



European Network Against Racism

Réseau européen contre le racisme



ENAR Shadow Report 2013/14

Racist crime in Bulgaria: Research briefing

September 2015

This briefing has been developed by the European Network Against Racism (ENAR) and Justice 21.¹ The data included here are based on research carried out by Justice 21 for the 2013/2014 ENAR Shadow Report on racist crime in Europe.

This briefing provides information on incidents of racist crimes; it examines key issues such as the numerous incidents targeting recent immigrants – and those perceived as such – and measures taken by political representatives; and provides some recommendations for ways forward.

The term 'racist crime' will refer here to an offence perpetrated because of the real or perceived ethnic or racial background of the victim; it applies to criminal offences, such as intimidation, threats, property damage, assault or murder, committed with a racist/discriminatory motivation. The term 'hate speech' is meant here as a public expression of hate towards a person or a community because of their race or ethnic origin, sexual orientation, gender, age, disability, religion or belief.²

Legislation on racist crime

Racist crime falls under the scope of the Bulgarian Criminal Code under article 162: its first paragraph criminalises incitement to hatred, discrimination or violence based on race, national or ethnic origin; the second criminalises the use of violence against another person because of his/her race, national or ethnic origin, religion or political opinion; the third covers the leadership of an organisation willing to commit the acts foreseen by the article. Furthermore, article 163 punishes those who participate in a group attack on the population, individuals or their properties on account of their national, ethnic or racial affiliation. These two articles do not include religion, skin colour, language, citizenship, sexual orientation or gender identity as grounds. Furthermore, article 144 covers threats against a person or his/her property, but does not specifically criminalise threats against a person or group of people on the grounds of their race, colour, language, religion, nationality, national or ethnic origin.

With the amendments of the Criminal Code in 2009 and 2011, specific offences based on a racial motivation are subjected to an enhanced penalty; in other words, racist motivation is not simply an aggravating

¹ [Justice 21](#) works to promote justice for people and groups facing racism, xenophobia and persecution based on religious, ethnical and racial reasons.

² For a full definition of these terms see ENAR's 2013/14 Shadow Report available at www.enar-eu.org/IMG/pdf/shadowreport_2013-14_en_final_lowres-2.pdf.

circumstance for all offences: it is considered as a specific offence and can be heavily punished. However there is no reference to hate motivated by sexual orientation or gender identity; thus, when it comes to reported and prosecuted homophobic acts, suspects will be charged with the offence of causing bodily harm with hooligan motive.

Moreover, the Anti-discrimination Act of 2004 guarantees a form of protection against every form of discrimination. However, the existing legislation does not provide for an obligation to suppress public financing of organisations or political parties promoting racism. This is particularly important in Bulgaria, where racist and intolerant speech in political discourses continues to be a serious problem, as will be seen below.

Minorities in Bulgaria

The last Census in 2011 shows that 84.8% of the population declares itself as belonging to the Bulgarian ethnic group. The largest is the Turkish ethnic group, consisting of 8.8% of the Bulgarian population. The next largest is the Roma ethnic group at 4.9%, although it is estimated that the population is significantly larger than this figure. Roma encounter discrimination in all fields of life. With regard to religious minorities, Muslims and non-Orthodox Christian believers are the most vulnerable to discrimination in Bulgaria. There is also a notable Macedonian ethnic group and a growing number of migrants and refugees from Syria.³ Minority groups experience incidents of racist crime in Bulgaria which are more likely to be unofficially recorded by civil society organisations than by state institutions.

Racist crimes in Bulgaria in 2013

Although official figures for bias motivated crime in Bulgaria are not available, NGOs have reported an increase in the number of racially motivated crimes. According to civil society organisations, 20 physical assaults, 14 attacks on place of worship, and 8 incitements to hatred on racial basis took place in 2013 in Bulgaria. The groups most targeted by racist violence were Muslims, followed by asylum seekers and migrants.

The rise in violence against migrants may be linked to the increasing number of asylum seekers coming from Syria and the hate speech targeted at this group. The Refugee State Agency stated that in 2013 9,325 people applied for asylum and protection in Bulgaria; out of the registered 7,144 only 183 have been granted refugee status, and 2,279 have received humanitarian status.⁴ Civil society representatives and the Council of Europe's European Commission against Racism and Intolerance (ECRI) have reported several cases of hate speech directed at incoming migrants. Hate speech has been perpetrated by government officials and nationalistic parties and it is echoed in the mass media. These incidents of hate speech have been linked by civil society organisations to the numerous incidents occurring in Sofia, where migrants and ethnic minorities were beaten and insulted with racist motives. The following case illustrates this violence.

In November 2013, a 32-year-old woman from Cameroun, Kaopa Diuikovo Roland, was attacked at a public bus stop in Sofia near the Refugee Centre. She was carrying a 9-month-old baby and while waiting for the bus she was hit with a heavy object by two teenagers. This took place in the presence of others at the scene however they did not intervene.

