



Office for Democratic Institutions and Human Rights

**Information Submitted to the
Office of the United Nations High Commissioner for
Human Rights
as a Stakeholder in the
Universal Periodic Review of the Republic of Bulgaria**



WARSAW, 15 SEPTEMBER 2014

The following information is submitted by the Office for Democratic Institutions and Human Rights of the Organization for Security and Co-operation in Europe (OSCE/ODIHR) about an OSCE participating State or Partner for Co-operation under consideration in the Universal Periodic Review process:

Participating/Partner State: Republic of Bulgaria

UPR Session and Date of Review: 22d Session, April-May 2015

Background

The Republic of Bulgaria is a participating State of the Organization for Security and Co-operation in Europe (OSCE) and has thus undertaken and has recently reaffirmed a wide range of political commitments in the “human dimension” of security as outlined in relevant OSCE documents.¹ The OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) has been mandated by OSCE participating States, including the Republic of Bulgaria, to assist them in implementing their human dimension commitments. OSCE/ODIHR assistance includes election observation and assessment activities as well as monitoring and providing assessments, advice and recommendations relating to implementation of commitments in the fields of human rights, democracy, tolerance and non-discrimination, and the situation of Roma and Sinti in the OSCE area. The present submission provides publicly available country-specific information that may assist participants in the Universal Periodic Review process in assessing the situation in the Republic of Bulgaria and its implementation of past recommendations, as well as to formulate new recommendations that may be relevant to enhancing the enjoyment of human rights and fundamental freedoms.

Election-related activities

Presidential and Municipal Elections, 23 and 30 October 2011

Following an invitation from the Bulgarian authorities and based on the findings and conclusions of a Needs Assessment Mission (NAM) undertaken from 18 to 21 July 2011, the OSCE/ODIHR deployed a Limited Election Observation Mission (LEOM) on 28 September 2011 for the 23 October 2011 presidential and municipal elections. The LEOM remained in the country to follow the second round contests on 30 October. The OSCE/ODIHR LEOM was headed by Vadim Zhdanovich and consisted of 11 experts based in Sofia and 10 long-term observers who were deployed throughout the country. Mission members were drawn from 15 OSCE participating States. In line with the OSCE/ODIHR’s standard methodology for election observation without short-term observers, the LEOM did not carry out comprehensive or systematic observation of election-day proceedings, but mission members visited a limited number of polling stations and Municipal Election Commissions in several municipalities during both rounds of voting.

The final report concluded that: “The presidential and municipal elections provided voters with a wide choice of political options, and were generally characterized by a respect for fundamental rights and freedoms. Nevertheless, pervasive allegations of vote-buying and the fact that virtually all campaign coverage in the media had to be purchased underscored the need for continued reform. Certain challenges remained, exemplified in the processing and

¹ Compendium of OSCE Human Dimension Commitments, vol 1 and 2; Astana Commemorative Declaration, 2010.

tabulation of results after the first round of voting. A certain lack of transparency in the Central Election Commission's (CEC) decision-making and the inability of the CEC to take timely decisions, if at all, on critical issues were of particular concern." See the full report and recommendations at: <http://www.osce.org/odihr/elections/86893>.

Early Parliamentary Elections, 12 May 2013

Following an invitation from the Ministry of Foreign Affairs of Bulgaria and based on the recommendations of a NAM conducted from 18 to 20 March 2013, the OSCE/ODIHR on 16 April 2013 deployed an Election Observation Mission (EOM) for the 12 May 2013 early parliamentary elections. The OSCE/ODIHR EOM was headed by Miklos Haraszi and consisted of 10 experts and 12 long-term observers, who were based in Sofia and 5 locations throughout the country. EOM members were drawn from 19 OSCE participating States. For Election Day, the OSCE/ODIHR EOM joined efforts with delegations from the OSCE Parliamentary Assembly and the Parliamentary Assembly of the Council of Europe. Overall, 158 observers from 39 OSCE participating States were deployed on Election Day.

According to the EOM's final report: "the elections were held in a competitive environment and fundamental freedoms of expression, association and assembly were respected. The administration of the elections by commissions was well managed and the Central Election Commission generally worked in an open manner. However, cases of pre-election wiretapping and concerns over last-minute incidents related to ballot security weakened public confidence in the process. The electoral process was further negatively affected by pervasive allegations of vote-buying. Media provided voters with a variety of information. Nevertheless, a significant share of the campaign information had to be paid for, creating an unequal playing field for candidates. Election Day took place in a calm and orderly manner and, overall, observers evaluated the process in polling stations positively." See the full report and recommendations at: <http://www.osce.org/odihr/elections/103878>.

Early Parliamentary Elections, 5 October 2014

Following an invitation from the Bulgarian authorities to observe the 5 October 2014 early parliamentary elections, the OSCE/ODIHR deployed a NAM from 18 to 20 August. Based on its findings, the OSCE/ODIHR NAM recommended the deployment of an LEOM to assess the elections for compliance with OSCE commitments, other international standards, and domestic legislation. In addition to a core team of experts, the OSCE/ODIHR NAM recommended that 14 long-term observers be seconded by participating States. See the full NAM report at: <http://www.osce.org/odihr/elections/122987>.

