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**Fourth Report submitted by Bulgaria pursuant to Article 25, paragraph 2  
of the Framework Convention for the Protection of National Minorities**

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**FOURTH REPORT SUBMITTED BY  
THE REPUBLIC OF BULGARIA**

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**PURSUANT TO ARTICLE 25, PARAGRAPH 2 OF THE FRAMEWORK  
CONVENTION FOR THE PROTECTION OF NATIONAL MINORITIES**

\*Third cycle Resolution has not been adopted by the time submission of this Report

## TABLE OF CONTENTS

|      |  |    |
|------|--|----|
| I.   | Introduction to the fourth report of the Republic of Bulgaria .....  | 4  |
| II.  | Measures taken to address core issues .....  | 5  |
| 1.   | Implementation of national strategies and integration programs for members of the Roma minority, and budgetary provisions .....    | 5  |
| 2.   | Fight against hate speech and hate crimes .....  | 6  |
| A.   | Legislature .....  | 6  |
| B.   | Executive .....  | 7  |
| C.   | Judiciary .....  | 10 |
| D.   | Quasi-Judicial Bodies. Case Studies .....  | 11 |
| 3.   | Active measures affirming and protecting the right of persons belonging to minorities to learn their mother tongue .....           | 15 |
| 4.   | Ability for persons belonging to minorities to participate effectively in decision-making procedures.....                          | 16 |
| 5.   | Addressing the socio-economic problems of minorities, particularly Roma, in the field of housing, employment and health care ..... | 19 |
| A.   | Housing .....  | 19 |
| B.   | Employment .....   | 20 |
| C.   | Health Care.....   | 21 |
| III. | Further measures taken to improve the implementation of the Framework Convention .....   | 25 |
|      | Article 3 of the Framework Convention .....  | 25 |
|      | Article 4 of the Framework Convention .....  | 26 |
|      | Article 5 of the Framework Convention .....  | 28 |
|      | Article 6 of the Framework Convention .....  | 32 |
|      | Article 7 of the Framework Convention .....  | 40 |
|      | Article 8 of the Framework Convention .....  | 41 |
|      | Article 9 of the Framework Convention .....  | 42 |
|      | Article 10 of the Framework Convention.....  | 44 |
|      | Article 11 of the Framework Convention.....  | 45 |
|      | Article 12 of the Framework Convention.....  | 46 |
|      | Article 14 of the Framework Convention.....  | 50 |
|      | Article 15 of the Framework Convention.....  | 54 |

## **I. Introduction to the fourth report of the Republic of Bulgaria**

The present report summarises the efforts, developments and achievements of the Republic of Bulgaria in the sphere of minority rights, conducted after the filing of the previous national report in 2012 as part of the third monitoring cycle. It is important to stress the fact that at the time of this report's preparation, no resolution regarding the third monitoring cycle was yet adopted, which could officially guide the country's activities in the sphere of the protection of rights and the improvement of the social, economical and cultural status of its minorities. The following presentation and analysis adhere to some of the recommendations set forth in the draft resolution on the implementation of the Framework Convention for the Protection of National Minorities by Bulgaria in the version, in which it was presented at the 1244 Meeting of the Ministers' Deputies on January 13, 2016. Taking into consideration the importance of result evaluation and careful analysis as well as the necessity of inter-institutional communication for the purposes of fact gathering and future report submissions, the adoption of a resolution after each monitoring cycle greatly aids the future work and determines the direction of all national efforts towards the achievement of recommended results.

These details notwithstanding, the Republic of Bulgaria has adopted several strategies and action plans in order to improve the status and living conditions of its citizens belonging to ethnic and religious minorities. There are several institutions monitoring and directing the steps towards the further integration of minority groups, the protection of their rights and liberties, and the awareness-raising about their cultural diversity and contributions to society. The work of the Council of Ministers (CoM), the Ministry of Interior (MoI), the Ministry of Culture (MC), the NCCEII, the Commission on Protection against Discrimination (CPD), other state bodies as well as non-governmental organisations is discussed in detail in this report.

There are several principles, guiding the efforts of the Republic of Bulgaria in respect to the persons belonging to the ethnic, religious, and linguistic minorities within its borders. The first and most basic one is the principle of acceptance. Each minority group and community is free to define the boundaries, within which it shall participate in the public life, contribute to society, and use its constitutionally defined liberties to express its cultural uniqueness and heritage. The Bulgarian laws provide the framework, within which these liberties can be exercised. This framework is in accordance with the rights defined in the Framework Convention.

Another principle governing the actions of the state bodies and institutions is that of equal treatment. According to the Constitution of the Republic of Bulgaria, the state is prohibited from forcefully assimilating the minority groups present on its territory. Each community can choose the level at which it shall accept the values, common for the Bulgarian society, and the measure at which it shall preserve its

own traditions, beliefs and way of life. As long as the latter do not breach the law, they are both allowed and welcomed.

The equal treatment of minority groups and communities also means that they are viewed and treated as Bulgarian citizens, with no difference regarding their rights, opportunities, liberties and obligations from those of any other nationals. The aim of the state is to create and maintain an environment in which no minority member feels singled out or constantly reminded of the ethnic or religious differences existing between the minority community and the rest of the Bulgarian citizens. The ultimate purpose of the country's efforts is to preserve the feeling of belonging of all citizens and the celebration of their cultural and religious variety.

The Republic of Bulgaria recognises the existing issues on the way to these goals' achievement. Throughout the years, some of its minorities have reached a very high level of integration, while the process for other minorities has been much more difficult. In the latter case, the country created special measures in order to aid and improve the desired level of integration. Despite the marked progress, this is an ongoing process, depending on a large number of variables. It is a shared belief that the protection of all citizens of the Republic of Bulgaria, in the complete amalgam of their ethnic, cultural, and religious diversity, is one of the main reasons for the country's existence.

## **II. Measures taken to address core issues**

### **1. Implementation of national strategies and integration programmes for members of the Roma minority, and budgetary provisions**

The Republic of Bulgaria follows a targeted and consistent policy of encouraging and supporting the integration of the Roma minority in all spheres of public life. On March 1, 2012, the National Assembly of Bulgaria adopted the National Roma Integration Strategy (2012-2020)<sup>1</sup>, which is a framework document setting out the national priorities and objectives regarding Roma integration for the aforementioned period<sup>2</sup>. In chapter VII, entitled "Mechanisms for the Implementation of Integration Policies", the National Strategy includes information on the financial resources that will be used throughout its implementation. These include (1) means from the state budget, used on national, regional and local level, as well as (2) means of the European Union, foreseen in the Structural Funds and the Cohesion Fund and distributed for the implementation of integration programs.

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<sup>1</sup> Abbr. as National Strategy

<sup>2</sup> The document is available in Bulgarian language at <http://www.strategy.bg/StrategicDocuments/View.aspx?lang=bg-BG&Id=726>

The main coordinating and consulting organ overseeing the implementation of the National Strategy is the National Council for Cooperation on Ethnic and Integration Issues (NCCEII). It assists the CoM in the development and implementation of governmental policy on ethnic and integration issues, and monitors the follow-up actions in compliance with a variety of governmental documents, issued in the field of inter-ethnic relations and protection of the rights of persons belonging to minority groups.

The work of NCCEII is supported by the Commission on the Implementation of the National Roma Integration Strategy of the Republic of Bulgaria (2012-2020). The Commission is composed of members of the ministries of Labour and Social Policy; Education and Science; Agriculture and Food; Youth and Sports; Regional Development and Public Works; Health; Interior; Culture; as well as representatives of the CoM Central Coordination Unit, the Bulgarian Academy of Sciences and the National Association of Municipalities. Along with these state representatives, the Commission also includes NGO members working in the area of Roma integration.

The Commission has two working groups – 1) Interdepartmental Working Group for Roma, functioning with the support of EU funding, and 2) Interdepartmental Working Group for monitoring the implementation of the National Strategy.

On May 11, 2016, the CoM endorsed a National Action Plan for the Implementation of the National Roma Integration Strategy (2012-2020). In addition to providing for the budgetary means, it also defines clear objectives for each of the responsible ministries, government agencies, and municipalities, which need to be achieved over the upcoming years. Each year the CoM of the Republic of Bulgaria is presented with an administrative monitoring report on the implementation of the National Strategy<sup>3</sup>. It contains information concerning the used budgetary means, the achieved results with respect to the defined priorities, and specific budgetary provisions for future execution of planned long-term policies and projects.

## **2. Fight against hate speech and hate crimes**

The systematic condemnation and persecution of all acts of hate speech and hate crimes in the Republic of Bulgaria are present on the legislative, executive and judicial level.

### **A. Legislature**

The strongest prohibition of the use of hate speech and hate crimes is articulated in the Bulgarian Penal Code – specifically in chapter III, section I and II, dealing with criminal acts committed against the equality of the citizens as well as

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<sup>3</sup> The reports are available in Bulgarian language at <http://www.strategy.bg/StrategicDocuments/View.aspx?lang=bg-BG&Id=726>

against religious denominations. The Penal code contains specific provisions, punishing all forms of expressed hatred against ethnic and religious minority groups. Such criminal acts are punishable by 1-6 years jail time, a fine of between 5000 and 30 000 BGN, as well as public censure. Should the act of hate speech/hate crime fall under more than one criminal provision of the Penal Code, the court is bound to follow the general rules of the Bulgarian Penal Code, applicable in cases of multiple and complex criminal acts.

In 2015, Art. 164, para. 1 of the Penal Code was revised in order to fully implement the standards of EU Council Framework Decision 2008/913/JHA. The new paragraph 1 criminalises the incitement to discrimination and violence on religious grounds. According to it, anyone propagating or inciting discrimination, violence or hatred on religious grounds through speech, press or other media, through electronic information systems or in any other manner, shall be punished by deprivation of liberty of up to four years or by probation and a fine from 5 000 to 10 000 BGN.

The protection against hate speech and hate crimes is further developed in the Act on Protection Against Discrimination. This legal act defines the various ways, in which direct and indirect discrimination may occur, and imposes sanctions on the parties, found guilty of committing acts of discrimination. Between 2012 and 2017 the Act on Protection Against Discrimination was amended several times in order to more fully secure the rights of persons, belonging to minority groups. Some of the most notable changes include updated definitions of key legal terms such as “harassment”, “sexual harassment”, “persecution”, “incitement to discrimination” and “less favourable treatment”. An important amendment was introduced to Art. 4, para. 3 of the same Act, which broadened the field, in which cases of indirect discrimination should be considered. Another important amendment has been made to Art. 9, according to which *“in proceedings concerning protection against discrimination, after the party claiming to have been discriminated against provides facts, which may suggest that discrimination has occurred, the respondent must prove that the principle of equal treatment has not been infringed”*, thus effectively shifting the burden of proof from the applicant to the respondent i.e. to the party that has allegedly committed the discriminatory act.

## **B. Executive**

According to the National Action Plan on the Implementation of the National Roma Integration Strategy (2012-2020), officials of the executive branch undergo trainings which are aimed at raising their sensibility and expertise when dealing with cases of hate speech and hate crimes as well as when one of the parties in a conflict belongs to an ethnic minority group.

The National Action Plan includes Task 3.1 – Improving the Efficiency of Police Officers’ Work in a Multi-Ethnic Environment While Safeguarding the Human



Rights Standards. There are specific courses conducted as part of the legally defined training year for police officers. In 2014, 1191 training events have been conducted at different locations, with the participation of a total of 35 671 police officers. In 2015, 903 training courses have been conducted, covering 22 506 officers. 1 016 training events were held with 21 486 officers included in them in 2016. During the first quarter of 2017, 529 training courses have been conducted with 10 171 officers participating.

Task 3.2 – Improving the Qualification of Police Officers for Higher Efficiency in a Multi-Ethnic Environment, which is part of the same National Action Plan, foresees annual national and regional training courses, concentrated on the police work with ethnic minority communities. The main themes, covered by the training, include the issues of working in areas with predominantly Roma populations, exercising effective control in crisis situations, and the development of working skills with representatives of the Roma community. The courses also include information about the history, customs, traditions and beliefs of various ethnic groups, the identification of prevalent issues, existing in an ethnically diverse environment, communication skills, protection against discrimination, etc.

In order for the Republic of Bulgaria to step up the efforts to ensure that any racially motivated offences are effectively identified and investigated, the country participated in a number of partnership projects with other countries, international bodies and organisations:

➤ Project *“Training Against Hate Crimes for Law Enforcement”(TAHCLE)* was implemented pursuant to the 2012 Memorandum of Understanding between the MoI of the Republic of Bulgaria and OSCE’s Office of Democratic Institutions and Human Rights (ODIHR). The training course was attended by investigation officers, criminal and security police officers, coming from various structures of MoI. It covered topics connected to existing issues in the identification and investigation of hate crimes. Special emphasis was laid on the dangers of hate crimes, their impact on society, the negative effects of its neglect, and the role of the police in its prevention. By the end of the project in December 2013, all investigating police officers, criminal and security police officers from all over the country had undergone the training.

