
Bulgaria

Constitution of the Republic of Bulgaria

Art. 39. (1) Everyone shall be entitled to express an opinion or to publicise it through words, written or oral, sound or image, or in any other way. (2) This right shall not be used to the detriment of the rights and reputation of others, or for the incitement of a forcible change of the constitutionally established order, the perpetration of a crime, or the incitement of enmity or violence against anyone.

Criminal Code, Article 162 – Crimes against the National and Racial Equality

(Last amendment, SG No. 27/2009)

(1) (Last amendment, SG No. 27/2009) An individual who preaches or abets to racial, national or ethnical hostility, hatred or racial discrimination through the means of communication as the press, mass media, electronic information systems or through the use of another means, is subjected to a penalty of imprisonment for a term up to four years, a fine from five to ten thousand BGN and public execration.

(2) (Last amendment, SG No. 27/2009) An individual who uses violence against another or damages his property in view of his nationality, race, religion or political convictions, is

subjected to a penalty of imprisonment for a term up to four years, a fine from five to ten thousand BGN and public execration.

(3) (Last amendment, SG No. 27/2009) An individual who forms or leads an organization or a group that has set itself the task of doing activities under para.1 and 2, or systematically tolerates the performance of such activities, is subjected to a penalty of imprisonment for a term from one to six years, a fine from ten to thirty BGN and a public execration.

(4) A person who is a member of such an organisation or group shall be punished by deprivation of liberty for up to three years and by public censure.

(5) (New, SG No. 28/1982, amended, SG No. 92/2002, effective 1.01.2005 with respect to the punishment of probation - amended, SG No. 26/2004, effective 1.01.2004, repealed, SG No. 103/2004)

Article 163 (Last amendment, SG No. 27/2009)

(1) (Last amendment, SG No. 27/2009) The persons who take part in a crowd rallied to attack groups of the population, individual citizens or their property in connection with their national, ethnic or racial affiliation, shall be punished:

1. the abettors and leaders - by deprivation of liberty for up to five years;
2. all others - by deprivation of liberty for up to one year or by probation.

(2) If the crowd or some of the participants are armed, the punishment shall be:

1. for the abettors and leaders - deprivation of liberty for one to six years;
2. for all others - deprivation of liberty for up to three years.

(3) If an assault has been made which has resulted in severe bodily injury or death, the abettors and leaders shall be punished by deprivation of liberty for three to fifteen years, and all others - by deprivation of liberty for up to five years, if they are not liable to more severe punishment.

Article 164 Crimes Against Religious Denominations (Last amendment, SG No. 27/2009)

(1) An individual who propagates hatred on a religious basis by speech, through the press or another mass media devices, through electronic information systems or by the use of another means, is subjected to a penalty of imprisonment for a term of up to four years or probation and a fine from five to ten thousand BGN.

(2) An individual who desecrates, destroys or damages a religious temple, devotional house, sanctuary or an adjacent building, their symbols or gravestones, is subjected to a penalty of imprisonment for a term up to three years or probation and a fine from three to ten thousand BGN.

Religious Denominations Act (1949), Article 4

1) Every Bulgarian citizen has the right to freely practice his or her religion through words, prints, or images, either individually or with others.

2) The right to practice a religion shall not be restricted by the state unless it is:

- a) directed against national security, public order, national healthy ethics, or rights and freedoms of other citizens;

-
- b) used for political ends;
 - c) used for the incitement of racial, ethnic or religious hatred and hostility

Case Law

Decision No. 178 dated 25.07.2008 on case file No. 42/2007 of CPD First Specialized Permanent Sitting Panel, reporter Esen Fikri **Discrimination on the ground of ethnic origin**

Related legal norms:

Recommendation No. R (97) 20 of Council of Europe Committee of Ministers on “hate speech”, in the Appendix to it, “scope”; Recommendation No. R (97) 21 on the media and the promotion of a culture of tolerance;

