



International Convention on
the Elimination
of all Forms of
Racial Discrimination

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COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION
Fiftieth session

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 twelfth, thirteenth and fourteenth periodic reports of Bulgaria, which were submitted in a single document (CERD/C/299/Add.7), at its 1205th and 1207th meetings (CERD/C/SR.1205 and 1207), held on 17 and 18 March 1997. At its 1210th meeting, held on 19 March 1997, it adopted the following concluding observations.

A. Introduction

2. The Committee notes with appreciation the State party's readiness to continue the dialogue with the Committee by sending a high-level representation to present the twelfth, thirteenth and fourteenth consolidated periodic reports, which serves as an indication of the importance attached by the Government of Bulgaria to its obligations under the Convention. The Committee appreciates the frankness and the comprehensiveness of the report, which fully complies with the reporting guidelines and which contains detailed supplementary information in response to some of the suggestions and recommendations adopted by the Committee during its consideration of the previous periodic report. The Committee welcomes the additional information provided by the State party in the course of the dialogue with the Committee, during which the representatives of Bulgaria indicated in a very frank and self-critical manner the difficulties encountered in implementing the Convention.

B. Factors and difficulties impeding the implementation of the Convention

3. It is recognized that Bulgaria has had to face economic, social and political challenges during the past years, due, inter alia, to the transition to democracy and to a market-oriented economy. In this connection, it is noted that the State party is undergoing severe economic and social problems, including a high level of external debt, which has had a negative impact on the situation of the population, especially minorities such as Roma, and which impede the full enjoyment of economic and social rights. The high rate of unemployment and poverty contributes to the marginalization of a broad strata of the population and is not conducive to the full implementation of the Convention.

C. Positive aspects

4. It is noted with great appreciation that the State party has made the declaration under article 14 of the Convention recognizing the competence of the Committee to receive communications, and the withdrawal of its reservation in relation to article 22 of the Convention is welcomed.

5. The fact that, according to article 5 (4) of the Constitution, international instruments such as the Convention that are ratified, promulgated and made effective by Bulgaria are part of the State party's domestic law and enjoy superiority over norms of domestic law that contradict them, is welcomed.

6. It is noted that the Government of Bulgaria has taken several positive measures in the field of law reform, especially since the adoption of the new Constitution of 12 July 1991, to combat various forms of racial discrimination and which fall within the scope of the Convention, including the Law on Names of Bulgarian Citizens, which ensures the possibility of the use of non-Slavic names; the Law on Amnesty and Restitution of Sequestered Properties; and the Law on Restoration of Property Rights and Real Estate to Bulgarian Citizens of Turkish Origin.

D. Principal subjects of concern

7. Although the periodic report contains comprehensive information on the legal framework, the absence of information on the effective implementation of new laws is regretted.

8. Concern is expressed that the economic crisis has affected people from ethnic minorities disproportionately. In this respect, the persistent marginalization of the large Roma population, in spite of continuing efforts by the Government, is a matter of concern. It is noted that the Roma face de facto discrimination in the enjoyment of their economic, social and cultural rights which increases their vulnerability in a context of economic crisis. Concern is expressed about discrimination against minorities in the workplace, especially for Roma, most of whom have relatively little training and education. Concern is also expressed that Roma encounter difficulties in applying for social benefits and that rural Roma are discouraged from claiming land to which they are entitled under the law disbanding agricultural collectives.

9. Concern is expressed at the insufficiency of the measures taken to guarantee the rights and freedoms of Bulgarian citizens and their integration into society regardless of race, nationality or ethnic origin. In this connection, concern is expressed at the persistence of expressions of racial hatred and acts of violence, particularly by neo-Nazi skinheads and others, towards persons belonging to minorities, especially Bulgarian citizens of Roma origin. Alarm is expressed that the State party has not been sufficiently active in effectively countering incidents of racial violence against members of minority groups and that Bulgarian police and prosecutors seem to have failed to investigate acts of violence promptly and effectively. In addition, concern is expressed at information from various sources indicating that the number of charges and convictions is low relative to the number of abuses reported. Concern is expressed that acts of propagating and instigating racial and nationalistic hatred, and the perpetrators of such crimes against ethnic minorities, are not considered to pose a significant danger to the public order.

10. Taking into account reports of cases of harassment and use of excessive force by members of security forces against minorities, especially against members of the Roma community, the Committee is concerned that there may be insufficient training provided to law enforcement officials on the Convention.

11. Although the right to associate and to found political parties is stated as a general principle in the Constitution, it is noted with concern that the State party prohibits the foundation and registration of political parties formed on ethnic, racial or religious bases according to the provision of article 11, paragraph 4, of the Constitution of Bulgaria.

E. Suggestions and recommendations

12. The Committee recommends that the State party provide detailed information on the effective implementation of the new legislation, including on the law on restitution of confiscated immovable property or compensating affected persons.

13. Although a number of institutions have been established to promote and protect human rights, the Committee recommends that the State party strengthen coordination between the various governmental mechanisms at both the national and local levels, with a view to developing a comprehensive policy on the elimination of racial discrimination and ensuring effective evaluation of the implementation of the Convention. In addition, the Committee suggests that the State party pursue its efforts to establish an independent mechanism such as an ombudsman or a National Commission for Human Rights to monitor observance of human rights.

14. The Committee recommends increased attention to the protection of the Roma's civil, political, economic, social and cultural rights. The effort to implement measures of affirmative action in that respect should be strengthened. Adequate indicators and other means of monitoring the economic and social living conditions of this group should be developed. The Committee requests the State party to provide detailed information on such measures in its next report. The Committee also recommends that the State party provide, in the next report, such statistical data and information as are available on the situation of all minorities on the matters covered under article 5 of the Convention.

15. The Committee recommends that the State party take more active steps to prevent and counter attitudes and acts of racial violence against individuals and to investigate such acts promptly. The Committee recommends that the next report contain detailed information on the effective implementation of the provisions of the Penal Code, allegations and prosecutions of cases of acts of racial discrimination, and complaints and penalties relating to acts of racial and ethnic discrimination.

16. The Committee recommends that the State party take immediate steps to prevent and combat cases of excessive use of force by members of the security forces. These steps should include the education and sensitization of law enforcement officials about the provisions of the Convention. Due account should be taken of the Committee's General Recommendation XIII according to which law enforcement officials should receive training to ensure that in the performance of their duties they respect as well as protect human rights and uphold the human rights of all persons without distinction as to race, colour or national or ethnic origin.

17. The Committee recommends that the State party prevent any de facto segregation of minorities; in this context the Committee draws the attention of the State party to general recommendation XIX on article 3 of the Convention.

18. The Committee recommends that the State party clarify its practice concerning the implementation of article 11, paragraph 4, of the Constitution and the enjoyment of the right of all Bulgarian citizens to participate in political life.

19. The Committee recommends that the State party launch a systematic information campaign to inform and educate all parts of society on the provisions of the Convention. Additionally, the Committee recommends that human rights education be provided at all levels in educational establishments and that comprehensive human rights training be provided to all segments of the population with a view to combating negative attitudes and prejudices towards minorities and to promote understanding, tolerance and friendship.

20. The Committee is of the view that the public should be better informed of the procedure available under article 14 of the Convention. The Committee suggests to the State party that the declaration concerning article 14 be made more widely available to the public in the various languages spoken in the country. Additionally, it is recommended that the State party should ensure wide dissemination of its report and of the concluding observations of the Committee.

21. The Committee recommends that the State party's next periodic report be an updating report and address all the concerns expressed by the Committee.
