



09 April 2003

ACFC/SR(2003)001

**REPORT SUBMITTED BY BULGARIA
PURSUANT TO ARTICLE 25, PARAGRAPH 1
OF THE FRAMEWORK CONVENTION FOR
THE PROTECTION OF NATIONAL MINORITIES**

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PART I

A general outline of the current State policy concerning the protection of national minorities

The Republic of Bulgaria pursues a policy of ensuring the enjoyment of the basic human rights and fundamental freedoms. To this end, Bulgaria is determined to be guided by the principles, enshrined in the *Framework Convention for the Protection of National Minorities*.

After the start of the democratic changes in 1989, the Republic of Bulgaria was faced with two fundamental challenges in the field of human rights. The first was to do away with the policies of suppression of basic human rights and fundamental freedoms. The second was to guarantee full observance of, and respect for, human rights, in conformity with the country's new Constitution, the amended legislation, harmonized with the international treaties on human rights, the reformed institutions, and improved administrative practices.

One should add also building and improving civil society, and acquainting it with the requirements of the international standards on human rights and the need to observe them.

Bulgaria adheres to the understanding that the protection of minorities is brought about by means of providing full guarantees of the individual rights and freedoms of persons belonging to them.

Despite the difficult heritage from the communist policies to assimilate minorities prior to 1989, a successful model of inter-ethnic relations has been established in Bulgaria for the past 13 years, based on the principles of civil society and pluralistic democracy. Its essence consists in resolving minority problems through the maintenance of balance and harmony between the principle of integrating minorities into civil society and the principle of protecting their ethnic, religious and linguistic identity.

The Constitution of the Republic of Bulgaria embraces the concept of the nation as a civil one, where the national community is conceived as consisting of all citizens of the state. A number of constitutional texts emphasise this point. For instance, according to Article 92 (1) of the Constitution, the President "shall embody the unity of the nation." According to Article 116 "civil servants shall be the executors of the nation's will and interests". Article 167 refers to the state banner as "the national flag". Article 10 speaks of "national referendums" which shall be "held on the basis of universal, equal and direct suffrage", etc.

At the same time, the Constitution takes into account the ethnic, religious and linguistic diversity existing in the state. Two judgements by the Constitutional Court are explicit in this respect. Judgement No. 4, dated 21 April 1992, states as follows:

"Having been based upon the idea of the unity of the Bulgarian nation, the Constitution of the Republic of Bulgaria at the same time recognizes the existence of religious, linguistic and ethnic differences, and their bearers as well. A number of constitutional provisions are explicit in this respect (see Article 37, paragraph 1, which speaks of "tolerance and mutual respect among the believers of different religions", Article 36, paragraph 2, which mentions "citizens whose mother tongue is not Bulgarian", Article 44, paragraph 2, which bans organisations whose activities are aimed at inciting "...national, ethnic or religious enmity", and Article 54,

paragraph 1, which establishes a person's right "to develop his own culture in accordance with his ethnic self-belonging")."

Judgement No. 2, by the Constitutional Court, dated 18 February 1998, re-emphasized the same idea:

"Proceeding from this constitutional basis, and insofar as the existence of a given ethnic, religious and linguistic minority in the Republic of Bulgaria is not dependent on any state body's decision, but requires evidence of objective criteria, within the meaning of the *Framework Convention* its subjects as protected persons shall be all citizens of the Republic of Bulgaria, who belong to ethnic, religious and linguistic minorities of the country. Moreover, not only all Bulgarian citizens shall be vested with basic human rights and freedoms, but also foreigners residing in the Republic of Bulgaria (Articles 26 and 27 of the Constitution)."

This model typifies present-day Bulgarian society. Both state and non-governmental institutions pay due deference to it and work towards its consolidation.

CONSTITUTIONAL FRAMEWORK

The Constitution of the Republic of Bulgaria (1991) proclaims and guarantees the basic human rights and fundamental freedoms, and reiterates human values, such as freedom, peace, humanism, equality, justice and tolerance. It also enshrines as a supreme principle the rights of the human being, his and her dignity and security. Simultaneously, the Constitution declares it an irrevocable duty for all citizens of the Republic of Bulgaria to preserve the national and state unity, and further resolves to create a democratic and social state with a rule of law.

Chapter One of the Constitution enunciates the fundamental principles, which include those having a direct bearing on the subject of the present report, namely:

Bulgaria shall be a republic with a parliamentary form of government, in which the entire power of the state shall derive from the people (Article 1, paragraphs 1 and 2); No part of the people, no political party, nor any other organisation, state institution or individual, shall usurp the effective implementation of the popular sovereignty (Article 1, paragraph 3);

The Republic of Bulgaria shall be a united state with local self-government. There shall be no autonomous territorial formations (Article 2, paragraph 1);

The official language of the Republic shall be the Bulgarian language (Article 3);

The Constitution is the Supreme Law and no other law shall contravene it (Article 5, paragraph 1). The provisions of the Constitution shall be directly applicable (Article 5, paragraph 2);

All persons are born free and equal in dignity and rights (Article 6, paragraph 1). All citizens shall be equal before the law. There shall be no privileges or restrictions 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 (Article 6, paragraph 2);

There shall be no formation of any political parties on ethnic, racial or religious lines, nor parties which seek the violent usurpation of state (Article 11, paragraph 4);

Religions shall be free (Article 13, paragraph 1). Religious institutions shall be separate from the State (Article 13, paragraph 2). Eastern Orthodox Christianity shall be considered the traditional religion in the Republic of Bulgaria (Article 13, para. 3); Religious institutions and communities, and religious beliefs, shall not be used for political ends (Article 13, paragraph 4);

Chapter Two of the Constitution, entitled *Fundamental Rights and Obligations of Citizens*, contains the provisions which reaffirm these rights and freedoms, and which are fully in conformity with the letter and spirit of the international human rights instruments:

No one shall be subjected to torture or to cruel, inhuman and degrading treatment, or to forced assimilation (Article 29, paragraph 1, Article 4, paragraph 2, and Article 6, paragraph 2);

The study and use of the Bulgarian language shall be a right and an obligation of every Bulgarian citizen (Article 36, paragraph 1). Citizens whose mother tongue is not Bulgarian, shall have the right to study and use their own language alongside with the compulsory study of the Bulgarian language (Article 36, paragraph 2);

The freedom of conscience, the freedom of thought and the choice of religion and of religious beliefs or atheistic views, shall be inviolable. The state shall assist the maintenance of tolerance and respect among believers from different denominations, and among believers and non-believers (Article 37, paragraph 1). The freedom of conscience and religion shall not be practiced to the detriment of national security, public order, public health and morals, or of the rights and freedoms of others (Article 37, paragraph 2);

Citizens shall be free to enter into associations (Article 44, paragraph 1);

No organization shall act to the detriment of state sovereignty and territorial integrity, and against the unity of the nation, nor shall it incite racial, national, ethnic or religious enmity, nor violate the rights and freedoms of citizens; no organization shall establish clandestine or paramilitary structures, nor shall it seek to attain its goals through violence (Article 44, paragraph 2);

Everyone shall be entitled to avail himself of the national and universal human cultural values and to develop his own culture in accordance with his ethnic self-identification, which shall be recognized and guaranteed by law (Article 54, paragraph 1);

The fundamental rights of citizens shall be irrevocable (Article 57, paragraph 1);

Obligations established by the Constitution and the law shall not be defaulted upon on grounds of religious or other convictions (Article 58, paragraph 2);

The Constitution proclaims equality as a universal value, along with freedom, peace and humanism. Article 6, paragraph 2, guarantees the equality of all citizens before the law. This principle is one of the foundations of civil society and state. It is a common principle for the entire legal system of the Republic of Bulgaria, namely, the equality of citizens before the law, and no restrictions of rights, or privileges based on race, nationality, ethnic belonging, gender, origin, religion, educational level, convictions, political affiliation, personal and social status or wealth.

Equality before the law, as a basic human right of citizens, is also guaranteed in a number of other constitutional provisions. It has been specified with respect to certain other rights and freedoms, such as equal legal rights when engaging in economic activities for all citizens and corporate entities (Article 19, paragraph 2), equal rights and obligations in matrimony and family (Article 46, paragraph 2), equal rights of children born out of wedlock with those born in wedlock (Article 47, paragraph 3), banning extraordinary courts (Article 119, paragraph 3), courts shall ensure equality and mutual challengeability of the parties to a judicial trial (Article 121, paragraph 1).

NATIONAL LEGISLATION

Since 1990, Bulgarian national legislation has gone through most decisive changes with the adoption of new laws and amending existing ones, and other legal acts, which directly affect basic human rights and fundamental freedoms of persons belonging to national minorities (See Annex No. 3)

Following the parliamentary elections of 17 June 2001, a government was formed, led by the National Movement of Simeon the Second (NMSS) in coalition with the Movement for Rights and Freedom (MRF).

Chapter Eight of the NMSS pre-election programme, entitled “Bulgarian national cultural policy in the era of globalization”, represents the State’s cultural policy as an integral part of the Bulgarian Government with regard to the various ethnic and cultural communities living together in the country. It is precisely through cultural dialogue and guaranteeing the right to public manifestation of the cultural diversity, that this policy has been contributing to the modern state of relations, and to the potential for cooperation among Bulgaria’s different ethnic and cultural communities. The platform explicitly provides for “the preservation and promotion of the culture of different ethnic groups and religions.”

In its pre-election programme, the MRF, as the coalition partner, has a special section devoted to minorities. It states that “a priority objective of the MRF policy is the protection of minorities and their integration into civil society; on this premise, the promotion of good inter-ethnic relations as a *sine qua non* condition for the country’s prosperity, and particularly, for Bulgaria’s successful integration in the European and Euro-Atlantic processes of unification. This aim is a national priority, which calls for reaching and implementing a broad social consensus to achieve a national strategy”.

Further the MRF pre-election programme formulates three fundamental directions of concrete practical activity:

“First, bringing to a conclusion the process of restoration of all rights, violated as a result of long years of a policy of assimilation and discrimination.

Second, restoration and creation of suitable conditions of expression, preservation and promotion of the ethnic, cultural, linguistic and religious original character of national minorities.

Third, taking suitable measures to promote educational, cultural and social and economic status of minorities, with a view to achieving complete and effective equality between them and the majority.”

In October 2001, the Council of Ministers made public a government programme, entitled “The people are the wealth of Bulgaria”. The programme featured a special section on the “Integration of minorities”, and set the following objectives:

- Synchronizing domestic legislation with European standards of human rights and the protection of minorities,
- Political, social, economic and cultural integration of minorities in Bulgarian society,
- Building an adequate institutional mechanism, which should comprise different authorities at all levels with clearly defined responsibilities and powers,
- Consistent and effective application of the *Framework Convention on the Protection of National Minorities*.

The inauguration of the newly elected President, Mr. Georgi Purvanov, and Vice-president, Mr. Angel Marin, of the Republic of Bulgaria took place on 22 January 2002. In their pre-election platform, President Purvanov and Vice-President Marin declared that “the President shall have defend the Bulgarian ethnic model, which is founded on ethnic and religious tolerance”.

INFORMATION ON THE STATUS OF INTERNATIONAL LAW IN DOMESTIC LAW

According to Article 5, paragraph 4 of the Constitution, “ any International agreements ratified in the constitutional order, promulgated and having come into force with respect to the Republic of Bulgaria, shall constitute part of the country’s legislation. They shall supercede any norms of domestic legislation stipulating otherwise”.

INFORMATION ON WHETHER THE STATE IS UNITARY OR FEDERAL

The Constitution rules that the Republic of Bulgaria is a unitary state with local self-government, and that there shall be no autonomous territorial formations (Article 2, paragraph 1).

According to Article 1, paragraph 2 of the Constitution, the entire power of the state shall derive from the people. The people shall exercise this power directly and through the bodies established by this Constitution. It is worthwhile mentioning also that the Constitution does not allow any part of the people, any political party or any other organization, state institution or individual, to usurp the expression of the popular sovereignty (Article 1, paragraph 3).

BRIEF REVIEW ON THE COUNTRY’S HISTORIC DEVELOPMENT WITH REGARD TO MINORITIES

The Bulgarian State on the Balkan Peninsula was created around 680-681, on the basis of a state unification of Bulgarian and Slav tribes. The juridical recognition of the Bulgarian State was

concluded in the summer of 681, following a peace treaty between the Bulgarian Khan Asparuh, who headed the unification, and emperor Constantine IV Pogonat of the Byzantine. For scores of years there followed a process of nation-formation, embracing the Bulgarians, who had settled down to the north and south of the Danube, the Slav tribes living on the territory of the new State, and the Thracian population as well. At the same time, there were a number of Greek City-colonies along the Black Sea coast.

The Bulgarians adopted the Eastern Orthodox Christianity around 863. In 865, the Slavic alphabet was created which in the following years established itself within the educational, literary and administrative fields, and for educating the clergy as well.

Around the tenth century, the Bulgarian State was already consolidated, with a homogeneous population, sharing common characteristics, such as language, literacy, and religion, a rich popular culture and a well-formed market tradition.

In 1396, the Ottoman Empire conquered Bulgaria. Between the 15th c. and the 18th c., Islamic Turks, who were the basic population in the Ottoman Empire, settled down as colonists in the Bulgarian lands.

Beginning with the 15th c., Roma gradually began coming to the occupied Bulgarian lands. The Roma community was not homogeneous. The differences were the result of different periods of settling down, language, religion, traditions, etc. The greater part of the Roma, who settled down in the bigger cities (Plovdiv, Pazardjik, Burgas, Varna, etc.), adopted Islam as their religion. Other Roma opted for Christianity. A small part of the Christian Roma belong to the so-called–Aroumanian group.

1. From the Liberation to the end of World War Two (1878-1944)

In 1878, after the Russian-Turkish war, the Bulgarian State was restored as a Principality of Bulgaria, with Sofia as its capital. It included territories, which were inhabited mainly by ethnic Bulgarians. All along, there were various other ethnic and religious groups living in the country throughout all periods of its development.

In 1885, the Principality of Bulgaria was joined by Eastern Rumelia, which until then had remained an autonomous region with a strong self-government, within the Ottoman Empire. In 1908, the Bulgarian State declared its independence, and adopted the name of the Kingdom of Bulgaria.

In the period between the liberation and World War Two, the legal system of governing the state's attitude towards minorities, was based on the Constitution of the Principality of Bulgaria of 1879 (an extraordinarily democratic one for its time, having been drafted after Belgium's one), with the Berlin Treaty of 1878, the Bulgarian-Turkish Treaty of 1913 (Istanbul) and the Neuilly Treaty of 1919 as well.

The Constitution of 1879 proclaimed equality before the Law (Article 57) and a free exercise of religious faiths for all Bulgarian citizens and foreigners as well. It granted minority religious communities self-rule, yet establishing supreme supervision over them by the executive power. The Ministry of Foreign Affairs and Religious Denominations exercised this supervision.

On the grounds of this constitutional and international legal system, the statutes of the respective ecclesiastical communities constituted the fundamental acts, which governed the State's attitude towards minorities.

During the period between the Liberation and the end of World War Two, the Turkish minority enjoyed internal autonomy. It was manifested, above all, in a series of self-governing institutions, which ruled all the important aspects of Muslims' social life, such as the system of private schools and ecclesiastical matters, representation before the state authorities and the cultural and educational institutions. The Muslims top institution was the Chief Mufti's Office. Throughout this period, Turks¹ were regularly elected to the Bulgarian National Assembly (Parliament).

During the same period (from the Liberation to World War Two), religious courts maintained their competence to hear cases basically concerned with people's personal status (marriage, divorce, exercise of parental rights and alimony, and child support alimony). In 1938, they were stripped of these additional prerogatives, and were placed on the same footing as the remaining religious courts.

The education of minorities, Immediately following the Liberation, was arranged through a wide and autonomous network of private schools. Such schools existed for most of the minorities and at all educational levels, with the exception of universities. The teaching of the Bulgarian language was compulsory in minority schools. Some other subjects, such as history and geography, began to be gradually taught in Bulgarian. The material conditions and level of education in the Turkish schools were of extremely low standards. This provoked dissatisfaction with the small body of Turkish intellectuals. During the school year of 1894-1895, the average annual expenses for running a Turkish school rated nearly 12 times less than what was spent on a Bulgarian school. Illiteracy among the Turks was remarkably high between 1878 and 1944 (reaching 88% in 1926).

There was some improvement in the 1919-1923 period, when the government of the Bulgarian Agrarian People's Union came to power. The latter took effective steps in favour of the Turkish population, which was predominantly rural. The Agrarian Government's action was in line with the obligations assumed by Bulgaria with regard to the minorities under the Neuilly Treaty. In fulfillment of the new *Education Law of 1921*, energetic measures were taken to improve the status and material standards of Turkish schools, with a view to raising the standards of teaching. In 1918, an improvement of the educational standards was achieved also by the establishment of a two-year state-financed Turkish Pedagogical School, to train teachers. About 50 students graduated from it every year, until the school was closed down in 1928. In 1920, a special Inspectorate was set up for the Turkish schools. The most important educational establishment opened in Shoumen in 1923, namely, the "Nyuvvab" Muslim religious school. It was the only one in the Balkans, featuring a secondary five-year course, and a three-year higher educational one.

Following the military putsch of 1923, the financial state of private schools and the overall position of Turkish educational institutions deteriorated. After the putsch of 1934, the number of Turkish schools was severely reduced. In the mid-1920s there were more than 1480 elementary and secondary Turkish schools. During the 1936-37 school year, their number dropped to 585.

¹ Any further reference in the report to Turks, Roma, Jews, Armenians, etc., shall be taken to denote the Bulgarian citizens (nationals), belonging to the respective ethnic minority in Bulgaria

By the end of World War Two, only 460 elementary schools and 29 junior high schools remained. In 1934, the “Zveno” Circle government re-named a number of settlements. In just half a year, some 1900 Turkish names of towns and villages in the country, were replaced by Bulgarian ones. This was primarily done in areas of high percentage of Turkish population, such as the Ludogorie region in Northeast Bulgaria and the Kurdjali region in Southeast Bulgaria. The government proceeded to ban culture and sport societies, as well as a number of Turkish-language newspapers.

Until 1944, several attempts were made to change names and to convert to Christianity some Bulgarian Muslims and Roma. The most massive and forced campaign to give new names and to convert Bulgarian Muslims to Christianity was carried out in 1912-1913. Several years later, it was called off. A new campaign was launched on a more limited scale in 1942. It, too, failed two years later. The same year witnessed a forced change of names of Muslim Roma.

The October revolution and the subsequent Civil War in Russia gave rise to a wave of mass migration into Bulgaria. In 1922, some 50,000 White Russian émigrés settled in the country.

The Greek-Turkish war of 1919-1922, ending in a defeat for Greece, triggered a massive flow of Armenian refugees to Bulgaria. Some 25 000 Armenians found refuge in the country. Thus, their total number increased to some 36 000, according to the 1926 census.

During the World War Two, several laws and ordinances were enacted, whereby civil and political rights of the Bulgarian Jews were curtailed. A law on the protection of the nation introduced restrictive provisions on Jewish citizens' participation in a number of public domains, such as elections, state and military service, participation in non-profit organisations, etc. The law and the by-laws that followed established “Jewish” quotas in trade, industries and free-lance professions. More than 11,300 Jews from German-occupied and Bulgaria-administered regions of Thrace and Macedonia, officially known under the name of “new Bulgarian territories”, were deported and perished in the death camps. But attempts to deport Jews from what were then called “the old territories”, met with resolute resistance on the part of influential sectors of the Bulgarian public, in which the Bulgarian Orthodox Church took an active part. As a result, and following the successful turn of the military operations in favour of the Allies, some 50,000 Bulgarian Jews were spared from deportation to the death camps. After September 1944, the anti-Semitic laws and measures were immediately repealed and the rights of Bulgarian Jews were restored.

2. From 1944 until 1989

In the course of this period, the main concern of the authorities, dominated by the Communist Party, was to win over the minorities on the basis of the dominant ideology of Marxism-Leninism.

When the Fatherland Front government came to power in 1944, which severed the alliance with Germany and included Bulgaria in the anti-Nazi coalition during the final stage of World War Two, the Turkish minority was confronted with a two-pronged situation. On the one hand, this group of the population, neglected until then and at times even wronged, was offered the possibility of recovering its rights lost in the previous years, and of advancing in its development, thanks to the declared desire for modernization of the communist-dominated Fatherland Front. On the other, however, the new government distrusted the Turkish population.

Early in 1948, Georgi Dimitrov², addressing a session of the Central Committee of the Bulgarian Communist Party, set the task of deporting the Muslim population from the southern border regions, and to replace it with ethnic Bulgarian population. In August 1950, following the mass immigration wishes amidst the Turkish population, the Communist Party Politburo took a decision to deport 250 000 people to Turkey in the shortest possible period (3 months). In the course of this campaign, which ended in November 1951, some 155 000 people were deported

The two main legislative acts, marking and governing relations between State and minorities, were the 1947 Constitution and the 1971 Constitution. The 1947 Constitution guaranteed equality before the law and protection against discrimination, based on nationality, origin and faith, freedom to profess religion, the rights of everyone to declare his or her ethnic belonging, the right of national minorities to study their mother tongues and to develop their national culture. The 1971 Constitution no longer referred to 'national minorities'. The term was replaced by "citizens of non-Bulgarian origin". They were granted the right to study their own languages. The Constitution contained a provision which protected against discrimination, based on 'nationality, origin, religion, sex, race, educational and social status'. It also guaranteed the freedom of conscience and of religious traditions and rituals. Both constitutions prohibited political parties on the grounds of religion.

At the end of the 1940s, some 32 000 Jews emigrated to Israel. In 1946, about 5 000 Armenians immigrated to Armenia, and during the period 1965-1968, about 5 000 Armenians immigrated to the USA. There are no exact figures of the number of White-Russian émigrés deported to the Soviet Union.

Special efforts were made to education and combating illiteracy. The state nationalized minority' schools, yet at the same time, it substantially increased their number; in the early 1950s, Turkish schools exceeded 1000.

In the 1940s and 1950s, the Communist Party, imitating the policy of the Communist International, actively encouraged the Macedonian identity. It decreed that the 1946 and 1956 censuses should include Macedonians, even if it was necessary to use violence. In carrying out the decisions of the closed Tenth Plenum of the Central Committee of the Bulgarian Workers Party (Communists), a policy was pursued of making forced entries in the statistical data for some 200 000 persons, residing mainly in South-western Bulgaria.

The State stimulated the printed media and culture of minorities by financing their publications and cultural institutions. In April 1951, the Central Committee of the Bulgarian Communist Party (BCP) adopted a special decision on improving the overall conditions of the Turkish minority. Consequently, special quotas and scholarships were introduced to admit Turks to many educational institutions.

Although the totalitarian regime's policy towards ethnic minorities allowed some encouragement of their ethnic identity, though briefly, it was, from the very outset, outrightly repressive towards religious minorities. Only three religious denominations were officially recognised during that period, namely, the Bulgarian Orthodox Church, the Muslim and the Israelite religions. Their existence, however, was marginalized. Catholics and Protestants were reduced to symbolic existence after the frame-up trials in the late 1940s and early 1950s, when

² Prime Minister of Bulgaria, and head of the Bulgarian communist party

their spiritual leaders were summarily executed and imprisoned, leaving the two religious denominations without leaderships.

Very soon, however, the policy of encouraging the ethnic identity of minorities during the totalitarian period, was radically changed. This occurred after 1956 with the coming to power of the new BCP leadership, headed by Todor Zhivkov, which ruled the country over the entire period until 1989. In 1958, the BCP Politburo took a decision to merge Turkish and Bulgarian schools. Gradually, regional publications in minority languages were closed down, and later on some of the central ones followed suit. These policies were intensified 1967, when Todor Zhivkov formulated his thesis of a homogenous Bulgarian socialist nation. In 1968, the department for national minorities with the BCP Central Committee was closed down, only to be followed, in 1969, by another Politburo decision signalling the imposition of large-scale limitations on Turkish culture.

Although it was officially stressed that emigration to Turkey was unthinkable, because Bulgarian Turks were 'an inseparable part of the Bulgarian people', as of the mid-60s the Bulgarian state leadership entered into negotiations with the Turkish government, to conclude an emigration agreement, which was signed in 1968. About 130 000 people immigrated to Turkey over the period 1968 -1978.

In July 1971, the Secretariat of the BCP Central Committee took a decision, which marked the start of a campaign to rename Bulgarian Muslims. It ended in 1975, and covered several Turkish villages in the Central Rhodopi region, namely, Borino, Gyovren, Grohotno, etc. Local Communist party and the Ministry of the Interior structures were involved in the campaign.. In some places, especially in the areas of Gotse Delchev and Yakorouda, there was violence resulting in people killed by the authorities.

The Government's efforts to assimilate the Bulgarian Roma population proceeded at a more gradual pace. They started in the 1950s with a stage-by-stage renaming the Muslim Roma. The peak was in 1981, when the largest number of Roma was given new names. In 1958, a decree was issued whereby nomad Roma were forced to settle down permanently. At many places the authorities made efforts to improve the Roma living standards. These measures often proved ineffective, insufficiently consistent or ill planned.

Undoubtedly, the most flagrant violation of minority rights during the time of totalitarian regime was the campaign to change Turkish names by force in 1984-1989. It started under a decision, taken by a most immediate circle of top party higher-ups, when in the winter of 1984-1985 the identity papers of about 850 000 people were substituted by new ones. Armed forces and militia units, as well as all Communist party local activists were involved in this campaign. There were deportations, beatings, murders and various other abuses against Muslim ways of life and culture. Thousands of people were imprisoned for various terms, some of them summarily and without a sentence. Hundreds were locked up in the Belene concentration camp. Muslim cemeteries were desecrated, hospital files of patients with Turkish names were destroyed, and speaking Turkish in public places was strictly prohibited. Compulsory lists of 'Bulgarian' first names were introduced, and parents could choose the names for their newly born babies only from these lists. The process deteriorated into a vicious ideological propaganda, aimed at convincing both the Bulgarian and the international communities that it was a case of voluntary changing of names. The campaign provoked a mass exodus to Turkey of some 370 000 Bulgarian Turks, when the border was opened in June 1989. Part of them (around 155 000) subsequently returned to Bulgaria.

3. Post-totalitarian period

The first steps of democratic development after the fall of the totalitarian regime in November 1989 were linked with the restoration of ethnic and religious rights for the main minority communities in Bulgaria. In December 1989, the party and state leaderships took a decision to restore the names of all those, who had been forced to adopt new names during the years of totalitarian rule. Initially, under the *Law on Names of Bulgarian Citizens* of March 1990, the procedure provided for court registration, which was subsequently replaced by a more lax administrative procedure. At the same time, several amnesty laws were passed, by virtue of which those sentenced in connection with the name-changing campaign were released. The problem of their rehabilitation was finally resolved in June 1991, when the *Law on Political and Civil Rehabilitation of Persons Subjected to Repression* was enacted. Under it, all those sentenced and subjected to repression in any other manner during the totalitarian regime, were vindicated and had their sentences repealed. They were also financially compensated.

It took almost two years to resolve property problems and other social difficulties of those Bulgarian Turks who had immigrated to Turkey and later returned, and whose property had been sold under administrative pressure. This problem was finally resolved by a law passed in June 1992, whereby real estate ownership was restored to the former owners in all cases where a sale had taken place, while the new owners were compensated by housing or money.