Art. 8 of the International Convention for Elimination of All Forms of Racial Discrimination, adopted by UN General Assembly on 21.12.1965, in force in Bulgaria since 04.01.1969, promulgated in SG, issue 56 of 10.07.1992. Recommendation No. 27 regarding discrimination against Roma, urging states parties to adopt measures to protect Roma communities against racial violence and to improve their living conditions, to take all or part of the specifies in the Recommendation measures for elimination of the discrimination against Roma in various areas, in the field of media including;

Art. 2.5.1 of the Media Code of Ethics;

Occupational status of journalists in information and publicistic programs of the Bulgarian National Television, adopted by BNT Managing Board on 07.07.1999;

Art. 5 of PfDA, provision 1, in relation with Paragraph 1, point 1 of the PfDA Supplementary Provisions;

Art. 39, 40 and 41 of the Constitution of the Republic of Bulgaria;

Art. 4, Paragraph 2 and Article 32, Paragraph 1, sentence 2 of the Constitution.

The Preamble to the Universal Declaration of Human Rights and international treaties whereto the Republic of Bulgaria is a party - International Covenant on Economic, Social and Cultural Rights and International Covenant on Civil and Political Rights;

P. 3 and p. 4 of Recommendation No. 19 of 18.08.1995 on Racial Segregation and Apartheid of the Committee on the Elimination of Racial Discrimination

Constituted parties:

- 1) Roma Info Agency – DEFACTO Association, represented by T.N.M. – complainant;
- 2) Bulgarian National Television (BNT) as legal entity – defendant;
- 3) M.D., speaker in the central news broadcasting program “Around the World and at Home” on BNT on the respective day 24.02.2007 – defendant

Alleged violation:

The Association referred CPD with a grievance against Bulgarian National Television (BNT) - Canal 1, for alleged infringement by virtue of Article 4, Para. 1 of PfDA and § 1, point 6 of PfDA Supplementary Provisions. The signal alleges that on 24.02.2007 in the central news broadcasting program at 8:00 o'clock P.M. on Canal 1, “Invalid kept in slavery” was announced as breaking news, with detailed information and coverage, emphasizing on messages such as “Gypsies keep a Bulgarian in slavery”, “Gypsies exploit a Bulgarian”, announces by the lady speaker M.D., who allegedly **tried to instill stereotypes against Roma and deliberately breed ethnic hatred in spectators, turning public opinion against Roma and Roma community**. It is alleged that speaker’s message was strengthened by the “breaking news” announcement. Her stance and message expressed disregard, hostility, hatred and discriminatory treatment provoking ethnic segregation. The sender of the signal alleged that it was stated several times that wrongdoers were “gypsies” and that such deed could be perpetrated only by “gypsies”. According to Roma Info Agency – DEFACTO, the covered deed was inadmissible conduct of one Bulgarian citizen over another Bulgarian citizen, that could be processed by the competent authorities in the legitimate way, without emphasizing on the Roma origin of the family or blaming for it Roma community. The sender of the signal believes that the tone of the announcement and video coverage manipulate the public opinion and provoke negative attitude toward the whole Roma community and ethnic segregation. The sender alleged that the coverage offended dignity and honour of Roma community and created hostile, offensive or impending environment for that community in Bulgarian society. The sender added that if person of another ethnic group (Turk, Jew, Armenian, etc.) committed an infringement or crime, media never focused their origin and conclusions for the habits, traits and behaviour of the whole ethnic group. However, when the person is of Roma origin, that fact is stressed out immediately. Roma Info Agency – DEFACTO insists summons the Commission for Protection against Discrimination to establish the infringement and to impose sanctions and compulsory administrative measures.

