



International Covenant on Civil and Political Rights

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Human Rights Committee

Report on follow-up to the concluding observations of the Human Rights Committee*

Addendum

Evaluation of the information on follow-up to the concluding observations on Bulgaria

Concluding observations (124th session): [CCPR/C/BGR/CO/4](#), 29 October 2018

Follow-up paragraphs: 10, 36 and 38

Information received from State party: [CCPR/C/BGR/FCO/4](#), 29 March 2021

Committee's evaluation: 10 [C] [B], 36 [C] [D] and 38 [A] [C] [B]

Paragraph 10: Hate speech and hate crimes

The State party should:

- (a) Amend the Criminal Code and the Radio and Television Act to explicitly include sexual orientation and gender identity as hate motives and grounds of discrimination, respectively;
- (b) Ensure that any advocacy of ethnic or racial hatred that constitutes incitement to discrimination, hostility or violence is prohibited in law and in practice, and that persons responsible for such behaviour towards minority groups are held accountable, including State officials;
- (c) Effectively enforce criminal provisions against hate crimes and hate speech by ensuring that such crimes are reported, investigated, prosecuted and punished with appropriate sanctions, and that victims receive full reparation;
- (d) Strengthen the investigative capacity of law enforcement officials for hate crimes and criminal hate speech, including on the Internet and strengthen the mandate and capacity of the Council for Electronic Media to prevent and sanction hate speech in the media.

Summary of the information received from the State party

- (a) Hate crimes, including hate speech, and the criminal prosecution thereof are specifically addressed in the Criminal Code. Although the Code does not provide for qualified forms in the case of crimes motivated by homophobia or transphobia, those elements could be found to be aggravating circumstances in determining the penalty. Amendments to the Radio and Television Act were prepared following the revision in 2018

* Adopted by the Committee at its 136th session (10 October–4 November 2022).



of the European Union Audiovisual Media Services Directive, including proposed amendments to broaden the scope of hate speech to reflect the grounds listed in article 21 of the Charter of Fundamental Rights of the European Union.

(b) Racial and xenophobic motivation qualify as aggravating circumstances in the commission of homicide and bodily injury, leading to more severe sanctions. All acts of condoning, denying or grossly trivializing crimes against peace and humanity are qualified as criminal offences when they are likely to incite violence or hatred against a person or group of persons on the basis of race, colour, descent, religion or national or ethnic origin. When determining penal sanctions, courts consider possible racist motives which would be considered aggravating circumstances and would result in a more severe penalty.

(c) Hate crimes may be reported to the authorities. The Prosecutor's Office has adopted guidelines on handling cases of, and pretrial proceedings for, criminal offences with discriminatory elements. Organizational measures have been taken to explore the provision of digital statistical reports, including data disaggregated by motivation, especially in the case of hate crimes. The Crime Victim Assistance and Financial Compensation Act contains information for victims on reporting procedures and provides for their protection and compensation. Victims of hate speech and hate crimes benefit from several forms of assistance, including emergency medical treatment, psychological counselling and free legal aid. Victim support organizations provide shelter, including for victims who are at imminent risk, for up to 10 days.

(d) Junior judges, prosecutors, investigators and junior magistrates are trained in the prevention of and protection from all forms of racial discrimination. From June 2017 to June 2020, the National Institute of Justice trained 244 magistrates on preventing and combating discrimination. A specialized training course on the European Union legal framework on equality was also organized. A 2019 handbook for law enforcement officials, along with the Council of Europe's manual on policing hate crime against lesbian, gay, bisexual, transgender and intersex persons (which was translated into Bulgarian in 2020) and a handbook on restorative justice and its implementation in cases of hate crimes against those persons, have been incorporated into all the regional directorates of the Ministry of the Interior. Between 2017 and 2019, 114 prosecutors and 4 investigators took part in 27 training courses on improving data collection on and recording of hate crime. Public figures are involved in campaigns aimed at discouraging hate speech, and targeted campaigns are organized in schools. The draft law amending the Radio and Television Act to strengthen the powers of the Council for Electronic Media provides for stricter measures against hate speech and prohibits incitement to violence, hatred and terrorist acts in audiovisual media services, including on video-sharing platforms. All radio and television channels undergo regular monitoring and are prohibited from creating or broadcasting content that incites intolerance or that praises cruelty or violence.

Committee's evaluation

[C]: (a), (b) and (c)

While taking note of the information provided on protection against hate crime and hate speech under the existing legal framework, and on the draft law to amend the Radio and Television Act to broaden the scope of hate speech, the Committee regrets the lack of information on measures taken to amend the Criminal Code to explicitly include sexual orientation and gender identity as hate motives and grounds of discrimination. It requests information on: (a) cases in which the existing legislation has been invoked in relation to hate crimes and hate speech; and (b) the progress of the adoption of the draft law amending the Radio and Television Act.

