



Strasbourg, 23 January 2012

Public
GVT/COM/II(2011)001

**ADVISORY COMMITTEE ON THE FRAMEWORK CONVENTION FOR THE
PROTECTION OF NATIONAL MINORITIES**

**COMMENTS OF THE GOVERNMENT OF BULGARIA
ON THE SECOND OPINION OF THE ADVISORY COMMITTEE ON THE
IMPLEMENTATION OF THE FRAMEWORK CONVENTION FOR THE
PROTECTION OF NATIONAL MINORITIES
BY BULGARIA**

(received on 3 January 2011)

**Comments by the Bulgarian authorities
on the Second Opinion of the Advisory Committee on the Implementation
of the Framework Convention for the Protection of National Minorities in
Bulgaria (doc.ACFC/OP/II (2010) 001)**

The Republic of Bulgaria shares the generally accepted concept that the rights of persons belonging to different ethnic, religious or linguistic groups form an integral part of the overall body of rights and fundamental freedoms.

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

The Republic of Bulgaria is a State Party to all the main international human instruments in the field of human rights, including those of the United Nations, the Council of Europe and the European Union. All necessary legal and institutional guarantees are established in the country for the effective realisation of human rights and fundamental freedoms, as well as for prevention and protection against any violations.

Among these instruments is the Framework Convention for the Protection of National Minorities, which the Republic of Bulgaria ratified in 1999. Since then, in conformity with its Article 2, the provisions of the Framework Convention have been applied by the Bulgarian authorities in good faith.

In this context, the Bulgarian authorities have carefully considered the Second Opinion on Bulgaria (doc. ACFC/OP/I(2004)001) prepared by the Advisory Committee on the Framework Convention for the Protection of National Minorities.

The Bulgarian authorities note positively that the Advisory Committee has recognized some of the achievements in the country in the period following the first monitoring cycle. The opinion rightly points out the strengthened legal and institutional framework for protection against discrimination and for implementing a modern state policy in the field of human rights, including the rights of persons belonging to minority groups. It specifically highlights the role of the National Council for Co-operation on Ethnic and Demographic Issues (NCCEDI) at the Council of Ministers, which is the main body for consultation and coordination of the policies of the Government with organisations representing national minorities.

At the same time, it is regrettable that some of the very important comments of the Bulgarian authorities presented during the first monitoring cycle were not duly considered by the Advisory Committee. It should therefore be reiterated that the position of the Bulgarian authorities on those issues is legally and factually substantiated and remains unchanged.

In particular, the Bulgarian authorities would again draw attention to the attempts of the Advisory Committee to justify a widening of the personal scope of application of the Framework Convention beyond the limits set by its relevant provisions as interpreted in the Explanatory Report in conformity with the will of the States Parties. It will be reiterated in this regard that, in the absence of a definition of the term "national minorities" in the Framework Convention, the determination of its personal scope of application is the exclusive competence of the Parties themselves.

Likewise, the Bulgarian authorities do not accept the interpretation by the Advisory Committee of certain provisions of the Framework Convention, according to which certain actions, expressly envisaged only as **conditional possibilities**, are presented as being practically unconditionally applicable in all cases.

Furthermore, it would be recommended that the Advisory Committee make more use of official sources of information, such as the annual reports of the Ombudsman before the National Assembly. This would contribute to the quality of its Conclusions which would be then more pertinent to the reality of the situation in Bulgaria.

Detailed comments on the contents of the Advisory Committee's Second Opinion on Bulgaria are provided below, which clearly indicate that the "findings" and "recommendations", contained in the said Opinion, are not entirely accurate and, together with the concluding remarks, should be thoroughly re-examined in order to adequately serve as a basis for the corresponding conclusions and recommendations of the Committee of Ministers with respect to Bulgaria.

It should also be noted that the Opinion of the Advisory Committee during the first monitoring cycle and the comments of the Government thereon **are** accessible to everyone, including to representatives of minority groups and the civil society, on the web-sites of the NCCEDI.¹ Apparent difficulties encountered in accessing this web-site were temporary and due to technical problems.

The documents are translated into Bulgarian, which is the language spoken by all Bulgarian citizens. The education in the school system is also carried out in Bulgarian (with some exceptions for the foreign language schools). In addition, all documents of the Advisory Committee could be easily consulted on the web-site of the Council of Europe in their English and French versions.

With regard to the follow-up seminar, this is an option suggested by the Advisory Committee which is **not** provided for in the Framework Convention. The usefulness or not of organizing such a seminar is assessed by each member-State individually. Furthermore, it should be noted that during their visit to Bulgaria in September - October 2009, the members of the Advisory Committee were able to meet representatives of all relevant state institutions and of the various minority groups.

Article 3 of the Framework Convention

Personal scope of application of the Framework Convention

The Advisory Committee correctly notes that "*the Bulgarian legal order does not define the concept of national minority*". Neither does the Framework Convention itself, or any other universal legally binding instrument, to which Bulgaria is a party. The Advisory Committee also notes that "*recognition as a minority is not a prerequisite to qualify for the protection of the Framework Convention*".

However, in the absence of such a definition, each State Party is sovereign to determine the personal scope of application of this Convention within its territory.

As stated before, the Republic of Bulgaria adheres to the principle that ethnic identity is a matter of free personal choice for any individual. Self-identification is one indispensable criterion to be considered when defining the personal scope of application of the Framework Convention. By its very nature, though, self-identification is a **subjective** criterion.

¹ See <http://www.nccedi.government.bg/page.php?category=87&id=1207> and <http://www.nccedi.government.bg/page.php?category=87&id=1206>

It shall be recalled, however, that according to paragraph 35, second sentence, of the Explanatory Report to the Framework Convention: *“The individual’s subjective choice is inseparably linked to objective criteria relevant to the person’s identity.”* It is evident from this explicit text that the personal scope of application of the Framework Convention is inherently linked to the existence of both subjective and objective criteria **cumulatively**.

Subjective criteria should not be assigned decisive significance, while the objective criteria could not be disregarded practically, especially given the unstable dynamics of the subjective criteria (i.e. different self-identification of the same person in changing circumstances). Consequently, any individual, who may wish to come under the protection flowing specifically from the principles of the Framework Convention must fully satisfy both types of criteria cumulatively in order to qualify for such protection (i.e. a mere wish and/or sentiment could not suffice).

