



## International Covenant on Civil and Political Rights

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### Human Rights Committee

#### List of issues prior to submission of the fourth periodic report of Bulgaria\*

The Human Rights Committee, at its ninety-seventh session (A/65/40 (Vol. I), para. 40), established an optional procedure which consists in the preparation and adoption of a list of issues to be transmitted to the State party concerned prior to the submission of its periodic report. The replies of the State party to this list of issues will constitute its report under article 40 of the Covenant.

#### General information on the national human rights situation, including new measures and developments relating to the implementation of the Covenant

1. Please provide information on measures taken to implement the Committee's latest recommendations (CCPR/C/BGR/CO/3), including any relevant statistical data.
2. Please report on any other significant developments in the legal and institutional framework within which human rights are promoted and protected that have taken place since the adoption of the previous concluding observations, including examples of cases in which the provisions of the Covenant have been referred to by national courts.

#### Specific information on the implementation of articles 1 to 27 of the Covenant, including with regard to previous recommendations of the Committee

##### Constitutional and legal framework within which the Covenant is implemented (art. 2)

3. Please provide information on: (a) the accessibility of remedies for individuals claiming a violation of the rights contained in the Covenant; and (b) human rights training for judges, prosecutors and lawyers in the State party.
4. Please indicate what steps have been taken to bring the Ombudsman and the Commission on Protection against Discrimination into compliance with the principles relating to the status of national institutions for the promotion and protection of human

\* Adopted by the Committee at its 114th session (29 June–24 July 2015).



rights (Paris Principles), in particular regarding the lack of a broad mandate to protect and promote human rights and the lack of transparency in the appointment and selection process.

5. Please indicate what procedures are in place, in law and in practice, for the implementation of the Committee's Views under the Optional Protocol to the Covenant and indicate what measures have been taken by the State party to follow up on communication No. 2073/2011, *Liliana Assenova Naidenova et al. v. Bulgaria*

**Counter-terrorism (art. 2)**

6. Please provide information on the proposed amendments to the Criminal Code relating to the threat of terrorism and how these amendments are in compliance with the rights protected under the Covenant.

**Non-discrimination and hate crimes against members of ethnic and religious minorities, including migrants, refugees and asylum seekers (arts. 2, 3 and 26)**

7. Please provide information on measures taken to combat: (a) the increasing number of racially motivated verbal and physical attacks against religious minorities and refugees; (b) intolerance, discrimination and hate speech, including political hate speech, in particular against Turks, Muslims, Roma, Jews, non-traditional religious groups, asylum seekers, refugees and migrants; and (c) racist content in the media and on the Internet. Please indicate the measures taken to promote tolerance and increase the investigation of and prosecution rate for racially motivated crimes and provide the related statistical data on the number of complaints, investigations, prosecutions and convictions.

**Equality between men and women and the protection of rights of lesbian, gay, bisexual and transgender persons, persons with disabilities and persons with HIV/AIDS (arts. 2, 3, 20 and 26)**

Taking into account the previous concluding observations (see CCPR/C/BGR/CO/3, para. 6), please provide information on measures taken to eradicate gender stereotypes in society and report on the impact of the National Strategy to encourage Equality between the Sexes (2009-2015). Please also indicate the measures taken to enhance de facto participation and representation of women in public and political life, particularly in decision-making positions, as well as the measures taken to close the wage gap between women and men.

8. Please indicate the measures taken to combat discrimination on the grounds of sexual orientation, including societal discrimination, and discrimination in public education and in the health-care system, as well as steps taken to recognize offences committed on grounds of sexual orientation or gender identity in criminal legislation. In relation to the previous concluding observations (see CCPR/C/BGR/CO/3, para. 10), please report on measures taken to combat discrimination against children and adults with disabilities and to ensure their access to appropriate health care, including psychosocial rehabilitation programmes, and provide relevant statistical data on the number of complaints, investigations, prosecutions and their outcome. Please also respond to reports that HIV/AIDS patients do not have access to adequate health care.