After the project’s completion, a comprehensive assessment was conducted by an external consultant in 2014. The assessment report states that the Republic of Bulgaria is the first country to thoroughly implement the project. The estimation of TAHCLE’s effects in relation to the existing needs of its partner institutions and the civil society has been rated as very high. MoI’s Academy included the project’s key concepts in its standard curriculum, covering them in both the initial training for police officers as well as in the subsequent trainings on hate crime issues.

➤ Project “*European Police and Human Rights*” [HOME/2010/ISEC/FP/C2/4000001454] was carried out in 2012-2013 as part of the Partnership Agreement between the European Commission (EC) and the MoI of the Republic of Bulgaria under EC’s Prevention of and Fight Against Crime (ISEC 2010) Programme. The project was implemented with the support and participation of the Ministry’s National Police General Directorate, Academy, and Institute of Psychology, as well as the CPD, the Bulgarian Helsinki Committee, the Centre for the Study of Democracy, the Federal Police of the Kingdom of Belgium, the German State Police of Baden-Württemberg, and the Police of the Republic of Poland.

Methodology and reference books were developed as part of the same project, for the purpose of future courses on human rights, with an emphasis on non-discrimination. The materials were provided to all trainers and have been also sent to the Regional Directorates and the Academy of MoI in order to be used during the professional training of police officers. The materials are expected to have reached other EU member states via the CEPOL network.

➤ Project “*Protection of Human Rights and Training for the Acquisition of Required Knowledge and Skills by Police Officers Working in a Multi-Ethnic Environment, Including Among the Roma Community*” was funded by Norway Grants 2009-2014 under Programme Area 30 of the BG 13 Programme<sup>4</sup>.

➤ Project “*Strengthening the Principles of Human Rights Safeguards in the Police Work in the Republic of Bulgaria*” is part of the Bulgarian-Swiss Cooperation Programme, to which the MoI Academy is a beneficiary. Mid-senior police officers from all over the country were trained as part of the project, with a focus on strengthening the human rights-based approach and the professional ethics in the context of the complexity of modern relations and the challenges in the police work.

The training by MoI of its officers on the topic of hate speech- and hate crimes prevention is a continuing process. In 2015, the National Police General Directorate developed further training instructions and manuals in cooperation with the Supreme Cassation Prosecutor’s Office. Throughout 2015 to 2017, police officers took part in various educational programmes, training courses, seminars and round tables, discussing effective investigation methods of hate crimes and the protection of human rights. In 2017, a large part of the country’s investigation officers and prosecutors took part in another project, developed by the National Institute of Justice (NIJ) on the topic of human rights and fundamental freedoms. The latest special training - “Hate Crime Involving Discrimination” took place in November, 2017, and was organised under the Joint Programme on Access of Roma and Traveller Women to Justice (JUSTROM) – an initiative of the Council of Europe

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<sup>4</sup> More information on this project, allocation of grants, and key results of the country, is available here: <https://eeagrants.org/Where-we-work/Bulgaria>

and the European Commission. Members of Bulgaria's executive branch participated.

Also in 2017, a special initiative was undertaken with the establishment of a Public Council with the existing Standing Commission on Human Rights and Police Ethics of the MoI. This new Public Council is meant to attract NGO representatives, working in the field of human rights protection.

Since 2012 Bulgaria has been an observer with the International Holocaust Remembrance Alliance (IHRA). The performance of Bulgaria as an observer with IHRA, as well as the capacity and strong commitment to move forward have been duly recognized by all Member States, and on 29 June 2017 the IHRA Plenary in Geneva decided to accept Bulgaria as a Liaison Country. In October 2017 the Bulgarian Government took a decision to adopt the "Working Definition for antisemitism" of the International Holocaust Remembrance Alliance (IHRA) and to appoint a deputy-minister of foreign affairs as a national coordinator on combating antisemitism. The decision of the Bulgarian government assigns to ministers and heads of governmental agencies in Bulgaria to apply the definition within their competences. The definition will contribute to the endeavors of the judiciary and law-enforcement authorities in the identification and prosecution of antisemitic acts. The Government also proposed that the National Assembly implements the definition in its work. The next step envisaged by the Government is full-fledged membership of IHRA by the end of 2018.

### **C. Judiciary**

As already described in item "A. Legislature", all acts of hate speech and hate crimes are prohibited by law. Although these acts are generally difficult to be prosecuted since a portion of them remains unreported by the victims, the courts apply the criminal provisions accordingly whenever the filed charges involve a hate crime. Below there is an excerpt from the statistics, regarding crimes committed out of xenophobic motives and brought before the courts. The statistics do not include crimes, which are still being investigated by the police authorities. The dismissal of some cases is due to lack of sufficient evidence, requests for the dropping of the charges by the victim (where the law allows that) or plea bargain-like circumstances<sup>5</sup>.

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<sup>5</sup> The construct of the plea bargain in the Bulgarian criminal law involves an agreement between the prosecutor and the defending attorney (in contrast to the agreement between the prosecutor and the defendant as is the practice in some other countries), which needs to be approved by the court. A very important requirement for the approval is the non-commission of a major crime against the state, terrorism or any other criminal act which resulted in a person's death.

*Court Statistics on Hate Crimes as Defined by the Penal Code of the Republic of Bulgaria for the Period 2012-2016*

Art. 116, Par. 1, Pt. 11 (murder, committed out of hooligan, racial or xenophobic motives) – 34 cases; 16 convictions; 2 dismissed cases;

Art. 131, Para. 1, Pt. 12 (bodily harm, caused because of hooligan, racial or xenophobic motives) - 1013 cases; 548 convictions; 306 dismissed cases;

Art. 162 (hate speech and hate crime) – 5 cases; 2 convictions; 2 dismissed cases;

Art. 164 (propaganda of or incitement to discrimination, violence or hatred on religious basis) – 7 cases; no convictions reported; 6 dismissed cases;

Art. 172, Para. 1 (crimes against the labour rights of the citizens) - 8 cases; 2 convictions; 2 dismissed cases.

Art. 419a (defence, denial or grave denigration of crimes against peace and humanity) – none.

#### **D. Quasi-Judicial Bodies**

In its chapter 3, the Act on Protection against Discrimination regulates the legal status of the Commission for Protection against Discrimination (CPD), which is responsible for adjudicating on cases of alleged discrimination brought before it. CPD is an equality body that is functioning in accordance with the UN Office of the High Commissioner for Human Rights' Principles Relating to the Status of National Institutions as well as European Commission against Racism and Intolerance (ECRI) General Policy Recommendation No. 2 on specialised bodies to combat racism, xenophobia, anti-Semitism and intolerance at national level. CPD has passed rulings reaffirming the sustainability of the measures and policies promoting equal opportunity and equal treatment in relation to the priorities specified in the National Roma Integration Strategy (2012-2020) and in the initiative National Action Plan of the Decade of Roma Inclusion (2005-2015).

Since 2010 CPD has also been annually collecting statistical data, provided by the Ministry of the Interior, the Supreme Court of Cassation, the Prosecutor's Office as well as all other judiciary bodies, regarding hate crimes in accordance with the instructions of OSCE's Office for Democratic Institutions and Human Rights. As a result of some differences between the hate crimes statistics mechanism used by the Republic of Bulgaria and the one established by the OSCE, CPD initiated a number of inter-institutional meetings in order to discuss potential changes in their practice, which would lead to more precise and reliable statistics.

CPD organised two National Working Group meetings in cooperation with OSCE on the subject of hate crimes, which were attended by experts from the Administration of the President, the Ministry of Justice, the MoI, the Supreme Cassation Prosecutor's Office, the Supreme Court of Cassation, the Supreme Judicial Council, the National Statistical Institute, and the National Institute of Justice. The

participants discussed and identified the challenges and gaps in the process of recording and reporting hate crimes in the Republic of Bulgaria, and reached consensus about the need to continue the joint work and the coordination of the efforts of all institutions that are responsible for counteracting such crimes or have interest in the results achieved in this area. Another important advance was the adoption of a new definition of the term “hate crimes” and the proposal of relevant legislative amendments to the Bulgarian Penal Code. The meetings also played a central role in concentrating the commitments of all competent institutions for future participation in the efforts towards the development of an inter-institutional coordination mechanism, used for the reporting and countering of hate crimes.

Between 2013 and 2017, CPD organised public awareness campaigns, seminars and training sessions in the area of prevention of racial discrimination and hate crimes, which aimed at expanding the expertise of officials from the national and local governmental bodies, the judiciary, as well as members of the public. Furthermore, CPD is a supporter and participant in various national campaigns and initiatives, designed to raise the level of tolerance and awareness about the opportunities and protective mechanisms against discrimination and harassment towards vulnerable members of ethnic communities. In 2015, for instance, CPD partnered with the Union of Economists in Bulgaria (UEB) and the Veliko Turnovo Municipality in order to organise an expert forum, at which representatives of NGOs, the business community and several educational institutions shared good practices regarding the socio-economic inclusion of members of the Roma community in the labour market. Again in 2015, CPD signed a memorandum with the Department of Ethnology of the largest Bulgarian university – “St. Kliment Ohridski” for joint cooperation in the organisation of traineeships for students and participation in research projects in the field of equal treatment, the fight against racism, and the promotion of cultural diversity.

Another strategic partnership was signed in 2015 between CPD and “Shalom” – an organisation of the Jewish community in Bulgaria. The memorandum provided the basis for joint efforts in counteracting xenophobia, hate speech, hate crimes, and all other forms of intolerance. Since then both entities organised multiple public discussions and events with the participation of members of the Jewish community, governmental officials and diplomatic corps, members of the academia and public figures, which were dedicated to their joint fight against intolerance and hate crimes. Examples include “The Missed Lessons of the Holocaust” – a round table event, dedicated to the international commemoration of Holocaust victims; “Hate Speech: Public Manifestations, Punishability and Prevention” and “The Role of the Commission for Protection Against Discrimination as an Independent Body Working for Equal Treatment” – public presentations; “No to Xenophobia, Racism and Hatred in Sports” – public discussion and part of the larger “Sport for Tolerance 2016-

2018” initiative, implemented under the high patronage of the Mayor of Sofia and the minister for youth and sports.

CPD has also engaged in collaborative partnerships with representative media associations. It works together with the Bulgarian Association of Regional Media on specialised media campaigns, combatting hate speech. In partnership with “Integro Association”, CPD published handbooks, teaching about the official protective mechanisms against discrimination and the steps that can be taken by each citizen who has been a victim of such acts.

Currently CPD is preparing a new project on the topic of ‘Preventing and combatting racism, xenophobia, and other forms of intolerance, specifically hate speech and hate crimes’. Its main objectives are:

- Focusing on overcoming existing discrepancies in the reports on hate crime incidents as well as the provision of adequate support for the victims of hate speech and hate crimes;

- Improving the methodologies for collecting and registering hate crime evidence, and improving the statistical data comparability with that of other countries;

- Developing comprehensive strategies for the prevention and countering of racism, xenophobia and other forms of intolerance, including by analysis and eradication of their root causes.

It is already an established practice for non-governmental organisations protecting the interests of Roma people to participate as both interested parties and litigants in specialized proceedings brought before CPD.

The panels hearing such specialised proceedings before CPD appoint recognised experts of Roma origin to serve as expert witnesses with expertise on the case being heard.

### **Case Studies**

As an independent, quasi-judicial body, CPD has the authority to adjudicate cases of alleged discrimination brought before it. Its practice in the years 2012-2017 reaffirms the principles of complete inadmissibility of all types of discrimination, set in the laws. The total number of complaints filed during those years is 3 763. The number of the admitted cases is 1 996, out of which 262 dealt with discrimination on the basis of ethnicity, and 11 on the basis of race. The cases, involving members of the Roma community, get a hearing before the first permanent CPD panel, specialised in complaints on the basis of ethnic or racial discrimination, as well as a hearing before an expanded specialised panel, which reviews complaints and reports of discrimination on the basis of more than one criterion (discrimination on multiple grounds).

The cases summarised below are meant to give some insight into the character of the complaints and CPD's reasoning.

*Case 126/2013-Decision 283/2014* follows the legal principle that hate speech cannot enjoy legal protection, regardless of the form and circumstances, in which it has been expressed. The case deals with the responsibility of a media provider, publishing on the internet and giving its readers the opportunity to leave comments under the news articles. Some of the comments were found to contain hate speech targeting ethnic minority communities, which is a clear breach of Art. 4 of the Act on Protection Against Discrimination. Since the readers' comments were visible and accessible to an unlimited number of other readers, the media provider was found responsible and charged to pay a 2000 BGN for indirectly endangering the interests of an unlimited number of persons. CPD also required the media provider to publish the decision on its web site.

