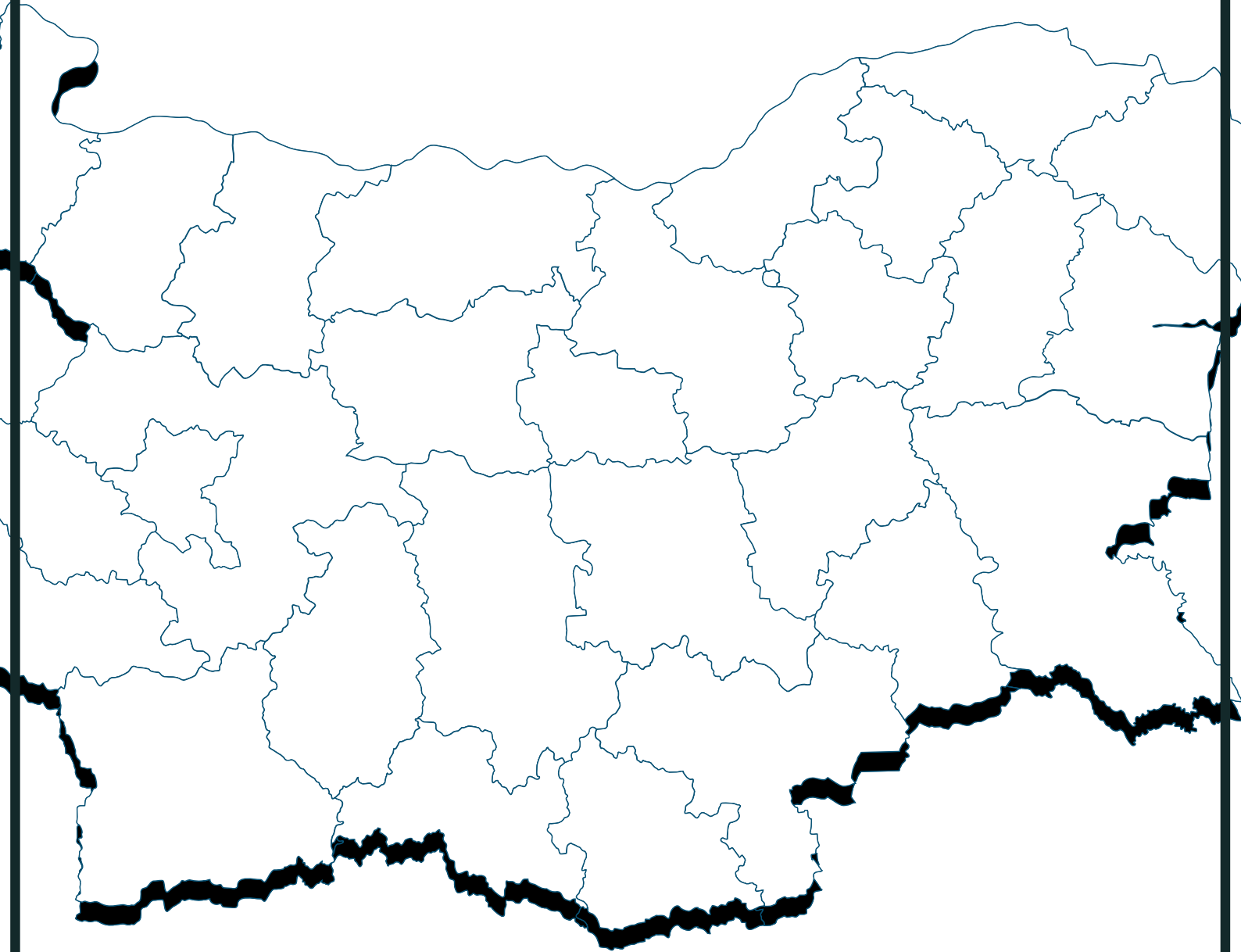


**Border Violence
Monitoring Network**



Rule of Law Report

BULGARIA

15.01.2024



Rule of Law Report 2024: Bulgaria

1. Justice System

a. Independence

Amendments in the Constitution

On 13 September 2023. Adv. Adela Kachaunova, Director of the Legal Advocacy Program of the Bulgarian Helsinki Committee, presented to the members of the Constitutional Affairs Committee of the 49th National Assembly an opinion on the draft law for amendment and supplement to the Constitution of the Republic of Bulgaria with the registration No. 49-354-01-83 dated 28.07.2023.

In his opinion the lawyer Kachaunova criticizes the legal technique of the submitted proposals, some aspects of the division of the Supreme Judicial Council into two separate councils, the attempts to strengthen the role of the Minister of Justice as an interference in the judiciary, the regulation of the mandates of the Prosecutor General and of the Presidents of the Supreme Courts, the regulation of the constitutional complaint, the arbitrary limitations of legitimate and necessary powers of the Prosecutor General at the expense of the lack of measures on other aspects of his real influence in the judiciary, as well as a number of shortcomings in the judiciary.

