



EDUCATIONAL OBSERVATION DOSSIER **BULGARIA**

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

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1. What can we use to work with students through the analysis of the refugee situation on the Balkan route? The Case of Bulgaria.

Bulgaria is one of the countries that comprise what has been called the East Balkan route. This became relevant when the Aegean route was practically closed off after the **European Union (EU) - Turkey Agreement** [1] which entered into force on 20 March 2016. Not only has its geographical location led to it becoming a country of transit, rather than one that receives refugees, this is also due to it being one of the most impoverished countries in the EU (its GDP ranks 76th in global terms), as well as its lack of integration policies aimed at foreigners, and in general terms, the fact that a favourable political and social climate to immigration does not exist.

In order to find out about this situation in first-hand, and to inform secondary and high school students about it, a team of observers from the Catalan Commission for Refugees (CCAR) and SOS Racisme Catalunya carried out an Observation Mission in June 2017. An observation report and the following educational dossier were drawn up from the facts learned about the procedures for the detention and reception of refugees in Bulgaria.

The following contents and basic skills required at secondary and baccalaureate level can be worked on using this educational dossier [2]:

Contents:

- The causes of forced displacements
- Human rights and needs
- The rights of refugees
- Empathy and dialogue
- Concepts: Migrants and refugees
- Vulnerable groups
- Empathy and dialogue
- Stereotypes, prejudice and rumours
- A critical vision of policies

Basic skills:

- Communication, language and audio visual
- Social and citizenship public awareness
- Knowledge and interaction with the physical world
- Independence, personal initiative and entrepreneurship

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

[2] For more teaching activities about refugees, see the Refugee Briefcase: www.maletarefugi.ccar.cat

2. The Refugee Situation in Bulgaria

In recent years, the number of people requesting refugee status in Bulgaria has increased significantly: according to Eurostat [3] data in 2014 10,805 people requested international protection, while in 2015 this figure doubled to 20,165 applications and in 2016 there were 18,990. However, in 2017, refugee transit through Bulgaria, especially from Turkey, was relatively smaller, especially due to the difficulties refugees encounter in trekking across Turkish territory and crossing the border between the two countries, which is "sealed off" by a fence some 200 kilometres in length, and which was completed in 2017. In 2015 Bulgaria arrested 34,056 people who tried to enter, stay or leave the country illegally, especially people entering from Turkey, while in 2016 this figure dropped to 18,844 and in 2017 it totalled 4,957 [4].

According to official statistics, in 2017 only 3,470 people requested international protection in the country [5]. Also in 2017, an extremely small number of requests were registered on the Turkish-Bulgarian border (less than 100). The majority of applicants had already made their applications from within Bulgarian territory, mainly after being detained by the country's authorities, so that they would be allowed to continue on their way to the Serbian-Bulgarian border. According to information provided by the NGO Bulgarian Helsinki Committee, in 2017, 78% of those requesting asylum in Bulgaria subsequently left the country.

The main countries of origin in terms of those refugees who have arrived during the last two years in Bulgaria are: Afghanistan, Syria, Iraq and Pakistan [6]. In 2016 the Bulgarian government granted international protection to 43% of all applicants. However, if those decisions relevant to Syrian nationals are not taken into consideration, the positive response percentage drops dramatically to 9%.

[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> (data: 2014 and 2015) and Eurostat, Asylum applicants in the EU 2016 <http://ec.europa.eu/eurostat/news/themes-in-the-spotlight/asylum2016> (data from 2016)

[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> (data from 2017) and Iliana Savova and ECRE. (2016). Country Report: Bulgaria. Brussels: European Council on Refugees and Exile. [Access 30/07/2018] (data from 2016)

Unit 1. Borders, Policies and People

1) Concept

As of 2017, the transit of refugees through Bulgaria, and especially from Turkey, has been relatively small, above all because of the difficulties involved in travelling across Turkish territory and crossing the border between the two countries, a frontier that is "sealed off" by a fence some 200 kilometres long, and which was completed in 2017.

