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Universal periodic review

### Report of the Working Group on the Universal Periodic Review\*

#### Bulgaria

#### Addendum

**Views on conclusions and/or recommendations, voluntary commitments  
and replies presented by the State under review**

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\* The present document is being issued without formal editing.



## **Response of the Government of Bulgaria on the recommendations addressed within the third cycle of the Universal Periodic Review, 6 November 2020**

1. The Republic of Bulgaria is strongly committed to the Universal Periodic Review process as an indispensable mechanism for the promotion and protection of human rights.
2. Bulgaria thanks all Delegations for their interventions and welcomes the recommendations made during the Third Cycle of its Universal Periodic Review on 6 November 2020.
3. Bulgarian institutions concerned reviewed the recommendations and contributed to the preparation of the present response.
4. The Government of Bulgaria has carefully considered the 233 recommendations received and has clustered its response in three categories:
  - (a) *Recommendations accepted*, whose wording or intention Bulgaria supports, as well as those it has already implemented;
  - (b) *Recommendations accepted in part*, whose wording or intention Bulgaria considers in process of implementation or generally approves but can implement in part, either because it does not agree with one part of the recommendation, although it could implement the other part, or because of constitutional or legal obstacles that prevent the full implementation of the recommendation;
  - (c) *Recommendations noted*, whose wording or intention Bulgaria considers not in a position to implement for legal or constitutional reasons, whose content does not support, or whose claims it rejects.

### **A. Recommendations accepted**

5. The Government of the Republic of Bulgaria **accepts the following recommendations**, with numbers:

Rec. 134.7–134.12, 134.14–134.19, 134.21, 134.23–134.27, 134.29, 134.31–134.36, 134.38–134.43, 134.45–134.47, 134.49–134.51, 134.55, 134.57, 134.63–134.78;

Rec. 134.79 – Bulgaria considers the recommendation in the process of implementation. While a legal framework necessary to the effectively investigate and prosecute persons engaged in high-level corruption is established, efforts for improving its implementation are ongoing;

Rec. 134.80–134.81, 134.83, 134.85–134.89;

Rec. 134.90 – Bulgaria accepts the recommendation under the stipulation that the wording “Adopt policies” is inappropriate. Bulgaria has longstanding traditions and policies to create understanding and tolerance among persons, including those belonging to different religious groups;

Rec. 134.91–134.93 and 134.95–134.117;

Rec. 134.118 – Bulgaria reiterates its commitment to address by targeted measures the complex reasons, leading to child poverty. In this regard, Bulgaria aims at applying an integrated approach by proposing multidisciplinary measures related to education, health services, employment and providing financial support to address the issue;

Rec. 134.119–134.122;

Rec. 134.123–134.131 – The State’s policy in the area of healthcare is aimed at constant improvements and creating better conditions as well as ensuring equal access for all Bulgarian citizens to health services, regardless of their sex, age, ethnicity and social affiliation;

Rec. 134.132–134.143;

Rec. 134.144 – see paragraph 8 below;  
 Rec. 134.145–134.152, 134.155, 134.157–134.161, 134.163;  
 Rec. 134.164 – see paragraph 8 below;  
 Rec. 134.165–134.167;  
 Rec. 134.168–134.170 – see paragraph 8 below;  
 Rec. 134.171–134.176 and 134.178–134.180;  
 Rec. 134.181 – see rec. 134.118;  
 Rec. 134.183–134.191;

Rec. 134.192 – Like many other countries around the world, Bulgaria has been affected by the coronavirus pandemic with all negative and frightening consequences this disease brought to people. Emergency measures have been imposed to limit the spread of COVID-19 and have been implemented based on the development of the pandemic situation, regardless the ethnic, religion, economic and social status of the people affected;

Rec. 134.194 – As a state party to the Council of Europe Framework Convention for the Protection of National Minorities, Bulgaria fulfils its obligations. Taking into account that there are no national minorities in Bulgaria, the objectives set out in the Convention are implemented through individual exercise of the rights and freedoms protected by the Convention;

Rec. 134.195–134.196 and 134.198–134.206;

Rec. 134.207 – Bulgaria accepts the recommendation with the understanding that no minority group in the country suffers from marginalisation;

Rec. 134.208 – see rec.134.192;

Rec. 134.212–134.215, 134.217–134.228;

Rec. 134.230–134.231, 134.233.

## **B. Recommendations accepted in part**

6. The Government of the Republic of Bulgaria **accepts in part the following recommendations**, with numbers:

Rec. 134.28 – at present a draft legislation on hate speech, hate crimes and discrimination against religious groups, referred to in the recommendation, is not been considered by the relevant Bulgarian institutions;

Rec. 134.44 – Bulgaria considers this recommendation partially implemented. Hate crimes, including hate speech, are addressed in a special part of the Bulgarian Penal Code, Chapter Three “Crimes against the Rights of Citizens”. The Protection against Discrimination Act forbids all forms of direct and indirect discrimination based on 19 definitive grounds; including “sexual orientation” (art. 4) and such acts have been criminalized in the Chapter Three of the Penal Code;

Rec 134.52 – see rec.134.44, see also paragraph 8;

Rec. 134.53 – The Bulgarian legislation provides for investigation, prosecution and criminal responsibility of offences related to racial discrimination, xenophobia and intolerance against all persons, regardless of their background;

