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**THIRD REPORT SUBMITTED BY BULGARIA  
PURSUANT TO ARTICLE 25, PARAGRAPH 2  
OF THE FRAMEWORK CONVENTION FOR  
THE PROTECTION OF NATIONAL MINORITIES**

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## **I. Practical arrangements made at the national level for following up the results of the second monitoring cycle**

The Republic of Bulgaria ratified the Framework Convention for the Protection of National Minorities in 1999. Since then, the provisions of the Framework Convention have been applied by the Bulgarian authorities in good faith in conformity with its Article 2. This Third State Report by Bulgaria represents the progress achieved in the implementation of the Framework Convention since the submission of the Second State Report (ACFC/SR/II (2007)007), which along with the observations of the Government could be used for references.

Implementing in practice the principle that ethnic identity is a matter of free personal choice for any individual all Bulgarian citizens are given the opportunity to freely state their ethnic, religious or linguistic affiliation. The protection of their rights and freedoms is guaranteed by the Bulgarian Constitution, the national legislation and Bulgaria's international legal obligations in the field of human rights, in strict conformity with the principles of equality and non-discrimination.

All necessary legal and institutional guarantees exist for the effective realization of human rights and fundamental freedoms, as well as for prevention and protection against any violations.

Minority representatives are encouraged to participate more actively in the decision-making process, as well as the monitoring of the Framework Convention both at local and national level through various mechanisms for consultation and coordination.

Most important among these mechanisms is the National Council for Cooperation on Ethnic and Integration Issues (NCCEII).

The National Council's activities are developing in several directions, including: ensuring equal opportunities and equal treatment of all Bulgarian citizens, prevention of racism and xenophobia, as well as preventing and combating any discriminatory practices based on ethnicity; improving access to healthcare and education, and the improvement of employment and the living conditions of persons belonging to ethnic minority groups, with a focus on the most vulnerable citizens in the context of social and economic conditions; preservation and development of the cultural, religious and linguistic identities of minority communities.

Since April 2011, in accordance with Decree № 92/2011 of the Council of Ministers for amending the regulations of the Council of Ministers, the work on ethnic issues has been transferred from the Ministry of Labour and Social Policy to the administration of the Council of Ministers. Thus the consultative and coordinative functions on ethnic and integration issues are currently concentrated within the competences of the National Council for Cooperation on Ethnic and Integration Issues to the Council of Ministers (NCCEII), supported at the highest administrative level. The policy related to demographic development has been transferred to the portfolio of the Ministry of Labour and Social Policy.

NCCEII (until April 2011 known as the National Council for Cooperation on Ethnic and Demographic Issues - NCCEDI) is a coordinating and consultative body, assisting the Government in formulating the policy on the integration of minority groups. Represented in



the Council are organizations of Bulgarian citizens belonging to ethnic minorities<sup>1</sup> active in the sphere of integration of ethnic minorities, registered under the Law on non-profit legal entities, as well as all Ministries at the level of a Deputy Minister, heads of six departments - executives, state agencies, the National Statistical Institute, a representative of the Bulgarian Academy of Sciences and the National Association of Municipalities in Bulgaria. A representative of the Minister of the EU Funds Management also participates.

With the regulatory changes outlined above, the functions of NCCEII have been extended. The new provisions are introduced in the Rules of Procedure and Organization of NSSEII (RPONSSEIV). The most important among them are the following:

- NCCEII coordinates and controls the implementation and carries out constant monitoring over the National Action Plan for the "Decade of Roma Inclusion 2005 – 2015" initiative and also over the commitments of all state institutions according to their functional competence related to the Decade of Roma Inclusion initiative. It will be recalled that Bulgaria has been taking part in the Initiative since its very beginning and hosted, along with Hungary, its official launch on 2 February 2005. The National Action Plan was adopted in April 2005. Since then a Progress Report is elaborated annually and submitted to the Council of Ministers. The 2011 Progress Report was also presented before the National Assembly;
- The Chairman of the NCCEII is the National Coordinator for the international initiative "Decade of Roma Inclusion 2005-2015". For the first time since the inception of the initiative, the functions of the National Coordinator are assumed by the Deputy Prime Minister, who is the chairman of NCCEII. (Previously these functions were performed by Deputy Ministers of the Ministry of Labour and Social Policy, as well as an Adviser in the cabinet of the Minister of Labour and Social Policy).

The Council is supported administratively by a Secretariat within the Administration of the Council of Ministers, consisting of 5 Staff Members. The Secretary of the National Council is a civil servant in the Administration of the Council of Ministers. Secretary of NCCEII is a member of CAHROM at the Council of Europe. All experts of NCCEII are also member of working groups of the Operational Programme for the next programming period.

The website of the NCCEDI/NCCEII is regularly updated and contains information on the relevant documents on the national and international levels in the field of the rights of the persons belonging to minorities groups<sup>2</sup>.

The results of the second monitoring cycle have been subject to analyses and regular discussions in the NCCEDI/NCCEII, which, as already stated, brings together governmental officials from Ministries, State Agencies and civil society representatives, including minority associations participating on a voluntary basis.

Various issues related to the effective implementation of the Framework Convention have also been discussed at national and local seminars and workshops organized by relevant Ministries and statutory bodies within the framework of the initiative "Decade for Roma Inclusion, 2005-2015", the Framework Programme for Roma Integration in the Bulgarian Society (2010-2020), the National Roma Integration Strategy of the Republic of Bulgaria (2012-2020), etc.

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<sup>1</sup> In 2010, in the Council are represented 28 NGOs, in 2011 - 26 NGOs and in 2012 - 44 NGOs, including NGOs of citizens, belonging to the Armenian, Aromanian, Vlach, Jewish, Karakachan, Roma, Turkish communities as well as organizations working on minority issues.

<sup>2</sup> [www.nccedi.government.bg](http://www.nccedi.government.bg)



Civil society representatives and media are regularly invited to participate in such events.

## **II. Measures taken to improve the implementation of the Framework Convention**

### **Specific Recommendations:**

**- pursue an inclusive approach in respect of the personal scope of application of the Framework Convention in consultation with those concerned and in accordance with the provisions of the Convention;**

As stated on previous occasions, the Republic of Bulgaria adheres to the principle that ethnic identity is a matter of free personal choice for each individual. Self - identification is one indispensable criterion to be considered when defining the personal scope of application of the Framework Convention. By its very nature, though, self - identification is a **subjective** criterion. It shall be recalled, however, that according to paragraph 35, second sentence, of the Explanatory Report to the Framework Convention: *“The individual’s subjective choice is inseparably linked to objective criteria relevant to the person’s identity.”* It is evident from this explicit text that the personal scope of application of the Framework Convention is inherently linked to the existence of both subjective and objective criteria **cumulatively**. Subjective criteria could not be assigned decisive significance, especially given their unstable dynamics (i.e. different self-identification of the same person in changing circumstances), while objective criteria should not be practically disregarded. Consequently, any individual, who may wish to come under the protection flowing specifically from the principles of the Framework Convention must fully satisfy both types of criteria cumulatively in order to qualify for such protection (i.e. a mere wish and/or sentiment could not suffice).

Within this clear legal framework, defined by the Convention itself, the Bulgarian authorities have adopted a genuinely inclusive approach regarding the personal scope of application of the Framework Convention. Based on the Constitution of the Republic of Bulgaria, in connection with the provision of Art.3, paragraph 1 of the Framework Convention, and to the extent that the individual choice of every person regarding his/her belonging to a given ethnic, religious or linguistic minority group or community is linked to the existence of objective criteria, relevant to that person’s identity, the principles of the Framework Convention are applicable to all citizens of the Republic of Bulgaria.

It should be emphasized in this regard that in *Resolution CM/ResCMN(2012)2 on the Implementation of the Framework Convention for the Protection of National Minorities by Bulgaria* the Committee of Ministers recognised the inclusive approach of the Bulgarian authorities regarding the personal scope of application of the Framework Convention, while also noting the existence of certain persons identifying themselves as belonging to national minorities but not satisfying the criteria who would like to benefit from the protection of the Framework Convention.

It will be further recalled in this connection that following a discussion with the President of the Advisory Committee in the meeting of the Committee of Ministers’ Rapporteur Group on Human Rights (GR-H) of December 2011 it was clearly re-confirmed that it is “the sovereign right of states parties... to determine the personal scope of the Convention in respect of their own population.”



**- further improve the functioning of the administrative and judicial mechanisms in place, including the strengthening of an independent complaint system, so as to ensure prompt, impartial and effective investigations into allegations of ill-treatment by the police;**

The existing system ensures both objectivity and reliability, since investigation of all cases of such events is conducted by bodies which are completely independent of the police - the Commission for Protection against Discrimination, the Ombudsman and where the act constitutes an offense of general nature - the investigation and prosecution bodies are part of the independent judiciary.

*The Commission for Protection against Discrimination* (CPD) established under the Law on Protection against Discrimination is an institution which provides independent assistance to victims of discrimination lodging complaints. Through its offices and regional representatives, the CPD helps the victims of discrimination in their search for protection of their rights both as citizens and as representatives of minority groups.

Proceedings before the Commission can be initiated with a complaint by a victim of alleged discrimination, by a signal from natural persons or legal entities, or by the Commission itself. The proceedings before the Commission are free of charge. They are conducted according to a special procedure provided by the Law on Protection against Discrimination. An important step in the process of establishment of the violation is the reversed burden of proof, introduced by this Act. The time limits for considering a complaint are short and established by law. Experience shows that citizens in vulnerable situations, including persons belonging to minority groups, prefer to initiate this administrative proceeding rather than submitting a claim to the general court.

The Protection against Discrimination Act limits the competence of the Commission to cases that are administrative violations and do not constitute offences within the meaning of the provisions of the criminal law. According to Art. 59, para 4 of the Protection against Discrimination Act if in the course of investigation facts of a committed crime are established, the Commission shall refer the case to the Prosecutor's Office.

Within its jurisdiction, the Commission for Protection Against Discrimination recognizes that some activities of the public order protection authorities related to the use of coercive force is criticized by citizens and organizations and actions of the Ministry of Interior for management of serious conflict situations are subject to inquiries based on complaints alleging less favourable treatment on the grounds of the ethnicity of the complainants.

For instance, in rendering its Decision № 100/2011 the Commission first had the task to verify the validity of the complaints of discrimination of six complainants against Ministry of Interior officers. Given the fact that the complaints were identical as was the defending party, the Commission combined the complains for joint consideration.

The incident referred to the Commission had taken place in a disco club in the town of P on 01.08.2009 at about 03:30 a.m. After receiving a signal about an explosive device placed in the disco club, the police officers with helmets and batons entered the club and ordered all visitors to leave through the entrance due to security reasons.

The complainants stated that despite the fact that they were handcuffed, the police officers continued to beat them in front of the entrance of the disco club and insulting them with



words alluding to their Roma ethnicity. The complainants claimed that they were subjected to discrimination by officials of the Ministry of Interior in the town of P. on the grounds of ethnicity.

In the course of investigation the specialized panel of the Commission for Protection Against Discrimination verified the facts above and established that the majority of the visitors left the club rapidly. However, a group of 25-30 persons of Roma origin refused to comply with the police order and began attacking the police officers with offensive remarks, threats of physical violence and throwing ashtrays, bottles and other objects at the latter. The police teams dispatched on site asked for reinforcement in order to preserve the situation under control. A report was sent to the operational on-duty unit and to the prosecutor on duty. After having been briefed the reinforcement team entered the club and again ordered the remaining visitors to leave. The police order was again ignored by the group of Roma. The group remained in the disco club and continued to provoke the police officers with insulting words and gestures while some of them attacked police officers. In order to guarantee the safety of the group the police had to apply coercive force and auxiliary devices to force the said group of Roma to leave the disco club. Only thereafter did it become possible for the police to perform their instructions to check the signal on about the IED placed in the disco club.

After consideration of all written and verbal evidence collected on the case, the First Specialized Permanent Panel of the Commission concluded that the complaints were unsubstantiated and therefore the allegations of discrimination on the basis of the complainants' ethnicity were unfounded. No evidence was found of violence by police officers motivated or inspired by ethnicity since none of the police officers had uttered the words alleged in the complaint (i.e. "get out, dirty gypsies, thrashing is all you need"). The evidence collected on the case disproved the complainants' allegations of discrimination by the police in the course of performance of their official duties.

It was further clearly established that the Regional Directorate of MoI does provide training to its employees on issues related to minorities and various ethnic groups, as well as the prohibition of any discriminatory, inhuman and degrading treatment of citizens. As for resolution of conflict situations, the Regional Directorate of MoI resorts to the services of the District Administration.

Although the Panel ruled that the complaints were unsubstantiated, it stated that the facts associated with the tension occurred in an attempt to take control of the disco club as well as in front of the Regional Department of MoI on the next day were disturbing in the context of international standards regarding the relations between the police and members of minority ethnic communities. Taking into account the efforts of the director of the Regional Directorate of MoI in the town of P. for the provision of training of the operational staff focused on the prevention of discrimination in the activities of the police, the Panel found appropriate to prescribe annual training of staff within the academic year on the subject of protection against discrimination, prevention of intolerance, multicultural communication and dialogue with minority groups, interactive training for awareness and breaking down stereotypes and prejudices.

The Panel pointed out that in the course of the proceedings it was established that the joint activities of MoI and the District Administration in the town of P. are key factors for maintaining control over the situation. The Panel concluded that the reasons for the escalation are of a different nature, including insufficient development by the policemen of the skills of



communication and dialogue in a culturally diverse environment. In order to prevent conflicts between the representatives of the minority communities and the police, and to facilitate dialogue and communication between them, the Panel stated that, by the application of positive incentive measures for equal opportunities, it is important to encourage the employment of citizens recognizing themselves as belonging to minority groups in the Police and to offer equal opportunities for career development to those who are in disadvantaged position.

Since the assessment of the need for, and implementation of, special measures to promote the participation of persons belonging to minority communities in the structures of the Ministry of Interior falls within the competence of the Minister of Interior, the Panel recommended monitoring the employment of representatives of minorities in the police services and their professional development through the development and implementation of incentive measures to encourage persons from under-represented ethnic groups to apply and take up positions at all levels in the Ministry of Interior.

As the findings of the Commission raised important issues of interest to other government institutions, the Commission's decision was sent for information to the "Inspectorate" Directorate of the Ministry of Interior, the Commission on Human Rights at the Ministry of Interior and the National Council for Cooperation on Ethnic and Integration Issues at the Council of Ministers.

The persistent and coordinated participation of all state and local institutions, as well as the involvement of the media, is particularly important in the combat against discrimination based on ethnicity.

In order to ensure a permanent mechanism for monitoring and supervision of the activities of the police in their daily work with citizens, the Ministry of Interior (MoI) established a *Permanent Commission on Human Rights and Police Ethics* (PCHRPE). The Commission performs its activities in close co-operation with civil society and other relevant public organizations. It implements joint projects with the Ombudsman, the Commission for Protection against Discrimination, the NCCEI and relevant media and NGOs, aimed at consolidating positive police practices and harmonizing the standards of police conduct with the requirements arising from the membership of the Republic of Bulgaria in the EU. The PCHRPE has regional branches at local levels, and all its activities are organized in accordance with a Work plan, updated annually. The plan covers a wide range of topics, such as monitoring of the compliance with the rights of persons detained in the structures of the Interior Ministry; consideration of signals alleging violation of human rights and freedoms of citizens by officials of the Interior Ministry; the elaboration of legislative changes concerning the use of firearms by police officers in order to ensure full compliance with the standards of the European Convention on Human Rights and other relevant documents of the Council of Europe and the UN; provision of thematic training in the field of human rights protection to police officers, etc. In addition, a Code of Ethics of police officers was adopted in compliance of Recommendation of the Committee of Ministers of the Council of Europe on European Code of Police Ethics – Rec(2000)10. Non-observance of the Code of Ethics is treated as a disciplinary offence. Control over the implementation of the Code is exercised by the Commission on Human Rights and Police Ethics of the Ministry of Interior.

Necessary practical measures are also being taken by the Ministry of the Interior in order to address the root causes of violations of the law by the police, in particular police brutality, and



prevent their recurrence in the future. For instance, a special registration system for complaints of alleged ill treatment by police officers has been introduced and is closely monitored.

There is also a special *"Inspection" Directorate* within the administrative structure of the Ministry of Interior. Its competencies are to investigate and check signals against any Ministry employee or police officer for alleged violations of the law. The "Inspection" Directorate provides also methodical assistance to the Ministry of Interior structures in their efforts to expose and counteract corruption and conflict of interest. Its independence from other structures of the Ministry is statutorily guaranteed. The Directorate is subordinate directly to the Minister of Interior only.

In accordance with the Rules for the Implementation of the Law for the Ministry of Interior (RILMI), the "Human Resources" Directorate of the Ministry analyses and controls the state of discipline and disciplinary practices in the Ministry structures and provides methodological guidance and supervision of the disciplinary proceedings in cases of disciplinary offenses, e.g. police brutality.

