



**REPORT**

# **BULGARIA: AT THE BORDER OF THE EUROPEAN UNION**

**Catalan Commission for Refugees and  
SOS Racism Catalonia**

Barcelona, 2017



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## Introduction. Why Bulgaria?

Bulgaria is one of the countries that makes up what has been called the Balkan route of the east. It became relevant when the Aegean route was practically closed due to the agreement between the European Union (EU) and Turkey [1], which entered into force on March 20, 2016.

Its geographical location, which is situated near the Eastern external border of the EU, (it borders with Turkey, Macedonia (FYROM), Romania, Serbia and Greece) turned Bulgaria into a country of transit to other European destinations such as Austria and Germany. However, not only its geography contributed to this situation, but also the fact that it is one of the most impoverished countries in the EU (ranked 76th in terms of GDP). Moreover, there's a lack of integration policies and, in general terms, it does not have a political and social climate favorable to immigration.

Altogether, as we have been told by several people interviewed during the observation mission, Bulgaria plays the role of buffer zone regarding the control of migratory flows within the framework of the EU.

## What has the Observation Mission consisted of?

In June 2017, a team of human rights observers, made up of representatives of the Catalan Commission for Refugees (CCAR) and SOS Racism Catalonia, traveled to the eastern border of Europe, concretely to Bulgaria, to investigate on the detention and reception procedures of refugees in this buffer zone of the European asylum system.

In this country, they were able to interview the agency that manages asylum applications (State Agency for Refugees – SAR), entities that finance and carry out activities inside the reception and detention centers (Red Cross, Caritas, SVV and UNHCR), entities that offer legal support (Foundation Access to Rights, Helsinki Committee Bulgaria, Center for Legal Aid – Voice in Bulgaria) as well as refugees currently living in Bulgaria.

In the same way, observers could visit a reception center in Sofia and a Red Cross training center. Moreover, the group went to the border with Serbia, where many people try to cross undetected by authorities to seek asylum.

[1] European Council (2016), Declaration EU-Turkey, March 18, 2016: <http://www.consilium.europa.eu/es/press/press-releases/2016/03/18/eu-turkey-statement/pdf>

## Contextualization / Socio-demographic data

Bulgaria, along with Romania, is the most “eastern” county of the EU: it borders with Romania to the north, Serbia and Macedonia to the west, Greece and Turkey to the south and the Black Sea to the east. The country became an EU member in 2007.

In 1989, Bulgaria had 9 million inhabitants, which dropped to 7.2 million in 2017: this is one of the lowest population growth rates in the world, explained by a combination of strong emigration (around 1 million Bulgarians left the country in the 1990’s and the 2000’s) and a very low fertility rate (1.43 in 2013). In Bulgaria, there is a significant number of people of Turkish origin (9%), as well as an important Roma minority (5%).

Nowadays, in accordance with the UN Development Program, Bulgaria is the country with the lowest human development index in the EU[2]: the minimum wage is 180 euros per month, and is estimated that about 3.8 millions of Bulgarians live with this revenue. Public investment in education or health is among the lowest in Europe, and the infant mortality rate is particularly high, especially among Gypsy families, who, according to reports from NGOs and international institutions, live in serious situations of exclusion and discrimination.

## The arrival of refugees

Bulgaria, like many other countries in south-eastern Europe, is considered by the vast majority of refugees only as a transit country, on the way to Central and Western Europe. Between 2015 and 2016, the country has been used as part of the route that starts from Greece headed towards central Europe, passing through Macedonia. However, in recent years, the number of people asking for asylum in Bulgaria has increased significantly: if in 2014, 10.805 people requested international protection, in 2015 the number of applications has doubled, reaching 18.990, according to Eurostat[3]. On the other hand, during 2017, the number of people in transit has decreased relatively, especially due to the difficulties that these people encounter while traveling across Turkey and crossing the border between both

[2] United Nations Development Program, Human Development Report 2016:

[http://hdr.undp.org/sites/default/files/HDR2016\\_SP\\_Overview\\_Web.pdf](http://hdr.undp.org/sites/default/files/HDR2016_SP_Overview_Web.pdf) ; World Atlas, Europe IDH Human Development Index:

<https://es.actualitix.com/pais/eurp/europa-indice-de-desarrollo-humano.php>

[3] Eurostat, Record Number of over 1.2 million first time asylum seekers registered in 2015:

<http://ec.europa.eu/eurostat/documents/2995521/7203832/3-04032016-AP-EN.pdf/790eba01-381c-4163-bcd2-a54959b99ed6> (2014 and 2015 data) and Eurostat, Asylum applicants in the EU 2016 <http://ec.europa.eu/eurostat/news/themes-in-the-spotlight/asylum2016> (2016 data)

territories. Regarding this second point, there's a fence of approximately 200 kilometers, which was completed in 2017. Thus, in 2015, Bulgaria arrested 24.056 people who tried to enter, stay or leave the country irregularly. Most of them were people who entered from Turkey. However, this figure fell to 18.844 in 2016 and to 4.957 in 2017 [4].

