

46th Session of the Human Rights Council

Item 6 - UPR Outcome Bulgaria

Statement by: International Lesbian and Gay Association

15 March 2021

Delivered by: Denitsa Lyubenova

Madam President,

This statement was drafted in consultation with the Bulgarian LGBTI organization "DEYSTVIE".

We thank the States which made 14 recommendations to the Bulgarian Government with respect to rights of the LGBTI community in the country. We regret the fact that 6 of those recommendations were noted and other 4 were only partially accepted.

Nine of the recommendations are urging the State to amend the Penal Code of Bulgaria to include criminalization of LGBTI-based hate crimes. Bulgaria in its answers states that hate acts based on the sexual orientation of the victim have been criminalized in Chapter Three of the Penal Code.

Chapter Three deals with crimes against the rights of citizens and hate crimes based on the race, nationality, ethnicity, religion and political beliefs of the victim. The reference that the Bulgarian government makes to the Protection against Discrimination Act is inaccurate due to the nature of the criminal legislation of Bulgaria, which stipulates that crimes are only acts explicitly recorded in the Penal Code of the country. Therefore, the opinion of the Government of Bulgaria is misleading in this part.

Hate crimes based on sexual orientation and gender identity are still neither seen as crimes, nor as aggravating circumstance in the Penal Code of Bulgaria and thus these recommendations are in no way implemented.

Therefore, the Government of Bulgaria should amend without any delay the existing Criminal Code and include hate crimes and speech based on sexual orientation and gender identity and/or expression as a separate article and as an aggravating circumstance and ensure effective investigation and prosecution of hate speech and violence.

We further regret that the Government didn't accept recommendations related to strengthen its anti-discrimination legislation, to recognize same-sex couples civil unions and to ban non-consensual surgeries on intersex persons.

DEYSTVIE will continue to advocate for equality and respect of LGBTI people and stands ready to cooperate with the Bulgarian government and other stakeholders to implement LGBTI hate crime legislation and the other recommendations received during this 3rd Cycle.

Thank you.