The collection, recording, reporting, monitoring, analysis, storage and use of information about the state of discipline and disciplinary practices in the MoI are being carried out in compliance with Instruction No. Iz-2813 of 4 November 2011 on discipline and disciplinary practices in the Ministry of Interior (State Gazette No. 91 of 18 November 2011).

In this context it will be reiterated that the competent authorities in Bulgaria are prepared to take appropriate action if concrete facts are presented to them, which are alluding to the fact that persons belonging to any minority groups are deliberately singled out for ill- treatment by the police.

**- pursue the implementation of programmes aimed at providing adequate housing for the Roma in need in accordance with the existing legal framework in order to reduce cases of evictions;**

A National Programme for Improving the Housing Conditions of Roma (2005 – 2015) was adopted by the Council of Ministers in March 2006. Its implementation is ensured according to Action plans. The Programme is aimed at improving living conditions by upgrading existing public technical and social infrastructure in Roma neighbourhoods and supporting new housing. It also has a positive impact on health, security and, employment of Roma. The National Programme engages directly local communities and applies the partnership principle between various stakeholders –local and national administration, communities, civic and business –organizations etc.

In the period 2009 – 2012, the activities within the National Programme were focused on the compilation of cadastre maps and registers as a basis for urban development plans. Local self-government authorities are encouraged to implement urban regulation of the residential areas with predominantly Roma population and include new zones for housing development. Opportunities for legalizing – where possible – of illegally built houses are also being seriously considered. Funds from the state budget are used for improving the existing and developing new technical infrastructure in Roma residential areas.



Funds from the state budget have been allocated for improving the existing and developing new infrastructure in Roma residential areas (BGN 11,647 million for 2009, including transfers to the municipalities). Considerable funds are being invested in the rehabilitation and construction of roads, water supply and sewage under the Rural Development Programme, including in areas with compact Roma population (a total of 216 projects worth BGN 400.3 million for the first half of 2010).

As a result of the implemented improvements in the water supply and sewerage networks, the sanitation was improved to a great extent, with all the resulting positive outcomes for the health of the residents in and around the neighborhoods with compact Roma population. The reconstruction and rehabilitation of roads provides for an easier access to the integrated transport network to and within the neighborhoods, and facilitate several public services such as medical emergency, fire brigade, waste management, etc. as well as the access of the law enforcement authorities to the neighborhoods. To this end, it could be stated that evident results with tangible social impacts have been accomplished.

The *“Support of modern social housing for vulnerable, minority and socially disadvantaged groups as well as other disadvantaged population groups”* project under Priority “Sustainable and Integrated Urban Development” (Housing Policy) within Operational Programme “Regional Development 2007 - 2013” aims at addressing social inclusion of disadvantaged and vulnerable groups in the municipalities. The project is implemented with the financial assistance of the European Union through the European Regional Development Fund. The total financing allocated to the scheme is 15 659 106, 46 BGN (8 006 374 Euro), including co-financing from the State Budget.

Concrete beneficiaries are the municipalities of Bourgas, Vidin, Devnya and Dupnitsa. Activities eligible for funding under the project are:

- Construction of new buildings for social housing on terrains, which are 100% municipal property for the accommodation of the target group representatives;
- Repair, reconstruction and renovation of the existing buildings, which are 100% municipal property, envisaged for social housing;
- Supply of appropriate equipment and furniture for the above mentioned premises, with the purpose of ensuring the necessary living conditions;
- Improving the access of disabled persons to the above mentioned premises;
- Rehabilitation of the immediate surrounding areas.

Any unused financial resources shall be re-allocated to the municipalities of Varna, Peshtera, and Tundja.

**- investigate any complaint of alleged discrimination of Roma in the provision of goods and services and take appropriate remedial action, including appropriate sanctions for those found responsible, where such acts have been established;**

The CPD initiated 30 proceedings in the period 2009 – 2010 in the cases of evidence of discrimination on ethnic grounds in violation of Section III of the Law on Protection Against Discrimination (LPAD) on Protection in Exercising Other Rights of LPAD, specified in refusal of admission to public buildings and refusal to provide goods and services,.

In this regard the following recent decisions of the CPD are of particular relevance to the topic:



*Decision № 147/15.08.2011* in which the Commission found a case of massive denial of access of Roma people to the territory of the park “Isle of Liberty” in the town of Pazardzhik and refusal to provide proper service to customers in restaurants and places located in the park. One of the ways of denying access to Roma people to these places was to require them to present their “club cards”, while other customers were not required to do so. The CPD found that these cases were duly notified to the Municipal Council of the Municipality of Pazardzhik, the administration of the Municipality of Pazardzhik, the District Governor of the District of Pazardzhik, the Ombudsman of the Municipality of Pazardzhik and the Police. Subsequently a number of inspections of restaurants and recreation areas were conducted and binding directives for the observance of the relevant municipal regulations were issued.

The specialized race and ethnic discrimination Panel of the Commission confirmed a case of direct discrimination under Art. 4, para 2 of the Protection against Discrimination Act based on ethnicity. The case concerns the refusal to accord proper service to six customers in restaurants and other places, thus violating the provisions prohibiting discrimination under Art. 4, para 1 of the Law on Protection against Discrimination on the ground of ethnicity. The Commission found that the Mayor of Pazardzhik did not undertake the necessary measures to achieve the goals and objectives of the Protection against Discrimination Act, and consequently did not fulfill his obligations pursuant to Art. 10 of the Law on Protection against Discrimination. The Commission adopted a compulsory administrative measure in order to cease the violation, and imposed on the Mayor of Pazardzhik the following administrative measures: to organize on local level an efficient mechanism for control and elimination of all cases of discrimination as regards the free access to goods and services, to report to CPD every quarter within one-year period after receiving the decision about the results and measures taken to sanction violations under Art. 244, item 2 of the Public Order Regulation in the Municipality of Pazardzhik, to duly inform CPD on the matter in question within 30-days.

*Decision № 69/2011* of the First Specialized Permanent Panel established discrimination, as BNP Paribas Personal Finance EAD – Lovech Office had committed indirect discrimination on ethnic grounds against an individual of Roma origin by refusing to provide a consumer loan in violation of the general prohibition of discrimination under Art. 4, para 3 and Art. 37 of the Law on Protection Against Discrimination. The violation was ceased, a fine was imposed on the Office Manager for direct discrimination and administrative measures were imposed on the bank institution.

*Decision № 130/19.07.2011/Belov case/*, the Commission through its First Specialized Permanent Panel decided on a complaint of Mr. Belov, resident of the town of Montana, residential district Ogosta, identifying himself as Roma, concerning CMD (commercial metering devices for the electricity consumed by customers) in the two Roma districts which were placed at inaccessible height (about 6 metres), thus preventing customers in these districts to see their readings, to plan and regulate their consumption of electricity and the budget of their households. Mr. Belov claimed that he and most other residents of these districts are regular payers and enclosed in support thereof invoices and receipts for payment of electricity consumed by him and supplied by CEZ Electricity Distribution Bulgaria AD, as well as with regard to other residents of these districts. Attached to the complaint of Mr. Belov was a 22-page letter of protest and a list with 25 names and signatures in support of the letter. The protest letter read: ‘We, the Roma of the two Roma residential districts in the town of Montana, having signed this letter, want to express the following: We definitely demand the electric meter boards to be put down at the level of human height.’



The Belov case should be highlighted since in connection with this case the Commission for Protection Against Discrimination asked for the first time the Court of Justice of the EU for interpretation of Community rules concerning the established criteria (mandatory and optional), which a national authority should meet in order to be qualified as a national jurisdiction.

According to the Opinion of Advocate General *Kokott* of September 20, 2012 on Case C-394/11 the decisions of the Commission for Protection Against Discrimination are final, they are binding on the parties (49), and infringement of the decisions can be punished by a fine, as it is clear from Articles 69 and 82 of the Protection Against Discrimination Act and in this case the Commission for Protection Against Discrimination should be deemed a jurisdiction within the meaning of Article 267 of the Treaty on the Functioning of the European Union. Members of the Commission take objective and independent decision on violations of the Protection against Discrimination Act (34) and the Commission is established as a body to promote equal treatment (27).

According to Advocate General Kokott *the Commission for Protection Against Discrimination is sufficiently independent* to be deemed jurisdiction within the meaning of Article 267 of the Treaty on the Functioning of the European Union.

**- intensify efforts to prevent and sanction any instances of negative stereotyping of persons identifying themselves as belonging to certain national minorities, in particular in printed and electronic media; review if necessary the codes of ethics of the media and their enforcement procedures;**

The importance of forming positive attitudes towards citizens belonging to any ethnic group, and of addressing any prejudices in this regard, is well recognized in Bulgarian society. In this context, important measures have been taken to encourage the promotion of tolerance and cultural pluralism. The Bulgarian authorities consistently combat stereotypes and prejudices, if and when such are manifested against persons belonging to any ethnic, religious or linguistic minority. The Bulgarian authorities closely monitor all alleged manifestations of racism and intolerance against any person under their jurisdiction, and, where necessary, resolutely take steps to punish such acts.

Regarding hate speech (rec. 7.13), the amendments introduced to the Penal Code of the Republic of Bulgaria (promulgated in the State Gazette No. 33 of 26 April 2011, in force since 27 May 2011) expand the scope of Art. 162 of the Penal Code by adding new grounds of discrimination and specifically criminalizing public incitement to violence or hate on ethnic grounds.

The Radio and Television Act of 2002 stipulates the “inadmissibility of broadcasts which incite to hatred on grounds of race, sex, religion or nationality”. The Council for Electronic Media (CEM) in its capacity as an independent regulator has been given the task of supervising the activities of radio and television broadcasters for compliance with this Act and has been given the right to sanction violations by issuing decrees ranging from imposing fines against the broadcasters in breach of the law to revoking the broadcasting licences. Accordingly, the CEM monitors the programmes of broadcasters and has sanctioned broadcasters for providing a platform for voicing ethnic intolerance.



The Bulgarian Government continues its policy of combating negative stereotypes. In this regard the National Strategy of the Republic of Bulgaria for Roma Integration (2012-2020) adopted by the National Assembly includes a special priority for Culture and Media. The section «Media» specifically provides for the creation of *conditions for equitable representation of the Roma community, changing the negative image of Roma and counter "hate speech" in the print and electronic media*. Performance objectives include:

- Presentation of the Roma community - problems, traditions, culture and contemporary achievements in all spheres of public life in both print and electronic media;
- Encouraging, motivating and incitement of journalists of Roma origin to work in the mass media;
- Counteracting "hate speech" in print and electronic media.

The National Council for Cooperation on Ethnic and Integration Issues (NCCEII) is the leading institution in the implementation of the objectives of the Strategy within the 'Media' priority, in collaboration with the Committee on Culture, the civil society and the media of the National Assembly, the Council for Electronic Media, the Commission for Protection Against Discrimination, the Ombudsman of the Republic of Bulgaria, and public media - Bulgarian National Television, Bulgarian National Radio and the Bulgarian News Agency, the National Council for Journalistic Ethics (the Ethics Commission for Print Media and the Ethics Commission for Electronic Media).

Over the period 2007-2009 the CPD has conducted 37 proceedings

On cases for -discrimination practices and hate speech on ethnic grounds in media coverage of Roma minority.

With respect to the recent practice of the CPD on complaints and warnings of citizens, legal entities or organizations representing persons belonging to minority groups against media articles and reports containing ethnic intolerance, creating negative perceptions of minority groups, the following decisions could be presented:

*In Decision № 288 of 21.12.2010 CPD* concluded that racist statements made in public or in the media, along with harassment are instigations to discrimination, because the purpose of such statements is the formation of opinions and attitudes in the general public since the intrinsic role of the media is to form public attitudes and public opinion on various issues. Public statements, including those made in the media, by their nature aim at and can potentially influence the public attitudes. The authors of the statements can thus influence the individual members of society.

In deciding whether a form of expression and dissemination of information violate the prohibition of discrimination, CPD applies in its practice appropriate analytical standards: words are not assessed and analyzed in isolation, but their meaning and implications are evaluated based on the entire content of the statement, publication or broadcast programme, the socio-political context in which it was made, the public attitudes and perceptions, the purpose, intent and impact in the public domain.

CPD has determined that the emphasis and indication of race, religion, ethnicity, sexual orientation, mental and physical condition in a generalized way (setting a group under common denominator and labeling it) constitute discrimination prohibited by law. Also, the presentation of information and communication of events that involve individual members of the Roma community, or members of ethnic communities in general, in a way which accuses



or stigmatizes such communities as a whole by generalizing/drawing general conclusions shall be considered discrimination. In cases of generalization, whether the statements are true or not is irrelevant for qualifying them as discrimination because general opinions, qualifications and suggestions with regard to a whole group constitutes discrimination prohibited by law.

In cases of media coverage, the Commission also follows the Directive 89/552/EEC of the Council of 3 October, 1989 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities amended by Directive 97/36/EC of the European Parliament and of the Council of 30 June 1997 that “Member States shall ensure that broadcasts do not contain any instigation to hatred based on race, sex, religion or nationality.” ( Decision № 141 of 2008 on file № 40/2007 I-st Panel of CPD, remaining in force decision № 14472 of 01.12.2009 on Case № 11158/2009 of the Supreme Administrative Court; Decision № 263 of 23.12.2008 on file № 179/2007r. I-st Panel of CPD, remaining in force Decision № 1476 of 04.02.2010 on admin. case №14286 /2009 of the Supreme Administrative Court; Decision № 67 of 27.04.2009 on file № 205/2008 I-st Panel of CPD; Decision № 73 of 11.05.2009 on file № 45/2008 I-st Panel of CPD; Decision № 82 of 14.05.2009 on file №139/2007; Decision № 173 of 2008 on file № 205/2007 Ist Panel of CPD; Decision № 87 of 21.04.2008 on file №138/2007 I-st Panel of CPD; Decision № 178 of 25.07.2008 on file № 42/2007 I-st Panel of CPD; Decision № 126 of 26.05.2010 on file №214/2009 V-th Panel of CPD; Decision №178 of 30.07.2010 on file №209/2009 V-th Panel of CPD; Decision № 182 of 30.07.2010 on file.№ 232/2009V-rth Panel of CPD; Decision № 193 of 08.09.2010 on file №115/2009 Panel of five members of CPD; Decision № 288 of 21.12.2010 on file № 235/2009r. Panel of five members of CPD).

*Decision 186/2011* has been rendered by the Commission on a complaint lodged by a person identifying himself as being of Roma ethnicity. The complainant sought protection from discrimination in relation to the press release, which was posted on the official website of the National Revenue Agency (NRA). The complainant claimed that some of the words and expressions used in the press release, created a disparaging environment with regard to "ethnicity." Based on the agreement made between the parties, which agreed to use mediation, NRA assumed the obligation to supplement the procedural rules on the management of the official website of the National Revenue Agency” with a provision creating obligations for employees to observe strictly the anti-discrimination legislation, including the use of neutral terminology to avoid potential insult or damage to the honour and dignity of individuals or groups belonging to ethnic minorities.

**- continue to support access of persons belonging to national minorities to radio and television programmes in minority languages and ensure that the Turkish community continues to benefit from the daily Turkish TV news programme;**

The Bulgarian authorities would like to recall that in Bulgaria there are no legal restrictions regarding the access of persons belonging to any ethnic, religious or linguistic minority groups to the media. Likewise, all persons, irrespective of their ethnic self-identification, may create and use their own media outlets in compliance with the provisions of the Law on Radio and Television.



The Framework Convention does not impose any obligation on the national authorities to ensure dissemination of information in minority languages through national media. The State Party to the Convention is obliged to ensure, within its legal system that persons belonging to minority groups are not subject to discrimination in their access to the mass media. It is for each State Party to determine, within its national legal system, what measures should be undertaken to facilitate the access to mass media of persons belonging to minority groups. Nevertheless, the Council for Electronic Media (CEM) will have opportunities in the course of the competitive procedures for licensing and registration of new media providers, to encourage programmes for persons belonging to minority groups to be included in the media landscape in Bulgaria.

Accordingly, since 2000, the Bulgarian National Television (BNT) has been broadcasting a daily 10-minute information programme in Turkish language. The BNT is a national public operator, broadcasting for all Bulgarian citizens, irrespective of their ethnic self-identification.

In October 2012 the Parliamentary group of “ATAKA” did submit a proposal for a new Law on the Radio and Television to the Parliamentary Commission on Culture, Civil Society and Media. The proposal was directed against the broadcasts for Bulgarian citizens whose mother tongue is not Bulgarian, as well as against broadcastings in minority languages. The proposal became the topic of a wide public debate, but attempts to provoke tension were not successful.

The competent Parliamentary commission concluded that such a legislative proposal would affect all broadcasting for Bulgarian citizens abroad and would contradict international standards in the sphere of media pluralism. Therefore, National Assembly did not accept the proposal of “ATAKA”.

Persons belonging to the Turkish community in Bulgaria will continue to benefit from the daily Turkish TV news programme.

Likewise, the “World of Roma” programme is broadcast regularly by the BNT, with the support of the NCCEII and the National Coordinator for the “Decade of Roma Inclusion, 2005-2015”.