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

With regard to individuals who identify themselves as belonging to a Macedonian minority, the Republic of Bulgaria, as already stated, adheres to the principle that ethnic identity is a matter of free personal choice. Accordingly, during the 2001 population census, 5 071 persons identified themselves as Macedonians. Of these, 1 623 persons have declared that their mother tongue was Bulgarian. These facts are included in the official census results which are freely available and do not require any additional specific act of recognition by the state authorities. However, by its very nature self-identification is a subjective criterion and does not in itself suffice to qualify for the protection of the Framework Convention. It should be reiterated, though, that these persons enjoy fully and effectively, without any discrimination, the rights and freedoms guaranteed to all Bulgarian citizens.

Likewise, with respect to Bulgarian-speaking Muslims in Bulgaria (also referred to as “Pomaks” in the Opinion of the Advisory Committee), it will be noted that during the national census of 2001, conducted in conformity with the highest international standards, every individual was free to declare her/his ethnic self-identity according with their own free choice, 49,764 individuals identified themselves as Muslim Bulgarians – “???????-?????????”. This fact was duly reflected in the official results of the 2001 national census.

It will be reiterated that individuals, who identify themselves as Bulgarian Muslims, as part of the Muslim religious minority in Bulgaria, are eligible, without discrimination, for protection under any provision of the Framework Convention which is applicable to religious minority groups.

These persons also enjoy fully and effectively, without any discrimination, the rights and freedoms guaranteed to all Bulgarian citizens. There have been no reports indicating the existence of discrimination against the Bulgarian-speaking Muslims. Furthermore, the existing provisions in Bulgaria's legislation, expressly prohibiting discrimination on the basis of religion, are rigorously enforced.

Collection of ethnicity data

With regard to the results of the 2001 census, it should be underlined that the census was carried out in full compliance with the relevant international standards. In the period after 2001, neither has any specific criticism been expressed concerning the exercise of the right to self-identification, nor has any doubt been ever raised as to the authenticity of the data.

As to the forthcoming census in 2011, the Council of Minister of the Republic of Bulgaria adopted on 23 June 2010 the Programme and the toolbox for it. The counting card for the population includes some additional questions, such as degree of knowledge of the Bulgarian language, knowledge of other languages apart from the Bulgarian and the mother tongue, religious identity of the individuals, etc. All these will complement the picture regarding the ethnic self-identification of the population of the Republic of Bulgaria.

The National Statistical Institute (NSI) has already carried out consultations with representatives of the Roma community. On 26 April 2010, the Council for the integration of Roma in the Bulgarian society specifically discussed the issue. The meeting was organized by Mr. Milan Milanov, adviser to the Minister of Labour and Social Policy and National coordinator for the international initiative “Decade for Roma Inclusion, 2005-2015”. A representative of the NSI briefed the participants in detail on the methodology for the census; presented the counting card, and confirmed the intention of the NSI to include persons of Roma origin among the counting personnel.

In addition, on 29 April 2010 the NCCEDI discussed the programme for the census, with particular focus on the process of gathering data on ethnic self-identification. The NSI once again reaffirmed its readiness to include as counting personnel during the census representatives of various ethnic groups.

During both meetings, the participants were acquainted with the joint recommendations of EUROSTAT and UNECE on the new cycle of censuses, the methodology, the formulation of the questions and the classifications used. The NSI will continue to consult representatives of various minority groups and will use their representatives as counting and monitoring personnel during the information gathering phase of the census. Moreover, the NSI undertakes a wide and active awareness raising campaign among all social groups on the aims and the importance of the population census.

With regard to gathering reliable data on the socio-economic situation of persons belonging to various minority groups, it should be pointed out that censuses provide data with regard to all criteria included in the programme and all persons in the territory of the country regardless of their ethnic, religious and/or other self-identification. These criteria are sex, age, education, marital status, country of birth, citizenship, place of residence, migration, labour status, etc. In this context, the claim of the Advisory Committee with regard to “*the lack of comprehensive ethnic data, disaggregated by ethnicity, gender and geographical location...*” is inaccurate.

Within the executive, various mechanisms have also been established to determine the necessity for specific activities and measures to improve the situation of disadvantaged citizens belonging to various ethnic groups. Some of them are the health and employment mediators whose work aimed at encouraging the integration of Roma in the Bulgarian society is financed by the state budget. The Centre for educational integration of children and pupils belonging to ethnic minorities with the Ministry of Education, Youth and Science also avails itself of expert estimates to define the impact of its projects on the

target groups. Such data are also utilized by the indicators developed by the Secretariat of the “Decade for Roma Inclusion, 2005-2015” at the MLSP.

Article 4 of the Framework Convention

Legal and institutional protection against discrimination

In its Opinion the Advisory Committee noted positively the establishment of the Directorate for Ethnic and Demographic Issues (DEDI) as a specialised agency of the Council of Ministers assisting the Government in the elaboration and implementation of the government policy for integration of persons belonging to ethnic minorities.

In this context, the Bulgarian authorities would like to inform that in September 2009 the administration of the Council of Ministers was restructured with the aim of avoiding duplication of activities with other administrative structures and increasing efficiency. All activities within the administration of the Council of Ministers related to the ethnic and demographic issues were transferred to the MLSP. This was done in order to take full account of the socio-economic character of the challenges which citizens belonging to ethnic minority groups were confronted with in their everyday life.

The “Demographic Development, Ethnic Issues and Equal Opportunities” Directorate at the MLSP has two departments – “Demographic Policy, Equal Opportunities and Anti-Discrimination” and “Integration of Ethnic Minorities”. The Directorate is responsible for the elaboration, coordination and implementation of state policies in the field of demographic development, ethnic issues and equal opportunities. It also carries out monitoring and analytical activities. As mentioned above, the National coordinator for the initiative “Decade for Roma Inclusion, 2005-2015” is also based at the MLSP.

In its Opinion the Advisory Committee also welcomes the establishment in 2005 of the Commission for Protection against Discrimination (CPD). In addition to its powers, described in para. 61 of the Opinion, the Commission provides independent assistance to victims of discrimination lodging complaints. Through its offices and regional representatives, the CPD helps the victims of discrimination in their search for protection of their rights both as citizens and as representatives of minority groups.