Rec. 134.54 – see rec.134.53. The court proceedings in cases of hate crimes, including hate speech, are public unless the court decides otherwise. The Penal Procedural Code does not require courts to make public cases where hate crimes have not been considered in their proceedings;

Rec. 134.56 – Bulgaria will continue to strengthen legislation, policies and activities aimed at the elimination of discrimination in society, other intolerances and hate speech against minority groups and other groups, see also paragraph 8 below;

Rec. 134.60–134.61 – Bulgaria will continue to step up efforts to address hate crimes, including hate speech and discriminatory conduct based on sexual orientation. See also rec. 134.6, rec.134.44 and paragraph 8 below;

134.82 – Bulgaria considers the recommendation in the process of implementation. Political and legal discourse on further perspectives on the reform of the Supreme Judicial Council is ongoing;

Rec.134.153–134.154, 134.162 and 134.177 – Bulgaria attaches a high priority to the protection against violence against women and girls and domestic violence. A strong national legislation on combatting violence against women and domestic violence was adopted. Efforts continue on enhancing legislation, policies and measures to address evolving challenges. See also rec.134.6 below;

Rec. 134.182 – Article 6(1) of the Family Code stipulates that an exception to the minimum age for entering into matrimony is granted by the court exceptionally, in strictly defined cases that important reasons impose this. At present, Bulgaria has no immediate plans to amend these provisions of the Family Code;

Rec. 134.193 – Bulgaria is a State Party to all the main international human instruments in the field of human rights. All right and freedom are protected under the Constitution and the international obligations of the State. Every person belonging to ethnic or religious group enjoys full human rights protection;

Rec. 134.232 – Bulgaria will continue to strengthen protection measures and provision of basic services for migrants particularly for migrant children. See also rec.134.4–134.5 below.

## C. Recommendations noted

7. The Government of the Republic of Bulgaria **notes the following recommendations**, with numbers:

Rec. 134.1–134.3 – The Concept on Penal Policy 2020-2025, adopted on 11 May 2020 by the Government of Bulgaria, does not anticipate ratification of the International Convention for the Protection of All Persons from Enforced Disappearance. However, Bulgaria confirms its commitment to consider ratifying the Optional Protocol to the Convention on the Rights of the Child on a communications procedure in due course;

Rec. 134.4–134.5 – The Bulgarian legislation already guarantees the rights of all workers to the maximal possible extend, regardless of their activity. Fundamental human rights are enshrined in the United Nations Civil and Social Rights Covenants and these rights apply directly to all migrants in Bulgaria. Furthermore, Bulgaria is a State party to the main acts of the International Labour Organisation and is committed to their implementation;

Rec. 134.6 – Pursuant to Constitutional Court’s Decision 13/27.07.2018, Bulgaria is not in a position to ratify the Council of Europe’s Convention on Preventing and Combatting Violence against Women and Domestic Violence (Istanbul Convention). This does not undermine the state’s commitment to combating all forms of violence, including domestic violence;

Rec. 134.13 – Bulgaria strives to the goal of a nuclear weapons free world. Bulgaria believes that this goal can be accomplished gradually, with the engagement of all relevant actors. In the country’s view, the Treaty on the Prohibition of Nuclear Weapons does not reflect the increasingly challenging international security environment and is not in conformity with the existing non-proliferation and disarmament architecture;

Rec. 134.20 and Rec. 134.22 – see paragraph 8 below;

Rec. 134.30 – Pursuant to Article 46(1) of the Constitution of the Republic of Bulgaria, only civil marriage is considered legal. Bulgaria has no immediate plans to introduce new legislation on civil partnerships;

Rec. 134.37 – see paragraph 8 below;

Rec. 134.48 – see rec.134.30;

Rec. 134.58 – Bulgaria will continue to strengthen legislation, policies and activities aimed at the elimination of discrimination in society, other intolerances and hate speech against minority groups and other groups. See also rec. 134.194 and paragraph eight below;

Rec. 134.59 – see rec.134.30;

Rec. 134.62 – Bulgaria recalls the need the United Nations Guiding Principles on Business and Human Rights, endorsed by a resolution of the Human Rights Council (A/HRC/17/4), to be applied globally. At the same time, Bulgaria reminisces the existence of conflicts where the legitimate claims and aspirations of each side have to be mutually acknowledged;

Rec. 134.94 – Bulgaria is committed and fulfils its obligations under the main UN and Council of Europe human rights conventions, and the EU Charter of Fundamental Rights to respect and apply the highest standards of protection and promotion of human rights and fundamental freedoms, including the freedom of the media and the security of journalists;

Rec. 134.156 and 134.216 – see rec.134.6;

Rec. 134.229 – Bulgaria implements policies and applies measures that provide full protection of the human rights of migrants;

Rec. 134.84, 134.197, 134.209–134.211.

8. The Government of the Republic of Bulgaria presents an interpretative clause of the text of the recommendations as a whole:

In all provisions and in relation to all recommendations where the terms “gender” and/or “gender identity” is used, Bulgaria considers the terminology in light of the gender binary model enshrined in the Constitution of the Republic of Bulgaria, where the physical attributes are indivisibly related to the social constructs.