According to official statistics, only 3.470 people requested international protection in 2017 [5]. Also, an extremely low number of requests were registered at the border with Turkey (less than 100). The majority of asylum seekers applied inside the Bulgarian territory, mainly once they were detained by the authorities of the country, so that they would let them continue on their way to the Serbian-Bulgarian border. In fact, according to the information provided by the NGO Bulgarian Helsinki Committee, in 2017, 78% of people who requested asylum in Bulgaria left the country afterwards.

The main countries of origin of refugees reaching Bulgaria in the last two years are Afghanistan, Syria, Iraq and Pakistan [6]. In 2016, the Bulgarian government granted international protection to 43% of the total number of applicants [7]. However, if the resolutions relative to persons of Syrian nationality are not considered, the positive response rate falls to 9%.

### The perception of refugees among public opinion

According to the NGO Center for the Study of Democracy in Bulgaria, the media has a very important role in generating anti-immigration and anti-Gipsy speech: in recent years, media attention has focused on the arrival of refugees in the country and in Europe in general, using biased data combined with an alarmist tone, generating a sense of concern among the population. As a consequence, we have the example of the opinion poll carried out by the Bulgarian office of the Friedrich-Ebert-Stiftung [8] in 2016, where the population's negative attitude toward refugees is demonstrated: in the interviews, 47% of respondents considered that the EU should not help refugees within their territory. Only 28% had a clearly favorable position towards providing assistance to them. The main arguments used were that refugees represent a danger to the national security because terrorists are among them (60% of the people interviewed) and that refugees represent a potential danger for the European economy,

[4] Asylum Information Database, Access to the Territory and Pushbacks –Bulgaria:

<http://www.asylumineurope.org/reports/country/bulgaria/asylum-procedure/access-procedure-and-registration/access-territory-and>

[5] Eurostat, Asylum applicants in the EU 2017: <http://ec.europa.eu/eurostat/news/themes-in-the-spotlight/asylum2017>

[6] Asylum Information Database, Statistics - Bulgaria: <http://www.asylumineurope.org/reports/country/bulgaria/statistics> (2017 data) and Iliana Savova and ECRE. (2016). Country Report: Bulgaria. Brussels: European Council on Refugees and Exile.

[http://www.asylumineurope.org/sites/default/files/report-download/aida\\_bg\\_2016update.pdf](http://www.asylumineurope.org/sites/default/files/report-download/aida_bg_2016update.pdf) [Access 30/07/2018] (2016 data)

[7] Asylum Information Database, Country Report: Bulgaria:

[http://www.asylumineurope.org/sites/default/files/report-download/aida\\_bg\\_2016update.pdf](http://www.asylumineurope.org/sites/default/files/report-download/aida_bg_2016update.pdf)

[8] Lyubomir Kyuchukov. (2016). Impact of the Refugee Crisis on Bulgarian Society and Politics: Fears But No Hatred. Sofia, Bulgaria: Friedrich-Ebert-Stiftung Office Bulgaria. <http://library.fes.de/pdf-files/bueros/sofia/12570.pdf> [Access 20/09/2017]



and especially for an impoverished country like Bulgaria. Similarly, 38% of respondents considered refugees as a threat for the local religion, considering that a large number of them could not adapt to European values and behaviors, meaning that the arrival of refugees will lead to an increase of Islamism in Europe. Survey data also suggested that 54% of the population considered that the State shouldn't accept the decision taken by the EU of having to receive a significant number of refugees in Bulgaria.

As reported by the people and organizations interviewed during the field visit, these opinions were formed mainly as a result of the narrative of the “refugee crisis” that the national information media offered to the population. In this narrative, the reflections on the supposed dangers for the country abounded, as well as the heavy costs in terms of national expenditure. On the other hand, it should be emphasized that this approach can't be considered as casual, but rather as linked to the political context.