*Case 411/2013-Decision 138/2015* further specifies the responsibility that media providers have in respect to the readers' comments, published on the media websites. Here the news provider published "Terms of Use" for the website, which contain the provision that the media cannot be held responsible for the content of comments, published by its readers. According to these terms, should the comments contain hate speech, the sole responsibility is carried by their authors. Here CPD ruled that the content provider has both the ability and responsibility to moderate the comments on the news website and should pay a fine for failing its obligations. The provision which the media provider included in the "Terms of Use" can have legal consequences only in the relation between the provider and the authors of the comments, and may serve as a justification for their removal. The terms however do not preclude the responsibility the media provider has towards third parties, affected by the comments, since this is an imperative legal provision.

*Case 341/2015-Decision 412/2016* deals with a similar issue. A media provider posted a news article regarding a physical attack by a group of seven men on a teenager, allegedly on the account of his expensive clothes. The attackers happened to persons belonging to the Roma minority group, which was the reason for some readers to make harsh comments, containing hate speech. The case was brought before CPD on the grounds that the article, mentioning the attackers' ethnicity presents a form of harassment against the Roma minority. CPD analysed the news article in question and found that the description of the attackers – including their gender or ethnicity, does not equal a form of harassment. The article didn't contain any hate speech or incitement to hatred or violence against the Roma minority group. On the question of the media's responsibility for the readers' comments however, CPD concluded that the news provider carries the responsibility for the comments which its readers had posted. The provider had the obligation of exercising due diligence and moderate the comments, so that their content doesn't breach the law.

While reaffirming the responsibility of media providers for comments, published by third parties, CPD also distinguishes between incitement to hatred and tackling delicate social issues present in the lives of some minority groups.

*Case 189/2015-Decision 261/2016* was brought before CPD after the airing of a TV report, entitled “Children giving birth to children”. The material begins with the story of an 11-year-old girl who gave birth. The report then proceeded to document the problems connected to childbirth by underage mothers, featuring the statistics of 185 underage female persons who have given birth during the year preceding the filming. Since the issue is predominantly present among members of the Roma minority group, the complainants felt that the airing of the report aids its viewers in forming a negative opinion and affirms already existing stereotypes about the Roma minority. CPD ruled that the TV report did not aim to incite hatred against ethnic minority members. Its purpose was to openly discuss an existing problem by drawing the public’s attention to it, after which a working solution could be found.

While cases, filed between 2005 and 2010, regarding discrimination on the basis of ethnicity, are the most numerous compared to other causes for complaints, from 2010 onwards, the proceedings before CPD initiated on the basis of ethnic discrimination rank 4<sup>th</sup> or 5<sup>th</sup> in terms of prevalence.

The advantages of filing a complaint with the CPD include the expert handling of the case and its review by one (or, as already described, in specific situations – by two) specialised panels. The proceedings are free of charge for the complainants. The Act on Protection Against Discrimination grants CPD a wide range of powers to hear cases of all forms of discrimination, assist the victims, sanction the perpetrators, and – since 2012 – to inform the general public on the existing laws and means of protection against discrimination with the help of the mass media. CPD also has the opportunity to gather evidence *ex officio*, whenever that is necessary. As the most serious forms of discrimination are also prohibited by the Penal Code, CPD has the obligation to refer the case to the state prosecution, should it discover evidence that makes the commission of such a crime likely.

### **3. Active measures affirming and protecting the right of persons belonging to minority communities to learn their mother tongue**

The strongest legal safeguard, guaranteeing the right of Bulgarian citizens belonging to ethnic minority groups to learn and use their own language, is set in the Constitution of the Republic of Bulgaria – Art. 36 Para. 2.

Applied to every citizen’s school education, this right is further codified in Art. 13 Para. 6 of the Act on Preschool and School Education (promulgated in State Gazette No. 79/13.10.2015, effective since 01.08.2016), which states that “pupils, for whom Bulgarian is not their mother tongue, are entitled to learn their mother tongue as well, pursuant to the provisions of this Act and under the care and



supervision of the State.” It is important to note that the law gives the Bulgarian citizens, belonging to a minority group, the opportunity to study their mother tongue, but does not impose an obligation on them to exercise this constitutional right. The ratio of the law rests upon the premise that each person has the sole discretion concerning the level at which they wish to preserve their cultural heritage and mother tongue. It also takes into consideration the fact that some persons belonging to minority groups would rather prefer not to openly display or declare their different ethnic origin, while others are willing to embrace and affirm it. Either choice is fully respected in the Republic of Bulgaria.

Therefore, Armenian, Hebrew, Romani, and Turkish can be studied as mother tongue in Bulgarian schools, as elective subjects. According to the National Electronic Information System for Preschool and School Education (NEISPSE), the numbers of students who have chosen to study their mother tongue at school as of February 9, 2017, are as follows:

- Turkish: 6 967
- Hebrew: 278
- Armenian 128
- Romani: 0

With the aim of ensuring the quality of the language education, in the summer of 2017, 28 drafts for updated syllabi were prepared for Armenian, Hebrew, Romani, and Turkish, which encompass the education in this language from the first until seventh grade. These drafts have since been made available for broad public discussion in partnership with the regional education authorities, school and university specialists in the respective languages, eminent persons from ethnic communities, and representatives of non-governmental organisations.

#### **4. Ability for persons belonging to minorities to participate effectively in decision-making procedures**

Bulgaria shares the generally accepted concept that the rights of persons belonging to different ethnic, religious or linguistic groups are an integral part of the overall complex of rights and fundamental freedoms. Ethnic and cultural diversity in Bulgarian society is regarded as an asset and an important resource for the development of the Bulgarian civic nation.

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. Citizens, who identify themselves as belonging to ethnic minority groups, including Roma, may freely and fully participate in the process of elaboration, adoption and implementation of respective decisions.

Persons belonging to minority groups play an active role in the political and public life of the country. The movement for Rights and Freedoms, perceived as

representing mainly the interests of persons of Turkish ethnic background, has been a well established political entity both at national and local level and its representatives have been successfully participating in elections to the National Assembly and to local government. Also members of the Armenian and the Jewish community of Bulgaria have been continuously elected to the National Assembly throughout the years.

At local level, persons belonging to minority groups including Roma, have been elected as mayors or municipal councillors. elected as governors and mayors. This is especially valid in regions, inhabited by large, compact minority groups.

Persons from ethnic minority groups above the minimum age of 18 participate on an equal footing in the elections held in the Republic of Bulgaria. Moreover, in respect of the Bulgarian citizens living abroad, the Central Election Commission determines the opening of polling stations in many countries all over the world in accordance with the rules of the Election Code, providing a wide range of opportunities for more Bulgarian citizens living or residing abroad to exercise freely and seamlessly their active voting rights.

The election rights of Bulgarian citizens are guaranteed by the national Constitution and the terms and procedure for their exercise are laid down in detail in the Election Code. Relevant to the electoral process are also the Political Parties Act, the Meetings, Rallies and Demonstrations Act, the Administrative Violations and Sanctions Act, the Direct Citizen Participation in State and Local Government Act. The above-mentioned legislation ensures a sound basis for holding democratic elections.

When organizing and holding elections, the Central Election Commission monitors the strict application of the rules for exercise of election rights by all citizens of the Republic of Bulgaria irrespective of their ethnic origin or religious affiliation.

The law provides for the integration of representatives of different ethnic groups in the composition of the government body responsible for equality.

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

*Consultative mechanisms*

The NCCEII is the coordination and consultative body, assisting the Government in formulating the policy on the integration of minorities (see previous Reports).

In 2013, 44 NGOs were represented in the Council, in 2014 - 46 NGOs, in 2015 - 52 NGOs and in 2016 - 59 NGOs including NGOs of citizens, belonging to the Armenian, Aromanian, Vlach, Jewish, Karakachan, Roma, Turkish communities as well as organizations active in the sphere of minority issues.

In response to some critical comments made by members of civil society the Council of Ministers on 6 December 2013 issued Decree No 276 establishing a special body to the NCSRB - the Commission for Implementation of the National Strategy of the Republic of Bulgaria for Roma Integration 2012-2020, which has clearly defined functions in monitoring and controlling the implementation of the Strategy, the provision of resources in it, the initiation and proposals for changes in the legal framework, supporting the implementation of the Strategy.

For the effective everyday operational coordination and cooperation with the Secretariat of the NCCEII the responsible respective ministries designated contact persons at expert level to work focussing specifically on these issues.

Coordination at regional and municipal level is very good. The Secretariat of the National Council works closely with regional and municipal authorities and experts, including on regional planning. There are 28 district councils for cooperation on ethnic and integration issues and municipal councils for cooperation on ethnic and integration issues in most of the municipalities.

#### *Participation in economic and social life*

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 support is allocated mainly through funding of integrated projects where the municipalities and other interested parties are the main beneficiaries at local level. The projects will be focused on improving access to employment, education, quality social and health services and measures for building up tolerance for ethnic differences and promoting diversity culture with equal participation of people with different ethnic backgrounds, etc.

The National Strategy of Republic of Bulgaria for Integration of Roma (2012-2020) clearly emphasizes the need to involve actively citizens of Roma origin, in particular women, in its implementation.

The principle of equality and fair representation is also applied in cases, in which the members of the state body are not chosen by a general election, but appointed - as is the situation with the Commission for Protection against Discrimination, whose current chairman and deputy chair are both of Roma origin.

It is also an established practice for non-governmental organisations, representing the interests of the Roma communities, to participate as interested parties or as litigants in the specialised proceedings before CPD. The CPD panels also appoint experts of Roma origin who can serve as expert witnesses during specific cases.

## **5. Addressing socio-economic problems confronting minority groups, particularly Roma, in the field of housing, employment and health care**

The National Roma Integration Strategy (2012-2020) of the Republic of Bulgaria is a continuation of the work carried out under two previous documents – the National Action Plan implementing the objectives of the “Decade of the Roma Inclusion 2005-2015” Initiative, as well as the Framework Programme for Roma Integration 2010-2020, which was made the subject of public discussions by members of the Roma community, the civil society, the government institutions and experts. The Strategy has been created in cooperation between the Ministry of Education, Youth and Science, the Ministry of Health, the Ministry of Regional Development and Public Works, the Ministry of Labour and Social Policy, the Ministry of Culture, the Ministry of Interior, the Commission for Protection against Discrimination, and others. The Strategy is based on an integrative approach in addressing the needs of the Roma minority in several key aspects, including housing, employment, and health care. Each year a report is being filed, documenting the progress made on each aspect of the Strategy<sup>6</sup>.

### **A. Housing**

In 2011, the Republic of Bulgaria initiated a programme for financial aid (BG161PO001/1.2-02/2011), provided in the form of housing to socially vulnerable groups, including the Roma ethnic minority group. Its aim is to contribute to the social inclusion of the most disadvantaged citizens by raising their economic standard and improving their living conditions. The first projects began in the end of August, 2011 and targeted two large and two small cities in the country. The activities included in the financing ranged from the building of new homes and the renovation of older ones to the buying of furniture, the improvement of the living areas’ accessibility for people with specific health conditions and the development of the infrastructure around the buildings.

Another project, parallel to BG161PO001/1.2-02/2011 was launched in 2013 and was focused on the creation and renovation of the social, cultural and education-related infrastructure. Between 2012 and 2016, in pursuit of both initiatives, the NCCEII stated in its annual reports the completion of 670 infrastructural projects in the sphere of education, culture and social life, amounting

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<sup>6</sup> All annual reports filed since the beginning of the Strategy implementation, are available in Bulgarian language here: <http://www.strategy.bg/StrategicDocuments/View.aspx?lang=bg-BG&Id=726>

to 271.5 million BGN and benefitting around 99 000 members of the Roma community. The statistics for the years 2015-2016 show the completion of 414 new homes, amounting to another 6.8 million BGN and benefitting 1074 individuals. In the meantime, problematic cases of persons belonging to the Roma community, who inhabit unsanitary and unsafe dwellings, often erected in breach of the local construction laws, are resolved by the municipality authorities with the issuance of a notification in advance combined with the search of alternative accommodation. The procedure often engages the efforts of the state Social Support Agency.

Some NGOs, members of the NCCEI, are also working in the field of Roma housing, alongside the state administration. An example is "Habitat for Humanity Bulgaria", working on resolving the housing problems of low-income families, improving the housing conditions of families at risk, microfinancing for residential improvements, creating and piloting the housing mediating service - Better Housing Project, and others.

## **B. Employment**

The Ministry of Labour and Social Policy (MLSP) pursues a consistent policy on social protection, social inclusion and promoting the employment of vulnerable groups, based on the principles of non-discrimination, respect for human dignity and ensuring conditions for equal opportunities and equal treatment of all Bulgarian citizens regardless of their ethnicity. Specific actions for the social inclusion of the Roma community are temporary incentives to overcome some existing situations of inequality between Roma and the majority of the population.

