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PAPER

Protection of the Minorities in the
Republic of Bulgaria – Achievements and Challenges

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The views expressed are those of the author only

It would be difficult to understand the present state of ethnic relationships and challenges related to minority rights' protection in Bulgaria without looking back and considering the latest history. This November marks the 19th anniversary since the beginning of democratic changes in our country. Back then, the international community feared that ethnic conflict might erupt in Bulgaria, above anywhere else. That fear was grounded in the brutal policy of assimilation of ethnic and religious minorities implemented by the totalitarian communist regime.

The assimilation policy has reached its peak with the forcible name-changing of Bulgarian Muslims carried into effect in at three main stages – in the early 1970's among Bulgarian-speaking Muslims (the so-called *Pomaks*), in 1981 among Roma, and in 1984-1985 of Turks. The renaming involved mass repressions – assault, battering, arrests, lawsuits, forcing into the notorious labour (concentration) camp in Belene, internments. Human victims have been claimed, too. The very existence of ethnic minorities has been denied.

In response of repressions, resistance movement emerged. The democratic resistance of Bulgarian Turks and Pomaks has been an integral part of the democratic oppositional movement before the collapse of communist regime and when in November 1989 Bulgaria's Communist regime was overthrown, Turks and Pomaks took part in the fight for democracy. They joined the newly established democratic opposition that strived to achieve smooth transition to pluralistic political system grounded on the principles of civil society. The provision of guaranteed human rights' protection, including ethnic and religious rights' protection, became an integral part of these efforts. That was the main factor for preserving the ethnic peace in Bulgaria.

Of course, the democratic transition - in the area of interethnic relations, too - was accompanied by severe public struggles with post communist conservative forces that still held nearly all top positions in government and industry. Nevertheless, the process of restoring constitutionally guaranteed human rights to the ethnic minorities was successful – in 1990 and 1991 political prisoners who have been imprisoned for opposition to the communist regime assimilation policy and perished have been exculpated, freedom of religion, choice of names and unimpeded practice of cultural traditions and use of minority languages have been restored, as well as the publishing of minority newspapers, magazines and literature, etc..

Due to the joined efforts of a group of MPs representing all major political forces, the new Constitution adopted in 1991 contained a text guaranteeing each person's right "to develop one's culture in accordance with his or her ethnic origin". That text and some other constitutional texts related to the language diversity and religious freedoms, later allowed the Constitutional Court to state in two of its decisions that the Constitution of the Republic of Bulgaria recognizes the existence of religious, language and ethnic differences, respectively of bearers of such differences among Bulgarian citizens, adding that the existence of those differences do not threaten the constitutional principle confirming Bulgarian nation's unity. On that constitutional ground, the First Report of the Republic of Bulgaria on the measures taken to implement principles, promulgated in the Framework Convention on Protection of National Minorities, declares that *subjects of the Framework Convention as protected persons are*

Bulgarian citizens belonging to ethnic, religious and language minorities in the country. Furthermore, it is clarified that the existence of a certain ethnic, religious and language minority in the Republic of Bulgaria does not depend on the decision of any statutory body but has to be established on the grounds of objective criteria. Thus, a statutory principle has been promulgated stating that Bulgarian nation, consisting of state citizens, includes ethnic, religious and language minorities. Further development follows in the adopted in 2003 Protection Against Discrimination Act, promoting positive “measures to protect the originality and identity of individuals belonging to ethnic, religious or language minorities, and their right to independently or commonly with other group members maintain and develop their culture, profess and practise their religion or use their language”. In that way, legal preconditions for the effective overcoming of minorities’ issues through finding balance and harmonious blending between minorities’ integration in civil society and the protection of their ethnic, religious and language identity. That evolving approach urged some of the international observers in the first years of the transition - on the background of bloodsheds and interethnic clashes and wars in former Yugoslavia, - to mention the “Bulgarian model” for settling of ethnic issues.

Undoubtedly, one of the great merits of the new Constitution adopted in 1991 was the text incorporating in Bulgarian legislation all international agreements that have been ratified, promulgated and enforced in the Republic of Bulgaria, noting that in case of collision they have priority over internal law. Thus, Bulgarian legislation has incorporated and given priority to all fundamental multi-lateral international agreements in the area of human rights under UN and the Council of Europe.

In 1997 Bulgaria has signed and ratified in 1999 the Framework Convention on Protection of National Minorities (hence: the Framework Convention). In that way, Bulgarian legislation benefited from a far-reaching tool for minorities’ protection, possessing the power of the abovementioned text as a constitutional priority over internal legislative norms. In the next years, the principles laid down in the Framework Convention have played key role in the elaboration and implementation of Bulgarian statutory ethnic policy.

