ADVISORY COMMITTEE ON THE FRAMEWORK CONVENTION FOR THE PROTECTION OF NATIONAL MINORITIES

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Comments of the Government of Bulgaria on the Fourth Opinion of the Advisory Committee on the implementation of the Framework Convention for the Protection of National Minorities by Bulgaria

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COMMENTS OF THE GOVERNMENT OF THE REPUBLIC OF BULGARIA ON THE FOURTH OPINION OF THE ADVISORY COMMITTEE ON THE IMPLEMENTATION OF THE FRAMEWORK CONVENTION FOR THE PROTECTION OF NATIONAL MINORITIES

GENERAL COMMENTS

The Republic of Bulgaria expresses its appreciation for the dedicated and professional work of the Advisory Committee on the Framework Convention for the Protection of National Minorities (FCNM, the Convention) as well as its readiness to maintain a constructive dialogue with all parties concerned. Furthermore, we value the fact that its Fourth Opinion contains references to the sources of information used as this creates a good basis for achieving transparency and objectivity.

The State observes that in its Fourth Opinion, the Advisory Committee regularly uses the terms "national minorities" and "minority language". The Republic of Bulgaria would like to state the fact that according to its Constitution and domestic laws, it does not have "national minorities" on its territory, but "ethnic groups" and "minority groups". Similarly, there is no legal basis for the use of the term "minority language", which has to be replaced by the term "mother tongue". In its Fourth Opinion the Advisory Committee prefers to use its own terminology in an area, in which the FCNM gives the State Parties a wide margin of appreciation (and even though identical legal circumstances have been honoured while reviewing other State Parties to FCNM). The correct usage of terminology is very important, since it presents the basis, to which the State Parties have committed themselves, and therefore positively contributes to FCNM's productive implementation. In this context, the State also notes that the Committee's recommendations, which contain the terms "national minority", "minority language" or any of their grammatical derivatives, raise difficulties in their implementation.

We express our appreciation for the in-depth report, which acknowledges Bulgaria's efforts and progress in improving its human rights standards and protection thereof, while simultaneously discussing existing problems and shortcomings. The latter will be taken into serious consideration as incentives towards achieving the goal of further developing and safeguarding the rights and freedoms of all citizens and residents of the Republic of Bulgaria.

A number of topics reviewed by the Advisory Committee necessitate further clarification and, at times, correction, since a portion of them were subject to change and progress since the completion of the Committee's Opinion, while another portion of them remain seemingly factually misunderstood. The following commentary replicates the structure of the Opinion.

GENERAL OVERVIEW OF THE CURRENT SITUATION

In **par. 5** of its Fourth Opinion on Bulgaria, the Advisory Committee makes a preliminary statement that not only reflects its views on FCNM and the legal order of the Republic of Bulgaria, but also greatly influences all further observations, conclusions and recommendations made in the Opinion. According to it, "the Advisory Committee understands that the concept of national minorities is not contained in Bulgarian law and the Constitution but was found to

be in line with the Constitution in an interpretative judgment of the Constitutional Court in 1998."

The Republic of Bulgaria positively notes the fact that the Committee partially quotes the State's position, but at the same time, it seems necessary that this position is viewed in its entirety.

Judgement 2/1998 on Constitutional Case 15/1997 has a key function for FCNM's understanding and application on the territory of the State, since it determines the lines within which the Convention will not contradict the Bulgarian Constitution. One of the baseline issues the Court had to consider was the content and constitutionality of the term "national minorities".

The reasoning of the Constitutional Court is the following:

"(par. 7 of the Judgement) The Court does in fact establish that the Bulgarian and international law lacks a legally binding definition for the term "national minorities". (…) Consequently, agreement on the content of the term "national minorities" has not been reached and such content cannot be derived via interpretation from the provisions of the Convention.

(par. 9 of the Judgement) The Court accepts that the will of the contracting parties at this stage of international law is to **leave the interpretation of the contents of the term "national minorities" to the disposition of each contracting state**. (…) A prior determination of presence or lack of presence of national minorities in the context of FCNM on the territory of the Republic of Bulgaria is **logically impossible**, since the legally binding objective elements of this term have not been defined.