Following the start of democratic changes, the ban was lifted from ethnic minorities to exercise their right to free association. Almost all of them formed civil associations. Some were successful in achieving the restoration of property of which they had been dispossessed in the past. Printed publications in minority languages also reappeared. Initially, some radio began broadcasts in Turkish, to be followed later on by a number of TV stations.

Since 1994, the subsequent governments of the Republic of Bulgaria have created special departments within the Council of Ministers to deal with the ethnic minority' problems. The current one is the National Council on Ethnic and Demographic Questions (NCEDQ).

Since 1991, municipal schools in Bulgaria have introduced mother tongue tuition for children of certain ethnic minorities. It is to be regretted that the process has not been always followed with the necessary consistency (see Article 14). Progress has also scored in the exercise of religious rights. The religious communities, banned by the totalitarian regime, have been restored and legal action has been initiated to restore their confiscated property. In addition, several scores of lesser religious denominations have been registered, among which certain new denominations, such as the Society for Krishna Consciousness, the Baha'i Community, Jehovah's Witnesses etc.

A negative development during the post-totalitarian period have been the attempts by the state to interfere in the internal affairs of the larger religious communities. The most serious interference by the state authorities in religious matters resulted in a split within the Bulgarian Orthodox Church, which has still not been overcome to date. As a result of interference in the internal affairs of the Muslim faith, a lawsuit by Hassan and Chaush v. Bulgaria was filed with the on which the European Court of Human Rights in Strasbourg, with the latter rendering a decision in October 2000. By this judgement, the Court barred effectively future similar interference attempts and recommended that Bulgaria introduced a comprehensive reform in legislation regulating relations between the state and religious communities.

The country's severe economic crisis has impacted unevenly different groups of the population. Among those most affected are the Roma and the Turkish minorities, whose educational and social and economic status is below the average for the country. This places them in an unequal position. The Turkish minority has suffered from the general economic recession in mountainous and semi-mountainous areas. The Roma communities were among the first to become unemployed following the restructuring of various enterprises. Both communities were adversely affected by the land reform whereby former cooperative land was restituted to its former owners. (see **Article 4, paragraph 1, Part II, Factual**, also specialised publications, such as *United Nation 200, Bulgaria, A General Assessment of the Country*, pp. 24-25, pp. 60-61; UNDP 2000, Development Cooperation Report. Bulgaria 1999, pp. 162-163; UNDP 2001, Early Warning Report, Bulgaria, pp. 9, 31; Ringold, Dena 2000, Roma and the transition in Central and Eastern Europe: Trends and Challenges. The World Bank, Washington, D.C., p. 11).

The situation has changed in a positive way, following the last parliamentary and presidential elections in 2001.

INFORMATION ON THE ETHNIC AND DEMOGRAPHIC STATUS OF THE COUNTRY

The ethnic-demographic indicators of the population of Bulgaria, are traditionally included in the censuses. Only once in the 120-year census history in Bulgaria (the 1985 census) were these indicators excluded.

As early as the first censuses (1887 and 1892) the indicators of "religion" and "mother tongue" were included. The indicator of "nationality" (in the sense of ethnic group) was included in the census at the end of 1900.

The 1946 census dropped the indicator of "religion", whereas the other two were kept until 1975.

The 1992 census included "ethnic group", "mother tongue" and "religion" as indicators. They were also included in the most recent census of March 1st, 2001, whereby data comparability was ensured. A new element, worthwhile emphasizing, is that in accordance with Article 5, paragraph 3 of the *Law on Population Censuses, Housing and Agricultural Farms* in the Republic of Bulgaria in 2001, people were free to answer these optional questions, unlike all previous censuses, which required compulsory answers.

The National Institute of Statistics issued "Instructions on the filling of census cards" in connection with the population and housing census on December 4th, 1992. The following definitions were given in the instructions.

An "**Ethnic group**" represents a community of persons related in origin and language and akin in ways of life and culture".

A "**Mother tongue**" is the language a person speaks best and uses customarily to communicate in his and her family (household)".

A "**Religion**" is a historically-conditioned affiliation of a person or of his or her parents and predecessors, to a given group of specific religious views".

The instructions indicated that those polled in a census should identify individually their ethnic group, mother tongue and religion. Reservations were confined only for the deaf and mentally retarded, and small children.

The 1992 census cards envisaged the following possible answers to the three ethnic and demographic questions:

‘Ethnic group: Bulgarian, Turkish, Roma, Tatar, Jewish, Armenian, Circassian, Gagaouz, others.’

‘Mother tongue: Bulgarian, Turkish, Roma, others.’

‘Religion: Eastern-Orthodox, Catholic, Protestant, Sunni Muslim, Shiite Muslim (meaning Alawites as a separate group), Judaism, Armenian-Gregorian.’

Representatives of Roma organisations objected to being called ‘Gypsy’ and their language “Gypsy”, insisting that the terms ‘Roma’ and ‘Roma language’ should be used.

The final official data published about the 4th of December 1992, according to demographic indicators of the population are enclosed in the Annexes.

In 1999 Bulgarian presented its observations in respect of the Second report on Bulgaria by the European Commission against Racism and Intolerance; it indicated that during the 1992 census, 10 803 persons identified themselves Macedonians, and 3109 of them declared Macedonian as their mother tongue. But delays in the official announcement of the data resulted in certain media publishing greatly exaggerated figures.

Information on the Bulgarian citizens of Muslim religion , and speaking Bulgaria as a mother tongue, was enclosed in a letter, dated 15 March 1993, by the National Institute of Statistics and addressed to the President of the Republic. The data included in that letter was based on a two per cent representative sample from the population census, and was therefore liable to contain stochastic (random) errors. The data revealed the non-homogenous character of ethnic self-determination of the group of Muslims, whose mother tongue is Bulgarian. According to the NIS data, 70 251 of them identified themselves as Bulgarian, 63 595 as Bulgarian-Muslims, and 25 540 as Turks.

On 10 February 2000, the National Assembly passed a *Law on Population Censuses, Housing Fund and Agricultural Farms* in the Republic of Bulgaria for 2001. According to Article 5, paragraph 3 of the Law, information on ethnic group, religion and mother tongue was optional. The officials engaged in collecting, processing, analyzing and distributing the information were under an obligation to keep the data confidential. The confidentiality obligation continues to be valid after the census was taken.

In connection with the 2001 census, the instructions of the NIS provided the same definitions on ethnic group, mother tongue and religion, as the instructions in connection with the 1992 census. Answering by ‘Refusing self-identification’ was considered admissible for all three ethnic-demographic questions (the methodology of the previous census was preserved in respect of the remaining points).

The following possible answers to the three ethnic and demographic questions were entered in the census cards, prepared for the census of 1 March 2001:

‘**Ethnic-demographic group:** Bulgarian, Turkish, Roma, (Gypsy) others, no self-identification.

‘**Mother tongue:** Bulgarian, Turkish, and Roma, others, no self-identification.’

‘**Religion:** Eastern-Orthodox, Catholic, Protestant, Sunni Muslim, Shiite Muslim (meaning Alawites as an independent group), others, no self-identification.’

The NIS stressed that no limitations existed for the self-identification of those entering their answers under ‘others’.

For the first time in 2001, persons from various ethnic minorities, particularly Turks and Roma in places predominantly inhabited by these two ethnic groups, were enlisted as census-takers.

The census results are enclosed in the Annexes.

Total population of the Republic of Bulgaria is 7 928 901;

Bulgarian ethnic group (6 655 210 persons, or 83.6% of the entire population) is the most numerous in the ethnic composition of the entire population of the Republic of Bulgaria.

Turkish ethnic group (746 664 persons, or 9.4%) comes in second;

Roma ethnic group (370 908 persons, or 4.6%) is third;

All the remaining ethnic groups is 69 204;

Persons, who have not self-identified themselves - 62 108.

Not shown –24 807.

Bulgarian is the mother tongue of the majority of the population, 6 662 850, or 84.8 % of the population. **Turkish** is the mother tongue of 720 136 persons, or 9.6 % of the population. **Romani (Gypsy)** is the mother tongue of 319 821 persons, or 4.1 % of the population. **Other mother tongues** were declared by 71 084 persons, whereas 45 454 have **not indicated any mother tongue**. 24 807 **did not enter any mother tongue**.

Christianity in the Republic of Bulgaria comprises the Eastern Orthodox, the Catholic and the Protestant (Evangelical) religions. They number 6 638 870 persons, or 83.87% of the population.

Muslim religion comprises the Sunnis and the Alawites. They number 966 978 persons, or 12.1 %.

Other religions were entered by 14 937.

283 309 persons **did not indicate any religion**. The percentage is the highest with Roma, 16.5, whereas it is 22.33 per cent with the Bulgarians, and 3.1 per cent with the Turks. 24 807 persons did not indicate anything.

INFORMATION ON THE EXISTENCE OF SO-CALLED MINORITIES IN THE FRAMEWORK OF MINORITY SITUATIONS IN CERTAIN REGIONS

According to the 2001 census data, the Turks are in the majority. In two of Bulgaria's 28 districts, those of Kurdjali and of Razgrad, whereas in all the remaining ethnic groups they are in the minority. Turks are in the majority also in some municipalities of Northeastern Bulgaria, namely, in the districts of Shoumen, Silistra, Turgovishte, Dobrich, Rousse, as well as in the districts of Burgas and Haskovo. The Muslims, whose mother tongue is Bulgarian, are concentrated mainly in the Rhodope Mountains, in the regions of Smolyan (where they exceed 50 % of the population, and the Bulgarian Christians are therefore in the minority). To a lesser degree they are also to be found in the districts of Kurdjali, Blagoevgrad, Pazardjik and Plovdiv; and also in several settlements in the districts of Lovech and Veliko Turnovo

BASIC ECONOMIC DATA SUCH AS GROSS DOMESTIC PRODUCT (GDP) AND PER-CAPITA INCOMES

Gross domestic product for **2001**

N		year 2001			
		Value in Current Prices	Relative share		Index of physical volume - year 2000 vs 1999=100
			in GAV	in GDP	
		x1000 BGL	%	%	%
1	Gross added value (2+3+4=5+6) by sectors of the economy:				
	Agriculture	26203965	100.0	88.5	103.7
2	Industry	3578633	13.66	12.1	100.5
3	Services	745755671	28.46	25.2	104.2
4	by type of ownership:	5167776	57.88	51.2	104.2
	Private				
5	Public	18781062	71.7	63.4	107.3
6	Correctives	7422903	28.3	25.1	95.5
7	Gross Domestic Product	3414125		11.5	106.7
8	(1+7=9+12+15+18)	29618090	0	100.0	104
	by elements of the end use:				
	end consumption (10+11)				
	Individually	25825194		87.2	104.5
10	Collectively	22920064		77.4	104.5
11	Gross capital formation (13+14)	2905130		9.8	104.7
12		6034693		20.4	-
13	in fixed capital	5259400		17.8	119.9
14	Fluctuation of reserves	775293		2.6	-
15	Foreign trade balance (16+17)	-2218153		- 7.5	-
16	Export of goods and services	16494176		55.7	108.5
17	Import of goods and services	18712329		63.2	113.0
18	Statistical margin	- 23644		-0.1	

EFFORTS TO ACQUAINT GENERAL PUBLIC AND STATE AUTHORITIES WITH THE *FRAMEWORK CONVENTION*

Prior to its ratification, the *Framework Convention* was published in some newspapers, including publications of the minorities, such as the Turkish newspaper ‘Prava I svobodi’ (Rights and Freedoms), the Armenian ‘Erevan’, the Wallachian ‘Vreme’ (Time), as well as in some specialised magazines, such as ‘Demokraticheski pregled’ (Democratic Review), ‘Mezhdunarodni otnoshenia’ (International Relations) and ‘Pravata na choveka’ (Human Rights). In 2000, the Information Centre of the Council of Europe published the *Framework Convention* and the *Explanatory Report* in a separate booklet. In 2001, they were included in a collection of documents, entitled “Protection Minorities”, and published by the Institute for Studies of Integration (circulation 3000). The *Framework Convention* was also published by the Foundation on Local Government Reform. These efforts notwithstanding, the *Framework Convention* has not been sufficiently popularized among the Bulgarian public. After it was signed and ratified, its contents has been discussed in public. In 1997, for instance, the International Relations (Mezhdunarodni otnoshenia) magazine dedicated an entire issue to it. A discussion took place in the country in the media, at conferences, in interviews, debates among political parties and public organisations, and specifically, among ethnic minorities. Inevitably, a number of diverging political views emerged, including opposition to its ratification.

The process of discussion in connection with the ratification of the *Framework Convention* by the National Assembly showed the degree of openness and democracy of Bulgarian society. The ratification is an indication of the commitment to the goals and provisions of the *Framework Convention* by state institutions, political parties represented in the National Assembly, non-government organisations and the overwhelming majority of the population. The ratification of the *Framework Convention* by the Republic of Bulgaria definitely brought about dynamism in the official policy, aimed at implementing its provisions.

CERTAIN VIEWS EXPRESSED BY MINORITY NON-GOVERNMENTAL ORGANIZATIONS (NGO) CONCERNING THE APPLICATION OF THE PRINCIPLES OF THE *FRAMEWORK CONVENTION*

This sub-chapter contains a summary of the views of the Public Council on Ethnic Minorities in Bulgaria, the Turkish Cultural Centre, United Roma Union, Roma Confederation – Europe, the Union of White Russians and their Descendants in Bulgaria, the Coordination Council of Armenian Organisations in Sofia, the Diocese Council of the Armenian Apostolic Church in Bulgaria, the Wallachian Association in Bulgaria, the Aromanian Language and Culture Centre in Bulgaria and the Aromanian Society, the Federation of Karakachan Cultural and Educational Societies in Bulgaria, the National Federation of the Greek Cultural and Educational Societies in Bulgaria. They all believe that it is necessary to do the following:

The general public should be as widely acquainted with the *Framework Convention* as possible;

Any manifestations of discrimination and prejudices on the part of the public and the media should be combated more effectively;

Engaging in specific actions for the fulfillment of the Framework Programme of Equitable Integration of Roma in the Bulgarian society. For this purpose, creating a sub-commission with the parliamentary committee on human rights.

Taking effective and specific measures to implement the government's Framework Programme for the integration of Roma in Bulgarian society;

Setting up a state agency for minorities;

More significant presence of minority representatives in the state administration;

More joint projects between the government and minority organisations. Better coordination with minority organizations in distributing funds on projects, financed by the World Bank, the PHARE Programme of the European Union and other donors;

Planning more funds for the protection and development of minority cultures;

Assisting the publication of textbooks of the mother tongue and the history and culture of minorities;

More broadcasts and greater participation of minority representatives in various media;

Increasing the number of explicitly mentioned ethnic groups in census –taking cards.

The entire census documentation should be prepared with the participation of the ethnic minorities in Bulgaria, and ethnic and demographic queries should not be 'optional'. (The National Institute of Statistics provided certain explanations to the effect that 'any restrictions on possible options are out of the question and that, in the cases when respondents have not clearly declared their ethnic groups, the census-taking card shall be marked by the code 04, which means 'Others', e.g. Armenian, Jewish, Wallachian, Russian, etc.) (Page 53 of the Instructions on Filling Census Cards).

PART II

Article 1

The protection of national minorities and of the rights and freedoms of persons belonging to those minorities forms an integral part of the international protection of human rights, and as such falls within the scope of international co-operation.

As a State Member of the United Nations (since 1955), the Republic of Bulgaria has been taking an active part in its work, particularly in its main human rights bodies, such as the General Assembly's Third Committee, ECOSOC and its Social Committee, the Commission on Human Rights, etc. Bulgaria is equally active in UNESCO, ILO and the other specialized institutions within the United Nations system.

Bulgaria has been taking an active part in the Council of Europe (since 1992), and the Organisation of Security and Co-operation in Europe (since 1975), and their human rights bodies and forums.

Bulgarian has taken an active part in all international UN forums on human rights and racial discrimination, namely, the three World conferences on racism, racial discrimination, xenophobia, and the World Human Rights Conference in Vienna, 1993.

Bulgaria is a Party to the basic international human rights instruments, drafted and approved by the United Nations and the Council of Europe (see Annexes)

The Republic of Bulgaria adheres strictly to the principles and rights proclaimed by the *Universal Declaration of Human Rights*, the *UN General Assembly Declaration on the Rights of People Belonging to National, Ethnic, Religious and Linguistic Minorities* (1992), the *UN General Assembly Declaration on the Elimination of all Forms of Intolerance and of Discrimination Based on Religion or Belief*, (1981), and the *UNESCO Declaration on Race and Racial Prejudices* (1978).

The international commitments assumed by the Republic of Bulgaria are in conformity with the fundamental constitutional principle, which commits the Bulgarian state to contribute “to the promotion of a just international order” (Article 24, paragraph 2 of the Constitution).

The access of Bulgarian citizens to justice is legally encoded in a number of legislative acts. According to the **Constitution** (Article 56) “Everyone shall have the right to legal defence whenever his rights or legitimate interests are violated or endangered. He shall have the right to be accompanied by legal counsel when appearing before an agency of the state”. According to Article 97 (1) of the **Civil Procedure Code (CPC)**, “each person can file a claim for the recovery of his right when it has been infringed upon, or to establish the existence or non-existence of a legal nexus or of a right, when he has an interest in that.” The law obliges courts “to examine and resolve all pleas submitted to them requesting protection and defence of personal and property rights (CPC, Article 2, paragraph 1). The Constitution, the *Law on the Ministry of the Interior* and the Code of Penal Procedure entitle every person to legal counsel, from the very moment of detention or indictment served to that person.

Conditions for the law guarantees obtaining free-of-charge legal counsel. Article 5 of the *Law on State Fees* regulates the exemption from state fees in civil suits for a definite category of persons in financial difficulty, and for certain claims, regulated by the law. Article 35 of the *Law on Defence Counsel* lists the cases when free-of-charge legal counsel can be obtained. They are as follows:

- (1) Lawyers provide free legal services to:
 1. Persons in material difficulty;
 2. Persons entitled to allowances and alimony.
- (2) Lawyers may provide free legal services to close friends and relatives, or to another lawyer.

The amount of legal and procedural costs is of decisive importance for citizens’ access to courts. The law fixes the amount of legal fees in the Republic of Bulgaria within reasonable limits. The law grants courts the freedom to waive entirely or partially fees to persons in financial difficulties. In addition, there are special programmes providing full access to legal counseling through the so-called “legal clinics”.

Article 70 paragraph 1 of the *Code of Penal Procedure* rules the compulsory participation of a defence counsel in every lawsuit;

Art. 70 (1) Participation by a defence counsel in the penal procedure is compulsory in the following cases:

1. When the defendant is under-age,
2. When the defendant is physically handicapped, or mentally retarded, which prevents him from handling his own defence;
3. When the lawsuit is for a crime carrying a penalty of life imprisonment, or no less than a ten-year sentence.
4. When the defendant is not sufficiently fluent in the Bulgarian language;
5. When the interests of the defendants are in conflict with one another and one of the defendants has a defence counsel,
6. When the case is being heard in abstentia of the defendant;
7. When the defendant is not in a position to pay defence counsel's fees, but wishes to have a defence counsel, and the interests of justice dictate that.

(2) In respect of points 4 and 5 above, the participation of a defence counsel is not compulsory if the defendant declares that he does not wish to have one.

(3) When the participation of a defence counsel is compulsory, the respective body shall be under the obligation to appoint a person who exercises the lawyer's profession, to act as a defence counsel.

(4) An appointed defence counsel may be removed from the penal process if the defendant empowers another counsel for his defence.

Article 2

The provisions of this Framework Convention shall be applied in good faith, in a spirit of understanding and tolerance and in conformity with the principles of good neighbourliness, friendly relations and co-operation between states.

The application of the *Framework Convention* provisions in good faith on the part of the Republic of Bulgaria derives both from the Constitution and from Bulgaria's international legal obligations.

According to Article 24, paragraph 1 of the Constitution, "the Republic of Bulgaria shall conduct its foreign policy in accordance with the principles and norms of international law." One of these principles is the universally recognized *pacta sunt servanda*. As a State Part to the *Vienna Convention on the Law of Treaties*, the Republic of Bulgaria is bound by the provision of Article 26, which reads as follows: : "Every treaty in force is binding upon the parties to it and must be performed by them in good faith." "The Republic of Bulgaria displayed such good faith when it acceded to the Framework Convention in 1999.

Article 24, paragraph 2 of the Constitution decrees that “the foreign policy of the Republic of Bulgaria shall have as its uppermost objective the national security and independence of the country, the well-being and fundamental rights and freedoms of the Bulgarian citizens, and the promotion of a just international order”. The Republic of Bulgaria conducts its consistent and constructive foreign policy, based on the principles and purposes of the Charter of the United Nations, the norms of international law, as well as its obligations as a State Member of the Council of Europe.

Article 3

1. Every person belonging to a national minority shall have the right freely to choose to be treated or not to be treated as such and no disadvantage shall result from this choice or from the exercise of the rights which are connected to that choice.

2. Persons belonging to national minorities may exercise the rights and enjoy the freedoms flowing from the principles enshrined in the present framework Convention as well as in community with others.

Paragraph 1

Narrative

Every person belonging to an ethnic, religious or linguistic minority in the Republic of Bulgaria is entitled to choose to be treated or not as belonging to a given minority without any adverse consequences. In particular, this right is being exercised during censuses, when every person can freely and voluntarily identify his or her ethnic belonging, mother tongue and religion, or, if he or she so chooses, not to identify at all. Or, whenever a number of persons belonging to a given ethnic or linguistic group, on the basis of certain objective criteria, decide not to declare themselves during a census as belonging to that particular group. **(Part I)**. The Constitution of the Republic of Bulgaria (Article 6, paragraph 1) proclaims that “All persons are born free and equal in dignity and rights.” The same article in paragraph 2 is explicit that “ All citizens shall be equal before the law. There shall be no privileges or restrictions 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.”

As an addition guarantee for protection of the identify of persons belonging to ethnic, religious or linguistic minorities against encroachments on the part of the authorities, such as those committed against the Turkish ethnic minority in Bulgarian in 1984-1989, the Constitution contains an exclusive guarantee barring forced assimilation. Article 29, paragraph 1 states as follows: “No one shall be subjected to torture or to cruel, inhuman, or degrading treatment, or to forcible assimilation”.

Legal

In its judgement No. 2 of 18 February 1998 (State Gazette, No. 22 of 24 February 1998), the Constitutional Court ruled ‘that as a matter of fact, neither in Bulgarian nor in international law there is a definition of the term ‘national minorities’ that legally binds the Republic of Bulgaria. The *Convention* itself - the Court goes on - gives no definition of the term “national minorities”. Indeed Article 5, paragraph 1 of the *Convention* points out that “the most important elements” of

the identity of persons belonging to national minorities are their religion, language, traditions and cultural heritage, but this has not been deemed sufficient for a definition to be worked out”.

At the same time, the Constitution decrees that the international treaties ratified through the constitutional procedure, shall be considered part of the domestic legislation, and they shall supercede any domestic legislation stipulating otherwise (**Part I**, Article 5, paragraph 4). In this way, the concept of ‘national minority’ should be considered incorporated in the Bulgarian law through through Article 14 of *the European Convention on Human Rights* as well as through the *Convention against Discrimination in Education* (Article 5, paragraph 1, ‘c’ - “persons belonging to national minorities”), and also through the *Framework Convention and the European Social Charter*.

In its judgement No. 2 of 18 February 1998, the Constitutional Court stated categorically that although Bulgarian and international law did not have a definition of the term “national minority”, that was legally binding on the Republic of Bulgaria, and although the *Framework Convention* itself did not provide such a definition, “the will of the Contracting Parties, at this stage of international arrangements, is to leave the definition of the term “national minorities” at the discretion of each of the Contracting Parties”. The Constitutional Court also noticed that the term “national minority” was no stranger to domestic law. In the Bulgarian constitutional tradition the term was used in Article 79, paragraph 1, (2) of the Constitution of the People’s Republic of Bulgaria of 1947. The Court stressed also that the term ‘national minority’ was a term of convenience, and that it was not necessary for every term of convenience to be present in the Constitution for its constitutional validity to be recognised.

In its concluding part, Judgement No. 2 of 18 February 1998, the Constitutional Court stated the following:

- a) “The Constitution provides for rights and freedoms of general nature;”
- b) “The rights and freedoms enumerated in the *Convention* are duly settled and respectively protected also in the Constitution of the Republic of Bulgaria. Their universal character is revealed in the first place by the fact that they are recognized as such in respect of every human being, regardless of his or her national belonging.”

The *Law on the Ratification of the Framework Convention* refers to the government’s commitment to ‘tolerance towards persons belonging to minorities’.

The National Council on Ethnic and Demographic Questions (NCEDQ) with the Council of Ministers has regulations on its structure and working organisation, which empowers it to “work out and submit to the Council of Ministers specific measures to preserve tolerance and understanding among the Bulgarian citizens of various ethnic and religious groups’ (Article 2, paragraph 1, ‘b’). The Council also “co-ordinates concrete measures with state authorities and non-governmental organisations on the implementation of Bulgaria’s international commitments in the field of the rights of Bulgarian citizens belonging to minority groups and their integration into society” (Article 2, paragraph 2).

The Law on National Education entitles pupils whose mother tongue is not Bulgarian “to study their mother tongue in municipal schools” (Article 8, paragraph 2).

The Law on Radio and Television opens a possibility for Radio and TV operators to broadcast programmes in languages other than Bulgarian when these are beamed “ at Bulgarian citizens whose mother tongue is not Bulgarian”. Article 49, paragraph 1 enables the Bulgarian National Radio and the Bulgarian National Television to broadcast programmes “for Bulgarian citizens whose mother tongue is not Bulgarian”.

The Law on Educational Levels and Grades, General Educational Minimum and Curricula states that “compulsory and optional education and training also comprise the study of the mother tongue in conformity with Article 8, paragraph 2 of the *Law on National Education*.” (Article 15, paragraph 3).

The regulations for the application of the *Law on National Education* stipulate that pupils whose mother tongue is not Bulgarian may “study their mother tongue in the municipal schools” (Article 8, paragraph 3). The regulations define the mother tongue as “the language in which the child communicates with his or her family”. (Article 8, paragraph 4).

The Council of Ministers Decree No. 183 of 5 September 1994 on the study of mother tongues in municipal schools of the Republic of Bulgaria stipulates that “pupils whose mother tongue is not Bulgarian may study it from the first to the eighth grade in municipal schools within the framework of curriculum hours designated for optional training”.

The Council of Ministers Decree No. 86 of 12 March 1997 for the adoption of a State Register of Subjects in Educational Qualification Degrees at the Higher Schools of the Republic of Bulgaria determines a degree in “a mother tongue (Turkish, Armenian, Hebrew, Roma)”.

State infrastructure

The National Institute of Statistics (NIS) is the state body collecting ethnic and demographic data. It is required by law to take periodic population censuses. In conformity with Article 12 of the *Law on Population Censuses, Housing Fund and Agricultural Farms in the Republic of Bulgaria*, the National Institute of Statistics carried out XVIth census of the Bulgarian population on 1-14 March 2001. The census conformed to the UN methodology. It also collected data on indicators of ethnic group, mother tongue and religion (**Part I**).