A number of measures to encourage and support the access of Roma to the labour market are put in place in pursuit of the Republic of Bulgaria's National Roma Integration Strategy (2012-2020) and the National Action Plan on the Implementation thereof.

For the period 2012-2014, the number of Roma citizens included in the various activities was 34,924, which is 32% higher (by 8,424 persons) than the numbers planned for the period. In 2016 alone, 30,757 persons identifying themselves as Roma have taken part in employability, employment and entrepreneurship activities. The number of Roma citizens included in the various activities is 70% higher (by 12,657 persons) than the numbers planned for 2016 and 27% higher (or by 6,652 persons) compared to 2015. Of the total number 17,978 are women (10,912 in 2015), 11,505 are young people aged up to 29 (7,939 in 2015), of whom 5,107 are 24 years old or younger (3,888 in 2015), 6,184 are aged over 50 (3,661 in 2015), and 13,862 have been unemployed for a long time (6,188 in 2015).

In the period 2012 - 2016, 66,805 Roma citizens have been provided with employment. In 2016 alone, 19,380 Roma citizens have been provided with

employment. Employment and training programmes and measures funded by the government budget have led to the employment of 1,950 persons, and projects under the Human Resources Development Operational Programme have secured jobs for 3,820 persons.

A total of 11,334 persons have been included in employability and qualification activities in 2016, broken down as follows:

- 5,403 have been motivated to become active in the labour market;
- 5,167 have been included in individual and group career orientation forms;
- 764 have taken part in vocational qualification training.

In 2016, 43 persons have been trained to start up and manage their own business.

In order to improve access to the labour market for economically inactive people of Roma origin, including discouraged workers, Roma labour mediators are engaged. These are persons identifying themselves as Roma and employed at the Labour Office Directorates under the National Programme to Activate the Inactive. They motivate the economically inactive people of Roma origin to sign up at the Labour Offices in order to use their employment and training intermediation services. In that regard, the mediators conduct awareness raising campaigns, as well as outreach individual and group meetings with the inactive and with discouraged workers in the districts and locations with highly concentrated Roma population served by the Labour Office Directorates. The number of Roma mediators is 57 in 2014 and 87 in 2015. In 2016, 92 Roma mediators have activated and motivated 11,946 inactive persons, including discouraged workers from the Roma minority, to register with the Labour Offices, of whom 2,795 have been included in training and employment.

To facilitate the access of persons of Roma origin to vacancy information and ensure direct contact and negotiations with employers, job fairs are organised. For the period 2006 – 2015, 49 job fairs have been conducted, resulting in 4,333 hired persons. In 2016 alone, 5 job fairs targeting the Roma community have been conducted, attended by 431 job seekers and 48 employers advertising 270 vacancies. The number of persons hired as a result thereof is 251, of whom 236 had been registered with the Labour Office Directorates.

### **C. Health Care**

The Ministry of Health is responsible for improving health care for disadvantaged groups and implementing the Health Strategy for Disadvantaged Persons Belonging to Ethnic Minorities, including persons of Roma origin. The priorities include increasing the health literacy of the target groups, preventing the possibility of the spreading of preventable diseases, favourably influence the development of hygienic habits and behaviour of Roma children.

For the period 2005-2015 the infant mortality indicator (number of deaths of children aged up to 1 year per 1 000 live births) marks a steady decline - from 10.4 in 2005 down to 7.6 in 2015. Despite the increased level of infant mortality in 2015, it should be noted that the level of infant mortality achieved in the past few years is the lowest in the demographic development of the country (though it continues to be higher than in other European countries).

For the period 2009-2016, the National Programme for Rare Diseases, which provides screening for a total of 3 diseases for all newborns was implemented. The testing of pregnant women for congenital abnormalities has increased (for 2015, 22 992 women were examined, for 2016 – 24 528 women). Despite declining birth rates, there is a trend of increasing numbers of women examined in the programme.

The proportion of births to mothers under the age of 18, marks a lasting downward trend. If in 2005, 60 of each 1 000 births were to mothers under 18, in 2014 this number dropped to 46.4 per 1 000. However, in 2014, 3 162 children were born to underage mothers, which requires continuing the programme focusing on measures to address the negative phenomenon.

An example of good practice is conducting annual prophylactic examinations in settlements and neighbourhoods populated mainly by uninsured Bulgarian citizens of Roma origin. Examinations are carried out by 23 mobile units: 5 units for general check-ups, 2 fluorographs, 2 mammographs, 3 units for ultrasound examinations, and 3 units for laboratory tests, 4 paediatric and 4 gynaecological units. Annual examinations and tests are carried out on uninsured persons of Roma origin in various areas of the country. For the period 2012-2016, mobile units carried out a total of 61 469 examinations.

Persons from the Roma community are included as a target group in the implementation of the Programme Prevention and Control of HIV/AIDS and the programme Improving TB Control in Bulgaria. Field workers and team coordinators are persons of Roma origin. There is a trend of reduction of morbidity – from 39.1 per 100 000 in 2006 to 23.8 per 100 000 in 2013.

The most successful practice throughout the years is the Health Mediator. Over the years, the profession has evolved from a pilot non-governmental activity to a government policy – in 2007, health mediators were appointed in municipalities with funds allocated from the state budget, and starting with 57 mediators in 2007. Health mediators assist the population in neighborhoods with compact Roma populations in order to overcome the challenges of irregular health insurance, no family doctor and low literacy and lack of health education. A significant problem remains regarding the persons without health insurance covered by the programme who have a health problem found in the prophylactic examination, as well as the implementation of mandatory immunization of children with no evidence of conducted immunizations.

The Health mediator profession was included in the National Classification of Occupations in the Republic of Bulgaria and the number of mediators in the country is continuously on the rise and is enjoying recognition in society. The number of mediators was as follows: 105 in 2011, 109 in 2012, 130 in 2013, 150 in 2014, 170 in 2015, 195 in 2016. In 2017 their number has increased to 215.

NGOs within the NCCEII are working in the field of health care alongside the Ministry of Education. Among them is "The Health and Social Development Foundation", which supports early child development, improvement of the social and communicative skills of children and young people from the Roma community. The foundation works in close cooperation with parents in the area of providing day care as well as health care (including maternal health care), social and educational services in order to prevent the early dropout of children and young people at risk. Another example is "Diverse and Equal" Association, which works on the National Programme for Tuberculosis Control in Bulgaria, component Extending the scope of effective care for the prevention and control of tuberculosis in the Roma communities in municipalities within Sofia. Another project of the association is to improve the work of the Centre for Emergency Medical Care with clients from the Roma communities in Sofia. Trainings for representatives of the Roma Paramedics community were organised. The association is also active in the field of educational integration, work with children in intercultural environment.

In June 2015 in the district of Asparuhovo in Varna an initiative to help those affected by the flood families in Varna and Dobrich was announced by NCCEII, the Regional Health Inspectorates at the Ministry of Health, the Municipality of Varna, the National Network of Health Mediators, the Bulgarian Red Cross and GlaxoSmithKline.

Ten non-governmental organizations working in the Programme "Prevention and Control of HIV / AIDS" - "Reduction of HIV Vulnerability of the Roma People" went to Varna to make voluntary work to reduce the damage from the disaster in Asparuhovo district and for the benefit of the local community.

#### *Fighting epidemics in Roma communities in Sofia*

In July 2012, a working group was set up led by the chairperson of the State Agency for Child Protection to assess the epidemic situation with HIV-positive youth in the quarter of Orlandovtsi, Sofia and to prepare an emergency action plan. The examination of the epidemic situation in the quarter of Orlandovtsi has served as the basis for the development of a follow-up action plan with the aim to examine the health and social situation of the population from all Roma communities at risk living on the territory of Sofia and taking follow-up preventive health and social action. By the end of November 2012, the action plan was co-ordinated with the mayors of the 10 target regions of Sofia Municipality, namely: Poduyane, Vazrazhdane, Slatina, Ilinden, Studentski Grad, Lyulin, Ovcha Kupel, Krasna Polyana,



Mladost and Vitosha. A comprehensive social and health examination of the population from identified areas of communities at risk was carried out in all regions. The State Agency for Child Protection had a co-ordinating function in the process of the health and social examination. Two main goals have been achieved with the examination conducted on the territory of Sofia Municipality:

1. An assessment of the health status of the children and adults: this assessment aimed to establish initial data about the health status of the adults and children which would serve to plan the provision of specific health services where such a need should be identified;

2. An assessment of the social situation of the residing children and adults: the assessment aimed to provide social support to families through assistance, social services, advice, help in the issuance of identity documents, finding a place to live, providing work and other means of support, etc.

Mobile medical offices were provided for voluntary consultations and testing for HIV, hepatitis B, hepatitis C, syphilis and tuberculosis. The main problem identified during the field study is related to the possibility for access to health services which is tied to the lack of identity documents, the lack of health insurance and the lack of free health services for people whose social insurance rights have been discontinued, as well as for people at a disadvantaged social position. A number of recommendations have been prepared as well as an algorithm for interaction between the responsible institutions, related to the improvement of the field work with children and adults from the Roma communities on the territory of Sofia. They include the assignment of a leading social worker for every child or family at risk, improvement of the co-operation among the social workers, medical specialists and police officers with the health mediators in the Sofia municipality in order to set up a Public Support Centre. A conducted assessment of the social situation of the residing children and adults from the regions in Sofia inhabited primarily by Roma communities, aimed to achieve social support for the families.

The State Agency for Child Protection, in its capacity of specialised authority which monitors the observance of the children's rights, supervises the implementation of the recommendations and co-ordinates the planning of follow-up measures.

Following the research, specific measures were taken by the stakeholder institutions. The work in the target territories in the regions of Sofia, included in the survey, continues after the completion of the health and social examination as well.

### **III. Further measures taken to improve the implementation of the Framework Convention**

#### **Article 3: Personal scope of the application of the Framework Convention**

Article 3 guarantees the right of every individual belonging to an ethnic, religious or linguistic minority to choose to be treated or not treated as belonging to a given minority without any adverse consequences. In the absence of a definition of the term “national minority” in the legal order of the state and in the international instruments, to which the state is a party, the Republic of Bulgaria has the sovereignty to determine the personal scope of this Convention’s application on its territory. The Constitutional Court of the Republic of Bulgaria, in its *Judgement 2/18.02.1998*, concluded that the rights and freedoms enumerated in the Framework Convention are duly settled and respectively protected in the national Constitution as well. The universal character of these rights is revealed by the fact that they are recognised as such with respect to every human being, regardless of his or her ethnicity or religious belief.

As stated in Bulgaria’s previous reports and comments, the country implements in practice the understanding that ethnic identity recognition is a matter of each individual’s free and personal choice. Therefore, all Bulgarian citizens have the opportunity to state their affiliation to a certain ethnic, religious or linguistic group, or to refrain from doing so. Regardless of each citizen’s choice, the protection of their rights and freedoms is guaranteed by the Constitution, the national legislation, and Bulgaria’s international legal obligations in the field of human rights, all of which stands in complete conformity with the principles of equality and non-discrimination.

However, while discussing the personal scope of the article’s application, it is important to also give a clear definition to the expression “the right freely to choose to be treated or not treated as such” in its text. The free individual choice does not imply a right for an individual to arbitrarily choose to belong to any “national minority”. It will be recalled that according to the Explanatory Report to the Framework Convention (Commentary, Section I, Article 3, Paragraph 1), “the individual’s subjective choice is inseparably linked to objective criteria relevant to the person’s identity.” Thus, the personal scope of the application of the Framework Convention is inherently linked to the existence of a subjective and an objective criterion cumulatively. The clarification is crucial, being the basis for the correct understanding of the personal scope of the Convention.

Therefore, the principles of the Framework Convention are applicable to all citizens of the Republic of Bulgaria, who (1) on the basis of their own free will, (2) linked to identifiable, objective criteria, have chosen to express and be regarded as belonging to a given ethnic, religious or linguistic minority group or community in the country.

The measures taken in order to further improve the implementation of the Framework Convention regarding the individuals, identifying themselves as belonging to ethnic and religious minority groups, living in the Republic of Bulgaria, are set out below.

#### **Article 4: Legal and institutional protection against discrimination**

With respect to the various legal and institutional measures, taken to guarantee the rights of individuals, identifying themselves as belonging to minority groups, described in Part II of the current report, it should be recalled that the equality before the law of all Bulgarian citizens, irrespective of race, national origin, ethnic self-identity, gender, religion, education, opinion, political affiliation, personal, social or property status is proclaimed as one of the basic principles in the Bulgarian Constitution (Art. 6, paragraph 1).

Furthermore, Art. 29, paragraph 1 of the Constitution prohibits the forcible assimilation of minorities, which reinforces the rights of such individuals to freely express their cultural heritage, ethnicity and beliefs in conformity with the law. The same right is further strengthened in Art. 54, paragraph 1, which provides that every person has the right to develop their own culture in accordance with their ethnicity.

