

# 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.

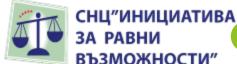


## Legal framework for challenging the hate speech

- ▶ Penal Code: Atr. 162, 1: Incriminates incitement to discrimination on the basis of race, nationality or ethnicity though 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".

### Post election rhetoric 2014

- 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

- ► Minster of Health care: "I will not sent 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 selfinitiation 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 preelection 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.

