



Hate Speech in pre-election situation in Bulgaria

Legal framework, Case work and Challenges



Situation analysis

- ▶ Existing prejudice against Roma minority in Bulgaria;
- ▶ Use of hate speech in pre-election campaigns;
- ▶ Lack of addressing the situation from political players.



Legal framework for challenging the hate speech

- ▶ Penal Code: Art. 162, 1: Incriminates incitement to discrimination on the basis of race, nationality or ethnicity through speeches, media and other tools for mass information;
- ▶ Art. 162, 2: Incriminates use of violence based on race, nationality, ethnicity, religion or political affiliation;
- ▶ Art. 162, 3 and 4: Incriminates formation or affiliation with a group created to perform the incriminated actions, listed above.

Civil Law instruments

- ▶ Protection against Discrimination Act – bans harassment based on the protected grounds, between these - ethnicity;
- ▶ Challenge of harassment before the Commission for Protection against Discrimination – National Equality body;
- ▶ Challenge of harassment before the respective District courts;
- ▶ Other institutions: Council for Electronic Media and Media Ethic Commission.

Case work: Katunitza 2011

Local and presidential elections

- ▶ 2011 Instruction of Chief Prosecutor: Immediate arrests of persons who provoke racial or ethnic hatred, instant speedy proceedings and priority treatment of such cases.
- ▶ Pre-election brochures of Ataka political party: “Gypsy crime – a Threat to the State”;
- ▶ Development of the case: Signal to the Prosecution Office closed with the conclusion that no evidence for commitment of crime are identified.

Preliminary Parliamentary elections 2014

- ▶ National Front to Rescue Bulgaria political movement's program: ethnic cleansing of Roma by interning them in camps, which can be developed as "tourist attractions", mandatory labor for Roma, voluntary patrols to protect Bulgarians;
- ▶ Signal to the Prosecution Office by civil organizations;
- ▶ Prosecutor's conclusion: "The program does not incites discrimination, violence or hatred against Roma, it rather calls for their integration".



- ▶ Leader of the Patriotic front (Parliamentary party) from the Parliamentary tribune: “Roma demand sickness benefits without being sick, child care for children who play with the pigs on the streets and maternity benefits for women with instincts of street bitches”;
- ▶ Signal to the Chief Prosecutor initiated by a group of civil organizations;
- ▶ Prosecutor’s conclusion: “According to the Bulgarian Constitutions the MPs are free to speak without being prosecuted for what they state in the Parliament.”



Post election rhetoric 2014

- ▶ Minister of Health care: “I will not send Emergency Medical Units to the Roma settlements, as the Roma attack the doctors”;
- ▶ Signal to the Commission for Protection against Discrimination by civil activists, supported by a number of NGOs;
- ▶ Case development: Termination of the case after the activist is proposed a position of Adviser on Roma issues within the Ministry.



Pre-election rhetoric: Local elections 2015

- ▶ Mayor of the town of Kyustendil: “I will not allow the inhabitants of Istok district (Roma settlement) to vote on preliminary questions, as they sell their votes”;
- ▶ Member Commission for Protection against Discrimination proposes Commission’s self-initiation of procedure;
- ▶ Pending case assigned to ad hoc jury

Pre-election rhetoric: Local elections 2015

- ▶ Gurmen forced evictions of Roma houses: 124 families under threat of forced eviction and demolition of only home after mass protests organized by nationalist political movements;
- ▶ Media coverage of the case: “Roma are moved to Gurmen to vote for certain political party”
- ▶ Demolition orders issued in 2012 – executed in pre-election situation in attempt of the ruling Government to please the supporters from the nationalist parties.
- ▶ Result: Roma families with minor children and children with disabilities – evicted with no alternative accommodation proposed.

**These will disappear because the
politicians need to attract Bulgarian
voters!**

