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SECOND REPORT ON BULGARIA

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Foreword

The European Commission against Racism and Intolerance (ECRI) is a body of the Council of Europe, composed of independent members. Its aim is to combat racism, xenophobia, antisemitism and intolerance at a pan-European level and from the angle of the protection of human rights.

One of the pillars of ECRI's work programme is its country-by-country approach, whereby it analyses the situation as regards racism and intolerance in each of the member States of the Council of Europe and makes suggestions and proposals as to how to tackle the problems identified.

At the end of 1998, ECRI finished the first round of its country-by-country reports for all member States. ECRI's first report on Bulgaria is dated 18 September 1997 (published in June 1998). The second stage of the country-by-country work, initiated in January 1999, involves the preparation of a second report on each member State. The aim of these second reports is to follow-up the proposals made in the first reports, to update the information contained therein, and to provide a more in-depth analysis of certain issues of particular interest in the country in question.

An important stage in ECRI's country-by-country work is a process of confidential dialogue with the national authorities of the country in question before the final adoption of the report. A new procedure in the second round of country reports is the organisation of a contact visit for the ECRI rapporteurs prior to the drafting of the second report.

The contact visit to Bulgaria took place on 20-23 April 1999. During this visit, the rapporteurs met with representatives of the various ministries and public administrations responsible for issues relating to ECRI's mandate. ECRI warmly thanks the Bulgarian national authorities for their wholehearted co-operation in the organisation of the contact visit, and in particular would like to thank all the persons who met its delegation and the Bulgarian national liaison officer, whose efficiency and collaboration were much appreciated by ECRI's rapporteurs.

ECRI would also like to thank all the representatives of non-governmental organisations with whom its rapporteurs met during the contact visit for the very useful contribution they made to the exercise.

The following report was drawn up by ECRI under its own responsibility. It covers the situation as of 18 June 1999 and any development subsequent to this date is not covered in the following analysis nor taken into account in the conclusions and proposals made by ECRI.

Executive summary

Over recent years, and despite a very difficult economic situation, Bulgaria has made much progress in bringing its legislation and practices into line with European standards, with a growing recognition, particularly over the last few years, of the need to take steps to address the problems faced by certain vulnerable minority groups living in Bulgaria. In particular, it has improved the situation as regards freedom for minority religions to register and worship, and has also recognised the need for measures to improve the situation of the Roma/Gypsy population. A growing trend towards consultation with non-governmental organisations on issues which concern them is also a very positive sign.

Although Bulgaria generally considers itself to be a very tolerant society, however, problems of intolerance and discrimination do exist which need to be acknowledged and addressed. These particularly concern the Roma/Gypsy population, which has been the target of police ill-treatment and discrimination in all fields of life, including education and employment. Levels of tolerance in the general public are perhaps lower than is commonly portrayed and there have been some tendencies in certain media in recent years to exacerbate feelings of intolerance or xenophobia. Furthermore, there appears to be a lack of information about the situation of the different minority groups living in Bulgaria.

In the following report, ECRI recommends to the Bulgarian authorities that further action be taken to combat intolerance and discrimination in a number of areas. These recommendations cover, *inter alia*, the need to ensure that comprehensive protection against discrimination is provided in the various fields of legislation and the need to improve the implementation of existing legislation in this field; the need to tackle the problem of police misconduct towards members of the Roma/Gypsy community; the need to take steps to address discrimination against Roma/Gypsies in all fields of life; and the need to raise public awareness concerning issues of racism and discrimination in Bulgaria.

SECTION I : OVERVIEW OF THE SITUATION

A. International legal instruments

1. Bulgaria has signed and ratified a significant number of relevant international legal instruments in the field of combating racism and intolerance. ECRI particularly welcomes its recent ratification of the Framework Convention for the Protection of National Minorities, and hopes that the Revised European Social Charter will shortly be ratified as is foreseen.
2. ECRI urges the Bulgarian authorities to take steps to sign and ratify the following instruments: the European Charter for Regional or Minority Languages; the European Convention on the Legal Status of Migrant Workers; and the Convention on the Participation of Foreigners in Public Life at Local Level. The authorities take the view that some provisions of the European Charter for Regional or Minority Languages do not correspond to the Bulgarian legislation which states that Bulgarian is the only official language. ECRI nevertheless feels that its ratification would represent a step forward in the development of minority rights in Bulgaria.