Factual

Information about the number and residence of Bulgarian citizens, who differ from the majority by their ethnic belonging, language and religion, is collected and generalised by the NIS.

With respect to the principle, enshrined in Article 3, paragraph 2 of the *Framework Convention*, it must be categorically emphasised that in guaranteeing basic human rights and fundamental freedoms, both the Constitution and domestic legislation of the Republic of Bulgaria do not make any distinction among individual citizens, based on race, ethnic belonging or religion. In addition to Article 6 (**see above**), the Constitution guarantees the freedom of religion (Article 13, paragraph 1), equal legal conditions for economic activity (Article 19, paragraph 2), the study and use of the mother tongue (Article 36, paragraph 2), the freedom of conscience and thought, and the choice one’s religion and of religious or atheistic views (Article 37, paragraph 1), the right to seek, obtain and disseminate information (Article 41, paragraph 1), the right to assembly (Article 44, paragraph 1), the right of everyone to develop his or her own culture in accordance with his or her self-identification (Article 54, paragraph 1), etc.

Paragraph 2

The Constitution proclaims (Article 6) that “all persons are born free and equal in dignity and rights. All citizens shall be equal before the Law. There shall be no privileges or restrictions of rights on grounds of race, nationality, ethnic self-identity, sex, origin, religion, education, opinion, political affiliation, personal or social status, or property status.” (For the constitutional guarantees on human rights and freedoms see **Part I**).

The basic human rights and fundamental freedoms of individuals are the same not only for all Bulgarian citizens, but also for foreigners, residing in the Republic of Bulgaria (Articles 26 and 27 of the Constitution).

Article 4

1. The Parties undertake to guarantee to persons belonging to national minorities the right of equality before the law and of equal protection of the law. In this respect, any discrimination based on belonging to a national minority shall be prohibited.

2. The Parties undertake to adopt, where necessary, adequate measures in order to promote, in all areas of economic, social, political and cultural life, full and effective equality between persons belonging to national minorities and those to the majority. In this respect, they shall take due account of the specific conditions of persons belonging to national minorities.

3. The measures adopted in accordance with paragraph 2 shall not be considered to be an act of discrimination.

Paragraph 1

Narrative

Bulgaria’s Constitution as well as many of laws contains anti- discrimination provisions, which are applied through several legal mechanisms. (see ‘**State Infrastructure**’ below). In 1992 the Constitutional Court interpreted the anti-discrimination provision of the Constitution, and provided explicit instructions on its scope and mode of application. To the legal framework on protection against discrimination, one should also add the anti-discrimination provisions of international law, which are directly applicable in domestic law, by virtue of Article 5, paragraph 4 of the Constitution.

Protection from discrimination based on racial, ethnic or religious grounds in domestic law is stronger than protection against other grounds (political convictions, language, sex orientation, etc.). This kind of protection is guaranteed by all existing legal types of mechanisms in Bulgarian law.

Legal

The provision of Article 6, paragraph 2 of the Constitution provides the basis for protection against discrimination. This article states that: ”All citizens shall be equal before the law, There shall be no privileges or restrictions on the grounds of race, nationality, ethnic self-identity, sex,

origin, religion, education, opinion, political affiliation, personal or social status or property status.”

In 1992, the Constitutional Court, at the President’s request, deliberated the question whether (a) equality before the law represented also equality before all other normative acts; whether (b) the grounds for non-discrimination (under the above-mentioned article) were exhaustively enumerated by the Constitution, and whether (c) privileges constituted a violation of the principle of non-discrimination. On the first question, the Constitutional Court ruled that equality before the law meant also equality before all the rest of normative acts. On the second question, the Constitutional Court ruled that the grounds for discrimination in Article 6, paragraph 2, were exhaustively enumerated, and certainly not meant as an example. In this respect, the Constitution offered protection from discrimination only on grounds enumerated in it. This should in no way be taken, as meaning that other laws may not add more grounds. In fact, many Bulgarian legislative acts and international instruments, ratified by Bulgaria, offer protection from discrimination also on other grounds that differ from the constitutional ones. (**See below**). On the third question, the Constitutional Court maintained that privileges based on the grounds expressly indicated in Article 6, paragraph 2, represented breaches of the principle of equality before the law. The Court, however, did not reject the possibility that special measures could be taken, with a view to achieving complete and effective equality. Indeed, it maintained that in certain cases such measures “are publicly admissible and socially vindicated”. In this respect, the Court cited the possibility of special protection for “children left without care by their close relatives, or for elderly people, as well as for persons with physical and mentally disability. The privileges, which are granted to these citizens, are compensation benefits for their precarious social position”.

Bulgarian law, together with the provision of Article 6, paragraph 2 of the Constitution, contains a number of anti-discrimination provisions, with some of them specifically referring to direct and indirect discrimination. For example:

Law on Social Assistance

Article 3: “There shall be no discrimination, privileges or limitations, in providing social assistance, based on race, nationality, political or ethnic affiliation, origin, sex, age, religious beliefs and social status.”

Law on Protection of Consumers and on Rules of Trading

Article 34 (1): “All advertising which contains elements of discrimination on grounds of sex, race, religion, nationality, political convictions, age, physical or mental abilities, or abusing the dignity of the human being, shall be considered dishonest.

Law on National Education

Article 4 (1): “Citizens shall be entitled to education. They shall be free to improve continuously their education and qualification;
(2) There shall be no limitations or privileges, based on shall be admissible on the grounds of race, nationality, sex, ethnic or social origin, religion, or social status.

Law on Radio and Television

Article 76, paragraph 2: “There shall be no dissemination of advertisements, based on national, ethnic, religious, racial, gender or other kinds of discrimination.

Law on Asylum and Refugees

Article 20: There shall be no restrictions of the rights, or privileges for foreigners seeking asylum in the Republic of Bulgaria, on grounds of race, nationality, ethnic belonging, gender, origin, religion, education, convictions, political affiliation, personal and social status or property status.

Code of Procedure Code

Article 10 (1): “ All citizens who participate in a penal procedure shall be equal before the law. There shall be no privileges or limitations, based on nationality, origin, religion, gender, race, education, or social and material status.

Law on Encouraging Employment

Article 2: “When implementing the rights and obligations under this Law, there shall be no direct or indirect discrimination, privileges, or limitations, based on nationality, origin, gender, sexual orientation, race, colour, age, political and religious convictions, membership in a trade union, or other public organisations and movements, family, social and material status, and mental or physical deficiencies.”

Law on Defence and Armed Forces of the Republic of Bulgaria

Article 97 (1): “ All male citizens of the Republic of Bulgaria, fit for military service, regardless of their race, nationality, religion, education, social origin and family status, who are 18 years of age, shall be subject to military service.

Law on Optional Additional Retirement Insurance

Article 78 (2): “ An employer shall not refuse to insure workers and employees on grounds of race, nationality, ethnic belonging, origin, gender, age, religious convictions, political affiliation, membership in a trade union, social standing, or material and health status.

Law on Protection and Development of Culture

Article 2: “The main principles of national cultural policy are: ... 6. Encouraging cultural diversity while safeguarding the unity of national culture.”

Article 18 (1): “Municipalities shall plan and realise their policy of protecting and promoting culture by combining the principles of the national cultural policy with local conditions and traditions.

(2) Municipalities shall adopt decisions on 8. Helping the development of amateur art, local history and genealogy studies; ... 9. Drawing up programs for the preservation of creative traditional art.

Article 24: “A National Culture Fund shall be set up.

Article 31 (2): “Funds shall be spent on ...6. “ Programmes and projects to protect free expression of citizens’ cultural manifestations, including those by ethnic, religious and linguistic communities.;

Article 33 (1): “ All cultural organizations are entitled to apply for funding, including non-profit organizations and individual persons involved in cultural activities;

Law on Reading Clubs

Article 2 (1): “ Popular Library Clubs are traditionally self-run Bulgarian cultural and educational societies in towns and villages. They also fulfil state-assigned tasks of promoting culture and enlightenment. All persons can participate in their activities, regardless of age, gender, political and religious convictions, and ethnic conscience. .

Civil Service Law

Article 7 (4): “There shall be no discriminatory privileges or limitations for anyone applying for a position as a civil servant, on the grounds of race, nationality, ethnic belonging, gender, origin, religion, convictions, membership in political parties or trade unions, and other public organisations or movements, personal social or property status.

Code of Taxation Procedure

Article 9 (1): “ Tax-collection authorities and public officials shall apply the law strictly and equitably towards all tax-payers;

(2) There shall be no privileges or limitations on grounds of nationality, origin, ethnic belonging, religion, gender, race, education, convictions, service, public, political or material status.

Law on Higher Education

Article 4: “ There shall be no privileges or limitations in higher education, based on age, race, nationality, ethnic belonging, gender, social origin, political views and religion, with the exception of cases explicitly indicated in Higher Schools Regulations, in conformity with the peculiarities of education and training, and future profession.

Law on Child Protection

Article 10 (1): “ Every child shall be entitled to protection for its normal physical, mental, moral and social development and for the protection of his or her rights and interests;

(2) There shall be no limitations of rights, or privileges, based on race, nationality, ethnic belonging, gender, origin, property status, religion, education and convictions;

Law on Religion

Article 3 (1): “ No one shall be persecuted or limited in his or her rights because of his or her religion. There shall be no limitations or privileges, based on affiliation, or refusal to affiliate, to a particular religion.

Law on Physical Education and Sport

Article 41 (1): “The State, specialised state bodies and sport organisations:
(.....)

5. Shall take measures against acts of violence during sports events, the use of stimulant drugs and all forms of social discrimination.

Ordinance on State Requirements for Recognition of Completed University Education and Completed Terms of Training in Higher Schools Abroad

Article 3: “In recognising acquired higher education or completed terms of training in higher institutions abroad, there shall be no discrimination, based on age, race, disability, language, religion, political or other convictions, national, ethnic or social origin, belonging to a national minority, property, genealogical or other status, or on any circumstance whatsoever, not related to education for which recognition is sought.

Framework Contract between Insurance Fund, Union of Bulgarian Physicians and Union of Bulgarian Dentists

Article 24 (1): “ Every person, holder of a compulsory health security insurance, shall have equal rights and access to medical treatment in hospitals and out-patient hospitals, and dentist services, regardless of his or her religion, race, gender, political convictions, personal or public status, or property status.

Code of Professional Ethics

Article 7: “ Every physician shall have equal opportunities to practice his or her medical profession, training and improvement, to obtain employment and right of practice, regardless of race, religion, origin, gender, age or political affiliation.

More recently, Bulgarian legislators have become manifestly sensitivity towards both direct and indirect discrimination. Two laws passed in recent years provide for protection against direct or indirect discrimination.

Code of Labour

Article 8 (3): “In the course of exercising labour rights and obligations, there shall be no direct or indirect discrimination, privileges or limitations, based on nationality, origin, gender, race, colour, age, political or religious convictions, membership in a trade union or other public organisations and movements, family social and material status or disability.

The *Code of Labour* defines “indirect discrimination” as “the discrimination in which permissions, seemingly admissible by law, are used in the exercise of labour rights and

obligations, purportedly to meet the criteria per Article 8, paragraph 3, while they are, in fact, applied in a manner, which places certain workers and employees in a more disadvantageous or privileged position in comparison with others. Differences or preferences, based on qualification requirements for the performance of definite jobs, shall not represent discrimination, neither shall they apply to the special protection for certain workers and employees (under-age, pregnant women and young mothers, disabled, readjusted in labour and the like) as provided for by normative acts.” Indirect discrimination is similarly defined in the *Law on Stimulation of Employment*.

Most serious forms of discrimination have been declared an offence by domestic legislation. Chapter Three of the *Penal Code*, entitled “Crimes against Citizens”, provides penalties in the following cases:

“Crimes against National or Racial Equality”

Article 162(1): Any person who propagates or incites racial or national hostility, hatred or racial discrimination, shall be punished by up to three years of imprisonment and by public censure;

(2) Any person who resorts to violence against another person or damages his or her property shall be punished by up to three years of imprisonment and by public censure;

(3) Any person who forms or leads an organization or group with the objective of committing criminal acts under the preceding paragraphs, shall be punished by imprisonment from one to six years and by public censure;

(4) Any person who is a member of such an organization or group shall be punished by imprisonment of up to three years and by public censure;

(5) For crimes committed under the preceding paragraphs, the court may also impose compulsory domicile resettlement.

Article 163(1): Persons taking part in a crowd, with the objective of attacking groups of the population, individual citizens, or their properties, because of their national or racial affiliation, shall be punished as follows:

Abettors and leaders - by imprisonment of up to three years;

All others - by imprisonment of up to one year, or correction labour;

Article 163(2): If the crowd or some of the participants are armed, they shall be punished as follows:

1. Abettors and leaders - from one to six years of imprisonment;

2. All others – by imprisonment of up to three years.

Article 163(3): In case of an assault resulting in severe bodily injury or death, the abettors and leaders shall be punished by imprisonment from three to fifteen years, and all others by imprisonment of up to five years, if they are not liable to more severe punishment.

“Crimes against Religion”

Article 164: Anyone propagating hatred on religious grounds through speech, mass media, or in any other way, shall be punished by imprisonment of up to three years, or by correction labour.

Article 165(1): Anyone using threat or coercion, thus preventing citizens from freely practicing their faith, or hindering them from performing their religious rituals and services, which do not

violate the laws of the country, public order, or morality, shall be punished by imprisonment of up to one year;

(2): The same punishment shall be imposed upon any person who similarly compels another person to participate in religious rituals or services;

(3): Any acts under Article 163, committed against groups of the population, individual citizens, or their property, because of their religious affiliation, shall be liable to punishment provided therein.

Crimes against Labour Rights of Citizens”

Article 172: Anyone willfully preventing any person from taking a job, or willfully pressuring any person to quit his or her job, on grounds of nationality, race, religion, social origin, membership or non-membership in a political party, organisation, movement or coalition with a political purposes or because of that person’s or his relatives’ political or other convictions, shall be punishable by imprisonment of up to three years, or a fine of up to thirty thousand BGL.

State infrastructure

Bulgarian law provides for the following legal mechanisms in the exercise of anti-discrimination provisions

1. *The civil justice system, respectively civil courts*, applies the greater part of anti-discrimination legislation. This system is initiated through claims or complaints filed with courts by victims of discrimination, following the usual civil, labour or administrative procedures. These claims or complaints must indicate the specific violation of the concrete legal provision. The claimant or petitioner may ask the Court to revoke a decision, to award compensation, or other remedies provided for by the law.

2. *The administrative-penal procedure, respectively the administrative bodies*: When approached, or on its own initiative, the administrative organ may, when it establishes an infringement of one or several legal provisions, impose the sanctions provided for by the law, which are fines in most cases. In this way, anyone shall receive protection only in the cases when there is a law-established body, empowered to impose sanctions. An example is the Council of Electronic Media (CEM), set up under *the Law on Radio and Television*, which can impose fines on Radio and TV operators for infringing on a number of legal provisions, and in the case of systematic infringement, to cancel the operator’s permit. Another similar body is the State Agency for Insurance Supervision with the Council of Ministers, which can impose fines on individuals and legal entities for infringing on the *Law on Optional Additional Retirement Insurance*, including for violations of Article 78, paragraph 2, quoted above. Sanctions are subject to appeal under the procedure of the *Law on Administrative Offences and Sanctions*.

3. *Penal law procedure, respectively the penal courts*: the provisions of the criminal law, which provide for criminal responsibility in grave forms of discrimination, are applied under this procedure. In the cases quoted above, the criminal prosecution is effected in the general order, through the prosecutor’s office, which can be approached by means of a complaint or a signal. The prosecutor’s office, however, can also start criminal prosecution on its own initiative, whenever it becomes aware of information about a crime committed.

4. *In the procedure of the overall supervision of legality, respectively of the prosecutor’s office*: In accordance with the Constitution of the Republic of Bulgaria (Article 127) and the *Law*

on Judiciary (Article 118) the prosecutor's office takes action to repeal unlawful acts, and in urgent and pressing cases to redress violations of rights. It can protest unlawful acts and seek repeal or change of unlawful acts, within the terms and under the procedure of the law, as well as to suspend execution of a particular act, until the respective body considers the protest.

Measures taken

In recent years, Bulgarian legislators have been systematically including anti-discrimination provisions in separate acts of legislation. The scope of protection in Bulgaria from ethnic and religious discrimination has been broadened.

In the Government's Programme of 2001, it is stated that "anti-discrimination legislation and the mechanisms for its implementation, are not effective enough." For example, the Framework Programme for Equitable Integration of Roma in Bulgarian Society states that "the elimination of discrimination against Roma" is "one of the main priorities of the Bulgarian State". In implementation of this priority, the Framework Programme provides for a series of measures of protection against discrimination. Their most comprehensive application will provide protection not only for Roma, but also for all other Bulgarian citizens belonging to ethnic minorities. These measures are two-fold: those related to amending current legislation, and those related to the adoption of a special anti-discrimination law, which shall envisage the creation of a specialised body to combat discrimination. For this reason, the Council of Ministers approved a *draft Law on Preventing Discrimination*, in September 2002. Its adoption is pending before the National Assembly.

Factual

(All facts and conclusions in this sub-chapter are based on specialised studies, some of which are quoted herewith. A complete list is to be found at the end of the sub-chapter)

Over the past 12 years, the transition to a market economy in Bulgaria has proved to be a slow and painful process, making vulnerable a number of groups, and reducing them to marginalisation, with two-thirds of them being Roma. Economic insecurity continues to pose the main obstacle to full-fledged realization of the rights to work, education and decent living standards for vulnerable groups of the population, namely, elderly people, children, women, handicapped, and persons belonging to minorities. In many cases, lower social, economic, educational and training status of some minorities, particularly the Roma and the Turkish one, leads to inequality with respect to persons belonging to these minorities.

In the sphere of employment:, a considerable part of the Roma, registered with unemployment offices, remain unemployed for the duration of more than one year. According to the World Bank (World Bank, Poverty Assessment Update, 2002, [www.worldbank.bg/press/2002-04-eccbg.phtm!](http://www.worldbank.bg/press/2002-04-eccbg.phtm)) unemployment among the Roma has reached 70 per cent. According to the Employment Agency, unemployment among the Turkish population in municipalities where they predominate, is twice the average in the country. Roma inequality at the labour market is a result of their low education and professional skills. For this reason, a special section of the above-mentioned Programme for Equal Integration of Roma into Bulgarian Society, emphasizes the need for implementing programmes to increase Roma skills and employment (see paragraph 2 in ***Factual***). The Programme also envisages the creation of a special fund with state participation, to allocate loans and to make sure that they are used to employ Roma.

(Representatives of the Roma community are expected to take part in the management of the fund).

The drastic fall in tobacco output since 1991, has negatively impacted a large part of the Turks and the other Muslims, because growing tobacco is one of their main sources of income.

In educational, there is a system, inherited from the former regime, under which places Roma children under virtual segregation (Tomova, I., 1995, Roma in Transition, Ringold, Dena, Roma and the Transition in Central and Eastern Europe, Trends and Challenges. The World Bank, Washington, D.C., FOO, 2001. Roma Schools in Bulgaria; Organisation for Co-operation and Economic Development 2001. Bulgaria. A Thematic Review of National Educational Policy). The low standards of education, which children receive at schools, poverty, and the absence of programmes to compensate for their insufficient knowledge of the Bulgarian language, lead to an increasing number of dropouts. A relatively large proportion of Roma pupils is channeled to special auxiliary schools. The Framework Programme for the Equitable Integration of Roma into Bulgarian Society (FPEIRBS) stresses the need to immediately do away with this practice, and to take steps to eliminate racism in classrooms, and to teach adults to read and write (FPEIRBS, pp. 8-10). A decisive step, aimed at overcoming the above-mentioned problems, was the Minister of Education' and Sciences' Instruction for Integrating Minority Children and Pupils in 2002. (see the text following **Article 14, paragraph 2, Narrative**). Several ethnic minorities, such as the Roma, the Wallachians and others, do not study their mother tongue at municipal schools.

Municipal Social Welfare offices possess no information about the ethnic origin of families on welfare. But one of the main groups receiving such social welfare benefits is the Roma. Social welfare benefits are not dependent on the ethnic origin of the applicants. In many instances, payment of social benefits is greatly delayed and irregular because of the lack of sufficient funds in municipal budgets. As a result, large groups of socially poor people, particularly Roma, are left without social benefits. The Framework Programme for Equitable Integration of Roma into Bulgarian Society focuses on the need to activate the process of land distribution to land-less and small-holder Roma from state and municipal land-distribution funds

In the area of urbanizing Roma neighbourhoods, the separate Roma quarters without town-planning or built-in infrastructure represent some of the most serious social and economic problems for the community. The Framework Programme contains proposals for legislative changes, aimed at legitimizing the tenure of housing for the Roma, i.e. to legitimize Roma quarters, which meet with the standards of safe construction. The Framework Programme provides for various forms of help and assistance to people willing to improve their housing conditions by their own efforts.

In the sphere of medical services, the indicators of health of the larger minorities, specifically the Roma, are much lower than the average ones for the country. Conditions should be created for improving the scope of immunization among the Roma, rehabilitating and equipping medical doctor cabinets in areas where ethnic minorities are predominant. There are programmes under way now for training general practitioner doctors and medical nurses to work with these groups.

In the field of criminal justice, the Roma do not always get fair treatment by prosecutors and the police. Various studies in 1999 and 2000 revealed that a disproportionately high number of Roma, and to a lesser extent Turks, complained of physical mistreatment in the course of detention and preliminary investigation.

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Paragraph 2

Narrative

The chapter on ‘Minorities Integration’ of the Government’s Programme, entitled ‘People are Bulgaria’s Wealth’, contains the following statement, made on the basis of the situation as of October 2001:

“ Anti-discrimination legislation and the mechanisms for its application are not sufficiently effective. There are no concrete mechanisms and instruments for the implementation of the basic principles of the Framework Programme for Equitable Integration of Roma into Bulgarian society. The main goals of the Programme with regard to ensuring employment, a satisfactory level of health standards, urban planning of Roma neighbourhoods, desegregation of Roma schools, and the study of their mother tongue, have not been achieved. The National Council on Ethnic and Demographic Questions, which is empowered to solve these problems, does not possess sufficient powers and administrative capacity, nor have concrete measures been taken for the efficient implementation of the *Framework Convention for the Protection of National Minorities*.”

State infrastructure

The Government’s Programme outlines as a priority “the establishment of an adequate institutional mechanism covering all levels of government with clearly defined responsibilities and powers”. In this context, a State Agency on Minorities is envisaged to be set up, as a body charged with the implementation of the state policy towards minorities.

Currently, there exists within the Council of Ministers a National Council on Ethnic and Demographic Questions (NCEDQ). It was established by a Council of Ministers Decree No.

449, of 4 December 1997. According to Article 1 of the *Regulations for the Structure and Organisation of the NCEDQ*, it is “a body to carry out consultations, cooperation and coordination between governmental bodies and non-governmental organisations, with a view to shaping up and putting into practice a national policy on ethical and demographic issues and migration”. The NCEDQ shall submit proposals to the Council of Ministers, it shall co-ordinate and assist the execution of the objectives for which it has been established. It shall organise research on matters related to its activities, and shall put forward opinions on draft laws, connected with its activities.

NCEDQ composition consists of a chairman, a secretary, and members. It also includes representatives (deputy ministers) of 10 ministries, and four state departments (their directors). The ministries are foreign affairs, defence, interior, education and sciences, labour and social policy, culture, finance, health. The departments are the State Agency for Bulgarians Living Abroad, the Department for Religious Denominations with the Council of Ministers, the Agency for Refugees and the National Institute of Statistics. Thirty-four non-governmental ethnic minority organisations are also NCEDQ members. They include 21 Roma, 4 Turkish, 3 Jewish, 1 Armenian, 1 Wallachian, 1 Aromanian, 1 Karakachan, 1 Tatarian and 1 Greek.

The NCEDQ is a state-cum-public body in which the criteria for membership of non-governmental organisations and minorities have not been defined enough, nor have the procedures under which decisions are taken. Also unclear is the way in which ethnic and demographic issues are interconnected.

Based on the analysis of the above-mentioned and other shortcomings, it was thought advisable to replace the NCEDQ with a state agency on minorities. This idea was incorporated into the Government’s Programme, entitled “*People are the Treasure of Bulgaria*”, Chapter “*Minority Integration*”. Plans are afoot now for the creation of the state agency, which will clearly define responsibilities of the State in its policy towards minorities, how the new state body will cooperate, on an equal basis, with minority organizations. A World Bank project is now being implemented (see below), aimed at improving a ‘vertical’ coordination in decision-taking concerning minorities, among the NCEDQ, state regional and local structures, and self-governing bodies; also a ‘horizontal’ coordination among the NCEDQ and various ministries and departments.

NCEDQ is now being technically serviced by the Council of Ministers Administration. There is a unit, led by the NCEDQ secretary, with three other employees. Since September 2001, a consultant has been commissioned, to deal with PHARE projects.

NCEDQ capacity has been considerably strengthened thanks to a World Bank grant (IDF Grant TFO23842), amounting to U.S.\$ 483 000, for the execution of a project, entitled ‘Ethnic Minorities Integration’ by July 1, 2003. The NCEDQ, being the project’s chief executor, has been employing seven consultants at different times, with four still remaining on its payroll.

Following a proposal by the NCEDQ Roma organizations, Roma working groups have been set up to deal with education, health, economic development, territorial urbanization, farming and forestry, culture, media, protection against discrimination and the situation of Roma women.

NCEDQ budget, which is part of the Council of Ministers budget, amounted to 136 000 BGL for 2001. Out of this amount, 104 317 BGL were spent as follows: 15 283 BGL on assistance to minority media, 16 470 BGL on minority culture and holidays, 47 880 BGL on supporting

Roma information and cultural centres, 10 164 BGL on institutional assistance to minority organizations, 7 160 BGL on administrative expenses.

In 2002, the NCEDQ received 162 935 BGL to spend on for specific expenses. Out of this amount, 39 180 BGL went for assistance to minorities, 91 098 BGL on culture and education, 20 938 BGL on assistance to minority organisations, and 11 719 BGL on administrative and organizational expenses.

The Ministry of Education and Sciences (MES) created a special department for “Spiritual development and cultural integration” with the Secondary Education Directorate. The department consists of three sectors: “Cultural integration”, “Religion” and “Talents”. Almost half of the staff of the department is directly involved in integration of ethnic minorities.

The MES also created a procedure for the establishment of a Consultative Council on the education of ethnic minorities as a state-cum-public body for the realization of consultations, cooperation, and coordination between MES, NCEDQ, other ministries and departments and legal non-profit entities involved in education. The Consultative Council’s objective is to assist in making and conducting a national policy on the integration of students from ethnic communities, and elaborating strategies and specific measures for their education. Minority problems are also thoroughly reflected in the National Programme on the Protection of Bulgaria’s Children. The “Spiritual development and cultural integration” department has been involved in it.

In 2000, the Ministry of Culture created a Roma Public Council on Culture, with the participation of various eminent cultural figures of Roma origin. The Council’s chairman (a Roma) is also a senior expert on the staff the Ministry of Culture. In March 2002, the Ministry created a Public Council on Cultural Diversity, headed by the chief of ‘Regional Cultural Policy’ department.

