

Reply of the Prime Minister of Bulgaria, Mr Boyko Borisov,
to the letter of the Council of Europe Commissioner for Human Rights

Sofia, 3 November 2010

Dear Mr. Hammarberg,

With reference to your letter dated 7 October 2010, in which you raise certain issues related to the living conditions of Roma, freedom of religion and freedom of association in Bulgaria, please be informed as follows:

The Bulgarian authorities are fully committed to the goal of equal integration of the Roma into society and are implementing numerous targeted measures aimed at ensuring the conditions for the improvement of their socio-economic situation.

The Bulgarian Government approved the new *Framework Programme for Integration of Roma in Bulgarian Society, 2010-2020 (12 May 2010)* and the *Strategy for Educational Integration of Children and Pupils from Ethnic Minorities (4 March 2010)*.

Furthermore, a full review of the implementation of the *National Action Plan for the Decade for Roma Inclusion (2005-2015)* and the *National Programme for Improving the Housing Conditions of Roma (2005 – 2015)* is under way. The results of the review will be made known and taken into consideration with a view to improving the effectiveness of activities in the relevant sectors.

Concerning **housing**, local authorities have been implementing urban regulation of the residential areas with predominant Roma population with a view to including new zones for housing development. Where technically possible, legalization of illegally built houses is also under review. Funds from the state budget have been allocated for improving the existing and developing new infrastructure in Roma residential areas (total value of BGN 11.647 million for 2009, including BGN 11.280 transferred to the municipalities). Considerable funds are being invested in the rehabilitation and construction of roads, water supply and sewage under the Rural Development Programme, including in areas with compact Roma population (a total of 216 projects worth BGN 400.3 million for the first half of 2010).

With regard to the case of the “Republika” district in Sofia, it should be clarified that the problem emerged when a number of Roma families illegally occupied municipal land in a different district of the city. Subsequent to the intervention of the competent authorities, **all** Roma families which were eligible for municipal housing were provided with proper accommodation. For the remaining 134 persons, who were not eligible for municipal housing because they were not permanent residents of Sofia, temporary mobile homes were made available (on a temporary basis), rent free. Communal sanitary and sewage facilities were also provided for the inhabitants, as well as funding for garbage collection and security.

However, a recent inspection of the site revealed that the number of inhabitants in the “Republika” district has grown substantially – and apparently continues to do so. Squatters from all over the country have established themselves on the site and have set up shacks and other derelict structures in the open spaces among the caravans, thus further exacerbating the problem.

It should be reiterated that according to the relevant legislation such persons are not eligible for municipal housing because only permanent residents may be included in the lists. However, the persons concerned may at any time freely choose to return to their places of permanent residence, where some of them possess immovable property, while the others may freely apply for municipal housing in accordance with the relevant procedures.

It should be noted also that the properly lodged requests of applicants for municipal housing, which comply with the relevant criteria, are processed without any discrimination, including on grounds of ethnic self-identification.

With regard to **education**, the Bulgarian authorities continue their efforts to encourage the integration and socialization of Roma children and students, preventing early drop-outs from the educational system, increasing the quality of education and improving educational facilities. All the measures are discussed with relevant NGOs (the latest round table of the Ministry of Education, Youth and Science with Roma NGOs was held in June 2010).

Currently in Bulgaria there are 65 schools in residential areas inhabited mainly by Roma (compared to 105 three years ago). The funds for these activities in the 2010 state budget amount to BGN 12 million. In addition, the Centre for Educational Integration of Children and Students from Ethnic Minorities cooperates with the Roma Education Fund in Budapest and co-finances specific projects encouraging the integration of Roma children in mainstream education and preventing early drop-outs.

Likewise, in 2009, the State Agency for Child Protection developed a model for local level interaction, with the objective of returning children back to school, which was submitted for implementation by the municipalities. Over 20 000 persons were covered in 2009 by programmes of the Ministry of Education, Youth and Science aimed at the prevention of early dropout from school.