(par. 10 of the Judgement) The Court notes the circumstance that its competences are clearly and exhaustively enumerated in the Constitution and the formation of definitions for terms used in international treaties is **outside of these competences**. These powers belong to the high legislative body."

As can be seen in the reasoning of the Constitutional Court of the Republic of Bulgaria, an important part of its decision for agreeing on FCNM's constitutionality was precisely the absence of a definition of the term "national minority" in the text of the Convention. It furthermore explicitly pointed out that the presence or absence of national minorities on the territory of the Republic of Bulgaria would depend on how the legislative body defines this term.

At this stage, the National Assembly has not taken a decision on the matter. In fact, the publicly available verbatim records of the plenary session of the National Assembly, held one year after Constitutional Judgment 2/1998 and dedicated to FCNM's ratification, disclose the firm belief of the members of the parliament that the State does not have any national minorities. Consequently, the domestic laws do not contain the term or any definition thereof.

The Republic of Bulgaria has stated on several occasions in its reports, information submissions and dialogues led during the visits of the Advisory Committee members that it is applying the FCNM for the benefit of its citizens of non-Bulgarian ethnic origin in accordance with the national Constitution and the domestic laws. The application of FCNM's provisions in accordance with the domestic legal context is an expression of the country's willingness to preserve and develop its human rights standards as well as provide appropriate possibilities for the preservation of the mother tongue, culture and religion of the minority groups, living on its territory. These actions however by no means imply the tacit recognition of the existence of

national minorities, even more so since the State's position to the contrary has been directly expressed in each of its FCNM reports. We feel that this is the context in which FCNM's application by Bulgaria should be considered.

ARTICLE-BY-ARTICLE FINDINGS

ARTICLE 3: PERSONAL SCOPE OF APPLICATION

The Republic of Bulgaria appreciates the Advisory Committee having considered the State's position regarding FCNM's personal scope. The Republic of Bulgaria has expressed its standing on the personal scope of FCNM's application in all of its previous reports and comments. For the sake of achieving more clarity of the information presented in Bulgaria's Fourth Report as well as further on in the present response, the following commentary is of a particular importance.

The inclusive approach, applied by Bulgaria, is based on the Convention's specific character, the provisions of which are of a programmatic nature. This allows for a wide margin of appreciation with regard to the means employed towards achieving FCNM's goals. These means are reflected within the domestic law and the corresponding governmental policies. The personal scope of the Convention is based on the cumulative presence of subjective and objective criteria, which the persons wishing to benefit from it must fulfil. This is the interpretation contained in par. 35 of FCNM's Explanatory Report. Furthermore, the margin of appreciation under the Convention allows that the specific circumstances and characteristics of each State Party to be taken into consideration.

Art. 3 states that "every person belonging to a national minority shall have the right to freely choose to be treated or not treated as such". The teleological interpretation of the language is rather straightforward and unambiguous. The **condition** of the article is "every person belonging to a national minority" – thus, this provision of FCNM predisposes (a) the existence of a national minority and (b) the belonging to it. While the term "national minority" falls within the margin of appreciation of the FCNM State Parties, the concept of "belonging" is clearly defined in the Explanatory Report: "This paragraph does not imply a right for an individual to choose arbitrarily to belong to any national minority. The individual's subjective choice is inseparably linked to objective criteria relevant to the person's identity." The **individual right** of Art. 3 itself is "to freely choose to be treated or not treated as such".

Several basic conclusions can be drawn from this text. Firstly, Art. 3 provides the possibility of the individual to decide whether they want to benefit from the Convention, given that the State does have national minorities and the individual in question does belong to one of them. The Convention however does not examine the issue of creating a national minority.

