

GOVERNMENT COMMENTS ON THE N REPORT ON BULGARIA

APPENDIX

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

ECRI wishes to point out that the analysis contained in its third report on Bulgaria, is dated 27 June 2003, and that any subsequent development is not taken into account.

In accordance with ECRI's country-by-country procedure, ECRI's draft report on Bulgaria was subject to a confidential dialogue with the Bulgarian authorities. A number of their comments were taken into account by ECRI, and integrated into the report.

However, following this dialogue, the Bulgarian authorities requested that the following viewpoints on their part be reproduced as an appendix to ECRI's report.

Observations on the ECRI Third Report on Bulgaria

The Bulgarian authorities regret that only part of their comments, submitted on the Draft third report on Bulgaria have been given due consideration by ECRI and that the latter had decided to retain numerous texts containing evident inaccuracies misrepresenting the real situation with respect to human rights in Bulgaria.

General observation

There is no clear distinction drawn in the Report between facts established or confirmed by the Rapporteurs and various allegations made by "some sources" (repeatedly quoted). The said "sources" should be more clearly identified so that the readers would be in a slightly better position to judge the credibility of these allegations, which, unfortunately, seriously distort the reality of the situation in Bulgaria.

With respect to the Executive Summary:

Part of the statements and conclusions contained in the Executive Summary draft do not fully conform to the findings of the report itself.

Second paragraph of the Executive Summary:

(see comments with respect to the relevant parts of the Report)

- third sentence: Only political parties organized "on ethnic, racial or religious lines" and "parties which seek the violent usurpation of state power" are prohibited under Art.11(4) of the Constitution. Referring to "ethnic", the restriction is applicable only to parties, the statutes of which would stipulate that their membership is open only to a particular ethnic group/groups.

Third paragraph of the Executive Summary:

- second sentence: Bulgaria is a party to (among others) the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention (No. 111) concerning Discrimination in Respect of Employment and Occupation, the Convention against Discrimination in Education and the Convention on the Elimination of Discrimination against Women. These international legal instruments are an integral part of Bulgaria's domestic legislation.

In this context it would be suggested that ECRI be more specific in its recommendations to Bulgaria to ratify "other international instruments concerned with combating racism and intolerance".

- third sentence: Freedom of association is constitutionally guaranteed for all citizens in Bulgaria, including for individuals identifying themselves as Macedonians, subject only to the restrictions of Art.11(4) of the Constitution of Bulgaria (see above).

- seventh sentence: see comments in respect of paragraphs 50 to 65 below.

- ninth sentence: see comments in respect of paragraphs 75 to 77 below.

- tenth sentence: There had **never been a policy of "segregation"** of Roma children in the national education system. The fact that in some neighbourhoods in certain towns particular schools were attended predominantly by pupils of Roma origin was an unintended consequence of the administrative division of the school system. According to the rules valid for all children irrespective of their ethnic origin, admittance to any public school was linked administratively to the domicile of the family. In neighbourhoods where the population was predominantly of Roma origin, this system produced schools, attended predominantly by pupils of Roma origin. It is precisely this situation that the authorities are taking special measures to rectify. Therefore, the word "segregation" with respect to Roma children is inaccurate.

With respect to paragraph 15 of the Report:

The established practice of the courts in Bulgaria is, based on the provision of Art. 54 (1) of the Criminal Code, to treat any proved racist motivation of offenders as an aggravating circumstance.

With respect to paragraphs 17 and 18 of the Report:

The very few prosecutions and sentences under Articles 162, 163 and 172 (1) of the Criminal Code **are indeed** due to the fact that there are only very isolated instances of such offences in Bulgarian society. This fact is supported by the compiled statistical data on criminal offences, which includes any racially motivated offences.

With respect to paragraph 50 of the Report:

Representatives of the Turkish minority are members of the ruling parliamentary coalition in Bulgaria. They occupy ministerial posts, posts of governors and vice-governors of regions and are also widely represented in municipal councils.

Unfortunately, it is a fact that some regions, where persons belonging to the Turkish minority form a large part of the population, have been particularly hard hit by economic recession in the context of Bulgaria's transition to a market economy.

However, many other people not belonging to the Turkish minority also live in these regions and are equally hard hit by these economic difficulties.

