

**TARGETED STAKEHOLDER CONSULTATION 2023 RULE OF LAW REPORT
UN HUMAN RIGHTS REGIONAL OFFICE FOR EUROPE (OHCHR)**

BULGARIA REVIEW

I. Justice System

B. Quality of justice

Training of justice professionals (including judges, prosecutors, lawyers, court staff)

In the report on follow-up to the concluding observations of the UN Human Rights Committee issued in December 2022, the UN Human Rights Committee welcomed the information from Bulgaria that junior judges, prosecutors, investigators and junior magistrates were trained in the prevention of and protection from all forms of racial discrimination, and that a specialized training course on the European Union legal framework on equality was organized. The Human Rights Committee further welcomed the incorporation of the handbooks and manual addressing the policing of hate crimes against lesbian, gay, bisexual, transgender and intersex persons. It requested further information on the impact these measures had on the investigative capacity of law enforcement and on whether these measures had resulted in a decrease in the number of reported complaints against law enforcement authorities ([CCPR/C/136/2/Add.3](#), p. 3).

C. Efficiency of the justice system

Other – please specify

Hate speech and hate crimes - In the report on the follow-up to the concluding observations of the UN Human Rights Committee issued in December 2022, the UN Human Rights Committee noted with regret the lack of relevant statistical data and information on measures taken to ensure that persons found to be responsible for any advocacy of ethnic or racial hatred that constitutes incitement to discrimination, hostility or violence is prohibited in law and in practice, including State officials, were held accountable. The UN Human Rights Committee equally regretted 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 reiterated its recommendation to 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. The Committee further recommended to 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. The Committee requested additional information on the guidelines on handling cases of criminal offences with discriminatory elements, including clarification on when they were adopted ([CCPR/C/136/2/Add.3](#), p. 2).

III. Media Freedom and Pluralism

B. Safeguards against government or political interference and transparency and concentration of media ownership

Transparency of media ownership and public availability of media ownership information, including on direct, indirect and beneficial owners, as well as any rules regulating the matter

In the report on follow-up to the concluding observations of the UN Human Rights Committee issued in December 2022, the UN Human Rights Committee welcomed 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. The UN Human Rights Committee requested further information on the specific action plans to increase transparency, and on fines or regulatory measures imposed on the media. The Committee further requested information on the specific action plans for implementation of the project of the National Development Programme BULGARIA 2030 aimed at improving the media environment in line with international standards. The information should be included in Bulgaria's next periodic report, which is due in 2028 ([CCPR/C/136/2/Add.3](#), pp. 5, 6).

C. Framework for journalists' protection, transparency and access to documents

Law enforcement capacity, including during protests and demonstrations, to ensure journalists' safety and to investigate attacks on journalists

In the report on follow-up to the concluding observations of the UN Human Rights Committee issued in December 2022, the UN Human Rights Committee requested Bulgaria to provide the information on the content of the training provided to law enforcement and judicial officials and how it addressed human rights standards relating to freedom of expression and assembly and the lawful use of force. Furthermore, the UN Human Rights Committee regretted the limited information available on specific steps taken to ensure the protection of journalists. The Committee thereby reiterated its recommendation to protect journalists against any form of harassment, attack or excessive use of force, promptly investigate such acts and bring those responsible to justice, including in the case of murder of journalist Victoria Marinova. The Committee further requested the Bulgarian authorities to provide data on the number of complaints, investigations, prosecutions and convictions of perpetrators in cases of harassment, attacks or excessive use of force against journalists ([CCPR/C/136/2/Add.3](#), p. 5).

Lawsuits (incl. SLAPPs - strategic lawsuits against public participation) and convictions against journalists (incl. defamation cases) and measures taken to safeguard against manifestly unfounded and abusive lawsuits

In the report on follow-up to the concluding observations of the UN Human Rights Committee issued in December 2022, the UN Human Rights Committee welcomed the information on the draft amendments to the Criminal Procedure Code on criminal provisions against defamation to protect the right to freedom of expression. The Committee requested further information on the progress of the proposed amendments in Bulgaria's next periodic report, which is due 2028 ([CCPR/C/136/2/Add.3](#), p. 6).

IV. Other institutional issues related to checks and balances

A. The process for preparing and enacting laws

COVID-19: provide update on significant developments with regard to emergency regimes/measures in the context of the COVID-19 pandemic

In May 2022, the Independent Expert on the enjoyment of all human rights by older persons, the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health

started the dialogue with Bulgaria expressing their concern of Bulgaria's COVID-19 vaccination policies. They expressed concern that between December 2020 and May 2021, older persons and persons with underlying medical conditions were deprioritized in accessing vaccination. They further stated that the National Vaccination Plan against COVID-19 in Bulgaria was rolled out without considering the principle of prioritization. The situation resulted in a higher proportion of people who got access to vaccines but did not belong to any priority group which delayed the access to vaccines for the most vulnerable groups of the Bulgarian population. The Special Procedures noted that the creation of 'green corridors' further delayed in practice the access to vaccines for older persons and people with underlying conditions, increasing their risk of infection to COVID-19. The Special Procedures urged the Government of Bulgaria to ensure the conditions of availability and accessibility to vaccination against COVID-19 for people among vulnerable groups, including older persons and people with underlying health conditions who could not travel to vaccination centres in line with Bulgaria's human rights obligation under article 12 of ICESR on the right to health ([AL BGR 1/2022](#), pp. 6, 8).

D. The enabling framework for civil society

Measures regarding the framework for civil society organisations and human rights defenders (e.g. legal framework and its application in practice incl. registration and dissolution rules)

In the report on follow-up to the concluding observations of the UN Human Rights Committee issued in December 2022, the UN Human Rights Committee reiterated its recommendation given in the previous Concluding Observations to 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. The Human Rights Committee requested Bulgaria to provide the information on measures taken to implement the recommendation since the adoption of the Concluding Observations issued in October 2018 ([CCPR/C/136/2/Add.3](#), p. 4).

E. Initiatives to foster a rule of law culture – not under heading

Other – please specify

Participation in the electoral process: In the report on follow-up to the concluding observations of the UN Human Rights Committee issued in December 2022, the UN Human Rights Committee regretted 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 and reiterated its recommendation to remove the linguistic barriers that limit freedom of expression of non-Bulgarian speaking national minorities during the electoral process ([CCPR/C/136/2/Add.3](#), p. 4).