2) Situations

- **Closure, externalisation and violence on the border.**

The border zone where more allegations of human rights violations have been recorded by Bulgarian human rights organizations and by the United Nations High Commissioner for Refugees (UNHCR) is Bulgaria's frontier with Turkey, which is closed off by a 176 kilometre-long fence. Border closure policy not only consisted of the construction of the fence demands were made to Turkey to control its borders in order to avoid unregulated entries of migrants. Even in 2016, the Bulgarian Parliament voted in favour of sending in the army to protect the border and prevent people from entering [7]. At the same time, as several NGOs have reported, civilian militias were being organised in order to "defend" the border [8].

- **The detention of refugees and the abuse of the accelerated procedure.**

Bulgaria, unlike other countries in Eastern Europe, has not facilitated either the exit, or the entry of people in transit, but rather the contrary. The Bulgarian police arrest those who arrive in an irregular situation, take their fingerprints and transport them to detention centres where they are left to await deportation. Those who formally request asylum are transferred to reception centres. The detention of refugees who are merely in transit motivates a large number of people not to finalise their international protection procedures. In these cases, the use of an accelerated procedure for certain nationalities, such as Pakistanis or Afghanis is common. However, those migrants and refugees in situations of forced displacement are criminalised, as they are arrested and prosecuted, even though they have not committed any kind of offence. They are persecuted solely on the basis of the fact that they are seeking refugee status or a more dignified life.

The detention of refugees is a re-victimisation, and it heightens the trauma that these migrants have suffered; instead of protecting them and restoring those human rights that have been violated in their country of origin and during their journeys.

[7] Mathias Fiedler. (2016). Border Monitoring Bulgaria. From Border Monitoring, [Access 20/07/2017]

[8] Vladislav Punchev. (2016). Refugiados, retenidos y atados por voluntarios "caza-inmigrantes" en la frontera búlgara. eldiario.es [Access 20/07/2017]

Legislation however obliges the first EU country of entry to take responsibility for the processing of asylum applications; a process that does not allow people to choose where they want to live, and which sometimes damages the integration process; one that depends on factors such as language, or having a network of acquaintances or relatives in a specific area.



- **Reception conditions and the lack of inclusion policies**

Reception conditions and policies for the inclusion of refugees are a long way from what we might first imagine when reading their legally-recognised rights. In the first place, the conditions in reception centres are deplorable to say the least, and do not meet even minimum hygiene and health conditions. There are no minimum standards such as, for example, how many people are to be placed in one room.

3) Activity. Sailing?

Ask for three volunteers to read out loud the 3 situations and begin the “Sailing” activity (CCAR Educational Briefcase (page 27))

Unit 2. Pushbacks

1) Concept

Pushbacks or ‘Hot returns’, as they are known in Spanish, involve returning people, usually just after they have crossed a border, back to the other side without the authorities having examined if the person could be the victim of persecution for reasons of ethnicity, religion, nationality, for belonging to a certain social group, or for political motives, all of which would mean that they would be entitled to request international protection.

Procedures of this kind are illegal, as they violate the principle of non-return, and in many cases they involve group expulsions (which is prohibited by Article 4 of Protocol 4 of the European Convention of Human Rights), and a violation of Article 13 of the European Human Rights Convention, which demands an effective internal resource that enables the examination of a defensible complaint and the offer of adequate reparation.

The latest proof of the illegality of hot returns comes from the recent sentence passed by the European Court of Human Rights, on the actions of the Spanish government in this regard.



2) Situation

Both human rights [9] organisations and the UNHCR itself have reported that systematic returns were made, as well as the use of violence and other cruel and inhuman treatment occurred, especially during the second half of 2015 and during 2016. The Bulgarian Helsinki Committee reported on several occasions, especially during 2016, that it was still a common practice to enforce massive returns of migrants and refugees back to Turkey with, in a large number of cases, the use of violence and even the theft of the belongings of those people who were trying to get through.