**- increase efforts to support initiatives aimed at preserving and developing the cultural identity and language of minorities;**

The provision of assistance for the development of the culture, language and traditions of minority groups in Bulgaria is carried out in the framework of the State budget. The main sources of such funding are the budgets of the NCCEII (through the budget of the administration of the Council of Ministers), of the Ministry of Culture, of the Ministry of Labour and Social Policy, of other structures at central level, as well as the municipal budgets. The aim of this assistance is to support relevant projects elaborated by organisations representing the interests of persons belonging to all minority groups.

The authorities provide financial assistance for various cultural events organized by representatives of ethnic minority groups such as concerts, music festivals, cultural events such as art festivals, exhibitions, artistic groups and their activities (theatres, choirs, dance performances, art schools, etc), celebrations of historic events and traditional holidays, the



organisation of seminars and conferences, educational projects, extra-curricular education programmes for children and students, printing and distribution of poetry, collections of folk tales, songs, proverbs etc.

There are special programmes in Bulgaria for education in the mother tongue – Roma, Turkish, Armenian, Hebrew, Arabic, Greek, Romanian. There is a special training programme for teachers in Roma language. Additional textbooks and grammar books are published in minority languages.

Consequently, education in mother tongue in Bulgaria does receive the necessary support. Despite the opportunities made available by the State, however, there is a clear trend of decreasing numbers of pupils belonging to minority groups willing to receive education in their mother tongue. This trend covers all groups without exception, including persons belonging to the Turkish community, and is linked mainly to the opportunities for integration in the labour market after graduation.

(More information on the implementation of the above recommendation is presented under Part III of this Report.)

**- pursue the efforts to promote the integration of Roma pupils into mainstream schools and classes and to closely monitor the situation in order to further reduce the number of Roma pupils in separate classes or schools due to geographic factors;**

Bulgarian legislation expressly guarantees equal access to education for all children and students, regardless of their race, nationality, sex, ethnic and social background, religion and social status (Art. 4, Art. 8, Art. 9 of the Public Education; Art. 8, paragraphs 3 and 4 of the Rules for Implementation of the Public Education Act).

Education of children and young people takes place within a unified cultural and educational environment that creates guarantees for the protection and development of different cultures and traditions within the general educational policy. Comprehensive, accessible quality pre-school and school education is guaranteed for all children and students, regardless of their ethnicity.

The Bulgarian authorities continue their efforts to encourage the integration and socialization of Roma children and school students, preventing early dropouts from the educational system, increasing the quality of education and improving the educational facilities. These measures are also discussed with relevant NGOs.

The right to choose freely a school is explicitly provided for by the Law on Public Education. In this framework the educational authorities undertake consistent efforts to prevent the formation of classes on “ethnic” grounds, and not to allow enrolment in “special” schools of children who do not fulfill the respective requirements. Information on this issue has already been provided in the Comments of the Bulgarian authorities on the Opinion of the Advisory Committee (Ref. № GVT/COM/II(2011)001).

In recent years, more than 4,000 Roma children of compulsory school age have been moved from schools in separate all-Roma neighborhoods within some regional and municipal centres and have been successfully integrated into mainstream schools and classes outside such areas.



Likewise, the number of Roma children attending special schools has been significantly reduced.

The efforts to integrate Roma children from the Roma neighborhoods are continuing. These are carried out on four levels. The first level includes children in pre-schools and kindergartens. Efforts are pursued aimed at their social integration and inclusion in a culturally diverse environment. The second level refers to students in primary and secondary schools, on age between 8 and 14 years. Their number is the highest within the target group - 26 766 children (60.75%). The third level includes students in high-schools and general education schools in the country. The fourth level includes parents of Roma children, Roma mentors in schools and the teaching staff working in a culturally diverse environment. The achievement of the outlined results is a prerequisite for the subsequent inclusion of the targeted groups in the higher education and training, which will potentially lead to their successful realization in the labour market.

The Law on Protection against Discrimination stipulates that the prevention of all forms of discrimination is an obligation for every teacher.

The Ministry of Education, Youth and Science (MEYS) is the leading institution responsible for the implementation of the objectives within the "Education" priority of the National Strategy for Integration of Roma in Bulgaria (2012-2020).

Its policy is based on the provision of integrated, ethno-cultural value-oriented approach through the implementation of "inclusive" strategies for integration of children and students from ethnic minority groups.

The process of integration of Roma pupils into mainstream schools and classes is supported by special assistant teachers.

In accordance with the National Classification of Professions and Occupations the positions of "assistant child/student minder" and of "assistant teacher" are classified as a profession. Teacher assistants facilitate the integration of school children from ethnic minority groups, including Roma children, thereby facilitating access to education.

The employment of assistant teachers in the mainstreams schools is a good practice with proved positive results. Over 2 666 teachers have passed short training courses and acquired the skills to work in a iculturally diverse educational environment.

**- ensure that there are sufficient resources made available for the effective implementation of the National Action Plan for the Inclusion of Roma in consultation with those concerned, and evaluate the various measures taken to implement this Action Plan.**

The Bulgarian authorities are firmly committed to the goal of improvement of the situation of the Roma (rec. 7.12), while acknowledging that there are no quick or simple solutions to these issues. The achievement of satisfactory results in this respect, however, could only be a product of shared efforts and proportional responsibilities between the government, the Roma communities and their leaders, and with the assistance of NGOs involved in Roma integration.

Representatives of the Roma are being encouraged to participate more actively themselves in the decision-making processes both at local and national level through various mechanisms for consultation and coordination.

The Strategy's Action Plan is structured to be implemented in two phases: 2012 - 2014 and 2014 - 2020. The first period is fully covered by the National Action Plan for the initiative "Decade of Roma Inclusion 2005-2015".

The Action Plan has been developed as an open document subject to updating based on periodic statutory reviews. Two working groups have been established – an inter-institutional working group which has been tasked to submit proposals for changes in the legal and methodological framework in the priority sectors (education, healthcare, housing conditions, employment, rule of law and non-discrimination, culture and media) of the National Strategy of the Republic of Bulgaria for Roma integration 2012-2020, and a second inter-institutional working group for resource support of Roma integration by Structural Funds. The task of this working group is to prepare plans for funding activities, in accordance with the Strategy till the end of the programme period based on the Strategy's objectives and priorities, to plan indicative resources for the next programme period 2014 - 2020; to coordinate the measures financed by two or more programmes/funds.

### **Article 3 of the Framework Convention**

#### **Personal scope of application of the Framework Convention**

In 2011, a Population and Housing Census was carried out in the Republic of Bulgaria.

In the process of preparation for the Census, the National Statistical Institute in cooperation with the NCCEII held consultations with representatives of ethnic minority groups on the methodology of collection of data on ethnicity, mother tongue and religion. It was emphasized that these questions are voluntary and replies would depend on the free will of the participants in the Census.

Particularly, the National Statistical Institute (NSI) carried out consultations with representatives of the Roma community with the participation also of the National coordinator for the international initiative "Decade for Roma Inclusion, 2005-2015". A representative of the NSI briefed the participants in detail on the methodology for the census, presented the counting card, and confirmed the intention of the NSI to include persons of Roma origin among the counting personnel.

The NCCEII also discussed the programme for the census, with particular focus on the process of gathering data on ethnic self-identification. The NSI once again reaffirmed its readiness to include as counting personnel during the census representatives of various ethnic groups.

During these meetings, the participants received clear explanations on the joint recommendations of EUROSTAT and UNECE on the new cycle of censuses, the methodology, the formulation of the questions and the classifications used.



The NSI also undertook an active awareness raising campaign among all social groups on the aims and the importance of the population census. Representatives of the ethnic minority groups, including from the Roma community, were included in the process of the survey.

In the 2011 Census the counting card included additional questions, such as the degree of knowledge of the Bulgarian language, knowledge of other languages (apart from Bulgarian and any mother tongue), religious affiliation of the individuals, etc. The data thus collected complemented the available detailed information regarding the ethnic self-identification of the population of the Republic of Bulgaria.

Consequently, comprehensive reliable data on the socio-economic situation of persons belonging to various minority groups was received. The censuses provide data regarding all criteria included in the programme and on all persons in the territory of the country regardless of their ethnic, religious and/or other self-identification. These criteria are sex, age, education, marital status, country of birth, citizenship, place of residence, migration, labour status, etc.

According to the official data released by the National Statistical Institute after the Census:

Ethnic Group	Total	Native language														
		Bulgarian	Turkish	Roma	Armenian	Jewish	Wallachian	Russian	Tatarian	Arabic	Greek	Macedonia	Romanian	Ukrainian	Other	Not self-determined
Total	6611,513	5 631,759	604,246	280,979	5,567	141	1,815	15,211	1,367	1,321	3,182	1,376	5,454	1,691	9,946	47,458
Bulgarians	5 604,300	5 571,049	15 959	7,528	270	11	316	4 113	5	115	375	151	733	296	1,126	2,253
Turks	585,024	18,975	564,858	549	..	-	-	15	8	4	..	..	4	-	52	555
Roma	320,761	24,033	21,440	272,710	3	..	4	17	-	..	..	5	1,837	..	32	673
Armenians	6,360	1,047	..	-	5,235	-	-	37	-	3	..	-	..	-	14	20
Jews	1,130	897	..	..	-	120	-	61	-	3	-	..	-	..	39	5
Vlachs	3,598	165	-	..	-	-	1,462	-	-	-	-	-	1,964	..	4	..
Karakachans	2,511	465	-	..	-	-	-	-	-	-	1,479	-	-	-	549	17
Russians	9,868	183	8	-	..	-	-	9,556	16	-	..	-	..	24	60	16
Greeks	1,356	98	..	-	-	-	-	4	-	-	1,237	-	-	-	14	..
Macedonians	1,609	411	..	-	-	-	-	..	-	-	..	1,163	-	-	13	17
Romanians	866	37	-	..	-	-	3	..	-	-	-	-	822	-	..	-
Ukrainians	1,763	33	-	..	-	-	-	428	-	-	-	-	-	1	18	3
Other	19,260	7,390	383	19	30	..	24	430	1,335	1,103	45	13	53	18	7,520	895
Not self-determined	53,107	6,976	1,592	166	27	6	6	548	3	91	38	41	38	71	503	43,001

<sup>1</sup> The table includes data of persons answered to voluntary questions about self-determination by Ethnic Group, and a native language.

.. - The data are confidential in accordance with Art. 25 of the Statistics Act

Ethnicity	Total	Number of answered	Religion												Not answered
			Orthodox	Catholic	Protestant	Muslim Sunni	Muslim Shiite	Muslim	Armenian Apostolic Orthodox	Israelite Judaism	Other	None	Not self-determined		
Total	7364570	5758301	4374135	48945	64476	546004	27407	3728	1715	706	9023	272264	409898	1606269	
Number of answered	6680980	5726267	4357325	48167	63635	535828	27232	3632	1707	695	8898	270862	408286	954713	
Bulgarians	5664624	4890396	4240422	43985	36613	63260	2821	1269	40	89	6532	222387	272978	774228	
Turks	588318	507615	5279	1182	2400	420816	21610	2008	-	-	93	14698	39529	80703	
Roma	325343	231623	84867	838	23289	39890	2249	65	5	4	434	30491	49491	93720	
Armenians	6552	6011	3823	44	85	...	...	-	1649	-	81	111	215	541	
Jews	1162	1053	51	4	6	...	-	-	-	586	26	217	161	109	
Vlachs	3684	3383	3047	4	67	...	-	-	-	-	...	91	168	301	
Karakachans	2556	2408	2379	-	...	...	-	-	-	-	...	...	21	148	
Russians	9978	9033	7905	50	95	22	4	-	...	...	68	459	426	945	
Greeks	1379	1290	1171	11	9	8	-	-	-	-	14	37	40	89	
Macedonians	1654	1523	1368	9	24	21	...	...	-	-	10	45	42	131	
Romanians	891	787	677	12	25	...	-	-	-	-	...	28	41	104	
Ukrainians	1789	1636	1444	24	33	...	-	-	...	-	9	51	71	153	
Other	19659	17526	2158	1786	710	8516	317	256	7	4	1485	1046	1241	2133	
Not self-determined	53391	51983	2734	218	278	3282	228	32	...	9	138	1199	43862	1408	
Not answered	683590	32034	16810	778	841	10176	175	96	8	11	125	1402	1612	651556	

Ethnicity	Total	Age (years)									
		0-9	10-19	20-29	30-39	40-49	50-59	60-69	70-79	80-89	90+
<b>Total</b>	<b>7364570</b>	<b>659806</b>	<b>693051</b>	<b>979895</b>	<b>1079277</b>	<b>1009486</b>	<b>1040678</b>	<b>956411</b>	<b>647178</b>	<b>278131</b>	<b>20657</b>
<b>Number of answered</b>	<b>6680980</b>	<b>561275</b>	<b>612578</b>	<b>871989</b>	<b>979381</b>	<b>923317</b>	<b>955347</b>	<b>890474</b>	<b>606249</b>	<b>261028</b>	<b>19342</b>
Bulgarians	5664624	408927	472704	710717	825784	786593	833007	802613	559323	246661	18295
Turks	588318	59719	71901	89602	91343	85903	80054	62534	35454	11040	768
Roma	325343	67568	59511	59442	49572	37723	28411	15833	6031	1201	51
Armenians	6552	226	360	641	828	802	1154	1227	734	531	49
Jews	1162	39	41	85	126	99	207	245	122	170	28
Vlachs	3684	512	581	588	563	413	478	359	136	48	6
Karakachans	2556	122	227	332	352	383	408	354	251	110	17
Russians	9978	119	229	788	1158	1943	3053	1407	1086	186	9
Greeks	1379	24	98	207	131	171	242	215	179	103	9
Macedonians	1654	35	58	372	176	174	270	279	215	69	6
Romanians	891	102	75	193	165	122	94	82	44	12	...
Ukrainians	1789	20	58	197	284	415	418	191	173	28	5
Other	19659	1318	1651	2512	3124	3706	3370	2418	1113	399	48
Not self-determined	53391	22544	5084	6313	5775	4870	4181	2717	1388	470	49
Not answered	683590	98531	80473	107906	99896	86169	85331	65937	40929	17103	1315



Native Language	Total	Age (years)									
		0-9	10-19	20-29	30-39	40-49	50-59	60-69	70-79	80-89	90+
<b>Total</b>	<b>7364570</b>	<b>659806</b>	<b>693051</b>	<b>979895</b>	<b>1079277</b>	<b>1009486</b>	<b>1040678</b>	<b>956411</b>	<b>647178</b>	<b>278131</b>	<b>20657</b>
<b>Answered</b>	<b>6642154</b>	<b>554238</b>	<b>607972</b>	<b>866406</b>	<b>974328</b>	<b>919300</b>	<b>951040</b>	<b>886459</b>	<b>603509</b>	<b>259660</b>	<b>19242</b>
Bulgarians	5659024	406942	472936	710701	826336	786983	832218	801010	557880	245795	18223
Turks	605802	63558	75406	92957	94033	87951	81437	63283	35485	10930	762
Roma	281217	59028	51980	51088	42379	32340	24520	13573	5209	1054	46
Armenians	5615	193	285	526	676	669	1006	1080	666	468	46
Jews	147	8	10	8	17	15	19	29	15	21	5
Vlachs	1826	217	256	264	214	179	281	244	110	56	5
Russians	15808	285	660	2102	2329	2866	4166	1803	1329	254	14
Tatars	1372	59	97	133	185	190	271	246	130	59	...
Arabs	1397	103	95	147	247	512	203	58	30	...	-
Greeks	3224	81	221	407	341	439	542	490	422	255	26
Macedonians	1404	30	49	427	174	152	191	178	146	49	8
Romanians	5523	839	817	986	922	681	605	431	178	54	10
Ukrainians	1755	49	69	214	269	368	402	179	177	22	6
Other	10476	524	660	1157	1597	2133	2008	1578	580	198	41
Not self-determined	47564	22322	4431	5289	4609	3822	3171	2277	1152	443	48
Not answered	722416	105568	85079	113489	104949	90186	89638	69952	43669	18471	1415

#### **Article 4 of the Framework Convention**

##### Legal and institutional protection against discrimination

The Constitution of the Republic of Bulgaria guarantees that all citizens shall be equal before the law, and that there shall be no privileges or restriction of rights on any grounds (Article 6, paragraph 1).

The Constitution recognises explicitly the existence of religious, linguistic and ethnic differences, respectively of bearers of such differences in Bulgaria. E.g. Article 54, paragraph 1 of the Constitution stipulates that everyone shall have the right, *inter alia*, to develop their own culture in accordance with their ethnic identification.

Furthermore, Article 29, paragraph 1 of the Constitution provides that no one shall be subjected to forcible assimilation.

The general principle of equal treatment/non-discrimination of all persons, including those belonging to minority groups, is legally guaranteed and scrupulously observed in Bulgaria in all spheres creating equal opportunities as pre-requisites for social integration. This has been the essential characteristic of Bulgaria's successful model of ethnic relations, based on the values of pluralist democracy and the rule of law.