Secondly, the subjective use of the right in Art. 3 ("to freely choose") brings the linked consequences ("to be treated or not treated as such"). The right of Art. 3 does not modify the precondition of its exercise ("belonging to a national minority"), which according to the Explanatory Report is a **purely factual circumstance** ("objective criteria relevant to the person's identity").

It is evident from the text that the personal scope of FCNM's application is inherently linked to the existence of **both subjective and objective criteria cumulatively**. Consequently, any

individual who may wish to benefit from the Convention, must fully satisfy both of them cumulatively.

The concept of free choice itself contains a positive and a negative component. It is precisely Art. 3 prohibiting the gathering of any data, related to a person's ethnicity, if the said person does not wish to disclose it, since the choice to self-identify as a member of a national minority or to obscure one's origins is deeply personal and should remain free of the State's influence.

At the same time, the positive right contained in Art. 3 – the choice to belong to a national minority and to benefit from FCNM's provisions – cannot be exercised arbitrarily. The self-identification as a member of a national minority without the presence of any objective criteria undermines the whole concept of FCNM's special protection, since the lack of objective criteria inevitably negates the object of said protection: a different religious belief, language, cultural heritage, historical background and many others.

The Committee states in **par. 13** that "the authorities have not entered into a dialogue with persons identifying as Macedonians, who continue to request recognition as a national minority and protection under the Framework Convention."

Evident from the discussed domestic and international law, the Republic of Bulgaria has no definition of the term "national minority" and does not recognise any national minorities on its territory. It remains questionable why the Committee feels that using terminology clearly at odds with the domestic legal order would contribute to the positive development of the issue.

In **par. 13 and 24**, the Opinion quotes the steady and consistent practice of the Bulgarian Constitutional Court, the regular courts as well as the position of the Bulgarian Academy of Sciences stating the lack of distinctive "Macedonian ethnicity" and "Macedonian language" that would characterise a person self-identifying as Macedonian as different from all other Bulgarian citizens. Yet, in **par. 25** it continues: "While it may be legitimate to link the recognition of a group as a national minority to objective criteria, these criteria must not be defined or construed in such a way as to limit arbitrarily the possibility of such recognition and the views of persons belonging to the group concerned should be taken into account (…)."

Apart from the fact that "the views of persons" fall under the subjective criteria of Art. 3 as discussed at length in the above paragraphs as well as that "belonging to the group" is by far not an established factual circumstance, **par. 13, 24 and 25** seem to make two contradictory statements. While **par. 13 and 24** describe the legal and scientific efforts dedicated to discussing, studying and tackling the issue in depth, **par. 25** categorises the State actions as "arbitrary".

POPULATION CENSUS

The portion of the report, addressing the approaching population census in 2021, states in **par. 29** that "no active consultation of persons belonging to national minorities (…) has taken place". The Republic of Bulgaria would like to make a correction to this information – such consultations did take place several times since 2014, when the National Statistical Institute (NSI) initiated public discussions with the participation of over 50 demographic experts from various scientific institutes in the country. NSI also held meetings with representatives of the National Council for Cooperation on Ethnic and Integration Issues. Apart from discussing the methodology and contents of the census questionnaire, NSI also proposed legal amendments in

the Act on Census of the Population and Housing Stock in the Republic of Bulgaria in 2021, which were additionally the object of an internal coordination procedure among the State Ministries and Agencies, including the National Council for Cooperation on Ethnic and Integration Issues as well as the Council of Ministers' Religious Denominations Directorate.

The information, connected to the upcoming population census in 2021, is publicly available on the NSI website as well as on the official website, dedicated to the 2021 census, which went live on February 6, 2020. The website contains detailed information on the methods which will be used in the course of the census, the applicable procedures, their purpose and goals, the rights of the citizens, the various ways to provide information and the right to withhold some of it, depending on the personal choice, as well as the competent institutions, which are at the citizens' disposition in cases of need for further information or instances of legal or procedural irregularities.

Additionally, NSI is providing in-depth trainings to the agents who will be conducting the population census in 2021. The trainings, along with methodical guidance and legal information on the procedure, also maintain focus on the rights of the citizens and their free choice on religious and ethnic self-identification.

