



**International Convention on
the Elimination
of all Forms of
Racial Discrimination**

Distr.
GENERAL

CERD/C/BGR/19
14 March 2008

Original: ENGLISH

COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION

**REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 9
OF THE CONVENTION**

Nineteenth periodic reports of States parties due in 2006

Addendum

BULGARIA * * * * *

[14 January 2008]

* This document contains the fifteenth, sixteenth, seventeenth, eighteenth and nineteenth periodic reports of Bulgaria, due on 4 January 1998, 2000, 2002, 2004 and 2006, submitted in one document. For the twelfth to the fourteenth periodic reports and the summary records of the meetings at which the Committee considered the report, see document CERD/C/299/Add.7, CERD/C/SR.1205, 1207 and 1210.

** In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not edited before being sent to the United Nations translation services.

*** Annexes can be consulted in the files of the secretariat.

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Introduction

1. This report is a consolidated document containing the fifteenth, sixteenth, seventeenth, eighteenth and nineteenth periodic reports of the Republic of Bulgaria, due on 4 January 1998, 4 January 2000, 4 January 2002, 4 January 2004 and 4 January 2006¹ respectively, in the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination.
2. The current report has been prepared in accordance with the instruction of the Committee on the Elimination of Racial Discrimination, as revised on 19 March 1993 and 16 August 1999. The report takes into account also the additional instructions on the implementation of Article 7 of the International Convention, adopted by the Committee on 17 March 1982.
3. The report also takes into close consideration the following Committee's recommendations:
 - General Recommendation XVII² on the establishment of national institutions to facilitate the implementation of the Convention (Forty-second session, 1993)
 - General Recommendation XXVIII,³ Follow-up to the World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance (Sixtieth session, 2002)
 - General Recommendation XXIX,⁴ Discrimination Based on Descent (Sixty-first session, 2002)
 - General Recommendation No. XXX,⁵ Discrimination against Non-citizens (Sixty-fourth session, 2004)

¹ See doc. Submission of Reports by States Parties under Article 9, paragraph 1, of the International Convention on the Elimination of All Forms of Racial Discrimination (CERD/C/69/2, dated 26 May 2006).

² General Recommendation XVII, the Establishment of National Institutions to Facilitate the Implementation of the Convention, Forty-second session, 1993, U.N. Doc A/48 /18.

³ General Recommendation XXVIII, Follow-up to the World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance, Sixtieth session, 2002, U.N. Doc. A/57/18.

⁴ General Recommendation XXIX, Discrimination Based on Descent, Sixty-first session, 2002, U.N. Doc. A/57/18.

⁵ General Recommendation XXX, Discrimination against Non-Citizens, Sixty-fourth session, 2004, U.N. Doc. A/59/18.

- General Recommendation XXXI,⁶ Prevention of racial discrimination in the administration and functioning of the criminal justice system (Sixty-fifth session, 2005)

4. The report also contains replies to questions raised by members of the Committee in March 1997⁷ during the consideration of the fourteenth periodic report of the Republic of Bulgaria.
5. The current report covers the period from 5 August 1996 (when the fourteenth periodic report was submitted) until 31 October 2007.

I. GENERAL INFORMATION

6. The current report includes all legislative acts, judicial, administrative and other measures adopted in the period between August 1996 and October 2007, in the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination.
7. Bulgaria ratified the International Convention on the Elimination of All Forms of Racial Discrimination on 23 June 1966.
8. Bulgaria made the declaration under Article 14, paragraph 1 of the International Convention on the Elimination of All Forms of Racial Discrimination in 1993.⁸
9. During the period under review (1997-2007), the Republic of Bulgaria adopted additional laws with a view to harmonizing its domestic legislation with the International Convention on the Elimination of All Forms of Racial Discrimination, as well as with other international human rights instruments. Special attention has been accorded to the recommendations contained in the Declaration and Programme of Action of the World Conference on Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Durban, South Africa.⁹
10. There is a continuing process going on in the Republic of Bulgaria to perfect the democratic system of the country embracing not only legislation but also the judicial system and administrative practices.

⁶ General Recommendation XXXI, on the Prevention of Racial Discrimination in the Administration and Functioning of the Criminal Justice System.

⁷ Considered at the 1205th and 1207th meetings, held on 17 and 18 March 1997, and on 1210th meeting, held on March 19th, when the Committee adopted its concluding observations.

⁸ The declaration was deposited with the Secretary General of the United Nations, Dr. Boutros Boutros-Gali on 12 May 1993.

⁹ 31 September-8 October 2001.

11. The conscientious implementation of the International Convention on the Elimination of All Forms of Racial Discrimination by the Republic of Bulgaria is commensurate with its obligation under Article 24, paragraph 1, of the Constitution,¹⁰ which states that “the foreign policy of the Republic of Bulgaria is carried out in conformity with the principles and norms of international law”, including also “the establishment of a just international order” (paragraph 2).

12. The formation and establishment of the civil society in the Republic of Bulgaria is a process based on the premise that the rights, obligations and legitimate interests of all persons are at the centre of attention of the State.

13. The Constitution of the Republic of Bulgaria proclaims the legal position of the Bulgarian citizens on the basis of internationally recognized principles concerning human rights, and above all of the principle of equality.

14. The Constitution of the Republic of Bulgaria reaffirms the human values of freedom, peace, humanism, equality, justice and tolerance. The Constitution also proclaims respect for, and observance of equality of the individual.¹¹ The constitutional principle that all citizens are equal before the law has been incorporated in a number of laws.

15. The Constitution proclaims the creation of a democratic state based on the rule of law as a priority and resolute aim. The Constitution also proclaims the preservation of the national and state unity of the Republic of Bulgaria as an inalienable obligation.

16. A number of laws regulate public relations, as embodied in Article 11, paragraph 3, of the Constitution (political parties assist in the formation and expression of the political will of the citizens), Article 16 (the right to labour is guaranteed and protected by the state), Article 17, paragraphs 1, 4, 5 (the right to own property and to inherit is guaranteed by law), paragraph 4 (state and municipal properties are regulated by law), and paragraph 5 (forced nationalization for the needs of the state and municipalities is permitted only if based on law).

17. The Republic of Bulgaria is a state governed by the rule of law, in accordance with the Constitution and the laws of the country (Article 4, paragraph 1, of the Constitution).

18. Article 5, paragraph 1, states that “the Constitution is the supreme law of the country and the other laws shall not contravene it”. Paragraph 2 stipulates that “the provisions of the Constitution shall have an immediate and direct effect”.

19. Article 5 Paragraph 4 states as follows: “Any international instruments, which have been ratified in accordance with the constitutionally established procedure, promulgated and having come into force with respect to the Republic of Bulgaria, shall be considered part of the domestic legislation of the country. They shall supersede any domestic legislation stipulating otherwise.”

¹⁰ Adopted on 12 July 1991.

¹¹ See the Preamble and Article 4, paragraph 2, and Articles 25-27, of the Constitution of the Republic of Bulgaria.

20. Under this provision, if there are conflicting provisions, the authorities shall apply the higher degree of legislation. Consequently, there is no doubt whatsoever that any form of discrimination shall be dealt with strictly and promptly, irrespective of whether there is a specific provision or not in domestic legislation.

21. The principle that all persons in the Republic of Bulgaria are born free and equal in dignity and rights is specifically proclaimed in Article 6, paragraph 2, of the Constitution. This provision explicitly prohibits discrimination on the grounds of race, nationality, ethnic self-identification, sex, origin, religion, education, opinion, political affiliation, marital or social status or property status.

22. It is worthwhile noting that the above-mentioned principle has been incorporated in all spheres of domestic legislation.

23. A typical example of the above-mentioned principle being part of domestic legislation is the Tax Procedure Code (TPC). Its Article 9, paragraph 2, entitled "Equal Application", obliges taxation authorities to apply the laws strictly and equally in respect of all tax subjects. There shall be no privileges and restrictions or limitations, on grounds of race, nationality, ethnic self-identification, sex, origin, religion, education, opinion, political affiliation, marital or social status or property status.

24. The Labour Code also contains a similar provision in Article 8, paragraph 3, which states that in the exercise of labour rights and obligations there shall be no direct or indirect discrimination, privileges, restrictions or limitations, on grounds of nationality, origin, sex, race, colour, age, political or religious opinions, membership in trade unions and other public organizations, marital and social status, property status and disability. Article 4 of the Law on Higher Education does not allow privileges, restrictions or limitations, on grounds of age, race, nationality, ethnic self-identification, sex, social origin, political opinions and religion. There are exceptions provided in the Rules of Procedure for the higher religious schools, which take into account the specific education and training in these schools. The students in these schools are under an obligation to belong to a particular religion.

25. The Law on National Education prohibits any restrictions or limitations on grounds of race, nationality, sex, ethnic or social origin, religion and social status. The law contains no requirements for students to profess or adhere to any particular "opinions, political affiliation" or to have any particular "personal and property status".

26. In both cases, mentioned above, the supreme law of the Republic of Bulgaria, i.e. the Constitution, is the higher authority. It contains the missing criteria and places the exceptions in direct dependence on Article 6, paragraph 2.

27. At the same time, the Constitution takes into account the existing ethnic, religious and linguistic diversity in the country, as manifested by Decision No. 4 of the Constitutional Court of 21 April, 1992, which reads as follows: "Having been built upon the idea of the unity of the Bulgarian nation (Preamble, Article 1, paragraph 3, Article 2, paragraph 1, Article 44, paragraph 2), the Constitution of the Republic of Bulgaria recognizes simultaneously the existence of religious, linguistic and ethnic differences and the bearers of such differences respectively. A number of constitutional provisions are indicative enough in this respect

(Article 37, paragraph 1, refers explicitly to ‘tolerance and respect among the believers of different religions’; Article 36, paragraph 2, which mentions ‘citizens for whom the Bulgarian language is not their mother tongue’; Article 29, paragraph 1, which protects against ‘forced assimilation’; Article 44, paragraph 2, which prohibits organizations conducting activities aimed at ‘fanning up national, ethnic or religious hatred’; Article 54, paragraph 1, which establishes the right of the individual ‘to develop his or her culture in accordance with his or her ethnic self-identification’).”

28. During the period under review (August 1999-October 2007), a number of elections were carried out in the Republic of Bulgaria: parliamentary elections (1997, 2001, and 2005), presidential elections (2001, 2006), local elections (1999, 2005). At present, there is a coalition government in the Republic of Bulgaria composed of three political parties: the Bulgarian Socialist Party (BSP), the National Movement Simeon the Second (NMSS)¹² and the Movement for Rights and Freedoms (MRF).

II. REPLIES TO RECOMMENDATIONS OF THE COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION CONCERNING THE FOURTEENTH PERIODIC REPORT OF THE REPUBLIC OF BULGARIA, HELD IN MARCH 1997¹³

Paragraph 286

29. The new laws, following the adoption of the fourteenth periodic report, are indicated in the chapters dealing with the respective provisions of the International Convention on the Elimination of All Forms of Racial Discrimination, and in the Annexes.

Paragraph 287

30. Coordination among different state authorities at national and local levels has been strengthened and expanded, particularly following the creation of the National Council for Cooperation on Ethnic and Demographic Questions (NCCEDI),¹⁴ which is attached to the Council of Ministers of the Republic of Bulgaria. The current report also contains information concerning the implementation of the Law on Restoration of Properties and Real Estate of Bulgarian Citizens of Turkish Origin, who left Bulgaria for the Republic of Turkey and other countries between May and September 1989.

31. Information is also provided in the current report (under the chapter on Articles 2 to 7 of the International Convention) concerning the Bulgarian Government’s policy on human rights, ethnic and demographic questions, and the implementation of the International Convention itself.

¹² In June, 2007, the Party was renamed as the National Movement for Stability and Progress.

¹³ General Assembly, Official Records, Fifty-second Session, Supplement No. 18 (A/52/18), pp. 39-42, paragraphs 275-295.

¹⁴ Details on the NCCEDI activities are described in a separate sub-chapter.

Paragraph 288

32. Relevant information including the Framework Programme for the Integration of the Roma in Bulgarian Society, adopted by the Council of Ministers of the Republic of Bulgaria in 1999, is included under the sub-chapter on Article 5 of the International Convention. There is also information on the latest developments concerning this process, as well as information attesting that the Republic of Bulgaria has taken into account the CERD thematic discussion on the situation of Roma, held in 2000, and its respective General Recommendation XXVII.¹⁵

Paragraphs 289 and 290

33. Relevant information is provided under the sub-chapters on Articles 2, 4, 5 and 6 of the International Convention.

Paragraph 291

34. There is no legislation or practices in the Republic of Bulgaria which are unlawful or contradict the provision of Article 3 of the International Convention. On the contrary, the information provided under the sub-chapter on Article 3 is a clear proof that the policies and measures of the Republic of Bulgaria are in strict conformity with the provision of Article 3 of the International Convention.

Paragraph 292

35. This has a direct bearing on Article 11, paragraph 4 of the Constitution of the Republic of Bulgaria.

36. The Constitution proclaims the freedom of assembly, which is among the internationally recognized basic human rights and fundamental freedoms.

37. Article 43 (1) of the Constitution stipulates that “Citizens shall have the right to peaceful and unarmed assembly for meetings and manifestations; (2) The procedure for organizing and holding meetings and manifestations shall be established by law; (3) No prior notification to the municipal authorities shall be required for holding meetings indoors.” Article 44, paragraph 1, states that “citizens shall be free to associate.”

38. As far as the sphere of political activities is concerned, the Constitution provides for a minimum of restrictions, as stipulated in Article 11, paragraph 4. It reads as follows: “There shall be no political parties on ethnic, racial, or religious lines, nor parties seeking the violent usurpation of state power.”

¹⁵ General Recommendation XXVII, General Assembly, Official Records, Fifty-seventh Session, Supplement No. 18, A/55/18, annex V.

39. Article 44, paragraph 2, defines the limitations concerning the freedom of association: “No organization shall act to the detriment of the country’s sovereignty and national integrity, or the unity of the nation; nor shall it incite racial, national, ethnic, or religious enmity or hatred, or encroach on the rights and freedoms of citizens; no organization shall establish clandestine or paramilitary structures or shall seek to attain its aims through violence.”

40. The Law on Political Parties also provides for the above-mentioned limitation in its Article 3, paragraph 3 (2).

41. In its Decision No. 2 of 18 February, 1998, the Constitutional Court found that “association is inadmissible when it is directed against the sovereignty, territorial integrity of the country and the unity of the nation, or for the purposes of fanning up racial, national, ethnic or religious hatred, or for violating the rights and freedoms of citizens, for creating clandestine or paramilitary structures, or for reaching their aims by means of violence.”

42. These limitations fall strictly within the purview of the relevant obligations assumed by the Republic of Bulgaria under the international human rights instruments.

43. The International Covenant on Civil and Political Rights also provides for such restrictions in Article 22, paragraph 2: “... those prescribed by law and necessary in a democratic society in the interests of national security or public safety, public order ... or the protection of the rights and freedoms of others ...”.

44. The European Convention on Human Rights states in Article 11, paragraph 2 that: “No restrictions shall be placed on the exercise of these rights other than such as are prescribed by law and are necessary in a democratic society in the interests of national security or public safety, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others ...”

45. The Republic of Bulgaria also complies with General Recommendation XXI (48) of the Committee on the Elimination of Racial Discrimination¹⁶ on the right to self-determination to the effect that “... none of Committee’s actions shall be construed as authorizing or encouraging any action which would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent states conducting themselves in compliance with the principle of equal rights and self-determination of peoples and possessing a government representing the whole people belonging to the territory without distinction as to race, creed or colour. In view of the Committee international law has not recognized a general right of peoples to unilaterally declare secession from a state.”¹⁷

46. Respect for, and observance of the Constitution and the laws guaranteeing the freedom of assembly is the obligation of all the organs of the executive branch, courts of law, magistrates, police, mayors and municipal counsellors.

¹⁶ Adopted at the 1147th meeting of the Committee in Geneva on 8 March 1996.

¹⁷ General Assembly, Official Records, Fifty-first session, Supplement No. 18 (18/51/18), pp. 125-126.

47. The freedom of association of all citizens is strictly complied with and protected in the Republic of Bulgaria. There is a significant number of political parties, non-governmental organizations, clubs, etc. Various ethnic, religious and linguistic communities exist freely and conduct their activities in accordance with the Law on Persons and Families. They include also the cultural organizations of Bulgarian citizens of Turkish, Armenian, Roma, Tatar, Jewish, Russian, Vlah, etc. origin.

48. The Constitutional Court was seized of two cases on the basis of Article 11, paragraph 4 of the Constitution. In 1992, 93 members of the Grand National Assembly requested the Constitutional Court to pronounce itself pursuant to Article 11, paragraph 4, and to declare unconstitutional the Movement of Rights and Freedoms (MRF), as well as to declare null-and-void the election of those members of the Grand National Assembly who were elected on the MRF ballot list.

49. The Constitutional Court issued in this particular case its Decision No. 4 of 21 April 1992.¹⁸ It reads as follows:

“1. Rejects the request of the members of the Grand National Assembly to declare unconstitutional the Movement for Rights and Freedoms (MRF) on the basis of Article 11, paragraph 4, of the Constitution of the Republic of Bulgaria;

2. Rejects the request of the members of the Grand National Assembly to declare null-and-void the election of the members on the MRF ballot list, held on 13 October 1991.”

50. On 4 March 1999, 61 members of the 38th National Assembly of the Republic of Bulgaria contested before the Constitutional Court on the basis of Article 11, paragraph 4, of the Constitution, the constitutionality of the “Ilinden United Macedonian Organization, a party for economic development and integration of the population” with headquarters in the city of Blagoevgrad, registered as a political party by the Sofia City Court by a decision No. 48 of 12 February 1999.¹⁹ The argument was that the activities of OMO “Ilinden” - PIRIN organization, prior to and after its registration by the court, explicitly showed that “its aims are directed against the unity of the Bulgarian nation, the sovereignty and territorial integrity of the country”. It was further argued that the said organization was created in 1990 as a successor to the “Ilinden” independent Macedonian society which proclaimed as its ultimate aim “the creation of an independent Macedonian state by severing the region of Pirin Macedonia from the Republic of Bulgaria.” It was also argued that this organization engaged in separatist ideas and actions.