Regional administrations (28) have created regional councils on ethnic and demographic questions, which deal with their own programmes. As a rule, the regional governor, or his or her deputy, is the council chairman. The secretary is the regional expert on ethnic and demographic questions (there are 30 such experts in 26 regions, mainly persons belonging to ethnic minorities, 17 of whom are Roma). The councils have on their staff experts from the regional administration, local mayors, representatives of territorial units from the central government, regional suppliers of communal services, representatives of non-governmental organizations, active in a particular region, as well as municipal experts on ethnic and demographic questions. There are municipal experts in almost half of the 263 municipalities. There is a small number of municipal councils on ethnic and demographic questions. They deal mainly with specific minority problems, and submit reports to the regional councils.

Factual

Framework Programme for Equitable Integration of Roma into Bulgarian Society

The *Framework Programme for Equitable Integration of Roma into Bulgarian Society* (hereafter the *Framework Programme*) was drafted on the initiative and with the active participation of Roma organisations in Bulgaria. There was also the broadest possible participation of Roma community members in the process. The *Framework Programme* was adopted by the Council of Ministers by a decree on 22 April 1999. The decision stated that “the

ministers, the heads of departments and the National Association of Municipalities in Bulgaria shall, within three months, set up expert groups with representatives of the Roma non-governmental organisations for the implementation of the *Framework Programme*. “Payment for the work of the experts shall be covered by the respective ministry/department”. In conformity with item 5 of the decision, “the organisation and co-ordination of putting the decision into effect as per item 3, shall be entrusted to the NCEDQ Secretary”.

The strategic goal of the *Framework Programme* is to eliminate unequal treatment of the Roma in Bulgarian society. The elimination of discrimination against Roma has thus been promoted to one of the key priorities of the Bulgarian State. This is one of the motives for the creation of a state body for the prevention of discrimination on ethnic grounds, whose activity shall be public, with structures conforming to the country’s administrative division. (This is embodied in a draft Law, submitted by the Council of Ministers to the National Assembly, on prevention of discrimination, which envisages the creation of a Commission for Protection against Discrimination as an independent specialized body, which shall be empowered to apply the law and to sanction manifestations of discrimination (see **Article 4, paragraph 1, Policy**).

The *Framework Programme* further envisages the following:

Urgent action to secure employment for the Roma and, particularly, to work out and carry out training and employment programmes, to set up a special fund with state support, aimed at allocating loans for employing Roma workers;

Simplification, activation, and stimulation of land distribution for land-less and small-holder Roma;

Improving the social assistance system by introducing more effective public monitoring;

Improving the quality of education for Roma children by preparing and proceeding to carry out a long-term strategy of desegregation of the so-called “Roma schools”, eliminating the practice of sending normal Roma children to special auxiliary schools, combating manifestations of racism in classrooms, providing an opportunity for studying Roma language at school, training university graduates for teachers, as well as programmes for literacy and vocational training of elderly Roma;

Achieving a satisfactory level of health among Roma;

Protection of Roma ethnicity and culture, their presence in the media, and equality for Roma women;

Improving living conditions, urbanization of Roma neighbourhoods, legitimizing housing.

No specific measures were taken in the first years after the adoption of the *Framework Programme* for its implementation. In particular, the Council of Ministers’ decision was not carried out, which authorized the setting up of expert groups with ministries departments, the National Association of Municipalities in Bulgaria, and representatives of Roma non-governmental organizations. On their hand, the NCEDQ member Roma organizations elected their representatives (in seven fields).

The first quarter of 2001 saw the restoration of the Roma section within the NCEDQ. At present, NCEDQ efforts are being directed at executing cooperation with ministries and departments, in conformity with item 3 of the Council of Ministers' decision of 22 April, 1997, authorizing the creation of experts groups with Roma organization representatives.

In making efforts to implement the *Framework Programme*, and within the World Bank-financed project, the NCEDQ has been carrying out a project, entitled 'Assessment of the *Framework Programme* and Preparing an Action-Plan'. It also includes short-term, medium-term and long-term priorities, with distribution of concrete responsibilities in various spheres, and with financial breakdowns.

Another task related to the *Framework Programme*, is to tie up to the maximum extent all the PHARE projects aimed at Roma integration, with the *Framework Programme*. At present, the NCEDQ is working on the following PHARE projects:

- BG 9907.01 'Roma Integration'. Two contracts were signed in October 2001, for the duration until the end of 2002:

1. Access to Education, amounting to EUR 200 000, with the aim of increasing the educational level of Roma as a key factor in their integration (**see Article 14, paragraph 2, Narrative**);
2. Roma Neighbourhoods Urbanization, amounting to EUR 300 000. The task was to outline urbanization plans at a territory next to 'Lozenets' Roma neighbourhood in Stara Zagora, legalizing construction sites and building 11 houses in Pazardjik; all completed by the end of December 2002.

- BG 0104.01 'Roma Integration', end of project completion, December 2004 (**see Article 14, paragraph 2, Narrative**);

- 'Drafting and Adopting Legislation on Prevention of Discrimination', amounting to EUR 210 000. Northern Ireland Commission on Equality is the project consultant. Duration – six months, beginning September 2002;

- "Urbanization and Social Development of Regions with Predominantly Ethnic Minority Population", amounting to EUR 6 030 000; duration – two years. The project is being carried out in cooperation with UNDP. It started in November 2002. The project involves improving technical and social infrastructure of regions with predominantly ethnic minority (especially Roma) population in Lom, Stara Zagora, Pazardjik, Omourtag, Venetz and Dulovo municipalities.

- "A Survey of Roma Living Conditions in the Republic of Bulgaria", amounting to EUR 160 000; duration – four months. The project started in December 2002. Its aim is to conduct a comprehensive survey of Roma living conditions in cities and towns in Bulgaria, and to recommend governmental measures for decisive improvement of these conditions;

- BG0104.02 "Roma Integration: Access to Medical Care", amounting to EUR 1 000 000, end of completion December 2004. NCEDQ is coordinating the project with the Ministry of Health. The project involves, in particular, equipping 15 medical doctors (general practitioners) servicing Roma population.

- BG0102.06 “ Roma Integration: Social Integration”, end of completion December 2004. NCEDQ is coordinating the project together with the Ministry of Labour and Social Policy, in three spheres:

1. Preparing four specific programmes for Roma employment, amounting to EUR 333 000;
2. Assisting the development of 12 Roma cultural and information centres, amounting to EUR 966 000;
3. Training and assisting 300 persons from ethnic minorities and disabled for contractor and sub-contractor jobs, amounting to EUR 1 000 000;

In 2000, the Council of Europe’s Development Bank allocated a loan of US\$ 3 000 000, for building and repair work of Roma houses in the “Christo Botev” neighbourhood in Sofia. In March 2002, the Council of Ministers decided that the Sofia Municipality would carry out the project with its own expenses amounting to 52. 5 per cent, or totalling US\$ 6 319 000. At present, 75 two and three-story houses are under construction for Roma in the neighbourhood. Work is also underway to finish up the infrastructure of the neighbourhood, repairing the school building, kindergarten and the outpatient hospital. Some 1 400 000 BGL were spent on infrastructure in 2001.

In 2001, the Council of Europe’s Development Bank approved EUR 5 400 000 for housing construction for the Roma in Plovdiv. The project is being carried out jointly by the Plovdiv Municipality and the Ministry of Regional Development and Urbanization. The Plovdiv Municipality allocated EUR 6 100 500 from its own budget. The first stage involves the construction of 72 houses and apartments in the “Todor Kableshkov” neighbourhood in Plovdiv. So far, 40 such units have been completed.

The Lom Municipality invested some EUR 800 000 for 12 projects involving building a sewage system in the city’s Roma neighbourhoods.

The Stara Zagora Municipality has already covered some 70 per cent of its investment project for building a sewage system in the “Lozenets” Roma neighbourhood.

The problems, which Bulgaria is faced with in carrying out its social and economic reforms, focused on unemployment and cutting down its duration as the main government’s priority. Roma belong to the groups of the most disadvantaged. A high rate of unemployment in recent years is the result between the unskilled labour and the high demands by employers in conditions of a market economy. The overwhelming majority of the Roma have no education and no professional skills, and this renders them non-competitive on the labour market. This also increases their isolation from society.

On the other hand, a number of programmes and measures are under way on the labour market now, aimed at socially and economically integrating the unemployed from marginalized groups, including Roma. The purpose is to offer the Roma community adequate opportunities for employment and professional training. Including unemployed Roma with priority in various programmes and measures will help them integrate faster into society. Labour offices, acting on a normative basis, do not include exact figures as to the number of the unemployed from different ethnic groups. This is the reason why the current report contains no concrete figures about how many Roma have been involved in various programmes.

A Programme for Teaching Persons to Read and Write, and for Training and Employment (carried out by the Ministry of Labour and Social Policy) focuses on unemployed from different ethnic groups, who lack education or have very little schooling, and are unskilled. Under the *Programme*, there are five-month courses in professional training and re-qualification in industry and agriculture, as well as providing employment through Labour offices. In 2001, 214 unemployed persons were involved in such courses, out of them 15 in read-and-write courses, and 172 in training ones. In 2002, there were nine such programmes in the municipalities of Vidin, Nova Zagora, Bratya Daskalovi, Vyatovo, Lukovit, Berkovitz, Montana, Kozloduy, Lom, Yambol, Straldzha, and Samokov. 50 persons were involved in a training-and-qualification course between January and July 2002.

“From Social Care to Employment” National Programme (carried out by the Ministry of Labour and Social Policy) until 2005, is aimed at the unemployed who receive social benefits, single mothers and other groups. The basic aim of the National Programme is to ensure employment and social integration for long-term unemployed persons on monthly social benefits, by means of providing jobs. The National Programme started as a pilot project in 11 municipalities, on 1 September 2002. Since 1 November 2002, it has been carried out throughout the country. By the end of 2003, it will involve some 100 000 unemployed, who will be provided with jobs, subsidized by the budget. The necessary funds have been set aside for the 2003 budget. Part of these unemployed will be involved in read-and-write courses, complimenting them with a part-time jobs (no less than six hours).

“Beautiful Bulgaria Project” started in 1998, creating part-time employment in 42 cities. The Project involves training unskilled labour and permanently unemployed for construction jobs. Nearly 20 per cent of the unemployed (some 1 800) people are from ethnic minorities. Since 1998, the percentage of Roma, involved in the project, has varied between 25 and 70 per cent of all persons employed, i.e., 6 900 unemployed Roma have found part-time jobs. Between January and July 2002, 733 persons found jobs, another 1 654 were involved in the project, and 2 636 finished the courses, with the total cost coming to BGL 4 691 395.

Part-time Jobs: National Part-Time Employment Programme, Part-Time Employment Programme in winter, and Specialised Programmes (carried out by the NCEDQ). All these programmes aim at providing minimum income for the unemployed on social benefits, through providing them with jobs. Those with precedence are persons on social benefits, or liable for such benefits, from the municipalities. Between January and July 2002, 9 288 people were provided with jobs, totaling BGL 6 198 302.

A new *Government Strategy for Social Policy* was adopted in October 2002, as part of the government’s integrated approach to execute economic and social reforms. Because of its wide scale, the *Strategy* has turned into a public contract with Bulgarian citizens, with the aim of improving their social status in the next three years.

There are also a number of regional programmes under way, directed at Roma communities:

- “Improving Living Conditions in Targovishte Municipality, Targovishte region;
- “Socially Useful Activities” in Omourtag and Antonovo municipalities, Targovishte region;
- “From Training to Employment”, Pernik region;
- “Read-and-Write Courses, Qualification and Employment”, Sofia region;

- “ A Chance for Unemployed People with Some or No Education in the Municipality of Pleven, Pleven region .

A Project “*Education and Technical Assistance*” within the Ministry of Labour and Social Policy ‘s programme for Roma integration, was launched In October 2002. The contractor is the Partners for Bulgaria, and the American Agency for International Development ordered the project. The purpose is to help the Ministry in formulating its policy towards the Roma minority in providing employment and social benefits.

Alongside the above-mentioned programmes, a number of steps are being taken to stimulate employers in hiring unemployed persons, part of whom are Roma. The aim is to encourage employers to hire unemployed on long-term contracts and to encourage unemployed persons to start on their own. (Independent surveys show that over 60 per cent of persons on social benefits are Roma)

In the field of health care:

A project, entitled “*Restructuring Health-Care Sector*” is under way now, financed by the World Bank. Under this project, a number of medical doctors (general practitioners)in the Roma neighbourhoods in Vidin, Sliven and Kyustendil, have been equipped with medical appliances. The cost of the equipment totals BGL 60 000.

Medical equipment has been ensured through the National Health Care Insurance Fund, for the entire health network in villages, including Roma communities.

All Hygiene Institutes throughout the country have opened up immunization offices to immunize Roma (children and adults) who do not have personal GPs. Immunization is free of charge, yet compulsory, and is one of the priorities in the Nation-wide Immunization Calendar.

As far as the poliomyelitis cases in the region of Bourgas are concerned, three comprehensive compulsory immunization campaigns for all children were carried out in 2001. 96-97 per cent of all the Roma children were involved in the campaigns.

The Council of Ministers took a decision on 1 January 2003 to embrace all children (up to 18 years of age) in free of charge medical health insurance. The necessary expenses have been included in the 2003 state budget. **(For further information see under Articles 5, 14 and 15)**

Article 5

1. The parties undertake to promote the conditions necessary for persons belonging to national minorities to maintain and develop their culture, and to preserve the essential elements of their identity, namely their religion, language, traditions and cultural heritage.

2. Without prejudice to measures in pursuance of their general integration policy, the Parties shall refrain from policies or practices aimed at assimilation of persons belonging to national minorities against their will and shall protect these persons from any action aimed at such assimilation.

Paragraph 1

Narrative

The Constitution and legislation of the Republic of Bulgaria guarantee to the persons belonging to ethnic, religious and linguistic minorities the right to maintain and promote their culture, as well as to safeguard and develop the essential elements of their identity. Those state institutions, which are involved, have been gradually expanding their activity. They include the NCEDQ, the Ministry of Education and Sciences, the Ministry of Culture, the Directorate of Religious Denominations, the Bulgarian National Television and the Bulgarian National Radio.

There is no state religion in the Republic of Bulgaria. As far as the Christian Eastern Orthodox religion is concerned, the Constitution's definition as "traditional", does not provide any legal preference. **(See also the information under Articles 8, 9, 12, 13, 14)**

Legal

There is no legislation in the Republic of Bulgaria, which selectively defines the religions, which are to be recognized.

Article 3 of the Constitution decrees that "the official language in the Republic is the Bulgarian one".

State Infrastructure

Ministry of Education, Ministry of Culture, National Council on Ethnic and Demographic Questions with the Council of Ministers, Directorate of Religious Denominations with the Council of Ministers, Bulgarian National Television and Bulgarian National Radio.

Measures taken

The commitments of the Republic of Bulgaria under the *Framework Convention* determine also the priority given in domestic policies to support and promote the culture, religion, language, traditions and cultural heritage of persons belonging to minorities.

With a view to providing an equal status of minority cultures, conditions are being created to guarantee the cultural dialogue and public manifestations of cultural diversity. The development of the cultural process would be impossible without the promotion of a tolerant cultural environment. The *Law on the Protection and Promotion of Culture* enhances the above processes. Similar legal guarantees are also provided by the *Law on National Reading Clubs*, the *Law on Radio and Television* and the *Law on Copyrights and Neighbouring Rights*.

In its practice of de-centralization of both management and activities, the Ministry of Culture has gone even further. It pursues its policy by optimizing the potential of the existing cultural infrastructure, thus stimulating opportunities for public manifestation of communities' culture in their natural environment. In these efforts, the Ministry enters into partnership with various organisations, mainly from the third sector, in searching for alternative funding to safeguard and promote minority cultures. A basic principle in the cultural policy is the positive action, formulated in Article 4, paragraph 2 of the *Framework Convention*. A system of criteria is under

way now to ensure equal access of all to public realisation. It is strategically important to assist those representatives of ethnic and religious communities, who have not yet been able to take their due place in the common cultural heritage.

The basis for the process of achieving equitable cultural integration of minorities in Bulgarian society is the development of cultural pluralism:

A policy of promoting the equitable integration of minority cultures into Bulgarian national culture;

Integration while preserving a minority's cultural identity;

Broad interaction between cultures of equal standing, while excluding relations of subordination and ensuring conditions for the development of minority cultures,

Tolerance towards differences, respect for them and expanding intercultural dialogue;

Development of minority cultures contributes to enriching national culture.

The Ministry of Culture has taken the following concrete actions:

Short-term strategy (until the end of 2001) for equal cultural integration of Roma, aimed at gaining access to public standing; formation of a stable, informed and active attitude on the part of the representatives of Roma ethnic and cultural community.

A database has been created for the needs of reading clubs, libraries, youth and cultural clubs, located in the vicinity or within Roma neighbourhoods. More than 50 out of a total of 3600 reading clubs operate in Roma neighbourhoods.

A Roma Cultural and Information-Consulting Centre and a Roma Musical Theatre are in the process of being created.

A "*Libraries and Reading Clubs - Information for All*" project is part of the *National Development Programme for the Information Society of Bulgaria*. Special attention is being paid to provide access of minorities.

In October 2002, UNESCO approved a Ministry of Culture project for the establishment of a Roma Theatre, totalling US\$ 20 000. The project is under way now.

The Ministry of Culture and the NCEDQ support traditional cultural events of ethnic minorities, such as fairs of Karakachans, Wallachians, Aromanians, participation of Roma song-and-dance troupes in national festivals of Koprivshitsa and Rozhen, the annual national Roma music-and-song festival in Stara Zagora, the Roma New Year (14 January), the Roma International Day (8 April), book promotions, travels to festivals abroad, celebration of calendar holidays, exhibitions, etc. The traditional festivals of Turkish culture and authentic folklore are being regularly held in Kurdjali, Razgrad and other some towns.

In October 2002, the NCEDQ sponsored the Bulgarian Roma Symphonic Orchestra, together with the Paco Soares musical troupe, on a tour of Bulgaria, Spain and Portugal. The expenses,

totalling US\$ 8 250 were provided by the World Bank Project. There was another tour in the Municipality of Shoumen, sponsored by the Open Society Foundation (around BGL 17 000).

A joint project between the Ministry of Culture and the UNDP – BUL/00/02, entitled “*Civil Promotion and Participation through Reading Club Network*”, began in 2002. It contained a component for “integrating ethnic groups into society”. The project’s duration is for three years. It is funded by the American Agency for International Development, the Dutch government’s “Mantra” Programme and the UNDP, totalling US\$ 2 475 000. (It is worthwhile mentioning that according to surveys, the Bulgarian traditional Reading Club system continues to attract persons belonging to minorities).

The Ministry of Culture set up a sector with the ‘Regional Cultural Policy’ Directorate, which works for the protection and promotion of ethnic minority cultures. The sector has Armenians, Roma and Turks on its staff.

Public councils for cultural integration of minorities have been created in a number of cities.

Public organizations increasingly participate in the process of cultural integration of minorities.

The idea of equality on ethnic grounds and tolerance between the cultures of minorities, on the one hand, and that of the majority, on the other, underlies the comprehensive concept for studying, promoting and protecting ethnic minority cultures. The concept is destined to promote cultural diversity as a key advantage of national culture, and to protect the cultural rights of all people living in Bulgaria.

The de-centralization of culture is a priority of the Ministry of Culture in its work with minority groups. The Ministry cooperates in encouraging local authorities to take part in various national and international project-funding programmes, which promote minority cultures and interaction. It is necessary to train experts capable of drafting, coordinating and supervising the implementation of such projects, which are the responsibility of the Ministry’s experts. There is still a shortage of administration staff in matters of minority culture.

Following the establishment of a Roma Cultural Centre in Sofia, it is necessary to build a nation-wide network of similar institutions. The PHARE Programme project on ‘Social Integration’, which was launched in 2002, will have a substantial contribution in this respect. One of its components envisages the setting up of 12 Roma information and cultural centres in the country. These centres will enable Roma to improve their general education and vocational skills, will establish closer contacts with the authorities, and will work to preserve and promote Roma culture, etc.

The funds, allocated from the budget to support minority cultures on a national and regional level, still fall short of the needs. The efforts of the Ministry of Culture are directed at finding alternative ways to raise funds for such activities.

Paragraph 2

Narrative

Along with the measures taken after 10 November 1989 for the democratization of Bulgarian society and the restoration of the rights and freedoms of persons belonging to national

minorities, the Constitution proclaims the principle of total rejection of forced assimilation (Article 29, paragraph 1). This is a basic priority in the internal policy of state institutions, legislation, and judicial and administrative practices. Bulgarian society is guided by this principle, too.

Legal

There is no explicit legislation concerning a “general integration policy” in the Republic of Bulgaria

The Constitution stipulates that “no one shall be subjected to torture or to cruel, inhuman or degrading treatment, or to forcible assimilation” (Article 29, paragraph 1).

State Infrastructure

Practically all state structures, namely, the National Assembly and a number of its commissions, such as the Commission of Human Rights and Religious Denominations, the Commission on Education and Sciences and the Commission on Culture, the Council of Ministers, various ministries and departments, judicial organs, etc. They all guarantee the observance of, and respect for, the basic principle of not allowing policies or activities to assimilate persons belonging to ethnic, religious or linguistic minorities against their will, and to protect these persons from any action, the aim of which is to impose such assimilation.

Is there a governmental infrastructure for integration policy?

There is a special section on “*Integration of Minorities*” in the Government’s Programme (excerpts are quoted in **Part I**, and under **Article 4, Paragraph 2**).

In its Programme, the Government states that its priority is to safeguard and promote the identity of minorities. The *Framework Convention* and the European Organisation for Security and Cooperation in Europe (OSCE) provide the principled groundwork on which the Government is carrying out its policy in this respect

The Government’s priorities in implementing its policy of integrating minorities in Bulgarian society and of developing the Bulgarian ethnic model, must be achieved in a dialogue when decisions are taken between the state, municipalities and non-governmental organisations, with the direct participation of minorities in charting and pursuing this policy.

Further on, the Government’s Programme has formulated following tasks:

- Creating a specialised anti-discrimination legislation;
- Putting in place real political, social and economic and cultural prerequisites for the full integration of minorities in society;
- Effectively using the funds for minority integration;
- Safeguarding and encouraging different minority cultures, and creating adequate conditions for expressing their ethnic, linguistic and religious origin and identity;
- Devising a government strategy for the development of economically backward areas, inhabited by persons belonging to minorities.

The short-term period (by the end of 2001) included the following:

- An analysis of anti-discrimination legislation of Bulgaria, EU-Member States, and EU-States candidates;
- Setting up units with the central, regional and municipal administrations, to deal with of minority problems;
- Monitoring the implementation of the *Framework Programme for Roma Integration in Bulgarian Society*;
- Submitting a National Report on the measures in implementation of the principles, enshrined in the *Framework Convention*;
- Speeding up execution of various PHARE and World Bank projects.

The middle-term period (by the end of 2002) included the following:

- Establishing a State Minority Agency as a body in charge of realizing the government's policy towards persons belonging to national minorities;
- Passing an anti-discrimination law through the National Assembly;
- Ratification of Protocol No.12 of the European Convention for the Protection of Human Rights and Fundamental Freedoms.

The long-term period (by the end of the government's mandate) shall include the following:

- Adoption of a strategy for economically underdeveloped regions with compact minority populations;
- Consistent and effective implementation of the *Framework Convention* by adopting specific legal and other measures.

(See also the information following Article 4, paragraph 2)

Article 6

1. The Parties shall encourage a spirit of tolerance and intercultural dialogue and take effective measures to promote mutual respect and understanding and co-operation among all persons living on their territory, irrespective of those persons' ethnic, cultural, linguistic or religious identity, in particular in the fields of education, culture and the media.

2. The Parties undertake to take appropriate measures to protect persons who may be subject to threats or acts of discrimination, hostility or violence as a result of their ethnic, cultural, linguistic or religious identity.

Paragraph 1

Narrative

One of the priorities of the Republic of Bulgaria is to maintain and strengthen a spirit of tolerance and dialogue by providing the necessary pre-requisites for the protection of the cultural variety, which state institutions are obliged to implement. At the same time, it is necessary to redouble efforts to encourage a spirit of tolerance and dialogue among different cultures, as well as understanding and cooperation among persons belonging to different ethnic, religious and linguistic groups. Of particular importance is also the cooperation with non-governmental organisations, which have been making a considerable contribution in this field.

Legal

The Preamble to the Constitution declares “humanism, equality, justice and tolerance” as “universal human values”, to which the elected people’s deputies pledge their allegiance.

Article 37, paragraph 1 of the Constitution states: “The State shall assist the maintenance of tolerance and respect among the believers from different denominations, and among believers and non-believers.”

According to Article 2, paragraph 1 (b) of the Regulations on NCEDQ structure and organization, this body “works out and submits to the Council of Ministers ... concrete measures, aimed at safeguarding tolerance and understanding among Bulgarian citizens of different ethnic and religious groups”.

Article 7 of the *International Convention on the Elimination of All Forms of Racial Discrimination*, which by virtue of Article 5, paragraph 4 of the Constitution is a part of Bulgarian legislation, stipulates that the “States Parties undertake to adopt immediate and effective measures, particularly in the field of teaching, education, culture and information, with a view to combating prejudices which lead to racial discrimination and to promote understanding, tolerance and friendship among nations and racial or ethnic groups, as well as to propagate the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the United Nations Declaration on the Elimination of All Forms of Racial Discrimination, and this Convention.”

State infrastructure

National Assembly, Council of Ministers, various ministries, including Ministry of Education and Sciences, Ministry of Culture, NCEDQ, etc.

Factual

In September 2002, the Minister of Education and Sciences issued a “Directive for integration of children and pupils from the minorities”. Its common strategic purpose is “to turn cultural diversity into a source and factor of mutual acquaintance and spiritual development of youngsters, and to create an atmosphere of mutual respect, tolerance and understanding.”

Other documents of the Ministry of Education and Sciences stress the necessity of introducing intercultural upbringing as part of the study of social sciences and civic education. The Ministry laid down as a requirement the formation of tolerance, understanding and mutual respect among representatives of different ethnic and cultural communities. This is also one of the criteria by which teachers’ results will be judged. At the same time, it must be pointed out that, as a whole, Bulgarian schools do not devote enough time to teach minority cultures and their contribution to the development of the Bulgarian culture, and to forming a spirit of tolerance and understanding among different cultures. These subjects are mainly discussed in teachers’ class hours and as extra curricula activities, financed by non-governmental organisations. Currently, new curriculum is being prepared, which will include such subject as “my country”, history, literature, music and singing, to help pupils get acquainted with traditional ethnic minorities in Bulgaria. The new curricula will include also excerpts from literature and arts by eminent writers and artists from these minorities.

In 2000 – 2001, the Institute for Perspective Defence Studies of the “G.S.Rakovsky” Military Academy, in cooperation with the International Center on Minority Problems, conducted a study on *“Trends in Ethnic Tolerance and Cooperation within the Armed Forces of the Republic of Bulgaria”*. An expert assessment pin-pointed the most important actual and potential problems of social integration of ethnic minorities within the Bulgarian Armed Forces. On the basis of the study, the 2002-2003 academic year for the Military Academy and the other higher military schools, will include suitable modules for acquainting military trainees with the culture of ethnic minorities, with a view to overcoming prejudices and achieving better understanding among members of different ethnic groups.

