



**International Convention on
the Elimination
of all Forms of
Racial Discrimination**

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COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION

Seventy-fourth session
16 February-6 March 2009

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 9 OF THE CONVENTION**

**Concluding observations of the Committee on
the Elimination of Racial Discrimination**

BULGARIA

1. The Committee considered the fifteenth to nineteenth periodic reports of Bulgaria, submitted in a single document (CERD/C/BGR/19), at its 1906th and 1907th meetings (CERD/C/SR.1906 and 1907), held on 17 and 18 February 2009. At its 1926th meeting, held on 3 March 2009, it adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the periodic reports submitted as a single document by the State party and its replies to the list of issues, as well as the supplementary information provided orally by the delegation. The Committee found it encouraging that the delegation replied frankly and constructively to the questions and comments raised by the Committee members. The Committee welcomes the high quality of the document submitted by the State party, which was in keeping with the Committee's guidelines.

B. Factors and difficulties impeding the implementation of the Convention

3. While welcoming the progress made in strengthening democracy and the rule of law in Bulgaria, the Committee is aware of the efforts the State party must make, in particular to enhance the independence of the judiciary and eliminate corruption.

C. Positive aspects

4. The Committee notes with satisfaction that, in accordance with article 5, paragraph (4), of the Bulgarian Constitution, the Convention takes precedence over national law.
5. The Committee welcomes the fact that the principle of equality and non-discrimination contained in article 6, paragraph (2), of the Bulgarian Constitution of 1991 now features in several national codes and laws.
6. The Committee commends the quality of the criminal legislation in criminalizing acts of racial discrimination in Bulgaria.
7. The Committee notes that the State party has established various bodies and institutions competent to combat discrimination, such as the Commission for Protection against Discrimination, the Ombudsman and the National Council for Cooperation on Ethnic and Demographic Issues.
8. The Committee notes with satisfaction that the State party has taken measures and implemented programmes for the integration of persons belonging to minorities, for the upbringing and education of Roma children, for the promotion of the mother tongues of ethnic minorities, and for the prevention of discrimination by State officials and the police against persons from ethnic minorities.
9. The Committee welcomes the information from the State party recalling that Bulgaria has already made the declaration under article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination and, in addition, has ratified the Council of Europe Framework Convention for the Protection of National Minorities, having previously ratified the Convention for the Protection of Human Rights and Fundamental Freedoms.

D. Concerns and recommendations

10. The Committee is unclear as to the meaning of the concept of “State unity” referred to in the report of the State party (para. 15).

The Committee recommends that, in its next report, the State party provide more information and details on how this concept fits in with the need to respect the rights of persons belonging to minorities.

11. The Committee has taken note of the data provided by the State party on the ethnic composition of the population and the main minorities residing in Bulgaria. It is concerned, however, about the low representation of persons from certain minority groups, particularly Roma, in the various public administrations, the army and the police, which may be due to discriminatory practices during selection and recruitment.

The Committee recommends that the State party take effective measures with a view to improving the representation of minority groups in the public services and preventing and combating all forms of discrimination in the selection and

recruitment process in the administration, the army and the police. The Committee invites the State party to provide in its next periodic report information on the measures taken to this end (art. 5).

12. Noting that, for the implementation of article 2 of the Convention, the State party has set up various bodies and institutions to combat discrimination, the Committee is unclear as to the actual scope of action of such bodies in combating ethnic discrimination.

The Committee recommends that the State party strengthen the role of such bodies and institutions, in particular the Commission for Protection against Discrimination, in receiving complaints, carrying out studies, applying penalties and assisting victims of acts of discrimination. The Committee further recommends that the State party provide supplementary information on the guarantee of the independence of the Ombudsman and the role of the National Council for Cooperation on Ethnic and Demographic Issues (art. 2).

13. The Committee is concerned about the former practice of placing Roma children in special schools reserved for children with disabilities.

It recommends that the State party continue measures to integrate Roma children into mixed schools, in cooperation with civil society organizations.

14. The Committee has taken note of the measures aimed at promoting the teaching of the mother tongues of the various ethnic communities in Bulgaria.

It recommends that the State party further develop structures and means for the teaching to ethnic communities in Bulgaria of their mother tongues.

15. The Committee is concerned about the specific obstacles encountered by Roma in respect of access to work, housing, health care and education.