51. Two non-governmental organizations among many in the Republic of Bulgaria, the activities of which mainly focus on human rights, namely, the Bulgarian Helsinki Committee and the Bulgarian Human Rights Centre, submitted a joint position to the Constitutional Court

¹⁸ State Gazette, No. 35/1992.

¹⁹ State Gazette, No. 16, dated 23 February 1999.

claiming that the demand of the National Assembly members was unwarranted. They requested the Constitutional Court to reject it. The Constitutional Court in its Judgment No. 1 of 29 February 2000 declared that “the Ilinden United Macedonian Organization, the party for economic development and integration of the population (OMO “Ilinden” - PIRIN) with its headquarters in the city of Blagoevgrad, and registered by the Sofia City Court, No. 12802/98 (State Gazette, No. 16 of 23 February 1998) is unconstitutional.”

52. In this Judgment, the Constitutional Court emphasized that “the meaning of the term “unconstitutional” was in conformity with Article 22, paragraph 2, of the International Covenant on Civil and Political Rights, as well as with Article 11, paragraph 2, of the European Convention on Human Rights. Both articles provide for limitations of the right to free assembly when there is a need to defend national security, as is the case.”

53. The same year, OMO challenged the Bulgarian Constitutional Court’s judgment by referring the matter to the European Court of Human Rights in Strasbourg. In its Judgment of 20 October 2005²⁰ the European Court of Human Rights found that the refusal of the Bulgarian court to register “OMO Ilinden - Pirin” in fact constituted a violation of Article 11 - freedom of association, of the European Convention on Human Rights. At the same time, the Court observed that the refusal by the Bulgarian court to register OMO “Ilinden” - PIRIN was based on the law and pursued a legitimate aim - guaranteeing national security. In particular, the Court accepted as reasonable the authorities’ apprehension in connection with the separatist ideas propagated by some “OMO Ilinden - Pirin” leaders and members. The violation found of Article 11 of the European Convention on Human Rights was based on the Court’s evaluation that the actions of the Bulgarian authorities were disproportionate vis-à-vis the seriousness of the risk to national security.

54. The Court ruled that the respondent State was to pay the applicants compensation amounting EUR 3,000. The latter sum was paid within the date set.

55. The decision of the Bulgarian Constitutional Court, however, did not prevent a group of Bulgarian citizens, belonging to the above-mentioned organization, to start new proceedings in 2006 to form and register a political party in accordance with the requirements of the Law on Political Parties.

56. On 26 June 2006, the OMO “Ilinden” - PIRIN Macedonian Party held a meeting in the town of Gotse Delchev. On 20 September 2006 on the basis of the Law on Political Parties, the organization submitted a written request to the Sofia City Court to register as a political party. On 30 October 2006, the Sofia City Court refused to grant such a registration.

57. The Sofia City Court’s decision was based on it establishing non-compliance of the applicants with the express requirements of the Law on Political Parties (e.g. the copy of the party Statute, attached to the request, had not been properly legalized, the organisation’s symbols were not submitted, etc.).

²⁰ *Application No. 59491/00*), JUDGMENT, final 19 January 2006.

58. OMO “Ilinden” - PIRIN challenged the Sofia City Court’s judgment before the Supreme Court of Cassation, in accordance with the Civil Procedure Code. On 14 February 2007, the Supreme Court of Cassation upheld the Sofia City Court’s judgment refusing registration to the OMO “Ilinden” - PIRIN political party, confirming that the applicant had not complied with the requirements for registration under the Law on Political Parties.

59. In the period 1994-1995, five applications versus Bulgaria were filed with the European Commission²¹ by “OMO Ilinden” alleging violations of freedom of assembly. Only two were found admissible - Stankov and OMO ‘Ilinden’ v. Bulgaria (No. 29221/95 and No. 29225/95).

60. On 2 October 2001, the European Court on Human Rights found a violation of the freedom of peaceful assembly of the applicants, guaranteed by Article 11 of the European Convention on Human Rights. The Court found that “the authorities overstepped their margin of appreciation and that the measures banning the applicants from holding commemorative meetings were not “necessary in a democratic society ...”.

61. The applicants were awarded 40 000 Francs for non material damages and 32 127 Francs for expenses, which were duly paid.

62. In the period between 2005 and 2006, the European Court of Human Rights adopted three other decisions following the complaints by the Ilinden organization, Ivanov and others (No. 44079/98), Ivanov and others (No. 46336/99) and the Ilinden United Macedonian Organization and others (No. 59491/00).

63. The applicants alleged that their rights under Article 11 (freedom of assembly), Article 13 (effective remedy) and Article 14 (non discrimination) of the European Convention of Human Rights had been violated. The European Court of Human Rights found that there was a violation of Article 11. In respect of the complaints by the Ilinden United Macedonian Organization and Ivanov v. Bulgaria, and Ivanov and others v. Bulgaria, the European Court of Human Rights found that the authorities took measures corresponding to the established internal order which aimed only at preserving the State’s interest. At the same time, however, the Court held that the measures were disproportionate to the risk for national security.

64. The European Court of Human Rights awarded EUR 6,000 to Ilinden United Macedonian Organization and Ivanov, and EUR 2,000 to Ivanov and others. The compensation was duly paid to the applicants.

65. In the case of OMO “Ilinden” - PIRIN and others v. Bulgaria, the applicants challenged the Bulgarian court’s refusal to register the above-mentioned organization in 1998-1999 as a non-profit association.

66. In its judgment on this case, the European Court of Human Rights accepted that the Bulgarian Court acted in accordance with the established internal order and within the provisions

²¹ Prior to the creation of the present European Court of Human Rights in 1998.

of the law. At the same time, the European Court of Human Rights found that there was a violation of Article 11, as the Bulgarian Court's refusal to register OMO Ilinden was disproportionate in respect of the aims set.

67. The European Court of Human Rights ruled that the applicants were to be paid the sum of EUR 1,900 as compensation. The said amount was duly paid.

Paragraph 293

68. There is an ongoing debate in the Republic of Bulgaria on issues of racial discrimination. At the time when the Republic of Bulgaria became a party to the Council of Europe's Framework Convention for the Protection of National Minorities²² there were extensive discussions on these issues, as well as wider debates concerning the Republic of Bulgaria's international obligations and its practices.

69. Issues pertaining to racial discrimination are included in senior high school curricula as part of general educational subjects. They are studied in all colleges and universities, focusing particularly on the International Convention on the Elimination of All Forms of Racial Discrimination. Information media also regularly comment and discuss these issues.

70. A number of Bulgarian non-governmental organizations have also taken up racial discrimination problems in their publications, conferences and seminars.

Paragraph 294

71. The provision of Article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination is also a regular item featuring in the above-mentioned public debates. It is also part of the special courses on the International Convention at the universities and colleges.

III. REPLIES TO QUESTIONS PUT BY MEMBERS OF THE COMMITTEE DURING THE CONSIDERATION OF THE FOURTEENTH PERIODIC REPORT OF THE REPUBLIC OF BULGARIA, HELD IN MARCH 1997

72. The Government of the Republic of Bulgaria would like to express its profound appreciation to the honourable members of the Committee on the Elimination of Racial Discrimination who took an active part in the consideration of the fourteenth report of the Republic of Bulgaria in implementation of the International Convention on the Elimination of All Forms of Racial Discrimination, namely, Mr. Rudiger Wolfrum, Mrs. Shanti Sadiq Ali, Mr. Valencia Rodriguez, Mr. Regis de Gouttes, Mr. Theo van Boven, Mr. Andrew Chigovera, Mr. Mahmoud Aboul-Nasr and Mr. Agha Shahi. The answers to their questions and related explanations to their comments are provided in the Chapter on Articles 2-7 of the International Convention.

²² February 1999.

Population census in the Republic of Bulgaria²³

73. The population census was carried out by the National Statistical Institute and concluded by 1 March 2001, in accordance with Article 5, paragraph 3, of the Law on Population Censuses, Housing and Farming of the Republic of Bulgaria.

74. Respective data on ethnic self-identification, mother tongue and religion were provided by persons voluntarily and freely. Those not wishing to provide such data are included in the “Not wishing to self-identify” category. When persons expressed their wish to answer such questions, they supplied the necessary information on a voluntary basis, self-identifying their belonging to a particular ethnic group, religion, and their mother tongue.

75. The “Others” category comprises all persons self-identifying with a particular group other than those indicated in the Table.

76. The “Non-indicated” category refers to persons refusing to provide their ethnic, religious or linguistic self-identification.

Population census of the Republic of Bulgaria in 2001

Population by 1 March 2001, districts, religion, ethnic group

District Religion	Ethnic group										
	Total	Bulgarian	Turkish	Roma/ Gypsy	Russia	Armenian	Vlahs	Macedonia	Greek	Ukrainian	Jewish
Total	7 928 901	6 655 210	746 664	370 908	15 595	10 832	10 566	5 071	3 408	2 489	1 363
Eastern Orthodox Church	6 552 751	6 315 983	5 425	180 326	14 640	3 821	10 190	4 792	2 801	2 341	184
Catholics	43 811	37 811	2 561	1 059	94	123	12	8	47	29	5
Protestants	42 308	14 591	2 066	24 651	97	110	145	21	9	22	10
Muslims	966 978	131 531	713 024	103 436	86	-	19	129	401	2	-
Other religions	14 937	4 286	442	1 767	86	6 508	9	16	14	14	705
Not self-identified	283 309	151 008	23 146	59 669	592	270	191	105	136	81	459
No indication	24 807	-	-	-	-	-	-	-	-	-	-

IV. INFORMATION CONCERNING ARTICLES 2 TO 7 OF THE INTERNATIONAL CONVENTION

Article 2

77. During the period under review (1997-2007), the Republic of Bulgaria continued to pursue a consistent policy aimed at eliminating any racial discrimination in all its forms and manifestations and creating understanding among various racial, ethnic, religious and linguistic groups of the population.

²³ The last population census in the Republic of Bulgaria was carried out in 2001. The first population census after the democratic changes in the Republic of Bulgaria was carried out in 1992.

78. The Republic of Bulgaria is a party to all fundamental human rights instruments, drafted and adopted by the United Nations.²⁴

79. As a state-party to the European Convention on Human Rights the Republic of Bulgaria has recognized the obligatory jurisdiction of the European Court of Human Rights and the competence of the European Court of Human Rights to consider communications by individual persons, non-governmental organizations or groups of persons.

80. The Republic of Bulgaria has also ratified the Council of Europe Framework Convention for the Protection of National Minorities,²⁵ as well as the Revised European Social Charter.²⁶

81. The Republic of Bulgaria has taken an active part in the work of the Committee of Experts of the Council of Europe in drafting the Additional Protocol to the Convention on the Cybernetic Crimes, which has also criminalized racism and Xenophobia in the Internet.

Domestic legislation

82. The Constitution of the Republic of Bulgaria prohibits racial discrimination in the most categorical manner.

83. Article 6, paragraph 1 of the Constitution stipulates that “All persons are born free and equal in dignity and rights”. Article 6, paragraph 2, stipulates that “All citizens shall be equal before the law. There shall be no privileges or restriction of rights on the grounds of race, nationality, ethnic self-identity, sex, origin, religion, education, opinion, political affiliation, personal or social status or property status.”

84. This constitutional principle has been embodied in all branches of the domestic legislation. 23 new laws were adopted between 1997 and 2006, which directly relate to the International Convention on the Elimination of All Forms of Racial Discrimination. These laws are included in an annex to this report.

85. Herewith are the laws which contain specific provisions to combat racial discrimination:

(a) **The Law on Protection Against Discrimination**, adopted by the National Assembly on 16 September 2003 (State Gazette, No. 86, dated 20 September 2003, entered into force on 1 January 2004; as amended, State Gazette No. 70/2004, No. 105/2005; No. 68/2006). The Law was drafted by an inter-institutional expert group with the active participation of

²⁴ International Convention on the Elimination of All Forms of Racial Discrimination, International Covenant on Economic, Social and Cultural Rights, International Covenant on Civil and Political Rights, International Convention on the Elimination of All Forms of Discrimination against Women, Convention on the Rights of the Child, Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

²⁵ On 18 February 1999, State Gazette, No. 18, 1999, entered into force on 1 September 1999.

²⁶ State Gazette, N. 30, dated 11 April 2000, entered into force on 1 August 2000.

non-governmental organizations. The law strengthened the existing Bulgarian anti-discrimination legislation particularly by providing protection to all physical persons and juridical entities on Bulgarian territory that may become an object of discrimination because of their membership in various juridical entities, or because of the persons employed by them.

- (i) This law provides protection against all forms of discrimination, and contributes to its prevention. Its aim is to ensure in practice that every person receives the same equal treatment before the law; that equality in treatment and opportunities to participate in public life is guaranteed; that effective protection against discrimination is provided to everybody and in all cases and circumstances. This law protects against discrimination all physical persons and juridical entities on the territory of the Republic of Bulgaria;
- (ii) The law explicitly bans any direct or indirect discrimination on grounds of sex, race, nationality, human genome, citizenship, origin, religion or belief, education, convictions, political affiliation, personal or public status, disability, age, sexual orientation, marital status, property status or on any other grounds, established by the law or by international treaties ratified by the Republic of Bulgaria. The law prohibits both direct and indirect discrimination. It explicitly stipulates that harassment on the grounds referred to in Article 4, paragraph 1, as well as sexual harassment, incitement to discrimination, persecution and racial segregation, erecting and maintaining an architectural environment with a view to hamper the access to public places for disabled persons, shall constitute discrimination;
- (iii) Under the law, discrimination shall not be deemed as such in the following cases of different treatment:
 - In respect of persons on grounds of their citizenship, or of persons without citizenship (stateless), when it is provided by the law or by an international treaty to which the Republic of Bulgaria is a party.
 - In respect of persons on the basis of characteristics, related to any of the grounds, referred to in Article 4, paragraph 1, when the said characteristics, by the nature of a particular occupation or activity, or of the conditions in which it is carried out, constitute a genuine and determining professional requirement, when the objective is lawful and the requirement does not exceed the scope necessary for its achievement.
 - In respect of persons on the basis of religion, belief or sex in religious education or training, including training or education for the purpose of carrying out an occupation.
 - In respect of measures for protection of originality and identity of persons, belonging to ethnic, religious or language minorities, and their right of sustaining and developing, individually or in community with other members of their group, their culture, professing and practicing their religion, or using their own language.

- In respect of measures in education and training, which are necessary to ensure the participation of persons belonging to ethnic minorities, without overextending these measures beyond what is necessary.
- (iv) It should be recalled that the Law on Protection against Discrimination, and all other laws, are subject to the provisions of Article 5, paragraph 4, of the Constitution of the Republic of Bulgaria which stipulates that “any international instruments which have been ratified by the constitutionally established procedure, promulgated, and come into force with respect to the Republic of Bulgaria, shall be considered part of the domestic legislation of the country. They shall supersede any domestic legislation stipulating otherwise”;
- (v) In this context, the definition of discrimination contained in the Law on Protection against Discrimination shall be considered as complying with the definition of racial discrimination included in the International Convention on the Elimination of All Forms of Racial Discrimination;²⁷
- (vi) It may be worthwhile mentioning that an increasing number of non-governmental organisations make use of this anti-discrimination legislation;
- (b) Law on reforms in the judiciary, which created the legal basis of the structure and functions of the courts, including the Supreme Court of Cassation and the Supreme Administrative Court (in compliance with Articles 124 and 125 of the Constitution);²⁸
- (c) Law on the Ministry of the Interior;²⁹
- (d) Law of national education;³⁰
- (e) Law on higher education;³¹
- (f) Law on copyright and neighbouring rights;³²

²⁷ Article 1, paragraph 1, of the International Convention.

²⁸ State Gazette, amended in the period between 1994 and 2000, No. 26, dated 16 March 2001, entered into force on 31 March 2001.

²⁹ State Gazette, No. 122, dated 19 December 1997, as amended, No. 34, dated 30 April 2002.

³⁰ State Gazette, No. 68, dated 30 July 1999, as amended, No. 19, 2000.

³¹ State Gazette, No. 112, dated 27 December 1995, as amended between 1996-2000, entered into force on 4 July 2000, No. 54, dated 4 July 2000, as amended No. 22, dated 9 March 2001.

³² State Gazette, No. 56, dated 29 June 1993, as amended between 1994-2000, entered into force on 5 May 2000, No. 107, dated 28 December 2000.

- (g) Law on educational levels, general educational minimum and curricula;³³
- (h) Law on child protection;³⁴
- (i) Law on protection and development of culture;³⁵
- (j) Law on social assistance;³⁶
- (k) Law on consumer protection and trade rights;³⁷
- (l) Law on refugee asylum;³⁸
- (m) Law on civil service;³⁹

Article 7, paragraph 4, of this law states that “there shall be no discrimination, privileges or restrictions in taking a civil service job, on grounds of race, nationality, ethnic self-identification, sex, origin, religion, convictions, membership in political parties, trade unions and other public organizations or movements personal, social or property status.”

- (n) Law on protection during unemployment and encouraging employment;⁴⁰
- (o) Law on professional education and training;⁴¹
- (p) Law on radio and television;⁴²

³³ State Gazette, No. 67, dated 27 July 1999.

³⁴ State Gazette, No. 48, dated 13 June 2000.

³⁵ State Gazette, No. 50, dated 1 June 1999, as amended, No. 1, dated 4 January 2000, further amendments, No. 34, dated 6 April 2001.

³⁶ State Gazette, No. 56/1998.

³⁷ State Gazette, No. 30, dated 2 April 1999.

³⁸ State Gazette, No. 53, dated 11 June 1999, amendments, No. 97, 1999 and 2002.

³⁹ State Gazette, No. 67, dated 27 July 1999, as amended, No. 1/2000.

⁴⁰ State Gazette, No. 1/2000.

⁴¹ State Gazette, No. 68, dated 30 July 1999, as amended, No. 1, dated 4 January 2000, and No. 108, dated 29 December 2000.

⁴² State Gazette, No. 138/1998, No. 60/1999, as amended, No. 81/1999, No. 79, dated 29 September 2000.

(q) Law on population census, housing and agricultural farms in the Republic of Bulgaria;⁴³

(r) Law on amending and supplementing the Labour Code;⁴⁴

Article 8, paragraph 3, states that there shall be no direct or indirect discrimination, privileges and restrictions in the performance of labour rights and obligations, on grounds of nationality, origin, sex, race, colour of skin, age, political and religious convictions, membership in trade unions and other public organizations and movements, marital, public and property status and disability (this was the first provision in the Bulgarian domestic legislation to introduce the term “indirect discrimination”).