B. Constitutional provisions and other basic provisions

3. The Bulgarian Constitution contains articles guaranteeing, *inter alia*, non-discrimination on the basis of race, nationality, ethnic self-identity, sex, origin, religion, education, opinion, political affiliation, personal or social status or property status (Article 6), the right of individuals to develop their own culture in conformity with their ethnic appurtenance (Article 54, paragraph 1), and freedom of religion (Articles 13 and 37).
4. ECRI would like to highlight the following areas of constitutional law which in its opinion merit some consideration on the part of the Bulgarian authorities:

- *Constitutional provision on political parties*

5. ECRI drew attention in its first report to Article 11 paragraph 4 of the Constitution which prohibits the organisation of political parties on ethnic, racial or religious grounds. A similar provision is contained in Article 3 (2) 3 of the 1990 Political Parties Act. ECRI noted that the Movement for Rights and Freedoms (MRF), a political party which is predominantly composed of members from the Turkish community, has existed since 1990 and has been accepted as legitimate by the Constitutional Court – the decisions of which are binding in Bulgarian legislation in accordance with Article 149 of the Constitution - in a decision of 21 April 1992. According to this decision, Article 11 (4) should be interpreted as prohibiting only political parties which, through their membership

or aims, are restricted solely to persons from a particular ethnic, racial or religious group.

6. ECRI understands that Article 11 paragraph 4 of the Constitution and Article 44 paragraph 2 of the Constitution, which prohibits organisations whose activity is aimed against the territorial integrity of the State and the unity of the nation, have however been used to prohibit the constitution of other political parties, such as the "Ilinden" party (in 1990 and on subsequent occasions on the grounds that it was propagating separatist ideas), a party of the Roma/Gypsies (in 1990 on the grounds that it was founded on ethnic grounds), and the Turkish Democratic Party. On the other hand, the Pomak Movement was registered in 1994 without being challenged, and five parties defending the interests of Roma/Gypsies are also registered. ECRI understands that the Constitutional Court is currently considering a petition filed by a group of Parliamentarians to ban one branch of the Ilinden party on the grounds that it is based on ethnic grounds. ECRI feels that it would be desirable to clarify the application of the above-mentioned Constitutional provisions with reference to the restrictions on the establishment of political parties.

- ***Denominations Act***

7. Articles 13 and 37 of the Constitution guarantee freedom of religion. The basic law defining the limits of religious freedom as well as the relationship between the Church and the State is the Denominations Act of 1949.
8. In recent years, there have been some criticisms from smaller religious groups that the provisions concerning religious freedom are too restrictive. The situation seems to have improved in this respect: a friendly settlement was reached in 1998 between the government and the Jehovah's Witnesses allowing for registration of this group after a case was brought before the European Court of Human Rights, and the Parliamentary Assembly of the Council of Europe concluded in September 1998 that "freedom of religion is considered satisfactory by most religious denominations and NGOs". ECRI is pleased to learn that the Law on Denominations - which is generally considered to be outdated and in respect of which the Constitutional Court has listed some of the provisions which in its opinion are contrary to the Constitution - is currently being redrafted by the Directorate of Religious Affairs, and that this redraft also proposes the deletion of Article 133A of the Persons and Family Act, another subject of criticism in the perspective of freedom of religious association. ECRI hopes that the new draft law on religious denominations will be rapidly completed and will remove any remaining restrictions on the registration of religious communities.