Indeed, the latest report on the state of racism in Bulgaria of the Council of Europe [9] states that, even before the increase of arrivals of refugees in the country, racist and intolerant speech represented a serious problem in Bulgarian politics, while racism and xenophobia (in particular against refugees, Muslims and Gypsies) were common in media and social networks. In spite of this, the report revealed that the authorities of the country had not put in place any type of mechanism to limit or punish the circulation of the most defamatory contents. Similarly, very serious cases of racist violence were reported, in particular against Gypsies and people from religions different from Christianity (particularly Muslims) mixed with inefficient and insufficient reaction from the judicial power of the country.

## **Matters of concern**

### **a) Closure, outsourcing and border violence**

The border between Bulgaria and Turkey is the one where most allegations of human rights violations have been recorded by human rights organizations and UNHCR. The policy of border closure not only consisted on the construction of a 176 kilometers fence and demanding Turkey to control their zone to prevent unregulated entries, but also on voting in favor of sending the army to protect the fence and prevent the entry of

[9] United Nations Development Program, Human Development Report 2016: [http://hdr.undp.org/sites/default/files/HDR2016\\_SP\\_Overview\\_Web.pdf](http://hdr.undp.org/sites/default/files/HDR2016_SP_Overview_Web.pdf)  
Actualitix World Atlas, Europe IDH Human Development Index: <https://es.actualitix.com/pais/eurp/europa-indice-de-desarrollo-humano.php>

people in 2016 [10], a prerogative that has been partially fulfilled.

At the same time, as several NGOs have denounced, civilian militias have been organized to “defend” the border [11]. As noted previously, both Bulgarian human rights organizations and UNHCR have denounced that especially during the second half of 2015 and during 2016 there have been systematic pushbacks as well as the use of the violence and other cruel and inhuman treatments [12]. The Bulgarian Helsinki Committee has reported on several occasions, especially during 2016, and on the meeting we held with the organization, that it was still common to see pushbacks towards Turkey with the use of violence, even with the theft of personal belongings in a large number of cases. Pushbacks are not a regulated practice in the Bulgarian legal system, which neither contains a legal definition nor prohibits them. However, it is a practice that can strongly condition the effectiveness of the fundamental principles enshrined in the 1951 Geneva Convention that Bulgaria has ratified. At the same time, it contradicts its own Law on Asylum and Refugees, which establishes that ALL FOREIGNER CAN APPLY FOR ASYLUM in Bulgaria, regardless of whether access to Bulgarian territory has been regular or not. Moreover, this law establishes that if a person accesses the Bulgarian territory irregularly in order to ask for asylum, he or she must submit the petition without delay to the competent authorities. It is important to note that expulsion processes are suspended throughout the asylum procedure [13].

Therefore, it is necessary to eradicate pushbacks, since this practice not only puts lives of people in danger, but also impedes the access to the human right of asylum. The consequence is that this right is not fully guaranteed at the Bulgarian border.

So, the totality of national and international organizations visited agreed that abuses and violations of human rights at the Turkish-Bulgarian border are endemic but difficult to demonstrate. The majority of cases are related to people that are now recognized as refugees in Germany. By the same token, many cases of

[10] Mathias Fiedler. (2016). Border Monitoring Bulgaria by Border Monitoring, <http://bulgaria.bordermonitoring.eu/> [Access 20/07/2017]

[11] Vladislav Punchev. (2016). Refugiados, retenidos y atados por voluntarios “caza-inmigrantes” en la frontera búlgara. [http://www.eldiario.es/desalambre/caza-inmigrantes-bulgaros-heroes-problema-Gobierno\\_0\\_504650312.html](http://www.eldiario.es/desalambre/caza-inmigrantes-bulgaros-heroes-problema-Gobierno_0_504650312.html) [Accés 20/07/2017]

[12] ACNUR (2015), Bulgaria: Preocupación de ACNUR tres muerte de dos iraquíes en la frontera: <http://www.acnur.org/noticias/noticia/bulgaria-preocupacion-de-acnur-tras-muerte-de-dos-iraquies-en-la-frontera/>; Amnistía Internacional (2015), Fear and Fences: Europe’s Approach to Keeping Refugees at Bay: <https://www.amnesty.org/download/Documents/EUR0325442015ENGLISH.PDF> i Human Rights Watch, Bulgaria: Pushbacks, Abuse at Borders: <https://www.hrw.org/news/2016/01/20/bulgaria-pushbacks-abuse-borders>

[13] Babar Baloch. (2016). UNHCR alarmed at the plight of refugees and migrants at Bulgaria borders. <http://www.unhcr.org/news/press/2016/1/56aa19556/unhcr-alarmed-plight-refugees-migrants-Bulg%C3%A0ria-borders.html> [Access 22/11/2017] Human Rights Watch (2016), Bulgaria: Pushbacks, Abuse at Borders: <https://www.hrw.org/news/2016/01/20/bulgaria-pushbacks-abuse-borders>



violence and police brutality (people who have been left in the middle of winter in underwear, beatings, persecutions with dogs, etc. [14]) have been documented.