(s) Law on encouraging employment;⁴⁵

(t) Law on protection of personal data;⁴⁶

Article 21, paragraph 1, states that “Personal data disclosing racial or ethnic origin, political, religious or philosophical convictions, membership in political parties, organizations, associations with religious, philosophical, political or trade union purposes, as well as personal data regarding the health or the sexual life can be processed only if there is an explicit written consent by the individual concerned.”

(u) Law on execution of punishments;⁴⁷

Article 40 (d) states that those sentenced to imprisonment shall not receive or possess printed or other matter containing xenophobic and pornographic contents, or propagating national, ethnic, racial or religious hatred.

(v) Penal Code and Criminal Procedure Code;

The Penal Code contains two sub-chapters, viz., “Crimes against national and racial equality” and “Crimes against religions”, and one Chapter, viz., “Crimes against citizen rights” (details on specific provisions are provided under Article 4 of the International Convention).

86. Many of the above-mentioned laws contain provisions and terms related to direct and indirect discrimination.

⁴³ State Gazette, No. 16, dated 25 February 2000.

⁴⁴ State Gazette, No. 25, dated 16 March 2001.

⁴⁵ State Gazette, No. 112, dated 26 December 2001.

⁴⁶ State Gazette, No. 1, dated 4 January 2002.

⁴⁷ State Gazette, No. 62, dated 25 June 2002.

Ombudsman of the Republic of Bulgaria

87. The position of the Ombudsman was created under the Law on Ombudsman.⁴⁸ The Ombudsman shall perform the duties of a public defender of the rights and freedoms of citizens in all their relations with authorities. The position can be occupied by any Bulgarian citizen, who is a university graduate and possesses high moral qualities, and who qualifies as a candidate for elections to the National Assembly.

88. In performing his or her functions the Ombudsman is independent. He or she is subordinate only to the Constitution, the laws and the international treaties ratified by the Republic of Bulgaria. The Ombudsman shall not assume any other state position or a leading position in any commercial company or in any juridical entity.

89. In performing his or her functions the Ombudsman makes proposals and recommendations to restore or remedy violated rights and freedoms, to halt and prevent the causes and conditions which create pre-requisites for violation of rights and freedoms. The Ombudsman shall also act as a mediator between the administrative authorities and persons whose rights and freedoms have been violated and/or abused, with a view to overcoming violations and providing remedies. Any person irrespective of citizenship, sex, political affiliation or religious convictions, can approach the Ombudsman and submit complaints.

National Council for Cooperation on Ethnic and Demographic Issues (NCCEDI)

90. The National Council on Ethnic and Demographic Issues (NCEDI) was set up as a state-and-public body by the Council of Ministers of the Republic of Bulgaria, by a Decree No. 449, dated 4 December 1997.

91. In December 2004, the Council of Ministers adopted another Decree, No. 333, reorganizing the NCEDI into a body for coordination and consultation, namely, the National Council for Cooperation on Ethnic and Demographic Issues (NCCEDI). Its main aim is to assist the Council of Ministers in planning and carrying out the state policy on ethnic and demographic questions.

92. There is a Commission on Integration (CI), as a body of the NCCEDI. Its task is to consult the NCCEDI on all issues of the formation and carrying out the state policy of equal integration of the Roma in society. There is also a Department on Ethnic and Demographic Issues (DEDI), assisting the NCCEDI as part of the specialized Council of Ministers Administration.

93. The creation of the NCCEDI has strengthened the capacity of various state organs engaged in preparing, consulting and monitoring the state policy on inter-ethnic relations, protection of human rights of persons belonging to ethnic, religious and linguistic minorities and their integration in society.

⁴⁸ Passed by the National Assembly on 9 May 2003, and entered into force on 1 January 2004. Four months later, the National Assembly elected Mr. Ginyo Ganev, an eminent Member of the National Assembly and a well-known jurist, to this position.

94. In fact, the NCCEDI has developed further the idea of wide participation of national non-governmental organizations. The above-mentioned Decree of the Council of Ministers also established a Department on Ethnic and Demographic Issues as part of the Council of Ministers' specialized administration, with the aim of assisting the formation and implementation of the state policy for integration of vulnerable persons belonging to ethnic minorities. It also prepares and applies measures and control for the implementation of the Framework Programme for Equal Integration of Roma in the Bulgarian Society.

95. The NCCEDI Chairperson is Mrs. Emel Etem (a Bulgarian citizen of Turkish origin), Deputy Prime Minister of the Republic of Bulgaria. The NCCEDI also has two Deputy Chairmen, with one of them being nominated by the non-governmental organizations.

96. The NCCEDI composition includes representatives of 13 ministries at the level of deputy ministers (Labour and Social Policy, Economy and Energy, Regional Development and Urban-Planning, Defense, Home Affairs, Finances, Foreign Affairs, Justice, Agriculture, Education and Sciences, Health, Cultural, Environment and Water Resources), 6 state agencies (Bulgarians Living Abroad, Child Protection, Youth and Sport, Religions, Refugees, Employment and Social Care), the National Statistical Institute Director, two of the Bulgarian Academy of Sciences directors, 28 non-governmental organizations of persons from different ethnic communities, such as Roma, Turkish, Armenian, Karakachan, Jewish, Vlah, based in Sofia, Plovdiv, Sliven, Dobrich, Asenovgrad, Targovishte, Vidin, Lom, Bankya, Burgas.

97. With a view to making the NCCEDI more effective, the Council of Ministers adopted new Rules for the Structure and Activity of the NCCEDI (Decree No. 351, dated 20 December 2006, entered into force on 9 January 2007). The Rules contain significant changes in the normative regulations thus improving the conditions for effective coordination of the state policy on ethnic and demographic questions, and for consultations with non-governmental organizations. The NCCEDI composition was enlarged to include a number of ministries which had not been represented in it before. There is also a new compulsory requirement for the executive branch bodies to conduct consultations within the NCCEDI prior to the adoption of any new legislation. These bodies are also under the obligation to prepare, implement and analyze the national strategies and programmes on ethnic and demographic questions.

98. The Commission on Roma Integration has also been updated. Its composition includes representatives from a number of ministries directly responsible for carrying out the priorities of the Decade for Roma Integration, as well as NCCEDI members from the non-governmental organizations involved with Roma integration in Bulgarian society.

99. In accordance with the Council of Ministers' Decree No. 333, mentioned above, one of the NCCEDI functions is "to prepare the participation of the Republic of Bulgaria in the international cooperation for the protection of the rights of persons belonging to national or ethnic, religious or linguistic minorities, as well as to take part in the preparation of international treaties, declarations and other instruments."

100. The NCCDEQ is a body "which makes competent analyses and draft documents for the implementation of the policy of integration of ethnic minorities. NCCDEQ also drafts strategic documents and proposes measures for the implementation of national and international programmes for protection against discrimination and for cohesion of society."

101. NCCEDI employs the method of widest possible consultations and participation of all parties concerned in the preparation, discussion and adoption of decisions on strategic, programme and planning documents. It also exercises ongoing monitoring of their implementation.

102. In 2006, the NCCEDI focussed its efforts on the following priorities:

- Implementing the political criteria for the Republic of Bulgaria's membership in the European Union, particularly regarding the section "Defense and Integration of Minorities"
- Improving access to health care and education, as well as employment and housing conditions of persons belonging to ethnic minority groups with an emphasis on the most vulnerable citizens in social and economic field
- Preserving and developing culture, religious and linguistic identities of ethnic minority groups
- Strengthening the administrative capacity with a view to making and conducting the state policy on ethnic and demographic questions, both at central, local and municipal levels
- Improving the dialogue with civil society representatives, ensuring transparency of actions and involving a wide circle of partners at national and local levels
- Helping ensure conditions for equal treatment of all citizens of the Republic of Bulgaria and prevent any discrimination on grounds of ethnic origin

103. Since 2006 a number of agreements have been concluded with other consultative and coordinating bodies involved with ethnic minority problems, particularly with the vulnerable communities.

104. The problems of integration of persons belonging to ethnic minorities, and the Roma in particular, are the priority of the NCCEDI activities. The latter conducts consultative, coordinating, information and organizational activities aimed at implementing the Framework Programme for Equal Integration of Roma in Bulgarian Society (1999), and the Government's Programme for European Integration, Economic Growth and Social Responsibility (2005).

105. The NCCEDI also takes an active part in the implementation of the bi-annual international project on popularizing the national anti-discrimination legislation.

106. In 2006, the NCCEDI was nominated as a national executive body for the "European Year of Equal Opportunities for All". A National Plan of Action for Protection against Discrimination for 2007 was subsequently adopted. The Plan includes the following aims and priorities for 2007:

- General aim - to turn the equal treatment and opportunities for all society groups into a daily practice

- Specific aims - the Plan contains three specific aims related to combating discrimination by means of informing people of their rights and obligations, and changing their behavior
 1. To improve knowledge of discrimination and the motives of such behavior by making the necessary analyses;
 2. To strengthen the capacity of combating discrimination by encouraging an exchange of information about measures taken by various institutions, state authorities, local government, and assessing their effectiveness;
 3. To make society more aware of the imperative to combat all forms and manifestations of discrimination, and of the steps taken to protect people from unequal treatment.
- Priorities
 1. Education;
 2. Further development of the anti-discrimination legislation and the effective practices in applying it by the judiciary and law-enforcement authorities;
 3. Media coverage;
 4. Information and education campaigns and thematic debates;
 5. National data-base;
 6. Thematic monitoring;
 7. Commemorating the Equal Opportunities for All Year, as an initiative of the European Commission.

107. The activities of all state organs are aimed at:

- *First*, prevention of discrimination on whatever grounds in any walk of public life. Crucial roles in this respect are played by the Commission for Protection against Discrimination, the national Ombudsman, the courts of law, the National Assembly with its legislative and control functions
- *Second*, overcoming the consequences of acts of discrimination; taking effective steps in respect of certain groups of citizens who are disproportionately affected as a result of the transition to a market economy
- *Third*, effectively ensuring the equality between the rights of the Bulgarian citizens, granted to them by the Constitution and laws, and the opportunities for all to avail themselves of these rights

Commission for Protection against Discrimination (CPD)

108. The Commission⁴⁹ was created in April 2005 under the Law for Protection against Discrimination with a main objective “to prevent discrimination, to protect against discrimination and to ensure equal opportunities”.

109. The Commission is a specialized body empowered to give effect to the Law, to impose sanctions and to issue mandatory prescriptions for changes wherever acts of discrimination have been committed. The Commission’s aim is to implement one of the basic principles of the Constitution of the Republic of Bulgaria, namely, equality before the law for all Bulgarian citizens.

110. Prior to the adoption of the Law for Protection against Discrimination, the anti-discriminatory provisions were incorporated in various laws which had not always proved effective enough for ensuring equal treatment. The aim of this Law is to extend the guarantees provided for in Article 6 of the Constitution, and to create more effective mechanisms for protection against discrimination on different grounds.

111. The Law offers the Commission a wide scope of powers and a very serious public responsibility. In performing its duties, the Commission has established itself as an effective and independent body for prevention, control and protection against discrimination. It has been carrying out its mandate in cooperation with the Commission on Human Rights and Religions of the National Assembly of the Republic of Bulgaria, the Ministries of Labour and Social Care, Education, Regional Development and Urban Planning, the national Ombudsman, the NCCEDI and municipalities and municipal councils. The Commission has entered into partnership with trade unions with a view to establishing equal treatment in labour relations.

112. The Commission is composed of nine members. Five of them are elected by the National Assembly, with the other four being appointed by the President of the Republic of Bulgaria.

113. The Commission has three relatively autonomous sub-commissions: on ethnic and racial equality, on equal opportunities between men and women, and on the other indicators.

114. The Commission is authorized to receive and investigate complaints on grounds of discrimination, and to act *ex officio* in identifying cases of discrimination, imposing mandatory pecuniary and material sanctions, and enforcing compulsory administrative measures.

115. The Commission also provides assistance to victims of discrimination. The latter are entitled to seek special anti-discrimination court action to secure that discrimination practices against them are discontinued, and to receive compensations for the violation of their rights.

116. Under the Rules of Procedure, the Commission shall have 42 experts, including a chief secretary, directors and a chief legal advisor.

⁴⁹ The Commission began its activities in April 2005 when the National Assembly appointed five of its members, with the president of the Republic making his four appointments in May of the same year.

117. The members of the Commission are participating in six standing specialised panels (SSPs) based on the specific grounds of the issues raised.

118. The cases filed are distributed among Standing Specialised Panels (SSPs) of the Commission as follows:

- Standing Specialised Panel (SSP) I: Ethnic and racial discrimination
- SSP II: Discrimination based on gender, human genome and protection in the exercise of the right to work
- SSP III: Discrimination based on nationality, citizenship, origin, religion and belief
- SSP IV: Discrimination based on education, convictions, political affiliation, personal and public standing
- SSP V: Discrimination based on disability, age and sexual orientation
- SSP VI: Discrimination based on family and property status
- Ad hoc 5-member Panel: multiple discrimination. Such committees are formed upon receipt of complaints or signals on discrimination based on more than one indicator

119. In 2005, the Commission received 194 requests, complaints and reports from citizens, on the basis of which 89 procedures were initiated pursuant to the anti-discrimination law, while in 35 cases the Commission ruled against opening a procedure:

- Standing Specialised Panel (SSP) I received 38 cases on the grounds of “*ethnic and racial affiliation*”
- SSP III received 17 cases on the grounds of “*national or social origin, citizenship, religion and belief*”
- 5 cases were allocated to the 5-member panel dealing with *multiple discrimination*

120. Five of the cases filed have been discontinued and a decision has been passed on five of them by the respective panel. Three statements establishing administrative contraventions have been issued, 3 compulsory writs have been issued to employers and officials and 3 recommendations been issued to state authorities.

121. Since 2006, the effectiveness of the work of the Commission has been further enhanced with regular sessions being organized in various towns in the country, and training and awareness-raising seminars conducted. The Commission also sponsored several surveys on issues related to protection against discrimination, including involving Roma. As a result, and bearing in mind the importance of prevention, a special long-term *Action Plan against Discrimination, 2006-2010* has been elaborated by the Commission, with a main objective to carry out an information campaign aimed at making the general public aware of the new institutional capacities and mechanisms for protection against discrimination and envisaging

additional measures on monitoring the implementation of Commission decisions, as well as on prevention of discrimination and stereotype re-shaping (for further details see www.kzd-nondiscrimination.bg).

122. As a result, in 2006 a progressive increase in the number of protection from discrimination proceedings before the Commission was noticed, as compared with 2005. This trend demonstrates increased confidence in this institution and in combating and preventing discrimination. Public expectations were raised regarding the work of the Commission as a public institution providing the opportunity for rapid, genuine, effective and immediate resolution of disputes.

123. In 2006, the Commission for Protection against Discrimination received and analyzed 389 complaints and signals. 220 files contained complaints and signals about discrimination: 48 on “ethnic and racial” grounds, 42 on grounds of “sex”, “harassment” during job performance, or trade union work, 11 on “citizenship” and “religion” grounds, 21 on “education”, “political affiliation”, “marital or social status” grounds, 42 on “disability”, “age”, “sexual orientation”, “harassment”, “health”, etc. grounds. In 71 complaints the Commission found a violation of equal treatment. A number of complaints were found to be inadmissible because of lack of evidence.

124. Commission proceedings are conducted in two main phases:

- Investigation phase
- Substantive examination

The purpose of the proceedings is to establish the objective truth by clarifying the circumstances of the case in full and taking all aspects into consideration. In its final act, the Commission is obliged to issue a ruling on whether unequal treatment has taken place or not. Any final decision as well as any ruling preventing further proceedings is subject to appeal before the Supreme Administrative Court (SAC).