C. Criminal law provisions

9. Crimes against national and racial equality are covered by Chapter Three ("Crimes against the Rights of Citizens"), Section 1, Article 162 of the Criminal Code. This prohibits propaganda for or instigation of racial or national hostility or hatred or racial discrimination, using force against a person or damaging his property because of his or her nationality, race, religion or political opinion, the creation or leading of organisations or groups which aim to commit the above crimes, membership of such organisations or groups. Article 163 prohibits organisation of or participation in gangs intending to attack groups, individuals or their property because of their national or racial affiliation; armed attacks by such groups and the infliction of grievous bodily harm or death are likewise penalised. Article 164 prohibits instigation of religious hatred through speech, press, action or some other way.
10. Article 172 of the Criminal Code has been amended to the effect that any intentional creation of obstacles with the aim of barring citizens from taking jobs or coercing them to leave jobs because of their racial origin shall be considered a criminal offence against the labour rights of citizens¹.
11. The destruction of groups of the population (genocide) and Apartheid are covered by Chapter Fourteen, Section III, Articles 416-419 of the Criminal Code.
12. It does not appear that the above-mentioned provisions covering racist and xenophobic crimes have ever resulted in convictions before the courts in Bulgaria. ECRI is concerned that this is likely to point to a failure in the implementation of the legislation in force, since there is clear evidence that racist attacks do occur in Bulgaria, perpetrated particularly against members of the Roma/Gypsy population. It has been commented that one problem in this area is the fact that such attacks are not considered as racially-motivated and are not followed up by the police and prosecuting authorities. In this respect, ECRI encourages the Bulgarian authorities to ensure that criminal law provisions fully allow for the racist motivation of offenders to be taken into account and to be considered as an aggravating circumstance in the case of common offences.
13. ECRI recalls its General Policy Recommendation N° 1 in which it calls on governments to "ensure that criminal prosecution of offences of a racist or xenophobic nature is given a high priority and is actively and consistently undertaken", and urges the Bulgarian authorities to ensure that proper attention is given to classifying and following-up such crimes. Moreover, given the lack of clear information as regards the implementation of such provisions, the Bulgarian authorities should also follow the proposal made in the same ECRI General Policy Recommendation N° 1 to ensure that "accurate data and statistics are collected and published on the number of racist and xenophobic offences that are reported

¹ cf Report of Bulgaria to CERD, document CERD/C/299/Add.7

to the police, on the number of cases that are prosecuted, on the reasons for not prosecuting and on the outcome of cases prosecuted”.

14. In addition to the above, ECRI recommends that further training is given to relevant public officials such as police officials and judges, to raise awareness concerning the problems of racism and intolerance and the need to take action to combat these phenomena. Steps should also be taken to encourage victims to come forward and bring complaints, since one problem appears to be a lack of confidence on the part of victims in the possibilities for redress.

D. Civil and administrative law provisions

15. No specific body of civil and administrative legislation exists at present in Bulgaria concerning discrimination in the fields of education, housing, employment, public services or social services, apart from one provision in the Labour Code (Article 8 (3)), under which no cases have as yet been brought. This provision does not cover the area of recruitment. Despite the fact that the antidiscrimination provisions of the Constitution are directly applicable in Bulgarian legislation (Article 5 paragraph 2 of the Constitution), ECRI recommends that the Bulgarian authorities introduce civil and administrative legislation to prohibit discrimination in all fields of life.

E. Administration of justice

16. ECRI is concerned at reports that members of the Roma/Gypsy community held in detention are not always provided with immediate access to legal counsel. ECRI stresses that all detainees should be provided with immediate access to legal counsel, with the possibility of legal aid for detainees without sufficient means to engage a lawyer. Access to independent medical examination where requested should also be provided. Another problem as regards the administration of justice is the length of proceedings, which apparently hinders some victims from obtaining remedy for offences against them. ECRI recommends that the Bulgarian authorities therefore ensure that proceedings are carried out with due expediency.