ARTICLE 4: LEGAL AND INSTITUTIONAL FRAMEWORK FOR PROTECTION AGAINST DISCRIMINATION

Education

Par. 38 discusses the provisions of the Protection against Discrimination Act and reflects the Committee's views on the currently applicable legal definition for "racial segregation" pertaining to the sphere of education. The Committee states that defining "racial segregation" as "the issuance of an act, the carrying out of an action or inaction, leading to compulsory segregation (…)" implies that this right may be waived.

The State finds the used reference of the ECtHR case *D.H. and others v. Czech Republic* as somewhat unfortunate, since the reasoning of the Court applies to the impossible waiver of the right to non-discrimination – a principle set forth in absolute and prohibitive terms both in the Constitution of the Republic of Bulgaria as well as in the Protection against Discrimination Act itself. The comments of the Committee however concern specifically the term "racial segregation".

The legal definition for "racial segregation" uses the element of compulsion in order to distinguish these cases from the phenomenon of "autosegregation". The prevention and overcoming of *de facto* segregation in the sphere of education is one of the main goals in the State's efforts in countering discrimination and achieving equality and complete integration. Particularly in smaller geographical areas, the efforts of overcoming *de facto* segregation involve transporting students to a school in a different town or a village, which would enable them to take classes in a more ethnically diverse setting. Yet, some parents do prefer that their children attend the closest school available, which in ethnically homogenous areas inevitably leads to autosegregation. Should the law specify this occurrence as "racial segregation", the State would be legally obliged to forcefully transport the children to another school, contrary to their parents' free choice. It is the element of compulsion in the legal definition, which restricts the sphere of State influence and allows a reasonable space for individual rights.

At any case, the State has created the required legal opportunities, enabling the change of the school in all cases of autosegregation. On a legislative level, the Pre-School and School Education Act explicitly forbids the allocation of the students into groups or units on the basis of their ethnicity. The Republic of Bulgaria will continue its efforts to aid equality and integration of all ethnic and religious groups in the sphere of education via further legal and practical amendments as well as financial aid for the integration of vulnerable groups.

Housing

Par. 48 and 49 address the living situation of socially disadvantaged groups, including the Roma community. While the Opinion notes the positive developments manifested via the consistent practice of the Supreme Administrative Court in applying the principle of proportionality when reviewing eviction cases, it also emphasises persisting problems by featuring arguments and statistics from the years 2010-2012. The State would like to point out that these years have been part of the previous monitoring cycle (the Third Report).

Functional Immunity

In **par. 40, 43 and 51** the Advisory Committee raises the question of functional immunity for the members of the Commission for Protection against Discrimination, noting that "persons holding leadership positions in equality bodies or Ombudsman institutions should benefit from functional immunity and benefit from appropriate safeguards against arbitrary dismissal or non-renewal. The Advisory Committee considers that the immunity of members in respect of activities carried out in their official capacity for the CPD would indeed enhance that body's independence."

The principle of independence of the National Human Rights Institutions (in the case of the Republic of Bulgaria, these are the Ombudsman and the Commission for Protection against Discrimination - CPD) is paramount to every State obeying the rule of law. At the same time, while envisioning changes in the domestic institutional system, one needs to keep an extremely clear and precise account of their effects, since upsetting an already achieved balance might lead to adverse effects.

Discussing the legal framework of various carriers of functional immunity (more specifically belonging to the judicial branch), the European Commission for Democracy through Law (Venice Commission) refers to the importance of the balance between functional immunity and **accountability**.

CPD's current status is quite singular, since it **functions independently from the legislative, executive and judicial branch.** Its members are elected by the National Assembly and the President of the State, yet there is no mechanism through which the former may be sanctioned (the Protection against Discrimination Act regulates that the only reasons for an early end to a member's mandate are (1) the member's personal request to that effect, (2) inability of fulfilling professional duties for a period greater than 6 months, (3) conviction of a serious crime, (4) incompatibility as specified by the law). Hence, the control over CPD is executed in two forms: the presentation of CPD's annual report before the National Assembly (for which CPD's members bear no personal responsibility) as well as the possibility of judicial appeal of CPD's

decisions by a party in the proceedings (for which again CPD's members bear no personal responsibility).