The Protection against Discrimination Act defines the comprehensive legal framework for the observance of the principle of equal treatment. The Act protects from discrimination all individuals on the territory of Bulgaria. All direct or indirect discrimination on grounds of sex, race, ethnicity, nationality, origin, religion or faith, education, beliefs, political affiliation, personal or public status, disability, age, sexual orientation, family status, property status, or any other grounds provided for by law or international treaties, ratified by the Republic of Bulgaria, is expressly prohibited. The Act also provides protection in exercising the right to work and in exercising the right to education and training.

Similar guarantees are also provided by the laws on child protection, civil service, national education, higher education, protection and promotion of culture, radio and television, copyright and neighbouring rights, protection during unemployment and encouraging employment, social assistance, sports, consumers and commercial rules, and the Code on mandatory social insurance.

The Penal Code (Articles 162 and 163)<sup>3</sup> contains explicit provisions penalizing acts of discrimination.

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<sup>3</sup> Article 162, paragraph 1: "Who, through speech, press or other means for mass information, through electronic information systems or in any other way, propagates or incites discrimination, violence or hatred on racial, national or ethnic ground or shall be punished by imprisonment from one to four years and by fine from five thousand to ten thousand leva and by public reprobation."

Article 162, paragraph 2: "Who uses violence against another or damages his property because of his race, nationality, ethnic origin, religion or political conviction shall be punished by imprisonment from one to four years and by fine from five thousand to ten thousand leva and also by public reprobation."

Article 163, paragraph 1: "The persons who participate in a crowd for attack on groups of the population, individual citizens or their property in connection with their national, ethnical or racial belonging shall be punished:

1. the instigators and leaders - by imprisonment of up to five years;
2. all the rest - by imprisonment of up to one year or corrective labour."



In the period of 2009-2011 several structural reforms were introduced aimed at increasing the efficiency of the public administration in the field of ethnic and integration issues. Thus, in 2011 it was decided that the consultative and coordination functions on ethnic and integration issues would remain concentrated in the National Council for Cooperation on Ethnic and Integration Issues to the Council of Ministers (NCCEII).

The NCCEII (until April 2011 NCCEDI - the National Council for Cooperation on Ethnic and Demographic Issues ) is a coordination and consultative body, assisting the Government in formulating the policy on the integration of minority groups. In accordance with the Rules of Procedure and Organization of NSSEII (RPONSSEIV), its most important functions include coordination, control of the implementation and constant monitoring over the implementation of the National Action Plan for the "Decade of Roma Inclusion 2005 – 2015" initiative as part of Action plan of National strategy for Roma integration and also over the commitments of all state institutions according to their functional competences related to the Decade of Roma Inclusion initiative.

The Commission for Protection against Discrimination is the independent specialized national public body in the sphere of equality exercising competencies and authority as provided in the Law on Protection against Discrimination, namely: 1) prevention of discrimination 2) protection against discrimination by consideration of specific complaints and signals lodged before the Commission and constituted as proceedings, and 3) ensuring equal opportunities for participation in public and social life for all citizens, including persons belonging to minority groups in Bulgaria, by means of recommendations and proposals addressed to state and municipal authorities on the elimination of any discriminatory practices and repealing acts issued in contravention of the anti-discriminatory and norms; by efficient control of the execution of Commission decisions; by providing assessments on draft legislation with respect to its conformity with the requirements and standards for equal treatment, as well as recommendations for the adoption, repeal or amendment of statutory acts in case of established inconsistencies with non-discrimination principles.

### *Legislative changes*

These competences of the Commission for Protection against Discrimination are stipulated in the newly amended Art. 6, para 2 of the Protection against Discrimination Act (in force as of August 1<sup>st</sup>, 2012) providing that in drafting legislative bills and in their subsequent enforcement, all state, municipal and public bodies must have regard to their obligation not to allow any form of direct and indirect discrimination on any grounds protected by law including ethnic affiliation with respect to the persons who have identified themselves as belonging to an ethnic minority group. The new provision is extremely important as it is aimed at preventing any differences in treatment of persons belonging to ethnic minority groups already at the phase of legislative initiative.

In 2012 the Act on Amendment of the Law on Protection against Discrimination introduced another substantial legislative modification (in force as of August 1<sup>st</sup>, 2012) making it an explicit obligation of the Commission to inform the public through the media about the requirements and provisions in force in the field of protection against discrimination and good practices in this regard.



The aim of these legislative changes was to strengthen the effect and improve the prevention capacity of the anti-discriminatory provisions with respect to persons belonging to minorities in Bulgaria.

At the end of 2011 the Commission for Protection against Discrimination was accredited by the International Coordinating Committee and its Subcommittee on Accreditation at the UN High Commissioner for Human Rights with the status "B" as National Authority on Human Rights. The accreditation procedure includes a detailed examination of the compliance of status, functions and independence of the body with the international standards and criteria consistent with Resolution 2005/74 and the Paris Principles, namely, fair, transparent and credible accreditation process, timely information and guidance, strong links with the High Commissioner for Human Rights and regional coordination committees, protection and promotion of all human rights, etc.

CPD cooperates closely with the authorities concerned with equality within the European Network of Equality Bodies (EQUINET), of which it became a member in 2008 and which includes similar bodies from more than 30 countries.

Positive assessments of the Commission for Protection against Discrimination are contained in the First, Second, Third and Fourth Reports of the European Commission against Racism and Intolerance (ECRI).

The CDP's function to consider and solve complaints lodged through its specialized panels plays a significant role in the implementation of the Framework Convention. In its proceedings the Commission strictly abides by the requirement of equal treatment of persons belonging to ethnic minorities. A key element is the internal organization of the Commission based on specialisation of the panels depending on the grounds protection. The decisions on proceedings related to complaints of discrimination based on race and ethnic origin are made by a separate panel of CDP specialized in racial and ethnic discrimination pursuant to Art. 48, para 2, item 1 of the Protection against Discrimination Act. The CPD is obliged by law to consider each complaint and signal lodged, initiate proceedings to investigate whether there is an unlawful act – discrimination or not; and pronounce a decision establishing the violation; identify the violator and the affected party; specify and impose the relevant sanction; enforce the compulsory administrative measures provided by law or establish that there is no infringement and close the complaint. It is important to note that the rules regulating the procedure for the establishment of discrimination before CPD provides for a reversed burden of proof for the affected party (Art. 9 of the Protection against Discrimination Act).

In the period 2007-October 2012 the complaints and signals lodged with the Commission by year are, as follows: 2007 – 649; 2008 - 714; 2009 - 1039; 2010 - 838; 2011 - 848; 01.01. 2012 to 08.10.2012 - 619 complaints and signals. The data about proceedings initiated before CPD based on racial and ethnic discrimination by year are for the above period are as follows: 2007 – 0; 2008 - 34; 2009 - 26; 2010 - 33; 2011 - 47 files; 2012 (up to October) – 74.

The Ombudsman Office is an important institution created under the Ombudsman Act passed by the National Assembly on 16 September 2003, with the mandate of public defender providing additional protection of citizens' rights and freedoms. With the 2006 amendments to the Constitution, the status of the Ombudsman was regulated at constitutional level thereby further strengthening the independence of the institution. The amendments also expanded the Ombudsman's possibilities for effective defence of citizens. The Ombudsman was



empowered to seize directly the Constitutional Court on matters concerning laws contravening basic human rights and freedoms and request it to establish their unconstitutionality.

The Ombudsman is elected by the National Assembly.

The Ombudsman is independent in his/her activities and is accountable only to the Constitution, the laws and the international treaties ratified by the Republic of Bulgaria.

The Ombudsman shall consider and investigate complaints and signals concerning violations of rights and freedoms by state and municipal organs and persons authorized to perform public functions or render public service; take actions in cases where his/her involvement in defence of human rights and freedoms is indispensable; inform the prosecutor's office of results of investigations which contain data on committed crimes; propose legislative amendments to the National Assembly President and the Prime Minister concerning provisions with regard to which investigations of complaints and signals have revealed enough grounds for violations of human rights and freedoms; express positions and opinions about respect for human rights and freedoms, including the Ombudsman's right to be heard by the National Assembly; request interpretative opinions by the General Assembly of the colleges of the Supreme Court of Cassation and the Supreme Administrative Court; submit annual reports to the National Assembly, as well as special reports on specific cases.

The Ombudsman shall also mediate between administrative bodies and the persons concerned with a view to remedy and obviate violations. Complaints may be lodged with the Ombudsman by any physical person irrespective of his/her citizenship, sex, political affiliation or religion.

On 30 January 2012 a draft law on amending the Ombudsman Act was submitted to the National Assembly. It provides that the Ombudsman will be acting as the National Preventive Mechanism under and in accordance with the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment. The bill provides broad powers to the Ombudsman in relation to places for persons deprived of liberty, or those where persons are detained or placed as a result of an act or in agreement with the public authority (i.e. places that they are not allowed to leave at their own free will).

The activities of the Ombudsman focus on several main spheres, namely investigation of individual complaints and signals by citizens, investigation of cases which cause wide public reaction, maintaining systematic control over the respect for and observance of human rights within the penitentiary system.

The Ombudsman's institution has established itself as an active factor in the protection of citizens' rights, as well as a proponent of improving administrative practices.

The Ombudsman undertakes serious efforts in the field of human rights protection in various spheres perceived as typical areas of concern regarding the situation of Roma - the human rights of persons in closed institutions, alleged violations of human rights by the law-enforcement authorities, the rights of children in institutions, etc. The findings and the recommendations on these issues are presented in separate chapters of the Annual reports of



the Ombudsman before the National Assembly. These reports are public and easily accessible on the Internet<sup>4</sup>.

Some of the more prominent cases reflecting the work of the Ombudsman on issues of violations of human rights of representatives of minority groups in Bulgaria include *Opinion of the Ombudsman on the eviction of Roma in Dolno Ezerovo (Bourgas), Assanova Mahala (Sofia), etc.* – included in the 2009 Annual Report; *Opinion of the Ombudsman on the operation carried out by the Prosecutor's Office and the State Agency "National Security" in the village of Ribnovo, municipality of Gurmen* – included in the 2008 Annual Report; recommendations by the Ombudsman with regard to complaints alleging separation of Roma children in Blagoevgrad and on hindered access to education following the closure of schools with predominantly Roma pupils in remote regions, such as Lesichovo; check-ups with regard to the access of persons of Roma origin to municipal services, in particular to electricity and water supply etc.

The Ombudsman in Plovdiv also conducts discussions with Roma representatives on issues related to unemployment among the community and the education of Roma children. The Ombudsman has the powers to initiate check-ups and research on all issues related to the living conditions of the Roma. It was through his mediation that the municipal companies "Gardens and Parks" and "Cleanness" have hired with priority unemployed Roma.

In September 2010, the Ombudsman referred to the competent State authorities information on the organization of a "protest against the gypsies' terror and invasion." Its organizers were considered to be the Bulgarian National Union and the Citizens' Initiative for equal rights and responsibilities. In their announcements the organizers used unacceptable language with expressions such as: "Gypsies beating, robbing, raping and murdering ...", "... exponentially growing Gypsy crime". Such actions and appeals with frank racist content are considered as serious violations of human rights.

It should be recalled in this regard that equality and non-discrimination are fundamental principles of the Constitution of the Republic of Bulgaria. The Bulgarian legislator considers such actions as presenting a serious public danger and qualifies these as crimes against the national and racial equality (Penal Code, Articles 162 and 163).

In view of this, the Ombudsman conducted an immediate inspection and found that the Metropolitan Municipality has permitted a parade to be held by the same organisers, but under an entirely different slogan, namely "Rally on protecting the rights of Bulgarian citizens." Therefore, pursuant to Article 19, paragraph 1, item 6 of the Ombudsman Act, the Mayor of Sofia municipality was recommended to ban the holding of that event, pursuant to Article 12, paragraph 2, item 4 of the Law on Meetings and Demonstrations - as such an event would infringe the rights and freedoms of other citizens.<sup>5</sup>

In 2011, the Ombudsman received an application from a group of citizens seeking his assistance to stop the procedure of implementation of the order issued by the Mayor of the "Vazrazhdane" borough within Sofia Municipality. It ordered an enforced seizure of municipal property, where the only homes of these citizens were located. A meeting was held between experts from the Ombudsman's Office and the mayor of the district covering that

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<sup>4</sup> <http://www.ombudsman.bg/documents>

<sup>5</sup> See <http://www.ombudsman.bg/pictures/2011.doc>



area as a result of which it was agreed that the order would not be executed because of the impossibility to provide alternative accommodation to the affected citizens.

Another case investigated by the Ombudsman is a complaint from a group of Roma citizens living in the "Kremikovtzi" borough, village of Garmen, who had built by themselves some buildings there. In early spring they had received orders from the Regional Directorate for National Construction Control - South West district, Blagoevgrad sector to remove the buildings. The orders were appealed in court. It was recommended that in view of his power the Mayor of Garmen municipality should assist the citizens in case the court proceedings ended with a negative result for the latter. The Mayor of Garmen informed that for the majority of these homes relevant regulations of tolerance of the works had been issued and that a procedure was under way for granting a status of tolerance for the other dwellings<sup>6</sup>.

These cases illustrate the activities of Ombudsman's Office aimed at finding adequate solutions to the problem and at protecting the rights of citizens.

The importance of forming positive attitudes towards fellow-citizens belonging to any ethnic group, and of addressing any prejudices in this regard, is well recognized in Bulgarian society. Issues pertaining to prevention of racial discrimination are included in senior high school curricula as part of general educational subjects. They are studied in all colleges and universities. Mass media also regularly comment and discuss these issues. A number of Bulgarian non-governmental organizations have also taken up racial discrimination problems in their publications, conferences and seminars.

There are regular awareness raising campaigns on human rights and human rights training for law enforcement personnel, for staff members of the judiciary, etc. Appropriate training in combating racial discrimination is being provided by the Academy of the Ministry of Interior and the National Institute of Justice (NIJ) for policemen and magistrates respectively. They include also a training module referring to Article 14 of the ECHR (prohibition of discrimination) and the related Bulgarian legislation and practice. The NIJ has published and circulated to all judicial authorities a practical guide entitled "Application of Fundamental Rights by the Courts", which is also freely accessible on the Internet site of the NIJ. In addition, the NIJ took part in the compilation of a collection of "Case Law Regarding the Application of the Act on the Protection of Discrimination," prepared on the initiative of the Commission for Protection against Discrimination, including for distribution among all magistrates.

The Commission on Protection against Discrimination also carries out awareness raising campaigns.

#### *Implementation of the principles of full and effective equality and non-discrimination in respect of the Roma*

The Bulgarian authorities are fully committed to the goal of equal integration of the Roma into society and are implementing numerous targeted measures aimed at improving their socio-economic situation, in strict adherence to the principle of equality of all Bulgarian citizens and non-discrimination on any grounds, including ethnic affiliation.

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<sup>6</sup> See <http://www.ombudsman.bg/documents/FINAL%20ANNUAL%20REPORT-site.pdf>



The Bulgarian Government approved the new *Framework Programme for Integration of Roma in Bulgarian Society, 2010-2020* (12 May 2010) and the *Strategy for Educational Integration of Children and Pupils from Ethnic Minorities* (4 March 2010). The Framework Programme stipulates the strategic priorities with regard to the policies aimed at the equal integration of Roma in the Bulgarian society and at the harmonious development of each individual and the society as a whole. The Programme lays out the political framework for coordinating the activities of the state bodies for integration of Roma as a part of the nationwide policy of raising the quality of life of the citizens and guaranteeing equal opportunities for all. It is aligned with the EU political framework in the area of non-discrimination and equal opportunities. The priority areas for action correspond to the National Action Plan for the initiative "Decade for Roma Inclusion, 2005 – 2010" – education, healthcare, housing, employment, culture, non-discrimination and equal opportunities.

A full review of the implementation of the *National Action Plan for the Decade for Roma Inclusion (2005-2015)* and the *National Programme for Improving the Housing Conditions of Roma (2005-2015)* is also under way. The results of the review will be taken into consideration with a view to improving the effectiveness of activities in the relevant sectors. It should be emphasized, however, that - as acknowledged during the recent Council of Europe High-level meeting on Roma - the process of successful integration of Roma into society is a shared responsibility and positive results in this respect may only be achieved with the joint commitment and effort of the governments and the Roma communities.

In 2011 in accordance with the European Commission's Communication of 5 April 2011 concerning the "EU Framework for National Strategies for Roma Inclusion until 2020", the process of actualization of the Framework Programme for Roma Integration in the Bulgarian Society (2010-2020) was initiated. NCCEII, its Secretariat was appointed as the structure in charge of coordinating this process. The drafting of the reforms was entrusted to an inter-institutional working group of experts from the relevant government institutions and civil society organizations.