125. In 2006 the Commission issued (*inter alia*) the following decisions that are directly relevant to the Convention:

(a) **Decision No. 5/27.03.2006 of SSP III:** The Commission did not give formal consideration to the complaint due to the absence of discrimination and victimization of a trade union leader; no formal consideration was given refused to a complaint and signal referring to discriminative practices in the recruitment of Bulgarian marine specialists to work under a foreign flag, due to the lack of evidence; no formal consideration was given to the part of the complaint which asserted that International Labour Organization (ILO) Convention No. 179 on the Recruitment and Appointment of Seafarers had been contravened due to lack of evidence; no formal consideration was given due to lack of evidence that certain secondary legislative enactments establish provisions leading to unequal treatment (the Ordinance on the Conditions and Procedures for the Implementation of Labour Recruitment Mediation Activities, the Ordinance on Providing Mediation Services on the part of the Employment Agency to Foreign Employers for the Recruitment of Bulgarian Citizens). In this connection, the Commission was not in position to exercise its right under Article 47, sub-paragraph 6, of the Law; no formal

consideration was given due to lack of evidence that the Employment Agency had been an accessory to the implementation of discriminative practices in connection with a request for the Employment Agency to exercise control on the activities of intermediaries for the recruitment of Bulgarian marine specialists to work under a foreign flag;

(b) **Decision No. 9/12.04.2006 of SSP III**, concerns discrimination on the grounds of citizenship. The complaint calls for the establishment of direct or indirect discrimination within the meaning of the Law, since the applicant, a foreign citizen serving a sentence in a place of detention in Bulgaria, considered that he was unable to enjoy the same rights as those enjoyed by Bulgarian citizens deprived of their liberty, such as: remission for good behaviour in a prison hostel or a prison with a less severe regime. The complaints are that foreign citizens deprived of their liberty are accommodated in Sofia Central Prison, which is intended for habitual criminals. The complaint was not given formal consideration due to the absence of discrimination within the meaning of Article 4 of the Law in the part concerning the complaint that the applicant was subjected to discrimination because of being unable to enjoy remission for good behaviour outside the prison, to enjoy the right to discontinuation of the deprivation of liberty, to be moved to a transitional type of prison establishment and to exercise the right to work; no formal consideration was given due to the absence of discrimination in the meaning of Art. 4 of the Law, in the part relating to alleged unequal treatment of foreign citizens deprived of their freedom in the application of the institution of early conditional release. On the basis of Article 47, sub-paragraph 6, of the Law, the Commission recommended that the Minister of Justice should bring into compliance with Art. 12c of the Implementation of Sentences Act his order on the elimination of direct discrimination against foreign citizens deprived of their liberty, arising from the fact that they are accommodated only in the prison in Sofia, irrespective of the seriousness of the penalty imposed. On the basis of Article 76, paragraph 1, of the Law, the Commission prescribed that the Director General of the Serving of Sentences Directorate General, the Minister of Justice and the Governor of Sofia Prison should take the necessary measures to set up a site with guarded premises outside the prison in which foreign citizens deprived of their liberty would be accommodated during remission for good behaviour;

(c) **Decision No. 10/12.04.2006 of SSP III**, concerns a complaint from a foreign citizen serving a sentence in the Sofia Central Prison. The complaint called for the establishment of direct and indirect discrimination on the basis of citizenship and asserts that the complainant is unable to enjoy the same rights as those enjoyed by Bulgarian citizens deprived of their freedom, i.e.: remission for good behaviour in the prisoners' hostel; a prison with a less severe regime; access to exercising the right to work; and the right to education. Due to the identical nature of the disputes, the decision of the Commission was identical to that in No. 9, dated 12 April 2006 (cited above);

(d) **Decision No. 11/12.04 of SSP III**, is identical to decisions No. 9 and No. 10, dated 12 April 2006. The alleged discrimination on the grounds of citizenship was not given formal consideration due to the absence of discrimination in the meaning of Art. 4 of the Law in the part concerning alleged discrimination due to the impossibility of early conditional release and transfer to the state of which the complainant is a citizen to serve a sentence of deprivation of liberty. The complaint was not given formal consideration due to the absence of discrimination in the meaning of Article 4 of the Law in the part relating to the exercise of the right to work in the prison;

(e) **Decision No. 12/17.04.2006 of SSP III**, concerns a request to establish incitement to direct discrimination on the basis of religion in the case of a series of articles published in a Bulgarian newspaper. The Commission upheld the complaint in the part relating to discrimination suffered in the form of religious harassment in the meaning of Article 5 in connection with paragraph 1, sub-paragraph 1, of the Law. The Commission rejected the complaint in the part concerning discrimination suffered in the meaning of Article 4, paragraph 3, of the Law. The Commission rejected the request for a fine and material sanctions to be imposed on the defending party. On the basis of Article 76, paragraph 1, sub-paragraph 1, of the Law the Commission prescribed the elimination of the legal infringement found and prescribed that the infringement of anti-discrimination legislation in connection with the official registration of religious communities in Bulgaria should be prohibited in future;

(f) **Decision No. 13/21.04.2006 of an extended 5-member specialized panel** concerns a request to establish discrimination on the basis of religion and contravention of Article 12, paragraph 4, of the Law. The Commission found that the respondent clearly abused the right to a claim and discontinued the case due to the imperative provisions of Article 52, paragraph 2, of the Law;

(g) **Decision No. 14/09.05.2006 of SSP I**, concerns a complaint of direct discrimination on ethnic basis. The signal was not given formal consideration. The Commission found that the cases submitted, which occurred during the education process, did not constitute infringement of Article 4, paragraph 3, and Article 29, paragraph 1, of the Law on protection education and teaching;

(h) **Decision No. 15/09.05.2006 of SSP I**, concerns a complaint of ethnic discrimination in the exercise of the right to work. The Commission approved a friendly settlement reached between the parties;

(i) **Decision No. 16/09.05.2006 of SSP I**, concerns a signal of an instance of direct ethnic discrimination and harassment on the same grounds. The Commission found that discrimination had taken place, constituting harassment on ethnic grounds, occurring through undesirable verbal behaviour which undermined the dignity and created a disparaging environment for the affected party, which contravened Article 4, paragraph 1, in connection with Article 5 of the Law and constituted an administrative infringement of Article 78, paragraph 1, of the Law;

(j) **Decision No. 19/19.05.2006 of SSP I**, concerns a complaint of ethnic discrimination. The Commission established the existence of direct ethnic discrimination under Article 4, paragraph 1, in connection with Article 4, paragraph 2, and Article 37 of the Law with regard to the complainant, comprising a refusal to supply goods and services. The Commission imposed a fine on the perpetrator as an administrative sanction. The Commission also imposed a compulsory administrative measure on the employer on the basis of Article 76, paragraph 1, sub-paragraph 1, of the Law, prescribing that the perpetrator take effective measures in commercial activities to ensure that all personnel in the establishment desist henceforward from contravening Article 37 of the Law with regard to clients belonging to Roma community;

(k) **Decision No. 21/22.05.2006 of SSP I**, concerns a complaint of ethnic discrimination and an infringement of the right to be taught in the complainant's mother tongue. The Commission imposed compulsory administrative measures under Article 76, paragraph 1, sub-paragraph 1, of the Law, prescribing that all necessary measures be undertaken to introduce teaching of the mother tongue. The decision prescribed that measures be taken to notify and inform all parents and pupils in an appropriate manner and in good time of the need to submit express applications requesting mother tongue teaching;

(l) **Decision No. 23/23.05.2006 of a full 9-member panel of the Commission was based on a report by a member of the Commission.** On the basis of Article 47, paragraph 3, second proposal and Article 76, paragraph 1, sub-paragraph 1, of the Law, the Commission imposed a compulsory administrative measure on "Water Supply and Sewerage" Ltd. in Dobrich, of which the capital belongs to the state and the rights as sole proprietor of the capital are exercised by the Minister of Regional Development and Public Works, prescribing that effective measures be taken, all other conditions being equal, to encourage the participation in the management of the company of persons from under-represented or unrepresented ethnic groups with a view to compliance with the employer's obligation under Article 24, paragraph 2, of the Law;

(m) **Decision No. 26/25.07.2006 of an ad hoc 5-member extended panel**, concerns a signal asserting discrimination on the grounds of more than one indicator: ethnic affiliation and political conviction. The signal was not given formal consideration. The Commission did not establish the existence of direct or indirect discrimination in the meaning of Article 4 of the Law, nor any infringement of Article 12, paragraph 1, of the Law;

(n) **Decision No. 34/24.07.2006 of SSP I**, concerns ethnic discrimination. Complaints were filed of infringement of Article 21 of the Law, by which the employer demonstrated a biased attitude to persons of Roma origin in the termination of their contracts. The complaint was not given formal consideration as Commission did not establish the existence of direct or indirect discrimination in the meaning of Article 4 of the Law, since the act did not constitute a violation of Article 21 of the Law;

(o) **Decision No. 35/25.07.2006 of an ad hoc 5-member extended panel** concerns discrimination on the grounds of ethnic affiliation and political convictions. The Commission approved an agreement concluded between the parties. It prescribed that the employer should withdraw its order and should restore the complainant to the post;

(p) **Decision No. 38/27.07.2006 of an ad hoc 5-member extended panel** concerns a complaint and signal of ethnic discrimination in the provision of emergency medical assistance. The Commission established the existence of direct ethnic discrimination in the provision of emergency medical assistance. It imposed a fine as an administrative sanction and approved an agreement concluded between the party which submitted the signal and one of the defendants;

(q) **Decision No. 41/10.10.2006 of SSP I**, concerns ethnic discrimination. The complaint was not given formal consideration;

(r) **Decision No. 42/13.10.2006 of SSP V**, concerns discrimination on the grounds of ethnic affiliation, sexual orientation and citizenship. The Commission established a violation of the provision of Article 5 of the Law: undesirable verbal behaviour aiming to undermine or resulting in the undermining of the person's dignity and the creation of a hostile and disparaging or threatening environment. The Commission imposed a fine;

(s) **Decision No. 44/17.10.2006 of SSP III**, on religious discrimination approved an agreement reached between the parties;

(t) **Decision No. 44a/16.10.2006 of SSP I**, concerns a signal of ethnic discrimination against a Bulgarian citizen of Roma origin. The Commission established the existence of indirect ethnic discrimination in the supply of electrical energy under less favourable conditions, thereby contravening the provisions of Article 4, paragraph 3, and Article 37 of the Law and constituting an administrative infringement under Article 78, paragraph 1, of the Law. The Commission imposed a fine in accordance with Article 78, paragraph 1, of the Law in connection with Article 24, paragraph 2, of the Administrative Violations and Penalties Act (AVPA). The decision imposes compulsory administrative measures, prescribing specific measures to eliminate the consequences of the infringements. It decreed the discontinuation of the infringement on the basis of Article 47, paragraph 2, of the Law;

(u) **Decision No. 45/17.10.2006 of SSP I**, concerns ethnic discrimination. It was asserted that the right to quality medical assistance was denied. The Commission did not find discrimination within the meaning of Article 4, paragraph 2 and paragraph 3, in connection with Article 5 of the Law. The complaint was not given formal consideration;

(v) **Decision No. 48/24.10.2006 of SSP III**, on alleged discrimination on the grounds of citizenship. The Commission did not establish any infringement of the Law on the grounds of citizenship in the application of the Civil Service Act;

(w) **Decision No. 56/27.11.2006 of an extended 5-member panel** concerning multiple manifestations of discrimination on grounds of age and citizenship. The Commission discontinued proceedings on the case due to failure to correct irregularities in the complaint by the prescribed deadline;

(x) **Decision No. 58/29.11.2006 of SSP I**, concerns ethnic discrimination in connection with the distribution and supply of electricity. The Commission established indirect ethnic discrimination against particular consumers which contravenes the provisions of Article 4, paragraph 3, and Article 37 of the Law and constitutes an administrative infringement under Article 78, paragraph 1, of the Law. The Commission imposed a fine as an administrative sanction together with compulsory administrative measures, prescribing measures to discontinue the infringement in the future and eliminate its consequences;

(y) **Decision No. 59a/30.11.2006 of SSP I**, concerns ethnic discrimination. The complaint concerned infringement of Article 4, paragraph 1 and paragraph 2, and Article 5 of the Law. The Commission established discrimination in the form of harassment on ethnic grounds and an infringement of the principle of equal treatment and the prohibitions under Article 4, paragraph 1, of the Law. The Commission imposed a fine as an administrative sanction together

with compulsory administrative measures, prescribing that the perpetrator should refrain from the established infringement against other persons of Roma origin on the basis of Article 76, paragraph 1, sub-paragraph 1, of the Law;

(z) **Ruling No. 71/22.12.2006 of SSP I**, concerns alleged ethnic discrimination. The Commission terminated proceedings due to the lack of data on the infringement and due to the fact that at issue were written statements which could be described as using “harsh” language, but not as discriminative nor as contravening the right to equal treatment.

126. During 2006, appeals were initiated against 38 decisions, rulings, injunctions and prescriptions of the Commission for Protection against Discrimination and the Commission participated as an interested party in 47 court sessions of the Supreme Administrative Court and other courts. Six decisions of the Supreme Administrative Court and 23 rulings of the Supreme Administrative Court and other courts where the Commission intervened as an interested party within the meaning of Art. 47, Sub-para. 5 of the Law were enacted. Three decisions out of six enacted by the Supreme Administrative Court have entered into force.

127. In analyzing the Commission’s 2006 report, one conclusion is that most of the decisions taken by the Commission focussed on discrimination on “ethnic” grounds. There are 14 such decisions. In 6 others, the Commission found violations on grounds of coercion and force. In a number of cases the Commission found violations in the implementation of the Law on Protection against Discrimination. Consequently, the Commission issued compulsory prescriptions and imposed administrative sanctions in the form of fines.

128. The Commission found no violations in a number of complaints. The smallest number of the Commission’s decisions were on violations on grounds of “age”, “citizenship”, “sex”, “social status”, and “education”. There was one decision in each respective case. In 2006 the Commission was not seized of complaints claiming violations on grounds of “origin”, “nationality”, “race” and “human genome”.

129. Prevention is an important factor in the Commission’s long-term plan for combating discrimination. In this respect, in an attempt to cope with the need for taking coordinated actions to pursue the policy of prevention and protection against discrimination, the Commission adopted a long-term Plan of Action against Discrimination, 2006-2010. The Plan of Action includes the following priorities:

(a) Conducting studies and analyzes of the different forms and manifestations of discrimination;

(b) Carrying out information campaign to explain the implementation of the anti-discrimination legislation;

(c) Establishing a data-base to assist the anti-discrimination law-enforcement;

(d) Entering into partnership with non-governmental organizations, law-enforcement institutions and state bodies;

(e) Setting up a stable long-term practice for effective application of the anti-discrimination law;

(f) Conducting thematic monitoring.

130. The Commission also plans to take part in various international initiatives of the European Union, and in the implementation of the Equal Opportunities Year, announced by the European Union.

General integration policy

131. Integration of minority groups and perfection of the ethnic model in civil society have been among the main priorities of successive Bulgarian governments in recent years.

132. In October 2001, Bulgaria's government presented the Programme of the Government of the Republic of Bulgaria entitled, *People are Bulgaria's Richness*. It contains a separate chapter, entitled *Minority Integration*, which enumerates certain basic aims, such as creating conditions for political, social, economic and cultural integration of minority groups and communities in society, and further synchronizing domestic legislation with international human rights standards.

133. The new Government, formed after the 2005 general election, established as one of its priorities the achievement of sustainable integration of minority groups in society by including their representatives in various walks of the economic, social, political and cultural life, while also pursuing a policy aimed at preserving ethnic, religious and cultural identities. This is intended to be attained by involving representatives of minority groups in the decision-taking process, in the preparation and implementation of national and local development strategies, particularly those concerning ethnic communities.

134. In order to achieve sustainable results in minority integration, the government is making every effort to guarantee quality education for all persons from minority groups, particularly children and pupils of Roma origin, incl. by introducing specific forms of education and improving the school technical basis, supplying them with computers, etc. (see below for more information on the subject).

135. The government, together with municipalities, has also been taking special measures to improve living conditions and create social infra-structure in regions with a predominantly minority population. Thus, in 2006, acting on a proposal by the NCCEDI, the government adopted a National Programme on Improving Roma Housing Conditions in Bulgaria for the period 2005-2015, and a Plan of Action for 2006-2007.

136. Employment programmes aimed at providing equal opportunities for Roma to be competitive in the labour market and specific state policies focussed on the regions of mixed ethnic populations are also extensively being implemented.

137. In pursuing its policy of equal integration of persons belonging to minorities, the Council of Ministers has approved various strategies and plans prepared by different ministries:

(a) A short-term strategy to implement the state policy on equal integration of Roma in the Bulgarian national culture (2000-2001);

- (b) A strategy for integration in education of children and pupils from ethnic minorities;
- (c) A health strategy for persons belonging to minorities who are in a vulnerable social situation;
- (d) A Framework Programme for Equal Integration of Roma in Bulgarian Society (1999);⁵⁰
- (e) A Plan of Action for the implementation of the Framework Programme for Equal Integration of Roma in Bulgarian Society, 2003-2004;⁵¹
- (f) A Plan of Action for the implementation of the Decade for Roma Inclusion;⁵²
- (g) A Strategy for Educational Integration of Children and Pupils from Ethnic Minorities (2004);⁵³
- (h) A Health Strategy for Persons Belonging to Ethnic Minorities in Vulnerable Situation, as well as plans of action for the period from 2005 to 2007;⁵⁴
- (i) A National Programme for Improving Housing Conditions (as part of the National Housing Strategy);⁵⁵
- (j) A Plan of Action for the implementation of the National Housing Programme (2006);⁵⁶
- (k) A Plan of Action of the Framework Programme for Equal Integration of Roma in Bulgarian Society, 2006;⁵⁷
- (l) Appointment of a National Coordinator for the Decade of Roma Inclusion, 2005-2015;⁵⁸

⁵⁰ Council of Ministers Protocol No. 18/22.04.1999.

⁵¹ Council of Ministers Decision No. 693/06.10.2003.

⁵² Council of Ministers Protocol No. 15/14.04.2005.

⁵³ Approved by the Minister of Education on 11 June 2004.

⁵⁴ Council of Ministers Protocol No. 36/08.09.2005.

⁵⁵ Council of Ministers Protocol, No. 12/22.03.2006.

⁵⁶ Council of Ministers Protocol, No. 19/11.05.2006.

⁵⁷ Council of Ministers Protocol, No. 26/29.06.2006.

⁵⁸ Council of Ministers Decision, dated 25 May 2006.

138. In 2006, the National Assembly adopted a National Programme for Development of Junior and Senior High School and Pre-School Education (2006-2015). Among its basic aspects is the introduction of special measures for children whose mother tongue is not Bulgarian.

Constitutional and legislative provisions concerning “General Integration Policy”

139. The Constitution of the Republic of Bulgaria contains a number of provisions directly related to the “general integration policy”.

140. Article 29, paragraph 1, of the Constitution states as follows: “No one shall be subjected to torture or to cruel, inhuman or degrading treatment, or to forced assimilation.”

141. Bulgarian legislation contains explicit guarantees prohibiting discrimination and creating equal opportunities and pre-requisites for social integration of vulnerable groups in society, including persons belonging to different ethnic, religious and linguistic communities.

142. 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, voluntary retirement insurance, sports, consumers and commercial rules, and the Code on mandatory social insurance.

Framework programme for equal integration of Roma in Bulgarian society

143. Roma in Bulgaria, as elsewhere in Europe, including in Central and Eastern Europe, continue to be the most vulnerable ethnic minority because of their unequal participation in the social, economic and political life of society.

144. The Roma in Bulgaria are not homogeneous. Roma came to Bulgaria and settled down at different times. There are many differences among them due to various factors. They have different ways of life, different languages and religions, etc. In addition, parts of the Roma population in Bulgaria identify themselves as Turks, others as Romanians and Bulgarians.

145. On many occasions the Republic of Bulgaria has demonstrated its determination to achieve full integration of Roma in society as citizens with equal rights, on the basis of the principle of equality and non-discrimination.

146. Improving the situation of the Roma is one of the fundamental priorities of the Bulgarian government and coordinated and persistent steps are being taken to resolve the basic social and economic problems of the Roma community.

147. On 22 April 1999, the Council of Ministers of the Republic of Bulgaria approved a Framework Programme for Equal Integration of Roma in Bulgarian Society. Its strategic aim is to eliminate any unequal treatment of Roma in society. The prevention of discrimination against Roma has become one of the fundamental political priorities of the State.

148. The Framework Programme provided, *inter alia*, for the creation of a special state body with a mandate to study and analyze, the observance of, and respect for the rights of Bulgarian

citizens without any discrimination on ethnic grounds, identify human rights violations under the law, seize the prosecutor's office and the courts of cases of violations on ethnic grounds, submit opinions on bills and draft normative acts related to its functions to the Council of Ministers.