F. Specialised bodies and other institutions

17. ECRI's General Policy Recommendation N° 2 stresses the important role played by specialised bodies such as commissions or ombudsmen, in combating racism and discrimination and promoting equality of opportunity for all groups in society. At present, no such body exists in Bulgaria. ECRI therefore strongly recommends to the Bulgarian authorities that such a body be created, in accordance with the general principles and guidelines set out in ECRI's general

policy recommendation. In this respect, ECRI is pleased to note that one of the priority items contained in the "Framework Programme for Equal Integration of Roma in Bulgarian society", adopted by the Bulgarian government in April 1999 (covered in more detail below in the section "Areas of particular concern"), deals with the establishment of such a body, and hopes that the timeframe foreseen for the creation of this body will be respected.

18. The National Council on Ethnic and Demographic Issues (NCEDI) is a governmental office established in December 1997 and composed of representatives of 10 ministries at a vice-ministerial level, 4 relevant governmental agencies (including the National Office for Refugees and the Agency for Bulgarians Abroad) and non-governmental organisations representing minority groups. It is responsible for consultations, co-operation and co-ordination between governmental organs and NGOs in the elaboration and implementation of national policy with respect to ethnic and demographic issues and migration, as well as promotion and protection of tolerance and understanding between Bulgarian citizens of different ethnic and religious groups. The NCEDI forms part of the Council of Ministers, its recommendations are not binding, it does not investigate individual complaints and it does not have subpoena authority.

G. Reception and status of non-citizens

- *Asylum-seekers and refugees*

19. The main priority in recent years in this field has been to bring Bulgarian policy and legislation into conformity with international legislation and European Union standards. The National Bureau for Territorial Asylum and Refugees (NBTAR), which has been in existence for six years, also gives priority to awareness-raising to prepare the Bulgarian public for the increase in asylum-seekers: in this respect, it has endeavoured to work in co-operation with non-governmental organisations, and with local authorities in areas where refugees are settled. It has also worked closely with the media, and it appears that while some negative reporting of issues concerning asylum-seekers continues, the media climate in general has improved in this respect.
20. A new law on refugee status was adopted in June 1999 and will enter into force on 1 August 1999. ECRI hopes that an appropriate legislative framework will soon be in place. Some gaps in the infrastructure for dealing with asylum-seekers exist at the present time, which may render such persons vulnerable to possible discrimination. Although human rights training is starting to be provided for border police, this could be intensified, to ensure that the first reception of asylum-seekers is carried out in a correct manner and that vulnerable persons are not refused entry before their asylum claims reach the NBTAR. The asylum procedure is reported to be slow, and although asylum-seekers do have the right

to work after 3 months, it is reported that regulations of the national employment service might make this difficult in practice. Free legal advice is at present only provided by non-governmental organisations rather than by the State. ECRI encourages the Bulgarian authorities to address such gaps in the infrastructure for dealing with asylum-seekers and refugees.

H. Vulnerable groups

21. The Roma/Gypsy community, as in most other countries, is particularly vulnerable to problems of racism and discrimination: this is dealt with in more detail in the section covering "issues of particular concern" below.
22. As regards other minority groups living in Bulgaria, little information appears to be available concerning their situation or possible discrimination against them. The situation of the Turkish minority seems to have improved in recent years, and this issue has now been removed from the Islamic Summit Conference. This group is represented in Parliament and in government, although it has been reported that it is under-represented in governmental positions, particularly leadership positions. There have been complaints from the Movement for Rights and Freedoms (a mainly Turkish political party), human rights groups and labour observers that during compulsory military service both Roma and Muslims are posted to labour units to perform commercial, military construction or maintenance work rather than serve in normal military units, and that there are only a few ethnic Turkish and Roma officers in the military. ECRI is of the opinion that these concerns should be addressed.
23. It appears that members of non-traditional religious groups have in recent years been vulnerable to expressions of intolerance. The "Bulgarian Lawyers for Human Rights" NGO reports in its Annual Report for 1998 that police interrupt private meetings in closed premises of such groups, that religious literature has been seized and confiscated by the police, and that two Jehovah's Witnesses were beaten by the police. Other sources note the general climate of intolerance among the public and media towards such religious groups. However, some sources report a decline in discrimination against religious minorities over the last year as the population appeared to adapt to the presence of new religions. ECRI hopes that the authorities will ensure that the religious freedom of non-traditional religious groups is not encroached upon in any way by police or other intervention.
24. As regards Bulgarian citizens wishing to express their ethnic Macedonian identity, ECRI notes that several sources have reported that their right to peaceful assembly has been restricted on several occasions. In July 1998 the European Commission of Human Rights ruled that some ethnic Macedonians' complaints against Bulgaria for violations of the right to assembly were admissible. ECRI