It is also necessary to specify that the Law on Protection against Discrimination envisages two types of proceedings for protection against discrimination – one the one hand proceedings before the CPD, and on the other - judicial proceedings according to the general civil procedural order. The proceeding before CPD is administrative and does not require state taxes. It takes place under a special informal procedure stipulated in the Law on Protection against Discrimination itself. The time limits for considering a certain complaint or allegation are short and established by law. Citizens in vulnerable situations, including persons belonging to minority groups, prefer this administrative proceeding to the general court action.

The Advisory Committee also refers in its Opinion to suggestions made in 2007 by the Venice Commission to change the language used in the Bulgarian Constitution in order to “convey a more open attitude towards minorities”, as well as to replace the term “citizen” with the term “everyone” to make the wording of the Constitution “unambiguous”.

It will be recalled in this regard that Bulgaria became a member of the Council of Europe in 1992 with the Constitution, which is currently in force. At the time of accession the Constitution of the Republic of Bulgaria was judged to be fully compatible with the standards of the Council of Europe and with Bulgaria's international legal obligations. The situation has not changed since.

The Constitution of the Republic of Bulgaria guarantees fully, in accordance with the country's international legal obligations, the rights and freedoms of all persons within its jurisdiction, including foreigners. The only exceptions regard certain rights, for which Bulgarian citizenship is expressly required (ref: Articles 24(2), 25, 26(1), 35(2), 36(1), 59, 65 and 110).

Regarding specifically the term "citizen", it should be reiterated that it was used in the Constitution of 1991 in order to emphasize that all individuals possess inherent dignity and rights, which are not granted and may not be taken away by the State; that the new Bulgarian State may not treat persons under its jurisdiction as "subjects" (as, unfortunately, was often in practice the case in pre-1989 authoritarian times). Consequently, the use of the term "citizen" was never intended to attempt to limit the scope of the international legal obligations assumed voluntarily by Bulgaria under the relevant international legal instruments. It may be recalled in this context, that Bulgaria is a party to all major United Nations conventions in the field of human rights and has been fulfilling its obligations fully and in good faith. Furthermore, pursuant to the provision of Article 5(4) of the Constitution of 1991, these legal instruments are part of domestic law.

Consequently, the will of the legislator was perfectly obvious - that everyone within the jurisdiction of the Bulgarian State shall be secured the rights and freedoms as guaranteed by these conventions. Had this not been the case, as a minimum, the international legal instruments providing for the equal treatment of everyone, including foreigners, would not have been included in the domestic law.

Likewise, the Constitution of the Republic of Bulgaria fully guarantees the rights of persons belonging to minorities. The Constitution recognises explicitly the existence of religious, linguistic and ethnic differences, respectively of bearers of such differences in Bulgaria. This constitutional fact has been clearly confirmed by the Constitutional Court. E.g. Article 54(1) of the Constitution stipulates that everyone shall have the right, *inter alia*, to develop their own culture in accordance with their ethnic identification. This right is fully recognized and guaranteed by the law. Furthermore, Article 29(1) of the Constitution provides, *inter alia*, that no one shall be subjected to forcible assimilation.

The principle of equality is guaranteed in Article 6(1) of the Constitution, according to which all people are born free and equal in dignity and rights.

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

The "concern" expressed about the hypothetical possibility of using Article 11(4) of the Constitution of Bulgaria to limit the rights of persons belonging to ethnic, religious and linguistic minority groups to organise is equally unfounded.

The constitutionally guaranteed freedom under Article 44(1) - that "the citizens may associate freely", is of universal character and refers to all persons irrespective of possible ethnic, religious or linguistic differences. As an individual human right it applies to any person no matter whether he/she is related to a minority or a majority.

The possibility for the state to introduce by law limitations on the freedom of association is internationally recognized. Thus, according to Article 11(2) of the European Convention for the Protection of Human Rights and International Freedoms, the state may limit the rights to freedom of association “*in the interests of national security or public safety, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others*”. The limitations envisaged in the Bulgarian Constitution have universal character and are applied to all associations irrespective of their membership and/or formally declared goals.

In its essence, the provision of Article 11(4) of the Constitution guarantees the participation of all Bulgarian citizens in political life and state power structures irrespective of their ethnic or religious affiliation.

The Constitutional Court of the Republic of Bulgaria has clearly defined in a relevant Decision (No. 4/21/1992 and No. 1/1991) the scope of Article 11(4) of the Constitution. The Court stated that Article 11(4) prohibits the existence of political parties, the membership of which is expressly limited by its articles of association to persons belonging to a particular racial, ethnic or religious group, irrespective of whether it is in a majority or in a minority. This provision does not contain limitations on - and consequently may not be used to prevent - any minority religious, ethnic or religious groups from "organising themselves at all". On the contrary, there are both political parties, the membership of which includes overwhelmingly persons, belonging to particular ethnic groups, and associations formed by persons, all of whom belong to a particular ethnic group. One of these parties has until recently been a partner in coalition governments in Bulgaria.

The formation of political parties and their activities are regulated by the Law on Political Parties which is fully in conformity with the standards of the European Convention on Human Rights.

With respect to the Ombudsman Office, the allegations of the Advisory Committee that “...*the Office of the Ombudsman... plays no significant role in the protection of persons belonging to national minorities in Bulgaria*” are unfounded and do not correspond to the factual situation. In this regard, the Bulgarian authorities draw attention to some of the documents issued by the Ombudsman, reflecting his work on cases of violation of human rights of representatives of minority groups in Bulgaria: *Opinion of the Ombudsman on the eviction of Roma in Dolno Ezerovo (Bourgas), Assanova Mahala (Sofia), etc.* – included in the 2009 Annual Report²; *Opinion of the Ombudsman on the operation carried out by the Prosecutor’s Office and the State Agency “National Security” in the village of Ribnovo, municipality of Gurmen* – included in the 2008 Annual Report³; recommendations by the Ombudsman with regard to complaints alleging separation of Roma children in Blagoevgrad and on hindered access to education following the closure of schools with predominantly Roma children in remote regions, such as Lesichovo; check-ups with regard to the access of persons of Roma origin to municipal services, in particular to electricity and water supply etc.