NGOs and civil society organisations report a rise in anti-Semitic motivated crimes, the majority of which take place online. There are no official data sources for crimes that target Jewish people. It appears this group are reluctant to report incidents to officials, since "the Jewish community feels that their cases will not be taken seriously by the police and prosecutors"⁵

³ 2011 Census results, http://www.nsi.bg/census2011/PDOCS2/Census2011final_en.pdf, page 3.

⁴ Refugee State Agency, <http://www.aref.government.bg/?cat=8>.

⁵ Bulgaria questionnaire response.

Link to political groups or political parties

Anti-migrant sentiment and racist behaviour has been fuelled by political groups and political parties. These political groups promote ultranationalist and racist ideas, policies and practices while recognised by and funded by the Bulgarian authorities. They include the National Front for Salvation of Bulgaria (NFSB), the Internal Macedonian Revolutionary Organisation – Bulgarian National Movement (IMRO-BNM), the Bulgarian Nation Union (BNU), and the Nationalist Party of Bulgaria, which attempted to register for the elections to the European Parliament in 2014.⁶ The party Ataka, known for its systematic incitements to hatred, discrimination and violence against ethnic and religious minorities as well as asylum seekers was the fourth strongest party following parliamentary elections in 2013 and was part of Oreshrski's government coalition. It undermined the adoption of progressive legislation and policies concerning minority rights or the improvement of policies on asylum seekers.

In addition, racist political comments can be found in the Bulgarian media. During the May 2013 elections, hate speech was recorded on TV-shows owned by the nationalist parties of Ataka and NFSB. Magdalena Tasheva, Ataka's MP, is a host of the show "In the eye of the storm" on Alfa TV. She has used Islamophobic words to describe refugees as "monsters", "mass murderers", "cannibals", "savages", "disgusting primates who are running away from the law in Syria", who "began to steal and beat" and who will "start raping and cutting off heads" in Bulgaria. During the programme refugees were compared to Al-Qaeda, and accused of redesigning the Bulgarian national identity and the Orthodox Christian family. Tasheva openly incentivised all Bulgarians to organise revolutions "against the invasion of this Islamic trash in the form of Syrian refugees". On 3 October 2013, a group of Syrian refugees filed a complaint to the Commission for Protection against Discrimination (CPD) against Alfa TV and Magdalena Tasheva, stating that the aforementioned statements constituted a "torment" on the entire refugee community, incited discriminatory attitudes, and created a humiliating environment not only for the refugees from Syria but also for all other Muslims and refugees in the country.

Nationalist parties and movements have been directly involved in the organisation of protests and marches, such as the 'civic patrols', formed in mid-November 2013. Only at the end of November did the public defender's office and the Ministry of Interior publicly denounce and condemn these patrols⁷. Another example is the protest organised on 3 November by VMRO-BNM and the Association of Bulgarian Football Fans under the motto "March against immigrant invasion". The declarations that were made during the march were discriminatory, incited violence and hatred on the grounds of race, nationality and ethnic background: "We give the Government an ultimatum to clean the city from the criminal contingent illegal immigrants in the next week or we will do it. We refuse to take any responsibility as to what may happen to these people in the future if they remain here. Thus, I call on everyone: begin organising yourselves and arm yourselves. There is no other way. We must be ready to protect ourselves. The police have been wasting time over the past eight months guarding this trash rather than protecting citizens".

Data collection

In Bulgaria there are several authorities responsible for collecting hate crime data including the Ministry of Interior, the Supreme Judicial Council, the National Statistical Institute, and the Supreme Court of Cassation. These data are reported to the Office for Democratic Institutions and Human Rights (ODIHR), and include hate crimes recorded by the police (in 2013, 651 cases), prosecuted (300 cases) and sentenced (239 cases).⁸ Nationally the 'official' data are made available only on request and are restricted to authorities. Moreover, the data appear to be quite limited and there are no disaggregated data available on racially motivated crimes.

⁶ Sofia City Court refused to register the party for the elections to the European Parliament in 2014. After this, together with "National Resistance Bulgaria" and "Blood and Honor Bulgaria", the party backed the candidacy of the independent nationalist Nikolay Yovlev.

⁷ Common press release of the public defender's office, Ministry of Interior and ANS.

⁸ ODIHR, Bulgaria Hate Crime Reporting 2013, <http://hatecrime.osce.org/bulgaria>.

Racially motivated crimes are however recorded by civil society organisations.⁹ These organisations recorded between 15 and 46¹⁰ racially motivated crimes in 2013. Given that there are no 'official' data on racially motivated crimes and the data from civil society organisations are scarce it remains difficult to draw any strong conclusions. What seems clear from the organisations working in this area is that asylum seekers and refugees, who do not speak Bulgarian, are less likely to report incidents of racist violence or crimes.