While taking note of the information provided, the Committee regrets the lack of information on measures taken to ensure that persons found to be responsible for any acts constituting incitement to discrimination, hostility or violence, including State officials, are held accountable. The Committee reiterates its recommendation.

The Committee regrets the lack of relevant statistical data and information on measures taken during the reporting period. It reiterates its recommendations and requests details of specific measures taken to improve the complaints mechanism, especially with regard to hate crimes

and hate speech, and data on the number of complaints, investigations, prosecutions and convictions in cases of hate crimes and hate speech. It also requests additional information on the guidelines on handling cases of criminal offences with discriminatory elements, including clarification on when they were adopted.

[B]: (d)

The Committee welcomes the information on the draft law to strengthen the mandate of the Council for Electronic Media to prevent and sanction hate speech in the media; the efforts made to train law enforcement and criminal justice authorities on the prevention of and protection from all forms of racial discrimination; and the incorporation of the handbooks and manual addressing the policing of hate crimes against lesbian, gay, bisexual, transgender and intersex persons. It requests further information on the impact they have had on the investigative capacity of law enforcement and on whether these measures have resulted in a decrease in the number of reported complaints against law enforcement authorities.

Paragraph 36: National, ethnic and religious minorities

The State party should:

- (a) Ensure that all cases of hate speech, hate crimes and discrimination against religious groups are thoroughly and promptly investigated and sanctioned;**
- (b) Guarantee the effective exercise of freedom of religion and belief and refrain from any action that may restrict it beyond the narrowly construed restrictions permitted under article 18 of the Covenant;**
- (c) Revise draft legislation targeting extremist religious groups with a view to bringing it into conformity with the State party's obligations under the Covenant, in particular, clarifying the vague definition of key terms, removing restrictions on preaching in languages other than Bulgarian and ensuring that any legal restrictions, including regarding access to foreign funding, are not used as a tool to curtail freedom of expression beyond the narrow restrictions permitted in article 19 (3) of the Covenant;**
- (d) Remove the linguistic barriers that limit freedom of expression of non-Bulgarian speaking national minorities during the electoral process;**
- (e) Monitor closely the registration process of associations and refrain from any action that may restrict it beyond the narrowly construed restrictions permitted under article 22 of the Covenant.**

Summary of the information received from the State party

- (a) Article 164 of the Criminal Code provides that a person who propagates or incites discrimination, violence or hatred on religious grounds through speech, press or other media, through electronic information systems or in another manner shall be punished by deprivation of liberty for up to four years or by probation and a fine.
- (b) The Religious Denominations Act is not restrictive or discriminatory in nature. Individuals cannot receive privileges, be persecuted or have their rights restricted on the basis of religious belief, affiliation or the refusal to affiliate with a religion.
- (c) The amendments made to the Religious Denominations Act in 2018 do not contain any references to extremist religious groups or place any restrictions on foreign funding. Worship and religious ceremonies may be conducted in line with the religious community's tradition in a language other than Bulgarian.
- (d) No information is provided.
- (e) In accordance with the strategy for supporting the development of civil organizations (2012–2015) and the strategy for the development of State administration (2015–2020), a registration reform was implemented to improve the legal framework guaranteeing the constitutional freedom of association and to create favourable conditions for the functioning of non-profit legal entities. It reduced the administrative burden for non-

profit associations by providing faster procedures and shorter statutory deadlines for registration. The new administrative registration procedure was enacted on 1 January 2018.

Committee's evaluation

[C]: (a), (b), (c) and (e)

While taking note of the information on the existing legislation regarding the sanctions applied in cases of incitement to discrimination and violence on religious grounds, the Committee regrets the lack of information on measures taken during the reporting period. It reiterates its recommendation and requests data on the number of complaints, investigations, prosecutions and convictions there have been in cases of discrimination and hate crimes against religious groups.

While taking note of the information provided on the Religious Denominations Act, the Committee regrets the lack of information on steps taken to guarantee the effective exercise of freedom of religion and belief. It reiterates its recommendations and requests information on measures taken since the adoption of the Committee's concluding observations.

While taking note of the information provided on the amendments made to the Religious Denominations Act in 2018, the Committee regrets that no clarifications were provided on whether any revisions have been incorporated into the amendments to the Act since the adoption of the concluding observations, in line with the Committee's recommendations.

While taking note of the information provided on the registration of associations, the Committee draws the State party's attention to the fact that the adoption of the strategies and the enactment of the administrative registration procedure predate the adoption of the concluding observations. It reiterates its recommendation and requests information on measures taken since the adoption of the Committee's concluding observations.

[D]: (d)

The Committee regrets the absence of information on the removal of the linguistic barriers that limit freedom of expression of non-Bulgarian speaking national minorities during the electoral process. It reiterates its recommendation.