In 1999, the Interethnic Initiative for Human Rights Foundation drafted a project on intercultural education, designed for all children between 7 and 11 years of age. It introduced subject such as the history of the settlement of Bulgarian lands, the culture, customs, livelihood, religion and positive experience in the communication among different ethnic communities, such as Bulgarians, Turks, Roma, Armenians, Karakachans, Jews, Aromanians, Wallachians, Tatars, Gagaouz and Russians. Three textbooks were produced for pupils and teachers under the new Programme for the Promotion of Intercultural Experience (PPIE). The Ministry of Education and Sciences approved the textbooks. In 2000 the pilot project started with the training of teaching staff from 37 schools in 5 regions with mixed population. This project also included inspectors from the Ministry of Education and Sciences and administration experts in education from the respective regions. Thereafter, the project was transferred to the classrooms of the respective schools. The Ministry of Education will monitor the project for a period of two years. Afterwards, it is expected that it will be introduced throughout the country as part of the training in civic education for children of the first to the fourth grades.

The Ministry of Culture and district and municipal administrations have been creating conditions for intensifying the dialogue between the cultures of different ethnic minorities and the majority, by means of ensuring increasingly wider access for the presentation of minority cultures during cultural events at national and regional levels. Ethnic communities are also encouraged to show their individual cultures. All these activities are increasingly being established in the national cultural event calendar.

At the same time, it must be pointed out that a key principle in the Ministry of Culture’s policy is the idea that cultural integration is an inseparable part of the overall social and economic integration of minority groups in Bulgarian society. The practical realisation of this strategic position could be illustrated by the pilot project “Cultural diversity and entrepreneurship in culture”, under the Council of Europe’s Programme of “Cultural Policy and Cultural Diversity”, jointly organised by the Ministry of Culture and the Euro-Bulgarian Cultural Centre in Bulgaria in 2001. The encouraging results have justified its continuation during the current year.

Another positive example of effective co-operation at the state administration level, which opens wide opportunities for bilateral and multilateral projects, is Bulgaria’s active participation in the Council of Europe’s MOSAIC Programme.

In recent years, the ‘Open Society’ Foundation, the ‘Human Rights’ Project, the International Centre on Minority Problems and Cultural Interaction and the ‘Interethnic Initiative for Human Rights’ Foundation have organised and financed various projects for training representatives of minorities to acquire basic journalistic skills, to ensuring the presence of minorities in the media as broadcast anchors, writers, in the preparation of programmes, broadcasts and publications,

dealing with problems of different ethnic communities, and focusing on interaction between the majority and the minorities, as well as among the different minorities.

TV programmes with intercultural orientation still fall short in quantity and quality. The “Together” (Zaedno) Show on First National TV Programme, which often features documentaries devoted to various ethnic conflicts, positive experience in interethnic cultural contacts between different ethnic communities, deserves special attention. Another TV show, “Prostranstvo” (Space), dedicated to the Roma, is broadcast monthly. It is done by a team in which members of the Roma play a leading role. Many TV cable networks have started periodic broadcasts with intercultural orientation. For instance, the “Evropalitra” (Euro-Palette) by EvroCom, “Napouk” (In Spite Of) by the Plovdiv Municipal TV, “Ethno-Okno” (Ethnic Observer) by the Blagoevgrad TV, etc.

The Hristo Botev National Radio beams an intercultural programme in its “Etnosi” (Ethos) Show and other materials in its daily “Good Day” Show. The “Horizont” Radio Morning Show periodically broadcasts about minority rights. Since 1997, the “Interethnic Initiative for Human Rights” Foundation has been broadcasting a weekly show over the private “Darik Radio”, dedicated to music, art and intercultural dialogue in Bulgaria and the Balkans. Since 2000, the Foundation has been financing a series of regional radio broadcasts with intercultural orientation, such as “Komshuluk” (Neighbours), “Ritamat na predgradieto” (The Rhythm of the Suburb) and “V edin I sasht ritam” (In the Same Beat) over Plovdiv Radio, etc.

There are a number of specialised periodicals entirely dedicated to intercultural subjects, such as the “Etnoreporter” (Ethnic Reporter) Magazine of the “Interethnic Initiative for Human Rights” Foundation, the “Ethnodialog” (Ethnic Dialogue) Magazine of the Public Council of Ethnic Minorities in Bulgaria. The “Starshel” (Gadfly) and “Vesela Bulgaria” (Merry Bulgaria) newspapers often carry pages about different ethnic minorities in Bulgaria.

On weekdays, the Bulgarian National Radio broadcasts three half-hour news briefs, commentaries and reporter stories in Turkish. There are also features on literature written in Turkish in Bulgaria.

Every day the Bulgarian National Television shows a 5.00 p.m. Turkish-language newscasts. The Open Society Foundation sponsors a TV station in Kurdjali, which broadcasts in Turkish.

In January 2003, the NCEDQ finalized 9 tenders, totalling about US\$ 90 000, within the World Bank-funded project, to encourage the printed, TV and Radio media to show ethnic minority life and cultures, as well as their interaction.

NCEDQ has also held a number of seminars, within a project funded by the World Bank, with journalists from central, local and minority mass media, on the subject of “Ethnic tolerance and multiculturalism”. So far 8 such seminars have been held in various cities and towns. Three are still pending.

Paragraph 2

Narrative

Bulgarian law provides for criminal responsibility for crimes committed against persons, who can be the target of threats or acts of discrimination, hostility and violence on ethnic, racial or

religious grounds. In addition to the *Penal Code* provisions, some other laws also provide for filing suits in court against acts of violence and incitement to violence and discrimination.

Legal

Criminal Law Provisions:

Penal Code

Graver forms of discrimination have been declared an offence against the law. Respective provisions are included in Chapter Three of the Penal Code, entitled “*Crimes against Citizen Rights*”, sub-chapter I, entitled “*Crimes against National and Racial Equality*”, sub-chapter II, entitled “*Crimes against Religious Denominations*”, sub-chapter VI, entitled “*Crimes against Citizens’ Labour Rights*”. (see information on Article 4, paragraph 1, ‘*Legal*’, above)

Administrative-legal and administrative-penal provisions

Law on Radio and TV

Article 10. (1): Radio and TV operators are guided, in the discharge of their activities, by the following principles:..

Shall not allow broadcasts which inspire intolerance among citizens;

6. Shall not allow broadcasts praising, or justifying cruelty or violence, or inciting to hatred based on race, sex, religion or national grounds;

Article 17. (2): Radio and TV operators shall not allow making and broadcasting programmes, which violate the principles of Article 10, nor broadcasting materials inciting to national, political, ethnic, religious or racial intolerance, praising or justifying cruelty or violence, or directed at harming the physical, mental and moral development of minors or under-age persons.

Art. 122. Licenses shall be withdrawn in the following cases:

2. Systematic violations of the provisions of Article 6, paragraph 3, Articles 7, 10, Article 13, paragraph 4, and Article 19.

Article 126. (1): For violation of the provisions of Article 10, paragraphs 2 and 3, Articles 11-14, Articles 16-18, Article 73, Articles 75-80, Articles 82-86, Articles 90-92, and Article 103, paragraph 3, Radio and TV operators shall be liable to fines from 2000 to 15000 BGL.

(2) In the event of a repeated violation, the fines shall be doubled.

Article 126a (4): In the event of systematic violations of the law by a registered operator, his registration shall be cancelled.

State Infrastructure

According to Article 6, paragraph 1 of the *Code of Penal Procedure*, justice for criminal cases shall be meted out only by constitutionally established courts. Penalties for crimes, listed in the Penal Code, shall be meted out by a court of law under the provisions of the *Code of Penal Procedure*.

Administrative sanctions, provided for under the *Law on Radio and TV*, shall be imposed by the Council for Electronic Media, a body created by virtue of the same Law. They are subject to judiciary control.

Factual

Over the past years, some Roma have suffered of brutal treatment on the part of policemen in a number of towns and villages, the latest being the cases in Septemvri, Krivodol, and Mechka, in Pleven district. Attacks by groups of persons and individuals (usually by “skin-heads”) took place in Mororzovo and Hadji Dimovo. There were a number of attacks on religious groups by groups of persons and individuals. Investigations into those cases of violence and enmity were not always successful. They showed weaknesses in the legal framework, and spurred steps for its improvement.

In view of creating a better organisation of police activities regarding the observance of citizens’ rights, a Specialised Human Rights Commission was set up within the National Police Force in August 2000. It was assigned the task of planning measures to improve the activity of the Police with regard to observance of citizens’ rights; methodical control; training senior and regular policemen on matters of human rights and international standards for law-enforcement bodies; establishing contacts and cooperation with international human rights organizations. A coordinator has been appointed for each regional police directorate, to maintain contacts with the Specialised Commission and to organize activities, at local levels, related to observance of citizens’ rights. A three-level training course on human rights problems was organized for the National Police Force, namely, senior officers, regional coordinators and trainees, which provoked also international interest when it was presented at international conferences. Based on this course, a number of other projects have been prepared and presented to international institutions for funding.

The Specialised Human Rights Commission has prepared a declaration as an inseparable part of the warrant for detention. The document contains a deposition by a detainee in relation to his/her rights, right to have an attorney, right to a medical check-up, including a medical doctor of his/her choice and at his/her expenses, right to have an interpreter, in cases he/she does not understand Bulgarian, right to place a phone call to one relative or a third party to inform them of his/her detention.

A Human Rights and Police Practice Manual has been prepared for the training of police sergeants. It deals with police powers vis-à-vis human rights, as contained in the European Convention on Human Rights.

By a Circular letter No. 1497 of 15 August 2000, the National Police Force Director issued instructions to all police officers to pay special attention to the respect for human rights of detainees. It stressed the need of investigating into police disciplinary misconduct with regard to human rights violations, as well as the need of following up all complaints, citizens’ reports and publications in the media, alleging violence, unlawful detention and other human right violations by police officers.

With a view to protecting human rights by the National Police Force and other organs of the Ministry of the Interior, a number of projects have been prepared and put into effect jointly by Bulgarian and international organisations. Here are some of the more important ones:

- A Project under the Programme for Intergovernmental Activity of the Council of Europe (CE) providing for the publication of textbook materials on human rights. A Bulgarian-language version of videotape, entitled “ Police and Human Rights: Watch Out”, has already been prepared. Two other textbooks for teachers have been translated, and information pamphlets have been published;
- A joint Project with the World Organisation against Torture and the Assistance Center for Torture Survivors. Within its framework, 6 seminars have been held for 180 police officers. The participants have filled questionnaires concerning problems of police brutality, and the procedure of lodging complaints, as well as interrelations within the police. The results have been submitted to the National Police Force Commanding Staff, with a view to taking steps to improve police work;
- Seminars on human rights have been held for 500 police commanders. The seminars have been financed by the Technical Assistance Division of the US Department of Finance;
- A project within the framework of ADACS (Programme for Strengthening and Promoting Democratic Stability); during the CE-sponsored Week of Police and the Human Rights, a teaching seminar for regional coordinator staff was organised in Hissarya in November 2001, with speakers from CE and Bulgarian human rights organizations;
- A working session with police ethics experts has been held on the initiative of the CE to discuss the Police Officer Code of Conduct.

A model letterhead has been commissioned in cases of violated rights of detainees. Regional police units shall fill in the letterhead, so that all information shall be gathered and centrally processed.

The National Police Force has been preparing answers to reports by human rights organisations, permanently monitoring police activities, as well as to reports by the *European Committee for the Prevention of Torture and Inhuman and Degrading Treatment or Punishment* and the *Committee against Torture* under the *UN Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment*.

Relations of partnership have been established with a number of governmental and non-governmental organisations, such as the Assistance Center for Torture Survivors (ACET), the Bulgarian Helsinki Committee, the Centre for Training of Magistrates, the Bulgarian Lawyers for Human rights, and the “Human Rights” Project.

Bulgaria has been given good marks for its activities and progress in the field of human rights observance at the concluding Conference of the CE Programme, entitled, “Police and Human Rights, 1997 - 2000”.

A pilot project entitled “Police Work with Ethnic Minorities”, was launched in 1999. It was organised by the Regional Directorate of Interior Affairs in Plovdiv, under the Know How Programme of Great Britain’s Fund for Cooperation with the National Police Force and the Ministry of the Interior. The project is being implemented by the 6th Police Precinct in Plovdiv, covering a territory inhabited by citizens of Roma and other ethnic origin.

During the 1999-2000 period, nine courses were organised at the 6th Regional Precinct in Plovdiv, for training security guards of the regional police offices in Plovdiv, Sliven, Pazadjik, Montana, and Sofia. The purpose was to make police officers better acquainted with the history, traditions and religious beliefs of different ethnic groups. Such courses were also held at the regional police offices in Lom, Montana and in the “Nadezhda” Police Precinct in Sliven.

The courses won approval ratings from participants and foreign representatives, including those of Roma organisations. This meant that the the forms and methods of cooperation with the Roma population contributed to enhancing efficiency in police work and raising police prestige among the general public.

In view of the results achieved and the necessity of improving preventive work by the police in regions inhabited by compact masses of Roma population, and in the context of further implementation of the *Framework Programme for the Equitable Integration of the Roma into Bulgarian Society*, the training of police staff will continue at the training centre of the 6th Regional Police Directorate in Plovdiv. The step-by-step application of the project will also continue at a national level with the inclusion of Haskovo, Varna, Burgas, Shoumen, Dobrich, Pleven and other regional and local police offices.

Two two-week training seminars, each for 25 police sergeants and Police Academy trainees (mainly Roma), one two-week seminar for 25 police officers, and another one for senior police officers from regional and district offices and precincts, were held in the Police Academy in 2002, under the PHARE Programme BG9907.01, entitled “Roma Integration”. The beneficiary was the NCEDQ. The aim was to improve physical shape and skills of trainees, as well as police efficiency in observing human rights universal standards.

In 2002, the Police Academy organised two one-week courses for over 40 Ministry of the Interior officers on “Police Activities in a Multi-ethnic Society”, with speakers from Spain,

In September 2002, the Ministry of the Interior set up a working group on human rights, chaired by a deputy minister of the interior, with participants from relevant directorates. The aim was to find a complex solution to problems, which were mentioned in the reports by the European Committee against Torture on Bulgaria, as well as other human rights problems.

Article 7

The Parties shall ensure respect for the right of every person belonging to a national minority to freedom of peaceful assembly, freedom of association, freedom of expression and freedom of thought, conscience and religion.

Narrative

The freedom of assembly and the freedom of association for all Bulgarian citizens are guaranteed by the Bulgarian Constitution and by certain legislative acts. The law permits diverse forms of association, such as non-profit organisations (associations and foundations), religious denominations, political parties, private civil rights societies and commercial companies. Most of these forms of organisations (except the political parties) are also open for membership to foreigners. The *Law on Meetings, Rallies and Demonstrations* regulates the procedure for holding outdoors peaceful rallies.

Legal

The freedom of assembly and association is proclaimed by the Constitution:

Article 43, paragraph 1 states that citizens shall have the right to peaceful and unarmed assembly for meetings and manifestations;

Article 43, paragraph 2 says that the procedure for the organising and holding of meetings and manifestations shall be established by the law;

Article 43, paragraph 3 provides that no notice to the municipal authorities shall be required for meetings held indoors.

Article 44, paragraph 1 states that citizens shall be free to associate;

Article 44, paragraph 2 forbids organisations whose activity is detrimental to the country's sovereignty and national integrity, or the unity of the nation, or which incite racial, national, ethnic or religious enmity, or encroach on the rights and freedoms of citizens; the same article forbids organisations which set up clandestine or paramilitary structures, or shall seek to attain their aims through violence.

Article 11, paragraph 4 states that there shall be no political parties on ethnic, racial or religious lines, nor parties which seek the violent usurpation of state power.

According to the interpretation by the Constitutional Court in its decision No. 1 of 29 February 2000, "a party can be alleged to be founded on ethnic grounds when its constitution does not allow persons belonging to other ethnic groups to become its members".

Article 44, paragraph 3 states that the law shall establish which organisations shall be subject to registration, the procedure for their termination, and their relationships with the State.

Penal Code

Article 166: Whoever founds a political organisation on religious grounds, or who, through speech, action or in any other manner, uses a church or religion to spread propaganda against the authorities and their initiatives, shall be punishable by imprisonment of up to three years, if he is not subject to a more severe punishment, or the court may decide to be interned to a new location.

Law on Political Parties

Article 3, paragraph 2: Political parties may hold public functions, issue appeals and statements, and draw up their documents in the Bulgarian language.

Article 12, paragraph 2: The court shall decide on the dissolution of a political party in the following cases:

1. When it systematically violates, by its activities, the requirements of this law;

2. When its activities run counter to the provisions of the Constitution;
3. When there is a Constitutional Court decision, which has entered into force, whereby this political party has been declared anti-constitutional;
4. When more than five years have elapsed since its latest registration for taking part in elections (parliamentary, presidential or local).

The Law on Legal Non-Profit Entities regulates the mode of formation, functioning and registration of non-profit associations and foundations. Some of the limitations on the formation and activities of non-profit associations are formulated as follows:

Article 13 (1): A non-profit legal entity shall be dissolved:..

3. By a decision of the district court, in the district where the legal entity has a domicile, when....b) it engages in any activity which runs counter to the Law, or is contrary to public order or good manners.

The Law on Meetings, Rallies and Demonstrations regulates the order for holding peaceful assemblies. For indoor meetings no notification or permission is required from the authorities. Local authorities may impose obligations as well as restrictions on the organizers for outdoors peaceful assemblies, subject to the following rules:

Article 8 (1): For holding an outdoor meeting or rally, the organisers shall notify in writing, at least 48 hours in advance, the municipal people's council or the mayor's office on whose territory it will take place, by indicating the organiser(s), the purpose, the place and time of the meeting or rally;

(2) In urgent cases, the notification for the outdoor meeting or rally, as stated above, may be submitted one day in advance.

Article 12 (2): The chairman of the municipal people's council executive committee, or the mayor, may ban the holding of a meeting, rally or demonstration when it is clear beyond doubt that:

1. It is aimed at changing by force the constitutionally established public and state system, or against the territorial integrity of the country;
2. It endangers public order of the respective inhabited place;
3. It is a threat to public health, when an epidemic situation has been declared in advance;
4. It violates other citizens' rights and freedoms.

Bans by local authorities may be appealed before a district court, whose ruling shall be final.

State infrastructure

State and executive organs, judiciary and local authorities are duty-bound to observe the provisions of the Constitution and of the laws, which guarantee the freedom of association.

Factual

The principle of pluralism in present-day Bulgarian society is reflected in a large number of registered political parties, civic associations including non-governmental organisations, cultural

organisations, clubs, etc. Hundreds of organisations of minority communities freely conduct their activity in conformity with the Constitution and the *Law on Persons and the Family*.

By its decision No. 4, dated 21st of April 1992, with reference to constitutional case No. 1 / 91 (see **Annexes**), the Constitutional Court rejected a request by 93 deputies (MPs) from the Greater National Assembly, joined by 53 MPs from the 36th National Assembly. They all asked the Court to declare as unconstitutional of the Movement for Rights and Freedoms, on the grounds of Article 11, paragraph 4 of the Constitution. The Court also rejected the request of 53 MPs from the 36th National Assembly to declare as non-elected the MPs from the same National Assembly, who were elected on the Movement for Rights and Freedoms ticket in the elections held on 13 October 1991.

According to the Constitutional Court, the purpose of the provision of Article 11, paragraph 4, “is not to impose a ban directed against a definite category or categories of persons, who differ by their ethnic, racial or religious characteristics. Its purpose is not to allow the creation and functioning of political parties within the limits imposed by given ethnic, racial or religious characteristics, barring the access of persons from different characteristics, and who have based their programme objectives and tasks on values, ideas and interests of “their own” circle of members, supporters and electors, who express the political will of this particular circle only, and act in and upon the structures of the state authority solely proceeding from this will.”

Article 8

The Parties undertake to recognise that every person belonging to a national minority has the right to manifest his or her religion or belief and to establish religious institutions, organizations and associations.

Narrative

There are many religious communities, differing in type and size, in the Republic of Bulgaria.

The Christian Eastern Orthodox faith is the traditional religion of the Bulgarians. The Bulgarian Eastern Orthodox Church has protected Bulgarian identity throughout the centuries. It is the foundation, which underlies the process of Bulgarian national revival. In 1870, the Church was institutionally restored by virtue of the Ottoman Empire Sultan’s firman, under the name of Bulgarian Exarchate, as an ethnically independent religious community. After the liberation of Bulgaria in 1878, the Church participated in the building up of Bulgaria’s statehood, and in the affirmation of the Bulgarian ‘national idea’ among Bulgarians living abroad.

Besides the Bulgarian Orthodox Church, there is also an Armenian Apostolic Orthodox Church.

The Muslim religion was formed in the Bulgarian lands during the Ottoman rule. It includes the Sunni and the Alawite denominations, with the Sunni of the Hannaphite theological law school prevailing. As a religious community, Muslims are recognised as a corporate body. Islam is practised by Turks, Bulgarians, Roma and Tatars.

The Israelite faith is the traditional religion of Bulgarian Jews, who belong to the Sephardic Jews in their majority, with a small number of Ashkenazi Jews and Romaniotes. They are united by one single religion, under the leadership of the Central Israelite Religious Council.

Catholicism has been in existence in the Bulgarian lands for centuries. Catholics are mainly Western (Roman), although there are also Eastern Catholics.

Protestant (Evangelical) communities in Bulgaria are of two types - the traditional Protestant communities, who settled down in the territory of present-day Bulgaria during the establishment of the Ottoman Empire or soon afterwards, and the new Protestant (Evangelical) religious movements, which appeared after the beginning of democratic changes.

Along with the above-mentioned religions, a number of new religious ones have emerged in Bulgaria since 1989. They are of different types, such as the Hare Krishna Society, the Baha'i community, the Jehovah's Witnesses, the Church of Jesus Christ of Latter-Day Saints, etc. (see below, under *Factual*).

Ever since the start of the democratic process in Bulgaria, the need to reform State-religious communities relations has been placed on the agenda. The then *Law on Religions*, together with the entire practice of suppressing the freedom of religion and interfering with religious affairs, was a legacy of the totalitarian regime until 1989, followed by a wave of religious strifes within different religions at the beginning of the democratic changes. The State's attempts to interfere in their internal affairs, underlie the problems which have beset religious communities and the right to freedom of religion since 1989.

By its decision of October 26 2000, related to the Hassan and Chaush v. Bulgaria case, the European Human Rights Court in Strasbourg reviewed the legal framework and the facts, which led to a split within the Muslim religion. The Court opined that the interference on the part of the State in the internal affairs of the Muslim community and with the freedom of religion of the claimants, was "arbitrary and founded on legal provisions, allowing unlimited freedom to make an assessment."

Legal

Freedom of religion is enshrined in the Constitution:

Article 13 (1): The practicing of any religion shall be free.

(2) The religious institutions shall be separate from the State.

(3) The Eastern Orthodox Christianity shall be considered the traditional religion in the Republic of Bulgaria.

(4) Religious institutions and communities, and religious beliefs shall not be used for political purposes.

Article 11 (4): There shall be no political parties on ethnic, racial or religious grounds, nor parties, which seek the violent usurpation of state power.

There is no state religion in the Republic of Bulgaria. As far as the Eastern Orthodox Church is concerned, the Constitution defines it as the "traditional religion", which does not create any legal preferences.

There is no legislation in the Republic of Bulgaria, which selectively enumerates the religions and denominations that are to be recognized.

Article 37 (1): The freedom of conscience, the freedom of thought and the choice of religion and of religious or atheistic views shall be inviolable. The state shall assist the maintenance of tolerance and respect among believers from different denominations, and among believers and non-believers.

(2) The freedom of conscience and religion shall not be practiced to the detriment of national security, public order, public health and morals, or of the rights and freedoms of others.

By Judgment No.5/92 and Judgment No.2/98, the Constitutional Court accepted that the freedom of conscience, thought and religion or beliefs is inviolable (**See Annexes**)

By Judgment No. 5, dated June 11, 1992, the Constitutional Court issued a mandatory interpretation of the provisions of Article 13 and Article 37 of the Constitution. In the Court's opinion, the right of religion is strictly a personal, inviolable and fundamental right of every Bulgarian citizen. It includes the right of anyone to freely choose one's religion and the possibility to profess it freely by word, in the press, media, through association. This right shall in no way be restricted, except in the cases, listed in the above-mentioned articles of the Constitution. These cases have been exhaustively enumerated and cannot be broadened or supplemented by law or by interpretation. Religious communities and institutions are separated from the State, and there shall be no state interference, nor state administering of their internal organizational matters.

By Judgment No. 2, dated 18 February 1998, the Constitutional Court "deems it appropriate to emphasize that the use of religious communities and institutions, or of religious beliefs, for preaching religious fundamentalism or extremism, shall always be construed as a gross violation not only of Article 11, paragraph 4 of the Constitution, but also of other fundamental constitutional principles, contained in a number of provisions, such as Article 12, paragraph 2, Article 13, paragraph 4, Article 37, paragraph 2, and Article 44, paragraph 2".

The main legislative Act, which until recently governed the relations between the State and religious communities in Bulgaria, was the *Law on Religion*. It contained numerous restrictions of one's right to practice a religion, and allowed for unwarranted interference by the State into the internal organizational life religious communities. These restrictions were the product of the period, when the Law was adopted, namely, 1949, when the then totalitarian system established a secular ideological monopoly. But many of the provisions of the Law were not applied as a result of the Constitutional Court Decision No. 5/1992, whereby the Court established the unconstitutionality of a series of provisions in the Law. The Court also decreed that "... the provisions of the *Law on Religion*, which contradict Articles 13 and 37 of the Constitution, should be considered null and void by virtue of the direct application of these constitutional norms, from the moment of the Constitution's coming into effect. This may be established incidentally by any authority which applies the law." The Court also decided in respect of the restrictions, contained in Articles 13 and 37 that "Such, or similar restrictions do exist also in some international treaties, to which Bulgaria is a party, namely, the *UN International Covenant on Civil and Political Rights*.

In December 2002, the National Assembly passed a new Law on Religion (State Gazette, No. 129, of December 29, 2002). The new Law introduced a completely new basis for State-religious communities relations. Registration of religious institutions shall be done by the judiciary, thus preventing any interference on the part of the executive in the internal-organizational affairs of religions. Religious rights and freedom shall be guaranteed, and

mechanisms have been provided to prevent any discrimination based on religion. Religions are free to open up educational, social and health institutions. There is a possibility for the State and municipalities to support and assist religious communities, including by funds from the state and municipal budgets. There is also a possibility for the State to encourage religious activities through amending various laws, by means of tax, credit, interest or customs reliefs. The new Law also takes a decisive step towards healing the split within the Bulgarian Christian Orthodox Church.

In 1998 the National Assembly passed the *Law on Substituting Military Service for Alternative Service*.

According to Article 3 of the Law, “All male Bulgarian citizens, subject to military service, may request to substitute their military duty with alternative service, when they do not wish to serve under arms, in the exercise of their constitutional rights of freedom of conscience, thought and of free choice of religious faith.”

