



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS

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Excellency,

I have been following the third cycle of the Universal Periodic Review (UPR) of the Republic of Bulgaria and welcome the constructive engagement of your Government during the 36<sup>th</sup> session of the UPR Working Group in November 2020.

As the final outcome report on the review of Bulgaria has been recently adopted by the Human Rights Council at its 46<sup>th</sup> session, I would like to take this opportunity to follow up on a number of areas raised in the two reports that my Office had prepared for the review of Bulgaria – the Compilation of United Nations information and the Summary of Stakeholders' submissions – which I consider in need of particular attention over the next four and a half years, until the next cycle of the UPR. In identifying those areas, I have considered the statements and/or recommendations made by 91 delegations and the presentation made and responses provided by the delegation of Bulgaria. I have also considered the actions taken by the Government of Bulgaria to implement the 174 recommendations supported during the second cycle of the UPR. The aforementioned areas cover a range of issues, which appear in the annex to this letter.

I welcome that the Office of the Ombudsman has been accredited with “A” status and appreciate its engagement with United Nations Human Rights Mechanisms since then. I congratulate Bulgaria for its efforts towards the deinstitutionalization of children and improved integration into families and communities. I especially take positive note of Bulgaria's expressed commitment to apply a human rights-based approach to the implementation of the 2030 Agenda for Sustainable Development.

While acknowledging efforts towards eliminating discrimination against the Roma community, greater attention will be required regarding their equal access to housing, education, health care and employment, and concerning discrimination against other minority groups, such as migrants, refugees, asylum seekers, and members of sexual minorities. Also, I would like to encourage to strengthen efforts to address gender-based violence and foster an environment conducive to a dynamic, diverse and safe civic space.

I encourage Bulgaria to develop a comprehensive national human rights action plan in order to achieve concrete results in the areas highlighted in the annex to this letter and to facilitate preparations for the fourth cycle of the UPR. My advice to all Member States is to develop and implement national action plans in close consultation and cooperation with all stakeholders, in particular the national human rights institution and all civil society organizations and, where necessary, with the support of international organizations, including my Office and other United Nations entities.

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H. E. Mr. Svetlan Hristov STOEV  
Minister of Foreign Affairs of the Caretaker Government  
Republic of Bulgaria

I also encourage Bulgaria to further strengthen its national mechanism for comprehensive reporting and follow-up in relation to recommendations received from all international and regional human rights mechanisms and to treaty obligations, while linking these to the Sustainable Development Goals. To this end, I strongly recommend the use of the OHCHR practical guide on this topic, which is available at:

[http://www.ohchr.org/Documents/Publications/HR\\_PUB\\_16\\_1\\_NMRF\\_PracticalGuide.pdf](http://www.ohchr.org/Documents/Publications/HR_PUB_16_1_NMRF_PracticalGuide.pdf).

Please note that I am sharing my advice with all Member States as they go through the third cycle of the UPR with a view to assisting them with the implementation of the recommendations, following the review. One important measure that can positively contribute to follow-up action is voluntary mid-term reporting. Therefore, I strongly encourage all Member States to submit a voluntary mid-term report two years after the adoption of the UPR outcome report. In this regard, I welcome the practice of Bulgaria of submitting mid-term reports and encourage the Government to continue with this practice on follow-up to the third cycle of the review, by 2023.

As stated by the Secretary-General in his 2017 report on the work of the Organization (A/72/1, paragraph 98): *“The Human Rights Council’s universal periodic review process is now entering a new cycle, with every Member State scheduled for a third round of scrutiny. We will work to strengthen the relevance, precision and impact of the Council’s recommendations, including by providing better support to Member States in implementation, stronger collaboration with United Nations country teams and the establishment of national mechanisms for human rights reporting and follow-up to link the universal periodic review to the implementation of the Sustainable Development Goals.”*

I look forward to discussing with you ways in which my Office may assist Bulgaria in relation to the areas identified in this letter and its annex.

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



Michelle Bachelet  
High Commissioner for Human Rights

cc: His Excellency  
Mr. Georg GEORGIEV  
Deputy Minister of Foreign Affairs  
Republic of Bulgaria

## **Annex**

### **Scope of international obligations and cooperation with international human rights mechanisms and bodies**

- Ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the International Convention for the Protection of All Persons from Enforced Disappearance, the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, the Optional Protocol to the Convention on the Rights of the Child on a communications procedure, and the Optional Protocol to the Convention on the Rights of Persons with Disabilities.

### **National human rights framework**

- Strengthening the capacity and financial resources of the Ombudsman.