It recommends that the State party continue taking positive measures to improve the living conditions of Roma in respect of access to work, health care, housing and education within the framework of the Plan of Action for Roma Inclusion and the Decade for Roma Inclusion, in accordance with article 5 of the Convention and general recommendation XXVII (2000) on discrimination against Roma (art. 5).

16. The Committee notes with concern that there are cases of ill-treatment and excessive use of force by the Bulgarian police against persons from minority groups, in particular Roma.

Bearing in mind general recommendation XXXI (2005) on the prevention of racial discrimination in the administration and functioning of the criminal justice system, the Committee encourages the State party to continue to take measures to combat abuse of authority and ill-treatment by the police against persons from minority groups, to ensure that such acts are effectively prosecuted and punished by the judicial authorities, and furthermore to continue integrating Roma into the police. The Committee recommends that the State party implement a methodology allowing the Ministry of the Interior to deal objectively with complaints directed against the

police and to establish a fully independent body for this purpose. The Committee recommends that the State party provide information on the functioning of the specialized Human Rights Commission set up within the National Police Department, which is in charge of preventing and combating police brutality (art. 5).

17. The Committee notes that the criminal provisions relating to racist acts are still infrequently applied.

The Committee would like the State party to provide it with precise court statistics on the complaints lodged, prosecutions brought and judgements rendered in respect of racist acts, as well as on the types of racist offence, on the victims of such offences and on recent trends in this area.

18. The Committee is concerned about reports of the propagation by certain organizations, press and media outlets and political parties, in particular the ATAKA party, of racist stereotypes and hatred towards persons belonging to minorities. It also expresses concern about acts of hatred and racism committed against members of minorities, in particular by neo-Nazi skinhead groups.

The Committee recommends that the State party take effective measures to penalize organizations, press and media outlets and political parties that are guilty of such acts. It further recommends that the State party take measures to promote tolerance among ethnic groups (arts. 4 and 6).

19. The Committee is concerned about the fact that the Convention is not well known among the people responsible for applying the law, in particular those working in the judiciary, which explains why it is insufficiently applied by judges.

The Committee recommends that the State party step up its efforts to make the Convention more widely known, in particular in the judiciary, through training courses and seminars, so as to foster its direct application by the courts (art. 7).

20. The Committee believes that the public should be better informed of the procedure provided under article 14 of the Convention. It suggests that the State [party] publicize more extensively the declaration made under article 14 of the Convention in the various languages used in the country.

21. The Committee encourages the State party to consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

22. The Committee recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention, adopted on 15 January 1992 at the Fourteenth Meeting of States Parties to the Convention and endorsed by the General Assembly in its resolution 47/111 of 16 December 1992. In this connection, the Committee cites resolution 63/243 of 24 December 2008, in which the General Assembly strongly urged States parties to accelerate their domestic ratification procedures with regard to the amendment and to notify the Secretary-General expeditiously in writing of their agreement to the amendment.

23. The Committee recommends that the State party take into account the relevant parts of the Durban Declaration and Programme of Action, adopted in September 2001 by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (A/CONF.189/12, chap. I), when it incorporates the Convention into its domestic legal order, particularly with regard to articles 2 to 7 of the Convention. The Committee also urges the State party to include in its next report specific information on action plans adopted and other measures taken with a view to implementing the Durban Declaration and Programme of Action at the national level. In addition, the Committee encourages the State party to participate actively in the Durban Review Conference in 2009.
24. The Committee recommends that the State party make its periodic reports public as soon as they are submitted, and that the Committee's concluding observations be similarly publicized, in the official languages and in the other languages used in the country.
25. The Committee recommends that the State party consult widely with civil society organizations working to combat racial discrimination when it drafts its next periodic report.
26. The Committee invites the State party to update its core document in accordance with the harmonized guidelines on reporting under the international human rights treaties, in particular those on the common core document, as adopted by the human rights treaty bodies at their fifth inter-committee meeting, held in June 2006 (see HRI/GEN/2/Rev.4).
27. In accordance with article 9, paragraph 1, of the Convention and article 65 of the Committee's amended rules of procedure, the Committee requests the State party to provide information on its follow-up to the recommendations contained in paragraphs 13, 15, 16 and 18 within one year of the adoption of the present concluding observations.
28. The Committee recommends that the State party submit its twentieth and twenty-first periodic reports in a single document, due on 4 January 2012, taking into account the guidelines for the CERD-specific document (CERD/C/2007/1), adopted by the Committee at its seventy-first session, and that it address all points raised in the present concluding observations.