Consequently, a conclusion that only persons belonging to the Turkish minority "are financially and socially disadvantaged in comparison with the rest of the Bulgarian population" would be inaccurate.

With respect to paragraphs 52, 53 and 55 of the Report:

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 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".

Subject solely to the relevant provisions of the law, which are in strict conformity with Bulgaria's international legal obligations, all citizens in Bulgaria, whether belonging to a "minority" or a "majority", enjoy equal rights fully and effectively, including with respect to the right of peaceful assembly.

With respect to paragraph 54 of the Report:

Ethnic identity in Bulgaria is a matter of free personal choice. Furthermore, 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".

The existence of Bulgarian citizens, who identify themselves as Macedonians, has been duly reflected in the official results of the 2001 national census - a total of 5071 individuals as at 1 March 2001. This obvious fact does not require any further special act of acknowledgement by the Bulgarian state.

As confirmed by the Constitutional Court of Bulgaria (ref.: Judgements № 4 of 21 April 1992; № 2 of 8 February 1998) the Constitution of the Republic of Bulgaria expressly recognises the existence of ethnic, religious and linguistic diversity in the country. However, Bulgarian law does not utilize the term "national minority", neither does a definition of this term exist in international law. Consequently, while the Bulgarian state recognises the existence of ethnic, religious and linguistic diversity in the country, including persons who identify themselves as Macedonians, it could not "better acknowledge" anyone's existence specifically as a "national" minority.

It should be reiterated, however that those 5071 individuals enjoy fully and effectively all the rights and freedoms guaranteed to all Bulgarian citizens.

With respect to paragraphs 53 (second part) and 57 of the Report:

The allegations contained in this part of the Report are not supported by facts. Since the adoption of the second report of ECRI there have been no reports pointing to any particular problems (e.g. "harassment") concerning "the situation with regard to the right of peaceful assembly of all minority groups, including Macedonians", of "acts of intolerance" having been committed "against people who openly declare themselves

to be Macedonians”, or of preventing “this group” from living together with the “majority population” and respecting one another.

(See also comment with respect to paragraph 54 above).

With respect to paragraph 56 of the Report:

The Bulgarian authorities closely monitor all alleged acts of intolerance against **any person** under their jurisdiction, without discrimination, and, if necessary, do take steps to punish any such acts.

With respect to paragraphs 58 and 59 of the Report:

There are Bulgarian-speaking Muslims in Bulgaria (referred to as “Pomaks” in the Report). During the national census of 2001, conducted in conformity with the highest international standards, where every individual could declare her/his ethnic self-identity according with their own free choice, 49 764 individuals identified themselves as Muslim Bulgarians - “българи - мохамедани”. This fact was duly reflected in the official results of the 2001 national census. Therefore, these individuals were **not** “confused” with members of any other group.

There have been no reports indicating the existence of “discrimination, particularly in employment and higher education because of prejudice” against the Bulgarian-speaking Muslims. Furthermore, the existing provisions in Bulgaria's labour and higher education legislation, expressly prohibiting discrimination on the basis of ethnic self-identification or religion, are rigorously enforced.

With respect to paragraph 60 of the Report:

As already noted, the Bulgarian authorities closely monitor all alleged acts of intolerance against **any person** under their jurisdiction, without discrimination, and, if necessary, do take steps to punish such acts.

With respect to paragraph 61 of the Report:

As already noted, the Bulgarian authorities consistently combat stereotypes and prejudices, if and when such are manifested against persons belonging to **any** existing ethnic, religious or linguistic minority.

With respect to paragraph 65 of the Report:

The competent authorities in Bulgaria have not received reports indicating the existence “on the part of the public” of “manifestations of racism and intolerance towards Roma, but also other minority groups ...”, especially “to the same degree for a number of years”. The authorities are aware of the existence of certain stereotypes and prejudices, which, admittedly, **could** “sometimes” - but not necessarily **do** - “lead to acts of discrimination”. However, these are very isolated acts. Furthermore, the competent authorities are by no means “passive” in the face of such acts and resolutely combat and punish them.

With respect to paragraphs 69 and 70 of the Report:

Contrary to the equivocal statement of ECRI that manifestations of antisemitism are “not very widespread” in Bulgarian society, such manifestations are practically **non-existent** in Bulgaria.