### **Implementation of international human rights obligations, taking into account applicable international humanitarian law**

#### **A. Cross-cutting issues**

##### *Equality and non-discrimination*

- Amending national legislation to include a definition of hate speech in line with the Convention on the Elimination of Racial Discrimination; investigating racially motivated violent acts and crimes, and prosecuting and punishing perpetrators; and raising public awareness on respect for diversity.
- Establishing protocols to prevent and condemn hate speech by public officials and politicians; ensuring that media-related legislation is in accordance with international standards; and strengthening the mandate and capacity of the Council for Electronic Media to prevent and sanction manifestations of racism.
- Amending the Protection against Discrimination Act to explicitly include gender identity as a ground of discrimination and fully recognize the equality of same-sex couples; amending the Criminal Code and the Radio and Television Act to include sexual orientation and gender identity as hate motives and grounds of discrimination, respectively; establishing an accessible administrative procedure for changing civil status regarding gender identity; and intensifying efforts to promote tolerance.

#### **B. Civil and political rights**

##### *Right to life, liberty and security of person*

- Adopting a definition of torture covering all the elements contained in the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment; including torture as a separate, specific crime in its legislation; ensuring that the absolute prohibition of torture is non-derogable and that acts of torture are not subject to any statute of limitations; and ensuring that all fundamental legal safeguards against torture are guaranteed, including prompt access to an independent lawyer.
- Training police and prison officers on the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, and establishing an independent oversight mechanism for police abuse.



- Strengthening efforts and increasing funds to bring the living conditions in detention facilities into line with international standards; allowing independent monitoring bodies to carry out unannounced visits to places of detention; increasing the number of qualified prison staff; and improving the quality of health services for inmates.

*Administration of justice, including impunity, and the rule of law*

- Addressing the shortcomings in the investigation and prosecution of high-level corruption, including ensuring that whistle-blowers and civil society activists are guaranteed protection against prosecution.
- Reviewing the legislative framework and taking measures to protect the full independence and impartiality of the judiciary.

*Fundamental freedoms*

- Ensuring that all cases of hate speech, hate crimes and discrimination against religious groups are investigated and sanctioned, and revising the draft legislation to conform with the International Covenant on Civil and Political Rights, including removing restrictions on preaching in languages other than Bulgarian.
- Protecting journalists against harassment, attacks or excessive use of force, promptly investigating such acts and bringing those responsible to justice; increasing media pluralism; ensuring that public funding for the media is allocated in a transparent and non-discriminatory manner; and considering repealing criminal provisions against defamation.

*Prohibition of all forms of slavery*

- Taking effective measures to prevent and eradicate human trafficking, investigating all allegations of trafficking, and prosecuting and punish perpetrators; providing specialized training to public officials; and providing protection, support and redress to victims.
- Ensuring implementation of the national anti-trafficking strategy for 2017–2021; providing the National Commission for Combating Trafficking in Human Beings with sufficient funds; broadening cooperation with non-governmental organizations and conducting prevention campaigns; and preventing the return of trafficked persons to their countries of origin where there are grounds to believe that they would be in danger of torture.

**C. Economic, social and cultural rights**

*Right to work and to just and favourable conditions of work*

- Increasing the availability of training opportunities tailored to the labour market; giving incentives to employers to employ young people; and increasing efforts to reintegrate young people who were not in education, employment or training, within the framework of the Youth Guarantee Implementation Plan, with specific measures for young Roma.

*Right to social security*

- Adjusting the levels of social allowances and allocating the necessary resources and training to strengthen the administrative capacity of social workers.

*Right to an adequate standard of living*

- Ensuring that social benefits reach those in need and adopting targeted measures to keep children out of poverty; holding targeted consultations with families, children and civil society organizations to strengthen measures for reducing child poverty; and ensuring that social protection provide for the real costs of a decent living for children.
- Developing a more progressive fiscal policy to reduce inequalities and ensuring fair allocation of resources among regions.
- Avoiding forced evictions and, when unavoidable, ensuring that they follow due process and that affected individuals are provided with adequate alternative housing.
- Developing and adopting policy measures securing adequate housing, sanitation and infrastructure for vulnerable families.

*Right to health*

- Ensuring access to affordable health care for all without discrimination and increasing the availability of health care and recruiting qualified medical doctors and nurses to work in disadvantaged regions.
- Conducting a needs assessment and introducing specific care services for persons with mental health conditions and for older persons, within the framework of the National Strategy.
- Strengthening support to health mediators in Roma communities; ensuring equitable access to quality primary and specialized health and dental care for all children; and applying the OHCHR technical guidance on preventable mortality and morbidity of children under 5 years.
- Ensuring unimpeded access for adolescents to sexual and reproductive health services.

