and sanitation, as well as provisions of food, medicines, hygiene products and health care.
- Ensure that all health and essential workers can exercise their right to freedom of expression without fear of reprisals and ensure that employers put in place systems that allow health and essential workers to report on health and safety risks and require that they are addressed in an appropriate manner.
- Ensure health workers are protected from stigma and abuse in relation to their employment.
- Publicly recognise the role of health and essential workers in defending human rights during the pandemic and provide a safe and enabling environment in which they can exercise their work free from reprisals, intimidation or threats.
- Recognise COVID-19 as an occupational disease, and ensure that health and essential care workers who contract COVID-19 as a result of work-related activities are able to claim cash compensation and medical and other necessary care and provide compensation to the families of any health and essential care workers who die as a result of contracting the illness at work.
- Set up a comprehensive, effective and independent review into Bulgaria's response to the COVID-19 pandemic and provide adequate and accessible remedies for any human rights violations caused by government agencies.
- Ensure that all persons can enjoy the right to health by developing, implementing and regularly reviewing a plan, based on a detailed assessment of financial need and options to finance increased public health spending, to ensure that the public health system is adequately funded and staffed and increase budgetary allocations to the public health sector as necessary.
- Ensure that economic recovery packages protect the right to an adequate standard of living of all persons, including people on lower incomes, those working in the informal sector, and others who may be at risk and most affected by the COVID-19 crisis and set up monitoring and review mechanisms to assess their impact and amend them as necessary.

CLIMATE AND HUMAN RIGHTS

- Support the adoption by the European Union of an ambitious 2030 emissions reduction target and a climate law to aligned with the EU fair share and the imperative to keep global average temperature increase below 1.5°C

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above pre-industrial levels and contribute to achieving the target once adopted.

- Rapidly end fossil fuel subsidies and phase out use of all fossil fuels as soon as possible (with an immediate phase out of coal use), ensuring that affordable renewable energy generated in full compliance with human rights standards is available to all, and that the transition to a zero-carbon economy is fair, human rights compliant and reduces inequalities.
- Establish regulations and policy measures to ensure that businesses reduce emissions by at least 45% by 2030 compared to 2010 levels and to zero before 2050, in line with the IPCC's scientific findings.
- Respect, protect and fulfil the right to information, participation and to effective remedies, as well as to freedom of expression and assembly in all climate policies and strategies in line with human rights law and Sustainable Development Goal 16 (peace, justice and strong institutions).
- Ensure that gender equality and the rights of marginalised groups are part of all climate policies and that people can participate in decisions affecting them;
- Ensure that any COVID-19 response measures facilitate the transition away from fossil fuels and towards human rights-consistent renewable energy and a zero-carbon economy and also provide for greater social protection and the creation of green and other new jobs that deliver sustainable and decent employment for all workers without discrimination of any kind.
- Support the recognition by the UN of the right to a safe, clean, healthy and sustainable environment.

INTERNATIONAL LAW AND HUMAN RIGHTS STANDARDS

- Ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and opt-in to the inquiry and inter-state procedures.
- Ratify - without making any reservation - the International Convention for the Protection of all persons from Enforced Disappearance (signed on 24 September 2008), implement it into national law, and recognize the competence of the committee on enforced disappearances to receive and consider communications from or on behalf of victims or other states parties.
- Reopen the ratification process of the Council of Europe Convention on preventing and combating violence against women and domestic violence (the Istanbul Convention).

Ratify ILO Conventions 155 (Occupational Health and Safety), 149 (Nursing Personnel Convention), and the recently adopted ILO Violence and Harassment Convention of 2019, at the earliest date possible.

ANNEX

MANDATORY QUARANTINES OF ROMA SETTLEMENTS IN BULGARIA DURING THE COVID-19 CRISIS

Under extraordinary measures to contain the COVID-19 pandemic, authorities in Bulgaria placed Roma neighbourhoods across the country under mandatory quarantines enforced by police arguing that such measures were necessary for the protection of public health and safety. The measures selectively targeted Roma settlements and did not apply to other groups or the general population, raising serious concerns about their compliance with the obligation to prohibit discrimination under international and European Union law.