Tolerance and respect for diversity have been the basic values of Bulgarian society throughout the country’s long history. One eloquent example of this is the rescue by the people of Bulgaria of 50 000 Bulgarian Jews from deportation to Nazi concentration camps during World War II, the 60th anniversary of which was celebrated in March 2003 throughout the country. Commemorating the Day of the Victims of the Holocaust on the 10th March, the Bulgarian Parliament adopted a Declaration, in which it condemned intolerance, racism, racial discrimination, xenophobia and anti-Semitism.

Referring to these historic events in his keynote address to the OSCE Conference on anti-Semitism (Vienna, 19 June 2003) the Minister of Foreign Affairs of Bulgaria Mr Solomon Passy recalled that “during WW II Bulgaria was the only European state that saved its Jews while keeping them in their native country”. Mr. Passy reiterated Bulgaria’s unwavering commitment to “zero-tolerance” to any form of intolerance, including anti-Semitism.

It is obvious therefore why only a few very isolated cases have been reported for the past years in Bulgaria and that any allegations by anonymous “some sources” that such incidents “appear to be on the increase” only distort reality. (Unfortunately, these allegations have apparently uncritically been reproduced by ECRI.)

With respect to paragraphs 72 and 73 of the Report:

The statement that there is a “lack of reliable information about the situation of the various minority groups living in Bulgaria” is inaccurate. All the essential information (gender, property status, level of education, employment, etc.) with respect to all persons residing in the territory of Bulgaria, including those individuals, who identified themselves as belonging to a minority group, was collected during the national census of 2001. Furthermore, this information is being utilized in the decision-making process by the authorities in Bulgaria. On the basis of this information the Government elaborated different programmes in the field of employment, education, training, social services etc., which are currently being implemented. Some of these programmes contain special measures specifically aimed at addressing the needs of particular minority groups.

With respect to paragraph 75 of the Report:

With the amendment of Art.80 of the Ministry of the Interior Act, the use of firearms by the police was subjected to additional restrictions, fully in line with the UN Basic Principles on the use of Force and Firearms by Law Enforcement Officials (1990). Special Instructions on the use of special equipment by the Ministry of the Interior, drafted with the participation of NGO’s competent in this sphere, have also been approved. In addition, a Code of Ethics was elaborated with the assistance of the Council of Europe, which introduces even more stringent standards in respect of the use of firearms by the police. These developments clearly demonstrate the inaccuracy of the allegations of “certain” NGOs in this regard.

Rare instances of excessive use of firearms have, regrettably been reported, but the victims of these incidents are not only Roma. Therefore, the contents of this paragraph are inaccurate.

With respect to paragraphs 76, 77, 81 and 82 of the Report:

The third and fourth sentences of paragraph 76 contain unsubstantiated allegations, levelled by unidentified “some sources”. The Bulgarian authorities reiterate that in all cases involving supposed violations of the law by the police forces, inquiries are conducted and where these violations have been proved, the perpetrators and where necessary - their immediate superiors, are sanctioned. Thus, as noted also by ECRI, there are numerous cases of police officers having been dismissed from the police after they had been proven guilty of such violations. Moreover, when the facts of an inquiry indicate that a crime has possibly been committed all the collected materials are submitted to the Prosecutor’s office for further action. This is the mandatory procedure, which is followed without exception, irrespective of the ethnic self-identification of the victims of the alleged violations. In addition, the necessary practical measures are also taken by the Ministry of the Interior in order to eliminate the root causes of such violations and prevent their reoccurrence in the future. For instance, a special registration system for complaints of alleged ill treatment by police officers has been introduced and is closely monitored. In this connection it should also be noted, that the monitoring of the complaints registered has **not** revealed any facts thus far that could warrant the assumption “that members of the Roma community are ill-treated more often than members of the majority population” (paragraph 77). Notwithstanding, the competent authorities in Bulgaria are prepared to take appropriate action if concrete facts are presented to them, which would demonstrate that members of the Roma community or persons belonging to other minority groups are deliberately singled out for ill-treatment by the police.

With respect to paragraph 89 of the Report:

ECRI has correctly observed that members of the Roma community encounter “serious difficulties” “in many spheres of life”. The rest of this paragraph, however, regrettably contains sweeping, grossly inaccurate generalizations.

The problems encountered by many members of the Roma communities in Central and Eastern Europe, including Bulgaria, are mainly **socio-economic** in nature. The authorities in Bulgaria are aware of the magnitude of these problems and have largely identified its root causes.