Since 1989, a process has begun, in conformity with a number of laws, for the restitution of confiscated property of religious denominations, which were banned during the totalitarian regime. A special law has restored real estate and movable property, belonging to the Catholic Church in Bulgaria, confiscated in 1953, which had not been covered by the other restitution laws. (**Part I, Annexes**)

State Infrastructure

A Directorate of Religious Denominations has been set up as a specialized body with the Council of Ministers. Its structure, functions and staff are regulated by the *Law on Administration and the Regulations on the Structure of the Council of Ministers*’ (Article 107), approved by Decree No. 209 of 2000.

Factual

Since 1992 the Council of Ministers through its Directorate of Religious Denominations has been providing annual subsidies from the state budget to some registered and active religious organizations. Every year the annual subsidies have been increased. The state subsidy voted by the National Assembly for the past few years is as follows:

1998	-	270 000 BGL
1999	-	330 000 BGL
2000	-	830 000 BGL
2001	-	1 000 000 BGL

The subsidy for religious faiths in 2001 amounted to BGL 1 000 000, and was distributed as follows:

- Bulgarian Orthodox Church - 880 000 BGL, 120 000 BGL of which are for Bulgarian cultural monuments abroad;
- Muslim Faith - 100 000 BGL;
- Armenian Apostolic Orthodox Church and the Central Israelite Religious Council - 20 000 BGL

The subsidy for religious faiths in 2002 amounted to BGL 1 030 000, and was distributed as follows:

- Bulgarian Orthodox Church - 900 000 BGL,
- Muslim Faith - 80 000 BGL;
- Armenian Apostolic Orthodox Church, -25 000 BGL,
- Central Israelite Religious Council - 20 000 BGL.
- Romanian Orthodox Church in Bulgaria – 5 000 BGL.

During the 1997-1998 school year, after more than 50 years of interruption, the study of Religion was reintroduced in schools as an optional subject (in the classes for freely eligible studies). In the first school year, those wishing to study it were 16 700 in some 400 schools. After that, the number of was around 16 000. Christian religion is taught to pupils from 1st to 8th grades. In the 1999-2000 school year, the subject of Religion-Islam was introduced. Teachers who teach the subject are graduates of the Christian Universities of Theology in Sofia or Veliko Turnovo, or of the Higher Islamic Institute. During the 2001-2002 school year, religious instruction was organised in two forms, namely, compulsory eligible (CE), and freely eligible (FE). The 2001-2002 school year saw religious CE classes organised in 128 schools with Christian instruction for 10 154 pupils in 702 groups, and 7 schools with the study of Islam with 634 pupils in 47 groups. In addition, FE study of the Christian faith was organised in 213 schools for 8 674 pupils in 554 groups, and in two schools, where Islam was studied by 39 pupils in 3 groups.

Instruction in the subject of Religion-Islam is done in the Bulgarian language, in conformity with Article 8, paragraph 1 of the *Law on National Education*, according to which Bulgarian is the official language of instruction in kindergartens, schools and public service units.

Higher Christian theological education in Bulgaria is organised in two theological faculties with the Sofia and the Veliko Turnovo universities, as well as in two Chairs of Theology, one at the university of Shoumen, and another at the university of Plovdiv. Protestant Theology is taught at the Higher Evangelical Institute in Sofia, where it is organised in sections, corresponding to the individual protestant teachings. Higher Muslim theology is taught at the Higher Islamic Institute in Sofia.

Secondary Christian theological schooling is organised in two seminaries in Sofia and in Plovdiv. Secondary Muslim theological schooling is organized in three secondary Islamic schools in Shoumen, Rousse and Momchilgrad.

In recent years some progress has been achieved in guaranteeing religious freedoms. It is evident in the application of the principle of separation of religions from the state, their equal standing before the law, the principle of non-interference in the internal affairs of religious faiths, observed in recent years, and the right to a free choice of religion. This position of the Bulgarian state became expressly evident, when the State resorted to the *European Convention on the Protection of Human Rights and Fundamental Freedoms*, in order to find mechanisms to resolve disputes. As a result, two friendly agreements were signed with the “Jehovah Witnesses”.

Factual

The following religious faiths were registered with the Council of Ministers (by October 1, 2001):

Bulgarian Christian Orthodox Church,
 Armenian Apostolic Orthodox Church,
 Central Israelite Religious Council,
 Muslim Religion,
 Catholic Church,
 Evangelical Methodist Episcopal Church,
 Bulgarian Church of Our Lord,
 Bulgarian Evangelical Church of Our Lord,
 Union of Seventh Day Adventist Churches,
 Seventh Day Adventist Church, a reformer movement, canonically linked with the General Conference of the Seventh Day Adventists,
 Seventh Day Adventist Church, a reformer movement with the International Missionary Society,
 Union of Evangelical Baptist Churches in Bulgaria,
 Union of Evangelical Cathedral Churches in Bulgaria,
 Union of Evangelical Pentecostal Churches in Bulgaria,
 "Blaga Vest" ("Good Word") Bulgarian Evangelical Church,
 Open Biblical Brotherhood,
 "Ognena Vayra" ("Ardent Faith") Evangelical Church,
 "Free Evangelical Meetings" Society,
 United Church of Our Lord,
 "Zion" Christian Church,
 "Shalom" Christian Evangelical Church,
 "Boziya sila" (The Strength of Our Lord"),
 "Christ Church of Redemption" Christian Society Christian Church,
 New Apostolic Church,
 The Church of Jesus Christ and Latter-Day Saints,
 White Brotherhood Society,
 Baha'I Community in Bulgaria,
 Hare Krishna Society,
 Bulgarian Lutheran Church,
 Jehovah Witnesses
 Nazarene Church

Article 9

1. **The Parties undertake to recognise that the right to freedom of expression of every person belonging to a national minority includes freedom to hold opinions and to receive and impart information and ideas in the minority language, without interference by public authorities and regardless of frontiers. The Parties shall ensure, within the framework of their legal systems, that persons belonging to a national minority are not discriminated against in their access to media.**
2. **Paragraph 1 shall not prevent Parties from requiring the licensing, without discrimination and based on objective criteria, of sound radio and television broadcasting, or cinema enterprises.**
3. **The Parties shall not hinder the creation and the use of printed media by persons belonging to national minorities. In the legal framework of sound radio and television broadcasting, they shall ensure, as far as possible, and taking into account the provisions**

of paragraph 1, that persons belonging to national minorities are granted the possibility of creating and using their own media.

4. In the framework of their legal systems, the Parties shall adopt adequate measures in order to facilitate access to the media for persons belonging to national minorities and in order to promote tolerance and permit cultural pluralism.

Paragraph 1

Narrative

Every person in the Republic of Bulgaria, including those belonging to a national minority, shall be entitled to exercise absolutely freely his or her right to hold opinions and to receive and impart information and ideas in his or her mother tongue.

Legal

The right to freedom of opinion is guaranteed by the Constitution:

Article 39, paragraph 1 states: "Everyone shall be entitled to express an opinion or to publicize it through words, written or oral, sound or image, or in any other way."

Paragraph 2: "This right shall not be used to the detriment of the rights and reputation of others, or for the incitement of a forcible change of the constitutionally established order, the perpetration of a crime, or the incitement of enmity or violence against anyone".

Article 40, paragraph 1: "The press and the other mass information media shall be free and shall not be subject to censorship";

Paragraph 2: "An injunction on or a confiscation of printed matter or another information media shall be allowed only through an act of the judicial authorities in the case of an encroachment on public decency or incitement to a forcible change of the constitutionally established order, the perpetration of a crime, or the incitement to violence against anyone. An injunction suspension shall lose force if not followed by a confiscation within 24 hours."

Article 41, paragraph 1: "Everyone shall be entitled to seek, obtain and disseminate information. This right shall not be exercised to the detriment of the rights and reputation of others, or to the detriment of national security, public order, public health morality."

In accordance with Judgement No. 2 of 14 November 1996, the Constitutional Court found that "no constitutional restriction has been established in respect of the language in which this right may be exercised (Article 39, paragraph 1 of the Constitution). Moreover, there exists a constitutionally established right of citizens, whose mother tongue is not Bulgarian, to use their own language (Article 36, paragraph 2 of the Constitution).

The *Law on Radio and Television* also defines the right to free dissemination of information in the mother tongues of ethnic communities in the country.

Article 6, paragraph 3: “Public Radio and TV operators... shall ensure, through their programme policy, protection of the national interests, common human cultural values, national sciences, education and culture for all Bulgarian citizens, regardless of their ethnic belonging”;

Article 7, paragraph 1: “The Bulgarian National Radio (BNR) and Bulgarian National Television (BNTV) are national wireless and TV operators, which...shall help the development and dissemination of Bulgarian culture and language, as well as the cultures and languages of citizens in accordance with their ethnic belonging.”

Article 12, paragraph 2: ” Radio and TV programmes or individual broadcasts may be carried in another language, when ... they are beamed for Bulgarian citizens, whose mother tongue is not Bulgarian...;”

Article 49, paragraph 1: “The Bulgarian National Radio and Bulgarian National Television shall create national and regional programmes, broadcasts for other countries, including for Bulgarian expatriates; and broadcasts beamed for Bulgarian citizens whose mother tongue is not Bulgarian, also in their own language ”

Article 76, paragraph 2: “There shall be no dissemination of advertisements, based on national, political, ethnic, religious, gender or other discrimination”.

Article 90, paragraph 1: ”Political parties and organizations, as well as religious ones, shall not sponsor any broadcasts.”

State infrastructure

The *Law on Radio and Television* created a Council for Electronic Media (CEM), to act as an independent specialised body, which shall regulate Radio and TV activities, by means of registration or issuing licenses for Radio and TV activities, and also by means monitoring Radio and TV operators how they comply with this Law. CEM shall consist of nine members, with five being elected by the National Assembly, and four appointed by the President of the Republic. CEM shall elect and dismiss BNTV and BNR General Directors; it shall also confirm their governing boards on the proposal of the General Directors.

Factual

In 2000, under the *Law on Radio and Television*, the BNTV Channel One started daily ten-minute newscasts in Turkish. The Turkish minority believes that this is not enough..

In the spring and summer of 2000, the BTV held a number of competitions for broadcasts intended for the Roma community. There is a weekly half-hour broadcast, called “Zaedno” (Together), informing viewers with the life and problems of various ethnic minorities. Once a month, this broadcast discusses Roma issues. It is realized by Roma scriptwriters. The broadcast is called “Prostranstva” (Spaces). The BNTV also features a monthly musical broadcast, called “Etnossi” (Ethnic groups).

Three times a day the BNR broadcasts half-hour information and music programmes. They are beamed only to regions with compact Turkish population. Both national radio programmes regularly feature broadcasts dedicated to minority problems.

For four consecutive years, The “7 Days” Cable TV has been broadcasting half-hour programmes twice a month, called “Romano Dounyas” (Roma world), dealing with Roma issues. In 2000, the same Cable TV started the first Turkish-language programme since 1989, called “Beliyat Gulub” (The White Dove). Nowadays, this programme is being broadcast by the “DEN” (“Day”) TV station.

One of the country’s most influential private Radio companies, Darik Radio, started its own regional broadcasts in Turkish language, beamed for the time being from Kurdjali. Other private TV and Radio operators have been following suit.

CEM has included certain requirements in its licensing procedures for producing programmes intended for the minorities and linked with their ways of life, culture and social integration. Stimulation criteria have been laid down for making programmes in different mother tongues, particularly in mixed-population areas.

A license was issued to a Cable TV station in Vidin for Roma in the Roma language. Another Cable TV station was licensed in Razgrad for persons belonging to the Turkish minority.

On the occasion of traditional religious holidays, leaders of some religious minorities, especially Turkish, Armenian-Gregorian and Judaism, address believers and the entire public, including in minority languages.

Paragraph 2

Narrative

There are nearly 180 private Radio stations and some 80 Cable TV private stations operating in the country.

State Infrastructure

The State-run Telecommunications Commission (STC) and the Council for Electronic Media (CEM) are the bodies that issue licenses to TV and Radio operators, in accordance with the *Law on Radio and Television*, and the *Law on Telecommunications*.

Paragraph 3

In conformity with the constitutionally guaranteed principles of freedom of speech and dissemination of information, no state institution shall be entitled to exercise control over the volume and scope of information, thematic and genre structure of printed media. At the same time, all surveys show that it is precisely the printed media which portray a clear negative image of the Roma community.

Since the beginning of democratic changes, the minority periodical press, having overcome serious organisational and financial difficulties, has gradually recovered its positions. In order to be published, ethnic minority periodical publications are dependent on donations from foundations and private individuals, such as the “Open Society” Foundations, the “International Centre on Minority Problems and Cultural Interactions”, the “Promotion of Civil Society” Foundation, etc. Until recently, the State has practically taken no part in this. In 2001 the NCEDQ allocated some 15 283 BGL to assist minority publications, and in 2002 – 39 180 BGL. In January 2003, nine tenders were carried out within a World Bank-financed project to support

printed Radio and TV media, which portray life and problems of minorities and their cultural interaction.

Publications of the ethnic minorities in Bulgaria currently in circulation:

“Etnodialog” (Ethnic Dialogue), a quarterly magazine, published by the Public Council of Ethnic Minorities in Bulgaria (which unites organisations of the Armenians, Aromanians, Wallachians, Jews, Roma, Russians, Turks), since 2001.

“Klub Zaedno” (Together Club), an intercultural, bi-monthly magazine for teenagers of various ethnic and religious origins, published by the “Council for Ethnic and Religious Tolerance” Foundation, since 2001.

Armenian Periodical Press

“Erevan”, a weekly in Armenian and Bulgarian languages, dealing with political, cultural and information matters, published by the Association of Armenian cultural and educational organizations, since October 1944;

“Vahan”, an Armenian and Bulgarian language information weekly, Armenian information weekly, published by the “Hamazkain” Armenian Union for Education and Culture, since October 1991;

“Armentsi” (Armenians), a private monthly magazine for politics and history published in Bulgarian since November 1991;

Jewish Periodical Press

“Evreiski Vesti” (Jewish News), in Bulgarian, published by the Organization of Jews in Bulgaria,

“Shalom”, founded on 1 November 1933. Published without interruption since 1944;

“Barberan”, in Bulgarian, published by the restored “Ashomer Azair” organisation since 1993;

Roma Periodical Press

“Drom Dromendar”, published in Bulgarian, and occasionally in Roma language, an independent monthly periodical since September 1995;

“Romano obektivo” - in Roma language, published from 1996 to 1998, since then as “Obektiv”, by the Bulgarian Helsinki Committee. There is also an annual publication with synopsis in Bulgarian;

“Gitan”, in Bulgarian, an independent monthly magazine published since 1998;

“Andral-Otvatre” (From Inside), an independent monthly magazine, published in Bulgarian and Roma since 1999;

“Djipsi Rai”, in Bulgarian, an independent magazine, published since 1999;

“Akana”, in Bulgarian, an information periodical magazine, published since 2001;

Turkish Periodical Press

“Filiz” (New growth), a weekly for children in Turkish, published by the Movement for Rights and Freedoms from 1992 to 1996, and since then as an independent publication;

“Balon”, a monthly magazine for children in Turkish, published since 1994;

“Günü” , a monthly publication on education and culture, in Turkish, published by the Balkan Education and Culture Foundation since 1995;

“Kainak” (Water source), a monthly magazine, published in Turkish by the Turkish Centre for Culture in Sofia since 1999;

“Deliorman”, in Turkish, a quarterly magazine, published by the “Deliorman” Turkish Centre and Literary Society of Turkish Writers, since 2002;

“Sabah”, in Turkish, a weekly newspaper, published by the “Utro” (“Dawn”) Foundation since 2002;

Aromanian Periodical Press

“Armanla” , a monthly bulletin in Bulgarian and Aromani, dealing with the Aromani language and culture, published since 1993;

Wallachian Periodical Press

“Timpul”, in Bulgarian and Romanian quarterly, published by the Wallachian Association in Bulgaria since 1993;

Russian Periodical Press

“Belaya Volna”, a quarterly in Bulgarian and Russian, published by the Union of White Russian émigrés and their descendants in Bulgaria, since 1992.

Other Publications

“Etnoreporter” (Ethnic Reporter), a bi-monthly magazine, published by the “Interethnic Initiative for Human Rights” Foundation on the problems of minorities;

“Narodna Volya” (People’s Will), a monthly newspaper with a supplement, entitled “Pirinski Plamen”

Periodicals of some religious communities

“Musulmani”, in Turkish, published by the Chief Mufti’s Office in Bulgaria as a bi-monthly since 1990; also a separate edition in Bulgarian;

“Khristianska misal” (Christian Thought), a monthly magazine in Bulgarian, published by the Seventh-Day Adventists;

“Khristianski vestnik” (Christian Newspaper), a monthly in Bulgarian, published by the Bulgarian Church of Our Lord;

“Blagovestitel” (Annunciation), a monthly in Bulgarian, published by the Pentecostal Alliance in Bulgaria;

“Zornitza” (Morning Star), a monthly published in Bulgarian by the Congregationalist Church;

“Vitania”, a monthly published in Bulgarian by the Baptist Church in Bulgaria;

“Khristianska nadezhda” (Christian Hope), a quarterly in Bulgarian, published by the Lutheran Church;

“Strazheva kula” (WatchTower), a monthly in Bulgarian, published by the Jehovah Witnesses.

Paragraph 4

Narrative

There are no provisions under the law, which restrict the access to mass media of persons belonging to national minorities. What is needed is a broader presence of representatives of the minorities in the electronic media, including the BNTV and BNR, with the State playing a more effective role in support of minority media.

Article 10

1. The Parties undertake to recognise that every person belonging to a national minority has the right to use freely and without interference his or her minority language, in private and in public, orally and in writing.

2. In areas inhabited by persons belonging to national minorities traditionally or in substantial numbers, if those persons so request and where such a request corresponds to a real need, the Parties shall endeavour to ensure, as far as possible, the conditions which would make it possible to use the minority language in relations between those persons and the administrative authorities.

3. The Parties undertake to guarantee the right of every person belonging to a national minority to be informed promptly, in a language which he or she understands, of the reasons for his or her arrest, and of the nature and cause of any accusation against him or her, and to defend himself or herself in this language, if necessary with the free assistance of an interpreter.

Paragraph 1

Narrative

There is a constitutionally established right for citizens, whose mother tongue is not Bulgarian, to use their own languages. The Constitution also guarantees the right to everyone to express an

opinion and to disseminate it in writing or by word of mouth. There are no constitutional restrictions in respect of the languages in which this right can be exercised.

Domestic law employs the term “mother tongue” with reference to the term “minority language”, used in the *Framework Convention*. There is a definition for it in the *Regulations for the Application of the Law on National Education*, namely, “the language in which a child communicates with his or her family until it enters school”.

The Constitutional Court has accepted that the term “mother tongue”, adopted by Bulgarian Law, is valid for all persons “for whom the Bulgarian language is not their mother tongue”. Moreover, there is no need to define a minority in order to make use of its mother tongue.

Legal

Constitution

In accordance with Article 36, paragraph 2 of the Constitution, “Citizens whose mother tongue is not Bulgarian shall have the right to study and use their own language alongside the compulsory study of the Bulgarian language”. (See also related information under Article 14).

Article 39, paragraph 1: “Everyone shall be entitled to express an opinion or to publicize it through words, written or oral, sound or image, or in any other way;”

Paragraph 2

Narrative

In its Judgment No. 2 of 1998, the Constitutional Court of the Republic of Bulgaria: stated that “... the application of Article 10, paragraph 2 of the *Framework Convention* shall be possible only within the framework of Article 3 of the Constitution and Article 36, paragraph 3 of the Constitution.”

Legal

Constitution

Article 3: “Bulgarian shall be the official language of the Republic.”;

Article 36, paragraph 3: “The situations in which only the official language shall be used shall be established by a law”.

The use of a language other than the Bulgarian is regulated in the following provisions of the law:

Code of Civil Procedure

Article 5: The language of courts shall be the Bulgarian. When persons involved in a lawsuit do not know Bulgarian, the court shall appoint an interpreter to help these persons discharge their duties, and to receive explanations about the Court’s actions.

Article 478 stipulates that that when one of the persons in a lawsuit does not know the Bulgarian language, and the language which he uses is unknown to the notary public, the latter shall appoint an interpreter.

Code of Criminal Procedure

Article 11, paragraph 1: Criminal procedures shall be conducted in the Bulgarian language alone;

Paragraph 2: Persons, who do not have a command of Bulgarian, shall use their own mother tongue, or another language. In such cases, an interpreter shall be appointed.

Article 90, paragraph 1: When a defendant does not have a command of Bulgarian, an interpreter shall be appointed.

Law on Judiciary

Article 105, paragraph 1: The language of the judiciary system shall be the Bulgarian;

Paragraph 2: Any person involved in a lawsuit, who does not have a command of the Bulgarian language, shall have an interpreter appointed by the Court to help him or her; with all expenses for the interpreter in criminal cases of general character shall be borne by the court.

Paragraph 3

Narrative

Under the law, any person belonging to an ethnic, religious or linguistic minority shall be entitled to be informed promptly in a language he or she can understand of the nature and the grounds of the charge levelled against him or her, as well as of his or her right to defend himself or herself in his or her own language by using an interpreter free of charge. The right of persons belonging to ethnic, religious or linguistic minorities to be informed in a language they understand, of the reasons for their arrest, is not legally provided in the preliminary detention procedure. There are enough grounds to warrant a reform, so as to adequately guarantee this right .

Legal

Code of Criminal Procedure

Article 206, paragraph 1 explicitly underlines the rights of a person detained, to be told of the reasons why he or she is under suspicion, to make comments, objections and explanations;

Paragraph 2: With regard to a person detained, as per the paragraph above, the provisions of Article 73... and Articles 89-91 respectively, shall be applicable::

Article 73, (1): The lawyer for the defence may participate in the criminal procedure from the moment of the detention of the person, or since the moment he or she has been indicted;

(2) The preliminary procedure authorities shall explain to the defendant that he or she is entitled to a defence lawyer, and to ensure that the person is in a position to get in touch with a defence

lawyer. The preliminary procedure authorities shall not take any steps to conduct an investigation, until they have complied with this obligation.

Article 90 (1): When a defendant does not have a command of the Bulgarian language, an interpreter shall be appointed.

The Law on the Ministry of the Interior empowers the police to detain persons in the following cases:

Article 70 (1): Police authorities may detain persons:

1. who have committed a crime;
2. who, having been duly warned, knowingly prevent the police from performing their official duty;
3. who are seriously mentally handicapped or, who by their behaviour, disrupt public order or expose their life to imminent danger;
4. juvenile delinquents, who have run away from home, or from their guardians, trustees or from public establishments, to which they were committed;
5. when it is impossible to establish the person's identity in the events and by the methods, listed under Article 68;
6. who have escaped from prison or from the places where they have been detained as accused, under a police administrative order, or on the order of a judiciary body, as provided for in the Law;

Article 70 (3): A person detained is entitled to appeal before the Court against the legality of his or her detention. The Court shall immediately rule on the appeal ;

Article 70 (4): From the moment of their detention, all persons shall be entitled to a defence by a lawyer;

Article 71: Persons who have been detained under Article 70, paragraph 1, sub-paragraphs 1-5, shall not have their rights restricted, except for the right of free movement. Detention in such cases shall not exceed 24 hours.

State Infrastructure

Making arrests is the prerogative of the police. The police forms part of the system of the Ministry of the Interior. Depending on the stage of the criminal procedure, the responsibility of appointing an interpreter lies with the police, the investigation and the court.

Article 11

1. **The Parties undertake to recognise that every person belonging to a national minority has the right to use his or her surname (patronym) and first names in the minority language and the right to official recognition of them, according to modalities provides for in their legal systems.**
2. **The Parties undertake to recognise that every person belonging to a national minority has the right to display in his or her minority language signs, inscriptions and other information of a private nature visible to the public.**
3. **In areas traditionally inhabited by substantial number of persons belonging to a national minority, the Parties shall endeavour, in the framework of their legal system, including, where appropriate, agreements with other States, and taking into account their specific conditions, to display traditional local names, street names and other topographical indications intended for the public also in the minority language when there is a sufficient demand for such indications.**

Paragraph 1

Narrative

Persons belonging to minorities shall be entitled to use freely their names, i.e. first, patronymic and family names, in accordance with the traditions of their communities. These names shall be officially and legally recognised.

On 5 March 1990, the National Assembly adopted a *Law on the Names of Bulgarian Citizens* (Official Gazette No. 20 of 9 March 1990.) The Law provided an opportunity through two accelerated court procedures to review applications for restoration of forcibly changed names, the applications being free of charge.

On 15 November 1990, the Grand National Assembly passed a *Law on Amendments to the Law on Bulgarian Citizens' Names* (State Gazette No. 94 of 23 November 1990), which did away with the court procedure and, in the course of three years, introduced an administrative procedure for restoring forcibly-changed names. It also allowed the restoration or change of patronymics or family names to be effected even without the traditional characteristic endings of Bulgarian ethnic names with suffixes of -o-, -ova (-ev, -eva).

According to a Council of Ministers' memo deposited in the Office of the President of the Republic, 598 123 applications seeking the restoration of names were submitted by 28 February 28 1991. Of these, 376 759 were settled in court, and the rest, 221 364, were settled through the administrative procedure. Parents were also able to restore their children's names. After 1993, the procedure underwent changes, and restoration of names had to be sought through the court. This procedure lasted until 1999, when a *Law on Citizen Registration* was passed. This law provided for the Bulgarian citizens, whose names had been forcibly changed, to be able to recover their former names by way of accelerated judicial procedure under the *Civil Procedure Code*. These procedures were exempted from court fees. In the same way, Bulgarian citizens were able to change their names (in the case of under-aged, by means of an application from their two parents or their guardians) in cases when they were born after the names of their parent

or one of their parents had been forcibly changed. In 2001, the *Law on Citizen Registration* was amended, thereby making it possible to recover names through the administrative procedure.

Currently, the question remains open of the restoration of forcibly changed names of deceased persons. It is not always easy for persons, whose names were forcibly changed, or for their heirs, to establish beyond any reasonable doubt, the correspondence between the original names, which were forcibly changed and the names now being restored. This is due to the fact that in the databases of a number of departments, including those of the courts, this correspondence has not been entered. As a result, when these citizens apply to the administrative services, they are asked to indicate their forcibly changed names, such as the ones that appear on certificates proving whether a persons has been tried in court, or not.

Legal

The *Law on Citizen Registration* provides for the following:

Article 13 states that the patronymic name of every person is formed by his or her father's own name, with the suffix of "ov" or "ev" denoting gender, except in cases, where the father's own name does not allow the addition of such suffixes, or they contradict the person's family, ethnic or religious tradition.

Article 14: The family name of every person is the family name or patronymic of the father with a suffix of "ov" or "ev" denoting gender, except in cases where the person's family, ethnic or religious traditions require otherwise.

Article 14, paragraph 2: Every person, when getting married in a civil ceremony, may take the spouse's family name, or add the spouse's family or patronymic name to his or her own family name.