Dispositive

In regard with Roma Info Agency – DEFACTO, represented by T.N.M. and Bulgarian National Television, represented by its Executive Director U.P., the Panel established that the phrases used in the material “Invalid kept in slavery” as of 24.02.2007, namely:

1. “A disabled person (57 y.o.) has been exploited as slave by a gipsy family. Gypsies duped the helpless man and lived on his pension for ten years” – read by the speaker M.D.
2. The coverage is entitled “Roma blackmail a homeless invalid”.
3. “Several years ago Boris, disabled and diseased, believed in gypsies’ promise for paid assistance ... Intimidated by the gypsies, he didn’t dare to complain” – message behind frame.
4. “Several times he tried to escape but the Roma got him back with beating and threats” – message behind frame.
5. “Police ordained a restraining order to the Roma family” – message behind frame, constituting discrimination by virtue of Article 5, provision one of PfDA in relation with Paragraph 1, point 1 of the PfDA Supplementary Provisions on the ground of ethnic origin.

DISREGARDS the signal in its part concerning Bulgarian National Television for discrimination under Article 5, fifth provision of PfDA in relation with Paragraph 1, point 6 of the PfDA Supplementary Provisions;
DISREGARDS the signal in regard with M.D.;

Imposes by virtue of Article 76, Paragraph 1, point 1 of PfDA compulsory administrative measures to the Bulgarian National Television, prescribing to BNT CEO, U.P., as follows:

1. To design and introduce self-regulation mechanisms in the Bulgarian National Television regarding non-discrimination;
2. To inform regularly the Commission for Protection against Discrimination for the self-regulation mechanisms’ results, once per trimester for one year, as of pronouncement of the decision;
3. To take concrete measures in future to refrain from focusing on persons’ ethnicity, if that is not vitally relevant for the information;
4. To take concrete measures in future to refrain from announcing information for incidents concerning persons of Roma origin in a way leading to general conclusions for the whole Roma community.

ORDAINS 30-day period as of this decision and mandatory instructions pronouncement, for the addressee to inform in writing the Commission for instructions’ implementation.

The decision can be appealed under the Administrative Procedure Code before the Supreme Administrative Court of the Republic of Bulgaria in 14-day period since its announcement to the parties.

The appeal does not pend the implementation of imposed compulsory administrative measures.

Disponible sur : http://www.kzd-nondiscrimination.com/images/stories/pdf/Annual_Report_2008_KZD_EN.pdf (pp. 27-29)

Bulgaria

The case is the initiated following a complaint lodged by Romani Baht association against the national television BTV for the manipulative news emissions dating 25.08.2007 and the preceding emissions from 14, 15, 16 August 2007 during the disorders in Fakulteta district and Krasna polyana district. The news coverage gave distorted image of certain ethnic groups, incited hatred and instructed to assault. Complainants allege that such coverage will escalate ethnic tension, hatred and hostility. The Commission established discrimination and instructed the CEO of BTV to develop and put in place self-regulation mechanisms in the media, reporting to the Commission on the results of that practice every three months for the period of one year. Determines 15-day period for feedback on the implemented mandatory instructions, where the Perpetrator has to inform in writing the Commission for Protection against Discrimination for the instructions' implementation.

[Commission for Protection against Discrimination (CPD) First Specialized Permanent Sitting Panel, Decision nr 263, 23/12/2008, case file 179/2009]