On the basis of careful analysis of the various aspects of the situation of the Roma community in Bulgaria since its transition to a market economy, the Bulgarian authorities have elaborated and are implementing a series of measures aimed at addressing the problems of the members of the Roma community in a comprehensive manner. Among the most important of these measures was the adoption in 1999 by the Government of a “Framework Programme for the Equal Integration of Roma in Bulgarian Society”, elaborated with the active participation of over 70 Roma organizations.

The implementation of the Framework Programme, supervised by the National Council on Ethnic and Demographic Issues (NCEDI), includes specific practical measures as follows:

- in the field of protection against discrimination:

- * the elaboration of a draft Protection against Discrimination Law, adopted by the National Assembly on 16 September 2003;
- * the setting up within the National Police Service (NPS) of a Specialized Commission on Human Rights, chaired by the Deputy Director of the NPS (with special emphasis on the Roma minority). Regional coordinators have been assigned to every Territorial Directorate of the Interior, who coordinate with the Specialized Commission and organize locally the activities, related to the protection of human rights. In March 2003 trainings that included all the regional coordinators took place with lecturers from human rights NGOs;
- * the establishment in September 2002 within the Ministry of the Interior of a permanent working group on human rights issues, chaired by a Deputy Minister of the Interior with the participation of representatives of the relevant directorates and national services. The objective of the working group is to set up the institutional framework to offer comprehensive solutions to issues, related to human rights;
- * the recruitment by the Ministry of Interior of 158 Roma. 4 officers and 89 sergeants work for the Guard Police at the National Police Service;
- * training courses for the staff of the Guard Police from the regional directorates in Plovdiv, Sliven, Pazardzhik, Montana, Sofia with the objective of better familiarizing policemen with the history, traditions, customs and religious beliefs of different ethnic minorities, particularly the Roma so as to improve mutual understanding for the purpose of ethnic minorities community policing; courses for police sergeants and cadets (mainly Roma) of the Police Academy; training course for police officers and seminar for heads of regional and area directorates, aimed at providing skills for work in a multicultural environment and observance of human rights standards;
- * Expert study conducted on ethnic minorities' social integration in the Bulgarian Army. Specific modules to familiarise cadets with Bulgarian ethnic minorities' culture were incorporated in the 2002/2003 academic year curriculum of the higher military schools and the Military Academy "G.S. Rakovski" aimed in particular at eliminating any existing prejudices between representatives of different ethnic groups.

- in the field of education:

- * the elaboration by the Government of a holistic concept for integration of children and schoolchildren of minority origin in the area of education with special focus on children belonging to the Roma minority;
- * the establishment of a Consultative Council on education of Children and Schoolchildren from Ethnic Minorities to consult the ministerial team about the "development of strategies concerning the educational policies targeting children and schoolchildren from ethnic minorities" and "the development of strategies and implementation of specific measures aimed at the integration of Roma schoolchildren with their peers".
- * approval by the Minister of Education and Science in September 2002 of an "Instruction for the integration of children and schoolchildren from minorities", containing the following strategic goals:

- integration and preservation of the ethnic and cultural identity of children and pupils belonging to minorities through education and extra curriculum educational activities;
 - overcoming the specific issues in order to fully implement in practice the principle of equal access to quality education;
 - establishing preconditions for a more successful socialisation of youth from the different minority ethnic communities;
 - turning cultural diversity into a factor of mutual cognition and a source of spiritual development for young people for the establishment of a favourable environment of mutual respect, tolerance and understanding.
- * The document specifies the particular problems facing students from Roma ethnic background and sets specific goals related to the integration of children and pupils from Roma ethnic background: procedure to move pupils from schools in Roma neighbourhoods and create better opportunities for access to quality education. Concrete measures to implement the Instruction are already being taken by regional inspectorates of education, municipalities and school governing bodies.
 - * Ordinance № 6 of the Minister of Education and Science for teaching of children with special educational needs and/or suffering from chronic illnesses, already in force, puts an end to the admittance of children with normal mental capabilities to the specialised, so called 'assistance schools';
 - * at the end of 2002 training for 50 teachers and 50 teacher-assistants was completed (with the participation of Roma schoolchildren) aimed at providing them with specific skills to work in a multicultural environment. Teacher-assistants have been appointed to commence work in schools in the 2003-04 school year. Their duty is to facilitate the adaptation of Roma children to the teaching process and their integration into a multi-cultural environment;
 - * teaching manuals for inter-cultural education were published;
 - * the Ministry of Labour and Social Policy in cooperation with NCEDI is implementing a Child Welfare Reform programme, aimed at the preparation of pre-school children from disadvantaged families (mainly of Roma origin) for enrolment in first grade. During the current school year a total of 2,000 children have been covered.
 - * a project supporting integrated schools implemented by the Ministry of Education and Science with Roma non-governmental organizations, is being enlarged, currently encompassing 1,500 Roma children and schoolchildren, who have enrolled in the integrated schools.
 - * amendments to the National Education Bill (Official Gazette, No. 90 of 24.09.2002) came into force, providing that all children of pre-school age are subject to mandatory free-of-charge inclusion in preparatory groups in kindergartens and in preparatory classes to the schools. Funds have been provided in the state budget (this measure will be most beneficial to children of Roma and Turkish origin);
 - * The school curricula include themes and texts aimed at introducing the Roma and other ethnic minorities in Bulgaria, and presenting examples of the literature and arts of prominent artists, belonging to minorities.