Notwithstanding the provision guaranteeing equal opportunities, not all individuals, identifying themselves as belonging to minority groups, have been able to integrate in equal measure in a society of different cultural and religious heritage than their own. The developed action plans, mechanisms and institutions which the Republic of Bulgaria created as a form of additional support towards their integration are functioning by gathering information on existing issues and working towards their resolution. The successful integration of specifically individuals belonging to the Roma minority group should be achieved through a joint commitment and effort of the state institutions and the members of the Roma communities. The approach of viewing the plan towards a successful integration as a shared, although not equal, burden between the state and the community is also incorporated into the Recommendation of the Council of the EU on effective Roma integration measures in the member states (adopted on December 9, 2013).

The effective protection against discrimination, exercised by a number of institutions exclusively dedicated to this task, has already been presented in the second part of the report. In addition, it should be noted that the NCCEII is the

coordinating body for the implementation of the National Roma Integration Strategy (2012-2020). Along with it and the Commission for Protection against Discrimination (CPD), another important body, involved in the monitoring and reporting of existing cases of ethnic or religious discrimination as well as the offering of a legal remedy for members of minority groups is the Ombudsman of the Republic of Bulgaria.

Apart from monitoring and aiding the development of proper housing, employment and health care, the National Roma Integration Strategy (2012-2020) evaluates the achieved developments in three other priority areas: education, rule of law and non-discrimination, and culture and media. The National Action Plan (2015-2020) for the implementation of the Strategy was developed after the implementation of the National Action Plan for the Decade of Roma Inclusion (2005-2015), the results of which were evaluated by all institutions. A process of regional and municipal planning was started for the integration of Roma individuals. The NCCEII Secretariat is coordinating the process and providing methodological guidelines and support.

The Regional Councils on Ethnic and Integration Issues also have a major role in this process. They are chaired by the governors and include the mayors of the municipalities, directors of the regional units on the priorities in the Strategy, and representatives of NGOs, active in the sphere of minority issues. Each administrative district in the region also has experts who are working on ethnic and integration issues and act as secretaries in the Regional Councils.

The cooperation between the districts, municipalities, the NCCEII Secretariat, and participating NGOs led to the adoption of regional strategies and action plans, specifically tailored to answer the existing issues and needs in each given region of the country. The Regional Councils have since become the most important forum for dialogue between all stakeholders on regional level in the field of Roma integration. On the municipal level this role is played by the municipal councils on ethnic and integration issues, various working groups for planning, monitoring and evaluation, community councils, and others. As a result of the structural changes made, NCCEII estimates that 90% of the provided regional reports include an increased level of interaction between local and regional authorities in the sphere of planning, implementation and monitoring of integration processes. The topical expertise of the representatives of the local authorities to work with members of ethnic groups is being constantly improved through the seminars, round tables, trainings, discussions, and other focus events, organised by the state institutions and NGOs. As a result, NCCEII reports the following positive developments:

- Improved cooperation on all administrative (national, regional, local) levels as well as among various governmental and non-governmental institutions (including social partners, NGOs, and the ethnic communities)

- Facilitated dialogue on a wide range of integration issues regarding the individuals belonging to the Roma community, including specific issues present among the Roma youth and the Roma women and girls
- Raised awareness among the governmental agents, the society and the members of the Roma community on the need and benefits of Roma integration
- Promotion of non-discrimination and condemnation of hate speech and other forms of intolerance. Promotion of gender equality and the prevention of violence among or against young people, especially women

The work of CPD has already been described in detail in the previous chapters. Between 2012 and 2017 there has been a number of structural changes within this state body, aimed at with the aim of improving its functioning and efficiency.

In 2013, CPD carried out a reform of its internal structure, whereby the responsibilities regarding the inter-institutional cooperation, the collaboration on EU operational programmes, the analysis and prevention of discrimination were transferred to a specialised unit – the Department for International Cooperation, Analysis and Prevention. This helped CPD increase the efficiency of its inter-departmental and international communication.

Also between 2013 and 2014, CPD increased the number of its regional representatives and offices. Apart from assisting the CPD in its work on both national and regional level, the regional representatives also raise awareness about the problems of discrimination and keep the citizens informed about their legal rights under the Act on Protection against Discrimination.

In 2015, CPD completed its “Functional analysis and optimisation of the units within the CPD structure” project, funded by the Operational Programme for Administrative Capacity and co-funded through the European Social Fund. The project’s main purpose was to streamline the institutional structure of the CPD and eliminate any duplicating functionalities of its units. A comparative analysis prepared by the auditing company KPMG indicated a three-fold increase in CPD’s functional efficiency.

## **Article 5: Legal guarantees and support for the preservation of the culture of persons belonging to national minorities**

The MC implements programmes for the support of projects, focused on the promotion of the cultural and ethnic diversity of minority groups. These encompass special events at museums, libraries and community cultural centers, the financial assistance through grants for talented children, amateur art forums, and others. All programmes are developed on the principle of equality and cultural diversity. The

experience gained shows that the programmes are especially encouraging for the members of the Roma community, since they promote art, strengthen the young artists' self-esteem, raise awareness among the other members of the community, and attract the interest of the society, including diverse organisations and businesses.

Over the past ten years, the MC has set up its programme for the preservation of intangible cultural heritage, including that of ethnic minority groups<sup>7</sup>. The Institute for Ethnology and Folklore Studies and the Ethnographic Museum at the Bulgarian Academy of Sciences conducted field studies and created a register for intangible cultural heritage. The programme provides opportunities for documenting and promoting the values of different ethnicities on the territory of Bulgaria. All cultural centers in the country have the right to participate in the project, some of which represent the intangible cultural heritage of minority groups, including of the Roma community.

The MC participated in a joint programme with the Bill and Melinda Gates Foundation, the strategic goal of which is to provide easy and equitable access to information, knowledge, communication and electronic services through free use of the Internet in public libraries. As part of this project, about 950 libraries (most of them situated in local and regional cultural centers) were connected within a global network and are now offering a much broader access to information and knowledge. About 860 of them are located in towns and cities with an ethnically mixed population. Additionally, in order to improve the conditions in the local and regional cultural centers, the Ministry of Finance is annually allocating funds from the state budget, amounting to a couple of million BGN. Over the last year, governmental subsidies were distributed among 222 local and regional cultural centers. The centers are the source of information, artistic activities, and community initiatives and events, where the citizens not only socially interact with each other, but where their diverse ethnic and cultural background can be freely displayed, shared and celebrated. The MC is maintaining a website<sup>8</sup>, targeting all cultural centers throughout the country, on which it is providing updated information about active funding programmes for various activities, many of which are aimed at the integration of the Roma community.

The Republic of Bulgaria also initiated several information campaigns about the role of the ethnic groups for the cultural diversity within the country and on the continent. The purpose of these initiatives is to educate the general public and improve the dialogue between the state authorities and the non-governmental organisations active in the sphere of minority issues.

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<sup>7</sup> More information about the program is available here in Bulgarian and English language:  
<http://bulgariaich.com/>

<sup>8</sup> The website is accessible at: <http://www.chitalishta.com/>

The MC developed initiatives specifically targeting the Roma community. For instance, its Cultural Heritage and Contemporary Arts Programme's main purpose is the creation of conditions for integration into the socio-economic life of the members of the Roma community by ensuring their access to services and goods. The means of achieving the set goals is the inclusion of representatives of minority groups in all community projects and cultural heritage programmes, the financial support of gifted Roma representatives and their participation in contemporary art events, the support of projects, centered on the conservation and awareness raising of the Roma cultural heritage, and others. Over the past year the number of sponsored projects within this program was 33, worth 16 470 588 EUR.

Another important state body, supporting the preservation of the culture of the ethnic minorities of the Republic of Bulgaria is NCCEII. Each year funds from the budget of the CoM are allocated to the Secretariat of NCCEII in the amount of 60 000 BGN. The financial means are dedicated to the implementation of the National Roma Integration Strategy (2012-2020), but also for the promotion of initiatives by various ethnic groups - the Roma community, Armanj, Armenians, Jews, Karakachans, Turks, Vlachs, and others. The NCCEII is annually supporting the celebration of the International Roma Day, festivals, presenting Roma artists, extracurricular activities helping to improve the intercultural dialogue between children from different ethnic groups, support for the publication of written works, etc.

A variety of non-governmental organisations, working in the field of promotion of cultural diversity and minority issues, are members of NCCEII:

The Armenian School Association (ASA) "Stepanos Hovagimyan" is the organiser of many events, dedicated to the preservation of the mother tongue, culture and traditions of the Armenian community. Its projects are mainly educational, including the organisation of Armenian languages classes, Armenian culinary classes, concerts of Armenian musicians, the celebration of specific Armenian holidays, discussions on issues concerning the Armenian minority of Bulgaria, and charity events. One of the most popular charity events is the annual ball with masks, held on Shrove Sunday (also named Day of Forgiveness). In 2015, the focus of the Association's activities was the Commemoration of the 100<sup>th</sup> anniversary of "the Armenian Genocide" (April 24, 1915). A variety of cultural events (art exhibitions, scientific publications, history books, movie viewings etc.) were organised with the support of NCCEII. A notable event was also the official declaration, passed by the National Assembly of the Republic of Bulgaria, condemning the events of April 24, 1915, and declaring April 24 a day of official commemoration.

The NCCEII is also regularly partnering with the Bulgarian division of the Armenian General Benevolent Union (AGBU), supporting, promoting and

participating with representatives at its events, which are often aimed not only at the preservation of the Armenian cultural traditions, but also at sharing them and introducing citizens to their heritage.

*The Centre for Aromanian Language and Culture (CALC) and the Aromanian associations* work in the area of the preservation and development of the traditions and culture of these persons. One of the traditional events, organized by CALC, is the annual seminar of Aromanians living in Bulgaria. Its 2016 edition was dedicated to the memory of Prof. Tiberius Cunha – the author of a two-volume vocabulary of Aromanian language. Apart from supporting CALC's events, the NCCEII is also supporting the publication of the Magazine for Aromanian Language and Culture.

*The Federation of Cultural and Educational Associations of Karakachans in Bulgaria (FCEAKB)* is also organizing annual nation-wide festivals of the Karakachan people of the Republic of Bulgaria. The NCCEII is supporting and participating in this and all other events, organized by the Federation.

*The Association of Vlachs in Bulgaria* continues to develop projects for the preservation and promotion of the Vlach language and culture. Traditional events, organized by the Association, include the International Folklore Festival of Vlach and Romanian Songs and Dances in the city of Vidin. In 2015, the Association published the 20<sup>th</sup> anniversary edition of the ethnic Timpul magazine, in cooperation with NCCEII. In October, 2017, the Association held its XVIII Festival as well as its 25<sup>th</sup> Anniversary.

*The Organisation of the Jews in Bulgaria (OJB) "Shalom"* is another member of the NCCEII, organizing and hosting many initiatives and events, related to the celebration of traditional Jewish holidays throughout the year as well as cultural celebrations of the history and life of the Jewish community in Bulgaria. In 2013, the organization celebrated the 70<sup>th</sup> anniversary of the rescue of the Bulgarian Jews from extermination by the Nazis by erecting a bust-monument of Dimitar Peshev – the politician and deputy chairman of the National Assembly in 1943, who together with a group of Assembly members vehemently opposed and in consequence prevented the deportation of nearly 50 000 Bulgarian Jews to the concentration camps of World War II. The gesture of the Jewish community in 2013 was one of many as each year there is a different event, symbolizing the community's gratitude to the nation. In March, 2017, a commemorative plaque was opened in the Bulgarian capital Sofia, signifying the respect towards the citizens of Jewish origin who courageously fought and heroically perished for the country during the Balkan Wars and World War I. OJB "Shalom" is a close partner with the Bulgarian government institutions in their fight against anti-Semitism. The organisation has its own publishing center and, in close cooperation with the Sofia Synagogue, maintains a Jewish museum and educational classes for the preservation of both the Hebrew language and the religious practices and beliefs of the Jewish community.



The Roma Association (RA) "Tehnitari" Stara Zagora is popularizing and preserving the cultural heritage of the Roma community. It has an ongoing partnership with the Business Center/Business Incubator in Nova Zagora, which is marketing the handcraft products, produced by the Association.

Regarding the promotion of the history and way of life of the Roma community, it is very important to note that throughout the years a variety of valuable scientific publications, history books, and monographs were published by researchers, including on topics such as inclusion, gender relations and gender equality. Dr. Evgenia I. Ivanova and the chairman of Roma Association "Tehnitari" Velcho Krastev are among the better known names in this sphere.

Romano Drom – 2002 Community Center, Dobrich is developing dance and music schools, as well as educational training. The community center has its own youth, women, and health-information clubs, which organize discussions on issues present in the Roma community. All services of the community center are free of charge.

