

ENGLISH only

*OSCE Supplementary Human Dimension Meeting  
Combating racism, intolerance and discrimination in society through sport  
Vienna, 19 –20 April 2012*

**Written Statement by the Bulgarian delegation  
under the procedure “Right to reply”**

**(Re: Statement by Mr. Hayri Emin regarding the Muslim Community in Bulgaria)**

The Bulgarian authorities would like to submit the following comments on the issues raised in the statement of Mr. Hayri Emin:

1. The legal framework of Bulgaria for protection against discrimination, including on ethnic or religious grounds, is fully in line with the international legal obligations of the country. The Law on Protection against Discrimination which has been in force since 2003 provides for additional guarantees of the right to equality and mechanisms for protection.

2. Bulgaria is a State party to the core international instruments in the field of human rights, including the International Covenant on Civil and Political Rights, the International Covenant on Social, Economic and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention (No. 111) concerning Discrimination in Respect of Employment and Occupation, the Convention against Discrimination in Education and the Convention on the Elimination of Discrimination against Women. These international legal instruments are an integral part of the national legislation.

In addition, as a member State of regional organizations like the Council of Europe and the European Union, Bulgaria is also a party to other relevant instruments, such as the European Convention on Human Rights and Fundamental Freedoms, the Framework Convention for the Protection of National Minorities of the Council of Europe, the European Convention on Spectator Violence and Misbehaviour at Sports Events and in particular at Football Matches, the EU Charter of Fundamental Rights, the Racial Equality Directive, etc.

3. The victims of alleged discrimination have the alternative to submit a complaint before the *Commission for Protection against Discrimination* (CPD) or before the court. The CPD is an established anti-discrimination body, which cooperates closely with the civil society and the media, carries out trainings, surveys, organized awareness raising campaigns, etc. During the years, the CPD has established partnerships with many public institutions and has developed a wide network of 18 local branches covering the whole territory of Bulgaria.

4. No country is immune to hate crimes. However, in performing its supervisory activities, the *Prosecutor's Office* has confirmed that in Bulgaria, any such incidents remain isolated cases.

Furthermore, the Prosecutor's Office always conducts investigations, including all racially motivated incidents, taking into consideration cumulatively the social danger of the act itself, of the perpetrators and their motives, causes and modus operandi. Inquiries are conducted also in all cases involving alleged violations of the law by police officers. Where

such violations are proved, their perpetrators and, where necessary, their immediate superiors, too, are sanctioned.

In 2011, the Prosecutor General has explicitly pointed out the need of strict compliance with the special provisions on “hate crimes” laid down in the *Penal Code*, namely Articles 162 and 163 whose scope was extended (in force since 27.05.2011). The penal sanctions for offences against national and racial equality show that the legislator treats these offences as presenting a high degree of social danger - with the amendments to the *Penal Code* in 2010, incitement to ethnic hostility or hatred (in speech, print or other mass media, through electronic information systems or through other means) was added to the provision on propaganda of, and incitement to, racial or national hostility or hatred or to racial discrimination, and the penalty was also increased to imprisonment of up to four years and a maximum fine was increased to 10 000 BGN.

In addition, for several years now, the *Ministry of Interior* has been implementing the Strategy “Police near the community” which contains as its substantial part activities aimed at raising awareness of citizens, belonging to ethnic minority groups, of the work of the police and at the same time – the improvement of the skills of police officers, working in areas with predominant number of people belonging to ethnic minorities. Moreover, since 2010, the *Ministry of Interior* has been implementing the Training against Hate Crimes for Law Enforcement programme (TAHCLE), on the basis of a memorandum of understanding with the OSCE/ODIHR.

5. Referring to the events mentioned in para. 4, it should be noted that they are related to **a criminal case on 23 September 2011** whereby a 19-year-old boy died in a road accident in the village of Katunitsa.

It should be stated clearly that all attempts to abuse the tragedy for political purposes were unequivocally condemned by the President, the Prime Minister and the Bulgarian society at large. Political, religious and community leaders across the country and across the political divide reacted. A special session of the *Consultative Council on National Security* was called by the President. Specific steps were outlined aiming at preventing similar events in future, including through further firm and unwavering sanctions imposed on persons for any acts of ethnic or religious intolerance.

The police reacted immediately when public order had been breached both in Katunitsa on the night of the incident, and during the ensuing protests on 23 – 26 September 2011. More than 100 persons were detained, and various charges were brought against them, including for arson and destruction of property, hate speech and ethnically motivated crimes. A number of trials have already concluded and many of the arrested have been convicted.

The police worked actively with the Roma and other communities to prevent further escalation while ensuring that all public gatherings and demonstrations were in line with the effective statutory framework guaranteeing the freedom of assembly in Bulgaria.

This was duly recognised by the Director of the OSCE Office for Democratic Institutions and Human Rights (ODIHR) who in his letter to the Minister of Foreign Affairs of Bulgaria of 9 November 2011, pointed out the following: “...*ODIHR appreciates the clear and unequivocal standpoint of the government of Bulgaria as well as political, religious and minority leaders on the acts of violence that occurred as a result of Katunitsa incident. The*

*steps undertaken by law enforcement and justice bodies to restore order and prevent interethnic conflicts are welcomed. Prompt action and co-operation with the Roma community following the incidents are crucial in stopping escalation of such tensions”.*

Moreover, during a meeting of the Human Dimension Committee of the OSCE in Vienna on 13 December 2011, the activities undertaken by the competent Bulgarian authorities in immediate response to these events were recommended by the ODIHR representative as a good practice to other OSCE participating states that may find themselves in a similar situation.

6. It should also be added that since 2010, the *Ministry of Interior* has been conducting a joint project with the OSCE/ODIHR on training police personnel to combat hate crimes. This comes to complement the programme “*Police near the Community*” which the *Ministry of Interior* has been implementing in the recent years.

Specialised training in anti-discrimination is provided also by the *Commission for Protection against Discrimination*. A good practice established during the past years, is the Annual Training Conference on Protection against Discrimination organized by the CPD. It targets judges, prosecutors, investigative magistrates, attorneys-at-law, experts from non-governmental human rights organizations specialized in advocacy in the field of protection against discrimination.

7. With regard to the incident in front of the “Banya Bashi” mosque in Sofia on 20 May 2011, 2 persons were detained on the spot of the incident, and pre-trial proceedings were initiated immediately.

8. The penal sanctions for offences against national and racial equality show that the legislator treats these offences as presenting a high degree of social danger. Furthermore, the provisions of the General Part of the *Penal Code* expressly state that in determining the penal sanction, the court takes into consideration, *inter alia*, the motives for the commission of the act (Article 54 (1)), including possible racist motives. If it is established that the motivation for the commission of a particular offence is racist, this in all cases is considered an aggravating circumstance.

9. Regarding manifestations of racism during sport events, Mr. Hayri Emin admits himself that “*praiseworthy efforts have been made by football fans of CSKA-Sofia to prevent and combat racism and intolerance*” underlining that “*this is a model of good conduct*”.

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