

Resolution CM/ResCMN(2018)2 on the implementation of the Framework Convention for the Protection of National Minorities by Bulgaria

*(Adopted by the Committee of Ministers on 7 February 2018
at the 1306th meeting of the Ministers' Deputies)*

The Committee of Ministers, under the terms of Articles 24 to 26 of the Framework Convention for the Protection of National Minorities (hereinafter referred to as "the Framework Convention"),

Having regard to Resolution Res(97)10 of 17 September 1997 setting out rules adopted by the Committee of Ministers on the monitoring arrangements under Articles 24 to 26 of the Framework Convention;

Having regard to the voting rule adopted in the context of adopting Resolution Res(97)10;¹

Having regard to the instrument of ratification submitted by Bulgaria on 7 May 1999;

Recalling that the Government of Bulgaria transmitted its State report in respect of the third monitoring cycle under the Framework Convention on 23 November 2012;

Having examined the Advisory Committee's third opinion on Bulgaria adopted on 11 February 2014, as well as the written comments of the Government of Bulgaria received on 30 July 2014;

Having also taken note of comments by other governments,

1. Adopts the following conclusions in respect of Bulgaria:

a) Positive developments

In 2011 a census was conducted. Optional questions on ethnic affiliation, mother tongue and religious belief and denomination were included, following consultations held with the National Council for Co-operation on Ethnic and Integration Issues (NCCEII) and the minority groups represented in it regarding the definition of the relevant concepts.

The Commission for Protection against Discrimination has continued to deal with individual complaints of racial and ethnic discrimination under the Antidiscrimination Act and has expanded its network of regional representatives. The increase in the Commission's annual budget is welcome. The Ombudsman has also dealt with a number of complaints since 2010 from persons belonging to minorities, notably Roma.²

A range of provisions relevant to the protection of the cultural rights of persons belonging to minorities exists and the authorities are currently engaged in a welcome process of drawing up a national cultural strategy, including the promotion of cultural diversity as a specific operational objective. The authorities have issued an open invitation to all NGOs that wish to participate in this process.

¹ In the context of adopting Resolution Res(97)10 on 17 September 1997, the Committee of Ministers also adopted the following rule: "Decisions pursuant to Articles 24.1 and 25.2 of the Framework Convention shall be considered to be adopted if two-thirds of the representatives of the Contracting Parties casting a vote, including a majority of the representatives of the Contracting Parties entitled to sit on the Committee of Ministers, vote in favour".

² The term "Roma and Travellers" is used at the Council of Europe to encompass the wide diversity of the groups covered by the work of the Council of Europe in this field: on the one hand a) Roma, Sinti/Manush, Calé, Kaale, Romanichals, Boyash/Rudari; b) Balkan Egyptians (Egyptians and Ashkali); c) Eastern groups (Dom, Lom and Abdal); and, on the other hand, groups such as Travellers, Yenish, and the populations designated under the administrative term "*Gens du voyage*", as well as persons who identify themselves as Gypsies. The present is an explanatory footnote, not a definition of Roma and/or Travellers.

Ten minutes of television and three hours of medium-wave radio programming in Turkish continue to be broadcast daily.

Mother tongue teaching continues to be provided in Turkish, Armenian, Arabic, Greek, Hebrew and Romani. The number of pupils studying the Romani language as an element of the compulsory part of the school curriculum has increased considerably in recent years. Interest for the elective school subject "Ethnic folklore – Roma folklore" has also been registered. Textbooks and exercise books have been created for this purpose, introducing students to the history, customs and traditions of the Roma, and thus contributing to foster intercultural dialogue and tolerance through education.

A number of programmes, strategies and action plans have been adopted in recent years in order to improve the situation of the Roma, most recently the National Roma Integration Strategy of the Republic of Bulgaria (2012-2020). This was followed by work with regions and municipalities to create strategies specific to each region of Bulgaria and action plans at the level of each municipality. The number of Roma achieving better education outcomes, including completing university education, has increased in recent years and successful educational integration projects have been carried out. Initiatives such as the employment of health and labour mediators have also proved positive.

Persons belonging to minorities continue to be represented in political parties in the parliament, including following the parliamentary elections in 2013 and the most recent in 2014, and, in regions where ethnic communities live in substantial numbers, they are also mayors and members of locally elected bodies. The NCCEII, which is the main mechanism for ensuring participation of Bulgarian citizens belonging to ethnic minorities through consultation and co-ordination, includes NGOs representing the interests of a number of persons belonging to minorities and the authorities have indicated that they are open to including other NGOs.

b) Issues of concern

Notwithstanding the position of the Bulgarian authorities that an inclusive approach regarding the personal scope of the application of the Framework Convention is pursued, they have not organised any consultations or discussions on the protection offered by the Framework Convention with some persons identifying themselves as belonging to national minorities who, according to the Bulgarian authorities, do not meet certain criteria, but who have repeatedly expressed an interest in the extension to them of the application of the Framework Convention and who would like to benefit from dialogue on this issue, as noted in the opinion of the Advisory Committee. Concerns were also expressed regarding declarations of ethnic affiliation in the census.

According to official data, about 10% of the complaints received by the Commission for Protection against Discrimination concern issues relating to race or ethnicity. Further work would be necessary to assess adequately the measures taken to promote the full and effective equality of persons belonging to minorities.

The lack of a clearly defined and easily accessible government policy regarding the protection of the cultural rights of persons belonging to minorities may hamper the exercise in practice of these rights. Certain tensions surrounding State support to the cultures of these persons have also been observed.

