

**ECRI CONCLUSIONS
ON THE IMPLEMENTATION OF THE RECOMMENDATIONS
IN RESPECT OF BULGARIA SUBJECT TO INTERIM FOLLOW-UP**

Adopted on 7 December 2011¹

¹ Any developments which occurred after 27 April 2011, date on which the response of the Bulgarian authorities to ECRI's request for information on measures taken to implement the recommendations chosen for interim follow-up was received, are not taken into account in this analysis.

FOREWORD

As part of the fourth round of ECRI's monitoring work, a new process of interim follow-up has been introduced with respect to a small number of specific recommendations made in each of ECRI's country reports.

Accordingly and in line with the guidelines for the fourth round of ECRI's country-by-country work brought to the attention of the Ministers' Deputies on 7 February 2007¹, not later than two years following the publication of each report, ECRI addresses a communication to the Government concerned asking what has been done in respect of the specific recommendations for which priority follow-up was requested.

At the same time, ECRI gathers relevant information itself. On the basis of this information and the response from the Government, ECRI draws up its conclusions on the way in which its recommendations have been followed up.

It should be noted that these conclusions concern only the specific interim recommendations and do not aim at providing a comprehensive analysis of all developments in the fight against racism and intolerance in the State concerned.

¹ CM/Del/Dec(2007)986/4.1

1. *In its report on Bulgaria (fourth monitoring cycle) published on 24 February 2009, ECRI recommended that the Bulgarian authorities strengthen the initial and in-service training in racial discrimination¹ issues and, in particular, in the provisions of the Protection against Discrimination Act offered to judges, and that the same training be provided to prosecutors.*

ECRI has been informed by the Bulgarian authorities that the National Institute of Justice carries out mandatory initial and in-service training for, among others, judges, prosecutors and investigators. This includes protection of discrimination issues. The Bulgarian authorities have indicated to ECRI that the National Institute of Justice participated in the compilation of a collection of Case Law Regarding the Application of the Act on the Protection against Discrimination which was distributed by the Commission for Protection against Discrimination (the Commission), among others, to all judges, prosecutors and investigators. According to the Bulgarian authorities, in October 2010 the Commission held a national training seminar for lawyers and judges on civil-law aspects of the prevention and fight against discrimination. Finally, the Bulgarian authorities have indicated that in December 2009, the National Institute of Justice organised training on Article 14 of the European Convention on Human Rights as well as its Protocol No. 12 for five prosecutors and three investigators. The same training was offered in March 2010 to six prosecutors and four investigators. In April 2010, the Commission and the Ministry of Labour and Social Policy provided training to 28 prosecutors on preventing and combating discrimination through criminal law.

ECRI welcomes the above-mentioned measures taken to provide training in racial discrimination issues. However, it notes that the number of judges and prosecutors who have received training remains too low. It therefore considers that more should be done to enable training in the provisions of the Protection against Discrimination Act as recommended in the report.

2. *In its report on Bulgaria (fourth monitoring cycle), ECRI recommended that the Bulgarian authorities ensure that the Commission for Protection against Discrimination has the human and financial resources needed to set up and run local offices.*

The Commission for Protection against Discrimination (the Commission) has informed ECRI that it has 18 local branches, but that it would need 28 branches to cover all districts in Bulgaria. However, it does not have sufficient resources to do so and it was informed by the Government that it was not feasible under the current economic situation to open the additional 10 branches. The Bulgarian authorities have indicated to ECRI that the budget allocated to the Commission has steadily increased since 2005; however, due to constraints on the state budget as a consequence of the global economic crisis and the need to maintain strict fiscal discipline, the funding allocated to all administrative bodies has been reduced in 2011.

The Commission has indicated to ECRI that in each local branch there is one person who carries out the following tasks: 1) assisting victims of discrimination in filing complaints; 2) holding open information days in the small municipalities; 3) assisting in the investigation when a complaint has been lodged; 4) monitoring the follow-up process when a decision has been rendered and 5) carrying out awareness-raising activities. Although the Commission recognises that this is a lot of workload for one person, it has indicated to ECRI that so far, those working in local branches are managing to meet needs.

¹ In accordance with ECRI's General Policy Recommendation No. 7 on national legislation to combat racism and racial discrimination, racial discrimination is understood as meaning any difference of treatment based on grounds such as "race", colour, language, religion, nationality or national or ethnic origin which has no objective and reasonable justification.

ECRI notes that significant progress has been made, but it considers that more efforts are essential to allow for the opening of more local branches of the Commission for Protection against Discrimination.

3. *In its report on Bulgaria (fourth monitoring cycle), ECRI strongly recommended that the Bulgarian authorities continue and intensify the integration process of Roma children into mainstream schools in order to promote social diversity.*

The Bulgarian authorities have indicated to ECRI that they continue their efforts to encourage the integration and socialisation of Roma children and pupils, preventing early dropout and improving the quality of educational facilities and education in general. The authorities have stated that in the process of drafting a Law on Public Education, the Ministry of Education, Youth and Science is organising a series of debates, with the participation of relevant NGOs, on the introduction of two specific educational principles: 1) the principle of inclusive education and 2) the principle of intercultural education and upbringing, which are meant to enhance the integration of Roma children into mainstream education.

Moreover, the Bulgarian authorities have provided the following statistical information to ECRI concerning steps taken after the publication of the report: by September 2010, the number of schools in residential areas inhabited mainly by Roma were 65 – compared to 105 three years before (the figures relate to the whole country); in 2009, 10 176 Roma children participated in intercultural education programmes; 11 318 enrolled in such programmes for 2010; in 2010, 5 633 children began to go to general schools and kindergartens out of their area of residence (with respective free transport) and 3 066 went through integration courses. The Bulgarian authorities have also indicated that a total of 19 414 persons attended programmes for the prevention of early dropout from school and that the funds provided for such activities in 2010 from the state budget amounted to BGN 12 million (approximately € 6 135 276).

The Bulgarian authorities have also informed ECRI that from 2007 to 2009, the Centre for Educational Integration of Children and Students from Ethnic Minorities within the Ministry of Education, Youth and Science funded 28 different projects encouraging the integration of children and pupils from the Roma community. During the same period of time, the Roma benefited from the following projects also funded from the state budget: 41 projects also funded from the state budget were implemented to guarantee equal access to quality education and 32 projects for creating conditions for successful socialisation. The Bulgarian authorities have indicated that the main beneficiaries of these projects were municipalities, educational establishments and NGOs from small settlements, including of Roma.

The Bulgarian authorities have indicated that in July 2010, they officially launched the development of the Social Inclusion Project, funded with a loan of € 40 million from the International Bank for Reconstruction and Development. The project aims at the social inclusion of children aged up to seven years (including children of Roma origin) through early childhood development. The project will provide integrated social services related to childcare. Specific activities include developing of parenting skills for persons who are already parents or plan to become, early intervention for children with disabilities, family counselling and support, health advice, etc. Activities will be funded for the age group of three to seven years to help children integrate in kindergarten and to prepare them for elementary school; the parents will also be involved. Moreover, measures will be taken to reduce kindergarten fees which are paid by the parents and to provide school transportation for children.

ECRI notes with satisfaction the measures mentioned above which were taken and which indicate some progress in Roma children's integration into mainstream schools. These efforts need to be pursued consistently to remedy the educational gap between Roma and non-Roma children.