hopes that the Bulgarian authorities will take steps to ensure that all groups in Bulgaria effectively enjoy the right to peaceful assembly.

I. Media

25. In recent years, a high degree of intolerance has been noted in the field of the media, particularly the written press. Roma/Gypsies have been the most frequent target of such negative reporting, although intolerance towards minority religious communities has also been noted. ECRI is pleased to learn that there are signs that this situation has stabilised and even improved somewhat recently, and that certain positive initiatives have been carried out by the profession itself, such as a survey carried out by the Centre for Independent Journalism on how the refugee issue is covered in the media. ECRI hopes that such positive trends will continue and that the media profession itself will identify means of self-regulation in this field.
26. As regards the presence of minority groups in the media, ECRI notes that the National Radio and Television Council, which oversees the new Law on Radio and Television, has responsibility for granting licenses, including licenses for broadcasts produced by minority groups or in minority languages, but that as yet, no licenses have been granted for such broadcasts on national television or radio. ECRI encourages the authorities to ensure that minority groups benefit from the possibility of representation in the media at national level, as a means to encourage their equal participation in society and to raise awareness and tolerance among the majority population of issues connected to minority groups.

J. Awareness-raising

27. There is a strong tradition in Bulgaria of emphasising tolerance between the different ethnic groups which make up Bulgarian society, and ECRI feels that this identification of Bulgaria as a tolerant society can play a very positive role in furthering the participation of minority groups in society, preventing problems from developing, and in dealing with new phenomena such as immigration. However, ECRI also feels that it may also be necessary to raise awareness in Bulgaria of the fact that problems of racism and discrimination do nevertheless exist, notably as regards the Roma/Gypsy community, whose difficulties are often conceived of solely in terms of socio-economic differences. In fact, surveys have shown that attitudes of the majority population towards minority groups, particularly Roma/Gypsies, show quite high levels of prejudice and intolerance². In recent years, intolerance towards minority religious groups, particularly new religions, has also given rise to concern.

² Cf "Changing attitudes towards ethnicity in Bulgaria and the Balkans 1992-1997", Dr Krassimir Kanev (not yet published).

28. A wide public debate and acknowledgement of the issues of racism and intolerance as problems which do exist within Bulgarian society seems to be lacking and this may be one factor which explains in part the low incidence of cases brought to the courts concerning racist and discriminatory incidents. ECRI feels that more public awareness-raising about the existence of such phenomena within Bulgaria would represent a positive step forward in addressing the problems which exist and in encouraging victims to defend their rights.

K. Monitoring the situation

29. As noted above, no official system of data collection exists to record the incidence of racist violence, harassment or discrimination. ECRI feels that the development of such a system would be very valuable in view of monitoring the situation in Bulgaria.
30. Furthermore, little information appears to be available concerning the situation of the different minority groups living in Bulgaria. ECRI is concerned that such a lack of information may make it difficult to evaluate the extent of possible discrimination faced by these groups. For example, the Turkish and Muslim minorities apparently live mainly in small isolated communities, and it is not clear to what extent they participate on an equal footing in the structures of Bulgarian society, such as education, employment and public life. ECRI therefore recommends that the authorities consider ways of monitoring the situation, with due attention to the need for the protection of data and the protection of privacy. The knowledge and experience possessed by non-governmental organisations can be a valuable resource in this respect.