**Violence against women, including domestic violence (arts. 2, 3, 7 and 26)**

9. Taking into account the previous concluding observations (see CCPR/C/BGR/CO/3, para. 12), please provide information on measures taken to combat violence against women, including domestic violence, and to encourage reporting of such violence. Please provide information on training of law enforcement and police officials, social workers and medical personnel on how to detect victims of domestic violence and on the sufficiency of State-run

shelters for victims. Please also provide information on measures taken to secure the reporting, criminal investigation, prosecution and sanctioning of all those responsible in cases of domestic violence..

**Prohibition of torture and other cruel, inhuman or degrading treatment or punishment, treatment of persons deprived of their liberty and conditions of detention (arts. 7 and 10)**

10. In the light of the previous concluding observations (see CCPR/C/BGR/CO/3, para. 13), please indicate what steps have been taken by the State party in order to adopt a definition of torture that fully reflects the provisions of articles 1 and 4 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and with article 7 of the Covenant.

11. In the light of the previous concluding observations (see CCPR/C/BGR/CO/3, para. 8) and the follow-up responses of the State party (CCPR/C/BGR/CO/3/Add.1 and 2), please respond to recent reports of a significant number of allegations of deliberate physical ill-treatment of persons detained by the police and provide information on the number of investigations, prosecutions and convictions and on the remedies granted to victims. Please also report on the composition, mandate and functions of the Directorate of Inspection and specific measures taken by the Directorate since its inception; and whether the State party envisages the establishment of an independent oversight mechanism on prosecutions and convictions in the case of complaints of criminal conduct against members of the police.

12. Taking into account the previous concluding observations (see CCPR/C/BGR/CO/3, para. 18), please indicate measures taken by the State party to address the prison conditions in some facilities, including overcrowding, insanitary conditions, inadequate medical services, violence, and deaths in detention. Please clarify whether detention facilities comply with the standard minimum space for each prisoner, particularly at the prisons in Burgas and Sofia. Please also provide information on any non-custodial preventive measures and alternatives to custodial sentences and statistics on how they are being applied.

**Trafficking in persons (arts. 8 and 24)**

13. Please provide information on measures taken to combat trafficking in adults and children for the purposes of forced labour and sexual exploitation. Please provide data on: (a) the number of reported cases; (b) the investigations and prosecutions initiated and actual convictions; and (c) the availability of sufficient assistance services for men and women who are victims of trafficking, including shelters, legal assistance and reintegration services.

**Treatment of aliens and Roma (arts. 2, 7, 13 and 24)**

14. Please provide information on the measures taken to improve living conditions at the reception centres for asylum seekers in relation to reducing overcrowding and ensuring hygienic conditions and adequate medical services, in particular at the Voenna Ramp and Vrazhdebna reception centres. Please also provide information on the investigations into refugees' allegations of ill-treatment and the measures taken to prevent such acts. Finally, please also respond to reports that many unaccompanied migrant children are detained together with adult detainees and with no legal guardians assigned to them.

15. Please respond to reports of allegations of ill-treatment and push-backs by State party authorities against persons at the State party's border, which prevented many who needed international protection from seeking asylum. Please also provide information on investigations into the death of two Iraqi refugees at the State party's border.

**Right to liberty and security of person and right to privacy (arts. 2, 9, 17, 25 and 26)**

16. In the light of the previous concluding observations (see CCPR/C/BGR/CO/3, para. 17), please clarify whether the State party has: (a) reviewed its policy of depriving persons with mental disabilities of their legal capacity and thus established the necessary and proportional measures on an individual basis with effective procedural safeguards, including prompt access to an effective judicial review of the decisions; and (b) provided less restrictive alternatives to forcible confinement and treatment of persons with mental disabilities. Please also provide information on measures taken to: (a) ensure that persons with mental disabilities or their legal representatives are able to exercise the right to effective remedy against violations of their rights; and (b) prevent all forms of ill-treatment in psychiatric institutions, including by establishing inspection mechanisms.