Since CPD is placed outside the structure of the three State branches, it stands in no disciplinary or instructional subordination to any other carrier of State power. This way the CPD can take its decisions independently and free from external influence. Providing functional immunity to this body however would pose a number of serious questions, which might change this concept.

A comparison between CPD and the judicial branch shows that while magistrates enjoy functional immunity, the execution of their professional duties is not entirely devoid of control – the Supreme Judicial Council is responsible for the administrative oversight, which serves as a guarantee that the functional immunity won't be misused.

Another National Human Rights Institution with broad functions – the Ombudsman, also enjoy immunity, yet it also has its own mechanism of accountability, since the National Assembly may decide on the immunity removal in cases, specified in the law.

With other words, following the reasoning of the Venice Commission in the matters of institutional accountability as well as the status of State bodies having similar functions, one can easily come to the conclusion that granting functional immunity to CPD would inevitably create the need for subordinating CPD to some monitoring mechanism and rules, containing the requirements for immunity removal. However, this paradigm in itself seems to be at odds with **par. 39** of the Opinion, in which the Advisory Committee criticises the existing linkage between CPD and the National Assembly, stating that the election of 5 out of 9 CPD members by the Assembly makes the process too political. Then the natural question arises: what type of immunity oversight would prevent the risks of politicising it?

The topic of functional immunity is especially important taking into consideration the somewhat **broad investigative powers,** which CPD has (including the ability to gather material evidence without the cooperation of the parties in the process).

The expert opinion of the Ministry of Justice, which the Ministry of Foreign Affairs consulted on the issue, points out that the principles, adopted with Resolution 48/134 at the UN General Assembly (Paris Principles) regarding the status and powers of the National Human Rights Institutions do not require that these bodies are granted functional immunity. The General Policy Recommendation No. 2 of the European Commission against Racism and Intolerance (ECRI) recommends functional immunity with view of the NHRI's **independence from State influence** (it specifically concerns the administrative independence of the institutions, but not their members' immunity from civil and criminal jurisdiction). As already shown, this independence is already achieved in the case of CPD, since the possibility of "arbitrary dismissal and non-renewal" mentioned by the Advisory Committee is legally eliminated i.e. the National Assembly cannot dismiss CPD's members outside of the already narrowly enumerated objective criteria.

Additionally, in **footnote 37** the Advisory Committee refers to the decision of the Sub-Committee on Accreditation, which – as the language in the footnote phrases it – granted CPD "only "B" status as a National Human Rights Institution". This statement requires a small clarification regarding the intentional specialisation of CPD.

CPD was created as a quasi-judicial body precisely for fulfilling the role of countering discrimination. In fact, discrimination cases may be initiated directly before the regular courts.

Yet the legislative branch recognised that in many cases, the victims of discrimination belong to socially disadvantaged groups, which may become the target of hate speech, exploitation and unequal treatment. Since the judicial branch is legally obliged to function in accordance with a complex system of strict rules, filing legal charges might sometimes be perceived as too difficult and confusing by the victims. The existence of a dedicated and independent body, offering short and simple procedures, has been found to be strongly beneficent in these cases. Its thematic specialisation makes CPD easily recognisable to all persons who have been or perceive themselves to have been the target of discrimination. Since the Sub-Committee on Accreditation's rule regulate that only NHRIs having the mandate to protect all human rights are eligible for the "A" status, this automatically excludes CPD from achieving this accreditation. In comparison, the other domestic NHRI – the Ombudsman of the Republic of Bulgaria was granted an "A" status, since this is the institution, which the national legislation designed as having the mandate to protect all human rights.