As evident from the above, the Ombudsman undertakes serious efforts in the field of human rights protection in various spheres perceived as typical areas of concern regarding the situation of Roma - the human rights of persons in closed institutions, alleged violations of human rights by the police and the law-enforcement authorities, the rights of children in institutions, etc. The findings and the recommendations on those issues are presented as separate chapters in the Annual reports of the Ombudsman before the National Assembly. They are also public and easily accessible on the Internet.

² See http://www.ombudsman.bg/documents/annual_report_2009.pdf

³ See <http://www.ombudsman.bg/documents/gd2008.pdf>

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

In Bulgaria, there are regular awareness raising campaigns on human rights and human rights training for law enforcement personnel, for staff members of the judiciary, etc. These campaigns and training programmes include as a component issues related to the rights of persons belonging to minorities, and are conducted by human rights institutions, by the state authorities or by non-governmental organizations with the support by the institutions.

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

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

The Bulgarian Government approved the new *Framework Programme for Integration of Roma in Bulgarian Society, 2010-2020* (12 May 2010) and the *Strategy for Educational Integration of Children and Pupils from Ethnic Minorities* (4 March 2010).

The Framework Programme stipulates the strategic priorities with regard to the policies aimed at the equal integration of Roma in the Bulgarian society and at the harmonious development of each individual and the society as a whole. The Programme lays out the political framework for coordinating the activities of the state bodies for integration of Roma as a part of the nation-wide policy for raising the quality of life of the citizens and for guaranteeing equal opportunities for all. It is aligned with the EU political framework in the area of non-discrimination and equal opportunities. The priority areas for action correspond to the National Action Plan for the initiative “Decade for Roma Inclusion, 2005 – 2010” – education, healthcare, housing, employment, culture, non-discrimination and equal opportunities.

A full review of the implementation of the *National Action Plan for the Decade for Roma Inclusion (2005-2015)* and the *National Programme for Improving the Housing Conditions of Roma (2005 – 2015)* is also under way. The results of the review will be taken into consideration with a view to improving the effectiveness of activities in the relevant sectors.

It should be emphasized, however, that - as acknowledged during the recent Council of Europe High-level meeting on Roma - the process of successful integration of Roma into society is a shared responsibility and positive results may only be achieved through the joint commitment and effort of the governments and the Roma communities.

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

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

The local authorities are searching for opportunities for a sustainable solution, for example through providing accommodation in municipal social housing, granting construction permits for municipal plots, renting municipal land for symbolic payment, etc.

In 2004, the law provided an opportunity for the legitimization of illegal constructions conforming to certain basic technical and social requirements. Unfortunately, this opportunity was not utilized. Nevertheless, construction activities cannot be carried out counter to the principles of the rule of law, the market economy and the welfare state.

A large part of the buildings occupied by Roma are under a regime of tolerability as long as they meet certain technical requirements. Whenever possible, municipalities search for alternative solutions – including temporary accommodation in other places, municipal or state property, until the issue is resolved.

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

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

Applications from candidates for municipal housing, who comply with the relevant criteria, are processed without any discrimination, including on grounds of ethnic self-identification.

The Bulgarian authorities are not aware of any cases of eviction of citizens of Roma origin from their own property.

Regarding the case in the district of Gorno Ezerovo (Bourgas) it should be noted, that the eviction of the persons illegally settled there, took place in full compliance with national legislation. The persons concerned had been properly informed at a very early stage. The proceedings themselves lasted for several years and those, eligible by the law, have been offered opportunities for alternative housing. Such an approach, however, cannot be applicable to illegal inhabitants who have address registration in other municipalities.

Regrettably, raising the issue in the way suggested by the Advisory Committee may only reinforce the problem, as it contradicts the basic legal principle that no one should profit from his/her illegal behaviour.

Therefore, the allegation of the AC that “*the Roma families run a higher risk of eviction ...and are disproportionately affected by the legislation limiting the possibility of legalising illegal dwellings*” is incorrect.

As to alleged discriminatory practices against women of Roma origin when providing medical services, the competent Bulgarian authorities are informed only of very isolated cases, which have been subject to investigations and followed by administrative sanctions. However, it should be pointed out in this regard that the chaotic illegal construction on a mass scale in Roma neighbourhoods and the destruction of transport infrastructure makes it impossible or severely hinders the access of medical teams.

In the case of Stolipinovo, Plovdiv, it should be stressed that in 2006 and 2008, when epidemics of type A hepatitis spread there, the Ministry of Health and the Plovdiv Municipality allocated additionally over 1 million BGN for urgent vaccinations and cleaning up the area.

Regarding complaint ? 46/2007 before the European Committee on Social Rights, it would be recalled that on 31 March 2010 the Committee of Ministers of the Council of Europe adopted a resolution which closed its supervision in relation to this complaint. The Committee of Ministers welcomed the measures undertaken by the Bulgarian authorities to improve the access of Roma to health services and the medical care provided to vulnerable groups.

Likewise, the Bulgarian authorities are deeply surprised by the allegation made by the Advisory Committee for the construction of “...*physical barriers such as two-metre high metal or concrete fences surrounding Roma neighbourhoods segregating them from the rest of the community...*” Such fences simply **do not exist**. On the contrary, safety and noise-reduction barriers have been built – in full compliance with the law and common practice, separating roads with high intensity traffic and urban territories. Such barriers have been built everywhere, in accordance with the relevant technical requirements, irrespective of the ethnic affiliation of the inhabitants. Their aim is to provide the safety of the local residents against road accidents and traffic noise. More specifically, the safety and noise-reduction barrier in Plovdiv is 250 m long, erected along the city main road, which exits into the “Maritsa” motorway. In Kyustendil, the barrier runs alongside International highway E 871 which is a part of the Pan-European transport corridor ? 8 Durr?s – Tirana – Skopje – Sofia – Plovdiv – Bourgas – Varna, etc.

The Bulgarian authorities underline that the neighbourhoods in question are not fenced, and the safety barriers do not in any way restrict the access of the residents to the other parts of the cities.

Article 5 of the Framework Convention

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

The provision of assistance for the development of the culture, language and traditions of minority groups in Bulgaria is carried out within the limits and possibilities of the state budget. The main sources are the NCCEDI (through the budget of the administration of the Council of Ministers), the Ministry of Culture, the Ministry of Labour and Social Policy, other structures at central level, and the municipal budgets. Assistance is provided on the basis of specific projects submitted by interested authors and evaluated on their merits. The ambition is to support quality projects involving as many communities as possible. Thus, assistance is provided for initiatives not only of numerically larger communities but also of numerically smaller ones.