As a result, the National Roma Integration Strategy of the Republic of Bulgaria (2012-2020) was developed. The strategy was elaborated in compliance with the National Reform Programme of the Republic of Bulgaria (2011-2015), the National Plan of Action to the "Decade of Roma Inclusion 2005-2015" initiative and on the basis of the Framework Programme for Integration of Roma into the Bulgarian Society (2012-2020) adopted in 2010. The strategy incorporates the objectives and principles of the Strategy for Educational Integration of Children and Students from Ethnic Minorities; the Health Strategy for Disadvantaged Persons belonging to Ethnic Minorities, 2005-2015 and the National Programme for Improvement of the Housing Conditions of Roma in the Republic of Bulgaria for the period 2005 – 2015.

The strategy covers six priority areas of the integration policy, namely: education, health, housing, employment, rule of law and non-discrimination, culture and Media. The priorities of rule of law and non-discrimination, culture and Media are specific for Bulgaria.

The implementation of the Plan of Action to the Strategy is envisaged in two phases: 2012-2014 and until 2020. The first period is entirely covered by the National Action Plan under "the Decade of Roma Inclusion 2005-2015" initiative. For this purpose, the responsible authorities reviewed and updated the stipulated measures within their competence for each of the defined priorities. The Action Plan is developed as an open document to be updated on the



basis of regular analysis. The establishment of two working groups is envisaged - the inter-institutional working group for proposals on changes in the legal and methodological framework within the priority sectors (education, health, housing, employment, rule of law and non-discrimination, culture and the Media) of National Roma Integration Strategy of the Republic of Bulgaria (2012-2020) and the inter-institutional working group for provision of resources for Roma integration under the Structural Funds of EU. The main objectives of the Working group was to: develop action plans covering the years till the end of the current programming period in accordance with this Strategy; to plan the indicative resources for the next programming period 2014 – 2020 based on the main policy objectives and priorities for the sectors of healthcare, education, social policy and housing; coordinate the measures financed under two or more programs/funds.

A Communication plan was elaborated too. Its main purpose is to increase publicity and transparency of the process of implementation of the integration policies for Roma and other vulnerable ethnic groups and to promote good practices and examples to follow in this field. The expected result is a change in any negative attitudes towards members of the Roma community.

A national meeting organized by the World Bank and the NCCEII was held to present and discuss the draft Strategy and its Action Plan. The event was attended by representatives of the European Commission, Council of Europe, the Roma Education Fund - Budapest, the European Roma Information Office, International Secretariat of the Decade of Roma Inclusion, ambassadors and representatives of the diplomatic corps in Bulgaria, state institutions, local authorities, NGOs, the academia and businesses, who made presentations of their views.

Several forums with national and international participation contributed to the preparatory process and the work, as follows: workshop for consultations on the national operating framework for Roma integration, the preparation for a high-level event of the European Commission, dedicated to Roma, held in June 2011, an even, organised jointly by the NCCEII and the World Bank in May 2011 in Sofia on the topic of "Successful increase in the scope of the activities for Roma Inclusion: Challenges and Good Practices", as well as the high-level meeting itself, held in June 2011. In addition, the draft documents were also presented to the National Meeting of Mayors, held in the early December 2011, organized jointly by NCCEII and an NGO - member of NCCEII.

The draft Strategy and Action Plan were also consulted with the regional Councils for Cooperation on Ethnic and Integration Issues - consultative and coordinative structures to the regional administrations. In this context, in 2012 regional and local strategies for the integration of Roma and Plans of Actions to them were also elaborated.

The draft National Roma Integration Strategy of the Republic of Bulgaria (2012-2020) and the Action Plan were adopted by the Council of Ministers on 5 January 2012 and approved the National Assembly on 1 March 2012<sup>7</sup> respectively.

The Republic of Bulgaria is the only EU member state, which has adopted the strategic document for Roma integration with a decision of Parliament.

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<sup>7</sup> Official Gazette no. 21 of 13 March 2012



## **Article 5 of the Framework Convention**

Legal guarantees and support for the preservation of the culture of persons belonging to national minorities.

The Constitution of the Republic of Bulgaria expressly provides that everyone has the right to develop their own culture in accordance with their ethnic identification. This right is fully recognized and guaranteed by the law. Furthermore, for Bulgarian citizens whose mother tongue is not Bulgarian the right to study and use their own language alongside the study of the Bulgarian language is guaranteed (Art. 36, para. 2 of the Constitution).

The encouragement of cultural diversity in the context of the preservation of the unity of national culture is among the basic principles of the national cultural policy according to the Protection and Development of Culture Act.

It should be noted that in accordance with the Law on the Radio and Television<sup>8</sup> the public media services providers shall provide access to the national and global cultural values as well as through their programme policy, shall provide protection of the culture to all Bulgarian citizens regardless of their ethnic affiliation. The Bulgarian National Radio (BNR) and Bulgarian National Television (BNT) are national public providers of radio-services, respectively of audio-visual media services, which assist the development and popularisation of Bulgarian culture and the Bulgarian language, as well as of the culture and the language of the citizens in accordance with their ethnic affiliation. They also contribute to the mutual understanding and tolerance in the relations between people.

The provision of assistance for the development of the culture, language and traditions of minority groups in Bulgaria is carried out within the limits and possibilities of the state budget. The main sources are the budgets of the NCCEII (through the budget of the administration of the Council of Ministers), the Ministry of Culture, the Ministry of Labour and Social Policy, other structures at central level, as well as the municipal budgets. The aim of this assistance is to support relevant projects elaborated by organisations representing the interests of persons belonging to all minority groups, numerically larger or smaller ones.

The authorities provide financial assistance for various cultural events organized by representatives of ethnic minority groups such as concerts, music festivals, cultural events such as arts festivals, exhibitions, artistic groups and their activities (e.g. theatres, choirs, dance performances, art schools, etc), celebrations of historical and traditional holidays, organisation of seminars and conferences, educational projects, extra-curricular education programmes for children and students, printing and distribution of poetry, collections of folk tales, songs, proverbs and ect.

Among those, the events organized by the Roma community attract particular interest. The newly updated Framework Programme for the integration of Roma in the Bulgarian society (2010-2020) and the National Action Plan for the initiative "Decade for Roma Inclusion, 2005-2015" contain a special chapter "Culture" which envisages specific activities for the advancement of Roma culture, language and traditions.<sup>9</sup>The initiatives supported in 2010

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<sup>8</sup> See Art. 6 of the Law for the Radio and Television

<sup>9</sup> Detailed information on the support of the Ministry of culture for the development and promotion of Roma culture and traditions during 2011 is contained in the *Monitoring Report for 2011 on the implementation of the National Action Plan for the "Decade of Roma Inclusion 2005-2015"*.



include, inter alia, the national campaign "Give a Hand, Be Human", which included a charity musical and dance performance "Nomads" in the National Palace of Culture on 8 April 2010; the television show "The World of the Roma" on the National Television; the initiative "The World is Colourful" by the foundation "Roma fashion", etc.

In accordance with the law the Ministry of Culture supports projects to preserve and develop the culture of ethnic minorities, as well as events and initiatives which contribute to improving intercultural cooperation, thereby countering any racism and xenophobia. In 2011, the Ministry financially supported on a competitive basis under its programmes the following organizations: Organization of Jews in Bulgaria "Shalom" for building an interactive virtual exhibition "The Holocaust and the Rescue of Bulgarian Jews"; for the annual awards for tolerance - the Annual Awards "Shofar"; for a Centre for Aromanian language and culture in Bulgaria; for the project "Preservation of Cultural Values of the Ethnic Community of Aromanians in Bulgaria - Aromanians and Bulgarians with a Common Destiny Through the Ages." Institutional support was granted to the XII Ethnic Festival in Vidin town, organized by the Association "Cultural Centre for Social Democracy and Human Rights" of Vidin, the Children's Folklore Festival "Open Heart" in Veliko Tarnovo town, organized by the Centre for Interethnic Dialogue and Tolerance "Amalipe" and the National Ethnic Festival "Bulgaria for All" organized by the Library & Community Centre "Hristo Botev" in Varna town. Mr. Tsvetan Tsvetanov, a Chairman of the NCCEII sent greetings to the organizers and participants of the Tenth Jubilee Ethnic Festival in Vidin town and to the Eighth Children's Folklore Festival "Open Heart" in Veliko Tarnovo town, and representatives of the NCCEII visited both events.

To promote cultural diversity and for a better understanding of different cultures, the Ministry of Culture assisted the Bulgarian National Television in filming the spectacle "Under the Same Sky", broadcast in December 2011 with the participation of artistic groups of ethnic communities from the whole country .

State subsidies have also been granted to community centres supported by the Roma, Turkish, Armenian and Jewish communities.

To promote the cultural heritage of various ethnic groups living on the territory of the Republic of Bulgaria, Bulgarian museums provide exhibition areas and organize mobile exhibitions of cultural valuables held in their funds, related to traditional cultural specifics of various ethnic groups. With the help of museum experts, museum collections are being maintained by ethnic communities themselves.

In 2011, the popular TV contest "A Minute is Too Long" of the Bulgarian National Television devoted a number of its programmes to ethnic diversity. The NCCEII assisted the TV programme team in establishing contacts with prominent persons and organizations familiar with the history, culture and identity of separate ethnic groups. The competition included questions and topics related to ethnic communities in Bulgaria - Armenians, Turks, Roma, Jews, Vlachs, Karakachans, Aromanians, Greeks, Russians, etc.

#### Activities of NGOs members of the NCCEII:

*The Society of Armani (Aromanians) in Dupnitsa* town organises an annual festival of the Armani from the Municipality of Dupnitsa. The organisation also conducts a ten-day summer



training course in Aromanian language for children aged between 10 and 18 years. An annual seminar of Aromanians living in Bulgaria is traditionally organised by the Centre for Aromanian Language and Culture (CALC) and the Armani associations in Bulgaria. During the event in 2011, a training course for language teachers was conducted.

In 2011 the *Federation of Cultural and Educational Associations of Karakachans in Bulgaria* (FCEAKB) organised the Twentieth National Festival of Karakachans in Bulgaria. The NCCEII Chairman Mr. Tsvetan Tsvetanov addressed a letter congratulations to the organisers and participants in the festival. Another event which attracted high public interest was the exhibition "The Karakachans in Bulgaria", arranged in the Art Gallery "Dimitar Dobrovich" in the town of Sliven. The exhibition presented the life and culture of the Karakachans, including different costumes, items of everyday life of the Karakachans, photographs from the early 20th century etc., as well as paintings by two artists – Nicola Zarov and Tatyana Hristova. The Folk Festival "Flambura" was held in November 2011 in the winter resort of Borovets.

*The Armenian School Association (ASA) "Stepanos Hovagimyan" of Sofia* is the organizer of many events dedicated to the preservation of the mother tongue, culture and traditions of the Armenian community. In 2011 the association chaired the Coordination Council of Armenian Organisations in Sofia. Its activities are well known to the Armenian community across the country, from the association website on the internet, from the pages of the "Yerevan" newspaper, and other information sources. Armenian language training courses are taught in the format of "Saturday School" for 16 years now. Traditional and interactive teaching methods are being combined. In 2011 the project of a "Saturday kindergarten" was also started. The Association works closely with school No.76 "William Saroyan" conducting open lessons for school children studying the Armenian language. ASA also organizes celebrations of historic and calendar holidays of Armenians. One of the most popular community events organized by the Association is the masked ball, held on Shrove Sunday (the day for forgiveness), and a part of its receipts are used for charitable purposes.

*The Association of Vlachs in Bulgaria* continues to develop its activities to preserve and promote the language and culture of Vlachs living in Bulgaria. Traditional events of national importance, organized by the Association include the International Folklore Festival of Vlach-and-Romanian Songs and Dances in Vidin. In October 2011 the XII Festival was held. The Chairman of the NCCEII Mr. Tsvetan Tsvetanov sent a congratulatory letter to the organizers and participants in the Festival.

*The OJB "Shalom"* is the organiser and host of initiatives related to the celebration of traditional Jewish holidays, political and cultural events celebrating the history and life of Jews in Bulgaria, and international events. NGOs and local authorities in a number of cities and municipalities actively participate in events organized by 'Shalom' regional branches commemorating historical events. They value the support from the central and a number of local authority bodies, and especially from the NCCEII Chairman for the assistance and support. The NCCEII Chairman Tsvetan Tsvetanov sent greetings to the Jewish community through the OJB "Shalom" on the occasion of the Day of the rescue of Bulgaria's Jews, the Passover feast and others.

Jewish media play a significant role in the preservation of the identity and education of the members of the Organization.



*The Foundation "Etnopalitra"* is a partner of the OJB "Shalom" in the implementation of an interactive virtual documentary exhibition "The Holocaust and the Rescue of Bulgarian Jews" within the framework of the National Programme of the OJB "Shalom" to commemorate the 70<sup>th</sup> anniversary of the rescue of Bulgarian Jews in 2013. The two organizations work together also on other initiatives.

*The Roma Association (RA) "Tehnitari" of Stara Zagora town* participated in the annual meeting with a conference of the International Scientific Organization for Gypsy Studies The Gypsy Lore Society in Graz, Austria. The meeting and conference were hosted by the European Centre for Modern Languages. Great interest attracted the report of Velcho Krastev, Chairman of the RA "Tehnitari", who is a regular member of The Gypsy Lore Society, and an associate member of the Romani Studies Network and Dr. Evgenia I. Ivanova the "Thracian" tin-woman - between the tradition and the challenges of the modern era (the life story of three generations of women)". The Chairman of the RA "Tehnitari" also took part in the International Conference "Cultures and Religions on the Balkans, the Mediterranean and the East" of the Veliko Tarnovo University "St. Cyril and St. Methodius" held in April 2011.

In 2011, *the Centre "Amalipe" of Veliko Tarnovo town* organized a series of cultural events dedicated to the Roma ethno-cultural celebration of Vasilica (Bango Vassili) in the districts of Veliko Tarnovo, Targovishte, Shumen and Razgrad. Students from schools studying "Ethnic Folklore - Roma Folklore" also performed before the Ministers of Education, Youth and Science, of Labour and Social Policy and the Minister of EU Funds Management re-enacted traditions on Vasilitsa feast. The "Hristo Botev" school in Dounavtsi town, Vidin Municipality presented rituals Bango Vasil - Roma New Year to members of the Cabinet, the Deputy Prime Minister and the Chairman of the NCCEII Tsvetan Tsvetanov and to NCCEII staff in the building of the Council of Ministers.

The Association "Roma Academy for Culture and Education", the "Losenets" Foundation, the "Gyulchay" Foundation, the Centre "InfoRoma" and other organizations also have experience in organizing festive events

Traditional feasts like Roma Vasilitsa and celebration of the International Roma Day on April 8<sup>th</sup> are celebrated throughout the whole country.

## **Article 6 of the Framework Convention**

### **Tolerance and intercultural dialogue**

The Bulgarian government consistently pursues its policy of promoting tolerance and mutual understanding toward and among persons belonging to various ethnic minority groups, as well as respect for cultural diversity. In this context, the Government continues its activities aimed to prevent and sanction any manifestations of negative stereotyping of persons belonging to such groups.

The Bulgarian authorities closely monitor all alleged manifestations of racism and intolerance against any person under their jurisdiction, and resolutely take steps, where necessary, to punish such acts.

Offences against national and racial equality are expressly criminalised under Chapter Three, Section I of the Special Part of the Penal Code. The principal characteristic of these offences,



which are regulated in Article 162 and Article 163 of the Penal Code, is the racist or nationalistic motivation of the perpetrators. The penal sanctions provided for offences against national and racial equality demonstrate that the legislator treats these offences as presenting a high degree of social danger. They are all punished by different terms of deprivation of liberty and public reproach. Only in one case the law envisages probation as an alternative to deprivation of liberty.

The implementation of the requirements of EU Framework decision 2008/913/JHA in the field of combating racism and xenophobia through penal law is also in progress. In 2009 by the scope of application of article 162, paragraphs 1 and 2 of the Penal Code was expanded. The amendment brings in conformity the list of the grounds of discrimination in the Constitution of the Republic of Bulgaria (article 6, paragraph 2), the Law on Protection against Discrimination (article 4, paragraph 2) and the Penal Code, and criminalizes any public incitement to violence or hatred.

It should be pointed out that “racist and xenophobic motives” were included as additional qualifying circumstances for murders and bodily injuries by the amendments of the Penal Code of 26 April 2011. Furthermore, a new *corpus delicti* is envisaged to be introduced under Chapter XIV „Crimes against Peace and Humanity”.

#### *Police training in human rights and tolerance*

Appropriate training in human rights protection is being provided to police officers on a regular basis.

A priority sphere of the *National Strategy of the Republic of Bulgaria for Roma Integration (2012-2020)* is “Rule of Law and Non-discrimination”. It is focused on the improvement of the police officers’ work in a culturally diverse environment. The Strategy provides training of police officers in human rights and minority-related issues within the official academic year of the Academy of the Ministry of Interior.

An annual 10-week theoretical and practical training courses at national and local level on “Police Work with Ethnic Minorities” is also envisaged.

It should be recalled that the topic on human rights training is already integrated in the education and qualification programmes of the *Academy of the Ministry of Interior*. The police officers are acquainted with the case-law of the European Court on Human Rights in the framework of the course “Human Rights Protection”, and are also familiarized with the ethical norms of conduct and the relevant procedures regarding the observance of human rights in their everyday work.