In the period from March to July 2020, local authorities cordoned off dozens of Roma villages and informal settlements, set up roadblocks and policed checkpoints to prevent residents from leaving. Among those were Roma areas in the towns of Nova Zagora, Kazanlak and Sliven, home to some 50,000 Roma, the Roma neighbourhood of Shesti, as well as large and predominantly Roma Sofia suburbs of Fakulteta and Filipovci. Several villages, including Yambol and Kystendil, were kept under strict confinement even after the declared state of emergency had ended on 13 May and nation-wide restrictions to freedom of movement had been eased, putting significant strain on the affected Roma communities already severely affected by the original lockdown.

On 15 April, the National Operational Headquarters defined Roma settlements as COVID-19 hotspots and started an increased testing of residents living in them, although the number of infections in these neighbourhoods was not disproportionately higher than elsewhere in the country.¹ In some municipalities, including Burgas, the authorities used drones with thermal sensors to take temperature of residents in Roma settlements remotely and monitor their movements. In the town of Yambol, local government used planes to “disinfect” from air the Roma neighbourhood which registered an outbreak of infection.

Authorities argued that such strict measures were necessary as the “lack of discipline among its residents” made the physical distancing measures difficult to enforce, or because the limited access in Roma communities to clean water and sanitation prevented Roma from maintaining the recommended level of hygiene to curb the spread of the virus outside of settlements. Additionally, government officials claimed that high numbers of Roma returning to Bulgaria from seasonal and informal work in some of the severely affected European countries, such as Italy and Spain, presented high risk for the general population. There is no evidence, however, that non-Roma among over 100,000 people who returned to Bulgaria from EU countries at the start of the pandemic were subjected to similar restrictions.²

The mandatory confinement particularly harshly affected Roma who were cut off from the informal work outside of the settlements on which many of them depend. A study conducted by Bulgarian Institute for Legal Initiatives showed that the median income in some Roma neighbourhoods dropped by over 60 percent, leaving many Roma who already live in poverty unable to provide for themselves and their families.³

Throughout the pandemic, the authorities did not take steps to ensure that the Roma neighbourhoods affected by mandatory quarantines and other restrictions were granted sufficient and safe access to water and sanitation, health services, medical and hygiene products or sufficient provisions of food.

The introduction of measures selectively targeting Roma neighbourhoods was accompanied by a hostile anti-Roma rhetoric, frequently stoked by politicians. The Bulgarian National Movement (VMRO) party, a junior coalition partner in the government, exploited the public health crisis to present Roma as a collective threat to the general population that needs to be “controlled and contained”.⁴ There was no evidence of confirmed COVID-19 cases among the Roma community at that time.

¹ Open Society Roma Initiative Office, Roma in the COVID-19 Crisis, An Early Warning from Six EU Member States,” May 2020, <https://reliefweb.int/sites/reliefweb.int/files/resources/Roma%20in%20the%20COVID-19%20crisis%20-%20An%20early%20warning%20from%20six%20EU%20Member%20States.pdf>

² Balkan Insight, “Bulgaria’s Marginalized Roma Feel Singled out in Pandemic” 22 April, 2020, <https://balkaninsight.com/2020/04/22/bulgarias-marginalised-roma-feel-singled-out-in-pandemic/>

³ Bulgarian Institute for Legal Initiatives, “Extraordinary measures in large minority neighbourhoods,” 28 June 2020, http://www.bili-bg.org/12/902/news_item.html
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⁴ RomeaCz, “Bulgarian officials exploiting fear of COVID-19 to discriminate against Roma”, 28 March 2020, <http://www.romea.cz/en/news/world/bulgarian-officials-exploiting-fear-of-covid-19-to-discriminate-against-roma/>

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The UN Special Rapporteurs on contemporary forms of racism and minority issues stated that “oversecuritization” and police operations in Roma neighbourhoods across Bulgaria violated the principle of non-discrimination and equality and urged the government of Bulgaria to stop hate speech which “fuels hatred and violence against Roma”.⁵

⁵ United Nations Special Rapporteur on Contemporary Forms of Racism and United Nations Special Rapporteur on Minorities *Bulgaria / COVID-19 response: Stop hate speech and racial discrimination against the Roma minority* – UN experts, 13 May 2020, <https://www.ohchr.org/E.N/NewsEvents/Pages/DisplayNews.aspx?NewsID=25881>