An example is the testimony of Ahmad, a 22-year-old Afghan, picked up by Amnesty International at the end of 2015 [15]: "When we tried to enter the first time in Bulgaria from Turkey, we saw the lights of a police car and agents sitting behind the border fence. The agents fired at us and we ran back towards Turkey. It was raining and we spent the night soaking in the forest."

Unfortunately, several deaths have been recorded both in the Turkish-Bulgarian border and in the Serbian-Bulgarian border, including 2017 [16].

Some of the people interviewed at the visit agreed to assert that allegations of violence had taken place since there had been a greater deployment of FRONTEX in the Turkish-Bulgarian border.

## **b) Detention of refugees and abuse of the accelerated procedure**

Concretely during the second half of 2015 and the first of 2016, unlike other transit countries in the different Balkan routes, Bulgaria has not facilitated the entry or exit of people in transit, but rather the opposite. The Bulgarian police continues to stop people who arrive irregularly, take their fingerprints and bring them to detention centers waiting to deport them. Persons who formally request asylum are transferred to reception centers.

Regarding this point, the organizations interviewed report that the procedure is excessively slow from the moment a person indicates that she or he wants to submit a request of asylum until it is processed and then transferred to a reception center. This slowness is mainly due to the lack of translators, even that EASO, precisely during our visit, sent translators to deal with that situation. In fact, the Center for Legal Aid, an organization composed of lawyers that provide free legal assistance to people who are confined to detention centers, have also denounced long term detentions. This is especially true for people from Afghanistan, Bangladesh and Pakistan, who remain in detention centers for longer periods than people of other nationalities.

[14] Example of testimonies in the report Safe Passage: Nikolina Milic . (2015). Safe Passage Testimony of people arriving in Dimitrovgrad, Serbia from Bulgaria. Belgrade: Belgrade Centre for Human Rights. <http://azil.rs/en/wp-content/uploads/2017/02/Safe-Passage1.pdf> [Access 22/11/2017]

[15] Public declaration of Amnesty International: Amnesty International. (2015). Bulgaria: it's time to address the allegations of abuse of refugees and migrants by the police. <https://www.amnesty.org/es/documents/document/?indexNumber=eur15%2f3058%2f2015&language=en> [Access 21/10/2017]

[16] See the AIDA report on Bulgaria: Iliana Savova and ECRE. (2016). Country Report: Bulgaria. Brussels: European Council on Refugees and Exile. [http://www.asylumineurope.org/sites/default/files/report-download/aida\\_bg\\_2016update.pdf](http://www.asylumineurope.org/sites/default/files/report-download/aida_bg_2016update.pdf) [Access 30/07/2018]

This policy of detaining people in transit can be caused by two reasons. On the one hand, it somehow contributes to legitimizing the politicians who are in the government who have encouraged public speech against immigrants and refugees and, on the other hand, contributes to stop crossings though Bulgaria, or willingness to stay on the territory. The Bulgarian Helsinki Committee conducted a survey among people in detention centers where 99.8% of the respondents answered that Bulgaria was not the kind of country where they wanted to remain [17].

Although we asked to visit a detention center, the Bulgarian authority did not allow us to do so. The conditions of the centers, as reported by the Bulgarian organizations, don't meet the minimum health requirements regarding health or educational resources.

As denounced by those institutions interviewed, in the centers there are single people (men and women), families with minors and unaccompanied minors. In December 2017, the European Court of Human Rights (ECHR) condemned Bulgaria for the violation of the article 3, inhuman and degrading treatment, in the case of a family with three children during their stay in a detention center in 2015 [18].

In an interview with the team of observers, the Red Cross stated that, according to their data, in the summer of 2017, about 2.000 people were trapped in detention centers during their transit to Greece or Serbia.