In evidence for the social importance and need of large-scale and effective statutory policy in the field of ethnic relations and minorities’ protection, the following aggregated data for the ethnic background in Bulgaria can be given:

In the last census, based on voluntary self-identification by 1st of March 2001, the total number of population was almost 8 million (7 928 901) people. Of them:

- Ethnically, 83.9 % have self-identified themselves as Bulgarians, 9.4 % as Turks, 4.6 % as Roma, as well as belonging to one of the smaller ethnic groups - Russian, Armenian, Vlachs, Macedonians, Karakachans, Jews and others;
- Linguistically, 84.5 % have declared that their mother tongue is Bulgarian, 9.6 % have stated it is Turkish, and 4.1 % have stated it as Roma;
- Regarding their beliefs, 82.9 % have declared that their religion is Orthodox Christianity, 12.2 % have stated they were Muslims, 0.6 % have stated they were Catholics and 0.5 % have stated they were Protestants.

In addition, approximately 4 - 5 % (by experts' estimations) of those who have identified themselves as Turks, Bulgarians or (rarely) Vlachs, are often identified as Roma or Gipsy by the others. Most of those people deny such identification, while a very small portion show determined by situation identity. Generally, they share similar social characteristics typical for the majority Roma population, and they are frequently affected by similar negative attitudes from the "others," such as those toward persons identifying themselves as Roma.

For the implementation of statutory policy on ethnic issues, Bulgarian government has created and developed special institutional infrastructure. Since 1997, the National Council for Cooperation on Ethnic and Demographic Issues (hereto: the National Council) with the Council of Ministers has been established, with the main objective to assist the supreme body of executive authority to implement the respective state policy. The National Council consists of representatives of the ethnic minorities' organizations who cooperate and discuss together with top officials from the ministries, statutory and executive agencies, and representatives of the Bulgarian Academy of Science and the National Association of Municipalities in the Republic of Bulgaria. Directly related to the National Council there are regional and municipal Councils for Cooperation on Ethnic and Demographic Issues, having similar structure on local level. The National Council is presided by the Vice Prime Minister and is assisted by the Ethnic and Demographic Issues Directorate, part of the government administration. Also, there are public administrative consultative councils for ethnic policy implementation with the Ministry of Science and Education and at the Ministry of Culture, where respective administrative units exist.

According to the Law on the Religions adopted in 2002, the Council of Ministers implements the state policy in the area of religions and beliefs with assistance of the specialized Religious Affairs Directorate under its administration.

Summarizing the most serious challenges in the implementation of Framework Convention for Protection of National Minorities principles in Bulgaria, we can systemize them in several main groups:

1. *Protection of identity and provision of prerequisites for support and development of minority culture and preservation of the most important features of minority identity – religion, language, traditions and cultural heritage.*
- In the past 19 years, significant progress has been made in providing guarantees for religious freedom and protection of religious identity. In the same time, the new Law on Religions has been criticized by members of various small religious communities and organizations for protection of human rights, e.g.: the Law allows excessive intervention in the life of religious communities violating the provision for separation between state and religious institutions; the limitations envisaged by the Law exceed the scope of modern international standards and the principle of equality between confessions and beliefs is infringed, since only the Bulgarian Orthodox Church is directly defined as a legal entity, whereas for the other religions legal registration is needed.

- Studying and teaching of minority languages as mother tongue in municipal schools is legally provided. However, there are some serious obstacles in the process of organizing and carrying out that training.
 - The study of Ivrit/Jewish and Armenian are relatively well organized.
 - The study of Turkish language is still facing challenges – the training relies on outdated textbooks (printed in 1992/1993), studying materials are insufficient, the provision of funding for training activities was difficult in the past years, determining the trend of dropping roll of pupils studying Turkish as mother language.
 - Whereas in 1990's there was certain advance in the study and teaching of Roma language, in the past few years definite regress can be observed and the number of pupils studying Roma as their mother tongue is dropping. Serious problems due to unspecified standardization of the language, lack of qualified trainers, lack of textbooks and handbooks exist and determine the low level of motivation among pupils and their parents.
 - Regarding the other small language communities (Russians, Vlahs-Romanians, Vlahs-Armans, Karakachans, Greeks, etc.), the study of their language as a mother tongue results solely from inter-community initiatives and remains outside the national education system.
- The efforts of State to provide for and promote the preservation and development of minority cultures, traditions and cultural heritage are still very sporadic. The funding subsidies allotted to ethnic minorities' cultural organizations and for minority periodicals, literature and fictional publications, cultural events and traditional feasts are far from sufficient. Positive exceptions in that respect are the functioning Turkish theatres in the towns of Razgrad and Kurdzhali that have been opened with support from the State.
- More sustainable efforts are needed in regards of education, in order to promote and improve knowledge and awareness of ethnic minorities' culture and history. Important step in that direction is the inclusion of historical entries for the traditional minorities in Bulgaria (1878 – 1944) in the next volume of the multi-volume treatise History of Bulgaria, currently drafted and edited by the Institute of History with the Bulgarian Academy of Science.