Training on prevention of discriminatory conduct is carried out also *within the Ministry of Interior by employees of the Ministry*. It is focused on the improvement of police officers’ qualifications for working in a culturally diverse environment. The discussion on topics in the curricula, such as: “Human rights and the ability to work with Roma communities”, “Identification of the public order problems and security in local communities”, “Traditions, customs and culture of the Roma communities”, “Application of a problem-oriented approach to ensure order and safety in the Roma community”, etc., includes also practical cases.



In addition, under the *EU programme "Crime Prevention and Fights against Crime"*, the Ministry of Interior developed a specific project on "Police training in the European standards of human rights protection". On 1 September 2011 a new project under the above EU programme was also launched - "European Police and Respect for Human Rights". The Belgian Federal Police, the Criminal Police of the German state of Baden-Württemberg, the Warsaw police, as well as national partners - the Commission for Protection against Discrimination, the Bulgarian Helsinki Committee and the Centre for the Study of Democracy participated in the project. The overall objective of the project is to address any stereotypes in the attitude of the police officers and to form a new professional behaviour based on full respect for human rights.

It should be also added that in the period of 2008-2010 the Ministry of Interior implemented the *Strategy "Police near the community"* as a part of the initiatives in line with the Memorandum of Understanding signed between the Ministry and the Kingdom of the Netherlands on Bilateral Police Cooperation. A substantial part of the Strategy were the activities aimed at raising awareness of persons belonging to ethnic minority groups of the work of the police and at the same time – the improvement of the skills of police officers, working in areas with mixed populations or areas predominantly inhabited by persons belonging to ethnic minority groups. The Ministry of Interior is currently implementing the consecutive programme of this partnership *"Solving Problems of Local Security and Partnership"*. The employee training and analysis of the results the programme will be completed in January 2013.

In the context of the *National Action Plan for the initiative "Decade of Roma Inclusion 2005-2015"*, on 16 May 2011 officials from the Ministry of Interior participated in a working meeting on the "Successful deployment of Roma inclusion activities, challenges and good practices." The meeting was organized by the World Bank Representation in Bulgaria and the National Council for Cooperation on Ethnic and Integration Issues with the Council of Ministers.

In the period of 12 - 14 July 2011, jointly with the Commission for Protection against Discrimination, training on *"National practices for prevention and combating discrimination in the Bulgarian society and the role of the Ministry of Interior"* was conducted. The training included 60 police officers from the Ministry of Interior.

*Projects for the creation of locally based Prevention Centers<sup>10</sup> were elaborated in collaboration with the Ministry of Interior of the Federal Republic of Germany. The main goals are awareness raising and the promotion of tolerance and respect for diversity in society in areas with predominantly Roma population. Prevention Centres should create conditions and opportunities to inform citizens of their rights and possible ways to protect their interests, to recommend safety measures, to develop preventive work with children and young people aimed at preventing anti-social behaviour and offenses, and to enable the implementation of specific intervention in solving certain cases with the involvement of the police.*

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<sup>10</sup> Capital Centre for prevention of offenses in "Poduyane" borough, "Suhata reka" residential area, Block 18, a "Community Centre for Prevention" in Sofia, "Krasna Polyana" area, 24, "Atanas Kirchev" Street, in Burgas town, 9, "Maria Luiza" Boulevard – a "Centre for Prevention of Violence and Crime" , in Targovishte town, 7, "Preslav" Street – a "Centre for Prevention."



In the period of 2004 - 2011 the project "*Police Civil Surveillance*", implemented by the "Open Society" organization of Sofia under the methodology approved by the General Directorate "Security Police", was implemented, aimed at building trust between the police and the local community and at increasing the transparency of the police institution. In late 2011 the "Open Society Institute" prepared a report on the project.

Partners of the MoI in police training include NGOs which have organized a number of training seminars in this sphere, such as the Foundation "Bulgarian Centre for Gender Research", the Foundation for community care "Diva" of Plovdiv town, the Association "Demetra" of Burgas town, the Centre "Nadia", the "Open Society Institute", the "Bulgarian Lawyers for Human Rights", the Bulgarian Helsinki Committee and others.

In addition, it should be recalled that there is a special mechanism within the Ministry of Interior for monitoring and control over activities of police officers and their accordance with the respect for human rights - *the Permanent Commission on Human Rights and Police Ethics, the special "Inspection" Directorate and the "Human Resources" Directorate.*

The Bulgarian authorities are committed to prevent and combat the use of hate speech and spreading racial hatred. This is part of the efforts of the Bulgarian authorities to maintain a climate of tolerance as a typical characteristic of the successful interethnic model in Bulgaria. With the amendments to the *Penal Code in 2009*, incitement to ethnic hostility or hatred - in speech, print or other mass media, through electronic information systems or through other means, was added to the provision of Article 162 of the Penal Code.

*The Radio and Television Act* prohibits the use of hate speech. The practice of the Council for Electronic Media (CEM) – which is the independent regulator and supervisor, include decrees against specific broadcasters on the grounds of them providing a platform for voicing ethnic intolerance, as well as sanctions against individual programmes.

Furthermore, the media professionals adopted in 2004 a *Code of ethics*, which provides, *inter alia*, that the race, colour, religion and ethnic origin of an individual must not be mentioned unless this is directly relevant. Complaints concerning radio and television programmes are received by the National Council of Ethics, which is set up by associations of journalists.

In line with the positive results already achieved, the Council for Electronic Media (CEM) will continue to exercise its powers with determination, in accordance with the Law on Radio and Television and its imperative requirement of "non-admission of broadcasts, inciting national, political, ethnic, religious and racial intolerance" on behalf of the providers of media services in the territory of Bulgaria.

In addition, CEM will continue to initiate public and professional debates on preventing and combating hate speech in the media.

Specifically concerning hate speech against Roma in the media, the Bulgarian Government co-financed the *First Public Roma Debate*, held on 19 November 2009 in the "Red house" in Sofia. The event was co-sponsored by the NCCEDI, the Open Society Institute in Budapest, the National Association "Debates", the newspaper "Drom Dromendar" and the "Red house" - Center for culture and debates. In this unique format, two teams, both of them composed of young Roma - university students of philosophy, law, medicine, public administration, business, etc. – held a debate. They explored together how hate speech in the media affected



the equal participation of Roma in public life, how should the Roma take more responsibility for their own fate, and how hate speech could be transformed into the speech of change.

The Bulgarian government encourages the promotion and development of intercultural tolerance and dialogue.

The Ministry of Culture supports the Cultural Centres as local civic formations for the preservation and promotion of the traditions of various ethnic communities across our country. Many community Centres in the country organize by themselves events for intercultural dialogue and cooperation between the ethnic communities.

Bulgaria joined the Council of Europe campaign “DOSTA!” which is aimed at overcoming negative stereotypes and discrimination towards Roma in Europe. Within this campaign the Ministry of Labour and Social Policy (MLSP) has organized training for journalists in 2010. The MLSP supports various activities promoting tolerance, inter-cultural dialogue, mutual understanding and respect for ethnic diversity.

Furthermore, the MLSP has launched specific initiatives in the area of inter-cultural education, among them an analysis of various school textbooks carried out by outside experts and relevant NGOs. Representatives of minority groups also participated in the process.

In addition, in the area of education the new draft Law on Education envisages a special standard on intercultural education which will significantly enhance the intercultural perspective of the Bulgarian educational system.

The intercultural dimension of education is included in the National Action Plan for the initiative “Decade for Roma Inclusion, 2005-2015”. It is also one of the priorities in the area of education in the new Framework Programme for integration of Roma in the Bulgarian society, 2010-2020 and National Roma Integration Strategy of the Republic of Bulgaria (2012-2020).

#### **Article 7 of the Framework Convention**

The right to peaceful assembly and association

With respect to the right of peaceful assembly and association, it will be recalled that the principle of freedom of assembly and association is fully guaranteed by the Constitution and the relevant legislation in Bulgaria to every person without discrimination in full conformity with Bulgaria’s international legal obligations.

It will be noted that there are no obstacles for the registration of political parties, provided that all the formal requirements of the Political Parties Act in force are met. These requirements are clear and applicable to everyone without exception and/or discrimination.

In March 2010 the Law on Assemblies, Meetings and Demonstrations was amended by the National Assembly and thus brought into full conformity with Article 13 of the European Convention on Human Rights.

#### **Article 8 of the Framework Convention**

## The right to manifest religion or belief

The Constitution of the Republic of Bulgaria and the legislation in force explicitly prohibit any discrimination on the grounds of religion or belief. Furthermore, the State provides assistance aimed at promoting tolerance and respect among followers of different religions, as well as between believers and non-believers.

The Constitution of Bulgaria stipulates (Article 13, para. 1) that the practicing of any religion shall be unrestricted, while religious institutions shall be separated from the State (Art.13, para.2), which cannot intervene in and administer the internal organisational life of the religious communities and institutions. The affiliation of a person to a religion or belief depends on his/her personal conviction only. There shall be no privileges or restriction of rights on the grounds of religion (Art 6, para.2). No one shall be persecuted or restricted in his/her rights because of his/her views, nor shall be obliged or forced to provide information about his/her own or another person's views. (Art.38). The State shall ensure the necessary conditions for free and unhindered exercise of the right to freedom of religion, including through press and speech (Art.40, Art.39), for the establishment of religious communities and associations (Art. 12, Art. 44) and participation in public activities. The freedom of parents to give religious and moral education to their children in accordance with their own beliefs is also constitutionally guaranteed.

The Penal Code of Bulgaria criminalizes acts against freedom of religion and beliefs (Art. 162).

According to the Religious Denominations Act (Confessions Act), adopted in 2002 and in force from 2 January 2003, the responsibility for registering religious communities, which wish to obtain legal personality, is conferred on a judicial body, the Sofia City Court. The Religious Denominations Act is in conformity with core UN Human Rights instruments: the Universal Declaration of Human Rights (art. 18), the International Covenant on Civil and Political Rights (ICCPR, Art. 18), the European Convention on Human Rights, the Declaration on the Elimination of All Forms of Intolerance and of Discrimination based on Religion or Belief etc. It would also be recalled that Resolution 1390 (2004) of the Parliamentary Assembly of the Council of Europe expressly states that the Law represents an important step towards guaranteeing religious rights and freedoms. Furthermore, the implementation of the Confessions Act has clearly demonstrated that its provisions are fully in line with Article 8 of the European Convention on Human Rights.

The Directorate of Religious Affairs is a specialized administration with the Council of Ministers. It coordinates the relations of the executive branch of government with the religious denominations. It also assists the Council of Ministers in the implementation of the state policy of maintaining tolerance and mutual respect among the various religious denominations. The Directorate investigates signals and complaints about alleged violations of the right to freedom of religion and ensures that officials respect religious rights and freedoms.

### **Article 9 of the Framework Convention**

Broadcasting for minorities/broadcasting in minority languages.



In Bulgaria there are no legal restrictions on the access of persons belonging to any ethnic, religious or linguistic minority groups to the media. Likewise, all persons, irrespective of their ethnic self-identification, may create and use their own media outlets in compliance with the provisions of the Law on Radio and Television.

The Framework Convention does not impose any obligation on the national authorities to ensure dissemination of information in minority languages through national media. A State party to the Convention is obliged to ensure, within its legal system that persons belonging to minority groups are not subject to discrimination in their access to the mass media. It is up to the State party to determine, within its national legal system, what measures should be undertaken to facilitate the access of persons belonging to minority groups to mass media.

In this context, the Law on Radio and Television envisages that *“The programmes or individual broadcasts can be in other languages when...they are designated for Bulgarian citizens whose mother tongue is not Bulgarian...”*<sup>11</sup> and that *“the Bulgarian National Radio and the Bulgarian National Television shall create national and regional programmes; programmes for abroad, including for the Bulgarians abroad of whom the Bulgarian language is not mother tongue, including in their language.”*<sup>12</sup>

Accordingly, since 2000, the Bulgarian National Television (BNT) has been broadcasting a daily 10-minute information programme in the Turkish language. The BNT is a national public operator, broadcasting for all Bulgarian citizens, irrespective of their ethnic self-identification.

The “World of Roma” programme is broadcast regularly by the BNT, with the support of the NCCEDI/ NCCEII and the National Coordinator for the “Decade of Roma Inclusion, 2005-2015”.

The role of the State is to assist, and not to replace or substitute the initiative of the organizations of Bulgarian citizens belonging to ethnic minority groups.

In addition, in the course competitive procedures for licensing and registration of new media providers, CEM will have opportunities to encourage other programme content for persons belonging to minority groups to be included in the media landscape in Bulgaria. It will also be noted that some newspapers in minority languages are published with the support of the NCCEDI/ NCCEII and other public institutions, despite rigid budget restrictions.

In Bulgaria various newspapers are published in minority languages like the newspaper Jewish News; the magazine “La Estreya” – a magazine about Jewish history, arts, culture; the newspapers “Yerevan”, “Vahan”, Parecordzagani zein /”The Voice of Parecordzagan - this newspaper has a joint issue “Our voice” together with the newspaper “Literature and Society” in Varna; an information bulletin “We, the Armani” (Armanlu) – a bulletin on Aromanian language and culture; newspaper “Drom Dromendar”, information bulletin of the “Amalipe” Centre; newspaper Zaman; magazine Etnodialog, etc.

## **Article 10 of the Framework Convention**

Use of minority languages in relations with administrative authorities

<sup>11</sup> See Article 12 of the Law on Radio and Television.

<sup>12</sup> See Article 49 of the Law on Radio and Television.

The Constitution of Republic of Bulgaria stipulates that the “Bulgarian shall be the official language of the Republic” (Article 3) and that “The study and use of the Bulgarian language shall be a right and an obligation of every Bulgarian citizen. Citizens whose mother tongue is not Bulgarian shall have the right to study and use their own language alongside the study of the Bulgarian language. The situations in which only the official language shall be used shall be established by law” (Article 36, paragraphs 1, 2 & 3).

In the Second Opinion of the Advisory Committee on Bulgaria there is a reference to “conformity” with Article 10.2 of the Framework Convention and “conditions set out in” Article 10.2 of the Framework Convention.

It should be recalled in this respect that in its first Opinion on Bulgaria the Advisory Committee itself clearly stated that there is “no prima facie impediment” to the use of the mother tongue in dealings with the administrative authorities.

It would further be recalled that according to the Explanatory Report to the Framework Convention, the provision of Art. 10, paragraph 2 leaves Parties “a wide measure of discretion”.

Furthermore, this is a fundamental concept applicable to the Framework Convention in general as stated in Paragraph 11 of the Explanatory Report, which clearly stipulates that these provisions “which will not be directly applicable” and “leave the States concerned a measure of discretion in the implementation of the objectives which they have undertaken to achieve, thus enabling them to take particular circumstances into account”.

Indeed, Article 10, paragraph 2 of the Framework Convention states that there should be “a real need”, on the basis of which the Parties should “endeavour to ensure, as far as possible, the conditions which could make it possible” to use a minority language in relations with the administrative authorities.

Consequently, the intent of the States Parties was that there would not – and could not - be one single form of “conformity” with the “conditions” of Article 10.2 of the Framework Convention.

It follows that it is the prerogative solely of the States Parties, within the “wide measure of discretion”, to determine the parameters of implementation of the provision in accordance with their particular circumstances.

In the case of Bulgaria these circumstances are clearly defined in the Constitution of the Republic of Bulgaria as it was already recalled above. Therefore, the present situation in Bulgaria concerning Article 10, paragraph 2 of the Framework Convention remains in conformity with its relevant undertakings.

#### **Article 11 of the Framework Convention**

Bilingual topographical indications and other inscriptions

According to the provision of Article 11, paragraph 3 of the Framework Convention, the Parties should “*endeavour, in the framework of their legal systems ... and taking into account*



*their specific conditions*", to display traditional local names, etc. also in a minority language. It would be recalled that according to the Explanatory Report to the Framework Convention, the provision of Article 11, paragraph 3 provides only for such a "possibility", but does not give rise to a direct obligation.

For reasons already clarified in the information regarding Article 10.2 of the Framework Convention above, the "conformity" with its Article 11.3 in different States Parties could not be expected to take identical forms because it is determined "in the framework of their (respective) legal systems" and "specific conditions".

Consequently, the present situation in Bulgaria concerning Article 11, paragraph 3 of the Framework Convention also remains in conformity with her relevant undertakings.

### **Article 12 of the Framework Convention**

Intercultural dimension of education.

One of the aspects of the work of the Bulgarian government in the area of education is the support to the development and the preservation of the cultural identity of children and students from ethnic minority groups and to the transformation of cultural diversity into a factor for mutual understanding, respect and tolerance of children and students belonging to ethnic minority groups.

The Consultative Council on Inter-Cultural Education under the Minister of Education, Youth and Science is also tasked with analysing the school programmes and textbooks currently in use. The analysis conducted so far has positively assessed the modern teaching materials applied in the educational process.