The authorities provide financial assistance for various cultural events organized by representatives of ethnic minority groups, including concerts, music festivals, etc. Among those, the events organized by the Roma community attract particular interest.

The newly updated *Framework Programme for the integration of Roma in the Bulgarian society (2010-2020)* and *the National Action Plan for the initiative "Decade for Roma Inclusion, 2005-2015"* contain a special chapter "Culture" which envisages specific activities for the advancement of Roma culture, language and traditions.

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

Article 6 of the Framework Convention

Tolerance and intercultural dialogue

Bulgaria joined the Council of Europe campaign "DOSTA!" which is aimed at overcoming negative stereotypes and discrimination towards Roma in Europe. Within this campaign the Ministry of Labour and Social Policy (MLSP) has organized training for journalists in 2010.

The MLSP supports various activities promoting tolerance, inter-cultural dialogue, mutual understanding and respect for ethnic diversity.

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

In this regard, the recommendations by the Advisory Committee have already been met.

Police and ethnically motivated incidents

With regard to the positive comments of the Advisory Committee on the human rights education and training of police personnel, the Bulgarian authorities would like to present the following additional information:

Appropriate training in human rights protection is being provided to police officers on a regular basis. The topic is a priority in the education and qualification programmes of the Academy of the Ministry of Interior. The police officers are acquainted with the case-law of the European Court on Human Rights in the framework of the course "Human Rights Protection", and are also familiarized with the ethical norms of conduct and the relevant procedures regarding the observance of human rights in their everyday work. In addition, under the EU programme "Crime Prevention and Fights against Crime", the Ministry of Interior is developing a specific project on "Police training in the European standards of human rights protection".

It should be also added that the Ministry of Interior is currently implementing a three-year Strategy "Police near the community", a substantial part of which are activities aimed at raising awareness of persons belonging to ethnic minorities of the work of the police and at the same time – the improvement of the skills of police officers, working in areas with mixed populations or areas predominantly inhabited by persons belonging to ethnic minority groups.

As a mechanism for monitoring and control over activities of police officers, the permanent Commission on Human Rights and Police Ethics (PCHRPE) within the Ministry of Interior performs its activities in active co-operation with civil society and other relevant public organizations. It implements joint projects with the Ombudsman, the Commission for Protection against Discrimination, the NCCEDI, and relevant media and NGOs, aimed at consolidating positive police practices and harmonizing the standards of police conduct with the requirements arising from the membership of the Republic of Bulgaria in the EU.

The PCHRPE has regional branches at local levels, and all its activities are organized in accordance with a Working plan, updated annually. The plan covers a wide range of topics, such as monitoring of the compliance with the rights of detainees, and persons held in the structures of the Interior Ministry; consideration of signals for violation of human rights and freedoms of citizens by officials of the Interior Ministry; the development of the legislative changes related to the use of firearms on the part of the police authorities in order to be achieved full compliance with European Convention on Human Rights and documents of the Council of Europe and the UN; thematically training of officers in the field of human rights protection, etc.

In addition, a Code of Ethics of police officers has been adopted in compliance of Recommendation of the Committee of Ministers of the Council of Europe on European Code of Police Ethics – Rec(2000)10. Its non-observance (violation) is raised to the rank of a disciplinary offence. Control over the implementation of the Code is exercised by the Commission on Human Rights and Police Ethics of the Ministry of Interior.

As to the finding of the Advisory Committee based on unspecified NGO reports that “...*there has been a marked reduction of ill-treatment of detainees by police...*” and that “*the number of complaints of ill-treatment by police during and after arrest decreased by almost 50% in the first half of the decade*”, the Ministry of Interior notes that the analysis of the complaints registered in the period 2005 – 2010 actually show a decrease by 70% .

In the case of the removal of 42 unlawful constructions in the district of Gorno Ezerovo in Bourgas on 8 September 2009, the Ministry of Interior provided the necessary protection of public order. On that day, before commencing demolition, the police was compelled to stop an assault by a group of residents. In that incident a police officer was injured by a stone. So far, the Ministry of Interior has not received any complaints alleging police violence against civilians during the operation.

Regarding possible cases of police brutality and the alleged failure to investigate them properly, it shall be reiterated that in all cases involving supposed violations of the law by the police forces, inquiries are conducted and where these violations have been proved, the perpetrators and where necessary – their immediate superiors, are sanctioned. Thus, as previously noted also by ECRI, there are numerous cases of police officers having been dismissed from the police after they had been proven guilty of such violations. Moreover, when the facts of an inquiry indicate that a crime has possibly been committed all the collected materials are submitted to the Prosecutor’s office for further action. This is the mandatory procedure, which is followed without exception, irrespective of the ethnic self-identification of the victims of the alleged violations.

In addition, the necessary practical measures are also taken by the Ministry of the Interior in order to eliminate the root causes of such violations and prevent their recurrence in the future. For instance, a special registration system for complaints of alleged ill treatment by police officers has been introduced and is closely monitored. The competent authorities in Bulgaria are prepared to take appropriate action if concrete facts are presented to them, which would demonstrate that persons belonging to any minority groups are deliberately singled out for ill-treatment by the police.

The independence of the investigation is guaranteed by the provision of article 194, para.1, point 2 of the Penal Procedural Code, according to which the investigation of cases involving alleged crimes by policemen shall be conducted by examining magistrates and not by investigating policemen.

Efforts to combat hostility or violence on ethnic grounds and hate speech

Regarding the repeated contention of the Advisory Committee that racist motivation for any ordinary offence does not constitute an aggravating circumstance according to the Bulgarian Criminal Code, it will be recalled that offences against national and racial equality are expressly criminalised in Chapter Three, Section I of the Special Part of the Penal Code (CC). The principal characteristic of these offences, which are regulated in Article 162 and Article 163 of the Penal Code, is the racist or nationalistic motives of the perpetrators. The penal sanctions provided for offences against national and racial equality demonstrate that the legislator treats these offences as presenting a high degree of social danger. They are all punished by different terms of deprivation of liberty, public reproach, and only in one case the law envisages probation as an alternative to deprivation of liberty.