Women's Roma Association "Hayachi" works on delicate social issues such as prevention of abandonment, integration in the process of education and prevention of child marriage. The association is actively cooperating with the local government and has volunteers on the territory of four municipalities from the Shumen district. The organization is also developing different projects in the sphere of Roma culture, traditions, arts and crafts.

The Foundation "Ethnopalitra" is active in the support and promotion of various initiatives and events, regarding the minority communities in the Republic of Bulgaria. It is also monitoring the printed and electronic media for any instances of xenophobia, racism, anti-Semitism, ethnic and religious intolerance, and reporting on cases of hate speech to representatives of the government institutions.

## **Article 6: Tolerance and intercultural dialogue. Protection from threats, acts of discrimination, hostility or violence**

The analysis regarding the recommendation on the prevention of hate speech and hate crimes (in part II.2) as well as the measures reviewed under the previous Article 5 describe the efforts by the state bodies towards the development of a broad cultural dialogue and the prevention of racism and hate crimes.

In addition, there are the measures of the MoI, which go beyond the special training of police officers, and concentrate on intercultural communication and dialogue specifically with members of the Roma community. In this context, the MoI has developed the following good practices:

- Meetings with officials from the local administration and directorates for social assistance, during which issues within the competence of the police are discussed with the purpose of early crime prevention;
- Meetings with representatives of NGOs working with Roma children as well as discussions at kindergartens and schools, attended by children of Roma origin, in order to inform them about their rights and obligations as citizens of the Republic of Bulgaria;
- Organised discussions in cooperation with the State Agency for Child Protection focused on the prevention of child marriage;
- Periodical (monthly) meetings with the informal leaders of Roma communities in order to receive the necessary feedback and address any grievances regarding the safety environment in Roma neighbourhoods and the potential existence of internal inter-clan conflicts within these communities;
- Regular discussions with representatives of the Roma communities, aimed at the prevention of violent incidents, as well as regular visits to different districts with Roma populations with the aim to become better acquainted with problems present and to seek appropriate solutions;
- Discussions with individuals, who were charged with committing various offences, addressing their existing needs and encouraging their re-socialisation by helping them to find work and the necessary means for living.

Additional measures were undertaken by the NCCEII with the purpose of raising awareness of existing issues, regarding the Roma community, the promotion of mutual cultural acceptance and the prevention of intolerance. An example for that is the round table event under the motto “Rule of Law and Non-Discrimination”, held on April 8, 2014, on the occasion of the International Day of Roma. It included discussions on ways of overcoming discriminatory attitudes, increasing the sensitivity of the state institutions and the general public against instances of discrimination, as well as ensuring the inclusion of the Roma community into the public life. Apart from the participation of the competent institutions, the event included NGOs and representatives of the Roma youth.

CPD also addressed the importance of intercultural dialogue by creating various initiatives aimed at the prevention of discrimination, and engaging in active cooperation with non-governmental organizations of the Roma community, working in the field of human rights. CPD’s regional representatives increased their regular meetings with NGOs focused on improving the socio-economic inclusion of all members of the Roma community. The Commission is also organising public awareness campaigns, open doors days, information visits of both employers and

employees to local and regional institutions, consultations on various forms of discrimination and harassment, and the prevention thereof.

All regional representatives of CPD are members of the respective district or regional unit of the NCCEII and take part in its coordinating sessions, regarding the implementation of the National Roma Integration Strategy (2012-2020). They also hold meetings with the regional officials, including the mayors and the deputy mayors, within their area of jurisdiction.

CPD also designed the training module “Lessons in Tolerance”, which is one of its awareness-raising activities and is being delivered in schools as part of the homeroom or civics classes. The regional representatives periodically have presentations in the elementary, middle and high schools, as well as in universities, within the project “Schools without Discrimination”. As part of the collaboration between the CPD and the schools of higher education, the regional representatives also deliver lectures to students, majoring in law, social work, pedagogical sciences, and other subjects. Furthermore, CPD organised training seminars with legal experts specialising in civil law, representatives of key institutions involved in the process of legislation, the judiciary, as well as the law enforcement and educational authorities, and the media. The fight against ethnic and racial discrimination is central to CPD’s seminars, which include NGOs working in the sphere of minority or specifically Roma community issues (e.g. the European Roma Information Office). The Commission for Protection against Discrimination has also a traditional initiative since 2013, which happens on the days around April 8 – the International Roma Day. As part of the events on this day, CPD’s regional representatives are conducting meetings with members of the local Roma communities and providing them with the information on the content and meaning of the Act on Protection against Discrimination, as well as advising them on the steps they could take, should they experience acts of intolerance or discrimination.

Art. 6, paragraph 2 of the Framework Convention requires the undertaking of appropriate measures for the protection of persons, who may be more vulnerable to threats or violence because of their ethnic, cultural, linguistic or religious identity. Therefore, the present report presents specific measures which the Republic of Bulgaria has applied in the context of trafficking prevention of vulnerable persons of the Roma community.

### *Background*

The National Commission for Combatting Trafficking in Human Beings (NCCTHB) coordinates and administers the implementation of Bulgaria’s national strategy and policies in the area of combatting trafficking in human beings. It is a collective government body under the CoM, and reports directly to the Deputy Prime Minister. The NCCTHB coordinates the interaction among various institutions and organisations in the application of the Act on Combatting Trafficking of Human

Beings and of the National Referral Mechanism for Support of Trafficked Persons in Bulgaria. The main purpose of the Commission is to prevent the trafficking in human beings and to protect, assist and reintegrate the victims of trafficking. The NCCTHB also researches, analyses and reports statistical data on human trafficking, and carries out information, awareness and education campaigns aimed at potential victims of trafficking. It manages and supervises the activities of the Local Commissions for Combatting Trafficking in Human Beings and the centres for protection and support of victims of trafficking. The NCCTHB also contributes to international cooperation for prevention and counteraction of human trafficking.

#### *Overview*

The NCCTHB works actively with the Roma community at policy level and in the specific areas of support of victims of trafficking and prevention. In its work, the NCCTHB and the experts in its Secretariat take into account certain vulnerable groups or groups at risk. The representatives of a minority group, women and children are as a rule treated as vulnerable, especially if coming from sparsely populated and economically underdeveloped regions. The Roma community, because of the social and educational status of some of its members, is also regarded as a vulnerable group. At the same time, there are “minority groups” within the Roma community itself, which are associated with specific forms of trafficking and exploitation. For example, some Roma communities have a high number of victims of trafficking, who are used as pick-pockets or child beggars abroad, while others have a high number of newly born children who were sold, then others – a high number of victims to forced marriages with third-country nationals, which is a relatively new form of exploitation.

In 2016-17 the NCCTHB Secretariat conducted a mapping of vulnerable groups across a number of targeted locations in Bulgaria in order to better identify how the local social processes contribute to the form, nature and destination of trafficking. The exercise will allow for a better understanding of the existing problems and a targeted and more effective prevention. The mapping was carried out in Roma communities in the following cities: Peshtera; Sliven; Maglizh, Gurkovo, Nikolaevo (Stara Zagora region); Dolni Chiflik and Ignatievo (Varna region). The preliminary findings show that each community has specific vulnerabilities, not corresponding to the national snapshot. For instance, the Roma victims of trafficking from Peshtera tend to be more often male, dependent on narcotics or substitute legal drugs, trafficked for the purpose of sexual exploitation with France as a final destination (which is a profile that ranks rather low on national level).

The NCCTHB will collate the research results in the early 2018 and prepare policy recommendations and prevention campaigns accordingly.

At policy and institutional level, the NCCTHB Secretariat took action in 2015 to expand the range of stakeholders in the Permanent Expert Group (PEG) – a

standing body under the NCCTHB, consisting of representatives of all institutions fighting human trafficking, as well as of academia, independent experts and civil society organisations. New members were invited to join the PEG, notably representatives of civil society organisations from vulnerable Roma communities.

Also at policy level, in July 2013 the CoM endorsed an interdepartmental action plan to implement the concluding recommendations of the United Nations Committee on the Elimination of Discrimination against Women (CEDAW). This action plan envisages, among others, measures on gender equality, combatting of violence and human trafficking, overcoming racial stereotypes and discrimination. In the sphere of trafficking and sexual exploitation of women, there are 14 measures, including some on the prevention of trafficking for sexual exploitation of women from the Roma community.

In the sphere of victim support, the NCCTHB opened in 2017 two new support centres for victims of trafficking: one crisis centre for children and one shelter in Sofia. Thus the total number of centres, together with the existing facilities in Burgas and Varna, rose up to eight. All services are open to and already taking care of victims – members of the Roma community.

In the area of prevention, numerous initiatives targeting the Roma community have been implemented by the NCCTHB and its local branches – the nine Local Commissions for Combatting Trafficking in Human Beings (LCCTHB) across the country<sup>9</sup>. The LCCTHBs conduct information and prevention campaigns in schools and among vulnerable groups. The total number of initiatives amounts to 18-20 per year. Below is a list of specific national and local initiatives and projects.

*Annual campaigns targeting “Berry-pickers” in Sweden, 2012-15*

The NCCTHB was one of the leading partners in an information campaign held annually before the beginning of the summer to prevent human trafficking for labour exploitation among the so-called berry-pickers heading for Sweden. The other partners in the campaign included the Ministry of Foreign Affairs (MFA), the Association of Roma Health Mediators, the Bulgarian Family Planning Association, the Chief Directorate for Combatting Organised Crime and the Swedish Anti-Traffic Coordinator.

Most of the victims in this specific case come from less developed regions of Bulgaria and the Roma communities. Experience showed that the best approach to campaigning within the Roma community is to conduct direct meetings between representatives of Roma organisations and local informal leaders who then advise the people from their region about the possible dangers of labour exploitation and the necessary preparation one should have before leaving to work abroad.

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<sup>9</sup> The number of LCCTHBs rose up to 10 in 2017 with the newly established Local Commission in the city of Pleven.

Information materials about trafficking in human beings were disseminated at the international airports in Bulgaria (and border check-points). Additional awareness is being raised through the information channels of the MFA, NCCTHB and LCCTHB. Regular meetings between the Bulgarian diplomatic representation and the Swedish authorities were held in Stockholm for the development of an action plan in this and other similar situations. The Situation Centre of the MFA of the Republic of Bulgaria was also actively involved in all steps that have been taken.

*Project "Prevention of trafficking in human beings belonging to ethnic groups and focusing on the Roma minority in Bulgaria", 2012-2014*

The project was implemented in the city of Varna by the NCCTHB in partnership with the Varna municipality (through the Prevention Directorate and the LCCTHB), the Complicity Association, the Bulgarian Family Planning Association and the National Network of the Health Mediators Association. The project was funded by the Embassy of France to Bulgaria, the Permanent Representation of France to the United Nations Office and other international organisations in Vienna, and the Embassy of France to Romania. The purpose of the project was to reduce the number of potential victims of trafficking of Roma origin.

One of the tangible results from the project was the Guidebook on the Prevention of Trafficking in Human Beings Belonging to the Roma Minority group. The Guidebook is aimed at professionals and includes five key sections:

- 1) Specifics of the Roma community and general characteristics of marginalisation. Traditions, beliefs and customs of the community;
- 2) Specifics of trafficking in human beings from the Roma communities. Risks, mechanisms for involvement in trafficking, public attitude to the victim of trafficking from Roma communities;
- 3) Abandoning of children from vulnerable communities to institutions. Basic approaches in the work with Roma communities. Health prevention and campaigns, reproductive health, mother-and-child health care, social aspects of the prevention of abandonment;
- 4) Dissemination of illegal drugs and related problems in Roma communities;
- 5) Preventive approaches in the work with Roma communities. Prevention of the risk of re-trafficking.

In 2012, a series of training courses, applying the methodological framework of the Guidebook, were held for 45 professionals from the MoI, social and health services, local administrations, teams working with delinquent children, field workers and NGO leaders. The training aimed for the target group to acquire preventive skills, useful for the work in an ethnically diverse environment, as well as to provide information on the problems of trafficking in human beings within the Roma communities, the identification of potential victims and their referral to the specialised institutions and organisations. In 2012 and 2013, there were training

classes for teachers and NCCTHB members on combatting delinquency in the city of Varna and in all municipalities of the Varna Region. The training aimed to increase the target group's awareness of the problem of trafficking in human beings and issues faced by the victims, to reduce stigmatisation and discrimination with regard to victims of Roma origin, and to improve their overall knowledge about the contemporary trends in trafficking involvement and further exploitation.

*Project "Empowerment of susceptible to trafficking young people", 2014-2015*

The project was prepared and implemented by the Equality Association in the city of Burgas in partnership with the National Commission for Combatting Trafficking in Human Beings (NCCTHB), and funded under the Programme for Support of NGOs in the Republic of Bulgaria from the Financial Mechanism of the European Economic Area 2009-2014.

