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**PROCEDURES SPECIALES DU
CONSEIL DES DROITS DE L'HOMME**

**UNITED NATIONS
OFFICE OF THE UNITED NATIONS
HIGH COMMISSIONER FOR HUMAN RIGHTS**

**SPECIAL PROCEDURES OF THE
HUMAN RIGHTS COUNCIL**

Mandate of the Independent Expert on minority issues

REFERENCE: UA Minorities (2005-4)
BGR 2/2011

6 October 2011

Excellency,

I have the honour to address you in my capacity as Independent Expert on minority issues pursuant to General Assembly resolution 60/251 and to Human Rights Council resolution 16/6.

In this connection, I would like to draw the attention of your Excellency's Government to information that I have received **concerning heightened ethnic tensions between ethnic Bulgarians and ethnic Roma and alleged incidents of incitement to ethnic hatred and racially motivated violence targeted at members of the Roma ethnic minority.**

According to information received:

On 23 September an incident involving a car reportedly driven by a Roma man resulted in the death of an ethnic Bulgarian young man in the village of Katunitsa in the south of Bulgaria under circumstances which remain under investigation. Following this incident, heightened ethnic tension against Roma ethnic minority and anti-Roma demonstrations have been witnessed in Katunitsa and other towns and cities. A crowd of about 2,000 people reportedly gathered and set on fire three houses owned by a Roma leader in the village. Demonstrations quickly spread to other places including Blagoevgrad, Bourgas, Pazardjik, Pleven, Plovdiv, Sofia, Varna and Zagora.

Rallies have continued during the week following the incident and are reportedly organized by different entities, among them the nationalist Ataka [Attack] party, the VMRO nationalist political party, the Bulgarian National Union and the Order, Law and Justice (RZS) party. Angry crowds reportedly included extremists and football fans among others. Reportedly some 5,000 football fans and students gathered in the central square of Plovdiv, the biggest town near Katunitsa on Sunday 2nd October. Banners reportedly said "We will not forget, we will not

forgive". A smaller, silent vigil against hate and racism was also held in Plovdiv a few streets away. Those in Roma communities are fearful of attack by far right supporters and police have reportedly been required to guard some communities under threat of violent attack.

In Sofia 2000 demonstrators marched on 1st October saying that they were against organized crime linked to Roma communities and using the slogan "Gypsy crime, a threat to the state". The far-right Ataka party's candidate, Volen Siderov, reportedly spoke to several hundred supporters outside the presidential palace where he called for the death penalty to be reinstated and for Roma "ghettos to be dismantled". Some of the crowd allegedly wore anti-Roma shirts that read: "I don't want to live in a Gypsy state." Protesters at some demonstrations allegedly shouted racist slogans including "turn Gypsies into soap" and "Turks under the knife." Hundreds of demonstrators have reportedly been arrested across the country and face possible charges including hooliganism and inciting ethnic hatred. Many of those arrested allegedly were found to have weapons.

The information received highlights serious concern over the security of Roma individuals, families and communities and the immediate risk of racially motivated attacks against them which requires a robust response from the Government and the police. The Government has reportedly been seeking to calm tensions and warn against ethnic intolerance, incitement to hatred and violence and the police have largely been able to contain the situation to-date. Nevertheless the situation in Bulgaria remains one of heightened ethnic tensions between ethnic Bulgarians and Roma communities.

While I do not wish to prejudge the accuracy of these allegations, I wish to appeal to your Excellency's Government to seek clarification of the circumstances regarding the abovementioned events.

I wish to draw the attention of your Excellency's Government to international standards relevant to the protection and promotion of the rights of minorities. Article 27 of the International Covenant on Civil and Political Rights establishes that: "In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language." In addition, the provisions of the 1992 United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities require under Article 1.1 that "States shall protect the existence and the national or ethnic, cultural, religious and linguistic identity of minorities within their respective territories and shall encourage conditions for the promotion of that identity." In addition, Article 4.1 of the Declaration establishes that: "States shall take measures where required to ensure that persons belonging to minorities may exercise fully and effectively all their human rights and fundamental freedoms without any discrimination and in full equality before the law."

I wish to emphasize that the obligation on States to protect the existence of minorities requires Governments to protect persons belonging to minorities from acts of violence against them and to strongly condemn such actions as well as to swiftly denounce hate speech or incitement to hatred that might be used by anyone in society, including members or leaders of political parties. Moreover they must be committed to finding ways to create safe environments for all, including by carefully monitoring and strengthening their own anti-racism activities, through leadership and public education, and by prosecuting the racist and violent actions of others in society. Crimes committed by any member of Bulgarian society, including members of the Roma minority, must be prosecuted to ensure that impunity does not exist or contribute to creating further tensions.

In addition, I would like to refer to the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) to which Bulgaria is a party. In particular I would like to recall its obligations under article 5 of ICERD which requires that “States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of the following rights: (a) the right to equal treatment before the tribunals and all other organs administering justice; (b) the right to security of person and protection by the State against violence or bodily harm, whether inflicted by government officials or by any individual group or institution”.

I also wish to draw your attention to the Council of the European Union Presidency Report on Roma Inclusion (10665/11) which, under paragraph 22, invites the Member States “to prepare, update or develop their national Roma inclusion strategies, or integrated sets of policy measures within their broader social inclusion policies, for improving the situation of the Roma by the end of 2011”. Furthermore, paragraph 27 calls on Governments “to appoint a National Contact Point or use an already existing body in order to ensure effective monitoring of the Roma inclusion strategies or integrated sets of measures”.

Excellency, I welcome the fact that your Government invited my predecessor as mandate holder, Ms. Gay McDougall, to visit Bulgaria in July 2011, and I wish to express my appreciation for its cooperation with this mandate. The report and recommendations of this visit will be presented to the Human Rights Council at its 19th session in March 2012. I understand from Ms. McDougall that her recommendations will focus strongly on the situation of the Roma ethnic minority in Bulgaria. I look forward to a constructive engagement with you, in my capacity as the Independent Expert, with a view to our joint consideration of how those recommendations might contribute to your Government’s on-going efforts to ensure non-discrimination, promote equality and build positive relations between different communities in Bulgaria.

Moreover, it is my responsibility under the mandate provided to me by the Human Rights Council, to seek to clarify all cases brought to my attention. Since I am expected

to report on these cases to the Human Rights Council, I would be grateful for your cooperation and your observations on the following matters:

1. Are the facts alleged in the above summary of the case accurate?
2. Has a complaint been lodged with regard to the incidents mentioned above?
3. Please provide the details and where available, the results, of any judicial investigation, or any criminal charges and other inquiries carried out in relation to this case.
4. Please provide details of plans or measures to defuse tensions and prevent inter-ethnic and anti-Roma violence.
5. Please provide details of Bulgaria's laws relating to hate speech and hate crimes.
6. Please indicate which measures the Government has adopted or intends to implement to ensure the personal safety of members of the Roma community.

I would appreciate your earliest response and undertake to ensure that your Excellency's Government's response is accurately reflected in the report that will be submitted to the Human Rights Council for its consideration.

Please accept, Excellency, the assurances of my highest consideration.

IZSÁK Rita
Independent Expert on minority issues