In conclusion to this topic, as can be seen from the afore mentioned paragraphs, the Committee's suggestion of granting CPD functional immunity **necessarily** needs to take into account the need of subordination and the creation of stricter accountability rules while preserving the lack of political influence over it. This premise needs to further develop into an **evaluation whether the potential mechanism would strengthen or weaken the present independence of CPD**. According to Judgment 14/1992 of the Constitutional Court of the Republic of Bulgaria: "Initially, any privileges are contrary to the principle of equality. The etymology of the word "privilege" comes from *privus legis* i.e. outside of the law. Therefore, in a State, obeying the rule of law, these need to be excluded. In certain cases however, **for which the Constitution provides**, privileges are publicly necessary and socially justified." It needs to be taken into account that at the present moment, the Constitution does not foresee immunity for any NHRIs apart from the Ombudsman of the Republic of Bulgaria.

Given the above presented arguments, the Republic of Bulgaria views this recommendation with caution.

PROMOTION OF FULL AND EFFECTIVE EQUALITY

The Republic of Bulgaria notes that it agrees with the Committee's recommendation, made in **par. 59** for the development, implementation and monitoring of a comprehensive new Strategy for Roma Integration. The results of the current National Strategy for Roma Integration (2012-2020) are currently being analysed by the competent department of the Bulgarian Academy of Sciences. The National Council for Cooperation on Ethnic and Integration Issues has scheduled meetings with representatives of the Roma community as well as public discussions on the topic, the exchanges of which will be taken into consideration during the finalisation of the new strategy draft.

It is expected that the new strategy will be adopted by the end of 2020.

ARTICLE 6: INTERCULTURAL UNDERSTANDING AND TOLERANCE

Par. 74 describes several instances of civil disturbances, involving members of the Roma community and ethnic Bulgarians. According to the information, gathered by the Ministry of the Interior, there have been five such incidents in the years 2015-2020. As the Opinion

correctly notes, the protests arose as an expression of indignation over the unprovoked criminal acts, perpetrated by multiple repeat offenders and leading to murder or heavily bodily harm of innocent citizens. Despite the fact that the protests were in fact joined and instrumentalised by far-right supporters, given the concrete circumstances, the State sees the existing social inequalities and high criminality rate in some areas as the real reason for the incidents. The State will continue employing different methods for overcoming the existing social inequalities with the ultimate goal of achieving full social and economic integration of the Roma community.

Additionally, the police forces regularly undergo trainings, some of which are conducted in cooperation with local Roma NGOs. The trainings are aimed at improving the intercultural sensitivity and professional standards employed with respect to human rights and response to hate speech and hate crimes. The number of officers having completed such educational programs over the last year is 22 231.

Par. 75 states that Roma women who call the police or social services in a situation of domestic violence, often do not receive support. The State has not received signals on unethical handling of a domestic violence situations. The practice always requires sending an accompanying police patrol to the submitted address, since so far there have been multiple cases of social services or medical teams responding to signals and becoming the target of physical attacks. The Republic of Bulgaria is however open to establishing dialogue or cooperation with NGOs working in the sphere of domestic violence prevention and victim support, in order to identify existing shortcomings and improve their response methods.

According to the rules of application of the Social Support Act, in cases of domestic violence, the victim (together with his/her children) is being immediately placed at a crisis centre. Should there be an immediate danger for the life of the person who has experienced domestic violence, the crisis centre is obliged to inform the competent body within the Ministry of the Interior. The number of functioning crisis centres so far is 25, having the overall capacity for 260 persons, with additional 13 units, dedicated to pregnant women and young children, having the overall capacity for 81 persons. Additionally, a network of 141 centres for public support, having overall capacity for 5 705 persons, offers counselling services and assistance for individuals and families in difficult domestic situations (including domestic violence).

The new Social Services Act, effective since July 1, 2020, contains detailed rules on providing integrated support and services to individuals, who have been victims of domestic violence. The law contains improved provisions for ensuring coordination and cooperation between the competent authorities with the objective of providing multileveled and focused help and rehabilitation as well as increasing the future prevention.