Arresting people who are only in transit leads to a situation where a large number of people do not want to finish their petition of asylum in Bulgaria. According to the report published by ECRE, 84% of the people who requested it in 2016 abandoned the procedure, and only 15% stayed enough time on the territory in order to receive some kind of resolution [19].

#### **What happens with asylum seekers who, based on the Dublin regulations, are sent to Bulgaria?**

This text is an extract from the AIDA Report: Bulgaria (February 2017) [20]

Asylum seekers who are returned from other Member States in principle do not have any obstacles to accessing the asylum procedure in Bulgaria upon their return. Prior to the arrival of Dublin returnees, the SAR informs the Border Police of the expected arrival and indicates whether the returnee should be transferred to an asylum reception centre or to an immigration detention facility. This decision depends on the phase of the asylum procedure of the Dublin returnee as outlined below.

- If the returnee has a pending asylum application in Bulgaria, he or she is transferred to a SAR reception centre because SAR usually suspends an asylum procedure when an asylum seeker leaves Bulgaria before the procedure was completed;
- If the returnee's asylum application was rejected in absentia, but not served to the asylum seeker before he or she left Bulgaria, the returnee is transferred to an asylum reception centre;

[17] Iliana Savova and ECRE, op.cit.

[18] S.F. and others v. Bulgària (application no. 8138/16) [Article 3 ECHR], 7 December 2017

[19] Iliana Savova and ECRE, op.cit.

[20] Iliana Savova and ECRE, op.cit.

· If, however, the returnee's asylum application was rejected with a final decision before he or she left Bulgaria, or the decision was served in absentia and therefore became final, the returnee is transferred to one of the immigration detention facilities, usually to the Busmantsi detention centre in Sofia, or to the Lyubimets detention centre near the Turkish border. Parents are usually detained with their children. In exceptional cases children may be placed in child care social institutions while their parents are detained in immigration facilities, in cases when an expulsion order on account of threat to national security is issued to any of the parents.

The other issue that both the UNHCR and the organizations interviewed highlighted is the abuse of the accelerated procedure by the Bulgarian authorities. In fact, the Center for Legal Aid denounces that the accelerated procedure is less guarantor of rights and that there is no legal criterion when applied but responds to political or subjective criteria. It is commonly applied to people who are detained during transit, who once they find themselves in a detention center request international protection, and also to certain nationalities such as Pakistani and Afghans. According to SAR, it applies to those nationalities or applications that are firstly considered to have no reasons to demand for protection, what goes against the Geneva Convention and the UNHCR guidelines to study case by case. Altogether, it means:

- The criminalization of people who have been forced to flee: people who have not committed any criminal offense are arrested or detained for the mere fact of seeking refuge or a more dignified life.
- A person is transferred to a reception center when they complete their application. De facto, apart from being criminalizing, they are pushed by a process of re-victimization, which deepens the trauma suffered in the European territory instead of protecting him or her and restoring those human rights that have been violated in the country of origin and during the journey.
- Normalization of long periods of detention for international protection applicants, particularly of certain nationalities due to the lack of translators.

### **c) Living conditions and lack of integration policies**

Bulgaria has a total of 6 centers for the registration and reception of refugees and one transit center:

- Registration and/or reception centers:
  - Sofia
  - Vrazhebnia
  - Busmantsi Detention Centre
  - Voenna Rampa
  - Ovcha Kupel
  - Banya (Nova Zagora)
  - Harmanli
- Transit Center:
  - Pastrogor



Source: State Agency for Refugees

According to the Bulgarian regulations, a person applying for international protection has the following rights during the entire duration of the procedure:

- To stay inside the territory of the Republic of Bulgaria

- To receive accommodation and food
- To receive the same social assistance as Bulgarians during the procedure of asylum
- To receive healthcare, access to free medical care like Bulgarians citizens
- To receive psychological and psychiatric assistance
- To receive a registration document (it is understood as identity)
- Access to translators and interpreters
- Access to the labor market as well as participating in programs or projects financed at the national, European or international level.
- Minors who asked for asylum, or with some type of protection granted, have the right to basic and secondary education, including the same professional formative programs as Bulgarians.

However, the reception conditions and integration policies of refugees are far from what we could imagine by reading the rights recognized by law. First of all, the conditions of the reception centers are very deplorable and do not meet the minimum hygiene and health conditions. There are no minimum standards, such as how many people can stay in the same room, the ratio of square meters per person or the ratio of professionals per person, although the reports and recommendations of the European Committee for the Prevention of Torture (CPT) and the case law of the ECHR (STEDH Khalaifia II v. Italia) can give us some references. In the course of our mission, organizations not only transferred us these complaints but also the fact that there is no separation between men and women, families or unaccompanied minors.