SECTION II: ISSUES OF PARTICULAR CONCERN

31. In this section of its country-by-country reports, ECRI wishes to draw attention to a limited number of issues which in its opinion merit particular and urgent attention in the country in question. In the case of Bulgaria, ECRI would like to draw attention to the problems of discrimination of the Roma/Gypsy community throughout the criminal justice system, and to the general situation of this vulnerable community in the context of the recently-adopted "Framework Programme for Equal Integration of Roma in Bulgarian society".

L. Discrimination against Roma/Gypsies in the criminal justice system

32. Of particular concern is the incidence of police discrimination and mistreatment of members of the Roma/Gypsy community. The Council of Europe's Committee for the Prevention of Torture (CPT) noted in March 1997 that "criminal suspects deprived of their liberty by the police in Bulgaria run a significant risk of being ill-treated at the time of their apprehension and/or while in police custody, and ... on occasion resort may be had to severe ill-treatment/torture". The US Department of State reports 2 cases of the questionable use of lethal force against citizens of Roma/Gypsy origin by the police in 1998, while the Human Rights Project documents in its Annual Report for 1998 numerous other cases of police misconduct towards members of the Roma/Gypsy community. It cites as the most common violations: use of excessive physical force during detention for the purposes of extorting evidence; unjustified use of firearms; home searches conducted without search warrants; destruction of private property; and threats to the personal security of individuals who had complained against the police to the competent authorities. It has also been reported that the arbitrary arrest and detention of street children, often Roma/Gypsy, is a problem.
33. The Bulgarian Helsinki Committee Annual Report for 1998 notes that one particular problem is the fact that the use of firearms is permitted in the apprehension of a person committing or having committed even a minor crime, or for preventing the escape of a person detained for having committed a crime. Investigations into the use of firearms by the police have generally been terminated by the Prosecutor's Office which has concluded that the police had used firearms lawfully. ECRI considers that the Bulgarian authorities should reconsider the relevant provision of the Ministry of the Interior Act in order to restrict the use of firearms by the police to cases in which they are really necessary.
34. It should be noted that the Bulgarian Criminal Code punishes torture or ill-treatment by public officials more severely than similar acts perpetrated by ordinary persons (Article 116, para 2, Article 131, para 2). The European Roma Rights Centre reports that these provisions have been used in recent years to protect Roma rights, but that convictions are isolated compared to the scale of the problem. The Human Rights Project notes in its Annual Report for 1998 that the majority of complaints filed by this non-governmental organisation on behalf of Roma victims of police violence have not been followed up by the authorities.
35. In the present situation, victims seem unwilling to come forward with complaints, particularly when they are awaiting court sentences: there may be a perception that bringing complaints may actually worsen the situation of the victim before the courts. A lack of confidence on the part of victims in the possibility of redress may be compounded by some unwillingness on the part of the authorities to admit that problems of police misconduct do exist. A first step would therefore seem to be the need to acknowledge on a public level that

problems exist in this area, and for police and political leaders to express their strong commitment to ensuring that any allegations of misbehaviour or criminal acts on the part of the police are promptly and stringently investigated and dealt with.

36. ECRI in its first report recommends that an independent body be set up – acting at central and local level - to investigate police, investigative and penitentiary practices for overt and covert racial discrimination and to ensure that any discrimination perpetrated be severely punished. ECRI would wish to reiterate this proposal. A specialised body to combat racism and discrimination, as advocated above, could also play an important role in this respect.
37. ECRI also reiterates the proposals contained in its General Policy Recommendation N° 3 on combating racism and intolerance against Roma/Gypsies, that governments should “set up and support specific training schemes for persons involved in all levels in the various components of the administration of justice, with a view to promoting cultural understanding and an awareness of prejudice”, and “encourage the development of appropriate arrangements for dialogue between the police, local authorities and Roma/Gypsy communities”. In this respect, it welcomes the new training programme which has been set up for senior policemen, who will then train their staff, and the collaborative projects which have been carried out with external partners, such as the “know-how” project carried out with the assistance of the British police authorities, to train police in dealing, *inter alia*, with minority groups. Although some Roma/Gypsies are members of the police, ECRI feels that more proactive measures should be taken to encourage the recruitment of members of this group in society in the various structures of the criminal justice system, particularly as police officers.
38. Although official statistics are not available, non-governmental organisations report that Roma/Gypsies are over-represented in prison populations. The European Roma Rights Centre attributes this over-representation to a large extent to discrimination in the criminal justice system. ECRI considers that training measures should be taken to raise awareness among judges of the issues of discrimination and prejudice. It is reported that Roma/Gypsies in Bulgarian prisons are also subject to physical abuse by prison guards and other officials: to date; no prosecution of abuses by prison officials has been initiated. ECRI urges the Bulgarian authorities to take steps to improve conditions in prisons and to put in place an independent system of monitoring and control to supervise the practices of the various places of detention in Bulgaria.