149. A number of laws were amended in order to intensify the combat against discrimination.

150. The Framework Programme also provides for urgent action to prepare and implement special programmes to ensure labour employment for the Roma, the setting up of a special fund with state participation to allocate loans to those individuals and organizations employing Roma, to integrate fully Roma children and pupils into the school system, to halt completely the practice of sending normal healthy Roma children to special schools, to ensure teaching of the Roma language at school, to train lecturers for university education, to react to any racist manifestations at school. There are also programmes for literacy and professional training of adults of Roma origin, for the protection of the specific Roma identity and culture in Bulgaria, participation of Roma in national media, for guaranteeing equality of Roma women, for urban regulation of Roma neighbourhoods, legalization of their dwellings, etc.

151. The National Plan of Action for the further implementation of the Framework Programme for Equal Integration of Roma in Bulgarian Society is the means through which a number of specific programmes for social integration of Roma were put into motion. Some 28.6 million leva were additionally secured for the year 2004 alone. A number of projects were started to lower unemployment among Roma and to increase their professional qualifications on the labour market. Special efforts are being taken to achieve full integration in education of Roma children, to facilitate Roma access to health care services, etc.

Decade for Roma Inclusion, 2005-2015: National Plan of Action

152. The Bulgarian government's involvement and commitment to resolving the problems of the Roma community was further confirmed at the Ceremonial Opening of the Decade of Roma Inclusion that took place in Sofia on 2 February 2005.

153. On 14 April 2005, the Council of Ministers of the Republic of Bulgaria adopted a National Plan of Action containing comprehensive measures aimed at achieving the goals of the Decade for Roma Inclusion (2005-2015). This in effect also represents a long-term plan of action for the implementation of the Framework Programme for Equal Integration of Roma in Bulgarian Society.

154. The action plan contains four priorities, namely, education, health care, employment and improving housing conditions. The Action plan shall be reviewed and updated at the end of every year.

155. The funding of the Decade activities in Bulgaria is financially secured in accordance with the State's annual budget.

State Agency for Child Protection

156. The State Agency for Child Protection (SACP) was created by the Council of Ministers' Decree No. 226, dated 30 October 2000. The Agency acts as a specialized body of the Council of Ministers, under the Law on Child Protection. The Agency's Chairperson is Mrs. Shirin Mestan, (a Bulgarian citizen of Turkish origin). The chairperson is a body of the executive power within the meaning of the State Administration Act, appointed by the Prime Minister. The State Agency is a specialised body of the Council of Ministers for management, co-ordination and control in the field of child protection.

157. Many of the activities of the SACP are specifically focussed on work in a multiethnic environment and with minority groups.

Police and law-enforcement bodies - actions taken

158. The Ministry of the Interior has been taking measures aimed at improving its work with persons belonging to minority groups. The measures include training the Ministry's employees and strict control to prevent any unlawful actions by police officers.

159. Ministry officials took part in the Working Group on the drafting of the Law for Protection against Discrimination.

160. There are three basic spheres of work of the Ministry of Interior, particularly its specialized body, the National Police Department (NPD), in protecting citizen's rights and preventing manifestations of racism, xenophobia, anti-Semitism and police brutality. These are as follows: organization and leadership, training of police personnel, and general control and verification of complaints by citizens and signals by media and non-governmental organizations.

161. In August 2000, a specialized Human Rights Commission was set up within the National Police Department which is in charge of the coordination of the overall activities aimed at preventing police brutality. The Commission's basic functions are to analyze conclusions in reports of the Committee for prevention of torture, and of those non-governmental organizations which monitor the police actions; to prepare recommendations how to correct violations; to harmonize internal normative acts in accordance with international obligations and domestic legislation; to organize the training of the higher and lower echelons of the service in human rights issues and the international standards for work of law-enforcement agencies.

162. There are local coordinators for human rights in each of the regional police departments. Their task is to coordinate the activities of these departments with the specialized Commission.

163. Educational kits were published with the financial support of the Inter-governmental Programme of the Council of Europe for use by the police. Among them are "Human Rights and Police", a manual for practical training, "Human Rights and Police", methods for discussions, "Police Practices and Human Rights, a European Innovation", "Police and Human Rights, Be Vigilant", a VCR disc.

164. Since 1999, over 20 training courses have been held focusing on protection of human rights in police work. Over 2 000 police officers have attended them.

165. In 2001 a joint project of the Centre for helping victims of torture (ACET) and the National Police Department (NPD) was launched to train experts in teaching human rights, financed by the British Know-How Fund. 6 seminars were held.

166. Also in 2001, during the observance of the Police and Human Rights Week of the Council of Europe a seminar was to train regional coordinators in the Programme of Activities for the Development and Consolidation of Democratic Stability (ADACS).

167. The National Police Department (NPD) established partnership relations with a number of governmental and non-governmental organizations, such as the Centre for Helping Victims of Torture, the Bulgarian Helsinki Committee, the Centre for Magistrates Training, the Bulgarian Lawyers for Human Rights, the Human Rights Project.

168. In the period between December 1999 and July 2001, 9 training courses were held for police officers in the regional Police Directorates in the cities of Plovdiv, Sliven, Pazardjik, Montana, and Sofia. Following the encouraging results, the training courses were extended to the cities of Haskovo, Varna, Shumen, Dobrich, Plevna, etc.

169. Steps have been taken to enroll persons belonging to minority groups in police work. 93 Roma have been employed, four as police officers and 89 as sergeants.

Measures against unlawful acts by police servicemen

170. One of the priorities of the Ministry of the Interior is effectively addressing any unlawful actions by the police. A basic indicator for the effectiveness of each department is the work connected with citizens' complaints and signals against unlawful actions by the police. Such complaints and signals are processed in a most detailed and objective manner, with a view to verifying whether violations have been committed by the Ministry's servicemen, and the degree of control exercised by higher officials.

171. A well-established practice is to inform promptly and correctly the general public about unlawful actions and to seek the active cooperation of citizens in combating crime.

172. A number of organizational measures have been put into effect in order to establish any unlawful actions perpetrated by the Ministry's servicemen, and to deal with the reasons causing them. Those leading officials responsible for ineffective actions in crime prevention and disclosure, control and work with the personnel are held accountable. Every year, the state of discipline is subject to a most detailed analysis. Necessary steps are taken to strengthen the discipline and to prevent any repetition of unlawful actions.

173. The Ministry of Interior Chief Secretary, the Personnel and Inspection Departments conduct control reviews and investigations to ensure that the Ministry's measures are implemented. Subsequently, they report their findings to the Ministry's leadership.

174. In all cases of unlawful actions on the part of the Ministry's servicemen, once proved to have been committed, and where there is evidence of a crime, all the relevant documents are sent to the Prosecutor's Office for punitive action.

Crimes against the rights of citizens

175. Crimes on grounds of racial intolerance and xenophobia are included in Chapter Three of the Penal Code, entitled Crimes against the Rights of Citizens, section I, Crimes against National and Racial Equality (articles 162 and 163), and section II, Crime against Religions (articles 164 to 166).⁵⁹

*The case of the village of Mechka*⁶⁰

176. On 10 July, 1998, the District Court in the city of Pleven authorized a police action on the territory of the village of Mechka, Pleven District. The aim was to apprehend a number of offenders stealing cattle and personal effects in the region. The police officers who took part in the action had been specially instructed not to resort to unlawful use of force and police instruments. Although the enter, search and confiscate action had the approval of the Pleven District Court, when the police entered the house of a certain Mehmed Memishev Rasimov, the persons residing in it resorted to force. Other villagers from neighbouring houses joined them, and all of them attacked the policemen. More policemen arrived in an attempt to stop the civilians from violent actions. Force was used, including the use of batons and handcuffs in accordance with Article 78, paragraph 1 (1,2 and 5) of the Law on the Ministry of the Interior. The stolen effects were found by the policemen during the search, and retrieved.

177. On 10 July 1998, a preliminary hearing No. 2940/98 was entered versus Husisein Aliev Rasimov for committing a criminal offence under Article 325, paragraph II (1) of the Penal Code. All the documents of the case, as well as the complaints by the local Roma individuals, were sent to the District Military Prosecutor's Office of Pleven, which submitted a file No. 344/98, in accordance with Article 131, paragraph 1 (2) of the Penal Code, to identify those guilty of causing bodily injury in the incident as certified by medical documents.

178. The District Military Prosecutor's Office in Pleven submitted the case to the then Military Prosecution and the Chief Prosecutor of the Republic of Bulgaria. The District Military Prosecutor's Office in Pleven provided information on the case upon enquiries by the Bulgarian Helsinki Committee, Human Rights Project and Amnesty International.

179. Acting on the evidence in the case, the Pleven District Military Prosecutor's Office decided that there was no proof of unlawful actions by the police. Therefore, it discontinued the case (No. 344/98) on 11 March 1999. No appeals against this decision were lodged.

⁵⁹ For details see the chapter on Article 4 of the Convention.

⁶⁰ Details regarding this case are provided because of the special attention given to this case by a number of non-governmental organizations in Bulgaria in the period between 1998 and 1999.

Article 3

180. The Republic of Bulgaria ratified the International Convention on the Suppression and Punishment of the Crime of Apartheid in 1974,⁶¹ and the International Convention against Apartheid in Sports in 1988.⁶² Under Article 5, paragraph 4, of the Constitution of the Republic of Bulgaria, these two international instruments are part of domestic law and have precedence over legislative norms if the latter contravene them.

181. The Penal Code, in Section III, entitled Genocide and Apartheid against Groups of the Population, contains the following provisions:

(a) Article 416:

Paragraph 1: “Whoever, with the purpose of annihilating entirely or partially a concrete national, ethnic, racial or religious group,

- (i) Causes death, severe bodily injury or permanent mental disorder to a person belonging to such a group;
- (ii) Places the group in such living conditions which lead to its complete or partial physical extermination;
- (iii) Undertakes actions aimed at obstructing childbirth in such a group;
- (iv) Forcibly transfers children from one group to another;

shall be punished for committing genocide by imprisonment of ten to twenty years or by life imprisonment without an option.

Paragraph 2: Whoever carries out preparation for genocide shall be punished by imprisonment of two to eight years.

Paragraph 3: Whoever visibly and directly instigates genocide shall be punished by imprisonment of one to eight years.

(b) Article 417:

Whoever, for with the purpose of establishing or maintaining domination or systematic oppression of one racial group of people over another racial group of people,

- (i) Causes death and severe bodily injury to one or more persons of this group of people; or

⁶¹ Decree of the Council of State, No. 1156, dated 31 May, 1974, State Gazette No. 46, dated 14 June 1974.

⁶² 3 April 1988.

- (ii) Imposes living conditions of a nature causing complete or partial physical extermination of a racial group of people;

shall be punished for committing apartheid by imprisonment of ten to twenty years or life imprisonment without an option.

- (c) Article 418:

Whoever, for the purposes under the preceding articles,

- (i) Illegally imprisons members of a racial group of people or subjects them to compulsory labour;
- (ii) Enacts measures to obstruct the participation of a racial group of people in the political, social, economic and cultural life of the country, and to premeditate the creation of conditions obstructing the full development of such a group of people, in particular, by depriving its members of the basic rights and freedoms as citizens;
- (iii) Enacts measures to divide the population on racial grounds by creating reservations and ghettos, to prohibit intermarriages between members of different racial groups or to expropriate legally possessed land property;
- (iv) Revokes basic rights and freedoms of organizations or persons who oppose the apartheid, shall be punished by imprisonment of five to fifteen years.

Additional provisions

- (d) Article 419:

In compliance with the preceding articles, whoever deliberately leaves his subordinate(s) to commit a crime shall be punished in accordance with the provisions under this Chapter.

Article 4

182. The Republic of Bulgaria has been taking all the necessary steps to implement the provisions of Article 4 (a), (b), and (c) of the International Convention. The Republic of Bulgaria accepts unreservedly their mandatory character.

183. Taking into consideration Article 4 of the International Convention, the Penal Code and the Criminal Procedure Code of the Republic of Bulgaria have incorporated a section, “Crimes against national and racial equality”, and a Chapter, “Crimes against the Rights of Citizens”. The Penal Code explicitly mentions crimes against racial, ethnic, religious and national equality in the Republic of Bulgaria, providing the following punishments.

Chapter three: Crime against the rights of citizens

Section I. Crime against national and racial equality

184. Article 162

Paragraph 1: Whoever propagates or incites racial or national hostility or hatred or racial discrimination shall be punished by imprisonment of up to three years and by public reprobation;

Paragraph 2: Whoever applies violence against another or damages his or her property because of his or her nationality, race, religion or political convictions shall be punished by imprisonment of up to three years and by public reprobation;

Paragraph 3: Whoever forms or heads an organisation or a group, the goal of which shall be to perpetrate acts under the preceding paragraphs, shall be punished by imprisonment of one to six years and by public reprobation;

Paragraph 4: Any member of such an organisation or a group shall be punished by imprisonment of up to three years and by a public reprobation;

Paragraph 5: The court can also rule mandatory settlement for the crimes under the above-mentioned paragraphs.

185. Article 163

Paragraph 1: Anyone taking part in a crowd for the purpose of attacking groups of the population, individual citizens or their property for reasons of their national or racial belonging shall be punished, as follows:

- (a) The instigators and leaders - by imprisonment of up to five years;
- (b) All the rest - by imprisonment of up to one year or corrective labour.

Paragraph 2: If the crowd or some of the participants are armed the punishment shall be as follows:

- (a) For the instigators and leaders - imprisonment of one to six years;
- (b) For all the rest - imprisonment of up to three years.

Paragraph 3: If an attack is carried out resulting in a serious bodily harm or death, the instigators and the leaders shall be punished by imprisonment of three to fifteen years, while all the rest - by imprisonment of up to five years, unless they are subject to a more serious punishment.

Section II. Crime against religion

186. Article 164:

Whoever propagates hatred on religious grounds through speeches, publications, activities or in any other way shall be punished by imprisonment of up to three years or by corrective labour.

187. Article 165:

Paragraph 1: Whoever, by force or threat, obstructs citizens from professing their faith or carrying out their rituals and services which do not violate the laws of the country, public peace and good morals, shall be punished by imprisonment of up to one year;

Paragraph 2: The same punishment shall be imposed on anyone who, in the same way, forces a person or persons to participate in religious rituals and services;

Paragraph 3: For acts under Article 163, committed against groups of the population, individual citizens or their property in connection with their religious affiliation, the punishment shall be commensurate with those stipulated in the said article.

188. Article 169:

Paragraph 'b': Whoever resorts to violence, threat or any other unlawful way to obstruct anybody from exercising his or her constitutional political rights shall be punished by imprisonment of up to three years.

Section III. Crime against employment rights of citizens

189. Article 172 provides for the punishment of anyone who deliberately obstructs anybody from occupying a position or forces him or her to leave a job because of his or her nationality, race, or religion.

190. During 2004 and 2005, the Chief Prosecutor's Office of the Republic of Bulgaria dealt with a number of pre-trial judicial investigations of crimes under sections I and II, Chapter Three, of the Penal Code, entitled "Crimes against the Rights of Citizens".

191. In 2005, there were 12 such investigations. Ten involved crimes against national and racial equality, and two involved crimes against religion. In 2004, there were 9 investigations with 8 involving crimes against national and racial equality and one involving a crime against religion.

192. In addition, Article 53 of the Penal Code contains a general provision for confiscation of xenophobic and racist printed matter and other materials for use with the purpose of committing the crimes listed above.

193. Article 108 of the Penal Code criminalizes the dissemination of fascist or any other anti-democratic ideologies. This article also provides for punishment of up to three years for anyone who propagates fascist or other anti-democratic ideologies or forcible change of the social and state system established by the Constitution of the Republic of Bulgaria.

194. The Penal Code also contains a separate chapter, entitled “Crimes against Peace and Humanity”.

195. A number of normative acts, adopted since 1997, contain a specific anti-discrimination provision.

196. There are no organized movements or organizations in the Republic of Bulgaria disseminating and spreading racist, anti-Semitic, xenophobic and other discriminatory ideas. A number of isolated incidents have been recorded, which involved individuals or unorganized small groups. They all are under police surveillance. In recent years, there has been a public debate about Adolf Hitler’s book, “Mein Kampf”, which appeared in bookshops, together with books about other Nazi leaders.

197. The Bulgarian Constitution guarantees the right of anyone “to express an opinion or to publicize it through words, written or oral, sound, or image, or in any other way” (Article 39, paragraph 1).

198. At the same time, Article 39, paragraph 2, of the Constitutions stipulates that: “This right shall not be used to the detriment of the rights and reputation of others, or for incitement to change by force the constitutionally established order, for committing a crime, or for disseminating enmity or violence against anyone.”

199. In accordance with these constitutional provisions, the Penal Code provides for specific punishment if such crimes are committed (as mentioned in Article 108 above).

200. Chapter One of the Penal Code, entitled “Crimes against the Republic”, deals with crimes related to the state’s internal security.

201. In Chapter Three of the Penal Code, entitled “Crimes against the Rights of Citizens”, dissemination or incitement to racial or national hatred or enmity, or racial discrimination, is a crime punishable under Article 162 of the Penal Code (as described above).

202. Under the Law on Ministry of the Interior, a number of bodies are vested with the power to protect national security, and to investigate crimes.

203. In the case of the publication of “Mein Kampf” by Adolf Hitler, this was within the competence of the National Police. The first signal that the book was being sold in bookshops in Sofia was given on 24 December 2000. The bookshops were searched and 100 copies of the book were confiscated. The Sofia Police Department was in charge of the investigation.

204. In 2001, the Sofia City Prosecutor’s Office began a pre-trial judicial investigation under Article 162 of the Penal Code. Two Bulgarian citizens were subsequently charged. In June 2005, an indictment was served in court accusing the two persons for the publication of 2000 copies of the said book through the “Zhar Ptitsa” (“Fiery Bird”) Publishing House, and selling it in bookshops in Sofia.

205. In 2001, an internet site, <www.bloodandhonour.hit.bg>, distributed Nazi symbols, the text of “Mein Kampf”, and other writings with racist and anti-Semitic character. The internet site belonged to the “Blood and Honour” (B&H) international organization supporters in Bulgaria,

which disseminated fascist ideology and racial hatred. Skinheads were also involved. The site was erased by the Bulgarian Internet Servers. The person who created and maintained the site was identified. The Sofia Regional Prosecutor's Office was seized of the case. The said person was detained and charged under Article 162, paragraph 1, of the penal Code. The same charges were brought against another Bulgarian citizen who ordered the creation of the internet site, and supplied it with materials.