- **Are they legal?**

Hot returns are not a regulated practice, nor are they subject to a legal definition. What's more, they are not prohibited. However, the practice may strongly condition the effectiveness of the fundamental principle of non-return, as determined by the Geneva Convention of 1951, and which was ratified by Bulgaria. The procedure also contradicts the country's own Law of Asylum and Refugees, which states that any foreigner may apply for asylum in Bulgaria, regardless of whether access to Bulgarian territory has been made in a regular manner or not.

These actions in themselves therefore constitute a practice that must be eradicated, as besides endangering the lives of those fleeing from violence and persecution, they block access to a basic human right - the right of asylum. The resulting scenario is that this right is not fully guaranteed at the Bulgarian border.

3) Activity. Would you leave your own home?

Explain the concept and the situation of hot returns. Next read out the following account before beginning the game "Would you leave your own home?"

Ahmad, a 22 year-old Afghan man; an account reported by Amnesty International at the end of 2015 [10]:

«When we tried to get into Bulgaria from Turkey the first time, we saw the lights of a police car and some officers sitting behind the border fence. The officers fired at us and we ran back towards Turkey. It was raining and we spent the night soaking wet in the woods».

Would you leave your own home?: CCAR Educational Briefcase (Page 41)

[9] <https://www.hrw.org/news/2016/01/20/bulgaria-pushbacks-abuse-borders>

[10] Public statement by Amnesty International: Amnesty International. (2015). Bulgaria: It is time to deal with reports on abuse against refugees and migrants by the police. [Accès 21/10/2017]

Unit 3. Unaccompanied Minors

1) Concept

According to the UNHCR, the IOM and UNICEF, between January and September 2017, 552 minors were intercepted at border points and inside Bulgarian territory. Among these, 28% were unaccompanied or separated minors (154), which is 91% less than in the same period during 2016. Most of them were from Iraq, the Syrian Arab Republic and Afghanistan [11].

2) Situation

Even though the detention of unaccompanied minors is expressly prohibited in Article 44 (9) of the Law on Foreigners of the Republic of Bulgaria, several cases have been detected in which children were included in the deportation and detention orders of other adults, without the people in question knowing each other and with no kind of family relationship between them [12].

3) Activity. Class Debate

Explain the Bulgarian context, and the concept and situation of unaccompanied children in the country. Next put on the following video, where an unaccompanied minor talks about their arrival in Italy and their integration process.

- <https://www.unicef.es/causas/emergencias/refugiados-migrantes-europa>

Then read the following case of a true account from Bulgaria.

Asma (A child from Iraq who was detained in Bulgaria with her younger sister):

[...]I was locked up for four days by smugglers near the Bulgarian-Turkish border, I was afraid of being sexually attacked. They returned me from Serbia to Bulgaria, then from Bulgaria to Turkey, ending in 2016 at a detention centre for foreigners in Bulgaria.[...]

Create an atmosphere for debate and reflection in the class:

- What things did you find that both cases shared? What differences did you find?
- What aspects of improvement do you think could be applied in the case of Asma?
- What do you think we can do? Awareness raising, volunteering, etc.

[11] Javed Khan, Tsvetomira Bidart, Ivona, Zakoska Todorovska. (2017). Refugee and Migrant Children in Europe: Accompanied, Unaccompanied and Separated Overview of Trends January - September 2017. Rom the OIM, UNHCR, UNICEF (accès el 5 de gener de 2018)

[12] See statements from the Centre for Legal Aid on the Ombudsman's Report: Centre for Legal Aid Staff Staff. (2016). Migrant Children in Detention: the Bulgarian Ombudsman Calls Out on the Unlawful Detention of Unaccompanied Minors. Centre 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/>



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