2. Protection against discrimination on ethnic and religious ground

In that respect, significant improvement has been made, resulting from the adopted in 2003 Protection Against Discrimination Act. The Act, in force since 1st January 2004, fully transposes the Council Directives 2000/78/EC and 2000/43/EC and goes beyond their scope and activity in certain aspects. Lawyers univocally agree that the Act functions efficiently through the envisioned legal proceedings and proceedings before the Commission for Protection against Discrimination, established in 2005 as an independent specialized national authority. That is evidenced with the growing public interest in CPD activities (in 2007 CPD has received and processed by 66.8 % more complaints and signals compared to

2006). The Commission functions through five regular three-member panels – specialized in the different grounds of discrimination, one five-member panel on multiple discrimination and one AD HOC panel – called upon for special cases. The first regular panel deals with discrimination on racial and ethnic ground. In 2006 and 2007, most of the complaints and signals for discrimination were particularly based on ethnic and racial grounds. The overall activity of the Commission in jurisdiction, control and prevention, and application of the Protection Against Discrimination Act in courts, has notable prevention effect on acts of discrimination, including on ethnic and religious ground.

3. *Taking appropriate measures for recognition in each area of socio-economic life and complete equality between persons belonging to ethnic minorities and national majority.*

In accordance with the provisions of the Accession Partnership, in 2005 the Government of the Republic of Bulgaria together with the European Commission has drawn a Joint Memorandum on Social Inclusion containing a special chapter Vulnerable Ethnic Minorities. It defines Roma and Turks as vulnerable ethnic minorities. In socio-economic, but also in educational and labour market-related terms, the status of the Turkish and the Roma minority is significantly lower than the average in Bulgaria. The Roma population suffers from a drastically higher than the average rate of unemployment, poor housing conditions and poor health.

Present state of affairs shows large social gaps between the major ethnic groups in the country and requires resolute measures on behalf of the government. In that respect, in 2004 – 2006 the government has drafted and adopted a package of program documents, providing the foundation for implementation of the overall complex statutory policy in that area. Respective Action Plans have been adopted. Unsatisfactory, however, is the inadequate implementation of specific practical measures, as well as the extremely insufficient financing.

4. *Effective participation of persons belonging to certain ethnic minorities in socio-political life, especially on issues that affect them directly.*

Bulgarian Turks have chance to participate in country's political life through the Movement for Rights and Freedoms (MRF), that has been parliamentary represented in each National Assembly since 1990. During that period the Movement took part as a coalition partner or independently in the formation of four governments. Presently, MRF is a coalition partner in the ruling tri-party coalition, with one Vice Prime Minister and two Ministers.

In regard with the other large minority – Roma population, the situation is disparately different. In the successive Parliaments in the reviewed period, there have been no more than one or two Roma MPs. In the present government, there is only one Deputy Minister of Roma origin.

It is important, therefore, that the Chairperson of the Commission for Protection against Discrimination is a Turk and the Vice Chairman is a Roma. The Deputy Ombudsman of the Republic of Bulgaria is a Turk too.

Serious efforts are needed to increase the efficiency of the National Council for Cooperation on Ethnic and Demographic Issues as a body, responsible to guarantee the participation of minority organizations' representatives in the process of decision-making on issues that affect them directly. For example, the regulations under NCCEDI Rules of Order and Activity, adopted by the Council of Ministers, stating that "before the adoption of normative acts and when drafting, implementing, evaluating and reporting national strategies and programmes in the area of ethnic and demographic issues, the bodies of executive power are obliged to carry out consultations at the National Council", are not observed. In fact, the consultative councils on ethnic issues with the Ministry of Education and Science and the Ministry of Culture do not function properly. There are no similar consultative bodies with the other ministries. Worrying is the fact that in the past years the specific administrative position of experts on Ethnic and Demographic Issues at regional governments have been laid off, who have been in charge with the administrative attendance of the respective regional councils.

In conclusion, extensive efforts are needed for more effective implementation of the Framework Convention on Protection of National Minorities principles that still are guiding light for the state policy on interethnic relations and protection of minorities, implemented by Bulgarian statutory bodies.