Cases of incitement to intolerance and to racism have been reported. There is still no special provision in the Criminal Code making racist motivations an aggravating circumstance for all offences but murder and bodily harm (an amendment is currently under consideration) and it is reported that offences for which charges could be brought under the existing criminal law provisions are rarely prosecuted as such. The government decision to respond to a sudden influx of asylum seekers and illegal migrants by building a temporary fence along part of its border with Turkey tended to aggravate anti-immigrant messages. There have been some extremist political parties which tried to instrumentalise anti-immigrant and anti-Roma sentiments. There have been physical attacks against Roma, refugees, asylum seekers and persons perceived as belonging to these groups, as well as attacks on places of worship used by persons belonging to minorities, notably mosques.

The existing constitutional and legal restrictions on the formation of political parties on ethnic, racial or religious lines, as well as the legislative steps taken by the government to facilitate the procedures for the registration of non-profit legal entities (the Non-Profit Legal Persons Act, adopted on 8 September 2016), should be applied in all cases in a manner compatible with Articles 7 and 21 of the Framework Convention, as indicated by the Advisory Committee.

The current offer of audiovisual programming in mother tongue languages, produced in Bulgaria and covering issues relevant to life in Bulgaria, seems insufficient to meet the needs of persons belonging to minorities. The Turkish and other minorities would benefit from an increased offer of audiovisual programming in their mother tongues, covering issues relevant to life in Bulgaria. This could, moreover, serve as a significant factor in strengthening their integration into Bulgarian society.

It appears that, notwithstanding the current practice, the authorities could make more focused efforts to assess the needs of persons belonging to minorities regarding the use of mother tongue languages in a number of fields, including, but not limited to, contacts with administrative authorities.

The Bulgarian authorities continue to offer the possibility of education in mother tongue, as compulsory and elective disciplines. The number of pupils studying Turkish has fallen in recent years and no pupils are currently studying the Romani language as an element of the elective chapters of the school curriculum. The only option continues to be teaching of the language, with no provision made for other subjects to be taught in the mother tongue or for bilingual teaching. Adequately trained teachers and up-to-date textbooks are also lacking.

The Action Plans developed under the National Roma Integration Strategy are not sufficiently funded. Moreover, the designation of the intended beneficiaries of these strategies raises issues from the point of view of the Framework Convention and needs clarification. The overall situation of many Roma in Bulgaria remains one of significant socio-economic challenge. Many Roma continue to live in poor housing conditions, often in areas with poor infrastructures, and are at risk of forced eviction. The overall health status of Roma is significantly lower than that of the rest of the population and there remain significant and persisting differences in the level of economic activity of Roma compared with ethnic Bulgarians. The proportion of Roma pupils who do not complete secondary school or who never complete any level of education also remain significantly higher than the overall figure for the Bulgarian population.

The NCCEII's focus on working with groups accepted as ethnic minorities makes it difficult to include representatives of groups that are not regarded as such. The consultative nature of the Council, as well as its insufficient budget, influence its role in decision making and its capacity to achieve results in practice, despite the potential of this body to promote integration.

2. Adopts the following recommendations in respect of Bulgaria:

In addition to the measures to be taken to implement the detailed recommendations contained in sections I and II of the opinion of the Advisory Committee, the authorities are invited to take the following measures to improve further the implementation of the Framework Convention:

Issues for immediate action:³

- make specific budgetary provision for the implementation of the current national, regional and municipal strategies and action plans for the integration of Roma, and regularly evaluate and review the implementation of the various strategies and action plans, in close consultation with representatives of the Roma;
- systematically condemn hate crimes and hate speech and step up efforts to ensure that all racially motivated offences are effectively identified, investigated, prosecuted and sanctioned;
- adopt active measures to affirm and protect the right of persons belonging to minorities to learn their mother tongue and undertake a detailed examination of existing demands for such teaching;
- ensure that persons belonging to minorities are able to participate effectively in decision making, *inter alia* through clarifying the powers and strengthening the role of the National Council for Co-operation on Ethnic and Integration Issues;
- pursue and intensify efforts to address the socio-economic problems confronting persons belonging to minorities, particularly Roma, in fields such as housing, employment and health care.

Other recommendations:³

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

³ The recommendations below are listed in the order of the corresponding articles of the Framework Convention.

- ensure that the Commission for Protection against Discrimination and the Ombudsman have adequate resources to take effectively into account the concerns and rights of persons belonging to minorities;
- step up efforts to support initiatives aimed at protecting, preserving and developing the cultural identity of minority groups and work closely with representatives of ethnic communities in drawing up a national cultural strategy;
- ensure that the new legislation governing the registration of non-profit legal entities is applied in a manner compatible with Articles 7 and 21 of the Framework Convention;
- ensure that audiovisual programming in mother tongue languages is adequate to cover the needs of persons belonging to minorities;
- make more focused efforts to assess, in close consultation with representatives of minorities, the extent to which there exists a need and demand for the use of mother tongue languages in dealings with the administrative authorities and for topographical and similar signs to be displayed in these languages, in the geographical areas where the relevant conditions of the Framework Convention are met; identify and eliminate any possible remaining impediments to the use in daily life of names in mother tongue languages;
- pursue and intensify efforts further to reduce the number of pupils in separate classes or school due to geographical factors and to promote the full integration of Roma children in mainstream schools and classes, including through measures targeted specifically at improving the access of Roma children to kindergarten, at encouraging them to remain in school until they complete their secondary education and at helping parents to support their children in this respect;
- actively promote the development of adequate textbooks for teaching mother tongue languages as well as the continuation and, where necessary, reintroduction of university courses for the training of teachers qualified to teach mother tongue languages.

3. Invites the Government of Bulgaria, in accordance with Resolution Res(97)10:

- a. to continue the dialogue in progress with the Advisory Committee;
- b. to keep the Advisory Committee regularly informed of the measures it has taken in response to the conclusions and recommendations set out in sections 1 and 2 above.