Article 19, paragraph 1: Any change in a person's first, patronymic or family names shall be allowed by the Court on the strength of an application submitted by the person concerned, if the name is derogatory, defamatory or unacceptable in public, or if important circumstances require;

Paragraph 2: A person of Bulgarian origin, who has acquired or restored his or her Bulgarian citizenship, may change his or her patronymic and family names by adding the suffix "ov" or "ev", and an "a" for the female gender, or to Bulgarise his or her first name, by using a short procedure under the *Code of Civil Procedure*. These procedures are exempted from state fees.

Paragraph 3: Bulgarian citizens, whose names have been forcibly changed, may recover their former names by using the procedure under paragraph 2 above;

Paragraph 4: Bulgarian citizens, who were born after the names of their parents, or of one parent, had been forcibly changed, may resort to the same procedure;

Paragraph 5: In the same way, through an application by the two parents, or by the guardians, it shall be possible to recover the names of under-age persons, if the names of their parents or of one parent had been forcibly changed. In the absence of consent between the parents, the Court shall decide the case after it has heard the under-age persons.

Paragraph 6: Civil status officials are obliged under the law to issue, at the request of a deceased person's heirs, identity documents with the real or restored names of the deceased, if his or her names have been forcibly changed,

Article 20: In the process of acquiring or restoring one's Bulgarian citizenship, a person of Bulgarian origin may, if he or she so wishes, adopt his or her patronymic or family name with the suffix "ov" or "ev", adding an "a" for the female gender; the person may "Bulgarize" his or her own first name. Such name changes shall be reflected in the Decree of the President of the Republic of Bulgaria, whereby persons acquire or restore their Bulgarian citizenship.

Paragraph 2

Narrative

There are no obstacles to putting up signs and other information of private character in public with texts in Bulgarian, as well as in minority languages.

The *Law on Commerce* allows shop signs to be written in any language alongside the official Bulgarian language (**see below**).

Legal

Article 7, paragraph 3 of the *Law on Commerce* states that: "Merchants shall write their company signs in Bulgarian. They may also inscribe them in a foreign language."

Paragraph 3

Legal

The procedure and requirements of naming and renaming projects/sites are defined in State Council Decree No. 1315 of 11 July 1975 (State Gazette No. 55 of 18 July 1975). It also regulated the naming and renaming of projects/sites of national and local importance. The legal provisions made in this decree were evidently outdated, as illustrated by article 2, which reads that "names shall be given in agreement with the national traditions and with the principles of socialist patriotism and proletarian internationalism". Article 4 demanded that "the names should reflect the richness and beauty of the Bulgarian language, they shall sound well, be comprehensible, easy to pronounce and compact, inspiring a sense of dignity and pride in the builders of a developed socialist society."

In its Judgement No. 2 of 18 February 1998, the Constitutional Court stated that in Article 11, paragraph 3, of the *Framework Convention* "resorts to a legal possibility, the realisation of which is contingent on two preliminary conditions, namely, taking into account specific local conditions of the respective country, and the existence of a need to designate a minority language. Further, the Court argued that "the legal possibility outlined in Article 11, paragraph 3, does not run counter to the Constitution. It is a fundamental right of every person to get to know the world in his or her mother tongue. This right is also guaranteed by the Bulgarian Constitution in the general context of using one's mother tongue, Article 36, paragraph 2.

On the other hand, the Court emphasised, that the *Framework Convention*, through Article 11, paragraph 3, explicitly stresses that the legal possibility provided in this article has no

precedence over the official toponymic system of the respective state, because this system is a component of the state sovereignty. It is explicitly indicated in the *Explanatory Report to the Framework Convention* that “this provision does not imply any official recognition of local names in the minority languages.”

Article 12

- 1. The Parties shall, where appropriate, take measures in the field of education and research to foster knowledge of the culture, history, language and religion of their national minorities and of the majority.**
- 2. In this context the Parties shall *inter alia* provide adequate opportunities for teacher training and access to textbooks, and facilitate contacts among students and teachers of different communities.**
- 3. The Parties undertake to promote opportunities for access to education at all levels for persons belonging to national minorities.**

Paragraph 1

Legal

Article 15, paragraph 1 of *the Law on National Education* requires that educational institutions create conditions for “educating a free, ethical and enterprising personality, law-abiding, respecting other people’s rights, culture, language and religion”.

Law on the Protection and Development of Culture

Article 2: The basic principles of the national policy in the field of culture are as follows:

6. To promote cultural diversity while safeguarding the unity of national culture;

Article 24 (1): To set up a National Culture Fund, to be spent on:

6. Programmes and projects for the protection of freedom of citizens’ cultural manifestations, including those of ethnic, religious and linguistic communities.

State Infrastructure

Ministry of Education and Sciences, Ministry of Culture, Bulgarian Academy of Sciences.

Factual

After decades of underestimating and seriously hampering scientific research of Bulgaria’s minority communities and their culture, history, languages and religion, in the past 12 years of democratic changes, the latter were placed in the focus of increased attention by the Bulgarian Academy of Sciences (BAS) institutes and the universities. The “St. Kliment Ohridsky” Sofia University, the BAS Institute of Ethnography with the, the BAS Institute of Sociology, the BAS Institute of History, the BAS Institute of Folklore, the Nov Bulgarski Universitet (“New Bulgarian University”), and the Universities in Plovdiv and Shoumen, are leading in scientific research of culture, history, language and religion of minorities. In the future, the teaching in

history and culture of the larger minority communities should be intensified at the teacher-training faculties, and special attention should be paid to training young specialists in education, medicine, social care and public administration, so that they can work in a multicultural environment, taking into account the cultural peculiarities of this country's big minorities.

In 2002, the Ministry of Culture jointly with the BAS Institute of Folklore began implementing the UNESCO project "Living Treasures". This project aims at discovering authentic folklore representatives from all ethnic communities. It will also prepare a classification record of their traditional activities and skills, preserved and developed over the centuries and subject to special protection. The fact that Bulgaria is the first UNESCO State Member to win support in the realisation of this project on its territory is a testimony to its rich and diverse national folklore, and a recognition of the level of keeping them in good shape.

Protection and study of minority folklore is one of the priorities in setting up new cultural institutions. In this respect, the creation of a Roma Musical Theatre is linked to presenting and disseminating Roma traditional music and dances, and taking additional care for their protection.

In the past few years, several NGOs provided funding, organization and publication of historical, ethnological, sociological and linguistic studies on a number of minority communities. Between 1995 and 2001, the International Centre on Minority Problems and Cultural Interaction published 30 volumes of academic studies on minorities in Bulgaria and the Balkans. It also lent financial support to the publication of 23 academic works in this field, 7 dictionaries and textbooks for the study of Turkish, Roma, Aromanian and Romanian languages. In addition, the International Centre funded publications of poetry, collections of fairy tales and legends and works of fiction by 18 Roma and Turkish authors. The Open Society Foundation provided some funding to academic scholars and teams for studies on minority culture, history and religion. Other NGOs also sponsored similar activities to a lesser extent.

A new fact in the country's academic life is the increased interest of minority representatives in their own history, culture and languages. Besides the traditionally intensive study and presentation of Jewish and Armenian cultures in Bulgaria by these minorities, there is a growing number of scholarly, pedagogic and journalistic publications by Turkish and Roma authors.

In mother-tongue classes, the Turkish children have acquired more knowledge of the history and culture of their community. In Armenian and Jewish schools or separate classes, instruction is given on the history and culture of the respective communities as well. The problem is that this knowledge remains within the minority communities, and is taught to a lesser degree under the general education curricula. Owing to the lack of sufficient instructors and textbooks, a number of obstacles of organisational and financial character, and insufficient interest on the part of parents, no Romani is taught in schools to Roma pupils as their mother tongue.

NGOs have actively aided the publication of dictionaries, grammars and teaching aids on the history and culture of minorities in Bulgaria. They have also supported the training of schoolteachers to give instruction in the history and culture of minorities. The "Interethnic Initiative for Human Rights" Foundation has issued 11 appendices on Roma history and culture to the textbooks on mother tongue, literature, history and music, intended for first-to-eleventh-grade pupils, and five methodical instruction books for teachers of those subjects. The Ministry of Education and Sciences has approved them as regular school aids. With funding from the Council of Europe, the Foundation has trained instructors from 35 schools to work with these school aids. It has also carried out a pilot project on their approbation in schools where Roma

and Bulgarian pupils are educated. In order to continue, the project needs further assistance from the Ministry of Education and Sciences. The circulation of teaching aids has already been fully exhausted. Now the project continues in some 25 schools without any funding.

The Balkan “Diversity” Foundation publishes teaching aids for the study of Roma language, and teaching materials to help instructors in Bulgarian language who teach Roma and Turkish pupils. Every year it organizes international seminars on ethnic linguistics, directed primarily to the study of the linguistic problems experienced by Roma and Turkish pupils in learning the official Bulgarian language.

Paragraph 2

(see the information under Article 12, paragraph 1)

Paragraph 3

(see the information under Article 14)

Article 13

- 1. Within the framework of their educational systems, the Parties shall recognize that persons belonging to a national minority have the right to set up and manage their own private educational and training establishments.**
- 2. The exercise of this right shall not entail any financial obligation for the Parties.**

Paragraph 1

Narrative

The provisions of domestic legislation, which govern the procedure and conditions for opening and running private schools, are identical for all Bulgarian citizens. There are no obstacles to opening private schools by ethnic minorities in Bulgaria, but this opportunity has so far not been used. There are private religious schools and private language schools, attended also by members of the minorities.

Legal

Law on National Education

In conformity with Article 10, schools and kindergartens are “state-run, municipal and private owned”.

Article 11 of the same Law provides for private schools to be opened by Bulgarian physical persons and legal entities. These schools do not obtain any financial support from the state budget. They use their own material assets. The Minister of Education and Sciences issues an order for the opening of such schools, after all documents as required by the *Regulations on the Application of the Law* are submitted by the persons concerned.

Article 30 provides for religious schools to be opened by religious institutions for children who have graduated from elementary school. The education received in these schools shall be acknowledged the same status as that of secular schools, provided that the state curriculum requirements for respective degree of schooling have been observed.

Regulations on Application of the Law on National Education

Article 23, paragraph 1: Religious schools shall be opened by an order of the Minister of Education and Sciences at the proposal of the respective central body of the recognized religious institution.

The *Law on Higher Education* provides for the possibility to open private higher schools under a procedure, which conforms to the normative basis and activity of the National Agency for Evaluation and Accreditation of Higher Schools in Bulgaria (Article 15).

Under Article 12, paragraph 1 of the *Law on Higher Education*, private schools and kindergartens with foreign participation may be set up only as joint ventures with Bulgarian physical persons or legal entities. Foreign schools and kindergartens may be set up only under bilateral treaties between the Republic of Bulgaria and another foreign institution. (Article 12, paragraph 2).

Factual

There are three private secondary religious Muslim schools in Shoumen, Rousse and Momchilgrad, which are licensed to issue secondary school diplomas. The subjects studied must conform to the state secondary educational standards. These schools also teach the Holy Qu'ran, History of Islam, Arabic, Islamic Law, Ethics, etc.

There is a Higher Islamic Institute in Sofia, licensed to train religious leaders.

In July 1999, the Ministry of Education and Sciences issued a license for the opening of a Higher Evangelical Theological Institute in Sofia, which was to function as a religious institution. The Institute managed to consolidate the religious schools of several Protestant denominations. It is now continuing the process of consolidation with the rest of the Protestant denominations.

Paragraph 2

Narrative

One-tenth of the State subsidies to the Muslim religion goes to Muslim educational institutions.

Article 14

1. The Parties undertake to recognize that every person belonging to a national minority has the right to learn his or her minority language.

2. In areas inhabited by persons belonging to national minorities traditionally or in substantial numbers, if there is sufficient demand, the Parties shall endeavour to ensure, as far as possible and within the framework of their education systems, that persons belonging to those minorities have adequate opportunities for being taught the minority language or for receiving instruction in this language.

3. Paragraph 2 of this article shall be implemented without prejudice to the learning of the official language or the teaching in this language.

Paragraph 1

Narrative

Citizens whose mother tongue is not Bulgarian shall be entitled to learn their mother tongue, as guaranteed both by the Constitution and respective legislative acts.

Legal

The Constitution (Part I) guarantees:

Article 36, paragraph 2: “Citizens whose mother tongue is not Bulgarian shall have the right to study and use their own language alongside the compulsory study of the Bulgarian language.”

The Law on National Education stipulates in Article 8, paragraph 2: “Pupils whose mother tongue is not Bulgarian shall be entitled, besides the compulsory study of the Bulgarian language, to study their own mother tongue in municipal schools with the State providing protection and control.”

Article 9: “Every citizen shall exercise his or her right to education in a school chosen by him or her, and the type of instruction in accordance with his or her preferences and possibilities.”

The Regulations for the implementation of the *Law of National Education* (Article 5, paragraph 4) reads that “Mother tongue in the meaning of these Regulations shall mean the language spoken by a child within his or her family before entering school.”

The Council of Ministers Decree No. 183 dated September 5, 1994, concerning the study of mother tongue in municipal schools, provides as follows:

Article 1, paragraph 1: Pupils whose mother tongue is not Bulgarian shall be given instruction in their mother tongue from the first to the eighth grades as an optional subject;

Paragraph 2 provides for four hours a week study of the mother tongue.

Article 2, paragraph 4 provides for free of charge textbooks in the mother tongue.

Article 5 provides for municipal budgets to fund mother tongue instruction.

Ordinance No. 4 of the Ministry of Education and Sciences dated September 2, 1999, on the educational minimum and curriculum, contains the following provision:

Article 12: Compulsory instruction classes are divided between cultural and educational subjects, on the one hand, and instruction in mother tongue, on the other. Each shall have 72 hours annually in the ninth and tenth grades, and up to 108 hours in the eleventh and twelfth grades.

The Law on Educational Degrees, General Education Minimum and Curricula (Article 15, paragraph 3) reads as follows: “Compulsory instruction also includes the study of mother tongue in compliance with Article 8, paragraph 2 of the *Law on National Education*.”

Ordinance No. 5 of the Ministry of Education and Sciences, dated 30 May 1994, defined the number of pupils in a class, and children in a group, in kindergartens, schools and auxiliary units. It reads as follows:

Article 19, paragraph 1: 13 shall constitute the minimum number of pupils for the formation of groups for optional (facultative) training. The group shall be split into two, if it exceeds 26.

Paragraph 3: Groups for optional (facultative) tuition may be formed with less pupils than the number required by a decision of the municipal councils for schools in small settlements; but no less than 7.

Ordinance No. 8 of the Ministry of Education and Sciences, dated 6 December 1999, fixed the number of pupils in a class and children in a group of kindergartens, schools and auxiliary units:

Article 24: Classes in compulsory training shall be split into a minimum of 11 pupils per group. Assembled groups shall be formed with a minimum of 12, and a maximum of 20 pupils per group.

Legislative amendments, introduced with the adoption of the *Law on Educational Degrees, General Education Minimum and Curricula*, consist in making the “mother tongue” subject “a compulsory subject”. In this manner, its study in the regular, i.e. “compulsory” tuition hours and with regular teachers is legally guaranteed. Moreover, marks on this subject are included in the list of annual ratings, forming the average mark. This is not the case with the “optional subjects”. It is yet to resolve normatively, however, the question of forming an assembled group from those wishing to study their mother tongue, where they are less than 12, or of splitting a class, where when the pupils wishing to study their mother tongue are less than 11.

Paragraph 2

Normative

There are experts in Turkish, Armenian and Hebrew languages in the Ministry of Education and Sciences.

During the 2001-2002 school year, in line with the Council of Ministers’ Decree of 5 September 1994, the mother tongue was taught in municipal schools, as an optional subject 4 hours a week, from the first to the eighth grades. This meant that a mother tongue was studied as an extra-curriculum subject, and in the event of poor marks, a pupil passed onto the higher grade, without a make-up exam.

In the 2002-2003 school year, Turkish as a mother tongue was introduced as a compulsory subject from the first grade. Pupils and their parents had a choice between three subjects, Turkish, English and choreography. As of next school year, this will be the curriculum from first grade.

Instruction in Turkish as a mother tongue is done by using model curricula, text-books and student dictionaries, prepared and approved by the Ministry of Education and Sciences, for the first to the eighth grades. For the 2001-2002 school year, there were 34 860 pupils enrolled in Turkish language classes in 520 schools with 703 teachers, the majority of them (over 80 per cent) being qualified. In the same school year, Turkish was studied as a compulsory subject in the ninth, tenth and eleventh grades.

The study of Turkish as an extra-curriculum subject, which is characteristic for schools where Turkish children are in smaller numbers, hampers tuition and provokes dissatisfaction of parents and pupils. Teaching aids are morally and physically outdated and short in supply. No new teaching aids have been issued since 1993.

There are mother tongue experts on the staff of the Education Inspectorates in those districts, where large numbers of pupils study Turkish, and there are many teachers, such as in Shoumen, Burgas, Rousse and Kurdjali. In the remaining districts, the functions of these experts are taken over by experts in organisation and management, or language experts.

Turkish, as a foreign language, is studied in private Muslim religious secondary schools in Shoumen, Rousse and Momchilgrad, as well as in the “Balkan School”, run by the “Balkan Colleges” Foundation, and the Private “Friendship” Language High School, run by the Bulgarian-Turkish Democratic Foundation.

Teachers in Turkish are trained in the “Konstantin Preslavski” University in Shoumen, and the Pedagogical College in Kurdjali. Turkish is studied at the Oriental Languages Centre of the “St. Kliment Ohridki” University and the Higher Islamic Institute, both in Sofia.

Teachers in Turkish are sent to qualification courses in Turkey.

Armenian, Hebrew and Greek are studied as mother tongues in schools in Sofia, Plovdiv, Sliven and in some smaller towns. No groups have been formed yet for these languages in the compulsory curriculum after the eighth grade.

Instruction in **Armenian** as a mother tongue is provided four hours a week to 23 Armenian pupils in the ‘William Saroyan’ 76th Municipal School in Sofia, and in the ‘Victoria Krikor Tutundjan’ School (about 350 pupils) in Plovdiv. Armenian is also taught in other towns, where groups have been formed in the so-called “Saturday-Sunday” schools.

Instruction in **Romanian** as a mother tongue was among the compulsory subjects in a high school specializing in Romanian language, which was set up in Sofia at the beginning of the 1999-2000 school year. Currently, there are two classes of about 25 pupils each, in the eighth and ninth grades, and another one of 12 in the eighth preparatory grade. About two-thirds of the pupils are Aromanians. The rest study Romanian as a foreign language. There are no conditions for the Wallachians, inhabiting areas along the Danube and the Timok rivers, to study Romanian as a mother tongue. This provokes dissatisfaction among them.

There is the “Dimcho Debelyanov” Jewish School in Sofia. About one-third of the pupils are Jewish, the rest being Bulgarian, a few are Turks, there is one Roma and one Korean. They are all given instruction in **Hebrew** and English. There are also Sunday Schools where Hebrew is taught in 6 cities, such as Sofia, Rousse, Vidin, Plovdiv, Burgas and Kyustendil.

Aware of the enormous educational role in the struggle against racism and anti-Semitism, Bulgaria unreservedly supported the Stockholm Declaration on the Holocaust, adopted by the European Ministers of Education at the conference in Krakow, in October 2000. Following its recommendation, Bulgaria also supported the Council of Europe's idea for a European Holocaust Day Commemoration in all schools.

Instruction in **Greek** as a optional mother tongue is given at the 9th Elementary School in Sliven. The pupils come from families, members of the Culture and Enlightenment Club of the Karakachan "Rechitza" Society in Sliven. In other regional societies of the Karakachan' Federation, Greek is taught in clubs by teachers, who have graduated the New Greek philology in the Athens University.

Despite efforts in the early 90s to introduce Roma in first grade in some municipal schools, **Roma** as a mother tongue is practically not studied. Tuition started in 1992 with about 4 000 Roma children, but by 1999, their number dropped to about 500. Some of the difficulties are related to the lack of textbooks. On the other hand, there is a shortage of trained teachers and teaching aids for the higher classes.

Some neighbourhood schools are better known as "Roma", or "Gypsy schools", because they are located in Roma neighbourhoods, and the pupils attending them are mainly Roma. There are very few exceptions in smaller towns, where non-Roma pupils constitute not more than five per cent. They are mainly pupils expelled from other schools, or pupils who join Roma schools in order to obtain higher marks for their seventh and eighth grade diplomas. The course in these schools is usually to the fourth grade, or to the eighth grade. Secondary schools to the eleventh and twelfth grades are available only in the bigger Roma neighbourhoods. Roma neighbourhood schools provide general education. The focus in the upper grades is on vocational skills. Teachers often come and go. The material and technical facilities of these schools are of extremely low standards in comparison with those in the other schools.

In some ethnically mixed schools, there are separate classes for Roma children. This leaves lasting negative consequences on the youngsters. At the same time, the level of instruction in these classes is very low, compared to that in the mixed ones.

Mixing pupils of Bulgarian and Roma origin in a reasonable way, not exceeding 30-35 per cent, proves the best practice for integrating Roma children in Bulgarian education and culture. This practice is conducive to maintaining a good level of education and training of all children, while creating good conditions for rapid emancipation of Roma pupils.

A considerable number of Roma children attend special schools, designed for pupils with mental and physical deficiencies. According to some statistics, every third pupil in these special schools is of Roma origin, although a substantial number of them are healthy. The reasons are complex. However, some are obvious. Selection commissions ignore the fact that Roma children either do not speak Bulgarian, or have a poor command of it, which makes them less sociable. There are free meals in these schools, which is the reason why an overwhelming number of Roma families prefer them. Unfortunately, there are cases when some teachers overplay the advantages of these schools to Roma parents, while downplaying their shortcomings.

As a result of a comprehensive analysis of the status of education of ethnic minority children and pupils, the Minister of Education and Sciences approved an "Instruction for Integration of

Children and Pupils of Minorities” in September 2002. The following common strategic objectives are contained in it:

1. Integration and preservation of ethnic and cultural identity of children and pupils from minority communities, through education and extra-curricula forms of training;
2. Overcoming specific problems, which violate the principle of equal access to good education;
3. Furnishing pre-requisites for better social integration of young people from various ethnic communities;
4. Making cultural diversity a source and a factor of mutual acquaintance and development of the younger generations, and creating an atmosphere of mutual respect, tolerance and understanding.

The Instruction focuses on specific problems facing Roma pupils:

1. Isolation of Roma children in Roma neighbourhood schools;
2. Healthy Roma children are massively directed to attend special schools;
3. Racial manifestations in classes;
4. Romani is not studied as a mother tongue in schools;
5. Low level of literacy and professional skills of adult Roma.

The following strategic objectives, related to the integration of Roma children and pupils, are highlighted:

1. Preparation for shifting children and pupils from Roma neighbourhood schools to other schools, and creating equal access to good education;
2. Ending the practice of enrolling normal and healthy Roma children in special schools for mentally retarded.

The following strategic objectives are aimed at children and pupils from the Turkish ethnic community:

1. Providing incentives to children, pupils and their parents for receiving education and qualification, which are necessary for their social adaptation and professional realization;
2. Appointing persons of required education and qualification to the position of “assistant teacher” in those schools, where pupils from the Turkish ethnic community are in the majority. These qualified persons will be able to help whenever language or other problems arise, in the process of adapting pupils from Turkish ethnic origin to the curriculum;
3. With a view to improving mother tongue teaching, a working group shall be set up, composed of teachers in Turkish and experts, who will see that pupils are fully supplied with textbooks and aids in Turkish.

In respect of children from other ethnic communities, the Instruction envisages the following:

The Ministry of Education and Sciences, using its local structures, shall help non-profit organizations in setting up and conducting extra curriculum classes in Armenian;

In those cities and towns, which cannot meet the Ministry's required minimum of setting up groups and classes to study Hebrew, non-profit organizations are expected to provide methodical assistance for extra curriculum study of the language.

With the purpose of tackling the most pressing problems in the education of ethnic minorities, especially those of the Roma, a Consultative Council was formed at the Ministry of Education and Sciences as a permanently operative consultative body, to advise the Minister on the following issues:

- a) Creating and putting into practice a nationwide education strategy on integration of pupils from minority communities;
- b) Proposing specific steps to integrate Roma children with children from other ethnic communities;
- c) Putting forward a concrete educational policy, designed to enrich curricula with knowledge about traditional ethnic communities;
- d) Coordinating educational efforts along these lines with non-governmental organizations;
- e) Compiling an information database for important nation-wide educational initiatives by non-governmental organizations, as well as other institutions and departments.

In September 2002, the National Assembly passed amendments to the *Law on National Education*. They envisage that beginning from the 2003-2004 school year "it is obligatory to prepare children one year before they go to school for the first time; the preparation shall be conducted in groups or preparatory classes at school. Fees shall be waived off parents and guardians." (State Gazette, No. 90, dated 24 September 2002).

The Ministry of Education and Sciences is in the final stage of preparing a draft *Strategy on Integration of Children and Pupils from Ethnic Minorities*, which will be widely discussed in public.

The NCEDQ is in the final stages of putting out a tender, within a World Bank-funded project. It is entitled, "Assessment of existing practices, which guarantee equal access of minority children to education, and recommendations for sustainable decisions of minority education problems". A contract is to be signed in February, and the project will be implemented in four months.

The Japanese Social Development Fund and the World Bank have provided some funding for a complex project, to be implemented by the Ministry of Labour and Social Policy and the NCEDQ. The project is entitled "Improving Children's Well-being in Bulgaria". It aims at preparing children of pre-school age, coming from marginalized families (mainly Roma), to attend school as first graders. The first stage of the project was carried out in the summer of 2002. It involved 1 335 children in the course of four months, and amounted to 600 000 BGL. The second stage is under way now. It will involve 2 600 children for an eight-month educational course, and will amount to 1 400 000 BGL.

The end of 2002 saw the completion of a project, entitled, "Roma access to education, and training Roma to work in public administration and the police". The project is part of the PHARE Programme BG9907, entitled, "Encouraging Roma Integration", amounting to BGL

200 000. Some 50 teachers and that many assistant teachers received their training in a multicultural environment (with the participation of Roma pupils). Textbooks and school aids dealing with multicultural education were published, too. As part of the project, a job description for the position “assistant teacher” was also prepared. The plan was to introduce it in the educational system in 2003.

Along with subjects, such as my native country, history, literature, singing and music, it is also envisaged to include subjects on getting pupils acquainted with traditional ethnic minorities in Bulgaria. There will be excerpts from literary and artistic works by eminent ethnic minority writers and artists. A joint pilot project, run by the Ministry of Education and Sciences and the “Amalipe” Foundation, has been under way since September 2002. Its aim is to teach Roma culture in 15 schools in Veliko Tirnovo region.

In January 2003, the NCEDQ organized a tender for Project BG 0104.04.01, entitled, “Roma Population Integration”, amounting to BGL 2 115 000. The project’s aim is to help Roma pupil integration in the educational process by creating conditions stimulating their activities in school, improving the qualification of some 300 teachers, and training some 100 young men and women to obtain a qualification as “assistant teacher”. The project will be completed by the end of 2003.

In August 2002, the Minister of Education and Sciences approved a Regulation No. 6 on the education of children who require special aids, or have chronic medical problems. The Regulation is envisaged to end the practice of enrolling healthy and mentally capable children in the so-called “special schools.”