Serious abuses have been reported, including rapes that took place at the reception centers. The UNHCR reported to the team of observers that hygiene problems are so severe that they had to hire a dermatologist to treat skin problems derived from mange and bugs. In addition, the centers have been worryingly overcrowded during the second half of 2016 and the beginning of 2017 as a result of the closure of the border with Serbia.

It must be said that Bulgarian organizations have access, upon requesting them from the government, to the different reception centers. In our case, we were denied the visit.

Both the ECRE and the different groups with whom we met talked about, apart from housing, basic medical supplies and services. Asylum seekers do not receive any kind of social support since the end of 2013, when monthly economic benefits were canceled. In December 2016, the Bulgarian government introduced what they call the “long-expected Integration Decree”. Through this Decree, local municipalities should receive funds in order to develop integration policies. These policies, however, will only be carried out for people who have some type of protection recognized (either refugee status or subsidiary protection). However, organizations denounced that it is not fully applied due to the fact that none of the 265 municipalities have requested these funds [21].

In fact, in 2016 some courts of EU Member States had already suspended the application of the Dublin regulations in Bulgaria, due to the poor material reception conditions and the lack of guarantees in their rights. In February 2017, the Human Rights Committee of the UN granted provisional measures to prevent the transfer of an Afghan family with three minors from Austria to Bulgaria [22].

It should be underlined that all these shortcomings in the reception and integration are aggravated in the case of vulnerable groups such as women, LGBT people, survivors of torture or trafficking, since Bulgaria does not have directives or practices that fit the specific needs of these groups, except for minors [23]. Several NGOs try to cover these deficiencies with medical or psychological care, among others, but they are worried about the fact that there is no identification of the vulnerability at the national level or some kind of references and there no type of specific training for the workers that deal with these cases.

#### **d) Accompanied and unaccompanied minors**

According to the UNHCR, IOM and UNICEF, between January and September 2017, 552 minors were intercepted at the border or inside the Bulgarian territory. Among these, 28% were unaccompanied or separated minors (154), which represents a 91% decrease compared to the same period in 2016. The majority of minors were from Iraq, Syria and Afghanistan [24].