The Ministry of Education is currently developing a standard for civil, inter-cultural and healthcare education. With respect to this, the *new draft Law on Education* envisages a special standard on intercultural education which will significantly enhance the intercultural perspective of the Bulgarian educational system. The intercultural part of it will provide for improved conditions for training, education and support of children and students, carried out in a single cultural and educational environment, which will create guarantees for protection and development of the various cultures and traditions within the framework of a common policy and common cultural and linguistic space.

It should be emphasised that the content of the textbooks fully provides for multicultural learning. For example, the school programme for instruction in literature in the 5th grade is concretely aimed at providing knowledge on, and fostering respect for, the traditions and culture of different ethnic groups living in Bulgaria. The goal of the instruction after the 5th grade is to promote ethnic and religious tolerance as a core value of the Bulgarian society.

In 2010 – 2011 the Ministry of Education, Youth and Science has continued to implement the National Programme "The School - a territory of the students", in which one of the modules is "A day-long organization of the teaching in the primary stage". The organization of the students in full-time training within semi-boardings groups provides for improved quality of the educational process with respect to the consideration of the interests, abilities and the age of the students and for the development and improvement of their knowledge, skills, habits and attitudes. The training in the semi-boardings groups creates the opportunity for developing the communication and understanding between children from different social, ethnic and



cultural communities. *The students' personality develops daily in a multicultural and competitive environment through educational and artistic activities.*

In 2010, in the module "A day-long organization of the teaching in the primary stage", 94 project proposals received funding, amounting to BGN 800,000. In 2011, 88 project proposals received funding to the amount of BGN 800,000 in total, concentrated on providing conditions for a day-long organization of the educational process for students from the primary stage. Secondary schools are the beneficiaries of the funding provided within this module.

In addition, the intercultural dimension of education is included in the National Action Plan for the initiative "Decade for Roma Inclusion, 2005-2015". It is also one of the priorities in the area of education in the new Framework Programme for integration of Roma in the Bulgarian society, 2010-2020 and National Roma Integration Strategy of the Republic of Bulgaria (2012-2020).

The Operational Programme "Human Resource Development" (OP HRD) (2007-2013) includes schemes and operations, aimed at supporting the integration of children and students from ethnic minority groups. In the process of elaboration of the projects representatives from different ethnic groups were consulted. In this regard the Scheme BG051PO001/07/4.1-01 "*Creating a favorable multicultural environment for practical implementation of intercultural education and training*" under priority axis 4, area of intervention 4.1 of the OP "HRD" should be highlighted. The implementation period was 2008-2009, 62 projects were funded, with a total of BGN 5 324 026,40. The beneficiaries were 20 schools, 24 NGOs, 14 municipalities and four other organizations.

The aim of the scheme was the inclusion of children and students from ethnic minority groups in the learning process. The activities were directed towards the support for the integration of children and students from ethnic minorities, decrease in the number of school drop-outs and the number of students at risk of becoming early school-leavers, as well as of the number of those children not covered by the educational system. The total number of persons included in the scheme was 44058. The specifics of the projects were such that the major part of the funding was directed towards measures directly benefiting children and students from the Roma community and to a lesser extent for the training of teachers to work in a culturally diverse environment. Just over 52% or 22,958 people from those covered by the implemented projects are representatives of minority groups, particularly Roma, mostly students and their parents.

All programmes and projects implemented are contributing significantly to addressing any discriminatory attitudes against children and students with minority origin as well as for the promotion of understanding of the cultural differences between the various ethnic groups, which is an important prerequisite for ensuring improved access of children and students from minority groups to quality education. The establishment of the right learning environment in schools is the basis for the achievement of the set objectives.

#### **Article 14 of the Framework Convention** Minority language teaching



There are special programmes in Bulgaria for education in the mother tongue – Roma, Turkish, Armenian, Hebrew, Arabic, Greek, Romanian. Education in the mother tongue receives the necessary support. There is a special training for teachers in Roma language. Additional textbooks and grammar books are published in minority languages.

However, despite the opportunities made available by the state, there is a clear trend of decreasing numbers of the pupils belonging to minority groups willing to receive education in their mother tongue. This trend is evident among all groups without exception, including for persons belonging to the Turkish community, and is linked mainly to the opportunities for integration in the labour market after graduation.

Regarding the demand for education in minority languages in schools, it should be noted that the number of children willing to study Roma language dropped from over 4000 in the beginning of the 1990's to less than 100 in the last two school-years. Teaching in mother tongue is provided also in villages and small towns.

At the University of Veliko Tarnovo a bachelor's degree was offered for students in the programme "Elementary and pre-school pedagogies in Roma language". Due to insufficient interest on behalf of the students, this opportunity could not be further developed.

One reason may be that the prevailing will of both parents and children is for the children to study languages which will facilitate their further study or job opportunities in the USA, the EU member-states or certain international structures. This preference is the right of every citizen in Bulgaria, irrespective of her/his ethnic self-identification and as such the authorities fully respect it.

As to the possibility to introduce teaching in various subjects in the mother tongue, it should be recalled that according to the provision of Article 14, paragraph 2 of the Framework Convention, as interpreted in paragraphs 75-77 of the Explanatory Report, it is subject to several conditions and that this provision does not impose an obligation upon the State to do so. However, there are no legal or administrative impediments to that in the Bulgarian educational system.

According to Section 7, para. 2 of Ordinance No. 6 of 28.05.2001 on the allocation of teaching time for achievement the minimum of general education by classes, stages and levels of education in the mother tongue and in religion during classes compulsory training shall take place according to training programmes approved by the Minister of Education and Science. Such courses are available in Armenian, Hebrew, Roma and Turkish languages. So far no claims have been received regarding any teacher not well trained in a mother tongue.

For children who are not fluent in Bulgarian, an additional teaching to learn the language is provided in addition to the mandatory training. Mastering the Bulgarian language by children for whom it is not a mother tongue, is considered especially important in the period before their admission to grade I, in order to achieve a level of language proficiency commensurate with that of all other children. Curricula include a mandatory module for the preparatory group for training children whose family language is other than Bulgarian. Individual plans to study their mother tongue shall be applied as well.

A draft Law on Pre-school and School Education provides for the creation of conditions for supplementary study of Bulgarian language in order to support the educational integration of



school children/students speaking other native languages. Art. 291, para. (5), item 2 of the draft Law provides for targeted funding of schools with low educational outcomes, for the implementation of programmes and the application of measures for the improvement of educational results.

Other methods and ways to support the inclusion of children and students from vulnerable communities and groups in secondary education include the freely chosen subject in Roma folklore and culture, training for parents of Roma origin, providing for additional plans within the regime of the full-day school organization, weekend schools, out-of-class (self)tuition, interest clubs and more.

The provision of access to good quality education for children and students for whom Bulgarian is not their mother tongue (children from ethnic minorities, children of migrants and refugees), the promotion of early childhood education and development, work with parents, the building of a tolerant learning environment that promotes the adoption of "a different child/person", are all integration tools in the fight against segregation and discrimination.

### **Article 15 of the Framework Convention**

#### **Participation in decision-making processes**

It will be recalled that in the Republic of Bulgaria the right of all citizens, irrespective of their ethnic origin, religion and language, to partake in the decision-making processes and mechanisms is fully guaranteed.

There are no obstacles in the Bulgarian legislation to the effective participation of citizens, who identified themselves as belonging to ethnic minority groups, including Roma, in the process of elaboration, adoption and implementation of respective decisions.

All the legal and institutional capabilities for co-operation with NGOs, including those representing minority groups have been created, with the NCCEII as the main body at the national level. There are also Regional Councils for Ethnic and Integration Issues operating within the regional administrations.

A number of mechanisms for identifying the needs and taking specific actions and measures to improve the situation of citizens belonging to ethnic minority groups have been formed within the executive. For instance, such are the health and labour mediators who are being financed from the state budget and work in the interest of the integration of the Roma in society. All these different, multilayered and interlocking types of mechanisms for coordination and consultation aim at facilitating the participation of persons belonging to minorities in decision making processes.

#### *Consultative mechanisms*

The NCCEII is the coordination and consultative body, assisting the Government in formulating the policy on the integration of minorities (already seen under Part I of the present Report).



In 2010, 28 NGOs were represented in the Council, in 2011 - 26 NGOs and in 2012 - 44 NGOs, including NGOs of citizens, belonging to the Armenian, Aromanian, Vlach, Jewish, Karakachan, Roma, Turkish communities as well as organizations working on minority issues. Regarding the selection procedures for NGO membership in the NCCEDI/NCCEII, the Bulgarian authorities note that this issue has never been raised before the National Council. The criteria for membership in the NCCEDI, which are publicly known, have never been questioned.

It would be interesting to note that in 2010 the Commission for protection against Discrimination ruled that the Chairperson of the NCCEDI had in 2008 accepted one organisation of the Armenian community as a member of the NCCEDI without proper reasoning.

### *Participation in economic and social life*

In addition to the programmes listed in the Second Opinion of the Advisory Committee and implemented by the Bulgarian Government with regard to persons belonging to ethnic minority groups, in particular Roma, the following should be noted:

- In 2010, for the fourth consecutive time, young Roma had their practice at the National Assembly. In this way, the initiative received clear institutional support;
- The Employment Agency supports actively as one of its priorities the socio-economic integration of persons in vulnerable situations into the labour market. In its activities, the Agency strictly abides by the principle of zero-tolerance with regard to any discriminatory practices and circumstances allowing for violations of the right to equal opportunities of all persons in search of employment;
- Within the international initiative "Decade for Roma Inclusion, 2005-2015", the Bulgarian Government, through the Employment Agency, implements annual action plans, including measures aimed at training and re-qualification of registered unemployed Roma in order to facilitate their integration in the labour market. In 2010, 7 600 persons were included in such programmes;
- A new scheme will be launched within operational programme "Human Resources Development" which will create job opportunities for 5000 registered unemployed Roma;
- Since 2005, the Employment Agency has been organizing specialized "job fairs" in regions with denser Roma population (in the period 2006 – 2009, there were 20 such "job fairs", and in the first six months of 2010 they were 10);
- Roma mediators are trained and appointed to promote employment (e.g. a total of 102 mediators have been working at the territorial directorates as of February 2010). Meetings are also held locally with official representatives and informal leaders of the Roma community aimed at improving awareness and promoting employment (169 such meetings were organised in 2009, together with 312 meetings with NGOs, social partners, employer organizations, etc.);
- In order to better tailor its programmes, the Employment Agency introduced in 2007 the opportunity for the unemployed, when registering, to identify - on a strictly voluntary basis - their ethnic affiliation;
- Through the multi-year project "Improvement of the situation and promotion of integration of disadvantaged persons belonging to minority groups, with a special focus on Roma", the NCCEII implements a series of measures in the field of housing infrastructure development, education, health care, employment, participation in political and economic life at local level, etc. Roma representatives are included in the elaboration of the project in all its



stages. Progress is monitored monthly and in 6-month periods, and the efficiency of the measures is assessed together with Roma representatives after the completion of the contracts;

- In the field of health care, the model of the health mediator has been applied since 2001. Health and social centres managed by local organizations working with the Roma communities have been developed in the Roma residential areas in Plovdiv, Sliven, Sofia, Bourgas, Varna, Vidin, Pazardjik and Stara Zagora. Health and social services are offered by specially trained Roma teams. Work is concentrated in such fields as maternity and child health care, drug prevention, inclusion of parents in the process of adaptation of children to the requirements of the educational system, services for career guidance;

- Bulgarian citizens in a disadvantaged position, including Roma, also have the benefit of the Human Resources Development Operational Programme implemented by the MLSP and co-funded by the European Social Fund.

It will be noted that the new Framework Programme for integration of Roma in the Bulgarian society (2010-2020) clearly emphasizes the need to involve actively citizens of Roma origin, in particular women, in its implementation.

During the population censuses the National Statistical Institute collects, processes and disseminates reliable statistical information, disaggregated also according to the sex, ethnic self-identification, and geographic location of the persons. Fully aware of the significance of this information for the elaboration of well targeted policies, including those related to persons belonging to minority groups, the NSI will continue its efforts to collect such statistical data, in compliance with the international standards in the field of personal data protection.

The Government of Bulgaria has at its disposal one general and several strategic documents referring to particular areas of integration of Roma in the Bulgarian society. Their implementation is closely monitored, and in this process research is being carried out and data collected, including with the agreement of the persons interviewed. This is done mainly in the field of employment where there are currently around 200 mediators among the Roma community. The data available at the NSI ensure an effective statistical backup of the general and area-specific policies.

It should also be noted that the Bulgarian authorities carry out consistent targeted training activities to encourage the persons belonging to the Roma community to be an active partner of the national institutions when implementing projects for social inclusion. Regional seminars are organized aimed at increasing awareness among the Roma community on various issues. In 2009, there were 4 seminars with formal and informal Roma leaders used also to assess the impact of the measures undertaken thus far within the initiative “Decade for Roma Inclusion, 2005-2015”.

The fifth anniversary of the launch of the “Decade for Roma Inclusion, 2005-2015” was marked on 8 April 2010, with the participation of parliamentarians, including representatives in the European Parliament, ministers, deputy ministers and experts, regional governors, representatives of international organizations, of the civil society and the media. The reports by the ministries responsible for the specific focus areas of the initiative – employment, housing, education, health care, culture and anti-discrimination, were followed by an open discussion with the participation of Roma non-governmental organizations.



### III. Specific questions

#### In the area of healthcare

Several initiatives and measures that have resulted in clearly positive impacts and have become good practices of the integration policy should be noted:

*A Health Strategy for Disadvantaged Persons Belonging to Ethnic Minorities (2005 – 2015)* was developed by the government in September 2005 as part of the National Health Strategy. Its main objectives are: overcoming negative trends in the health status of disadvantaged ethnic minority groups; ensuring equal access to health care services; increasing the number of the population from ethnic communities included in compulsory health insurance; reducing infant and maternal mortality.

There are also mobile medical services (“health mediators”) funded from the state budget, which are implemented by municipalities. The important role of the health mediators for increasing the health culture and awareness within vulnerable groups has to be particularly underlined.

The National Council for Cooperation on Ethnic and Integration Issues to the Council of Ministers and the Ministry of Health have mainly been responsible for the institutionalisation of the profession of the health mediator and its transformation into a good practice. Since 2007 funds have been granted from the budget for activities delegated to the municipalities. In the same year 92 mediators were employed. In 2008 their number increased to 111 people. For 2009, 2010 and 2011 funding was allocated for the appointment of 105 mediators in total, while in 2012 109 health mediators were employed.

Health mediators are also experienced in the work with families at risk of leaving children to foster homes. In 2011 the health mediators contributed to the provision of 10 000 vaccinations and 12 706 prophylactic examinations and participated in the resolving of 7 874 individual situations of a social nature, etc.

The authorities in Bulgaria are aware that Roma are among the most vulnerable groups of the population and are implementing all necessary measures in order to ensure universal access to prevention, diagnosis, treatment, care, aid and support for persons from the Roma population in terms of socially significant diseases (in particular HIV/AIDS and tuberculosis).

In 2011, the NCCEII coordinated the organization and realization of two training sessions for health mediators within the framework of the *European training programme for Roma mediators - ROMED of the Council of Europe*. The objective of the programme is to “Improve the quality and the efficiency of the work of the health/labour mediators, with the aim to facilitate the communication and cooperation between Roma and the state institutions (schools/healthcare/employment services)”. Bulgaria is within the first 15 countries participating in the initiative. The country's involvement is continuing in 2012, with participation in two new training sessions.

Under the PHARE Programme the Ministry of Health was provided by the European Commission through the National Council for Cooperation on Ethnic and Integration Issues, with 23 mobile units, of which 5 cabinets for general examination, 2 fluorographic cabinets, 2



mammographic units, 3 ultrasound units, 3 mobile laboratories, 4 pediatric and 4 gynecologic cabinets.

In 2010 a total of 9 576 prophylactic and screening examinations were carried out in eight Districts of the country. In 2011, a total of 11 465 examinations were carried out by the mobile units in nine districts. Bulgarian citizens belonging to ethnic minority groups and persons with difficult access, living in remote areas were examined. More than 2 353 people were diagnosed with diseases or deviations in the laboratory tests. All diagnosed participants were directed for further respective diagnostic examinations and treatment in hospitals.

The prophylactic medical examinations and tests with the mobile units were preceded by lectures and awareness raising campaigns. They were carried out by experts from the Regional Health Inspections and the respective regional medical centers. Information materials, brochures and leaflets were distributed, in which the particular health problems were explained in an accessible way.

In 2010 – 2011 four national meetings under the project "Initiative for Health and Vaccination" were held. The NCCEII, jointly with the Healthcare Commission to the 41<sup>st</sup> National Assembly of Bulgaria, carried out the projects in partnership with the Ministry of Health, the "National Network of Health Mediators in Bulgaria", the Bulgarian Association for Prophylactic Vaccination with support from the pharmaceutical company GlaxoSmithKline. The project confirmed the good cooperation established between the key partners in the organisation of the campaigns for improving health care within vulnerable groups. In particular, the campaign contributed to the establishment of control over the epidemic of measles spread in Bulgaria in the spring of 2010. Likewise, the emergency prophylactic immunization of around 200 000 children against measles, mumps and rubella, was a major accomplishment, considering the complex situation in many EU member states. In addition, good results were also achieved in the emergency immunization campaign against polio in 2011 - the campaign covered 40 000 children, 35 000 of which were of Roma origin.