Paragraph 38: Freedom of expression

The State party should:

- (a) **Continue training police officers, judges and prosecutors in human rights standards relating to freedom of expression and assembly and the lawful use of force;**
- (b) **Protect journalists against any form of harassment, attack or excessive use of force, promptly investigate such acts and bring those responsible to justice, including the recent murder of journalist Victoria Marinova;**
- (c) **Increase media pluralism and the diversity of views and information accessible to the public, taking into account the Committee's general comment No. 34 (2011) on the freedoms of opinion and expression;**
- (d) **Ensure that any form of public funding for the media and journalists is allocated in a transparent and non-discriminatory manner using objective criteria, and that no fines or other regulatory measures are imposed on the media other than in strict compliance with article 19 (3) of the Covenant, so that independent journalists and media can function without undue interference;**
- (e) **Consider repealing all criminal provisions against defamation and ensure that they do not serve to stifle freedom of expression.**

Summary of the information received from the State party

- (a) In the curriculum of the Academy of the Ministry of the Interior, focus is placed on the protection of human rights and the lawful use of police powers. The National Institute of Justice trains junior judges, prosecutors, investigators and magistrates on freedom

of expression. On 20 February 2020, a judge from the European Court of Human Rights delivered a lecture on freedom of expression, hate speech and private data protection to magistrates, civil servants and stakeholders.

(b) The Bulgarian authorities take any violation of journalists' rights seriously. The murder of Victoria Marinova proved not to be connected with her professional activities and the perpetrator has been sentenced. In 2016, the Civil Servants' Code of Conduct was amended to reflect the rules of conduct of police officers. Failure to observe the rules is a disciplinary violation and is sanctioned, and crimes committed by officers are independently investigated. The Permanent Commission on Human Rights and Police Ethics strengthens the national human rights legal system and implements the standards imposed by European institutions. The equivalent commissions that exist in all 28 district directorates are involved in the investigation of misuse of power, violence and unlawful and unethical actions by police officers.

(c) All media are bound by the fundamental principles of a pluralistic media environment. Over 80 radio and 140 television programmes are registered and licensed by the Council for Electronic Media. Media pluralism is included in the National Development Programme BULGARIA 2030 and specific action plans for its implementation will be developed.

(d) To ensure transparency, all publishers of printed media must submit a declaration to the Ministry of Culture identifying the owner. The Council for Electronic Media monitors those applying for radio and television broadcasting licences to ensure that they comply with the transparency rules concerning their capital and property. There are draft proposals to amend the Radio and Television Act. Since January 2020, an additional opportunity for disclosure of media ownership has been introduced by linking the media regulator's register of electronic ownership with the commercial register and the non-profit legal entities register, which are maintained by the Registry Agency. On 6 November 2020, a plan to implement the recommendations of the European Commission's rule of law report was adopted, which included measures to enhance transparency in the spending of public funds on communication tools and transparency on media ownership and to protect journalists from interference.

(e) Draft amendments to the Criminal Procedure Code would allow for entities to be exempt from criminal liability and the imposition of administrative sanctions when the object of insult or defamation is a public authority or official and provide for the removal or reduction of fines, which would avoid excessive and disproportionate penalties. National courts will have a wider margin of appreciation, depending on the gravity of the crime and the public danger it presents. The provision on insult and defamation will include all media.

Committee's evaluation

[A] (a)

The Committee welcomes the continued training of law enforcement and judicial officials in human rights standards, and requests further information on the content of the training provided within the curriculum and how it addresses human rights standards relating to freedom of expression and assembly and the lawful use of force.

[C] (b)

While taking note of the information on the existing code of conduct for civil servants, the Committee regrets the lack of information on specific steps taken to ensure the protection of journalists. It reiterates its recommendation and requests data on the number of complaints, investigations, prosecutions and convictions of perpetrators in cases of harassment, attacks or excessive use of force against journalists.

[B] (c), (d), (e)

The Committee welcomes the inclusion of media pluralism in the project of the National Development Programme BULGARIA 2030 aimed at improving the media environment in line with international standards. It requests further information on the specific action plans for implementation.

The Committee welcomes the draft proposals to amend the Radio and Television Act to increase transparency on media ownership and public media financing, as well as the incorporation of measures to enhance transparency in the spending of public funds on communication tools and in media ownership. It requests further information on the specific action plans to increase transparency, and on fines or regulatory measures imposed on the media.

The Committee welcomes the information on the draft amendments to the Criminal Procedure Code on criminal provisions against defamation to protect the right to freedom of expression, and requests further information on the progress of the proposed amendments.

Recommended action: A letter should be sent informing the State party of the discontinuation of the follow-up procedure. The information requested should be included in the State party's next periodic report.

Next periodic report due: 2028 (country review in 2029, in accordance with the predictable review cycle).
