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Bulgaria: Authorities must effectively and thoroughly investigate the attack against a 17-year-old Romani boy

On 18 April, Mitko, a 17-years-old Romani boy from Ovchepoltsi village, was brutally beaten up by a 24-year-old Bulgarian man. The perpetrator physically assaulted Mitko after he had told him “We are equal” despite their different ethnicities. The attack and the racially abusive language used were filmed by the perpetrator himself and the footage has been widely circulated on social media platforms.

On 22 April, Amnesty International called on the Bulgarian authorities to fulfil their obligation to carry out a prompt, effective, adequate and thorough investigation into the alleged racist crime against the Romani teenager. In particular, authorities should ensure that all efforts are made to unearth any discriminatory motive which might be associated with the physical attack.

According to the information available to Amnesty International, on 19 April authorities arrested a man suspected of having perpetrated the attack. The organization will continue to monitor the developments of the investigation to ensure that the perpetrator of the attack against Mitko is brought to justice.

Ensuring that the discriminatory motives of hate crimes are investigated, acknowledged and publicly condemned by authorities is essential not only to help prevent such crimes in future, but also to combat discrimination more generally.

Background

The European Court of Human Rights has repeatedly highlighted that authorities have the obligation to carry out a prompt, effective, adequate and thorough investigation into criminal offences perpetrated by private individuals that violate the rights to life or to freedom from torture and inhumane and degrading treatment or punishment (Article 2 and 3 of the European Convention). The Court have found violations of the European Convention in instances where authorities have failed to unmask the racist motive associated with murders or physically assaults causing bodily injuries.

In a February 2015 report, [Missing the point: Lack of adequate investigation of hate crimes in Bulgaria](#), Amnesty International expressed concerns regarding the failure of the Bulgarian authorities to adequately investigate and prosecute hate crimes by taking the discriminatory motives behind them duly into account.

Legislation exists in Bulgaria to investigate and prosecute racist and xenophobic crimes as hate crimes but authorities have consistently failed to effectively and thoroughly investigate and

prosecute them as such. Under the Bulgarian criminal law, discriminatory motive is a constitutive element of some crimes, referred to as “crimes against national and racial equality” and “crimes against religious denominations” in the Criminal Code. This group of crimes includes incitement to hatred and discrimination as well as violence (resulting in minor injury or no injury) against people or property on grounds of race, ethnicity and nationality (Article 162); participation in a group, which aims to attack people or property on grounds of race, ethnicity or nationality (Article 163); incitement to religious hatred and desecration of or damage to places of worship (Article 164); and the use of force or threats aimed at hindering the right to express one’s religion (Article 165). For certain crimes – namely, murder and the infliction of bodily injuries – a racist or xenophobic motive is regarded as an aggravating factor and attracts a heavier penalty (Articles 116.1.11 and 131.1.12 of the Criminal Code).

However, in practice, Amnesty International’s research suggest that authorities tend to investigate and prosecute racist crimes against minorities as crimes motivated by hooliganism rather than by racism or xenophobia, including in instances when strong evidence points to discriminatory motives.

Bulgaria should address such shortcomings and put in place effective measures so that everyone in the country can enjoy their rights without any form of discrimination. Such measures should include, among others, adoption of guidelines for police officers on investigating crimes with a racist or xenophobic motive, and in-service training on the nature of hate crime and the role of police in combating discrimination; implementation of existing guidelines for prosecutors on investigation of hate crimes; as well as collection of disaggregated data on reporting, investigation, prosecution and sentencing of hate crimes.

The full set of recommendations addressed to the government of Bulgaria, the Prosecution Office, and the police authorities are listed in the February 2015 report.

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