### *In the area of employment*

In implementation of government policy the Ministry of Labour and Social Policy and the Employment Agency provide different services for employment promotion, while strictly observing the right of equal access and the principle of non-discrimination, direct or indirect, on the grounds of ethnicity, origin, sex, age, religion or others.

The programmes and measures on the labour market have a substantial effect on extending access to employment of unemployed from vulnerable groups. Professional orientation, motivation, consultations, vocational training aimed at achieving employment are available to all persons registered in the Labour Offices.

One of the most vulnerable groups in that sphere are the unemployed Roma. Their situation is dependent to a considerable degree on their level and quality of education and professional qualification. In this context the measures include adult education and training, career opening of new jobs and promotion of enterprise. Employment services organize regular "fairs" in regions with dense Roma population. Roma mediators are trained and appointed to promote



employment among Roma, in order to address the problem of long periods of dependency on social benefits.

The National Employment Agency has implemented a series of activities specifically benefitting the registered unemployed Roma (on the basis of data provided voluntarily on the basis of individual self-determination).

The implementation of the **National Programme "Activating the inactive"** started in 2008, aimed at enabling and involving inactive and discouraged persons in the labour market. To achieve this goal, measures were taken in 2008 and 2009 for the training and appointment of 125 unemployed Roma as labour mediators - intermediaries on the labour market. Their main function is to motivate the inactive and discouraged persons to register at the employment offices in order to benefit from the mediators' intermediary services and assistance in finding employment opportunities and the provision of various trainings. In the process of realization of the set programme objectives, the mediators carry out information campaigns, individual and group meetings with inactive persons. At the end of 2011, 62 labour mediators were working in 58 Employment Offices. Under the NPAE, the employment of 30 additional Roma labour mediators was decided for 2012.

In 2011, two trainings for Roma labour mediators were carried out under the European Programme for Roma mediators of the Council of Europe - ROMED. Within the training, the mediators developed action plans to guide them during the six months of practical work. Issues relating to the continuation of the National programme "Activate the inactive" and the activities of the mediators within the context of the scheme for new mediators under the OP "HRD" were additionally discussed.

As a direct result of the implementation of the programme, at the end of 2011, 8 248 inactive and discouraged persons were registered in the Employment Offices. Out of the total number 86 enrolled in trainings, and 1 298 persons were employed.

The Plan of the National Employment Agency elaborated in relation to the Decade of Roma Inclusion initiative for 2012, provides for the inclusion of 15 600 persons of Roma origin in various activities.

The National Employment Agency organizes and carries out specialized job fairs, targeted towards the Roma community. In 2011, six fairs were held, attended by 778 jobseekers, while 47 employers announced 325 vacancies. 309 persons were employed in total. The organization of two specialized job fairs targeting the Roma community were envisaged for 2012.

As a result 16,914 persons (more than the target of 15,600) increased their competitiveness on the labour market and found employment in 2011. The differentiation according to the individual activities is as follows:

6 025 persons were included in activities for improvement of employability and qualifications including 4 741 people in individual and group trainings for professional orientation and motivation for active behavior on the labour market; 1 284 persons in training for vocational qualifications and development of key competences. 10 889 unemployed persons were provided with employment through involvement in various programs, employment measures and on the primary labour market. 5475 unemployed were included in the National



Programme "From Social Assistance to Employment" and under OP "HRD" employment was provided for 1622 persons. 2869 persons were employed on the primary labour market. 15 persons were included in activities for the promotion of entrepreneurship, out of whom 11 were involved in motivational training, and 4 persons - in trainings for starting up and managing a business.

In 2011, within the framework of social dialogue and cooperation, 143 meetings were held with Roma NGOs aimed at supporting the employment of unemployed Roma.

Under the Operational Programme "Human Resource Development" in 2011 the National Employment Agency started the implementation of two schemes targeted towards vulnerable and disadvantaged groups on the labour market, namely:

- "Take your life in your hands" - the scheme provides for the identification, motivation and support to persons belonging to vulnerable groups. Involvement in trainings and internships with an employer for a fixed period of 3 months is envisaged. It is expected that as a result, nearly 5 000 long-term unemployed, inactive and unmotivated persons will be included in the labour market.

- "Improving the quality of the services provided by the National Employment Agency for citizens and businesses with a focus on the vulnerable groups on the labor market" - provides for the selection and employment of 350 labour mediators in the Employment Offices, to work with representatives of disadvantaged groups on the labour market. 250 of them have been already appointed in 2011. The scheme provides for the provision of training of employees in the Employment Offices to work with representatives of disadvantaged groups and for the organisation of 12 specialized job fairs by the end of 2013, targeting unemployed Roma with disabilities and other disadvantaged groups on the labour market.

In 2012 the Plan of the National Employment Agency on the Decade of Roma Inclusion initiative provides for the inclusion of 15 600 persons of Roma origin in various activities.

### *In the area of education*

Education is a national priority in Bulgaria and the policy in this regard is based on the principles of equal access and inclusion of all children and students, prevention of discrimination and the preservation of the ethno-cultural diversity.

The Bulgarian Constitution and the Public Education Act guarantee the right of every child to education. Education is secular, tuition is free of charge at the state and municipal schools, and school attendance is compulsory until the age of 16. Enrolment in kindergartens is at the discretion of parents or guardians. In grades I to IV, transport, textbooks and meals are provided free of charge. Infants have access to pre-school education.

The Public Education Act guarantees the right to education and the opportunity to upgrade one's qualifications without any limitation or privileges based on race, nationality, sex, ethnic and social background, religion and social status.

The new Draft Law on Pre-school and School Education is in line with the European education directives and the recent reforms in the Bulgarian educational system. Among the main objectives of the Draft Law is the formation - starting from the level of the pre-school and school education - of national and civil consciousness, tolerance and respect towards the ethnic, national, cultural, linguistic and religious identity of all citizens.



A Centre for Educational Integration of Children and Pupils from Ethnic Minorities was established by a Decree of the Council of Ministers in 2005, supporting the implementation of the Educational Integration Strategy. The Center develops, finances and supports projects, focusing on equal access to quality education for children and pupils from ethnic minority groups. It also aims at preserving and developing their cultural identity, respect and cooperation in a common educational environment.

Beneficiaries are state and municipal kindergartens and schools, regional education inspectorates, municipalities. Some of the projects are co-financed by the Roma Education Fund - Budapest.

### *Roma children at schools*

As already stated, the efforts of the competent Bulgarian authorities to encourage the integration and socialization of Roma children and school students, preventing early dropouts from the educational system continue.

In the National Reform Programme for implementation of the „Europe 2020“ Strategy, among the National Objectives set is for the “relative share of early leavers of the educational system to drop to 11% by 2020 and the relative share of persons in the age group 30-34 with higher level of education to rise to 36% by 2020” (Objective 4).

The achievement of the results set is a prerequisite for the subsequent inclusion of the targeted groups in the higher education and training, which should lead to their successful realization on the labour market.

Due to the measures taken to prevent children from dropping out and leaving early the education system the number of dropouts from school decreased from 6,680 in the 2009/2010 school year to 5,615 in 2010/2011 (according to data of the National Statistics Institute). According to Eurostat data the number of early school leavers – those aged between 18 and 24 years of education lower than secondary, who are not included in any form of education dropped from 14.7 percent in 2009 to 13.9 % for 2010 and 12.8% respectively in 2011.

Furthermore, the Draft Law on Pre-school and School Education provides for the establishment of a new unified type of school (from grade I to grade X). Thus students will have the opportunity to complete the first high school class in their birth place, or near it. This opportunity can benefit many Roma families. In addition, these schools can provide vocational training – partial professional qualifications, and awarding a first class professional qualification for some professions. The Draft Law requires from each school to adopt also their own programmes to prevent children from leaving school early (Art. 263).

In 2011, the MEYS held a competitive procedure on the subject of „Study of the efficiency and effectiveness of the policy instruments aimed at improving the access to education and at decreasing the number of children not involved in the education system and the number of school drop-outs“, in order to contribute to the effective educational integration of children and students of Roma origin. The main objectives set were: to analyse the effectiveness of the tools employed for decreasing the number of students not involved in the education system and the number of school drop-outs, and to improve the access to quality education in two main directions, namely:



- increasing the scope and facilitating the equal access to secondary education through a set of instruments: student scholarships, purchase of vehicles for transport to the central schools, free textbooks, school dormitories, special measures for the educational integration and reintegration of children and students of disadvantaged social groups;
- improving the organisation of training and education through a set of instruments, namely: day-long organisation of the training of students in the first grade, for students travelling to the central schools, contributing to the feeding of children in the preparatory groups of kindergartens and students up to school grade four, provision of extracurricular activities;
- study of the inter-relations of the central government, local government, schools and parents in the process of implementing the measures to prevent school drop-outs;
- identifying the risk factors leading to dropping-out of students.

It should be reiterated that school attendance by children of Roma origin and the drop-out from education of boys and girls after the 7th and 8th grade is due mainly to traditions and strong pressure from within the community. The role of the parents is crucial in this respect. Without their active support, the efforts of teachers and social workers are doomed to failure, and the process of early dropouts could hardly be stopped. The change should develop within the Roma community itself, together with the Roma leaders and various Roma organizations. Objectively, this is a long and difficult process, and results could not happen as quickly as desired.

Regarding access to kindergartens for all Roma children and the guarantees that “the curriculum in such kindergartens corresponds to the diverse needs and multi-lingual composition of the groups”, it should be pointed out that children of Roma origin usually do not enroll *en masse* in kindergartens, and this problem affects negatively their learning abilities in the first and following school grades. Taking this into account, obligatory pre-schooling is planned to be extended to two years. With the amendment of the Public Education Act, during the 2010/2011 school year the implementation of a compulsory two-year training of children before first school grade began. The main objective is an equal start for every child to be guaranteed and early socialization and development of skills required for admission to first school grade to be acquired. The new Draft Law on Pre-school and School education provides for compulsory attendance of kindergartens also for 4-year old children. It is expected that by 2020 at least 95% of the children of age group of 4 years and over shall be included in education in their early childhood. For the last year the coverage of 5-year-olds has been increased to 20% although only 66% of municipalities were covered by the measure. For the 6-year olds the coverage is already over 97%. The number of Roma children covered by the mandatory two-year school-preparation training has also increased. The percentage of children enrolled in kindergartens in the school year 2011/2012 is 81.5%.

An opportunity is provided to kindergartens to organize full-day and half-day groups and part-time, weekend and seasonal classes, which is essential for the inclusion of children from vulnerable and/or ethnic minority groups. Sanctions are also envisaged for parents who do not send their children to pre-school and school education.

In addition, the Bulgarian authorities are implementing a Project for social inclusion of children up to 7 years of age (including children of the Roma community) financed through a loan of 40 million EUR by the International Bank for Reconstruction and Development. The project envisages the provision of integrated social services and services related to childcare. Capacity building is also envisaged, including through developing parental skills for future and present parents, early intervention for children with disabilities, family consulting and



support, health consulting, etc. For children of 3 to 7 years of age, the project finances activities supporting their integration in kindergartens, as well as social work with their parents, reduction of fees, transport, etc.

In addition, in 2009, the State Agency for Child Protection developed a model for local level interaction, with the objective of returning children back to school, which was submitted for implementation by the municipalities. In the same year, over 20 thousand persons were covered by programmes of the Ministry of Education, Youth and Science (MEYS) for prevention of early dropout from school.

EU funds are used with increasing efficiency in implementing the policy for the integration of children and students from ethnic minority groups.

In October 2009, a granting scheme within the Operational Programme "Human Resource Development" (OP HRD) (2007-2013) was opened through announced procedures for selection of projects on key intervention areas: "Integration of children and students from ethnic minorities in the educational system". The total number of submitted project proposals was 414, of which 48 project proposals were approved for funding. Until 31 December 2011, contracts were signed with municipalities, schools, kindergartens, universities and non-profit organizations for the funding of 45 projects.

The objective of the scheme is to facilitate the integration of children from ethnic minorities, through: the improvement of conditions ensuring the equal access to education, development of methodologies, curricula and programmes for implementing an integrated education; conducting specialized trainings for teachers to work with children from minority groups, changing the social attitude towards children from minority ethnic groups, specialized work with parents.

87% of those included in the scheme belong to disadvantaged groups. The share of persons belonging to ethnic minority groups is 8 902 or 84.7% of all involved. 5 504 or 61.8% of them are Roma.

In 2010, 6 566 Roma children were registered as participants under the scheme "To make the school attractive to young people", which accounts to 79.9 % of the number of Roma included under the priority axis and 65.7% of all Roma covered in the realization of the schemes under the OP "HRD".

In 2011 two new schemes were launched, envisaged to finance projects of municipalities, schools, kindergartens, universities and non-profit organizations, namely: 1. *"Educational Integration of Children and Students from Ethnic Minorities"* and 2. *"Reintegration of dropped-out students in the educational system"*. The activities eligible for financing the first scheme are identical to those under the similar scheme mentioned above. As to the second scheme the eligible activities include: the identification of students dropped out from the educational system, motivating them to continue their education through information campaigns, community work with drop-outs and their families, reintegration of school drop-outs and implementing mechanisms to prevent their following drop-out of school, with the involvement of teaching assistants and others.

Measures for supporting the integration process through the organization and realization of sport and youth activities are also supported under the program "Youth in Action 2007-2013".



### *In the area of housing*

In this context the Bulgarian authorities would like to recall the information already presented under Part II on improvement of Roma housing conditions.

In addition, with reference to legal security regarding property ownership in some neighbourhoods with predominantly Roma inhabitants, it should be noted that the confusion around the ownership of the plots is a key issue to be solved when it comes to the search for durable solutions to the Roma housing problems. This process has been additionally aggravated in recent years by continuing illegal construction activities.

The local authorities are searching for opportunities for a sustainable solution, e.g. through providing accommodation in municipal social housing, granting construction permits for municipal plots, renting municipal land for symbolic payment, etc. In 2004, the law provided an opportunity for the legalisation of illegal constructions conforming to certain basic technical and social requirements. Unfortunately, this opportunity was not utilised. Nevertheless, construction activities cannot be carried out contrary to the principles of the rule of law, the market economy and the welfare state. A large part of the buildings occupied by Roma are under a regime of tolerability, as long as they meet certain technical requirements. Whenever possible, municipalities search for alternative solutions – including temporary accommodation in other places, in municipal or state property, until the issue is resolved.

In not so rare cases, citizens accommodated temporarily or permanently in state or municipal property, cause destruction of the respective buildings which necessitates expensive repair works or even their demolition. Consequently, the responsibility for the condition of the housing and the environment cannot be borne solely by the authorities, especially in cases when there is lack of care on behalf of the tenants of municipal or state property.

Moreover, it should be underlined that municipalities can offer alternative housing only to citizens with proper address registration. There are no legal grounds to demand accommodation in municipal housing for persons who own real estate in other places of residence.

Applications from candidates for municipal housing, who comply with the relevant criteria, are processed without any discrimination, including on grounds of ethnic self-identification. The Bulgarian authorities are not aware of any cases of eviction of citizens of Roma origin from their own property.

### *Improvement of the cultural and educational infrastructures*

Within the framework of OP "Regional Development 2007 - 2013", in 2009-2010 projects were implemented under the following schemes for granting financial assistance: "Support for the provision of appropriate and cost-effective educational, social and cultural infrastructure, contributing to the development of sustainable urban areas"; "Support for the provision of appropriate and cost-effective educational infrastructure, contributing the development of sustainable local development".



Within the framework of these schemes, 86 projects of municipalities, part of the urban agglomerations and of 178 small municipalities are supported. The projects were focused on the renovation, reconstruction, equipment provision, energy surveys and audits, incorporation of energy efficiency measures and installations based on renewable energies /RES/ as well as on the improvement of the access of vulnerable groups, including Roma.

As a result of the approved projects and the contracts implemented under the OPRD, direct and indirect impacts were achieved. In addition, the problems of some 125,214 Roma, who have benefited from the refurbishment of the educational, social and cultural institutions and the renewed urban environment were successfully addressed.

In 2011 the main measures for improving the conditions of the persons belonging to minority groups and providing a positive impact on the process of social inclusion and the provision of equal access of Roma under the OPRD are as follows: educational infrastructure - 5 schemes, 9,792 Roma benefited from the improved educational infrastructure - nurseries and kindergartens, primary and secondary schools; social infrastructures - 3 schemes, 16,759 Roma benefited from the improved social infrastructure - labour offices, directorates for social assistance; cultural infrastructure - 3 schemes, 6,262 Roma have benefited from the renovation of buildings of cultural institutions; physical infrastructure - 1 scheme, 92,401 Roma have benefited from the renewed urban environment. The total amount of funding provided under all schemes is BGN 740 million.

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