



International Covenant on Civil and Political Rights

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List of issues to be taken up in connection with the consideration of the third periodic report of Bulgaria (CCPR/C/BGR/3)

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

1. Please provide information on cases where the provisions of the Covenant have been invoked directly or indirectly before the courts of the State party, and on the availability of remedies, and their effectiveness, for individuals claiming a violation of the rights contained in the Constitution and the Covenant. Please also provide information on the existence of national institutions for the promotion and protection of human rights.
2. Please describe the constitutional and legal reforms affecting the implementation of the Covenant which were a direct result of the Bulgarian membership to the Council of Europe and the European Union.

Counter-terrorism measures and respect for Covenant guarantees

3. Please indicate the legislative measures that have been adopted to combat terrorism, and their effects on the rights guaranteed under the Covenant.

Discrimination against minorities, equality between men and women (arts. 2, 3, 26 and 27)

4. Please describe the legislative and administrative measures and any recent court decisions on the protection against discrimination on any ground, including race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Please indicate whether the Equal Opportunities for Women and Men Bill has been enacted into law.

5. Please provide information on any measures taken to address the dissemination of expressions by the media which propagate stereotypes against women by representing them as objects of sex, and as occupying a lesser position in the family and society. Please provide information on the implementation of the National Strategy to Encourage Equality between Sexes (2009-2015), and the impact it has had in improving the plight of women in Bulgaria. Please provide information on: (a) women's status in the political, economic and social life of the country; (b) levels of employment among women and the proportion of women in positions of responsibility both in the private and public sector; (c) whether women and men receive equal pay for equal work; and (e) the literacy and school enrolment rates for women as compared to those of men. Please also indicate all other steps taken to eliminate any negative attitudes and stereotypes in society, and measures to put an end to discriminatory actions, both in the public and private sectors, which impair the equal enjoyment of rights by women and men.

6. Please provide information on any measures taken to address the discrimination faced by institutionalized persons with mental illnesses and other disabilities and measures to ensure that their treatment is not arbitrary and that they are not stripped of their legal capacity and enjoy the full protection of the law. Please also describe the access to justice of the persons concerned.

7. Please provide information on any measures and steps taken to eliminate discrimination and the social exclusion of persons belonging to ethnic and national minorities, in particular the Roma minority, in the fields of politics, education, employment, health care, legal aid, social assistance and housing. Please also provide information on the measures taken to ensure that the Commission for Protection against Discrimination receives adequate financial and human resources in order to work independently, and on what effect the reform to reduce the number of Commissioners may have on its mandate. Please describe any measures to address racial profiling of Roma people, in particular steps to combat the negative stereotypes of the Roma minority and other minority groups in society. Please comment on reports that members of the Roma community have been subjected to forced evictions, and that their houses have been demolished, rendering them homeless.

Right to life and prohibition of torture and cruel, inhuman or degrading treatment (arts. 6 and 7)

8. Please provide information on the magnitude of the problem of violence against women, especially domestic violence, and in particular the national legal framework to combat such violence, including measures for ensuring that acts of domestic violence are effectively investigated and perpetrators prosecuted and sanctioned. Please also provide information on any other steps taken to combat domestic violence, such as training for judges, prosecutors, police and health officers and awareness-raising campaigns for women on their rights and available remedies. In addition, please provide information on: (a) the number of complaints received; (b) investigations carried out; (c) the types of penalties imposed; (d) compensation awarded to the victims; and (e) the number of safe shelters and any other resources allocated to assist victims of domestic violence.

9. Although corporal punishment is unlawful in the home, the school system, alternative care settings and in situations of employment, children are still subjected to corporal punishment. Please provide information on any measures taken to ensure the actual elimination of corporal punishment in all settings and steps taken to bring to justice

individuals who breach the prohibition of corporal punishment as well as information on compensation provided to the victims.

10. According to available information, there has been persistent use of force and firearms by the police in Bulgaria. Please describe measures to train police officers on the use of force and firearms during their operations. Please provide data on the number of police officers that have been: (a) investigated for excessive use of force and firearms; (b) indicted; (c) convicted; and (d) otherwise sanctioned, and the nature of those sanctions. Please comment specifically on any measures taken to investigate the killing of Marian Dimitrov on 23 July 2010 in the town of Pleven.

11. Please provide information on any measures to combat incidents of abuse, ill-treatment and torture of persons in police custody, in particular during police interviews. Please also indicate whether there are any plans to amend the Criminal Code to criminalize torture as defined in the Covenant.

Elimination of slavery and servitude (art. 8)

12. Please provide information on measures to prosecute traffickers and to provide assistance to victims. Please also provide the most recent data on trafficking, disaggregated on the basis of gender, age and country of origin, as well as information on the number of prosecutions, convictions and sentences imposed on convicted perpetrators, and any measures taken on the compensation and rehabilitation of the victims. Please provide additional information on the role of the Commission on Combating Human Trafficking in combating trafficking, in particular its efforts to address the prevalent trafficking of newborn infants to Greece.