<https://www.bghelsinki.org/bg/news/2023-09-14-position-statement-on-constitutional-amendment-bill>

The crisis in the prosecution

The Bulgarian Helsinki Committee (BHC) published an opinion in support of the Union of Judges in Bulgaria (UBJB) regarding a crisis in the leadership of the Prosecutor's Office. The BHC endorsed the UJB's call for the removal of key figures, including Ivan Geshev, due to unsuitability with the offices they were meant to occupy. The BHC also backed the appeal for constitutional reform in line with Venice Commission recommendations and the European Court of Human Rights decision in the Kolevi case. The BHC asserted that Ivan Geshev's unsuitability for the role of Prosecutor General has been previously communicated to the Supreme Judicial Council and emphasizes the urgent need for decisive action to address the evident flaws in the prosecution's leadership. The BHC reported that the Supreme Judicial Council's compromised legitimacy and urged it to take effective measures to rectify the situation to ensure judicial integrity.

<https://www.bghelsinki.org/bg/news/2023-05-17-statement-bhc-sjc>

Draft Act amending and supplementing the Asylum and Refugees Act

The reasons that necessitate the adoption of the Law on Amendments and Additions to the Law on Asylum and Refugees (Law on Amendments to the Law on Asylum and Refugees) are the necessity of



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refining texts in accordance with the EU legislation, as well as streamlining the procedure for granting international protection by eliminating imperfections in individual texts.

The main objective of this draft law is to implement the recommendations of the European Commission by streamlining the procedure for international protection and, in particular, by refining the grounds and rules for the accelerated procedure as well as the procedures for inadmissibility of applications for international protection, in line with the common standards set out in Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection (Directive 2013/32/EU).

The other objective is to ensure the refinement of the legal framework for temporary protection in the Republic of Bulgaria in accordance with Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of mass influx of displaced persons and on measures to maintain a balance between Member States in their efforts to accommodate such persons and to bear the consequences of such accommodation. The experience of the Republic of Bulgaria with the granting of temporary protection has led to the need to refine the legal provisions relating to temporary protection.

In this context, the Transitional and Concluding Provisions introduce amendments on individual special laws in order to keep the relevant provisions functionally distributed in the specific matter they regulate.

In the draft, the general terminology of the law is aligned with the constitutional framework relevant to the field of asylum by introducing the generic term "asylum" in accordance with Article 27, paragraphs 1 and 2 of the Constitution of the Republic of Bulgaria.

The draft law regulates the legal possibility of submitting an individual application for humanitarian status by displaced persons under the temporary protection, as well as simplified rules for the examination and coordination of these applications in view of the identical substantive prerequisites for their granting under Article 9(1)(3) and Article 1a(1)(a) of the Law on asylum. 3 of the law. The aim is to avoid overburdening the national asylum system in the event of individual applications for international protection being submitted by persons displaced from Ukraine and present on the territory of the Republic of Bulgaria after the expiry of their temporary protection on 4 March 2025.

The draft law is intended to improve the normative quality of the provisions of the LBT Act by refining and supplementing it, which would have a beneficial effect on its application.

[Портал за обществени консултации \(strategy.bg\)](http://strategy.bg)



2. Quality of Justice

a. Accessibility of Courts

Between 2020 and 2023, BVMN recorded 94 testimonies of pushbacks from Bulgaria to Turkey or to Greece, affecting over 1,824 people on the move. The data collected is merely the tip of the iceberg, as many more pushbacks go undocumented. Also, due to an increase in criminalization, BVMN member organizations were forced to shut down or reduce their presence in Northern Greece and in Turkey, which affected the possibility to monitor and document human rights violations at borders.

To our knowledge, none of these instances of pushbacks were investigated. Removal from territory results in the lack of access for survivors to national courts and mechanisms. Mechanisms to address these shortcomings are absent.

Pushbacks from Bulgaria are reportedly accompanied by violence that amounts to torture, inhuman and degrading treatment. In 2023, BVMN respondents attested to physical violence consisting of kicks, beatings with batons, robbery of personal belongings, including phones (necessary for communication, requesting assistance, being in touch with legal representatives, and loved ones), dog attacks (consistent practice of Bulgarian border guards that continues to go un-investigated), use of firearms to ensure compliance, unlawful detention and denial of food and sanitary services while deprived of liberty.