Bulgaria / Yuliana Metodieva vs. Volen Siderov

Subtitle	decision No 164 on Civil Case No 2860/2006 of the Sofia Regional Court, First Civil College, Forty-Second Panel
Inventory No.	CASE 11 1
Deciding body	Sofia Regional Court
Date	Date of decision: 21.07.2006
Deciding Body	National court / tribunal
Form of Discrimination	Harassment, Instruction to discriminate / incitement to discrimination
Topic	Discrimination by private parties
Legal provision	Directive 2000/43/EC
Grounds of discrimination	Discrimination on ground of racial or ethnic origin
Keywords	Legal finding, court decision, Promotion of racial discrimination and hatred, Bulgaria, Racial hatred
Abstract	<p>Key facts of the case: On 11.07.2004, the leader of the political coalition Ataka (Attack) spoke in a plenary session of the National Assembly stating that '... by depriving the Bulgarians of their right to be masters in their own country, by leaving them to die in misery and lack of medicine and healthcare services, by being put under terror by gypsy gangs that everyday attack, plunder, rape and harass the Bulgarian nation, after which no one investigates their crimes because this is the directive from outside - not investigate the crimes of these minority groups'. On 22.06.2005 the same person spoke at a pre-election rally of the coalition saying that '... Finally the Bulgarians will have their own representation in parliament. The parliament will no longer consist of ... Gypsies, Turks, foreigners, Jews... We shall declare that Bulgaria will not allow to be made a Turkish colony. It will not allow to be made a Gypsy country. It will not allow to be turned into Jewish colony...' Following these statements a Bulgarian citizen of Armenian ethnic origin, filed a claim requesting the court to establish the existence of incitement to discrimination and harassment and sentence the opposite party to refrain from making similar statements in the future and apologise in public. Main reasoning/argumentation: The court concluded that the statements of the political leader represented harassment and incitement to discrimination and sentenced him to refrain from making similar statements in the future. According to the court the statements indicated to unreasonably different treatment of the Jewish, Turkish and Roma ethnic and religious communities, created a hostile environment, and incited negative attitudes towards the minorities in Bulgaria. The way the statement was made pointed to hatred on the grounds of ethnicity, which was forbidden by the law. The court rejected the request for a public apology as an inadequate remedy in that particular case. Key issues (concepts, interpretations) clarified by the case: The decision contributes to the clarification of the terms 'incitement to discrimination' and 'harassment' by explaining that making a reference to historical events as well as speaking before a big audience do not constitute incitement to discrimination. The decision also allows a person of Armenian ethnic origin to file a claim against a statement that does not refer to the Armenian community. According to the court based on the 'public interest' concept anyone belonging to an ethnic group different from the Bulgarian could feel offended by such an attitude. Finally, the decision explains why a public apology is an inadequate remedy in this case. According to the court the public apology could not restore the situation existing before the violation but was rather aimed at causing discomfort to the opposite party, which goes beyond the rights of the claimer. Results and most important consequences, implications of the case: The political coalition Ataka, described by the Bulgarian Helsinki Committee in its 2005 Human Rights in Bulgaria report as an 'extreme nationalist' formation, using 'aggressive racist and xenophobic</p>

propaganda', won representation in Bulgarian parliament in June 2005. The behaviour of the coalition's leader led to the filing of a number of cases against him. This case was the first to be decided by the court while the rest are still pending. The propaganda conducted by Ataka's leader, including as a Member of Parliament, continuously attracts the attention of Bulgarian and foreign media and is the focus of the public debate on hate speech. The decision set a precedent since for the first time a Member of Parliament was sentenced for publicly inciting to discrimination. Apart from that, the decision provides some important legal interpretations as regards the terms 'incitement to discrimination' and 'harassment', the scope of application of the concept of 'public interest' and the nature and applicability of public apology as a remedy. A copy of the court decision was obtained through the Bulgarian Helsinki Committee.

[FRA Database]

Public Policies

**Комисия
за защита от
дискриминация**



Честита Коледа и щастлива нова 2011 година!

News

Гласуването за "Човек на годината" 2010 започна! 27 са номинираните граждани в годишните награди на БХК. От днес до 6ти декември всеки може да подкрепи своя кандидат на сайта www.humanoftheyear.org. Повече информация можете да намерите тук.

Materials

- Международен информационен бюлетин, м. ноември 2010
- Официално представяне на Електронния тест за толерантност
- Покана

Най-търсени

- Карта
- Публикации
- Младешта в действие срещу дискриминацията

Useful Links

Archive
КЗД Форум

Main menu

Home

- News
- About Us
- Location Map
- Контакти
- Job Applications
- Documents
- Достъп до обществената информация
- Публичен регистър на влезлите в сила решения
- Открити заседания
- Annual Report
- CAFD Materials
- Бюджет
- Search
- Сигнали и жалби
- Съобщение по чл. 61, ал. 3 от АПК
- Програма ПРОГРЕС
- Харта на клиента
- Публикации
- Библиотека
- Правила за ползване
- Форумен блок
- Програма "Матра-Флекс"
- Национален семинар за юристи
- Сигнали, мнения, препоръки
- Обществени поръчки

Projects

Прогрес



С подкрепата на



Европейска комисия

Публикация за дискриминацията на БХК Изпратете свои статии до 17.09.2010 г.