The main objective of the project was to empower young people who are susceptible to trafficking, by providing opportunities for informed choices. The project had the specific objectives of (1) providing knowledge and skills for preventive work in specific communities; (2) developing an information strategy and its application in vulnerable communities; (3) vocational training and obtaining of professional qualifications for young people.

One of the main target groups of the project were pre-selected 24 unemployed youths, mostly from the Roma communities from the municipalities of Kameno, Sredets, and Burgas. The selected young people had leadership roles in their respective communities. Other main target groups under the project were (1) the civil society (mainly of Roma origin) in three Roma neighbourhoods around Burgas - Gorno Ezerovo, Kameno and Sredets; (2) the civil society of Burgas as a whole.

*Prevention projects in Burgas, 2012-2013*

The Regional Roma Union Foundation of Burgas, an NGO based on the territory of the Roma quarter "Pobeda" in Burgas, in partnership with the LCCTHB, implemented two projects aimed at preventing trafficking in human beings among Roma women and girls:

- *Project Florika – crafts for Roma women for a better life*; Duration: 1 January 2012 – 31 December 2012. The target group included 20 single mothers of Roma origin aged 18 – 25, unemployed and uneducated, with at least 2, or more, children. The main goal of the project was to create possibilities for income for single mothers of Roma origin and to prevent the involvement in trafficking of themselves or their children as a result of the lack of other possibilities for survival. Vocational training was held in hairdressing, cosmetics, sewing, cooking; training seminars on the risks of involvement in human trafficking; training about setting up and maintaining a small

business in the local community; training on social skills, building up the women's independence and self-confidence.

- Project Social work with mentally disabled girls from disadvantaged families living in the Roma quarters of Burgas; Duration: May 2010 – May 2013. The target groups were 70 girls aged 9 to 15, living in the predominantly Roma quarters of Burgas – Pobeda, Gorno Ezerovo and Meden Rudnik, specific needs, as well as parents and other family members, in whose families there were instances of violence, neglect or lack of support for the successful educational process of the children. The activities included the setting up of a day centre, where the girls and their parents could work with specialists providing emotional support and advice, including information about the risks of trafficking in human beings.

#### *Vulnerable groups in Veliko Tarnovo*

The focus on prevention among vulnerable groups in Veliko Tarnovo Municipality (the initiatives were carried out in the year 2012) was:

- The Roma community – together with the Amalipe Centre for Inter-Ethnic Dialogue and Tolerance, the LCCTHB organised three discussions with the Roma communities in the municipality of Veliko Tarnovo to clarify in detail the mechanisms for involvement in trafficking, the consequences and the places where help may be sought; film screenings; inclusion of the community in joint events;
- Children deprived of parental care – forty discussions at the Penyo and Maria Velkovi Home for Children Deprived of Parental Care, the Hristo Smirnenski Home for Children in the village of Balvan; the children and adolescents are one of the groups at risk of human trafficking, since they do not yet possess the skills and life experience to cope with dangerous situations. The discussions included preventive training which is planned to gradually cover all schools on the territory of the municipality of Veliko Tarnovo.

#### *Education of future trainers in Plovdiv*

The LCCTHB in Plovdiv pays attention to the preventive measures in the Roma community. In this regard, in March 2012, a group of youth of Roma origin was involved in education of future trainers for the prevention of trafficking in human beings. Those who attended the course, subsequently took part in 9 discussions with the Roma community, focused on the consequences of trafficking. In March, 2013, there was also an information event, combined with a sports activity (a football game), which attracted the younger members of the community and successfully raised awareness about the existing issues.

The LCCTHB in Plovdiv has a partner in the leadership of the Evangelist churches in the city. This cooperation is important, since the membership of this



denomination is primarily consisting of individuals, belonging to the Roma community. Together with the protestant pastors, LCCTHB Secretary paid visits to the protestant churches in the area of the Plovdiv municipality. After the religious service, the Secretary delivered 15-minute lectures to the congregation on the dangers of the involvement in trafficking and its adverse consequences. The pastors' capacity to gather groups of Roma families was highly useful in order to raise awareness. Almost 40 such discussions have been conducted in the past two years.

### **Article 7: Freedom of peaceful assembly, freedom of association**

Art. 7 provides that "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." The Constitution of the Republic of Bulgaria fully guarantees these rights in its Art. 43 (1) – freedom of assembly, Art. 44 (1) – freedom of association, Art. 39 – freedom of expression, Art. 37 – freedom of thought, conscience and religion. The protection of these rights is further developed through the corresponding laws of the Republic of Bulgaria. Neither the Constitution, nor the laws prevent members of an ethnic or a religious minority to freely assemble, associate, express their thoughts or practice their religion, as long as their actions do not present a danger to the rest of the society or the state – a principle contained in the legislature or jurisprudence of virtually all parties to the Framework Convention.

It is important to note that the Bulgarian legal system also adheres to the general Constitutional law doctrine, according to which the sphere of legal rights of an individual ends at the point, at which there is an overlap with the sphere of another individual's legal rights. Therefore, although the Constitution defines the most important and basic rights of all citizens, the exercise of these rights is not unlimited. Any restrictions on the rights of the citizens are imposed with the purpose of preserving the interests of the Bulgarian state and society. An example of that principle is contained in Art. 44 (2) of the Constitution, according to which, *organisations, the activities of which are aimed against the sovereignty of the state, its territorial integrity or the unity of the country, or at incitement of racial, national, ethnic or religious hatred, at the breach of the rights and liberties of the citizens, as well as organizations, which create secret or paramilitary entities or aim to achieve their objectives through violence, are forbidden.* Thus Art. 44 (2) limits the freedom of assembly by forbidding organisations which might have serious negative effects on the Bulgarian society as a whole and its minority groups in particular. Precisely the same legal ratio is applied in Art. 11 (4), which forbids the creation of political parties on ethnic, racial, or religious basis, as well as parties the objective of which is to usurp the state power by force. The information presented in the previous parts of this report is an example of the free exercise of the rights of individuals,

identifying themselves as belonging to minority groups within the Republic of Bulgaria. The legal order of the state aims at maintaining equal treatment towards all citizens, without unreasonably singling out members of any ethnic or religious community and thus dividing the society.

An important development affecting the application of Art. 7 was the adoption on 8 September 2016 of the amendments to the Non-Profit Legal Persons Act, modifying the mode of registration of non-profit organisations. Following its entry into force on January 1 2018, the registration by court order will be replaced by administrative procedure before the Registry Agency. This represents an important liberalisation of the registration of civil society organisations. One of the main objectives of the bill is to promote freedom of association by reducing the administrative burden in the process of registration of non-profit organisations - faster registration procedure, the lower state taxes, submission of documents in digital form release of court from registration. It will enter into force from 2018, since when drafting the amendments it has been noted that it is necessary to foresee a sufficient period of time in order to secure the transfer of the registration process of the non-profit legal persons from court to the Registry Agency. This process includes specific organisational measures related to the technical transfer of information, steps towards providing information to all stakeholders and offering them the opportunity to structure their activities in accordance with the Law within a reasonable timeframe and at minimal administrative burden.

### **Article 8: The right to manifest religion or belief**

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

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

activities. The freedom of parents to give religious and moral education to their children in accordance with their own beliefs is also constitutionally guaranteed.

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

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

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

On 30 September 2016 the National Assembly adopted legislation, regulating wearing of clothing partially or completely concealing persons' faces. The Act prohibits wearing clothing and accessories, concealing the face in public areas, institutions, and official buildings. The Act aims to create safeguards for upholding the human dignity and the freedom of personal choice, living in the Republic of Bulgaria. By adopting such an Act, Bulgaria joins a number of European countries, which already have similar legislation in effect. Among the most noteworthy reasons for introducing the Act are to improve the facial recognition and thus to decrease the risks of security breaches and to respect the fundamental values of the Bulgarian society.

The Preschool and School Education Act (PSEA) introduced a very important amendment in the Religious Denominations Act, namely that the registered religious denominations are able to establish spiritual schools in accordance with the PSEA.

## **Article 9: Broadcasting for minorities/broadcasting in minority languages.**

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

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

In this context, the Law on Radio and Television envisages that *“The programmes or individual broadcasts can be in other languages when...they are designated for Bulgarian citizens whose mother tongue is not Bulgarian...”*<sup>10</sup> and that *“the Bulgarian National Radio and the Bulgarian National Television shall create national and regional programmes; programmes for abroad, including for the Bulgarians abroad of whom the Bulgarian language is not mother tongue, including in their language.”*<sup>11</sup>

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

On October 2, 2015, the news in Turkish on BNT marked 15 years. Every weekday they present the most important of the central news "Worldwide and in Bulgaria". The team wished to continue working for their viewers professionally and engaging. BNT General Director congratulated the colleagues for the anniversary and wished them to present more and more author's reports on the life, culture and traditions of the ethnic groups in our country.

In 2015 the first national Roma television in Bulgaria was launched. TV has broadcast nationwide.

Particularly active are Roma in social networks, especially Facebook. This is done on both an organized and an individual level. Among the most active in this respect are the AMALIPE Center, the organization of Roma students, the leaders and members of Integro Association - Razgrad, many Roma activists pass through social networks comments and reflections on various issues concerning the Roma policies in Bulgaria. AMALIPE Center uses facebook in all possible ways: individually, through its own page of the organization and through the creation of thematic

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

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

groups. For example, they recently created a facebook page "Equal Chance for Secondary Education" as a closed group.

The site of AMALIPE, which is made in Bulgarian and English, is extremely rich in information. Similar are the sites of other larger Roma non-governmental organizations.

The "World of Roma" programme is broadcast regularly by the BNT, with the support of the NCCEII.

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

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

In Bulgaria various newspapers are published in languages of minority groups, like the newspaper "Jewish News"; the magazine "La Estreya" – a magazine about Jewish history, arts, culture; the newspapers "Yerevan", "Vahan", Parecordzagani zein /"The Voice of Parecordzagan - this newspaper has a joint issue "Our voice" together with the newspaper "Literature and Society" in Varna; newspaper "Drom Dromendar" in the last years only by via internet; information bulletin of the "Amalipe" Centre; newspaper Zaman, from 2016 – title Obzor; an information bulletin "We, the Aromanians" (Armanlu) – a bulletin on Aromanian language and culture; magazine Etnodialog, issued by the Association "Community Council of Ethnic Minorities in Bulgaria" etc.

#### **Article 10: Use of minority languages in relations with administrative authorities**

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

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

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

Furthermore, according to the Explanatory Report to the Framework Convention, the provision of Art. 10, paragraph 2 leaves Parties “a wide measure of discretion”.

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”.

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

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

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

It should also be underlined that in certain municipalities the entire administration is composed of civil servants whose names indicate a belonging to the Turkish community. Such municipalities are for instance Dzhebel, Momchilgrad and Kardzhali.

In 2014 the Municipality of Dzhebel launched a 12 month project aiming at improving the qualification and the personal motivation of civil servants by increasing their professional skills. The overall objective of the project was to ensure high quality services and efficiency of the administration. The project encompassed 95 civil servants and was financed through the European Social Fund. The foreseen trainings were part of the Common European Framework of Reference for Languages on key competences as digital skills, social and civic competences, organisational abilities and competencies of entrepreneurship, cultural skills and communication in mother tongue.

### **Article 11: Bilingual topographical indications and other inscriptions**

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

*and taking into account their specific conditions*”, to display traditional local names, etc. also in a minority language. According to the Explanatory Report to the Framework Convention, the provision of Article 11, paragraph 3 provides only for such a “possibility”, but does not give rise to a direct obligation.

For reasons clarified in the information regarding Article 10.2 of the Framework Convention above, the “conformity” with 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”.

In this regard, during the period under review a study was realised on the Turkish cultural monuments situated on the territory of the Municipality of Boliarovo, in the framework of a project entitled “Initiation of partnerships for valorisation of local natural assets and cultural heritage” with the Transfrontier Cooperation Programme between Bulgaria and Turkey. The study’s main goal was to provide quality information on these monuments for the purpose of their exploration and conservation. The project identified topographical sites with Turkish names, the ancient names of the sites was considered a bridge between past and present, necessary not only for the elaboration of historical maps and for safeguarding the historical memory linked to the different types of heritage, but also for the realisation of the State policy to promote the cultural diversity.

The project clearly showed that many names of settlements, sites, hills and other areas are of Turkish origin.

#### **Article 12:** Intercultural dimension of education.

Between 2015 and 2017 the Republic of Bulgaria has undertaken purposeful and persistent efforts to carry out a reform in the area of preschool and school education towards synchronizing its national education priorities with those of the European Union.

The key priorities in the area of preschool and school education during the period 2015-2017 have to ensure equal access to education by opening up the education system, as well as to raise the quality of education for all Bulgarian children and pupils, including those of Roma origin.