<https://borderviolence.eu/testimonies/may-1-2023-between-topcular-turkey-and-fakiya-bulgaria/>

<https://borderviolence.eu/testimonies/march-17-2023-on-road-79-south-of-burgas-bulgaria/>

<https://borderviolence.eu/testimonies/january-15-2023-bulgaria/>

<https://borderviolence.eu/reports/balkan-regional-report-april-2023/>

Despite continuous reporting on pushbacks, and the violence entailed by the Bulgarian border guards, competent institutions have not initiated investigations. This indicates that the informal policy of the Bulgarian government against people on the move is facilitated or tolerated by the judiciary.

In August, Infomigrants and an Italian Collective, Collettive Rotte Balcaniche AltoVicentino, released new reports on the situation in Bulgaria which attest to the fact that the conditions have only continued to decline. Infomigrants released a four part series on the situation of pushbacks and border violence in Bulgaria in which they also reported on the violent practices documented in BVMN testimonies and discussed with local organizations the issues they face in reporting on such issues. A number of organizations are now under surveillance and investigation for supporting people on the move to register asylum claims and avoid pushbacks - a move reminiscent of tactics used against NGOs in other Member States with restrictive migration regimes, like Greece and Croatia. The report from Collettive Rotte Balcaniche provides further evidence of these claims from their field assessments in the country. This reportage takes place in the context of a pilot project by the EU that is granting Bulgaria 45 million € for



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fast-tracked asylum procedures and to fund new technologies in support of 'border control'. In fact, in Von der Leyen's State of the Union speech she congratulated Bulgaria on its work to protect European borders, and again dangled the promise of Schengen accession over them. Yet again it is made patently clear that the European Commission is happy to totally disregard credible, evidence-based reporting coming out of Member States that attest to rights violations and the systematization of illegal practices - all in the name of 'greater border control'.

<https://borderviolence.eu/reports/balkan-regional-report-august-2023/>

<https://www.infomigrants.net/en/post/51197/bulgaria-migrant-pushbacks-whats-behind-the-rise-in-violence-at-the-bulgarian-turkish-border-14>

3. Anti-corruption framework

a. Other - please specify

As a result of Bulgaria's policy of border violence, people on the move are dying on the route on the territory without investigations being conducted into causes of death. Efforts to identify the bodies and reunite the deceased with their loved ones are absent. Moreover, reportedly officials working in police stations and morgues are soliciting money from loved ones of deceased people on the move to trace bodies or burial sites. A 2023 report from Lighthouse Reports and Svobodna Evropa reported on the issue. BVMN has also been supporting with cases of missing people in the absence of mechanisms or willingness in states across the Balkan migration route to identify, reunite, and investigate.

Europe's Nameless Dead <https://www.lighthousereports.com/investigation/europes-nameless-dead/>

"Nobody's bodies." How hundreds of people died in their escape through Bulgaria:

<https://www.svobodnaevropa.bg/a/migranti-zaginali-bejanci/32708468.html?fbclid=IwAR3gEo4NaUwxPpu84EStITCwSF4tCu5buVN-dxykr4H6Nj90MUtpuWrnwn4>

BVMN reports on deaths on the Western Balkans migration route:

<https://borderviolence.eu/app/uploads/BVMN-Monthly-Report-September-2023-.pdf-1.pdf>

4. Media Pluralism and Freedom of Press

a. Rules and practices guaranteeing journalist's independence and safety

A survey, "Journalists in Bulgaria: Changes and Trends 2016-2022," highlights concerning trends that emphasize the lack of independence among journalists in the country. Conducted by Alpha Research, the



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study reveals a significant decline in the number of journalists in Bulgaria, with many turning to freelancing or combining multiple roles. The profession is identified as increasingly risky, marked by a toxic work environment and a lack of trust in the state's ability to protect journalists. The study points out corruption, pressure, and a lack of transparency in media ownership as prevalent issues. The journalistic community is aging, with an average age of nearly 50 years, and ethical standards have notably decreased. The findings underscore challenges such as impunity for those harming journalists, concerns about mental and physical health, and a decline in adherence to independent ethical standards among Bulgarian journalists.

<https://www.ngobg.info/bg/news/128907-%D1%82%D1%80%D0%B5%D0%B2%D0%BE%D0%B6%D0%BD%D0%BE-%D0%B5-%D1%81%D1%8A%D1%81%D1%82%D0%BE%D1%8F%D0%BD%D0%B8%D0%B5%D1%82%D0%BE-%D0%BD%D0%B0-%D0%B6%D1%83%D1%80%D0%BD%D0%B0%D0%BB%D0%B8%D1%81%D1%82%D0%B8%D0%BA%D0%B0%D1%82%D0%B0-%D0%B2-%D0%B1%D1%8A%D0%BB%D0%B3%D0%B0%D1%80%D0%B8%D1%8F.html>