Съвети до 300 евро!

Използвайте своята сила срещу дискриминацията!



Конкурс

Home

9 . 1 2 . 2 0 1 0

Покана за предоставяне на оферта за сключване на застраховки "Автокаска", "Гражданска отговорност" на служебните автомобили, застраховка "Имуществено" и рисковата застраховка "Живот и злополука" за 2011г.

6 . 1 2 . 2 0 1 0

Покана за предоставяне на оферта за доставка на горива и смазочни материали за служебните автомобили на КЗД, чрез карти за безналичен плащане.

Международен информационен бю

Синдикатите на европейско, национално и местно равнище са разработили инициативи за стимулиране на равенството и многообразието.

Скорошно проучване, финансирано от ЕС, представя структурирана картина на най-значимите и новаторски инициативи, предприети от синдикатите, за борба с дискриминацията и стимулиране на многообразието. Основният доклад от проучването очертава географското разпределение на 130 значими или новаторски инициативи в 34 европейски страни и илюстрира формите на дискриминация, срещу които се борят. Той също разглежда темите, които засягат, и ролята на законодателната власт и органите за равнопоставяне.

Резюмето на проучването разкрива ключови открития на изследването и предлага планове за действие. И двете публикации са налични в електронен вариант на:

<http://ec.europa.eu/social/main.jsp?catId=423&langId=bg&furtherPubs=yes>

[Read more...](#)

More...

- Официално представяне на Електронния тест за толерантност
- Покана
- Разпределение на участниците в групи за практически занимания, казуси и материали
- Открити заседания
- Национален семинар „ Гражданско правни аспекти на превенцията и борбата срещу дискриминацията“
- Номинираните за "Човек на годината" 2010 са отворени

<< Start < Prev 1 2 3 4 5 6 7 8 9 Next > End >>

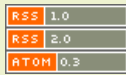
Results 1 - 9 of 80



супермен да мине вляво

Номинациите за
"Човек на годината"
2010
са отворени.

RSS Новини



Web Counter **1490** **68024**



No 953

Geneva, September 30th, 2010

The Permanent Mission of the Republic of Bulgaria to the United Nations and other international organizations in Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights and referring to the letter by the UN High Commissioner for Human Rights dated 3 August 2010 has the honour to transmit information provided by the Bulgarian authorities in connection with the preparation of expert workshops on the issue of prohibition of incitement to national, racial or religious hatred (Articles 19 and 20 of the ICCPR) .

The Permanent Mission of the Republic of Bulgaria avails itself of this opportunity to renew to the Office of the United Nations High Commissioner for Human Rights the assurances of its highest consideration.

Annex: in accordance with the text – 5 pages



Office of the United Nations High Commissioner for Human Rights

INFORMATION
provided by the Bulgarian authorities
in response to the letter by the UN High Commissioner for Human Rights
dated 3 August 2010 in the preparation of expert workshops
on the issue of prohibition of incitement to national, racial or religious hatred
(Articles 19 and 20 of the ICCPR)

With a view to the initiative of the UN High Commissioner for Human Rights to organize a series of expert workshops to gain better understanding of legislative patterns, judicial practices and different types of policies in the UN member states with regard to prohibiting incitement to national, racial or religious hatred while ensuring full respect for freedom of expression as outlined in articles 19 and 20 of the International Covenant on Civil and Political Rights (ICCPR), the Bulgarian authorities would like to draw attention to the Third periodic report submitted by the Republic of Bulgaria to the Human Rights Committee on 31 July 2009 (CCPR/C/BGR/3) which enumerates all constitutional and legislative provisions, judicial, administrative and other measures, taken by the authorities on the implementation of articles 19 and 20 of the ICCPR.