Right to liberty and security of person, treatment of persons deprived of their liberty and fair trial (arts. 9, 10 and 14)

13. Please provide information on the de facto functioning of the Supreme Judicial Council in securing the quality and independence of the judiciary, in particular efforts to combat what is described as widespread corruption. Please provide any data on the implementation of the Law on the Liability of the State and the Municipalities for Damage.

14. Please provide information on permissible grounds for deprivation of liberty and any redress mechanisms to address instances of unlawful arrest or detention. Please comment on allegations of instances of arbitrary arrests by the police during the campaign to fight organized crime, where a number of people were allegedly arrested arbitrarily and paraded half-naked in front of television cameras.

15. According to available information, most prisons in Bulgaria are old and dilapidated. Please provide information on any measures to reduce overcrowding and to improve infrastructure and sanitary conditions in all prisons and investigation detention facilities, particularly in Pleven, Varna and Burgas.

16. Please provide information on measures taken to improve living conditions of children in alternative care institutions, in particular regarding the Pastra Home facility. Please provide further information on the steps taken to ensure that alternatives to detention, such as diversion, probation, counselling, community service or suspended sentences, are used in addressing juvenile crime.

17. Please provide information on any measures to improve the living conditions in institutions for persons with disabilities, in particular regarding support to enable those with mental disabilities to live in community with other persons.

18. According to available information, access to courts by foreigners deprived of liberty is unduly restricted in Bulgaria. Please provide information on any measure to ensure that all people, including foreigners, enjoy equal rights in gaining access to courts of law.

19. Please provide information on any practical measures taken to ensure that inordinate delay in the conduct of civil and criminal proceedings is eradicated, and that administrative and structural deficiencies in the judicial system are addressed.

Right to privacy (art. 17)

20. Please explain how the amendments to the Special Surveillance Means Act, expanding the grounds for non-notification of the use of surveillance on citizens, are compatible with the provision of the Covenant.

Freedom of religion and equal protection (arts. 18 and 26)

21. Please explain how the Religious Denominations Act of 2002, which in effect compels all religious denominations other than the Bulgarian Orthodox Church to register in court, is compatible with the Covenant. Please comment on reports that the Act allows the compulsory unification of a split religious community under a single leadership, and also discriminates against minority religious denominations in the allocation of State resources.

22. There have been reports of pervasive harassment of certain religious groups, such as Jehovah's Witnesses and Mormons, following a letter sent by the City of Burgas to all schools in April 2008 warning the society that these groups are dangerous sects. Please provide information on any measures to protect minority religious groups from harassment, in order to ensure that they enjoy the right to religious freedom on an equal basis with other religious groups.

23. According to available information, in October 2009, two mosques were set on fire in Blagoevgrad, in southern Bulgaria and in Nikopol at the Danube. Furthermore, in the last 20 years, there have been an alleged 110 attacks on Muslim houses or places of worship across the country and so far, it is claimed, no one has been prosecuted for these attacks. Please provide information on any measures to address growing Islamophobia and attacks on Muslims and the desecration of their places of worship. Please provide the most recent data on these attacks with regard to the number of persons that have been: (a) investigated; (b) indicted; (c) convicted; and (d) sentenced, including what type of sentence. Please also provide data on the redress provided to victims.

Freedom of expression and incitement to violence (arts. 19 and 20, para. 2)

24. Please provide information on the legal regime that regulates the ownership and licensing of the press and the broadcasting media, on how the press and broadcasting media

promote freedom of expression, and on the existence of private, i.e. non-State controlled, media.

25. According to available information, anti-Semitic statements by extremist nationalists continue to be made and such material continues to be published. In January 2009, anti-Semitic slogans such as “*Juden Verboten*” (Jews forbidden) were painted on the Shoah memorial in Plovdiv. Furthermore, hate speech against ethnic and religious minorities and homosexuals is widespread. Please provide information on any measures to address the dissemination of virulent hate and extremist messages against the Roma and Muslims by the Ataka party through its private television channel and by other political leaders. Please provide the most recent data regarding hate crimes, with regard to the number of persons that have been: (a) investigated; (b) indicted; (c) convicted; and (d) sentenced, including the type of sanction, and with regard to any compensation to victims. Please also provide any information on steps taken to amend the Criminal Code in order to include a provision that explicitly makes racist motivation an aggravating circumstance in the commission of a crime. Please provide information on any measures taken to regulate the dissemination of ideas and messages that negatively affect the enjoyment of other peoples’ rights to freedom of religion.

Peaceful assembly and freedom of association (arts. 21 and 22)

26. Please comment on allegations that peaceful assemblies and associations by ethnic Macedonians are suppressed because the Government denies the self-identification of certain citizens as ethnic Macedonians. Please provide information with regard to the grounds leading to the refusal to register “OMO Ilinden-PIRIN” as a political party, and explain how these grounds are compatible with the provisions of the Covenant.

Dissemination of information relating to the Covenant and the Optional Protocol (art. 2)

27. Please provide information on the steps taken to disseminate information on the Covenant and the Optional Protocols, the submission of the third periodic report of the State party, its examination by the Committee and the Committee’s previous concluding observations on the State party’s second report, in all official languages. Please also provide information on the involvement of representatives of ethnic and minority groups, civil society, non-governmental organizations and national human rights institutions in the preparatory process for the report.