The introduction of the EU requirements (Framework decision 2008/913/JHA) in the field of combating racism and xenophobia through penal law is also under way. This will be realized by expanding the scope of application of article 162, paragraphs 1 and 2 of the Penal Code. The amendment synchronizes the list of the grounds of discrimination in the Constitution of the Republic of Bulgaria (article 6, paragraph 2), the Law on Protection against Discrimination (article 4, paragraph 2) and the Penal Code, and criminalizes any public incitement to violence or hatred. Furthermore, “racist and xenophobic motives” will be included as additional qualifying circumstances for murders and bodily injuries, and a new *corpus delicti* will be introduced in Chapter XIV „Crimes against Peace and Humanity”.

The provisions of the General Part of the Penal Code expressly state that in determining the penal sanction, the court takes into consideration, *inter alia*, the motives for the commission of the act (Article 54 (1) of the Penal Code), including possible racist motives. According to the principles established in the Penal Code for definition of punishment, the court takes into account – besides the extenuating and aggravating circumstances, also the motives for the particular criminal act, and the racist motives are always being considered as an aggravating circumstance.

The Penal Code does not specify which circumstances should be considered as extenuating or aggravating. The judgment is passed by the court based on the factual circumstances. The presence of an aggravating circumstance determines the imposition of a heavier punishment.

Besides, the law allows that one act be considered as perpetrating two different crimes – e.g. as a combination of a crime against the national and racial equality and simultaneously another crime envisaged in the Special part of the Penal Code.

Notwithstanding the significance of the cases of racially motivated violence, it should be pointed out that these are individual cases, not linked to one another, and they are all subject to police investigation and proceedings before the judicial authorities.

The Bulgarian authorities fully concur with the Advisory Committee that any attempts to use ethnic issues for political purposes are unacceptable, and will continue to resolutely combat any such attempts.

With the amendments to the Penal Code in 2009, incitement to ethnic hostility or hatred - in speech, print or other mass media, through electronic information systems or through other means, was added to the provision on propaganda of, and incitement to, racial or national hostility or hatred or to racial discrimination, and the penalty was also increased to imprisonment of up to four years (from a maximum penalty of three years incarceration) and a maximum fine was increased to 10 000 BGN.

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

In addition, CEM will continue to initiate public and professional debate on preventing and combating hate speech in the media and politics. The Bulgarian Government is actively engaged in combating intolerance and continues its efforts to ensure wider professional and public interaction among CEM, the providers, the relevant Ethics commissions in the field of media and the law-enforcement authorities.

Regarding the specific media providers mentioned by the Advisory Committee, CEM notes a certain positive evolution. For example, TV SKAT has created and broadcasts a programme on the integration of Roma in the society, together with programmes dedicated to some other minority groups. Discriminatory manifestations against Roma have largely stopped. As to the “Balkan Bulgarian Television”, the provider has completely changed its profile and has ended completely all broadcasts on minority groups.

Specifically on hate speech against Roma in the media, it should be mentioned that the Bulgarian Government co-financed the *First Public Roma Debate*, held on 19 November 2009 in the “Red house” in Sofia. The event was co-sponsored by the NCCEDI, the Open Society Institute in Budapest, the National Association “Debates”, the newspaper “Drom Dromendar” and the “Red house” - Center for culture and debates. In this unique format, two teams, both of them composed of young Roma - university students of philosophy, law, medicine, public administration, business, etc. – held a debate. They explored together how hate speech in the media affected the equal participation of Roma in public life, how should the Roma take more responsibility for their own fate, and how hate speech could be transformed into the speech of change.

Article 7 of the Framework Convention

The right to peaceful assembly and association

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

Consequently, there would be no obstacles for the registration of a political party, including by persons identifying themselves as “Macedonians”, provided that all the formal requirements of the Political Parties Act in force are met. These requirements are clear and applicable to everyone without exception and/or discrimination.

The fact that the applications for registration lodged by particular individuals were unsuccessful was entirely due to their failure to meet the formal requirements of the Political Parties Act. However, there are no limitations in this regard and the said individuals are free to again apply for registration at any time.

It will also be noted that the Law on Assemblies, Meetings and Demonstrations was amended by the National Assembly in March 2010 and thus brought into full conformity with Article 13 of the European Convention on Human Rights.

Also, information concerning the public events freely organized by “representatives of Macedonians” in the past two years clearly indicates that the said individuals fully enjoy the right to freedom of assembly in accordance with the applicable legislation.

Article 8 of the Framework Convention

The right to manifest religion or belief

The Bulgarian authorities note the acknowledgement of the Advisory Committee that “no minority representatives complained about” section 10 of the 2002 Confessions Act.

It should be also recalled that in Bulgaria the Constitution and the legislation in place explicitly prohibit discrimination on the grounds of religion or belief, and the State provides assistance aimed at promoting tolerance and respect among followers of different religions, as well as between believers and non-believers.

Furthermore, the implementation of the Confessions Act has clearly demonstrated that its provisions are fully in line with Article 9 of the European Convention on Human Rights.

Article 9 of the Framework Convention

Broadcasting for minorities/broadcasting in minority languages

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

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

In this context, the Law on Radio and Television envisages that *“The programmes or individual broadcasts can be in other languages when...they are designated for Bulgarian citizens whose mother tongue is not Bulgarian...”*⁴ and that *“the Bulgarian National Radio and the Bulgarian National Television shall create national and regional programmes; programmes for abroad, including for the Bulgarians abroad of whom the Bulgarian language is not mother tongue, including in their language.”*⁵

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

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

In addition, CEM will have opportunities, during forthcoming competitive procedures for licensing and registration of new media providers, to encourage other programme content for persons belonging to minority groups to be included in the media landscape in Bulgaria.

It should also be noted that some newspapers in minority languages are published with the support of the NCCEDI and other public institutions, despite rigid budget restrictions.

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

Article 10 of the Framework Convention

Use of minority languages in relations with administrative authorities

In its Opinion the Advisory Committee refers to “conformity” with Article 10.2 of the Framework Convention and “conditions set out in” Article 10.2 of the Framework Convention.

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

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

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

⁴ See Article 12 of the Law on Radio and Television.

⁵ See Article 49 of the Law on Radio and Television.