In addition, the Bulgarian authorities would like to present the following information which may be deemed relevant to the issue.

With the amendments to the Penal Code in 2009, the incitement in speech, print or other mass media, or through electronic information systems, or through other means to ethnic hostility or hatred 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 (from a maximum penalty of three years incarceration) and a maximum fine was increased to 10 000 BGN.

The introduction of the EU requirements (Framework decision 2008/913/JHA) in the field of combating racism and xenophobia through penal law, is also under way. This will be realized by expanding the scope of application of article 162, paragraphs 1 and 2 of the Penal Code. The amendment, expected to take effect until the end of 2010, synchronizes the list of the grounds of discrimination in the Constitution of the Republic of Bulgaria (article 6, paragraph 2), the Law on Protection against Discrimination (article 4, paragraph 2) and the Penal Code, and criminalizes any public incitement to violence or hatred. Furthermore, "racist and xenophobic motives" will be included as additional qualifying circumstances for murders and bodily injuries, and a new *corpus delicti* will be introduced in Chapter XIV „Crimes against Peace and Humanity”.

The Law on Protection against Discrimination (2003) leaves to the victims of discrimination the alternative whether to submit a complaint before the *Commission for Protection against Discrimination* (CPD) or before the court. Since its establishment in 2005 until January 2010, the CPD received 2797 complaints and signals, with a trend of their annual increase, as follows: in 2005 there were 27 complaints, in 2006 – 289, in 2007 – 645, in 2008 – 738, in 2009 – 1039, in January 2010 – 25. This trend demonstrates increased confidence in this institution when combating and preventing discrimination. Public expectations have raised regarding its work as a public institution providing the opportunity for rapid, genuine, effective and immediate resolution of disputes. The highest number of files contain complaints on multiple discrimination (224).

In the period until 1 September 2009, the Commission for Protection against Discrimination has decreed 70 decisions on cases of alleged discrimination on the grounds of ethnicity (11 per cent of all 585 decisions decreed by the CPD), ascertaining discrimination in 36 of these cases (51 per cent of all decisions on the grounds of ethnicity). Of these, 27 decisions were appealed against in court, and two decisions reached a settlement.

In the period 2007 – 2010, the CPD continued to organize and implement information measures among different target groups by attracting funding for the European Union. These measures include traditional annual seminars for youth, lawyers, police officers, media, syndicates and labour organizations. The Commission issued a series of publications – brochures, manuals and others in order to promote the anti-discrimination legislation and to improve its implementation in practice.

Some of the most recent workshops and initiatives of the CPD directly linked to the prohibition of incitement to hatred are:

1. Media Workshop “National Effective & Innovative Practices to Combat Discrimination in Media” 25-27 February 2010, Velingrad.

Participants: editors, reporters and journalists from over 50 national and regional media such as Bulgarian Telegraph Agency, Bulgarian National Television, Bulgarian National Radio – Hristo Botev Program, Darik Radio, daily newspapers “Dneven Trud”, “24 chasa”, “Sega”, “Monitor”, “Telegraph”, “Novinar”, “Duma”, regional newspapers; Deutsche Welle, Econ.bg, Sofia News Agency and others; the Association of Bulgarian Broadcasters, Commission for Ethics in Press, Advertising Agencies Association, Bulgarian Regional Media Association, Journalism and Mass Communications Faculty to the State University of Sofia. The Council on Electronic Media and the National Council for Journalistic Ethics have been actively involved.

Speakers and topics: Mira Radeva, Ph.D., President of MBMD Research Institute - *Stereotypes and Prejudices at School Education, grounds gender, disability, ethnicity and religion*; Prof. Hristo Kaftandjiev, Journalism Faculty, State University of Sofia - *Preventing Discrimination in Advertising and Marketing Communications – national and international expertise*; Georgi Lozanov, Ph.D. - *Reality and Human Rights*; Ass. Prof. Blagoy Vidin - *The Role of CPD in society: statistics and rulings leading to sustainable policies*, Desislava Petrova, Bulgarian Helsinki Committee - *European Standards on Freedom of Expression. Media and Combating Discrimination*; Rumyan Petrov, Electronic Media Council - *Electronic Media Council's Activities for preventing and combating discrimination in media.*

Hand-outs: Diversity Toolkit for Media.