Among the principles governing the realization of the right to education contained in the PSEA are: equal access to quality education and inclusion of each child and each pupil; equal treatment and non-discrimination; humanism and tolerance; preservation of the cultural diversity and inclusion through the Bulgarian language. The education process is aimed at early identification of the abilities and talents of every child and pupil, promoting their development and fulfilment, as well as cultivating sustainable attitudes and a motivation for life-long learning. The process involves commitment on the part of the State, the municipalities, non-profit

entities and other stakeholders, and is taking place in an environment of dialogue with those on matters of education. The education process instils in the children and pupils key competences, including the ability to understand and apply the principles of democracy and the law-governed state, of human rights and freedoms, of promoting tolerance and respect for the ethnic, national, cultural, linguistic and religious identity of each citizen; of promoting tolerance and respect for the rights of children, pupils and persons with disabilities.

Every citizen can exercise their right to education in accordance with their preferences in a kindergarten or school of their choice. Under the current PSEA, no groups or classes can be formed within a mixed ethnic environment separating pupils by ethnic origin(PSEA Art. 62(4) and Art. 99(5)), which is an important condition for the integration of children and pupils from different ethnic groups through education.

To guarantee equal access to education for children and pupils, including those from ethnic minority background, from the 2018-2019 academic year onwards, enrolment in first grade for each population centre with more than one school will be carried out in accordance with an enrolment system, to be developed by the relevant municipality, whereby the lead eligibility criterion will be the proximity of the school to the permanent/current address of the child, and the catchment areas of schools are defined.

The territory of the catchment area of a municipal centre-based school also includes the populated areas within that municipality where no schools exist. Each municipality will be free to define other criteria, provided they are non-discriminatory, depending on the geographic structure of the population, which would enable the appropriate distribution of pupils of an ethnic origin other than Bulgarian for the purposes of their successful integration.

With the entry into force of the PSEA, inclusive education has become a priority educational policy. Inclusive education is an integral part of the right to education and is realized in accordance with the principles of guaranteed access for each child or pupil to support for their personal development depending on their individual needs, with a view to preventing the emergence of obstacles to the process of schooling and inclusion, as well as the need for proper support.

With respect to the need for effective educational inclusion of children and pupils from vulnerable groups, in 2017 amendments to the Ordinance on Inclusive Education were adopted. The amendments mandated the inclusion of Bulgarian language teaching modules in the preschool preparatory groups for 5 and 6 year-olds for whom Bulgarian is not their mother tongue. The Ordinance also mandates additional tuition in the Bulgarian language and literature, as well as in other subjects, for pupils for whom Bulgarian is not their mother tongue; such classes can also be delivered during the school recess. Additional tuition is also envisioned in



certain school subjects for pupils who have gaps in their acquired knowledge or encounter difficulties in internalizing the teaching content, as well as for pupils for whom such support is recommended.

The Centre for Educational Integration of Children and Pupils from Ethnic Minorities is pursuing a proactive educational policy for children and pupils on the basis of specific projects, aimed at key priority areas such as: ensuring equal access to quality education; development of diverse forms of intercultural education; effective interaction with the parents of children and pupils from ethnic minorities, for the prevention of early dropout and reducing absenteeism.

With a view to attaining the underlying goal of the National Reform Programme Bulgaria 2020, namely: Early dropout rate 11% by 2020, Bulgaria implements policies and measures in fulfilment of the Strategy for Reducing the Early Dropout Rate from the Education System (2013-2020). The Strategy is implemented on the basis of two-year plans adopted by, and reported to, the CoM. Now is the reporting period for the second two-year plan, covering the period 2016-2017. Both the Strategy and the plans for its implementation place emphasis on policies for early dropout prevention, whereby special attention is given to the policy of improving access to preschool and school education for children and pupils from vulnerable ethnic groups.

By its decision No. 373 dated July 5<sup>th</sup>, 2017, the CoM created a Mechanism of Inter-Institutional Collaboration for Ensuring Coverage and Retention in the Education System of Children and Pupils of Compulsory Preschool and School Age. The Mechanism includes the setting up of inter-institutional collaborative teams, and the codification of rules for inter-institutional exchange of information about children and pupils who are not covered by the education system or are at risk of dropout. The thus created coverage teams are to operate in the territory of each population centre and will include representatives of the regional education authorities, the institutions within the system of preschool and school education, the relevant municipality, the Social Assistance Directorate and the relevant district directorate/regional department of the MoI.

The adoption of PSEA was followed by the development and confirmation of state educational standards, as a sum total of mandatory requirements about the results of the system of preschool and school education, as well as the conditions and processes involved in attaining them.

Art. 57(2) of PSEA provides an opportunity for children to be enrolled in kindergarten even after they have completed 2 years of age towards the beginning of the school year (at the discretion of the parent and/or if no vacancy is available in a day care centre in the relevant place of residence, subject to availability of kindergarten vacancies).

Pursuant to Art. 68 of PSEA, municipal and state-run kindergartens may organize by-the-hour, weekend and seasonal activities as an extra service provided, upon request, to parents in raising their children, subject to terms, conditions and procedure defined by an ordinance of the relevant municipal council, for municipal kindergartens, or by an act of the funding authority, for state-run kindergartens.

PSEA also provides for 'municipal centre' kindergartens to be set up in a nearby populated area within the same municipality or for 'protected' kindergartens to continue to exist where their closure would deprive needy children of the right to preschool education (Art. 53(1) and Art. 54(1), respectively).

Increasing the enrolment rate of children in kindergartens is extremely important because children who never went to a preschool educational establishment are one of the groups at risk of early dropout. Not going to kindergarten increases the risk of the emergence of difficulties in school, especially for children from vulnerable ethnic groups. Such problems usually appear as early as grade school and can become a reason for early dropout. The enrolment of children, including those of Roma origin, in the compulsory two-year preschool course contributes to the successful inclusion of each child in school education.

Ensuring equal access to school education for disadvantaged children is guaranteed by PSEA also by the continued existence of 'municipal centre' and 'protected' schools (Art. 53(2) and Art. 54(2), respectively).

The following provisions of PSEA likewise contribute to ensuring equal treatment and non-discrimination:

Art. 64(4): In cases where children of different ethnic origin but of the same age are enrolled in the same kindergarten, they must not be divided into separate groups as per paragraph 1 on the basis of their ethnic origin.

Art. 99(4): In cases where pupils of different ethnic origin are enrolled in the same grade, they must not be divided into separate classes on the basis of their ethnic origin.

The Ministry of Education and Science has developed a National Programme for the Development of the System of Preschool Education, which aims to raise the quality of pre-school education while ensuring an equal start prior to enrolment, by using modern didactic material and promoting parental involvement. The programme provides support for children in the preparatory groups by organizing activities relevant to the attainment of school readiness.

One requirement of the programme is that parents would mandatorily join in at least 10 percent of the planned activities. The children enrolled in such groups are children at risk, so parental involvement is essential for them to overcome their difficulties.

The Ministry of Education and Science implements a measure aimed at the inclusion of persons aged 16 or over in basic literacy courses or courses where they can acquire competences associated with lower secondary education. The measure is being realized through the implementation of Project 'Adult Literacy – Phase 1' under OP Science and Education for Smart Growth. The project's budget amounts to BGN 24,994,462.50; its duration is until December 31<sup>st</sup>, 2018. The project objectives are:

- To create an environment that conducive to literacy, with a special focus on modern information technology and the teacher;
- Good education and employment opportunities for successful socialization through the provision of organizational conditions for life-long learning.

The project builds upon another project: 'A New Chance for Success', implemented under OP Human Resources Development in the period 2011-2015, during which a comprehensive model for adult education was developed and applied in practice.

The project activities involve the organization and delivery of basic literacy courses and courses for the acquisition of competences associated with lower secondary education. In February 2017, the Minister of Education and Science issued an order authorizing the start of adult literacy courses. Such courses were launched at 123 schools, and are being delivered to 263 group numbering a total of 3,343 trainees.

#### **Article 14:** Minority language teaching

This article has been addressed in Point 3 of the Measures to address core issues – Active measures affirming and protecting the right of persons belonging to minorities to learn their mother tongue.

In addition to the measures already mentioned above, it should be stressed that pursuant to Art. 36(2) of the Constitution of the Republic of Bulgaria, Bulgarian citizens for whom Bulgarian is not their mother tongue are entitled to learn and use their own language besides Bulgarian. In the sphere of school education, this right is codified in Art. 13(6) of the PSEA, promulgated in State Gazette No. 79/13.10.2015, effective August 1<sup>st</sup>, 2016, namely: 'Pupils for whom Bulgarian is not their mother tongue are entitled to learn also their mother tongue pursuant to the provisions of this Act and under the care of supervision of the State.' The terms, conditions and procedure for learning a mother tongue, within the currently valid statutory framework:

#### **Constitution of the Republic of Bulgaria**

Art. 3 Bulgarian shall be the official language of the Republic.

Art. 4 (1) The Republic of Bulgaria shall be a state governed by the rule of law. It shall be governed by the Constitution and the laws of the country.

Art. 6 (1) All persons are born free and equal in dignity and rights.

(2) All citizens shall be equal before the law. There shall be no privileges or restriction of rights on the grounds of race, nationality, ethnic identity, sex, origin, religion, education, opinion, political affiliation, personal or social status or property status.

Art. 36 (2) Citizens whose mother tongue is not Bulgarian shall have the right to study and use their own language alongside the compulsory study of Bulgarian.

### **Preschool and School Education Act:**

- Pursuant to Art. 13(6), pupils for whom Bulgarian is not their mother tongue shall also have the right to learn their mother tongue pursuant to the provisions of this Act and under the care of supervision of the State.
- Pursuant to Art. 76(7), the school subject of Mother Tongue is delivered in accordance with syllabi approved by the Minister of Education and Science. Said syllabi also determine the number of academic hours necessary for its delivery.
- Pursuant to the provisions of Art. 76(1), Art. 85(3) and in conjunction with Art. 87(2), items 2 and 3, the school subject Mother Tongue can be delivered either in Section B: electable subjects, or in Section C: optional subjects.
- Pursuant to the provisions of Art. 154, item 3, according to their intended purpose, textbooks may also serve for the teaching of mother tongue, whereas Art. 157(1), item 1 provides that the procedure of evaluation and approval of drafts for textbooks is announced by an order of the Minister of Education following the confirmation of new curricula for school education.
- Pursuant to paragraph (1), item 14 of the PSEA, 'mother tongue' is the language spoken in the family by:
  - a) children and pupils from ethnic minority groups that traditionally or in significant numbers populate the territory of the Republic of Bulgaria;
  - b) children of citizens of member states of the European Union, the European Economic Area and the Swiss Confederation working in the territory of the Republic of Bulgaria.

In view of the above, it should be noted that unlike the learning of Bulgarian, which is a constitutional right and obligation of each Bulgarian citizen, the learning of the mother tongue is an opportunity that a certain category of pupils could avail themselves of, should they wish so. That opportunity is guaranteed by the laws

governing social relations in the Republic of Bulgaria and is currently available. In this context, it is necessary to bear in mind that neither the Constitution nor any international treaties to which Bulgaria is a party prescribe an obligation for the compulsory study of a mother tongue.

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

Following the entry into force of the Pre-School Education Act (PSEA) as of 1 August 2016 there is no change in the approach concerning the study of mother tongue in Bulgarian schools. As is presently the case, an opportunity exists for the mother tongue to be studied as part of section B (in the new terminology of PSEA these are called elected classes, because the pupils are able to elect what subject they would study, but they must certainly attend those classes) or in section C (called optional classes, where the pupils are able to choose whether to have such classes). The new terminology of the sections of the training plan must not be confused with change in the status of the mother tongue. As was the case hitherto, the Minister of Education and Science will be approving the training curricula. Moreover – the new PSEA envisages usage of textbooks, approved by MES and not of school aids, as was the case up to now. Development and approval of new training curricula in mother tongue would take place in future, to be followed by initiation of a procedure for textbooks.

It is important to note that the terms “study of MT (mother tongue)” and teaching in mother tongue” are different, they have different meanings and should not be confused. In Bulgaria teaching in the Bulgarian language is mandatory.

Despite the opportunities made available by the state, the trend of decreasing numbers of the pupils belonging to minority groups willing to receive education in their mother tongue remains unchanged. This trend is evident among all groups without exception, especially in the Roma community, and is linked mainly to the opportunities for integration in the labour market after graduation.

Regarding the demand for education in minority languages in schools, it should be noted that the number of children willing to study Roma language dropped from over 4 000 in the beginning of the 1990’s to none as of 9<sup>th</sup> February 2017. Teaching in mother tongue is provided also in villages and small towns.

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

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

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

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

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

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

#### **Article 15: Participation in decision-making processes**

This article has been addressed in Point 4 of the Measures to address core issues – Ability for persons belonging to minorities to participate effectively in decision-making procedures.

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