



REPUBLIC OF BULGARIA
MINISTRY OF INTERIOR

Ref. № 812100 – 22878

20 December 2022

TO
MS DUNJA MIJATOVIĆ
COMMISSIONER FOR HUMAN RIGHTS
OF THE COUNCIL OF EUROPE

DEAR COMMISSIONER,

Bulgarian authorities thank you for your letter dated 13th December 2022 and would like to provide the following comments:

Bulgaria strictly observes international humanitarian and human rights law. All measures to ensure effective border management and control are applied while guaranteeing the fundamental rights and freedoms of all persons, including the right of asylum. In this regard, we would like to point out that, despite the unprecedented migration pressure at the Bulgarian border, there is no data on unlawful detention and ill treatment, as well as pushbacks, bodily injury or other incidents against refugees, asylum seekers and migrants.

The Bulgarian authorities have excellent cooperation with the respective UN Agencies and with NGOs. The General Directorate Border Police (GDBP) actively cooperates with UNHCR and the Bulgarian Helsinki Committee under a tripartite Memorandum for cooperation. According to the provisions of this document, representatives of UNHCR and BHC have 24/7 full and free access to all detained persons with a view of guaranteeing their rights. The Migration Directorate also maintains similar cooperation with international organizations and NGOs.

Moreover, the Ombudsman of the Republic of Bulgaria monitors the respect of human rights by the border authorities at operational level. Their representatives may participate as observers in all activities of police detention, in TCNs return operations and in the assessment of the conditions of accommodation of detainees.

With the support of international organizations and NGOs, several trainings are organized on topics related to access to the territory and provision of protection, vulnerable groups, cultural differences and communication, rescue at sea, etc. This cooperation is fully supported by the political management and will continue to be realized as a good practice.

The Bulgarian external borders are jointly protected by the Bulgarian authorities and Frontex, whose officers are constantly present at the borders. In 2022, representatives of the **Fundamental Rights Office of the Agency made two regular visits in Bulgaria and identified no violations.**

Full compliance with Schengen legislation has also been confirmed in the latest fact-finding missions in Bulgaria under the coordination of the European Commission, including in the area of fundamental rights.

It should be further taken into account that the activities of the border guards are under constant surveillance. The cameras of the integrated border surveillance system make independent recordings in 24/7 mode. The rules of Frontex require the obligation to report and clarify immediately any act of violence or other violation of human rights. Pursuant to Regulation 2019/1896 on European Border and Coast Guard, the Agency suspends any joint operation in the event of serious violations of fundamental rights or obligations under international protection. **There have been no such cases in Bulgaria.**

Thanks to this video surveillance, just last week, the border guards were able to locate and save a Syrian father and his son, who were found in extremely serious life-threatening situation. They were taken to hospital, and subsequently received the necessary support and protection. This is only one example of a number of similar cases.

Parallel to this, Bulgarian authorities report significant results in combatting migrant smuggling, including in cooperation with the neighbouring countries. The analysis of the latest events shows that enhanced security and police measures make this type of criminality become more daring and dangerous. Unfortunately, migrants and asylum seekers are often manipulated by the smugglers in order to ensure their unhindered passage, mainly to Western European countries. You may be aware that in two recent incidents, in the context of ongoing operations to apprehend smugglers, **three Bulgarian police officers lost their lives.**

For this reason, preventing illegal migration is one of the main priorities of Bulgarian authorities. Bulgaria actively supports projects in the countries of origin, aiming to raise awareness about the serious risks of illegal migration.

Bulgarian authorities have clearly stated their firm decision to continue the fight against criminals who abuse of people's will for a better life and make them victims of migrant smuggling. Tracing the proceeds and analysing the aims of this crime is a key factor that requires a quick and adequate response at international level. Bulgaria has just joined an EU funded project on combatting migrant smuggling and THB in the Western Balkans.

It should be underlined that no anti-migrant rhetoric was noticed in the last years, as the authorities note the importance of taking preventive steps against its instrumentalization.

In conclusion, I would like to reassure you, Mrs. Mijatović, that the Bulgarian authorities are making every effort to protect the Bulgarian border while respecting the rights of people seeking protection. In this regard, I would like to dismiss the supposed existence of a *growing practice* of pushbacks at the Bulgarian borders, both because **there have been no similar cases** and because it is our understanding that such conclusions should be based on a **wider range of sources**, including information from the national authorities.

Yours sincerely,

DEPUTY PRIME MINISTER FOR
PUBLIC ORDER AND SECURITY
AND MINISTER OF INTERIOR
(signed and stamped)

IVAN DEMERDZHIEV