206. The traditional tolerance of Bulgarian society towards minority groups notwithstanding, one cannot exclude isolated cases of threats and intolerance, wrongly depicting the Roma community as crime-prone. Such negative perceptions prompt some youth groups to follow the Skinheads behavior. However, these are isolated incidents. In more recent times, such incidents have been confined largely to football hooliganism.

207. In September 2001, a group of pupils in the town of Samokov attacked some Roma pupils. The parents of the latter had gone to school to collect them after classes. On their way to school they attacked and beat three persons. The police investigated the incident. They identified 9 of the pupils who attacked and beat the Roma, and two of the Roma who beat the Bulgarians. The police increased its patrols in the town and prevented the incident from getting out of control.

208. There are also isolated incidents of anti-social behavior on the part of Roma individuals who engage in civil disobedience and protests. The Roma resort to such behavior in order to express their dissatisfaction over specific incidents, for example, when their electricity is cut off because of unpaid bills (such incidents occurred in Sofia, Plovdiv and Sliven), or when payment of their social assistance benefits has been delayed (such incidents occurred in Lom, Samokov, etc.).

209. There had been a few incidents, usually connected with certain historic dates, concerning the Jewish community, such as painting swastikas and other objectionable signs on the walls of Jewish religious and cultural buildings. Those involved in such incidents were youth under the influence of ultra-rightist movements in Europe.

Article 5

210. Chapter Two of the Constitution proclaims all the basic rights and obligations of the citizens of the Republic of Bulgaria which are enumerated under Article 5 of the International Convention.

211. As was pointed out in the fourteenth periodic report of the Republic of Bulgaria,⁶³ the Constitution (Article 6, paragraph 2) and the Criminal Procedure Code (Article 10 (1), guarantee the freedom, equality and dignity of all persons in the Republic of Bulgaria without any restrictions or privileges on grounds of race, nationality, ethnic belonging, sex, origin, religion, education, convictions, political affiliation, personal and social status, or property status.

⁶³ CERD/C/299/ Add. 7, dated 5 August 1996.

212. As already mentioned above, there are a number of provisions in the Penal Code which explicitly guarantee the equality before the law of all citizens, without any discrimination and privileges (articles 162, 163, 164, 165, 169 and 172).

213. Moreover, Articles 164-166 of the Penal Code provide for punishment for crimes against the freedom of religion, whereas Articles 167-169 provide punishment for crimes against political rights, and Article 172 for crimes against economic rights.

214. The fourteenth periodic report of the Republic of Bulgaria also contained information concerning the constitutional, legislative and administrative guarantees for the strict observance and exercise of the civil, political, economic, social and cultural rights, as provided under Article 5 of the International Convention.

215. Below herewith, there are a number of new legal provisions, adopted since the fourteenth periodic report (the full list is to be found under Article 2 of the International Convention):

- The new Law on refugees in the Republic of Bulgaria states the following in Article 6, paragraph 3: “Any foreigner who has entered the Republic of Bulgaria in order to seek asylum, or who has been granted asylum, shall not be returned to the country on the territory of which his or her life or freedom are threatened for reasons of race, religion, nationality, belonging to a definite social group or political opinion and/or conviction ...”
- Article 20 of the same law states as follows: “No restrictions whatsoever shall be permitted of the rights or privileges of foreigners seeking or having been granted asylum in the Republic of Bulgaria, on grounds of race, nationality, ethnic belonging, sex, origin, religion, education, convictions, political belonging, personal and public status or proprietary status.”
- Article 22 states explicitly that “Members of the family accompanying a foreigner for whom proceedings for providing protection have been opened or to whom protection has been provided shall have the same rights and obligations unless special circumstances require otherwise.”
- Article 440 of the Criminal Procedure Code states as follows: “Any request by another state for the return of a foreign citizen for the purposes of being tried in a court of law shall be granted only by the Chief Prosecutor, whereas any request for the return of a foreign citizen to serve a sentence shall be granted by the minister of justice.” In addition, Article 440 (a) provides for three judges to consider such a request in an open court session with a prosecutor attending. The foreign citizen shall be provided with an attorney if he or she has not already hired one, as well as with an interpreter if he or she is not fluent in Bulgarian.
- Law on child protection.
- Law on the Ministry of the Interior.

- Law on reforms in the judiciary, which created the legal structure and functions of the courts of law, including the Supreme Court of Cassation and the Supreme Administrative Court.
- Economic, social and cultural rights (Article 5 (e)).
- Law on private property and use of agricultural farms.
- Law on population census, housing and agricultural farms in the Republic of Bulgaria.
- Law on amending and supplementing the Labour Code (this law prohibits any direct or indirect discrimination, privileges or restrictions on grounds of nationality, origin, sex, race, colour of skin, age, political and religious convictions, membership in trade unions and other public organizations and movements, marital, social and material status and disability in the exercise of labour rights and obligations).

216. The above guarantees are also provided by the laws on child protection, civil service, national education, higher education, protection and development of culture, radio and television, copyright and similar rights, as well as by the laws listed below:

- Law on protection during unemployment and encouraging employment
- Law on additional voluntary retirement insurance
- Law on social assistance
- Law on consumer protection and trade rights
- Law on civil service

Education (article 5 (e) [v]) of the International Convention

217. A number of laws have been enacted since the last periodic report:

- Law of national education
- Law on higher education
- Law on educational levels, general educational minimum and curricula
- Law on professional education and training
- Regulation No. 4 and Regulation No. 6 concerning the educational minimum and planning the school periods (adopted in September 1999 and May 2001)

218. Article 4, paragraph 2, of the Law on national education expressly prohibits “any restrictions or privileges on grounds of race, nationality, sex, ethnic or social origin, religion and social status.” Article 9 states: “Every citizen is entitled to education in a school or the kind

chosen by him or her in accordance with their preferences and possibilities.” Article 15, paragraph 2, refers to the upbringing of a free and active personality with good morals, law-abiding, respecting the rights of others, their culture, language and religion.

219. The Law on higher education stipulates in Article 4: “There shall be no privileges and restrictions in the higher education on grounds of age, race, nationality, ethnic belonging, social status, political opinions and religion.”

220. The law guarantees equal rights to persons belonging to minorities for access to education at all levels.

Mother tongue

221. The government encourages the study of cultures, history, languages and religions of minorities in the Republic of Bulgaria.

222. Persons belonging to different ethnic communities are entitled to study their mother tongue. Article 36, paragraph 2, of the Constitution provides the guarantee that “citizens whose mother tongue is not Bulgarian shall be entitled to learn their own language and to use it alongside the study of Bulgarian.”

223. Article 8, paragraph 2, the Law on National Education states: “Those pupils, whose mother tongue is not the Bulgarian language, shall be entitled alongside the compulsory study of the Bulgarian language to be taught and to study their own mother tongue in municipal schools under the protection and control of the state.”

224. The Rules on the Law on national education (Article 5, paragraph 4) give the following definition: “Mother tongue for the purposes of the Rules shall mean the language used by a child for communication in his or her family prior to entering school.”

225. The Council of Ministers’ Decree No. 183, dated 5 September 1994, concerning mother tongue education in municipal schools, provides the following:

- Article 1, paragraph 1: “Pupils, whose mother tongue is not the Bulgarian language, shall receive education in their mother tongue from the first to the eighth class, on a voluntary basis” (see also below)
- According to paragraph 2 of the above-mentioned article, “mother tongue education shall be conducted for four hours per week”
- Article 2, paragraph 4, provides for free of charge text books on mother tongue for pupils
- Under Article 5, mother tongue education shall be financial secured by municipal budgets

226. Regulation No. 4 of the Ministry of Education and Sciences, dated 2 September 1999, concerning curricula states as follows: “Article 12: school hours shall be divided in such a way

as to cover school subjects, cultural and educational subjects and mother tongue education, each subject receiving up to 72 hours per school year for the ninth and tenth grades, and up to 108 hours for the eleventh and twelfth grades.”

227. The Law on educational levels, general educational minimum and curricula (Article 15, paragraph 3) provides for the compulsory curricula to include mother tongue education, in accordance with Article 8, paragraph 2, of the Law on national education.

228. An important achievement in the Law on educational levels, general educational minimum and curricula is the fact that education in mother tongue was made a compulsory subject, not an optional one as before. In this way, there are legal guarantees for mother tongue education to be a regular subject, i.e. “a compulsory” subject, in the regular school hours with full time teachers.

229. Turkish is being studied as a mother tongue, on the basis of school programmes, text books and dictionaries, approved by the Ministry of Education and Sciences for all classes from the first to the eighth grades. For the 2001-2002 school year, 34,860 pupils in 520 schools in the country, with 703 teachers studied Turkish as a mother tongue. The Turkish language as a freely chosen subject is taught four hours a week in the first to the eighth grades. It is a compulsory subject in the ninth, tenth and eleventh grades.

230. There are experts in the Turkish language employed by the regional Inspectorates of Education, to meet the needs of regions with big numbers of pupils studying Turkish. These are the regions of Shumen, Burgas, Ruse and Kurdjali. In the rest of the regions, these functions are taken up by experts on organization and control, or languages.

231. Turkish is studied in private secondary Muslim schools in Shumen, Ruse and Momchilgrad, as well as in the “Balkan Schools” of the private Balkan College Foundation, and in the private “Druzhiba” (“Friendship) secondary school of the Bulgarian-Turkish Democratic Foundation.

232. The “Konstantin Preslavski” University in Shumen and the Pedagogical College in Kurdjali train teachers in the Turkish language. The Turkish language is also one of the subjects studied in the “St. Kliment Ohridski” University and the Higher Islamic Institute in Sofia. There are also special courses in the Turkish language organized for teachers in the Republic of Turkey.

233. Armenian, Hebrew and Greek are also studied as mother tongues in Bulgarian schools in Sofia, Plovdiv, Sliven and in a other cities and towns, though these schools do not yet provide compulsory classes for the study of these languages after the eighth grade. There are two municipal schools in Sofia where about 750 pupils of Armenian origin study Armenian four hours per week. In Plovdiv, there are about 350 pupils of Armenian origin studying Armenian. Armenian is also taught and studied in other cities by groups of pupils attending Saturday and Sunday schools.

234. Romanian is studied as a compulsory subject in the specialized senior high-school in Sofia, opened in 1999-2000 school year. At present, there is a class composed of around 25 pupils from the eighth and ninth grades, and another one of 12 pupils from the preparatory eighth grade.

Two-thirds of the pupils are of Vlah-Romanian origin. The rest study Romanian as a foreign language. The Vlah-Romanians reside along the Danube and Timok rivers, where there are no school facilities to study Romanian as a mother tongue.

235. There is a Jewish school, the “Dimcho Debelyanov”, in Sofia, where one third of the pupils are Jewish and the rest Bulgarian. There are also several pupils of Turkish, Roma and Korean origin. They all study Hebrew and English although Hebrew is not the mother tongue of the Bulgarian Jews. There are also “Sunday schools” in Sofia, Ruse, Vidin, Plovdiv, Burgas and Kyustendil where Hebrew is taught.

236. Fully aware of the role education plays in combating racism and anti-Semitism, the Republic of Bulgaria unreservedly supported the Stockholm Declaration on Holocaust Education, adopted in Krakov, Poland, in October 2000. Following the Declaration’s appeals, the schools in Bulgaria have introduced classes on the Holocaust. The Republic of Bulgaria also supports the Council of Europe’s initiative of commemorating a Holocaust Day in all schools in memory of the victims.

237. Greek is taught and studied in courses organized by the “Rechitza” Culture Club of the Karakachans in Sliven.

238. There are a number of experts on the staff of the Ministry of Education and Sciences, in charge of organizing the teaching and study of Turkish, Romani, Hebrew and Armenian as a mother tongue.

239. Romani as a mother tongue has not been taught and studied systematically. Teaching Romani began in some municipal schools in 1992 with some 4,000 Roma pupils. By 1999, their number dwindled to around 500. Some of the difficulties are to be found in the lack of a written language, etc. Also, there are not many qualified teachers and necessary text books for the higher grades.

240. Roma children attend Roma schools in their neighbourhoods, mixed schools, and schools with predominantly Bulgarian pupils, as well as special schools. “Roma neighbourhood” schools are general educational ones. The usual course is from the first to the fourth or to the eighth grade. Courses up to the eleventh or twelfth grades can be found only in the largest Roma neighbourhoods. In the senior grades the focus is mainly on professional training. “Mixed” schools include Roma and other pupils. Schools with pupils predominantly of ethnic Bulgarian origin enroll Roma children who are usually better integrated into Bulgarian society.

241. The special schools which enroll pupils of physical or mental disabilities also include a significant number of Roma pupils. Some surveys indicated that in the past one in every three pupils in these special schools may have been of Roma origin. Many of them are physically and psychologically sound and healthy. The reasons why healthy children are enrolled in special schools are complex. However, the following ones are considered to be decisive: the commissions which select the children for such schools do not take sufficiently into account the fact that many of the Roma children do not speak Bulgarian, or if they do, they have a smattering rather than a good command of Bulgarian. This is the reason why children tend not mix with others. On the other hand, these schools serve free meals. This is very attractive for not so

well-off Roma families and explains why they occasionally prefer such schools for their children. Also, sometimes, unfortunately, teachers extol the so-called advantages of these schools to parents while sparing them the disadvantages.

242. The basic reasons for the generally somewhat inferior education of Roma children in Bulgaria are the bad social and economic conditions, the closed Roma family and Roma neighbourhoods, frequent drop outs and modest attendance of pre-school kindergartens and classes, insufficient special bi-lingual programmes, specialized qualification for teachers to work with Roma children, and teachers with university education, curricula, text books in history and culture of ethnic minority communities, insufficient literacy programmes for Roma grown-ups. The situation, however, has been consistently improving in recent years due to the comprehensive efforts undertaken by the authorities at all levels.

243. Pursuant to Decree No. 4 of 11 January 2005, of the Council of Ministers of the Republic of Bulgaria a *Centre for Educational Integration of Children and Pupils from Ethnic Minorities* was established under the Minister of Education and Science to support activities in the implementation of the policy for educational integration of children and pupils from ethnic minorities.

244. The Centre elaborates, finances and supports projects intended to promote the equal access to high-quality education and to improve the results of the education and training of children and pupils from ethnic minorities by means of:

- Ensuring conditions for joint education and training of children and pupils of different ethnic origin at the state-owned and municipal kindergartens and schools and auxiliary units
- Providing additional pedagogical work with pupils lagging behind in their studies
- Activities to bring drop-outs back to school and to improve their educational results
- Development and introduction of educational and training programmes reflecting the cultures of the various ethnic minorities at kindergartens and schools
- Qualification work with teachers in conformity with the objectives of the educational integration of children and pupils from ethnic minorities
- Research related to the integration of children and pupils through education
- Assistance to parents for the educational integration of children and pupils
- Monitoring and assessment of projects financed by the Centre
- Public awareness activities related to the educational integration policy and the work of the Centre etc.

The equal access to high-quality education is ensured through joint education and training of children and pupils of different ethnic origin in the settlements where the necessary conditions exist, and through the provision of additional educational and training for pupils who have problems with their studies.

245. Under a three-year Council of Ministers programme, the work of the Centre for Educational Integration of Children and Pupils from Ethnic Minorities (CEICPEM) is being developed along two main lines of activities:

- (a) Raising non-state budget funds for the implementation and support of projects;
- (b) Funding of projects.

246. The CEICPEM carried out the following activities under the 2007 programme approved by its Governing Board:

- Under the first line of activity, it drafted a 700 000 BGN project to apply for funding from the Roma Education Fund (REF), for which 500 000 BGN were requested from the REF and 200 000 BGN as co-funding from CEICPEM. The project was approved by the Governing Board of the REF on 12.10.2007
- Under the second line of activity, a call for project proposals was initiated with a deadline on 31.08.2007. A total of 439 project proposals were received by CEICPEM, of which 237 were admitted. 83 projects received funding to a total value of 1 million BGN. As of 01.10.2007, the number of projects to which funds were distributed under the programme was as follows:
 - 24 project proposals to guarantee the equal access of children and pupils from ethnic minorities to quality education, amounting to a total value of 550 000 BGN
 - 14 project proposals to preserve and develop the cultural identity of children and pupils from ethnic minorities, amounting to a total value of 100 000 BGN
 - 17 project proposals to establish conditions for the successful socialization of children and youths from ethnic minorities, amounting to a total value of 150 000 BGN
 - 28 project proposals to support the process of making cultural diversity into a source and factor for mutual familiarization and intellectual development of children and youths and the creation of an atmosphere of mutual respect, tolerance and understanding, amounting to a total value of 200 000 BGN

Current educational situation of Roma children in Bulgaria

247. As mentioned above, the laws in force in the Republic of Bulgaria, including *the Law on Public Education (LPE)*, ensure equal access of all children to education, regardless of their ethnic origin, religion or gender. Within the sound legal framework some specific practical problems related to the education and training of Roma children still present a challenge for society.

248. Due to various factors, both historic and recently emerged, including the observed growth of separate Roma neighbourhoods in different parts of the country, currently there are 65 schools and 24 kindergartens in such neighbourhoods attended by Roma children.

249. Data collected by the Regional Education Inspectorates (REIs) indicates that there were a total of 867,496 pupils in grades I to XII in the beginning of the 2005/2006 school year. According to various sources, including REIs, the total percentage of Roma children attending school in that age bracket was slightly over 10 % or about 90 thousand children.

250. REIs also reported that during the 2005/2006 school year, a total of 30,421 Roma children attended kindergartens and schools located within the larger separate urban Roma neighbourhoods. 2,464 of them were children in 24 kindergartens and the other 27,957 were pupils attending 65 schools.

251. During the 2006/2007 school year, according to information from REIs, approximately 10-11% of the pupils were of Roma origin. Out of these, about 27 000 attended schools located in separate Roma neighbourhoods and 40 000 in the single schools in rural locations with predominantly Roma populations.

252. Experts estimate that some 43,000 Roma children attend mixed schools in rural areas where single schools exist. However, a typical trend in these rural areas is the drift of the population of Bulgarian ethnic origin mainly to big cities, and less to foreign countries, as a result of which they remain populated mainly by Roma, and consequently Roma children prevail at schools there. The other (approximately 20,000) Roma children study in mixed schools in urban areas. These children come from families which are well integrated in Bulgarian society and do not need special integration measures.