In 2010 the Ministry of Labour and Social Policy launched the "Social Inclusion" project in collaboration with the World Bank. The project is aimed primarily at low income families belonging to minorities who have difficulties integrating into the labor market and who do not send their children to schools and kindergartens. The Project will provide services in favour of children up to 3 years of age and their parents to develop the appropriate skills for raising them and of children from 3 to 7 years of age to help them integrate into kindergartens and schools. The project envisages the setting up of services that meet the social, educational and health needs of children. Its aims are improved school readiness of children from low income families and disabled children up to 7 years of age; increased child welfare; expanded scope of services related to childcare, that are provided to children with low incomes and to disabled children up to 7 years of age.

The project includes two components – "Integrated social services and services related to child care", and "Capacity Building" and extends for a period of five years.

As the activities regarding Roma are carried out horizontally by the relevant authorities, coordination at the national level is carried out by the National Coordinator for the Decade of Roma Inclusion at the Ministry of Labour and Social Policy. The Coordinator is supported by the Council on Roma Integration in Bulgarian Society, which includes nearly 80 NGOs defending the interests of Roma. The Coordinator also cooperates closely with the National Council for Cooperation on Ethnic and Demographic Issues at the Council of Ministers which is chaired by a Deputy Prime Minister.

The Framework Programme for the equal integration of Roma contains a specific chapter on non-discrimination and equal opportunities, based on the comprehensive legal framework in this regard. Additional measures are also envisaged, including proposed by the Commission on Protection against Discrimination and relevant NGOs, to help Roma address any existing problems. Likewise, Roma are encouraged to participate more actively in the decision-making process both at local and national level through various consultation and coordination mechanisms.

It should be emphasized, however, that - as acknowledged during the recent Council of Europe High-level meeting on Roma - the process of successful integration of Roma into society is a shared responsibility and positive results may only be achieved through the joint commitment and effort of the government and the Roma communities.

With respect to the issue of the leadership of the Muslim religious community, it will firstly be recalled that the two judgments of the European Court of Human Rights of 2000 and 2005 ("*Hassan and Chaush v. Bulgaria*" and "*The Supreme Holy Council of Muslim Community v. Bulgaria*") referred to situations that had occurred under the **previous** Religious Denominations Act of 1949.

Under the **new** Religious Denominations Act (2003), which is in full conformity with core international human rights standards in this sphere, including the Universal Declaration of Human Rights, the International Convention on Civil and Political Rights and the European Convention on Human Rights, as well as the Declaration on the Elimination of All Forms of Intolerance and of Discrimination based on Religion or Belief, the responsibility for registering religious communities, which wish to obtain legal personality, is conferred on a judicial body, the Sofia City Court. Under the 2003 Religious Denominations Act any interference with the internal organisation of a religious community is expressly prohibited.

The particular dispute over the legitimacy of the leadership of the Muslim religious community was unequivocally settled by the Bulgarian courts. Concretely, the Court (including its highest instance – the Supreme Court of Cassation) established that the Chief Mufti referred to in your letter had been "elected" on the basis of a falsified Statute. In these circumstances the relevant Court was legally bound not to "register" the results.

Nevertheless, the authorities are currently trying to facilitate talks between the two opposing sides, with a view to creating the appropriate environment for the holding of a legitimate unification conference.

Finally, with respect to the judgements by the European Court of Human Rights concerning the UMO - "Ilinden" association, it will be noted that the Bulgarian authorities have implemented all the required individual and general measures, including the amendment of the Law on Assemblies, Meetings and Demonstrations, which was brought it into full

conformity with Article 13 of the European Convention on Human Rights. Likewise, detailed information was provided on the public events freely organized by both UMO - "Ilinden" and UMO - "Ilinden" PIRIN in the past two years, which clearly indicates that the said associations fully enjoy the right to freedom of assembly in accordance with the applicable legislation.

Furthermore, when carrying out social and cultural activities, UMO - "Ilinden" and UMO - "Ilinden" PIRIN receive support from the authorities.