Paragraph 3

Bulgaria is the official language in Bulgarian schools.

Legal

The Constitution provides (Article 36) for the study of the Bulgarian language as a right and obligation of every Bulgarian citizen. At the same time, the study and use of the mother tongue is to be carried out alongside the compulsory study of Bulgarian.

The Law on National Education (Part I, Part II, Article 12, 2) provides the following:
Article 8, paragraph 1: Bulgarian is the official language of instruction in schools. The latter shall provide the conditions, necessary of mastering the literary Bulgarian language;

Article 16, paragraph 4: State educational requirements refer to the “mastering of the Bulgarian literary language”;

Article 24, paragraph 2: ”There shall be three State matriculation exams, one of them in the Bulgarian language and literature”.

Article 15

The Parties shall create conditions necessary for the effective participation of persons belonging to national minorities in cultural, social and economic life and in public affairs, in particular those affecting them.

Narrative

I. Participation in cultural life

Guarantees for the effective participation in cultural, social and economic life of all citizens, including persons belonging to minorities, are provided for in the entire legislation and normative basis governing the state policy in the cultural sphere. Practical measures in this respect are aimed, on the one hand, at paving the way for effective participation in tenders for funding cultural projects, and on the other, at building expert-consultant bodies with the participation of persons from various ethnic and cultural communities.

Legal

The Constitution (Article 54, paragraph 1) guarantees that every Bulgarian citizen shall have the right to avail himself of the national and universal human cultural values and to develop his own culture in accordance with his ethnic belonging. This provision shall be applicable through the ***Law on the Protection and Promotion of Culture (Part I, Part II, Article 5, Article 12)*** and the ***Law on Reading Clubs (Part I, Part II, Article 5, Article 12)***.

State infrastructure

Ministry of Culture (Council, “Regional Cultural Policy” Directorate), NCEDQ, local self-government bodies (district and municipal councils).

Factual

During the past two years, the Government, acting through the NCEDQ and the Ministry of Culture, allocated modest funds for some minority cultural events. The Council for Roma Cultural Affairs, attached to the Ministry of Culture, has been working in close co-operation with the Euro-Bulgarian Cultural Centre, created in 1999, with active participation of the Ministry.

Festivals of Roma culture are regularly held in Stara Zagora, Sliven, Shoumen, and so are traditional festivals of Turkish culture and authentic folklore in Kurdjali, Razgrad and other smaller towns. Cultural events of Karakachans, Armenians, Jews, Wallachians, Aromanians, and the remaining national minorities, which have cultural and educational societies, exemplify a better mutual acquaintance and establishment of tolerance for the traditions, cultures, languages and religions of persons belonging to ethnic, religious and linguistic minorities.

II. Participation in social and economic life

The social and economic situation of representatives of various minorities is different. The annual reports on human development in Bulgaria (UNDP) show that the areas of compact

minority population have inferior indicators of human development (average life expectancy indices, level of education and GDP per capita). Judging by the 2002 Report, areas with considerable minority population, such as Sliven, Silistra, Pazardjik, Razgrad, Targovishte, Kurdjali, and Montana, rate from 28th to 22nd respectively (out of 28 districts) in terms of human development classification. The district of Sliven, with 9.6 % Roma population, ranked last. The Roma proved to be the most vulnerable group, suffering from negative social and economic consequences by the ongoing transition to market economy and current economic reforms. Considerable parts of the Roma population have reached extreme poverty. (see **Article 4, paragraph 1, Factual and the References**).

The National Development Plan and the National Plan for the Development of Agriculture contain priority measures to overcome considerable disparities in the development among different regions. The preparation of the above-mentioned two documents by the Government in 2000 was a pre-requisite for the European Union to grant Bulgaria a pre-accession assistance within the SAPARD and ISPA programmes, in order to get prepared how to appropriate the structural funds after its admission to EC. The regions lagging behind will be considered a priority in the Government's strategy on underdeveloped regions, inhabited by persons belonging to minorities.

The NCEDQ held a tender for the World Bank-funded project for a strategy on development of regions with mixed ethnic and religious population, as a part of the National Strategy for Development, which is pending adoption.

State infrastructure

Ministry of Labour and Social Policy, Ministry of Regional Development and Urban Planning, Ministry of Agriculture and Forestry, and NCEDQ.

III. Participation of representatives of ethnic communities in political life

Members of the Turkish ethnic minority participate in the political life, basically through the Movement for Rights and Freedom (MRF), registered under the *Law on Political Parties*. A small part of the Turkish minority belong to the National Movement for Rights and Freedoms, and the Democratic Party of Justice, both of them being political parties with representation in local self-government.

In 1990, the MRF took part in the elections for the Grand National Assembly, and won 23 seats. In the 1991 elections, it won 24 seats, in 1994 – 15, in 1997 – 19. In the elections for the 39th National Assembly in 2001, the coalition of MRF, Liberal Union and EuroRoma won 21 seats. Two Roma, one Armenian and one Jew were elected to the National Assembly on the ballots of other parties.

According to the established democratic practice, each party or coalition, elected to the National Assembly, may nominate a deputy speaker. This is a sign that the participation of smaller parties and coalitions in the Assembly's affairs is guaranteed. In the current National Assembly, there is a Turk was elected as one of the deputy speakers.

The MRF is a coalition partner in the current government, which was elected in 2001. Under the coalition agreement, there are two ministers from the MRF, namely, the Minister of Agriculture and Forestry, and the Minister without Portfolio. The MRF also has deputy ministers in the

Ministry of Defense, Agriculture and Forestry, Ecology, and Regional Development and Urban Planning. The Parliamentary Secretary of the Ministry of Agriculture and Forestry is also from the MRF. So is the Chief Secretary of the Foreign Affairs Ministry. MRF has two District Governors and seven deputy district governors. The Chargé d'Affaires of the Republic of Bulgaria in Baku is from the MRF, and so is the Chairwoman of the State Agency for Child Protection. Bulgarian citizens of Turkish origin are on the leading bodies of other departments and state bodies.

In the last local elections in 1999, 24 mayors and 486 municipal counselors, as well as a considerable number of mayors in smaller places, were elected on the MRF ballot. 5 other municipal mayors were elected on the coalition ballot of the MRF and other parties. At the same time, however, Turks and Roma and not adequately represented on an expert level in the state administration.

There are seven political parties, duly registered as such, whose supporters are mainly Bulgarian Roma. 'Free Bulgaria' and 'A Future for All' took part in the last local elections and won 102 and 4 seats respectively in local government as municipal counsellors and mayors of smaller places. In different parliamentary compositions, one or two Roma were usually elected on the big party ballots. Roma, however, are not adequately represented in the civil service. Those who have been appointed as civil servants are few in number and hold lower ranks in ministries, departments, agencies, and the police.

Currently there are Roma appointees as experts in minority matters in the NCEDQ, the Ministry of Education and Sciences, the Ministry of Culture, and the State Agency for Youth and Sport. Roma have been appointed also as experts on regional level in district and municipal administrations.

As of 21 October 2002, there are 158 Roma in the Ministry of the Interior. Out of them four officers and 89 sergeants are on the National Police Force bodyguard unit.

The National Social Welfare Department has no statistics about the ethnic composition of its employees. However, when a deputy to the National Assembly asked a specific question to that effect, investigation proved that 322 employees were Roma.

Article 16

The Parties shall refrain from measures which alter the proportions of the population in areas inhabited by persons belonging to national minorities and are aimed at restricting the rights and freedoms flowing from the principles enshrined in the present Framework Convention.

Narrative

In defining district and municipal boundaries in Bulgaria, there are guarantees that there shall be no changes, which could alter the ethnic composition of localities. The European Charter on Local Government also guarantees that there shall be prior consultations with the population, through a referendum, for each change of municipal boundaries. Any decision related to administrative and territorial changes of districts shall be taken only with the consent of the local population, confirmed by a referendum. The 1999 new district administrative and territorial

division, does not affect in any way the rights and freedoms, deriving from the *Framework Convention*.

Legal

According to Article 135, paragraph 1 of the **Constitution**, “ the territory of the Republic of Bulgaria shall be divided into municipalities and districts”. But Paragraph 2 states that “other administrative territorial units and bodies of self-government shall be established by law.”

Law on Local Administration and Local Self-Government

Law on Administrative and Territorial Division

European Charter on Local Self-government (1985), signed by Bulgaria on 3 October 1994, ratified on 10 May 1995, in effect as of 1 September 1995.

By the Council of Ministers’ Decision No. 224 of 27 April 2000, a procedure was approved for appointing a Bulgarian national delegation to the Congress of Local and Regional Authorities in Europe (CLRAE). It is a consultative body of the Council of Europe, representing local and regional authorities, and consisting of elected officials, such as mayors and counsellors. Under the statutory procedure, a 12-member Bulgarian delegation was approved by the Council of Ministers at the proposal of the governing boards of the National Council of Municipalities in Bulgaria, and regional societies and associations.

State Infrastructure

The institutions in charge of municipal and regional boundary changes in Bulgaria are the President of the Republic, the Council of Ministers, regional governors, and the Ministry of Territorial Development and Urban Planning.

Article 17

1. The Parties undertake not to interfere with the right of persons belonging to national minorities to establish and maintain free and peaceful contacts across frontiers with persons lawfully staying in other States, in particular those with whom they share an ethnic, cultural, linguistic or religious identity, or a common cultural heritage.

2. The Parties undertake not to interfere with the right of persons belonging to national minorities to participate in the activities of non-governmental organizations, both at national and international levels.

Paragraph 1

Narrative

Persons belonging to ethnic, religious and linguistic minorities are totally free to travel to other countries and to maintain contacts with persons of common ethnic, cultural, linguistic, or religious identity. Bulgarian authorities do not create any difficulties. Bulgarian citizens do not require entry visas for travel to the Schengen Member States for a period of up to ninety days.

Guarantees for the observance of Article 17 of the *Framework Convention* are contained in the cultural agreements, concluded between Bulgaria and all countries, which have ethnic and cultural communities of their own. Proceeding from the principle of reciprocity, Bulgaria has been making every effort to ensure that the same rights are observed in respect of persons belonging to the Bulgarian communities in those countries.

A number of joint initiatives in recent years have shown that international cooperation is increasingly promoting better understanding, mutual trust and active cultural dialogue among persons of common ethnic, cultural, linguistic and religious identity and heritage. Thus, through Armenian organizations for sport, charity, culture, education and religion in Bulgaria, Bulgarian Armenians maintain direct contacts with Armenians in Romania, Greece, Turkey and Serbia. Their closest links are with Greece, where there are kindred Armenian non-governmental organizations. Within the framework of the annual youth camp in Halkidiki (Greece), Bulgarian children have been spending summer there thanks to Armenian charity organizations of Bulgaria and Greece. During the same period, there were exchange visit of Armenian choirs, theatre troupes and others between Bulgaria and Greece. Very close contacts are maintained between the Armenian communities of Bulgaria and Romania, owing to the fact that the spiritual leader of dioceses of the Armenian Apostolic Church for Romania and Bulgaria is based in Romania.

During the past several years there were growing contacts between the Wallachian communities in Bulgaria and those in neighbouring countries. With the assistance of local authorities, fraternization started between Wallachian villages in the Vidin area with Wallachian villages in Romania and Serbia. For five years now (with the exception of 2002), an annual Wallachian song-and-dance festival has been held in Vidin-Rabrovo. It has become the focal point of cultural exchange among Wallachians from Bulgaria, Romania, Serbia, Macedonia, Albania, Ukraine and Moldova. Bulgarian Wallachians participate in the annual festival of Wallachian poetry in Lasi (Romania) and in meetings of writers in Skopie. A mini-festival is also organized in Rabrovo with the participation of Wallachians from Romania and Serbia.

Following the democratic changes in Bulgaria, the organizations of Aromanian ethnic communities restored their contacts with almost all Aromanians over the world, and particularly with Aromanians on the Balkan Peninsula. In August 2001, a symposium was held in Constanta, Romania, on "The eternal character of of Wallachian presence on the Balkans - Aromanian history and civilization". There was also as an International Aromanian Folklore Festival. Members of the Bulgarian Centre for Aromanian Language and Culture and the Aromanian Society took an active part in it. In November of the same year, the second Aromanian Poetry Festival and the second Symposium of Literature and Culture were held in Skopie, Republic of Macedonia. Aromanians from Bulgaria attended both evenets. The Folklore Aromanian Festival in Dorkovo showed very good performances. During the past two years, the festival took part in the International Wallachian festivals in Rabrovo(Bulgaria), Seres (Greece) and Konstanta (Romania). Since 1992, some 8-10 young Aromanians have been enrolling in Romanian universities every year. The Romanian government grants scholarship to some of them. In September 2002, the NCEDQ helped the first Aromanian folklore festival in "Tzigov Chark", in the Rhodopi Mountains (Bulgaria).

The National Federation of Greek Cultural and Educational Organizations in Bulgaria maintains contacts with over 77 national Greek federations in the world. Tthe most active ties are maintained with the Greek federations in Germany, Russia and the USA.

Since 1997, a bi-annual Balkan festival of Turkish folklore has been organized at the initiative of the “Umer Lutfi” Reading Club in Kurdjali and other municipalities of the district. Song-and-dance troupes from Bulgaria, Turkey, Macedonia, Romania, Greece and Serbia take part in it. Traditional links have been established between the Thracian University of Edirne and the “Bishop Konstantin Preslavski” University in Shoumen. The two universities jointly organize symposia dedicated to Turkish folklore in the Balkans, with the participation of scholars from Bulgaria, Turkey and other Balkan countries. Contacts have been established between the “Lyuben Karavelov” Branch of the Plovdiv University “Paisyi of Hilendar” in Kurdjali, and the Thracian University of Edirne, Turkey. Not long ago, a Society of Bulgarian-Turkish Friendship was founded in Kurdjali; it has been actively engaged in improving mutual relations between the citizens of Bulgaria and Turkey, as well as between the ethnic groups living on the territory of Kurdjali District. Turkish folklore ensembles and literary societies have been performing all over the country.

Legal

The NCEDQ Regulations on its Structure and Organization (Article 2, items 2, 4, and 5) read as follows:

2. To coordinate specific measures with state bodies and non-governmental organizations on the fulfillment of international obligations, which the Republic of Bulgaria has assumed concerning the rights of Bulgarian citizens belonging to minority groups...;
- 4: To assist contacts between various ethnic groups and kindred groups abroad, and, jointly with the Agency for Bulgarians Living Abroad, to help promote the foreign policy of the Republic of Bulgaria;
- 5: To maintain contacts with similar state bodies abroad, as well as international organizations having similar objectives and areas of activity.

Paragraph 2

Narrative

There are several hundred non-governmental organizations of minorities in the Republic of Bulgaria, which freely carry out their activities. Many of them experience financial difficulties. Over the past two years, the State has been lending them modest financial support through NCEDQ and the Ministry of Culture. **(Part I, Part II, Article 7).**

Article 18

- 1. The Parties shall endeavour to conclude, where necessary, bilateral and multilateral agreements with other States, in particular neighbouring States, in order to ensure the protection of persons, belonging to the national minorities concerned.**
- 2. Where relevant, the Parties shall take measures to encourage transfrontier co-operation.**

Paragraph 1

Narrative

Bulgaria's policy in this respect encourages bilateral cooperation with its neighbors and other countries through bilateral agreements containing specific provisions and projects.

A positive example of effective cooperation at state administration level, which provides broad opportunities for bilateral and multilateral projects, is Bulgaria's active participation in the Council of Europe's MOSAIC Programme.

Legal

An Agreement between the Republic of Bulgaria and the Republic of Turkey on cooperation in the fields of culture, education and science provides:

Article 2: The Contracting Parties shall cooperate in establishing departments in their universities for reciprocal studies of the language and literature of the other party, in organizing conferences and courses to support and facilitate research in this respect;

Article 4: The Contracting Parties shall encourage contacts between their scientific and educational institutions. They shall facilitate exchanges of scholars, secondary school teachers, university lecturers, education experts, instructors and students to share their experience and professional practice, deliver lectures, etc.;

Article 9: The Contracting Parties shall encourage cooperation in the fields of theater, music, opera, ballet, etc., by supporting mutual initiatives and visits in those fields;

Article 10: The Contracting Parties shall encourage exchanges of exhibitions of art, handicrafts and folklore;

Article 13: The Contracting Parties shall encourage cooperation in the field of literature by facilitating exchange visits of writers, critics, publishers and reciprocal publications, translation of literary works into the language of the other country;

Article 14: The Contracting Parties shall encourage cooperation in the field of folklore.

The Republic of Bulgaria has signed agreements of friendship, cooperation and good relations with Romania, Greece, and Turkey. In February 1999, the Prime Ministers of the Republic of Bulgaria and the Republic of Macedonia signed a declaration, which provided the necessary impetus to the development of bilateral relations.

Paragraph 2

Narrative

Bulgaria's ratification of the *European Outline Convention on Trans-frontier Co-operation between Territorial Communities or Authorities*, the adoption of the necessary legislative provisions, as well as the efforts to develop bilateral trans-frontier co-operation, are evidence of Bulgaria's support for the promotion of processes in this field. This opens the possibility for encouraging and regulating such co-operation, increasing opportunities for participation by local

and regional authorities in interstate decision-making, concerning the interests of the territorial community.

Encouragement of trans-frontier co-operation, as well as co-operation within the framework of Euro-regions, paves the way for joint initiatives in the economic, social and cultural fields. This is exemplified by the projects carried out jointly by different countries of South-eastern Europe on the Council of Europe and the European Union programmes.

Bulgaria regards trans-frontier co-operation within the context of preparations for its accession to the European Union, as an instrument for achieving stable economic growth and balanced development of individual European regions.

Legal

The European Outline Convention on Trans-frontier Co-operation between Territorial Communities or Authorities (1980) was ratified by Bulgaria on 7 May 1999, and entered into force on 8 August 1999.

The Law on Regional Development (1999) which defines progress in trans-frontier co-operation as one of the objectives of the state policy for regional development, provides for the designation of regions where trans-frontier co-operation will be established, and for their development as specific regions within the framework of the country's regional policy. This makes it possible for local, regional and central authorities to accord priority to these regions in drafting local, regional and national plans for regional development,

The Law on Local Self-government and Local Administration (1991) makes it possible for municipal councils, as organs of local self-government, to take decisions on the participation of municipalities in associations both in the country and abroad,

The Law on Municipal Budgets (1998) provides an opportunity for municipal budget to plan funds for international programmes and projects on the territory of the municipality.

The National Plan for Regional Development in 2000-2006, adopted by a Council of Ministers, Decree No. 208 of 22 November 1999, defines the objectives of trans-frontier co-operation, and the measures for development as well.

Intergovernmental Agreements and Treaties on Cooperation, Friendship and Mutual Assistance with neighbouring states also envisage the development of trans-frontier co-operation.

Reciprocal bi-lateral or multi-lateral agreements on environment protection, mutual assistance in the event of natural disasters and accidents, construction of joint border-control checkpoints, and other specific provisions.

State Infrastructure

Ministry of Regional Development and urban planning, local authorities.

Factual

The agreements concluded with neighbouring states are as follows:

- * A joint programme document on trans-frontier co-operation between Bulgaria and the Republic of Macedonia for 1999-2003.
- * A joint programme document on trans-frontier co-operation between Bulgaria and Romania for 1999-2003, within the framework of the PARE Programme on trans-frontier co-operation.
- * Financial memoranda within the PHARE Programme on Trans-Frontier Co-operation, between Bulgaria and Greece, the latest memorandum being for the year 2000.
- * Pending agreement on a joint programme document for trans-frontier co-operation between Bulgaria and Greece, for the 2000-2006 period within the PHARE Trans-Frontier Co-operation Programme and INTERREG 3;
- * An inter-governmental treaty with the Government of the Republic of Macedonia to open two more border-control checkpoints and road links between the two countries.
- * A treaty between the Government of the Republic of Bulgaria and the Government of the Republic of Macedonia on linking the railway networks of the two countries.
- * A treaty on the opening of new border-control checkpoints between Bulgaria and Greece.
- * An approved Council of Ministers version of a draft treaty between the Governments of the Republic of Bulgaria and the Republic of Greece, on the creation of a Free Circulation Zone for Bulgarian and Greek citizens; living within a 25-kilometre area on each side of the frontier.

At present, Bulgaria has been implementing a PHARE Programme on Trans-Frontier Co-operation with both Romania and Greece.

The **Bulgaria - Greece Programme** has completed its first multi-annual 1994-1999 cycle. Financial memoranda for EUR 124 million have been signed. Basically, the cooperation is aimed at improving trans-frontier infrastructure, developing small and medium-scale enterprises, transfer of technologies, increasing employment, environment protection, public health services, expanding services, co-operation between the media, etc.

A characteristic element in the preparations for the regular 2000-2006 cycle is outlining priorities from the bottom upwards, by enlisting the participation of local and regional authorities in determining regional priorities, tasks and projects.

The joint programme document between the two states and the projects for 2001 focuses on opening new crossing and border-control check points, environment protection and harmonizing the energy systems of the two countries.

In 1997, Bulgaria and Greece set up the Southeastern Europe's first **Euro-region**, "**Mesta-Nestos**", which was considered a big success by the Association of European Frontier Regions.

The Euro-region offers a model of co-operation within the framework of a United Europe. The relations between local authorities have also been well developed.

An example of successful trans-frontier co-operation is the one between the Association of Rhodope Mountains Municipalities, with Smolyan as their centre (also a member of the Association of European Border Regions), and the frontier region of Delta-Rhodope in the Republic of Greece. In 2000, the two associations signed an agreement on a broad co-operation in the spirit of the best experience on trans-frontier co-operation in the Euro-regions, which subsequently aims at creating an Euro-region.

Implementation of the programme of **trans-frontier co-operation with Romania** began in 1999. Its priorities are focused on improving the transport infrastructure (Pan-European transport corridors No. 4 and No. 7), power generation (developing trans-European networks) and environment (a joint system on the Danube River monitoring) in conformity with the European Commission's directives.

A plan on trans-frontier co-operation is being drafted to promote local and regional infrastructure, economic development and co-operation of small and medium-scale businesses, and culture in frontier areas. It is worthwhile mentioning the project of "Alleviating Administrative and Institutional Obstacles for Free Movement of Persons, Products and Services across Frontiers".

A "Danubius" Euroregion Association has been set up to deal with trans-frontier co-operation between Bulgaria and Romania. Creating a Euroregion aims at helping central and local authorities to implement the Outline European Convention on Trans-Frontier Co-operation between Territorial Communities or Authorities. It also includes finding solutions of common trans-frontier problems, and bringing together the populations on both sides of the frontier. In concrete terms, what is expected is encouragement, consultations and coordination of trans-frontier co-operation between Bulgaria and Romania in economic development, transport, environment, education, labour market, health, culture and agriculture. The creation of the Euroregion is the result of a long-standing co-operation between Bulgarian and Romanian local and regional authorities.

Besides the PHARE-funded trans-frontier co-operation programmes, Bulgaria has been developing good co-operation in transport with **Macedonia**, too. In 1999, a joint programme document was approved, stressing joint priorities and trends. The programme was prepared in conformity with the Council of Europe's requirements. In executing the programme, local authorities rely on their own funding, and jointly seek funding by international financial institutions.

The measures approved comprise co-operation in power generation and transport (Pan-European transport corridor No. 8), improving local infrastructure and communications, encouraging small and medium-scale businesses and entrepreneurs, and reducing administrative and institutional obstacles to free trans-frontier crossings of people, goods and services.

An important part of the joint Bulgarian-Macedonian Committee on trans-frontier co-operation and development is the opening of three new frontier-control checkpoints.

In 2000, **Bulgaria and Turkey** reached an agreement on drafting a programme of trans-frontier co-operation.

Article 19

The Parties undertake to respect and implement the principles enshrined in the present Framework Convention making, where necessary, only those limitations, restrictions or derogations which are provided for in international legal instruments, in particular the Convention for the Protection of Human Rights and Fundamental Freedoms, in so far as they are relevant to the rights and freedoms flowing from the said principles.

The Republic of Bulgaria has introduced only such limitations, which are provided for in international law and international instruments. This cannot cast any doubt whatsoever on Bulgaria's strict compliance with the principles of the *Framework Convention*.

Article 20

In the exercise of the rights and freedoms flowing from the principles enshrined in the present Framework Convention, any person belonging to a national minority shall respect the national legislation and the rights of others, in particular those of persons belonging to the majority or to other national minorities.

Under the Constitution, all citizens shall be equal before the law, irrespective of their ethnic, religious or linguistic belonging (Article 6, paragraph 2), they shall "observe and implement the Constitution and the laws", and "shall respect the rights and legitimate interests of others" (Article 58, paragraph 1)..

Article 21

Nothing in the present framework Convention shall be interpreted as implying any right to engage in any activity or perform any act contrary to the fundamental principles of international law and in particular of the sovereign equality, territorial integrity and political independence of States.

Upon ratification of the *Framework Convention*, the National Assembly of the Republic of Bulgaria made the following declaration:

“ Confirming its adherence to the values of the Council of Europe and Bulgaria's desire for integration in the European structures,

Committed to the policy of protection of human rights and tolerance to persons belonging to minorities, and their full integration into Bulgarian society,

The National Assembly,

Declares

That the ratification and implementation of *the Framework Convention for the Protection of National Minorities* do not confer any right to engage in any activity violating the territorial integrity and sovereignty of the united Bulgarian State, its internal and international security.”

Article 22

Nothing in the present framework Convention shall be construed as limiting or derogating from any of the human rights and fundamental freedoms which may be ensured under the laws of any Contracting Party or under any other agreement to which it is a Party.

Human right and fundamental freedoms in the Republic of Bulgaria are guaranteed by the Constitution, and they shall not be limited or impaired by any of the provisions of the present *Framework Convention*.

Article 23

The rights and freedoms flowing from the principles enshrined in the present framework Convention, in so far as they are the subject of a corresponding provision in the Convention for the Protection of Human Rights and Fundamental Freedoms or in the Protocols thereto, shall be understood so as to conform to the latter provisions.

Under the Constitution of the Republic of Bulgaria, the provisions of the *Convention for the Protection of Human Rights and Fundamental Freedoms*, and *the Protocols thereto*, shall be considered part of the domestic legislation, and shall be applied equally and strictly in respect of all persons, regardless of their ethnic, religious or linguistic belonging.

Article 30

This article is not applicable in respect of the Republic of Bulgaria.

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Annexes:

- 1. Constitution of the Republic of Bulgaria**
- 2. Constitutional Court Decisions**
- 3. Legislation**
- 4. Latest periodic reports of Bulgaria in compliance with international human rights conventions:**

Fourteenth Periodic Report of the Republic of Bulgaria in compliance with the International Convention on the Elimination of All Forms of Racial Discrimination

Concluding Observations of the Committee on the Elimination of Racial Discrimination on Bulgaria

Periodic Report of the Republic of Bulgaria in compliance with the International Covenant on Economic, Social and Cultural Rights

Concluding Observations of the Committee on Economic, Social and Cultural Rights on Bulgaria

Concluding Observations of the Committee Against Torture on Bulgaria

- 5. Latest reports by the European Commission against Racism and Intolerance on Bulgaria**

- 6. International Human Rights Instruments ratified by Bulgaria**

- 7. Population Census, 2001**