

Bulgaria 2016/2017

Bulgaria failed to provide all required services and access to proper procedures for the rising number of migrants and refugees arriving in the country and failed to address the allegations of summary pushbacks and abuse at the border. A climate of xenophobia and intolerance sharply intensified. Roma continued to be at risk of pervasive discrimination. The parliament adopted in first reading a new counter-terrorism law.

Refugees' and migrants' rights

In response to Serbia and Hungary increasing their border control measures, the Bulgarian authorities adopted an approach aimed at limiting the number of migrants and refugees entering the country as an alternative route into the EU. Human rights organizations documented frequent allegations of pushbacks, physical abuse and theft by border police. While not openly condoning pushbacks, Prime Minister Borisov conceded that the government had adopted what he termed a “pragmatic approach” to the refugee crisis. He said that over 25,000 people were returned to Turkey and Greece in the period up to August.

There was continued impunity for reported abuses at the border. In July, Burgas District Prosecutor's Office closed criminal proceedings in connection to the October 2015 death of an unarmed Afghan man who was shot by border police.

The majority of migrants and refugees continued to be routinely subject to administrative detention, often for months longer than the legally prescribed period. Two attempts to irregularly cross the border, whether to enter or leave the country, amounted to a criminal offence. Consequently, migrants and refugees apprehended while trying to leave the country irregularly were prosecuted and jailed, some for longer than a year.

Children

The practice of the unlawful detention of unaccompanied children persisted. To circumvent the prohibition of detention of unaccompanied minors, migration authorities arbitrarily assigned unaccompanied children to adults who were not related to them.

Reception centres had inadequate provisions for unaccompanied children. The authorities routinely failed to provide adequate access to legal representation, translation, health services and education, psychosocial support and a safe and secure environment. Due to the lack of specially designated facilities for children, many unaccompanied children were held with adults and without adequate professional supervision, making them vulnerable to sexual abuse, drug use and trafficking.

Discrimination

Xenophobia

Human rights organizations highlighted concerns over high levels of xenophobia and intolerance directed at groups including refugees, asylum-seekers and migrants, who remained particularly

vulnerable to violence and harassment. The government failed to challenge the climate of intolerance and some public officials frequently engaged in discriminatory or xenophobic speech.

In April, local and international media aired footage of so-called “voluntary border patrol” groups rounding up and holding captive Iraqi and Afghan migrants attempting to cross the border from Turkey before handing them over to the police. These illegal “citizens’ arrests” were initially widely praised by the authorities and certain sectors of the public. After formal complaints by the Bulgarian Helsinki Committee, local police arrested some of the perpetrators and the Ministry of Interior issued statements asking citizens to refrain from apprehending refugees, asylum-seekers and migrants.

Roma

Social exclusion and widespread discrimination against Roma continued. The UN Committee on the Rights of the Child expressed concern about the continued limited access of Roma children to education, health and adequate housing. Roma remained grossly overrepresented in “special” schools, mental health institutions and juvenile detention centres. The authorities continued to carry out forced evictions without the provision of adequate alternative housing, leaving many families homeless.

Muslim women

In September, the National Assembly approved a national law that prohibited wearing full-face veils in public places. The law was a part of the package of bills proposed by the Patriotic Front, a member of the ruling coalition, allegedly aimed at preventing what was characterized as radicalization. Other bills, still under consideration at the end of the year, proposed far-reaching measures, including the prohibition of “radical Islam”, a complete ban on foreign funding for all religious denominations and a mandatory use of the Bulgarian language during all religious services. Earlier in the year, several regional centres, such as Pazardzhik, imposed bans on wearing full-face veils in public. Only a few women in Bulgaria wear full-face veils or burkas, but the national ban could impact unfairly on women belonging to the ethnic Turkish and Muslim Roma minorities.

Counter-terrorism and security

In July, the National Assembly quickly passed a new counter-terrorism bill that defined a “terrorist act” vaguely and in excessively broad terms.¹ The bill gives the President powers to declare – with approval of the National Assembly – a “state of emergency” in the aftermath of an act of terrorism against the territory. In such a state of emergency, the authorities could impose blanket bans on public rallies, meetings and demonstrations without any effective and independent oversight. The bill additionally provided a list of administrative control measures, including travel bans and controls of individuals’ freedom of movement and association, that could be applied to anyone suspected of “preparing or planning a terrorist act”.

Non-refoulement

Bulgaria violated the international legal principle of *non-refoulement* in August. The police apprehended Abdullah Buyuk, a Turkish national who had been residing in Bulgaria since late

2015, and secretly handed him over to Turkish authorities. The authorities acted on the basis of an Interpol warrant, issued at the request of the Turkish government seeking Abdullah Buyuk's extradition on charges of money laundering and terrorism in association with the Gulenist movement. Abdullah Buyuk's lawyer said that he had not been given an opportunity to contact legal counsel or his family, or otherwise challenge the transfer. His request for asylum in Bulgaria had been rejected only days before the handover, which took place despite two earlier court rulings blocking his extradition. In March 2016, Sofia City Court and the Bulgarian Court of Appeal had ruled that Abdullah Buyuk should not be extradited stating that the charges appeared to be politically motivated and that Turkey could not guarantee him a fair trial. The Ombudsman's Office stated publicly that Abdullah Buyuk's return to Turkey had contravened the Bulgarian Constitution, domestic law and Bulgaria's international legal obligations.

1. Bulgaria: Proposed counter-terrorism bill would be a serious step back for human rights ([EUR 15/4545/2016](#))