- in the field of health care:

* a survey was carried out by the Ministry of Health in 15 Bulgarian towns (January - February 2003) to assess the health status of the Roma community and identify problems that the Roma are faced with in the health care system. The survey has provided the basis for the draft Health Strategy for Roma, prepared by the Ministry;

* Vidin, Sliven and Kjustendil (towns with a high percentage Roma population) were supplied with modern medical equipment. Under the National Health Care Map, medical equipment has been provided for the whole rural network of primary health care, including the areas with dominant Roma population;

* Under the National Immunizations Schedule, immunization points have been opened for compulsory, free of charge immunization of Roma (children and adults);

* with the relevant amendment of the Act of Public Health Insurance, as of 1 January 2003 the number of people insured through the State budget has been increased. In particular, all children below 18 years of age have obligatory free of charge health insurance. Direct access to the paediatric and gynaecological clinics is provided.

- in the field of employment and social security numerous measures and programmes for social and economic integration of unemployed Roma are being currently implemented, mainly by the Ministry of Labour and Social Policy, aimed at providing adequate job opportunities and professional qualification for the Roma community:

* Programmes for Temporary Employment in Public Works: National Programme for Temporary Employment, Programme for Temporary Employment during the Winter Months and Specialised Programmes, implemented in all the regions of the country. The objective is to provide minimum income to unemployed that are reliant upon social assistance through inclusion in employment.

* renovation of tourist sites and buildings: the objective is to provide temporary employment in the construction industry, thus creating conditions for sustainable employment in the tourism sector;

* in 2002 the Ministry of Labour and Social Policy elaborated a National Programme "From Social Assistance to Provision of Employment", which is aimed at providing employment for, and the social integration of, long-term unemployed, who receive monthly social assistance. 100 000 unemployed, most of them Roma, are expected to join by the end of 2003. The Programme includes components such as "Literacy" and "Qualification", aimed at increasing the competitiveness in the labour market of the illiterate and unemployed. In 2003 1000 unemployed enrolled in the literacy courses, out of which approximately 80% are estimated to be of Roma origin;

* During the winter period 2002-2003 canteens for around 5 000 children were set up with financing from the Social Assistance Fund as a social mechanism to attract children to school;

- in the field of urbanisation and living conditions:

* the legalization, where possible, of existing illegal housing is being considered;

* the municipalities of Sofia and Plovdiv are implementing "Roma Housing Construction" projects with financing provided partially by the Council of Europe

Development Bank. In Sofia 75 two- and three storey houses for the Roma living in the “Christo Botev” quarter are being constructed. The building of the technical infrastructure, the renovation of the school, kindergartens and the health center are being completed. In Plovdiv, 40 out of the planned 72 buildings have already been constructed. Other urban development projects have been completed and/or are being in the municipalities of Stara Zagora, Pazardzhik, Lom, Omurtag, Venetz and Dulovo.