*Right to education*

- Ensuring at least one year of free preschool education; collecting data on the number of children and young people with disabilities not enrolled in school and taking measures to have them enrolled in the mainstream education system; and pursuing efforts to improve quality and equality in education for all.
- Removing the financial and material barriers to enrolment of children in preschool and primary school, particularly in marginalized communities; pursuing efforts to address school dropout within the framework of the Strategy for Reducing Early School Leavers; and enforcing the legal prohibition of school segregation.
- Improving access to quality education in rural areas and small towns; developing monitoring and evaluation mechanisms to reduce dropout rates; facilitating the inclusion of Roma children; and ensuring the right to education of asylum-seeking children.

**D. Rights of specific persons or groups**

*Women*

- Countering the misinterpretation of the term “gender” and proceeding to ratification of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention).





- Explicitly including marital rape and repealing the term “systematic” in the Criminal Code; ensuring sufficient State-funded crisis centres and effective protection orders; and guaranteeing that gender-related forms of persecution are recognized as legal grounds for granting international protection.
- Establishing a coordination body on implementation and evaluation of measures on violence against women, and elaborating a new comprehensive national action plan on violence against women and domestic violence specifically addressing gender-based violence and the empowerment of Roma girls.
- Encouraging victims to report cases of violence to the authorities; ensuring that all allegations of violence against women are investigated; providing mandatory training for police and other law enforcement officials; and compiling statistical data.
- Ensuring effective implementation of the National Strategy for Promoting Equality between Men and Women, including developing policies to promote the sharing of family responsibilities between men and women.

#### *Children*

- Addressing challenges related to weak mechanisms for the prevention of child abandonment and family separations, weak family support services and inadequate capacity of the social services.
- Strengthening efforts to detect, investigate, prosecute and sanction the crimes of the sale and sexual exploitation of children; continuing efforts to curb the sale of babies through illegal adoption, by addressing root causes, including poverty and segregation of communities; ensuring the best interests of the child victim during criminal investigations; and establishing long-term recovery and reintegration programmes.
- Establishing centralized data collection on the sale and sexual exploitation of children; raising awareness among children about available reporting and counselling mechanisms; conducting training on signs of sexual abuse and sexual exploitation of children; ensuring mandatory screening of anyone dealing with children; and increasing awareness-raising.
- Ensuring that unaccompanied asylum-seeking and refugee children get access to appropriate care arrangements; establishing a procedure to assess their best interest; and improving the initial identification procedures to ensure they are not placed in detention.
- Amending the Family Code to remove all exceptions that allowed marriage under the age of 18 years; establishing a system to track cases involving child marriage within ethnic groups; and providing victims with shelter and appropriate rehabilitation and counselling.
- Ensuring sufficient State funding for civil society and other service providers working on issues related to the sale and sexual exploitation of children

#### *Persons with disabilities*

- Improving the enforceability of decisions on disability-based discrimination; ensuring that persons with disabilities have access to remedies in cases of discrimination; and strengthening the capacity of the Equality and Human Rights Commission to exercise its mandate for the protection of persons with disabilities against discrimination.

- Preventing ill-treatment in psychiatric institutions and social care homes against persons with disabilities; amending the Social Assistance Act and withdrawing provisions allowing for forced institutionalization; and ensuring legal safeguards for persons with mental and psychosocial disabilities concerning civil involuntary hospitalization.
- Ensuring the full deinstitutionalization of children with disabilities and their right to live in a safe family environment, and increasing the resources for inclusive support service networks in local communities and the empowerment of families with children with disabilities; and replacing the segregated education systems with quality inclusive education.

#### *Minorities*

- Intensifying efforts to address prejudice, intolerance and widespread discrimination against the Roma population; and ensuring that complaints are investigated, perpetrators are held accountable and victims have access to full reparation.
- Ensuring effective implementation of the National Roma Integration Strategy and greater inclusion of the Roma community and civil society in its implementation.
- Ceasing forcible eviction and destruction of Roma settlements without offering alternative housing or adequate compensation, legalizing existing settlements and providing adequate social housing to Roma families.
- Addressing the de facto segregation of Roma children in education and eliminating any discrimination against Roma pupils; intensifying efforts to increase preschool attendance among Roma and decrease dropout rates; and facilitating the training and employment of Roma.
- Pursuing efforts to expand health insurance coverage among Roma and strengthening the outreach by medical mobile units.
- Taking measures to ensure that minority ethnic groups are adequately represented in Parliament and public office.

#### *Migrants, refugees and asylum seekers*

- Ensuring access to the territory and the procedure for granting international protection and full respect for the principle of non-refoulement.
- Investigating excessive use of force by law enforcement officials, notably the Border Police, and bringing perpetrators to justice.
- Ceasing the placement of undocumented asylum seekers in mandatory detention; ensuring that the detention of asylum seekers is used only as a measure of last resort, and considering amending the legislation; and establishing alternative care arrangements for the whole family.