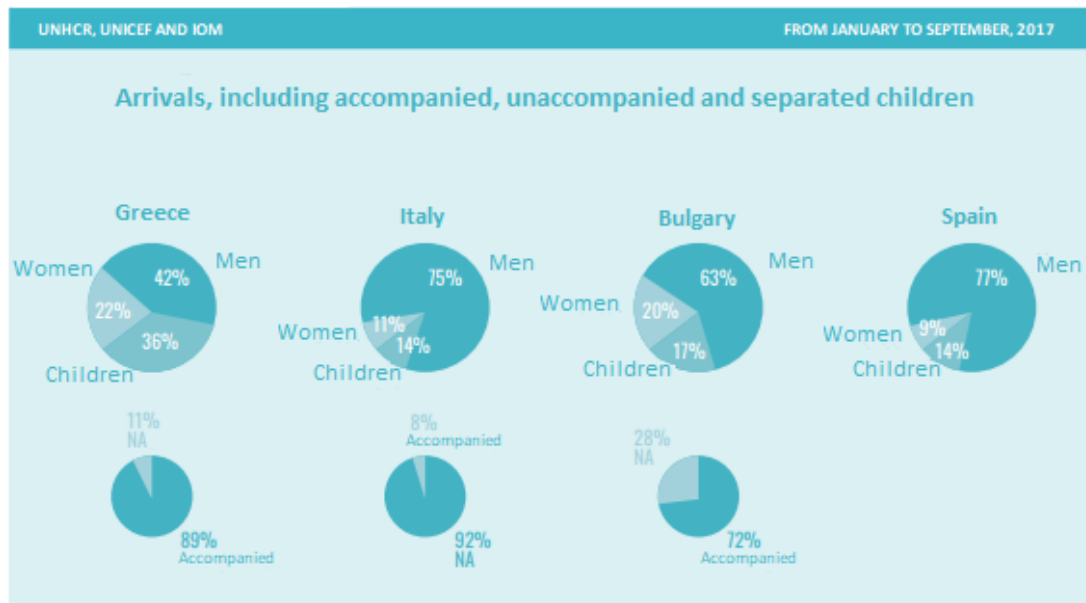
[21] Iliana Savova and ECRE, op.cit

[22] Human Rights Committee (2017), Communication No 2942/2017

[23] Asylum Information Database, Special Procedural Guarantees – Bulgaria: [www.asylumineurope.org/reports/country/bulgaria/asylum-procedure/guarantees-vulnerable-groups/special-procedural-guarantees](http://www.asylumineurope.org/reports/country/bulgaria/asylum-procedure/guarantees-vulnerable-groups/special-procedural-guarantees) and <http://www.asylumineurope.org/reports/country/bulgaria/asylum-procedure/guarantees-vulnerable-groups/identification>

[24] Javed Khan, Tsvetomira Bidart, Ivona, Zakoska Todorovska. (2017). Refugee and Migrant Children in Europe: Accompanied, Unaccompanied and Separated Overview of Trends January - September 2017. De OIM, UNHCR, UNICEF <https://reliefweb.int/sites/reliefweb.int/files/resources/61915.pdf> [Access 05/01/2018].





Source: IOM, UNHCR and UNICEF

Visited entities asked the Bulgarian State for better protection of unaccompanied minors, who are repeatedly sent to detention centers, are placed under custody of an adult who they may not know or are subjected to unreliable age recognition tests. There are no reception centers or specific support for unaccompanied minors, they live with adults and, outside the hours of care of professionals, are taken in charge by private security guards, with all the risks that that it implies.

### • Detention of minors

During the third quarter of 2017, minors spent an average of 7 days detained before being transferred to a reception center [25]. The detention of unaccompanied minors is prohibited in the article 44 (9) of the Foreigners' Law in the Republic of Bulgaria. However, during the visits to the detention centers, the Ombudsman found:

«[...] several cases of minors, who appear in [deportation and detention centers] for adults, without people knowing each other and without any kind of family relationship between them. In this way, children are formally classified as accompanied and the prohibition of detention of unaccompanied minors is avoided. In fact, they are unaccompanied minors, who should have been identified as such and who should immediately receive help and support as members of a particularly vulnerable group. »

We can read, for example, the testimony collected by the Center for Legal Aid, from Asthma, a minor from Iraq, detained in Bulgaria with her youngest sister: locked by traffickers somewhere near from the

[25] Javed Khan, Tsvetomira Bidart, Ivona, Zakoska Todorovska, op. cit

Serbian-Bulgarian border during four days, scared of possibly being raped.

Afterwards, is returned from Serbia to Bulgaria, from Bulgaria to Turkey, and ends at the beginning of 2016 in a detention center for foreigners in Bulgaria.

### • **Inappropriate custody**

The Ombudsman of the Republic of Bulgaria warned of problems regarding custody of minors in its annual report presented at the end of May 2016 [26].

On one hand, it is worth mentioning that many children are considered to be accompanied by an adult with whom they have been traveling, without this adult being necessarily their relative or even a persona they know. The report talks about the case of a minor from Afghanistan accompanied by an adult from Pakistan. As this case exemplifies, many minors are considered to be accompanied even if they are not with a relative, leaving them under protection of people who, in some cases, do not have any kind of family kinship.

The Center for Legal Aid and the Bulgarian Lawyers for Human Rights have also serious concerns about the draft law that aims to modify and complement the current Law on Immigration regarding unaccompanied minors. In their joint statement of July 2017, they stated that the draft law does not demand an evaluation of the best interests for the minor, and presupposes that minors are accompanied. The draft law even suggests lodging children in separate spaces with “accompanying” adults, which is a clear exposure to serious risks of abuse, according to the statement [27].

On the other hand, regarding those children recognized as unaccompanied, they also face serious difficulties with regard to custody: According to the newspaper Balkan Insight, a letter from the European Commission was sent to the competent Bulgarian authorities

[26] Declaration of the Centre for Legal Aid about the Ombudsman report: Center for Legal Aid Staff staff (2016). Migrant Children in Detention: the Bulgarian Ombudsman Calls Out on the Unlawful Detention of Unaccompanied Minors. Center for Legal Aid. <http://detainedinbg.com/blog/2016/03/27/children-in-detention-the-bulgarian-ombudsman-calls-out-on-the-unlawful-detention-of-unaccompanied-minors-and-the-poor-conditions-in-the-detention-centres-for-foreigners/>

[27] Center for Legal Aid Staff staff, Migrant Children in Detention: the Bulgarian Ombudsman Calls Out on the Unlawful Detention of Unaccompanied Minors, op. cit.

about the conditions of reception for refugees and asylum seekers [28]. The first point of improvement requested by the EC and by which it issues more concerns is the question of the protection of unaccompanied minors, and particularly insists on custody. This way, the EC cites the ECRE report (AIDA) [29].