- in the field of culture:

* In August 2002 the Ministry of Culture, NCEDI, the Municipality of Stara Zagora, the Open Society Foundation and other donors supported financially the 10-th Anniversary Roma Festival Romafest in the city of Stara Zagora;

* In October 2002 UNESCO approved a 20 000 USD project to set up a Roma Theatre, submitted by the Ministry of Culture. The implementation of this project is under way;

* In 2002 NCEDI, the Municipality of Shumen and other donors supported financially a tour of the Bulgarian Roma Philharmonic Orchestra and the musical Spanish folklore band in Bulgaria and Spain;

* The Roma New Year 2003 was marked with a gala concert and a series of cultural events in the Roma neighbourhoods in Sofia and throughout the country. NCEDI provided financing for the cultural programme;

* In 2003 the NCEDI supported financially the celebration of the International Day of Roma, 8-th April, in Sofia and in the countryside;

* The realization of a joint Ministry of Culture and UNDP project “Civic Development and Participation through the Network of Chitalishte” started in 2002. The project contains a component on the “inclusion of social and ethnic groups to community life”;

* NCEDI and the Ministry of Culture supported various other cultural and educational events, organized by Roma organizations in 2002 and 2003.

Various activities are also being carried out, supported financially by the NCEDI, in the field of public awareness (radio and TV broadcasts and newspapers in the Roma language, seminars for minorities’ journalists, etc.)

Furthermore, in September 2003 the Bulgarian Government adopted a special **Action Plan** for the implementation of the Framework Programme, which contains concrete further measures to address the socio-economic problems of the Roma community, including equal access to education, employment, health care, improvement of housing conditions etc.

The implementation of the Action Plan shall be financed from the State budget. 28.6 million leva have already been allocated from the budget for the period 2003-2004.

It ought to be obvious from this non-exhaustive account that does not include other programmes implemented in different spheres, which, while not specifically designed to cater exclusively for Roma, benefit the majority of the members of the Roma

community, that the sweeping suggestion that “the Bulgarian authorities have not taken steps to address the situation” is plainly **false**.

Most other allegations contained in paragraph 89 are equally inaccurate.

However, an explanation for some of these inaccuracies may in part be provided in a **report** of a meeting held 13-14 December 2002 in Skopje, the Republic of Macedonia, organised by the Project on Ethnic Relations, entitled “**The Romani “mahalas” (neighbourhoods) of South-Eastern Europe: politics, poverty and ethnic unrest**”. Brief extracts from this highly revealing report (hereinafter referred to as the Skopje Report) should contribute to the better understanding of important aspects of the situation in the “Roma neighbourhoods”. Furthermore, it clearly indicates that the problems of the dwellers of these neighbourhoods should be analysed also from a historical perspective (which ECRI apparently disregarded).

The Roma districts in the cities of many of the countries in South-Eastern Europe are not the result of neglect or of deliberate “ghetto-ization” by the authorities, but a legacy of the Ottoman Empire. This fact is also clearly acknowledged in the Skopje Report: “The Romani mahalas are a social and historic phenomenon, originating in the Ottoman laws that has persisted for centuries”(p.10).

Concerning the present circumstances in these neighbourhoods the Skopje Report notes: “In the post-Communist transition, these neighbourhoods experienced uncontrolled growth due to the immigration of a rapidly growing and newly impoverished Romani population” (p.1).

Due to various objective and subjective factors, many (but by no means all!) members of the Roma community found it particularly difficult to adapt to the new realities of the market economy. “...Romani mahala-dwellers are still captives of the past, holding onto and behaving according to preconceptions about the socialist welfare state that clash with the modern realities of a market economy and privatisation.” (Skopje Report, p.6).

More concretely, the allegation that the people living in these districts “have no access to basic public services” is largely inaccurate. Certain difficulties (though not remotely on the scale suggested) do exist in this regard, and the authorities are taking concrete measures to address them (see above). However, as the Advisor on Roma and Sinti issues at the OSCE, N. Gheorghe remarked during the Skopje meeting: “...many of the Roma confuse public services with rights to which they are entitled and which are guaranteed by the welfare state” (Skopje Report, p.16).

With respect to housing, ECRI correctly notes that many dwellings in the Roma neighbourhoods were built “without planning permission on land that often belongs to municipalities”, or, according to the Skopje Report “in violation of building and planning codes, or at least outside of the urban planning process” (p.5). The authorities in Bulgaria are trying to address the problem in a more pragmatic manner (see above), but they could not be expected to contravene the law in the process.