Results: constructive debate on issues related to hate-speech, ethics, self-regulation and non-discrimination in media and fostering of good practices.

2. National Legal Workshop “Combating and Preventing Discrimination by the Means of Criminal Law”, 8-10 April 2010, Sofia

Participants: over 130 senior experts from law enforcement bodies (police investigators and prosecution), Judiciary (7 courts), Ministries (Justice, Interior, Labour), NGOs, advocacy groups and human rights’ defenders. The event was covered in all national media, over 50 journalists attended the opening and the press-conference.

Speakers and topics: OSCE, ECRI, *the Belgian Centre for Equal Opportunities and Opposition to Racism, Bulgarian Supreme Court of Cassation, Supreme Administrative Court, NGOs, academics.*

Ass. Prof. Vasilika Hysi, Vice Chair of the European Commission against Racism and Intolerance with the Council of Europe - *ECRI Standards on National Penal Legislation for Preventing and Combating Discrimination and its Application in Criminal Case Law – General Policy Recommendations and Conclusions in the Reports on Bulgaria;*

Larry Olomofe, Deputy Head of Tolerance and Non-Discrimination Department, ODIHR/OSCE - *Hate-Crime Phenomenon and its Societal and Legal Meaning, Work Definitions, National Methods and Best Practices;*

CPD Commissioners - *Role of the Commission for Protection against Discrimination in Preventing and Combating Hate-crime;*

Veneta Krastevs, Ph.D., Sociologist - *Social Roots of Discrimination and Hate Crime;*

Mr. Josef De Witte, Executive Director of the Belgian Centre for Equal Opportunities and Opposition to Racism, Belgium - *Equality Bodies' Role in Preventing and Combating Hate-crime – Best Practices from Belgium;* and

Georgi Voynov, BHC - *Intolerance and Hate crime – Typical Examples and the Role of Civil Society in their Prosecution by the Means of Criminal Law.*

Objectives: focus on combating certain forms and expressions of racism, xenophobia and hate-crimes by means of criminal law.

Results: The lectures and discussions addressed the Bulgarian context and fostered a dialogue on necessary legislation amendment to transpose properly the Council Framework Decision 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law. Top experts and decision-makers summarized recommendations and conclusions.

3. “In Support of Tolerance” Campaign and Working Group

On November 16, 2009, the first meeting of the Working Group took place. The Campaign's mission is to raise awareness of civil society, media, NGOs and relevant institutions on hate-speech, incitement to hatred and intolerance motivated incidents. The Working group collects and analyses information on courts' case-law, Prosecution office and Police on those issues, especially in cases of alleged crimes under Articles 162-166, 172, 416-418 of the Penal Code. So far, the Working group has regular correspondence with the District Directorates of Police, Regional Police Offices and many NGOs on incitements to hatred and hate-crime in the period 2007-2009.

Case-law before the CPD

Decision No. 141 dated 20.06.2008 on case file No. 40/2007 of CPD First Specialized Permanent Sitting Panel

Harassment by virtue of Article 5 in relation with Paragraph 1, p. 1 of the PfDA Supplementary Provisions and Instructions to discriminate by virtue of Article 5 in relation with Paragraph 1, point 5 of the PfDA Supplementary Provisions

Related legal norms:

Art. 4, Para. 1 of PfDA in relation with Article 5 and Paragraph 1, p. 1 of PfDA; Art. 6, Paragraph 2 of the Constitution of the Republic of Bulgaria; Art. 4, Paragraph 2 and Article 32, Paragraph 1 of the Constitution of the Republic of Bulgaria; Art. 39, Paragraph 1, Article 39, Paragraph 2 of the Constitution and Article 57, Paragraph 2 of the Constitution of the Republic of Bulgaria; Preamble of the Universal Declaration of Human Rights; International