M. Discrimination against the Roma/Gypsy community in other fields of life

39. In Bulgaria, as in many other countries, the difficulties faced by members of the Roma/Gypsy community in participating on an equal footing in the various structures of society, such as employment and education, are often seen in terms of socio-economic differences, low levels of training, and differences of lifestyle. ECRI, in its General Policy Recommendation N° 3 on combating racism and intolerance against Roma/Gypsies, draws attention to the existence of discrimination in explaining such disadvantages, stating that “persisting prejudices against Roma/Gypsies lead to discrimination against them in many fields of social and economic life, and ... such discrimination is a major factor in the process of social exclusion affecting many Roma/Gypsies”.
40. ECRI is concerned at the persistence of widespread discrimination against members of the Roma/Gypsy community in Bulgaria. For example, in the field of education, the practice of the *de facto* segregation of Roma children in so-called “Gypsy schools” or special classes within other schools, does not seem to have been eradicated. The level of education in such schools is usually inferior to that in other schools, and difficulties in recruiting suitably-qualified teaching staff effectively deny the majority of Roma/Gypsy children equal educational opportunities. In this respect, ECRI draws attention to its General Policy Recommendation N° 3 in which it recommends that governments “vigorously combat all forms of school segregation towards Roma/Gypsy children and ... ensure the effective enjoyment of equal access to education”. Specific measures to improve the situation would include the enhanced recruitment of suitably-qualified teachers, including Roma teachers, in order to raise educational levels, and additional language teaching to support children of non-Bulgarian mother tongue in the early years of schooling. ECRI welcomes efforts made by the Ministry of Education to facilitate the provision of mother tongue teaching in schools by transferring it to the core curriculum in the new draft law on public education, and to work together with non-governmental organisations to assist Roma/Gypsy children in mastering the Bulgarian language, for example through the authorisation of “assistant” Roma teachers.
41. ECRI also feels that measures should be taken to combat prejudices and racism in the educational system. In its General Policy Recommendation N° 3 it proposes that governments should “introduce into the curricula of all schools information on the history and culture of Roma/Gypsies and ... provide training programmes in this subject for teachers”.