Concerning the issue of the electricity supply it should be noted that dwellers of such neighbourhoods sometimes refuse to pay their electricity bills. This attitude could at least in part be explained by the fact that “...Romani mahala-dwellers believe they have rights as citizens to electricity and other services, and that the state has an

obligation to provide and to a large extent to subsidize them” (Skopje Report, p. 7). In these circumstances electricity suppliers may find themselves with no other option but to “sometimes cut off” the electricity supply in order to incite the consumers to commence honouring their debts. It should be emphasized that such cut-offs are part of standard practice and the ethnic origin of the consumers is completely irrelevant in these cases.

With respect to welfare benefits, which allegedly “in some cases, moreover, Roma do not receive” while “they are entitled” to them, it should be underscored that Bulgaria’s social welfare legislation sets uniform objective criteria for access to welfare benefits for all citizens, irrespective of their ethnic origin (furthermore, any discrimination, including on ethnic grounds is expressly prohibited by law). The question of who is entitled or not entitled to welfare benefits is determined by the relevant services on the basis of a means test. Every single decision of these services must be (and is) in written form and clearly motivated. If a claimant is not satisfied with a decision, he/she is entitled to appeal it before the regional welfare office. Consequently, this allegation of ECRI is also erroneous.

With respect to paragraph 90 of the Report:

This sweeping statement is obviously inaccurate. There is no evidence that the problems facing the members of the Roma community “are a source of growing tension between them and the authorities and the majority population”, as alleged by ECRI. Neither is there any evidence that “when the inhabitants of Roma districts demonstrate in support of their rights”, such demonstrations “lead to open, sometimes violent conflict” with the “majority” population.

The very few cases of momentary tension (but by no means “violent conflict”) were essentially much more a socio-economic, rather than an ethnic phenomenon and measures have been taken to address such situations (see above).

With respect to paragraph 91 of the Report:

This text is also, unfortunately, a sweeping generalization, which is inaccurate and not supported by facts. Circumstantial evidence could possibly lead to the supposition that certain stereotypes and prejudices may still exist among “the majority population” (as well as among minority groups). It may also be surmised that any surviving stereotypes and prejudices could potentially lead to isolated instances of intolerance or discrimination among private individuals in everyday life. For example, allegations concerning instances of waiters not serving clients supposedly “solely because of their ethnic origin” have occasionally been cited, by NGOs. Whether true or not, however, such allegations cannot be taken as a positive indication that “Roma are still very widely discriminated against in all areas of life”, or that “Roma are subjected to a large amount of racism and intolerance on the part of the majority population”.

It should also be underscored in this context that the authorities are determined to continue to combat any such stereotypes and prejudices, with the aid of the members of the Roma community.

In view of the above, it is obvious that the recommendations contained in paragraph 92 are only partly relevant.

With respect to paragraph 93 of the Report:

The allegations that certain Roma with the required education are refused jobs “solely because of their ethnic origin” is inaccurate. It would be further recalled that the existing provisions in Bulgaria's labour legislation, expressly prohibiting discrimination on the basis of ethnic self-identification or religion, are rigorously enforced and non-compliance with these provisions is subject to punitive sanctions.

With respect to paragraph 96 of the Report:

It is reiterated that there had never been a policy of “school segregation” in Bulgaria (see comment concerning the tenth sentence of the **Third** paragraph of the Executive Summary);

With respect to paragraphs 97 and 99 of the Report:

Special measures by the Government aimed at the full integration of Roma children in the schools have been implemented (see comment concerning paragraph 89 above). Consequently, the statement contained in paragraph 99 is inaccurate;

In view of the above, it is obvious that the recommendations contained in paragraphs 100 and 101 are also only partly relevant.

With respect to paragraph 105 of the Report:

In the light of the relevant information provided above, it is evident that the conclusions contained in this paragraph are inaccurate and in contradiction with the facts.

With respect to paragraph 108 of the Report:

One of the latest and most important occasions when the Bulgarian authorities took “a clear stand, asserting their political resolve to implement the Framework programme” was the participation, in person, of the Prime Minister of the Republic of Bulgaria Simeon Saxe-Coburg Gotha in the international conference “Roma in an Expanding Europe - Challenges for the Future” (Budapest, 30 June - 1 July 2003), where he reiterated the full commitment of the Bulgarian authorities to resolving the problems of the Roma community in Bulgaria.