Under-reporting of racist crimes and focus on the police

There are several reasons for not reporting racially motivated crime such as fear of arrest or deportation. This is felt particularly among asylum seekers because of their lack of Bulgarian citizenship. Victims also fear retaliation against themselves or their families and communities. As highlighted earlier, limited knowledge of the Bulgarian language and of hate crime laws; the belief that nothing will happen and a lack of confidence in the existing institutional system all are factors in not reporting crimes. Jewish people, who are often the target of hate speech, may not come forward to report crimes because they are fearful of further attacks.¹¹

Mistrust in the police is particularly evident in Bulgaria and police officers do not systematically recognise hate speech. In detention centres the police are known to perpetrate violence against immigrants and refugees. Human Rights Watch reports that Syrian refugees are threatened by border guards.¹² Furthermore, there is a lack of confidence that reporting a case to the police would have an impact.

Nazar was attacked by 8-10 men and was severely injured and taken to the hospital. Despite his injuries he did not report the attack to the Bulgarian police because he was unfamiliar with the Bulgarian legislation and he did not know the language.

There are five NGOs¹³ which work in the field of racially motivated crimes and also support the investigation of these crimes where possible. NGOs primarily support the victims, grant them emergency assistance, represent them in interactions with the police, public authorities or the media, and represent them legally in civil court cases. NGOs are often uniquely positioned to serve as bridges among police agencies, community leaders and civil society. Justice 21 works with migrants, refugees and asylum seekers; the Grand Mufti's Office with Turks and Muslims; the Bulgarian Helsinki Committee focuses on gender, disabilities, refugees and Muslims; the Bilitis Resource Centre focuses on LGBT; and the European Roma Rights Centre works on Roma.

Recommendations to the Bulgarian authorities

1. A provision should be added to the Criminal Code that includes aggravating circumstances for any ordinary offence with a racist motivation. Moreover, religion should be included as a ground in its articles 162 and 163, as well as race, skin colour, language, nationality, national or ethnic origin. Similarly, ethnicity, language and citizenship should be provided as grounds not only in these two mentioned articles, but also in article 4 of the Anti-Discrimination Act, as suggested by ECRI in 2014.
2. A State authority, such as the Ministry of Interior that is already collecting central Police Statistics, should publish annual figures on racist crime and make them easily accessible on public platforms and websites.

⁹ Association Justice 21, Grand Mufti's Office, Bulgarian Helsinki Committee, Bilitis Resource Centre, European Roma Rights Centre.

¹⁰ The exact figure remains unknown as there are several organisations recording these crimes and the same case may be recorded by more than one organisation.

¹¹ Solomon Bali, Interview on Euranet, 2013, <http://bbcarmel.org/category/featured>.

¹² Bulgaria 2013 Human Rights Report, <http://www.state.gov/documents/organization/220473.pdf>.

¹³ Justice 21; Grand Mufti's Office; Bulgarian Helsinki Committee; Bilitis Resource Centre; European Roma Rights Centre.

3. The National Council for Cooperation on Ethnic and Integration Issues should develop indicators of inclusion for all ethnic and religious minorities and ensure that these indicators are populated by relevant disaggregated equality data, collected based on self-identification.
4. Specific training to recognise unconscious bias and structural discrimination should be provided to police officers and cases of discriminatory behaviours by the police should be publicly sanctioned to increase levels of trust in the police and to encourage victims to report crimes to officials.
5. Cases of discriminatory behaviours, such as the aforementioned incidents occurring in detention centres, should be publically sanctioned; also, independent and effective complaint mechanisms dealing with police misconduct or violence could provide a solution.
6. The Anti-discrimination Act should include a provision to suppress public financing of organisations or political parties which promote racism, according to ECRI recommendations. Also, politicians inciting hatred and violence should be immediately sanctioned.
7. Authorities should encourage the Council of Electronic Media to raise fines for violations of the provisions of the Radio and Television Act in all cases of dissemination of hate speech.
8. A closer working relationship between Bulgarian authorities, civil society organisations and the UNHCR should be developed, in order to improve the integration package for all non-EU migrants, especially refugees and asylum seekers. An awareness-raising campaign should also be conducted, in order to promote a more positive image and respect of all migrants (asylum seekers and refugees included), ensuring that the public understands the need for international protection.
9. Authorities should provide support to victims, especially to newcomers, to report cases of racist crimes and promote information campaigns in this regard.
10. The Commission for Protection against Discrimination should produce, publish and disseminate information about discrimination, explaining the procedures for discrimination complaints in the variety of languages used in the country.

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The European Network against Racism (ENAR) stands against racism and discrimination and advocates equality and solidarity for all in Europe. We connect local and national anti-racist NGOs throughout Europe and act as an interface between our member organisations and the European institutions. We voice the concerns of ethnic and religious minorities in European and national policy debates. Website: www.enar-eu.org

Justice 21 is an association based in Sofia, Bulgaria. It started its activism as a civil initiative in 2007, organising the Bulgarian citizens' efforts in promoting justice for people and groups who face racism, xenophobia and persecution based on religious, ethnical and racial reasons. Justice 21 is a member of ENAR and is involved in writing shadow reports. Website: <http://www.justice21.wordpress.com>