Legislation reviewed by ODIHR

Joint Opinion on the Election Code of Bulgaria (Opinion No. 607/2011, issued jointly by ODIHR and the Venice Commission on 21 June 2011): This opinion was prepared jointly by ODIHR and the Venice Commission and noted that: "The Election Code of Bulgaria provides a sound legal basis for the conduct of democratic elections. The harmonization of the rules and procedures governing the conduct of elections and their consolidation in one single Code is a decisive step towards ensuring the consistency of these rules and procedures and facilitating their uniform application. On the substantive aspects, the high quality of the Code must be underscored. There is, however, still room for further improvements in areas where public trust is much needed as the sensitivities may be high. This is the case specifically with regard to the remedies available for challenging decisions and actions of election commissions and the results of elections." (Full opinion <http://www.osce.org/odihr/80841>)

Joint Opinion on the Draft Election Code of Bulgaria (Opinion No. 750/2013, issued jointly by ODIHR and the Venice Commission on 24 March 2014): This opinion was prepared jointly by ODIHR and the Venice Commission and noted that: “A number of OSCE/ODIHR and Venice Commission recommendations were addressed. There is, however, still room for further improvements. The OSCE/ODIHR and the Venice Commission assess positively new provisions in different key areas, such as the reduction in electoral deposits and signature requirements for independent candidates, requiring balance in the composition of constituency, municipal and polling station election commissions, and clarifying deadlines concerning the appeal of denial of candidate registration. The structure of the draft Code would benefit from further improvement in order to avoid repetitive provisions. Concerns remain regarding the restrictions of suffrage rights for citizens serving prison terms, regardless of the severity of the crime committed, providing for an effective system of appeal of all election-related decisions to a competent body, requiring more balance in the membership of the CEC, harmonising the various deadlines of the electoral process, and creating an effective mechanism for electoral contestants and voters to challenge election results.” (See the full joint opinion at: <http://www.osce.org/odihr/elections/116830>).

Tolerance and non-discrimination issues, including incidents of and responses to hate crime

OSCE participating States have made a number of commitments to promote tolerance and non-discrimination and specifically to combat hate crime, and the OSCE/ODIHR supports states in their implementation of those commitments. In this context, the OSCE/ODIHR produces an annual report on hate crime – *Incidents and Responses* – to highlight the prevalence of hate crimes and good practices that participating States and civil society have adopted to tackle them. It also helps participating States to design and draft legislation that effectively addresses hate crimes; provides training that builds the capacity of participating States’ criminal justice systems and the law-enforcement officials, prosecutors and judges that staff them; raises awareness of hate crimes among governmental officials, civil society and international organizations; and supports the efforts of civil society to monitor and report hate crimes.

The report relies mainly on information and statistics provided by governments, since such data collection is primarily the responsibility of states, as is the responsibility to respond to hate crimes. As of 2012, 55 of the 57 OSCE participating States had appointed National Points of Contact on Combating Hate Crimes, to support ODIHR in its task of serving “as a collection point for information and statistics collected by participating States”. The bulk of information for the report was gathered through the completion of an online questionnaire by National Points of Contact. The questionnaire for 2012 contained questions about the following areas: data-collection methods; legislation; reported hate crime data; and policies and initiatives.

Information concerning Bulgaria in the most recent edition of the annual hate crimes report covering 2012 (<http://tandis.odihr.pl/hcr2012/>) includes the following:

- Bulgaria’s hate crime laws are a combination of specific penalty enhancements and substantive offences.
- Hate crime data are collected by the Interior Ministry (Central Police Statistics), the Ministry of Justice, Prosecutor’s Office, the Statistical Office, the Commission for Protection against Discrimination (CPD), the National Agency for State Security, the Ministry of Defense, the Ministry of Finance and the Supreme Judicial Council.

- Bulgaria regularly reports hate crime data to ODIHR. The data reported to ODIHR do not present cases of hate crime, incitement to hatred and discrimination separately.
- In 2012, Bulgaria only reported cases of speech offences (incitement to hatred) and criminal discrimination. No hate crimes reported. See <http://hatecrime.osce.org/bulgaria>

In 2012, ODIHR Training against Hate Crimes for Law Enforcement (TAHCLE) was launched in Bulgaria and ODIHR organized two training-of-trainers sessions in 2012. The programme was further cascaded in 2013.

Roma and Sinti issues

The OSCE/ODIHR has a specific mandate to assist participating States in implementing the OSCE Action Plan for Improving the Situation of Roma and Sinti within the OSCE Area. A Status Report on implementation of the Action Plan was issued by ODIHR in 2013. The Report included the following information about the situation of Roma and Sinti in Bulgaria.

Anti-Roma protests or marches, often with the clear intent to intimidate Roma communities, have been organized mainly by the Atakka Party in Bulgaria in the period between 2008 and 2013. Furthermore, in the period between September 2011 and July 2012, 14 attacks against Roma and/or their property, resulting in three deaths and injuring at least 22 people, including a pregnant woman and two minors were reported. There were also isolated incidents of attacks against Roma politicians, including the bombing of the headquarters of a Roma political party in Bulgaria, in which one Roma politician was killed.

The report also noted that the housing situation for the majority of Roma in Bulgaria continues to be characterized by a lack of secure tenure, a lack of access to basic infrastructure, discrimination in access to social-housing schemes, residential segregation and conditions that pose a risk to human health. Residential segregation and forced evictions, including of Roma immigrants, continue to be key human rights challenges. The European Court of Human Rights (ECtHR) and the European Committee on Social Rights have received a number of complaints relating to evictions and to the housing of Roma and Sinti communities. In the case of *Yordanova and Others v. Bulgaria*, concerning the planned eviction of Roma from a settlement on municipal land in Batalova Vodenitsa in Sofia, the Court found a violation of Article 8 (the right to private and family life) and, further, that the law governing removal orders did not properly balance the different interests involved.

The report also highlights longstanding concerns about the health situation of (and access to health services for) Roma women in Bulgaria. In the area of education the report noted key challenges especially segregation of Roma children into “special” education and residential segregation, resulting in all-Roma schools.

Country-specific ODIHR monitoring, assessment, co-operation and assistance activities (other than elections)

NTR

Other assessments and recommendations contained in ODIHR reports on thematic human issues

NTR