Covenant on Economic, Social and Cultural Rights; International Covenant on Civil and Political Rights

Constituted parties:

1. Interethnic Initiative for Human Rights Foundation – represented by its Chairperson K.F.B.

–
complainant;

2. P.Y.Y., Mayor XXXX, Metropolitan Municipality – defendant

Alleged violation:

The sender of the signal alleged that on 14.11.2006 in the XXXX program of Darik Radio, P.Y.Y., Mayor of XXXX, following the suggestion of Sofia Architect-in-Chief to settle about 150 Roma families in the neighborhood XXXX, gave statements for the Roma community, which in the sender's view constituted discrimination.

Dispositive

ESTABLISHES that P.Y.Y., Mayor of XXXX, Metropolitan Municipality, by his statements of 14.11.2006 in the air of Darik Radio, XXXX program. With his statement he has performed harassment by virtue of Paragraph 1, point 1 of the PfDA Supplementary Provisions and has violated Article 4, Para. 1 of PfDA in relation with Article 5 and Paragraph 1, point 1 of the PfDA Supplementary Provisions.

ESTABLISHES that the abovementioned statements do not constitute instruction to discriminate by virtue of Paragraph 1, point 5 of the PfDA Supplementary Provisions and DISREGARDS the signal of Interethnic Initiative for Human Rights Foundation in its part asking for establishing of infringement of Article 4, Paragraph 1 of PfDA in relation with Article 5 and Paragraph 1, point 5 of the PfDA Supplementary Provisions.

Imposes to P.Y.Y. by virtue of Article 78, Paragraph 1 of PfDA administrative sanction (fine) amounting to BGN 1000 for infringement of Article 4, Para. 1 of PfDA in relation with Article 5 and Paragraph 1, point 1 of the PfDA Supplementary Provisions

ORDAINS by virtue of Article 47, point 2 of PfDA restoring of the initial situation, and by virtue of Article 76, Paragraph 1, point 1 of PfDA imposes to P.Y.Y. compulsory administrative measures for elimination of the harmful consequences of the infringement, e.g.: instructs P.Y.Y. as a Mayor of XXXX, Metropolitan Municipality, a public official, to voice his apology in the air of Darik Radio for his previous statements, mentioned above and established as infringement of Article 4, Para.1 of PfDA in relation with Article 5 and Paragraph 1, point 1 of PfDA, and to publish in Troud Daily the dispositive of this decision.

Imposes to P.Y.Y. by virtue of Article 76, Paragraph 1, point 1 of PfDA compulsory administrative

measures for prevention of future infringements, instructing P.Y.Y. as Mayor of XXXX, Metropolitan Municipality, a public official, to refrain from similar statements in future, affecting human honour and dignity on the ground of ethnic origin.

Determines 15-day period for feedback on the implemented mandatory instructions, where the Perpetrator has to inform in writing the Commission for Protection against Discrimination for the instructions' implementation.

Decision No. 263 dated 23.12.2008 on case file 179/2009 of CPD First Specialized Permanent Sitting Panel

The case is the initiated following a complaint lodged by Romani Baht association against the national television BTV for the manipulative news emissions dating 25.08.2007 and the preceding emissions from 14, 15, 16 August 2007 during the disorders in Fakulteta district and Krasna polyana district. The news coverage gave distorted image of certain ethnic groups, incited hatred and instructed to assault. Complainants allege that such coverage will escalate

ethnic tension, hatred and hostility. The Commission established discrimination and instructed the CEO of BTV to develop and put in place self-regulation mechanisms in the media, reporting to the Commission on the results of that practice every three months for the period of one year. Determines 15-day period for feedback on the implemented mandatory instructions, where the Perpetrator has to inform in writing the Commission for Protection against Discrimination for the instructions' implementation.

./.