253. According to the latest estimates, Roma pupils account for 19.7 % of all pupils in grades I to IV, but in some regions they may reach over 40 %. Their education and training is a very important and responsible, and at the same time, a quite complex and difficult task. The complexity and difficulties stem from the fact that Roma tend to concentrate in separate neighbourhoods and as a consequence the pupils in such neighbourhoods in effect form “Roma” schools. The importance and responsibility lie in the fact that only well educated people can successfully integrate in the economic, socio-political and cultural life of modern Bulgaria under the conditions of a functioning market mechanism. This makes the role of schools even more essential not only for the development of the knowledge and skills needed in modern life, but also for the development of appropriate models of interpersonal, inter-ethnic and social group relations, which make pupils better citizens.

Legislative, political and administrative measures of the Bulgarian Government aimed at full integration of Roma in education

254. The Ministry of Education and Science (MES) has undertaken the following actions to improve the educational level of Roma children and to ensure their access to schools outside Roma neighbourhoods:

(a) In 2004 and 2005, the Ministry drafted and adopted a long-term strategy and action plan for the gradual full elimination of separate schools in Roma neighbourhoods and prevention of any separate Roma pupils classes at mixed schools;

(b) In April 2004, the administrative rule providing for mandatory school enrollment of children based on residency was abolished in order to ensure easy access of Roma children to all schools in the community where they live. At present, the Law on Public Education enables parents/guardians to choose freely the school where their children will study;

(c) The Law on Public Education was amended during the 2004/2005 school year to ensure better preparation of children of Roma and Turkish origin for school by introducing mandatory one-year pre-school preparatory groups at kindergartens or preparatory classes for all the children before they go to grade I;

(d) Teachers who lacked the required education and qualifications were relieved of their posts;

(e) The kindergartens and schools attended predominantly by Roma children were identified. At the beginning there were 105 such schools in the whole country. As a result of restructuring of the school system and of integration projects their number was reduced to 64, the first located in the regional centers of Pleven, Ruse and Silistra;

(f) Schools outside the Roma neighbourhoods were identified, to which Roma children are being gradually re-orientated;

(g) The MES has elaborated and provided to local governments recommended models for the reform of the identified separate Roma schools in Roma neighbourhoods;

(h) Municipalities which have schools attended only by Roma pupils have been charged to develop, within the framework of the current government policy, their own plans, on the basis of the national ones, to gradually reintegrate Roma children and orientate them towards mixed schools outside Roma neighbourhoods;

(i) Municipalities have actually started closing down separate schools attended only by Roma pupils (the local governments most advanced in this respect are in the regional centers of Pleven and Ruse);

(j) Regional Education Inspectorates (REI) have assigned experts directly responsible for the integration of Roma children and the implementation of the annual plans in this sphere;

(k) The Ministry and REIs provide direct advice to any mayors and representatives of local governments, which may be lagging behind with the implementation of the government policy or in the enforcement of the anti-discrimination legislation;

(l) The position of "assistant teacher" was introduced in the education system and the training of persons from the Roma community has been organized to perform this job and facilitate the adaptation of Roma children at mixed schools. During the 2006/2007 school year, 64 teacher assistants from the Roma community worked in the secondary education system;

(m) The Government passed a decision to assist children from poor families by providing free textbooks and free breakfast at school for all children in preparatory groups at kindergartens or preparatory classes at school and for all pupils up to grade IV;

(n) At the end of 2003, the National Assembly adopted the Law on Protection against Discrimination. The Law provides that the Minister of Education and Science and local governments shall take all measures to prevent any racial (ethnic) discrimination at educational institutions. The Law also stipulates an obligation for the headmasters of those institutions to undertake effective measures preventing all forms of discrimination at school;

(o) Teacher training universities have introduced bachelor and master intercultural programmes in their curricula, focusing on the adaptation of Roma children in a mixed school environment. Three years ago, the University of Veliko Tarnovo introduced initial pedagogy with Roma language as a major for teachers in mother Roma tongue. At the same time, since its establishment in 2005 the National Pedagogical Centre and its regional structures have been offering short qualification courses for teachers to work in a multicultural environment. A total of 721 teachers were trained in 2006 and 49 courses on intercultural competences were planned for a total of 1000 participants in 2007;

(p) During 2006, 81 projects of non-governmental organisations were being realized at kindergartens and schools all over the country aimed at the development of positive attitudes and the consolidation of a suitable environment for the educational integration of Roma children;

(q) Anti-discrimination rules were drafted as amendments to school regulations, which were aimed at preventing any discriminatory acts based on gender, race, nationality, ethnicity, citizenship, origin, religion or faith. They were discussed with the REI experts in charge of the educational integration of children and pupils from ethnic origin at a working meeting in May 2006. In September 2006 these anti-discriminatory model rules were transmitted to all school headmasters and were included in the school regulations. These regulations were also included in the rules of kindergartens and service units and in the job descriptions of school personnel;

(r) The job descriptions of the teaching and non-teaching staff at schools have been reviewed in accordance with the Law on Protection against Discrimination;

(s) The MES created opportunities for Roma university students to pass their practice at the Regional Education Inspectorates within the framework of the MES Student Internship Programme. The initiative was broadly publicized through the REIs in all 28 regions of Bulgaria. There were applicants in 14 regions. Candidates were selected on the basis of the criteria announced in advance. Thus, fourteen university students of minority origin passed their three-month practice at REIs. This experience will enable the young people to carry out field work in connection with the educational integration of Roma children;

(t) Since March 2006 each issue of “*AzBuki*” newspaper has two special pages dedicated to dissemination of the MES initiatives related to the educational integration of children and pupils from ethnic minorities and local good practices in this sphere. The materials published in the newspaper are prepared with the involvement of the Roma organisation *Amalipe*.

255. In order to support children from socially disadvantaged families and to ensure the fuller inclusion of pupils of compulsory school age, under Council of Ministers Decree No. 82 of 09.02.2005 all children in kindergarten preparatory groups, in the preparatory class and in

primary education from grade I to IV are to receive textbooks and a meal at school free of charge, while all primary school children are provided with free transport to centrally located schools.

256. The MES drafted and provided municipalities with recommended integration models for Roma children in separate Roma neighbourhoods. In the course of implementation of the National Education Plan, the Regional Education Inspectorates draft plans, implement and report on activities to promote the educational integration of children and pupils from ethnic minorities.

257. As a result of the successful partnership between the MES and REIs with municipalities and non-profit organizations, over 3000 children of Roma origin were integrated in mixed schools in Vidin, Stara Zagora, Montana, Pleven, Sofia, Plovdiv, Sliven, Haskovo, Pazardzhik, Berkovitz, Peshtera and other towns around the country. Over 2000 teachers completed various forms of training to work with Roma children in an ethnically mixed environment.

258. In implementing activities to reintegrate children from auxiliary schools (including children of Roma origin who in the past were enrolled in them for social and not medical reasons), Comprehensive Pedagogical Assessment Teams (CPAT) were established in general education and vocational schools to assess the educational needs of disabled children and to transfer them to integrated teaching. Only children with severe and multiple disabilities are enrolled in special schools, including auxiliary schools. During the 2005/2006 school year a total of 7884 children were taught in 70 auxiliary schools. Ten auxiliary schools were closed in 2006 and two more in 2007. In the 2007/2008 school year, 58 auxiliary schools are in existence in the country, attended by 5929 children.

259. In August 2007 the Structural Funds and International Education Programmes Directorate at the MES conducted information days to call for project proposals under four programmes, one of which is entitled "Creating a Favourable Multicultural Environment for the Practical Application of Intercultural Education and Learning" amounting to a total of 5 574 116 BGN in financial support. The call for proposals was concluded on 05 October 2007 and the actual funding of the approved projects is planned to start by the beginning of the 2008 financial year.

260. In 2007, the MES drafted indicators and procedures for monitoring and evaluating the implementation of the aims and objectives of the Strategy and Action Plan on a national, regional, municipal, school and pre-school level. During March 2007, 230 administrative and pedagogical personnel from 11 municipalities were trained in implementing Bulgarian and European legislation on educational integration of children and pupils from ethnic minorities under an MES project entitled "Developing an Instrumentarium for the Educational Integration of Children from Minorities". Guidelines intended for REI and municipal administration experts and for head teachers were developed and issued, containing: a system of criteria and indicators for monitoring of progress and evaluation in the field of educational integration of children from ethnic minorities; an assessment of opportunities for implementing integration policies in schools; a review of international and domestic documents in the field of integration of a person belonging to ethnic minority; a development model for municipal and school educational integration plans; a glossary of the main concepts in the field of integration.

261. With the new administrative structure of the MES, a specialized department was established with the priority task of developing mechanisms for:

- Education and teaching of children and pupils with intercultural educational elements
- Integration of Roma children from separate Roma neighbourhoods in mixed schools and classes
- Overcoming any negative stereotypes and prejudice with regard to people who are different
- Promoting sensitivity among children and pupils towards, and skills for enhancing solidarity in a multicultural environment
- Promoting self-esteem among children and pupils with regard to their cultural identity

262. As mentioned, the Strategy for Educational Integration of Children and Pupils from Ethnic Minorities and the Action Plan for its implementation until 2009 were adopted in 2004. The Strategy contains several important priorities concerning Roma pupils:

- (a) Guaranteed right of equal access to high-quality education for children and pupils from the Roma community;
- (b) Preservation and development of the Roma cultural identity at schools;
- (c) Transformation of cultural diversity into a source and factor of mutual knowledge and spiritual development of young people, as well as development of an atmosphere of mutual respect, tolerance and understanding;
- (d) Full integration of Roma children and pupils through the reorganization of kindergartens and schools in the separate Roma neighbourhoods and creation of conditions for equal access to high-quality education outside them;
- (e) Optimization of the school network in municipalities comprised of small and dispersed settlements through, *inter alia*, support to the main schools there with a view to ensuring high-quality education in them.

263. The results from the implementation of the Strategy are as follows:

- The Ministry of Education and Science and REIs have further enhanced their partnership with non-governmental organisations and municipalities in Vidin, Stara Zagora, Montana, Pleven, Sofia, Plovdiv, Sliven, Haskovo and other cities undertaking a reorganization process of the Roma attended schools, with over 3000 children of Roma origin transferred by the beginning of the 2006/2007 school year to mixed schools to learn together with their Bulgarian classmates.
- Over three thousand Roma children have actually been taken out of separated schools and now they attend mixed schools together with their Bulgarian peers.
- More than 100 assistant teachers help the educational integration of Roma children at mainstream schools.

- Over two thousand teachers have been trained in various forms to work with Roma children in their adaptation to an ethnically mixed environment. A Deputy Minister has been appointed at the Ministry of Education and Science to specially deal with the education integration of children and pupils from ethnic minorities, as well as with the integration of children from minorities with specific educational needs.
- The Ministry of Education and Science has established a specialised department wholly dedicated to working for the integration of children and pupils from minorities.

Partnership of the Ministry of Education and Science with non-governmental organisations

264. The Advisory Board (AB) for the education of children and pupils from minorities, established at the Ministry of Education and Science in 2003, resumed its work in the beginning of the 2006/2007 school year. It is a standing consultative public-cum-state body under the Minister of Education and Science. Its main task is to draft and propose to the Minister of Education and Science documents and decisions in the field of the educational integration of children and pupils from minorities, with a special focus on Roma. It has 31 members, including representatives of non-governmental organisations working in this sphere, representatives of all larger ethnic minority groups in the country, representatives of the major teachers' trade unions, rectors of teacher training universities, and officials at the Ministry who are in charge of teaching in the mother tongue and the overall integration process of children and pupils from minorities.

265. In April 2006, *the Teachers for Extra-curricular Activities and Holidays Project* run by the Ministry of Labour and Social Policy was changed through the introduction of the new position of an assistant teacher because of the growing need for additional work with children from minorities, including Roma, with a view to their integration in the education process and the contacts between the ethnic community, parents and teachers. Unemployed Roma with secondary education or level three professional qualifications are appointed to these positions. While the project, envisaged the creation of 44 jobs for assistant teachers in 2006, 71 assistant teachers were employed all over the country within the framework of the project by 30 September 2006.

266. For the purposes of acquiring the professional qualifications of assistants in the raising and education of children, it was envisaged that unemployed Roma registered at the Labour Offices of the Manpower and Employment Directorates in Sofia, Lovech, Haskovo, Plovdiv, Russe, Montana and Burgas would be trained over the period from June to September 2006. Although the initial plans provided for the training of 50 persons, 96 unemployed Roma were involved in training by 30 September 2006.

267. An evaluation by the State Agency for Child Protection of all specialised childcare institutions in the country started on 18 September 2006 in connection with the implementation of *the mechanism for closing down, reforming or restructuring of specialised childcare institutions*. 144 institutions with 9,209 children - 46 % of whom of Roma origin, have been evaluated and serious progress has been reported by comparison with 2004 in the application of standards and criteria related to the quality of childcare in the social services provided there. In terms of some major criteria, such as individualized childcare, including the satisfaction of

cultural, religious, linguistic and ethnic needs, 71 institutions have been evaluated as very good. Very good evaluation has been given also to the opportunities for social integration and adaptation of children at 78 institutions.

268. The implementation of *Project PHARE BG 2003/004-937.01.03 Educational and Medical Integration of Vulnerable Minority Groups with a Special Focus on Roma* started in June 2006. The project is implemented by NCCEDI. It has been elaborated to ensure the implementation of measures within the framework of the priorities of the Framework Programme for Equitable Integration of Roma in the Bulgarian Society. The objective of the project is to improve the access of Roma to education and healthcare, and to strengthen the capabilities of the system to resolve the health problems of Roma communities.

Article 6

269. Article 57, paragraph 1, of the Constitution of the Republic of Bulgaria proclaims that the basic rights of the citizens shall be irrevocable.

270. Article 56 of the Constitution of Bulgaria provides that everyone shall have the right to legal defense whenever his rights or legitimate interests are violated.

271. A number of laws and specific provisions in domestic legislation uphold these constitutional guarantees.

272. According to Article 7 (2) of the Judiciary System Act “Citizens and moral persons shall be entitled to judicial protection that shall not be denied to them”.

273. Article 8 of the abovementioned law states that “the judicial system bodies shall apply the laws with precision and uniformity in respect to all persons and cases to which such laws are relevant. No limitation of rights or any privileges based on race, nationality, ethnicity, sex, origin, religion, education, convictions, political affiliation, personal or social status or patrimony shall be allowed in the discharge of functions of the Judiciary and in recruitment for the positions at judicial system bodies”.

274. The Civil Procedure Code stipulates in Article 4, paragraph 2, that: “The court shall provide the parties with equal possibility to exercise the rights granted to them. At the same time, the court shall implement the law correctly and equally in respect of all.”

275. The protection of citizen rights shall be carried out *ex officio* by the judiciary (though for certain minor violations complaints must be submitted to the judicial authorities). State bodies shall act *ex officio* to provide protection to citizens in cases of violations of their rights. However, every citizen, irrespective of his or her ethnic belonging, who considers that his or her rights have been violated, may request the intervention of a competent state body. In the case of a request being incorrectly addressed, the latter shall be re-addressed through official channels to the respective competent body.

276. Citizens whose rights have been violated, or are being violated, may request that the violations are stopped and their rights restored. They may also request financial or moral compensation. The kind of compensation shall be decided on the basis of the nature of the violation, its length, possibilities of restoring the rights thus violated, and other circumstance as well.

277. The court of law is the most efficient and widely resorted to method of protection of the rights of citizens and non-citizens. As mentioned, the Bulgarian legislation contains no restrictions on grounds of ethnic belonging for persons seeking legal protection and defense of their rights. Anyone may lodge a complaint to seek restoration of his or her rights, as stipulated by Article 97 of the Civil Procedure Code.

278. Since the setting up of the Commission for Protection against Discrimination (CPD) in 2005, anyone who believes that he has been subjected to discrimination may submit a complaint to the Commission (see above p. 23 and following in the present report).

279. In addition, the equal access of citizens to justice for the protection of their rights and legitimate interests, including those guaranteed by the *Law on Protection against Discrimination*, is ensured inter alia through the provision of effective legal aid as stipulated in the *Law on Legal Aid*, which entered into force on 1 January 2006. The law regulates the provision of legal aid in criminal, civil and administrative proceedings in all courts. The resources for financing legal aid come from the state budget. A special body in charge of legal aid, the *National Legal Aid Bureau*, has been set up. The Bureau is an independent government body established by law. Legal aid is granted for the opening of proceedings or bringing a case to court; the preparation of documents concerning the lawsuit; representation in court. The evaluation and decision as to whether the party to the proceedings can afford to pay a defense counsel or not is taken by the court depending on the income of the individual or the family, the property as stated in an affidavit, marital status, health condition, employment, age and other circumstances reported.

280. Furthermore, on 8 May 2003, the National Assembly adopted the *Law on the Ombudsman*, which entered into force on 1 January 2004, The Ombudsman was elected by the National Assembly in April 2005.

281. As an independent institution with the aim of upholding the rights and freedoms of citizens whenever these may be violated by central or local government authorities and their administrations, the institution of the Ombudsman is an additional mechanism for promotion and protection of the citizens' rights and freedoms. It complements the existing infrastructure, e.g. the parliamentary control, constitutional jurisdiction, judicial and administrative control, control through the media and non-governmental organizations, etc.

282. Likewise, various municipalities have appointed local ombudsmen, under the *Law on Local Government* and *Local Administration*, to serve as public advocates or intermediaries with the local communities. In some municipalities these ombudsmen focus mainly on the protection of the rights of locally residing persons belonging to minorities, Roma in particular.

Article 7

283. The Republic of Bulgaria pursues a consistent foreign policy, based on the principles and purposes of the Charter of the United Nations, and the norms of international law, and in accordance with Bulgaria's obligations as a member of the Council of Europe. The Republic of Bulgaria adheres strictly to its well-established policy of good-neighbourly relations and cooperation.

284. Bulgaria shares the understanding that inter-cultural dialogue contributes to building a more stable, just and peaceful world by promoting understanding, tolerance and friendship among peoples and individuals, in all their diversity.

285. The Bulgarian authorities aim at channelling diversity towards constructive pluralism and facilitating the establishment of state and societal mechanisms to promote harmonious interaction between the various cultures in Bulgarian society. In these efforts, state authorities, civil society and media have specific roles to play, in promoting tolerance, inclusiveness, cohesion and equality allowing all individuals to celebrate their diversity within an accepted social-democratic framework.