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

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

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

In the case of Bulgaria these circumstances are clearly defined in the Constitution of the Republic of Bulgaria, which stipulates that “Bulgarian shall be the official language of the Republic” (Article 3) and that “The study and use of the Bulgarian language shall be a right and an obligation of every Bulgarian citizen. Citizens whose mother tongue is not Bulgarian shall have the right to study and use their own language alongside the study of the Bulgarian language. The situations in which only the official language shall be used shall be established by law” (Article 36, paragraphs 1, 2 & 3). Therefore, the present situation in Bulgaria concerning Article 10, paragraph 2 of the Framework Convention remains in conformity with its relevant undertakings

Article 11 of the Framework Convention

Bilingual topographical indications and other inscriptions

Concerning Article 11, paragraph 3 of the Framework Convention, the Advisory Committee in its present Opinion expresses the view that “*legislation and practice must be in conformity with Article 11.3 of the Framework Convention and the conditions described therein*”.

The Bulgarian authorities accept this view. In this context, it will be recalled that according to the provision of Article 11, paragraph 3 of the Framework Convention, the Parties should “*endeavour, in the framework of their legal systems ... and taking into account their specific conditions*”, to display traditional local names, etc. also in a minority language.

It would be further recalled that according to the Explanatory Report to the Framework Convention, the provision of Art. 11, paragraph 3 provides **only** for such a ‘possibility’, but does not give rise to a direct obligation.

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

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

Article 12 of the Framework Convention

Intercultural dimension of education

Referring to the view expressed by the Advisory Committee with regard to intercultural education, attention should be drawn to the extensive information contained in the textbooks on Bulgarian language and literature, on history and civilization as well as on subjects in the field of philosophy, in compliance with the needs of intercultural teaching.

It should also be noted that many teachers have undergone special training in order to acquire multicultural skills through projects financed both nationally and with international support.

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

The Consultative Council on Inter-Cultural Education at the Minister of Education, Youth and Science is also analysing the school programmes and textbooks currently in use. The analysis conducted so far has positively assessed the modern teaching materials applied in the educational process. Therefore, the claims of “some representatives” of certain minority groups that “*the textbooks used by the educational system insufficiently reflect the specific features and history of their communities*” cannot be accepted as objective and well founded.

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

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

Roma children at schools

Regarding the Advisory Committee’s comment that there is “still a concentration of Roma pupils in separate classes in some areas”, we concur with its observation that this is an unintended consequence of the former administrative division of the school system. According to the rules valid for all children irrespective of their ethnic origin, admittance to any public school was linked administratively to the domicile of the family. In neighbourhoods where the population was predominantly of Roma origin, this system produced schools attended predominantly by pupils of Roma origin. The system was abolished years ago and the authorities have taken special measures to rectify the situation.

Therefore, due consideration should be given to geographic factors and to the fact that the right to choose freely a school has since been explicitly provided for by the Law on public education. In this context, the educational authorities undertake consistent efforts to prevent the formation of classes on “ethnic” grounds, and not to allow enrolment in “special” schools of children who do not fulfill the respective requirements.

The Bulgarian authorities would like to point out in this context that Regulation No 6 (2002) of the Minister of Education and Science explicitly forbids the enrolment of pupils with normal intellectual capabilities in establishments for children with disabilities. Its implementation is closely monitored by the Commission for Protection against Discrimination, together with relevant NGOs. Within this monitoring, various recommendations were made, and they led to the adoption of another Regulation No. 1 in 2009 which strengthened the control over the enrolment process of pupils with special educational needs. According to the current procedure, a special expert commission considers all applicants to ensure that all healthy children, irrespective of their ethnic origin, are sent to general schools. The final list of the children, with special educational needs is approved by the Minister of Education, Youth and Science. Due to these additional procedural guarantees, the number of children with special educational needs dropped by 760. As of September 2010, the total number of children with disabilities who attend special schools was 1811.

By September 2010, the number of schools in residential areas inhabited mainly by Roma were 65 – compared to 105 three years ago. The figures relate to the entire territory of the country, and are just an example of the intensive reform process underway.

The Bulgarian authorities continue also their efforts to increase the quality of education and improve the educational facilities. All measures are discussed with relevant NGOs (the latest round table of the Ministry of Education, Youth and Science with Roma NGOs was held in June 2010). The funds in the 2010 state budget for these activities amount to BGN 12 million (around EUR 6 million). In addition, the Centre for Educational Integration of Children and Students from Ethnic Minorities cooperates with the Roma Education Fund in Budapest and co-finances specific projects encouraging the integration of Roma children in mainstream education and preventing early drop-outs.

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

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

Regarding access to kindergartens for all Roma children and the guarantees that “*the curriculum in such kindergartens corresponds to the diverse needs and multi-lingual composition of the groups*”, it should be pointed out that children of Roma origin usually do not enroll *en masse* in kindergartens, and this problem affects negatively their learning abilities in the first and following school grades. Taking this into account, the obligatory pre-schooling is planned to be extended to two years. Sanctions are also envisaged for parents who do not send their children to pre-school and school education.

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

developing parental skills for future and present parents, early intervention for children with disabilities, family consulting and support, health consulting, etc. For children of 3 to 7 years of age, the project finances activities supporting their integration in kindergartens as well as social work with their parents, reduction of fees, transport, etc.

Regarding the assistant-teachers for Roma children, it should be borne in mind that this is a social, and not a pedagogical function. The assistant-teachers are mediators between the school and the child and the parents. Therefore, the authorities currently consider their transfer from the Ministry of Education, Youth and Science to the Agency for Social Assistance. It is also envisaged to finance assistant-teachers through the budgets of the municipalities instead of the school budgets. In this way all schools will have the opportunity to use assistant teachers.

It should be further noted that the Consultative Council on Education of children and pupils belonging to ethnic minorities is established at the Minister of Education, Youth and Culture as a specific mechanism for involving public opinion when developing policies and measures related to persons belonging to minority groups. Members of the Council are representatives of Roma and other minority groups, of non-governmental organizations, universities and experts familiar with the process of educational integration

It should also be recalled in this respect that there had never been a policy of school "segregation" – *de jure* or *de facto* - of Roma children in the national education system. Therefore, the term "segregation" with respect to Roma children is inaccurate.

Article 14 of the Framework Convention

Minority language teaching

As noted in the Opinion of the Advisory Committee, there are special programmes in Bulgaria for education in the mother tongue – Roma, Turkish, Armenian, Hebrew. There is a special training for teachers in Roma language. Additional textbooks and grammar books are published in minority languages.