«Since the 2015 amendments to the LAR, the statutory social workers are replaced by a legal representative for unaccompanied children appointed from the respective municipality and with explicitly enumerated responsibilities. However, in practice the municipalities proved even less equipped than statutory social workers to deal with unaccompanied asylum seeking and refugee children. [...] Only in December 2016 did the relevant municipalities appoint one guardian per reception centre».

### • Absence of specific support

Dilyana Giteva, from Bulgarian Lawyers for Human Rights, summarizes support for unaccompanied minors in Bulgaria: «There is no mechanism – neither right nor practice- to provide protection to these minors, who are deprived of their freedom». She also adds that the only assistance received by unaccompanied minor comes from NGOs, but it is a «matter of luck» [30].

According to the EC [31] letter posted by the newspaper Balkan Insight, the need for specific support for unaccompanied minors is underestimated by Bulgarian authorities. While the EC welcomes the intention to create a reception center for unaccompanied minors with Norwegian funds, it highlights the fact that, as the provision is made for the end of 2018, it does not deal with imminent needs [32]. Indeed, currently, unaccompanied minors share rooms with adults, even in centers of reception or detention. In September 2017, 482 children, including separated or unaccompanied minors, were at reception centers in Sofia and southern Bulgaria [33].

[28] Letter of the European Commission to Bulgaria of July 6, 2017, “Measures for improvement of the Bulgarian asylum System”, Ref. Ares (2017) 3407817 - 06/07/2017,

<http://www.balkaninsight.com/en/file/show/DG%20HOME%20Letter%20to%20BG%206%20July%202017%20copy.pdf>, [Access 12/12/2017]

[29] Iliana Savova and ECRE, op.cit

[30] Maria Cheresheva. (2016). The Fate of Unaccompanied Children Refugees in Bulgaria. 15/01/2018, de Center for Legal Aid. 31.

<http://detainedinbg.com/blog/2016/06/20/the-fate-of-unaccompanied-children-refugees/> [Access 24/07/2017]

[31] Letter of the EC to Bulgaria (06/07/17), “Measures for improvement of the Bulgarian asylum System”, Ref. Ares (2017) 3407817 - 06/07/2017, <http://www.balkaninsight.com/en/file/show/DG%20HOME%20Letter%20to%20BG%206%20July%202017%20copy.pdf>, [Accés 12/12/2017]

[32] Letter of the EC to Bulgaria (06/07/17), op. cit

[33] Refugee and Migrant Children in Europe, Accompanied, Unaccompanied and Separated: Overview of Trends January - September 2017: <https://reliefweb.int/sites/reliefweb.int/files/resources/61915.pdf>

## Conclusions

- The militarization of Bulgarian border control has been a constant element since the arrival of people seeking asylum in 2015 and has resulted on violence against them. Pushbacks, - a practice that is contrary to the fundamental principle of the right of asylum of “non-refoulment”- endanger the lives of people who are fleeing violence and persecution, preventing them from the access to a Human Right. The consequence is that this right is not fully guaranteed at the Bulgarian border.
- Bulgaria is seen as a country of transit for the vast majority of people in movement, who continue their journey to other EU countries: the concern is the detention of people who are returned to Bulgaria due to Dublin regulation. On the other hand, arresting migrants is frequent: the concern is the detention of both accompanied and unaccompanied minors.
- The conditions of reception centers for refugees are very deplorable and do not meet minimum hygiene and health conditions. There are no minimum standards of detention and, in recent years, centers have been worryingly overcrowded.
- The absence of inclusive public policies makes asylum seekers and refugees depend on the support of NGOs, which do not have enough means to reach all people.
- The low quality of work with foreign minors is concerning: both in terms of accompaniment (there are numerous cases of minors who are considered “accompanied”, although the relationship is not demonstrated) and absence of integration policies or surveillance by the authorities.
- The role of the media is supportive of this policy: in most cases, media has not portrayed migrants as victims of violation of Human Rights, but as invaders. Racist and xenophobic speech in the media and in social networks seem to be the order of the day, and national authorities have not implemented any strategy to limit or prosecute (take out “for”) the most serious contents.

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