286. In implementing Article 7 of the International Convention the Republic of Bulgaria takes into consideration the CERD Working document on Article 7, prepared by two members of CERD (Mrs. Shanti Sadiq Ali and Mr. Ivan Garvalov) and two members of the UN Sub-Committee on Prevention of Discrimination Protection of Minorities (Mr. Jose Bengoa and Mr. Moustafa Mehedi), document - E/CN.4/Sub. 2/1998/4, 10 June 1998).

287. A number of new laws have been passed which have a direct bearing on Article 7 of the International Convention:

- Law on public libraries
- Law on protection and development of culture
- Law on copyright and similar rights

288. Education

- *The Law on Public Education*, in its Article 8 (2) provides that “the students for whom the Bulgarian language is not a mother tongue, shall have the right to study their mother tongue at the municipal schools under protection and control on behalf of the state”
- *The Law on the Degree of Education, the General Education Minimum and the Educational Plan*, in Article 15 (3), additional education on subjects of the cultural - education fields, and/or of the professional education corresponding to the interests and the individual capabilities of the students and of the schools, including the studying of the mother tongue and religion”

289. In 2004, the MES adopted the “Strategy for Educational Integration of Children and Students from Ethnic Minority Groups”⁶⁴ which was supplemented by follow-up action plans the school years 2004/2005 and 2008/2009.

290. Based on the monitoring of the initial implementation of the National Strategy further activities were outlined in the National Action Plan, namely:

- To provide various means for kindergarten and elementary level students to learn about the history and culture of ethnic minorities
- To integrate intercultural education in the curricula of the humanities courses
- To examine existing curricula, with a view to eliminate any references to ethnocentrism, negative stereotypes and hostile speech
- To organise annual seminars to train teaching staff in intercultural education and human rights
- The Ministry of Education and Science is to create an electronic library and database which will contain information related to intercultural education
- The Ministry of Culture and municipalities are to prepare an ethno-cultural calendar for the school year taking into account regional specificities and
- Schools and municipalities are to organise school trips which would help acquaint students with the different ethnic-cultures in Bulgaria

291. Both the National Strategy and the Action Plan took into account the recommendations of relevant non-governmental organizations.

292. In 2005, a specialised Directorate on Educational and Cultural Integration was established within the structural division at MES responsible for secondary education. This new Directorate, which has three sectors “Cultural Integration”, “Religion” and “Talents”, is directly involved in facilitating the integration of ethnic minorities in Bulgaria.

293. MES has also set up a Consultative Council on the Education of Children and Pupils belonging to ethnic minorities, as a state-public body for consultation, cooperation and coordination among MES, NCCEDI, other ministries and institutions and NGOs, working in the field of education. The objective of the Council is to support the formation and implementation of a national policy related to the integration of children and pupils from ethnic communities in Bulgaria, as well as the development of strategies and specific measures for educational policy in this regard.

⁶⁴ <http://www.ncedi.government.bg/MoES-STRATEGY.htm> and http://www.ncedi.government.bg/1_Action%PlanStrategyBGL.htm.

294. In line with the “Strategy for Educational Integration of Children and Students from Ethnic Minority Groups”, a special Center on educational integration of children and pupils from ethnic minorities was set up in 2006, which operates under a three-year Programme (2007-2010), managing the allocated budget resources and attracting additional assistance from interested donors. For 2007 the resources for supporting relevant projects amount to 1 million BGN. For the period 2007-2009, additional 2 534 000 Euro are envisaged to be spent on textbooks, teaching aids for pupils in preparatory, first, second and third class of education, and another 2 million Euro are allocated for scholarships to Roma students in the institutions for higher learning.

295. The elaboration of dictionaries, grammar books and training materials on minority history and culture in Bulgaria commenced with the active support of NGOs and lecturers in the field of minorities’ history and culture. The Inter-ethnic Initiative for Human Rights Foundation has prepared materials for pupils, from first to eleventh grade, in the form of 11 addendums to the text books in language, literature, history and music, with information about the Roma history and culture, as well as 5 methodical instruction manuals for the teachers in the respective subjects. The publications were endorsed by MES and have become regularly used training manuals. The Foundation has trained teachers from 35 schools, to work with these manuals, and has implemented a pilot project for their approbation in schools where Bulgarian and Roma children study.

296. The Human Rights Foundation has also initiated the creation of an educational programme for intercultural understanding, entitled the “Development of Intercultural Experience”, intended for work with younger pupils. It is a training programme to promote understanding through shared children’s experience, through intercultural dialogue in the class and mutual rights protection. It is intended for work in classes and groups, regardless of their ethnic composition and it is easy adaptable to different ethno-cultural environments.

297. The Balkan Foundation “Diversity” publishes manuals for studying the Roma language, as well as pedagogic manuals to assist the teachers who work in the Bulgarian language, but who also teach children from Roma and Turkish ethnic communities.

298. The year 2005 was proclaimed by the Council of Europe as *The European Year of Citizenship through Education*. The Bulgarian government was one of the initiators and most active participants of this programme. Representatives of key institutions and NGOs were involved in the implementation of the National Programme for the ‘Year’. Examples of actions undertaken within the elaborated National Programme for the “Year of Citizenship” are:

- Setting up sites of citizenship, i.e., centres promoting democratic development, allowing citizens to be directly involved in the decision-making process;
- Favouring innovative approaches, methods and strategies in EDC/HRE (Education for democratic citizenship/Human Rights education) aimed at furthering the inclusion of vulnerable social groups;
- Stimulating projects on non-violent conflict solving through dialogue, negotiation, co-operation and consensus-seeking methods as well as confidence-building measures;

- Developing specific EDC/HRE projects for regions that were involved in conflicts or that are socially disadvantaged; and
- Promoting active equal opportunities policies and gender mainstreaming in educational institutions, as well as developing partnerships.

299. Furthermore during *the European Year of Citizenship through Education - 2005* a special *Education Pack* was developed for training teachers and introducing the topics about citizenship education throughout schools in Bulgaria. Special training, workshops and summer academies were organized during 2005, focusing on tolerance and intercultural communication.

300. The State Agency for Youth and Sports (SAYS) is implementing a programme named “Holidays and Sports”, through which children and pupils are involved in sports and, at the same time, it creates opportunities for children and pupils from minorities to join their peers in sports activities. In 2006, out of 180,000 pupils involved in activities under this programme, 2% were of Roma origin, which was double the level reached in the second half of 2005.

301. SAYS is the coordinating body of the European Youth Campaign for Diversity, Human Rights and Participation *All different - All equal*, which is held in 46 countries at the initiative of the Council of Europe with the support of the European Commission and the European Youth Forum. The main goal of the campaign is related to the involvement of young people from various ethnic, religious, social and other backgrounds in combating instances of intolerance and discrimination. The following events took place within the framework of the campaign so far: European Youth Meeting to launch the campaign in Sofia in August 2006; Youth Event in Sofia in September 2006; seminars in 18 regional centers on the issues of civil society and human rights and education for equality and tolerance, with the National Youth Conference *All different - All equal* marking the end of the series of training sessions.

Culture

302. *The Law on the Protection and Development of Culture* provides the basic framework of the national cultural policy of the Republic of Bulgaria. **Art. 2** outlines the main priorities of this policy, i.e. “promotion of the cultural diversity at preservation of the unity of national culture”.

303. In *the* course of the National Cultural Policy Review (1996-1997), as well as at the National Debate on Bulgarian Cultural Policy (1998), the Bulgarian Government and the NGOs stressed their common view on minority cultures as integral parts of the national cultural heritage.

304. A Public Council on Cultural Diversity Issues was established and has been operating within the Ministry of Culture, as an expert and consultative body since 2002.

305. The Ministry of Culture offers financial support to various projects of cultural organizations of persons belonging to minorities, such as the Roma Cultural and Information Centre, the Roma Musical Theatre, etc. Also, in early 2003, two state cultural institutes were founded in regions with large Turkish communities: the Kadrie Lyatifova Institute in Kurdjali and the Nazim Hikmet Institute in Razgrad. Their mission is to create and stage musical, dance and theatre productions; to preserve and promote intercultural tolerance and dialogue.

306. The NCCEDI receives annual funding from the Council of Minister's budget, to support relevant projects elaborated by organisations representing the interests of persons belonging to minority groups. The following types of projects are eligible for funding:

- Cultural events such as arts festivals, exhibitions (fine arts, applied arts and crafts)
- Artistic groups and their activities such as 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
- Audio and video productions

307. Culture plays a key role in the Bulgarian National Action Plan on the Roma Inclusion Decade (2005 - 2015). The following activities have been envisaged:

- Support for programmes and projects for cultural and social integration at a municipal level
- Opening of new libraries, internet-clubs, schools, courses
- Support for artistic groups and others undertaking creative work
- Setting up, maintaining and supporting "chitalisthe" cultural clubs in the Roma districts
- Establishment of a "chitalisthe" resource centre for the Roma in Sofia, which would establish a Roma chitalisthe centres' network, through which consultations could be held, information exchanged and education programmes set up
- Creation of a Roma musical theatre
- Using audiovisual tools to record and document talented people in the area of Roma music, song, and dance, as well as those with traditional skills and crafts
- Creation and maintenance of a Roma culture web portal
- Improvement of the Roma's public image in the social, and particularly in the media space

308. Support to local cultural organisations and strengthening their capacity to act as local factors for mutual understanding and promoters of cultural diversity, is a tradition in Bulgaria. The community centres (called in Bulgarian “*chitalishte*”) are local arts and cultural centres which provide a large range of facilities and services.

309. International student exchanges are being organised in art schools, which are under the management of the Ministry of Culture.

310. At cultural policy level, Bulgaria was actively involved in the *Cultural policy and cultural diversity* project of the Council of Europe (2001-2003).

Information/media

311. Bulgaria has state- and private-owned radio stations and television networks providing national coverage, as well as numerous private radio and television stations providing local news coverage. Both the state-owned and private electronic media have numerous, mainly weekly, programmes for minority cultural groups.

Regulatory framework

312. Article 6 (3) of the Law on Radio and Television provides the following: “Public radio and television operators shall ... ensure, through their programme policies, the protection of national interests, universal cultural values, national sciences, education and culture of all Bulgarian citizens irrespective of their ethnic identity;”.

313. Article 7 (1) states as follows: “The Bulgarian National Radio (BNR) and the Bulgarian National Television (BNT) shall act, respectively, as a national public radio operator and a national public television operator, and as such they shall contribute to the development and popularization of Bulgarian culture and Bulgarian language, as well as of the culture and languages of citizens with different ethnic belonging;”.

314. Article 7 (2) also provides that: “The Bulgarian National Radio (BNR) and the Bulgarian National Television (BNT) operators shall not permit the creation or broadcasting of any shows or materials which violate the principles of Article 10 by insinuating nationalistic, political, ethnic, religious and racial intolerance ...”.

315. Article 10 stipulates that: “Broadcasts praising or exculpating cruelty, or violence shall not be allowed;”.

316. Article 12 lists the cases in which programmes may be broadcast in a language other than the official one: “The programmes or individual broadcasts of the radio and television operators can be in other languages when:

- (a) They are broadcast with educational purpose;
- (b) They are designated for Bulgarian citizens whose mother tongue is not Bulgarian;

- (c) They are designated for listeners or viewers from abroad;
- (d) Foreign radio and television programmes are retranslated”.

317. According to Article 17, paragraph 2, “Radio and television operators shall not allow the production or provision, of broadcasts violating the principles of Article 10, as well as broadcasts insinuating and inciting national, political, ethnic, religious, and racial intolerance ...”.

318. Article 76, paragraph 2: “No advertising based on national, ethnic, religious, racial, sexual, or other discrimination shall be permitted.”

319. Under Article 122, a license shall be revoked in case of gross violations of the provisions of Article 10 of the Law on radio and television.

320. Article 126, paragraph 1, provides in cases of violations of the Law on radio and television for pecuniary sanction to the amount of BGL 2 000 to 15 000 (EUR 1, 000 to 7,500 approximately).

321. As of 2000, following the provisions of the Law on radio and television, Channel One of the Bulgarian National Television introduced a ten-minute daily information broadcast in Turkish. The Bulgarian National Radio broadcasts twice daily two 30-minute information and musical programmes for those regions in Bulgaria where there are sizeable numbers of Bulgarian citizens of Turkish origin.

322. One of the most popular private radio stations, DARIK Radio, has a regional programme in Turkish, which is being broadcast from the town of Kurdjali. Other private TV and radio operators have introduced similar broadcasts and programmes.

323. The Council on Electronic Media (CEM) included programmes for minorities in the procedures for issuing licenses. CEM encourages broadcasts and programmes in mother tongue, particularly in regions with mixed population. E.g. CEM issued a license for broadcasts in Romani to a TV Cable operator in the city of Vidin for the needs of the Roma community. A similar license has been issued to another TV Cable operator in the city of Razgrad, for the needs of the Turkish community.

324. The Council on Electronic Media (CEM) maintains constant observation on nation-wide and regional TV operators with a view to their adherence to the principles governing TV programme policy.

325. All printed media in the Republic of Bulgaria are private. In accordance with the principles of the freedom of expression and dissemination of information, which are guaranteed by the Bulgarian Constitution, no state institution shall exert control over the scope and size of the information, subject matter and different forms of presentation.

326. In the conditions of the free market economy private printed media of different ethnic communities often face financial difficulties. This is the reason for their relatively small circulation and distribution. Some of them can afford to publish in both mother tongue and Bulgarian. This practice was established already at the beginning of the nineties.

327. Minority community printed publications since 1989:

- *Yerevan*, a political, cultural and information weekly, published in Armenian by the Association of Armenian Cultural and Educational Organizations, since October 1944
- *SHTIT* (Shield), a weekly political publication in Armenian and Bulgarian of the HAMA ZKAIN Armenian Union for Education and Culture, since October 1991
- *ARMENTZI* (Armenians), a monthly publication in Bulgarian on issues of politics and history; since November 1991
- *Timpul Armanli*, a monthly bulletin, published in Bulgarian and Aromanian on the Aromanian language and culture, since 1993
- *Timpul*, published in Bulgarian and Romanian by the Vlah Association in Bulgaria, since 1993
- *Evreiski novini* (Jewish News), published in Bulgarian by the Jewish National Front, the Central Jewish Congregation in Bulgarian, the Shalom organizations of Jews in Bulgaria, and the Association of cultural and educational organizations of Jews in Bulgaria, since 1944
- *Barberan*, published in Bulgarian by the restored Ashomer Azair Jewish organizations, since 1993
- *Roma*, published in Bulgarian by the Roma Democratic Alliance in 1990-1991
- *Glas Gospoden* (The Voice of God), published by Roma and Turkish Christian groups from 1991 to 1996
- *Tziganite* (The Gypsies), an independent newspaper, published in Bulgarian by the Roma Democratic Alliance from May 1992 to May 1993
- *Romite* (Roma), published in Bulgarian by the Roma Democratic Alliance in Sliven, from 1992 to 1993
- *Romski priyatel* (A Friend of the Roma), published in Bulgarian as a separate page about the Roma in the weekly *Stolitzata* (The Capital City), since 1994
- *Roma sartze* (Roma Heart), a monthly in Bulgarian, published by the Roma Centre for Studies of Minorities and International Relations, 1993-1998; a separate page on children was published from 1996 to 1998
- *Drom Dromendra*, an independent monthly newspaper, published in Bulgarian, since 1995
- *Obshtestvo i strana* (Society and Country), a monthly newspaper, published by the Roma Independent Alliance in Varna, since 1995

- *Romska дума (Roma Word)*, published in Bulgarian by the Ministry of Culture
- *Zhitan*, an independent monthly magazine published in Bulgarian since 1998
- *Vutre (Inside)*, an independent monthly magazine, published in Bulgarian with parts in Romani, since 1999
- *Romani Dai*, an independent magazine since 1999, published in Bulgarian
- *Romano Obektivno (Romano Objective)*, published in Romani since 1996, renamed to *Objective* in 1998; a publication of the Bulgarian Helsinki Committee; there is also an annual edition with a synopsis in Bulgarian
- *Musulmani (Muslims)*, in Turkish, a fortnightly publication by the Chief Mufti's Office in Bulgaria; since 26 April 1990. There is also an edition in Bulgarian
- *Svetlina (Yashik in Turkish, Light)*, a fortnightly in Turkish and Bulgarian, published in 1990-1992
- *Prava i Svobodi (Rights and Freedoms)*, a weekly about politics and culture, in Turkish, belongs to the Movement for Rights and Freedoms. Published by the Integration Studies Institute since 1998. First published from December 1990 to March 1996. There was a separate publication in Bulgarian
- *Vyara (Güven in Turkish, Hope)*, an independent weekly about culture and information, published in Turkish and Bulgarian, from April 1992 to April 1996
- *Djur-djur shturche*, a magazine for children, published in Turkish and Bulgarian from 1992 to 1996
- *Filiz*, a weekly for children, published in Turkish by the Movement for Rights and Freedoms from 1992 to 1996, and as an independent publication since December 1996
- *Balon (Balloon)*, a monthly magazine for children in Turkish since 1994
- *Nadezhda (Hope)*, a monthly magazine for education and culture, published by the Balkan Federation for Education and Culture, since 1995
- *Kainak (Spring)*, a monthly publication by the Turkish Cultural Centre in Bulgarian, since 1999
- *Periodicals of different religious denominations*
- *Christiyanska missal (Christian Thought)*, published in Bulgarian by the Seven Day Adventists
- *Christiyanski vestnik (Christian Newspaper)*, a monthly, published in Bulgarian by the Bulgarian Church of God

- *Blagovestitel (Bearer of Good News)*, a monthly, published in Bulgarian by the Pentecostals Alliance
- *Zornitza (Morning Star)*, a monthly publication in Bulgarian of the Congregations Church
- *Vitania*, a monthly publication of the Baptist Church in Bulgaria
- *Christiyanska nadezhda (Christian Hope)*, published in Bulgarian four times a year by the Lutheran Church
- *Strazheva Kula (Watch Tower)*, a monthly publication in Bulgarian published by the Jehovah Witnesses

328. NGOs such as the Open Society Foundation, the Interethnic Initiative for Human Rights, SEGA, and the International Centre for Minority Studies and Intercultural Relations, provide support for periodicals, media events and live performances of various cultural groups.