17. In the light of the previous concluding observations (see CCPR/C/BGR/CO/3, para. 22), please provide information on the measures taken to ensure that monitored telephone conversations are considered only as complementary evidence in criminal cases and only in relation to court proceedings. Please also provide information on the access to and application of adequate remedies provided to persons who were wrongfully monitored and were informed of the same.

**Freedom of assembly, freedom of conscience and religious belief, and right to participate in public life (arts. 18, 19, 21 and 25)**

18. Please provide information on investigations into the incident that occurred in July 2013, which reportedly involved the excessive use of force by police officers against protesters outside the State party's parliament, as well as any measures taken to prevent such acts. Please also provide information in response to the reports that media remains exposed to political influence, as well as about the investigation of alleged attacks against journalists.

19. Please respond to the allegations that licences to construct places of worship and purchase of land for this purpose, in particular for Muslims and Jehovah's Witnesses, have been denied, as well as to the reports of harassment and discrimination of members of religious minorities.

20. Please describe any measures taken to remove linguistic barriers preventing persons from ethnic minorities from participating effectively in the election process.

**Protection of children and the rights of the child (arts. 10, 14 and 24)**

21. In the light of the previous concluding observations (see CCPR/C/BGR/CO/3, para. 23), please report on any progress made in the adoption and implementation of the reform of the juvenile justice system.

22. In relation to the previous concluding observations (see CCPR/C/BGR/CO/3, para. 19), please provide information on the implementation of the Vision for Children's Deinstitutionalization in the State party, which is directed at closing down children's institutions and developing alternatives for childcare. Please also provide information on the measures taken towards establishing a monitoring and evaluation procedure to assess the implementation of the plan of action.

**Right to a fair trial and independence of the judiciary (art. 14)**

23. In the light of the previous concluding observations (see CCPR/C/BGR/CO/3, para. 20), please report on measures taken to combat corruption within the justice system and other spheres of society and on the results of the implementation of the Integrated Strategy for Combating Crime and Corruption.

24. In the light of the previous concluding observations (see CCPR/C/BGR/CO/3, para. 21) and the follow-up response of the State party (CCPR/C/BUR/CO/3/Add.2), please provide updated information on the status of the draft law amending the Judiciary System Act. Please also provide information on any awareness-raising activities conducted by the State party on the key values of an independent judiciary aimed at judicial authorities, law enforcement officials and the population at large.

**Rights related to marriage and family (art. 23)**

25. In the light of the previous concluding observations (see CCPR/C/BGR/CO/3, para. 15), please indicate the measures adopted to prevent the harmful practice of early marriage, particularly in Roma communities, despite its prohibition under the State party's Family Code. Please also provide information on measures taken to ensure the implementation of the Code and the involvement of families, communities and children themselves in the awareness-raising campaigns to determine the consequences of such acts.

**Rights of persons belonging to ethnic, religious or linguistic minorities (art. 27)**

26. In the light of the previous concluding observations (see CCPR/C/BGR/CO/3, para. 25), please report on any measures taken to revise the provisions of the Religious Denominations Act of 2002 in order to harmonize the registration procedure and modalities for all religious organizations.

27. Taking into account the previous concluding observations (see CCPR/C/BGR/CO/3, para. 7), please provide information on measures taken to eradicate stereotypes and widespread discrimination against Roma and Turkish populations in all spheres, particularly in terms of access to education, justice, employment, housing, commercial establishments and health care. Please also provide data on the number of cases of discrimination received, and on the number of investigations, prosecutions and convictions. Please also provide information on the impact of the Programme for Integration of Roma in Bulgarian Society (2010-2020) in the above-mentioned areas.

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