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

Therefore, the allegation by the Advisory Committee that “...*there is still a significant demand for more education in minority languages in schools*” does conform to reality. On the contrary, the number of children, willing to study Roma language, dropped from over 4000 in the beginning of the 1990s to less than 100 in the last two school-years. Teaching in mother tongue is provided also in villages and small towns. At the same time, however, the prevailing will of parents and children is to study languages which will facilitate their further study or job opportunities in the USA, the EU member-states or certain international structures. This preference is the right of every citizen in Bulgaria, irrespective of her/his ethnic self-identification and as such the authorities fully respect it.

In this regard it should be mentioned that at the University of Veliko Tarnovo a bachelor's degree was offered for students in the programme “Elementary and pre-school pedagogies in Roma language”. Due to insufficient interest on behalf of the students, this opportunity could not be further developed.

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

Article 15 of the Framework Convention

Participation in decision-making processes

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

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

Consultative mechanisms

Regarding the selection procedures for NGO membership in the NCCEDI, the Bulgarian authorities note that this issue has never been raised before the National Council. The criteria for membership in the NCCEDI, which are publicly known, have never been questioned.

It should also be noted that in 2010 the Commission for protection against Discrimination ruled that the Chairperson of the NCCEDI had accepted in 2008 one organization from the Armenian community as a member of the NCCEDI without proper reasoning.

Following the 2009 parliamentary elections, Mr. Tzvetan Tzvetanov, Deputy Prime Minister and Minister of Interior was appointed by the new Government as Chairman of the NCCEDI. Mr. Tzvetanov identified shortcomings in the work of the previous leadership and already in November 2009 sent a letter expressing readiness to improve the mechanism for membership selection. This was immediately manifested in the selection process for NCCEDI membership in 2010.

It is foreseen that the NCCEDI be transformed into a State-Public Consultative Commission which will widen the opportunities for a yet more active participation of the non-governmental sector. In this process all relevant recommendations expressed by the Advisory Committee in its second Opinion will be given due consideration.

It should also be pointed out that since August 2006, a Council for equal integration of Roma in the Bulgarian society functions at the Minister of Labour and Social Policy. Its main functions are to discuss and advise on issues of social inclusion of Roma, on draft strategic and working documents, etc. The Council includes as its members 24 non-governmental organizations (around 80 in its extended composition) as well as experts on issues related to minority integration.

Participation in economic and social life

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

- In 2010, for the fourth consecutive time, young Roma had their practice at the National Assembly. It was held under the auspices of H.E. Mrs Tzetzka Tzacheva, Chairperson of the National Assembly. In this way, the initiative received clear institutional support;

- The Employment Agency supports actively as one of its priorities the socio-economic integration of persons in vulnerable situations in the labour market. In its activities, the Agency strictly abides by the principle of zero-tolerance to any discriminatory practices and circumstances allowing for violations of the right to equal opportunities of all persons in search of employment;

- Within the international initiative “Decade for Roma Inclusion, 2005-2015”, the Bulgarian Government, through the Employment Agency, carries out annual action plans, including measures aimed at training and re-qualification of registered unemployed Roma in order to facilitate their integration in the labour market. In 2010, 7 600 persons were included in such programmes;

- A new scheme will be launched within operational programme “Human Resources Development” which will create opportunities for jobs for 5000 registered unemployed Roma;

- Since 2005, the Employment Agency has been organizing specialized “job fairs” in regions with denser Roma population (in the period 2006 – 2009, there were 20 such “job fairs”, and in the first six months of 2010 they were 10);

- Roma mediators are trained and appointed to promote employment (a total of 102 mediators have been working at the territorial directorates as of February 2010). Meetings are also held locally with official representatives and informal leaders of the Roma community aimed at improving awareness and promoting employment (169 such meetings were organised in 2009, together with 312 meetings with NGOs, social partners, employer organizations, etc.);

- In order to better tailor its programmes, the Employment Agency introduced in 2007 the opportunity for the unemployed, when registering, to identify - on a strictly voluntary basis - their ethnic affiliation;

- Through the multiyear project “Improvement of the situation and promotion of integration of disadvantaged persons belonging to minority groups, with a special focus on Roma”, the NCCEDI implements a series of measures in the field of housing infrastructure development, education, health care, employment, participation in political and economic life at local level, etc. Roma representatives are included in the elaboration of the project in all its stages. Progress is monitored monthly and in 6-month periods, and the efficiency of the measures is assessed together with Roma representatives after the completion of the contracts;

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

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

The Bulgarian authorities draw attention to the fact that the new Framework Programme for integration of Roma in the Bulgarian society (2010-2020) clearly emphasizes the need to involve actively citizens of Roma origin, in particular women, in its implementation.

The Bulgarian authorities once again particularly underline that during the population censuses the NSI collects, processes and disseminates reliable statistical information, disaggregated also according to the ethnic self-identification of the persons, sex and geographic location. Fully aware of the significance of this information for the elaboration of well targeted policies, including those related to persons belonging to minority groups, the NSI will continue its efforts to collect such statistical data, in accordance with the international standards in the field of personal data protection.

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

In July 2007, a sociological study was carried out with a follow-up discussion under the topic “Roma for Roma”. The objective was to clarify the perception among Roma of the main problems faced in everyday life, how the Roma themselves view their role in the contemporary Bulgarian society, how do they understand the ways and means for their own integration, etc. The results of this initiative contributed to fostering the dialogue with the Roma representatives and the activity among the communities themselves in the inclusion processes.

It should also be noted that the Bulgarian authorities carry out consistent targeted training activities to encourage the persons belonging to the Roma community to be an active partner to the national institutions when implementing projects for social inclusion. Regional seminars are organized aimed at increasing awareness among the Roma community, including Roma women, on various issues related to protection against discrimination, school attendance and early dropouts from school, responsible parenting, the social role of the Roma woman, etc. In the period of 2006 – 2007, 22 such regional seminars were held, and in 2008 – 5 national seminars and 4 round tables dedicated specifically to topics related to the professional and social integration of the Roma women. In 2009, there were 4 seminars with formal and informal Roma leaders used also to assess the impact of the measures undertaken thus far within the initiative “Decade for Roma Inclusion, 2005-2015”.

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

Sofia, December 2010.