42. A further problem in the field of education is that of the practice of sending a high percentage of Roma/Gypsy children to "special" schools for children incapable of following the normal educational path: such schools are in fact intended for children with mental disabilities. ECRI is of the opinion that this practice should be reviewed and remedied as a matter of urgency. The disproportionate representation of Roma/Gypsy children in the so-called "labour education" or reform schools, and reported problems of mistreatment in such schools, is also a matter which should be looked into.
43. Roma/Gypsies also face grave difficulties in the field of employment. According to a report of the Parliamentary Assembly of the Council of Europe, 80-90% of Roma/Gypsies are unemployed. This is often explained in terms of lower qualifications or a different "work culture" : however, ECRI is of the opinion that discrimination certainly plays a large part in explaining this problem, be it within the labour market or in the form of prior discrimination in other fields of life such as access to education. There is no legal possibility of redress for discrimination in recruitment, and the legal possibilities for redress of discrimination while in employment have never been utilised. Although projects have been initiated to favour the economic integration of Roma/Gypsies, such as the setting up of regional employment councils with Roma/Gypsy representatives, or the funding of special programmes, no steps seem to have been taken as yet to address the problem of discrimination as such in employment. ECRI feels that this aspect of the situation should be addressed, including a review of the legislative possibilities for sanctioning discrimination in all stages in the employment process.
44. A third major area in which Roma/Gypsies face discrimination and to which ECRI feels particular attention should be given is in relations with local authorities. It is reported that local authorities are sometimes involved in the illegal administration of justice as regards Roma/Gypsy communities, often with the silent collusion of local police. ECRI stresses that such forms of discrimination practised by local authorities should not be tolerated by the national authorities. In this respect, it is particularly important to ensure that national policies and legislation against discrimination are understood and applied at a local level. Training for officials working within local administrations, to raise awareness and combat prejudices, would also be most desirable.
45. ECRI welcomes signs that the Bulgarian government is willing to address such issues of discrimination. This attitude has been demonstrated by the adoption in April 1999 of the "Framework Programme for Equal Integration of Roma in Bulgarian Society". This programme was prepared on the initiative of Roma/Gypsy organisations and in discussion with representatives of all the Roma associations in Bulgaria. It was discussed in round tables with the NCEDI representing the authorities, and was agreed upon and signed by all parties. This document contains strategies for achieving equality for Roma in Bulgaria, and poses as the main issue the discriminatory treatment of Roma. It puts

forward a wide range of important proposals which the government has expressed its commitment to fulfilling over a ten-year period, with priority given to some core proposals such as the establishment of a specialised body to combat racism and discrimination. The programme is based around concrete measures for which an evaluation is foreseen, and has also foreseen the creation of regional programmes based around the national programme.

46. ECRI congratulates the Bulgarian authorities on this important initiative towards tackling the problems of discrimination faced by Roma/Gypsies in Bulgaria, and encourages it in its efforts to ensure the rapid and complete implementation of the measures foreseen in the programme. ECRI looks forward to receiving further information on the implementation and evaluation of this programme, which in its opinion might serve as a model for other European countries.

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The following appendix does not form part of ECRI's analysis and proposals concerning the situation in Bulgaria.

APPENDIX

ECRI wishes to point out that the analysis contained in its second report on Bulgaria, is dated 18 June 1999, and that any subsequent development is not taken into account.

In accordance with ECRI's country-by-country procedure, a national liaison officer was nominated by the authorities of Bulgaria to engage in a process of confidential dialogue with ECRI on its draft text on Bulgaria and a number of his comments were taken into account by ECRI, and integrated into the report.

However, following this dialogue, the national liaison officer expressly requested that the following observations on the part of the authorities of Bulgaria be reproduced as an appendix to ECRI's report.

OBSERVATIONS PROVIDED BY THE AUTHORITIES OF THE REPUBLIC OF BULGARIA CONCERNING ECRI'S REPORT ON BULGARIA

With respect to paragraph 24, it should be clarified that the right to peaceful assembly is explicitly guaranteed by the Constitution of the Republic of Bulgaria. Article 43 of the Constitution provides that "Citizens shall have the right to peaceful and unarmed assembly for meetings and manifestations" and that "The procedure for organizing and holding of meetings and manifestations shall be established by law".

It should also be pointed out that ethnic identity in Bulgaria is a matter of free personal choice. Moreover, Article 6 (2) of the Constitution of Bulgaria stipulates that "There shall be no privileges or restrictions of rights on the grounds of race, nationality, ethnic self-identity, sex, origin, religion, education, opinion, political affiliation, personal or social status or property status". Accordingly, during the latest (1992) census in Bulgaria, 10 803 individuals self-identified themselves as being Macedonian. Of these 3 109 had also declared that their mother tongue was Macedonian (Bulgarian for the rest). Those individuals enjoy fully and effectively all the rights and freedoms guaranteed to all Bulgarian citizens, including the right to peaceful assembly.