The Republic of Bulgaria remains furthermore committed to combatting any instances of antisemitism, xenophobia and hate crime. The National Coordinator for Combating Antisemitism and Deputy Minister for Foreign Affairs – Mr. Georg Georgiev has already established excellent communication and cooperation channels with several NGOs working in this sphere. Signals and reports, connected to incidents as mentioned for example in **par. 78** are immediately forwarded to the State Prosecutor's Office and are being further monitored.

The signed memorandum of understanding (in November 22, 2018) between the Government of the Republic of Bulgaria, the Organisation of Jews in Bulgaria "Shalom" and the World Jewish Council creates a mechanism for regular consultations, information and good practices

exchange in the sphere of preventing and combatting hate speech, hate crimes and antisemitism. As a result of the memorandum, the Ministry of the Interior appointed a coordinator for receiving and analysing information, pertaining to the above mentioned cooperation in terms of improving the security of the Jewish community.

ARTICLE 7: FREEDOM OF ASSOCIATION

The competent body with respect to Art. 7 FCNM is Bulgaria's Registry Agency, which provides a quick and uncomplicated procedure. The analysis of the situation, based on statistical data, shows that after the reform of the registration process in the Republic of Bulgaria, more associations are being formed and registered, while at the same time the percentage of registration refusals has significantly dropped.

The Registry reform of 2016 implemented specific measures, laid down in The Strategy for Supporting the Development of Civil Organisations in the Republic of Bulgaria 2012-2015 and the Strategy for the Development of the State Administration 2015-2020, adopted by the Council of Ministers. Its main goal is to improve the legal framework guaranteeing the constitutional freedom of association and to create favourable conditions for the functioning of non-profit legal entities. The new administrative registration procedure was enacted on January 1, 2018.

It is important to recall that the amendments, relating to the Commercial Register and the Register of Non-Profit Legal Persons Act (CRRNPLP), were adopted in September, 2016. These gave the green light to the regulatory reform changing the competent body for registration of non-profit legal entities. The competent court in this case was replaced by the Registry Agency as a registry authority. The main objective of the reform was to reduce the administrative burden for non-profit associations by providing faster procedures and shorter statutory deadlines for the registration of new non-profit associations (3 days), for the entry and deletion of circumstances pertaining to the status of the associations, as well as the optional digital filing of documents at low state fees, etc.

The current legal frame therefore entails a simplified administrative procedure, enabling any organisation to acquire registration after fulfilling several legal requirements. The Registry Agency features the applicable methodological instructions on its website regarding the legal requirements for a successful registration as well as the subsequent new entries, changes and deletion of circumstances in the register for non-profit legal entities.

The reform was welcomed by the NGO sector. According to the Institute for Market Economics, "This [reform] has provided considerably simplified and far more expedient administrative services."

Currently the incoming registration requests are examined by an Agency official, chosen at random. The aim of the examination is to verify, inter alia, the submission of the legally necessary documents as well as the establishment of the association in compliance with the law. The applicants are immediately informed, should the provided documents be insufficient or incomplete, and they are given a three-day period, within which they may provide the additional information needed. If the applicants do not provide the needed information, the registration request is rejected. According to Section 93 of the 2007 Ordinance, any registration refusal

should contain an exhaustive list of reasons for rejecting the request. The applicants may submit a new request, using the previously submitted documents.

The Registry Agency's decisions granting registration are final. Its decisions refusing registration can be appealed to the Regional Court (at the address of the association) and afterwards – to the Court of Appeals, the decision of which is final. In cases of the annullment of the Registry Agency's decision, the Court also gives mandatory instructions to the Agency to review the application and to carry out the registration. The appeals are normally examined *in camera*, although the Court may also decide to hold a public hearing.

ARTICLE 8: FREEDOM OF RELIGION

Par. 105 points out the expressed desire of the Muslim community for building of new mosques and succession to real property. With regard to that, the Republic of Bulgaria would like to clarify that the building of a mosque in Burgas has been halted, since the Directorate for National Construction Control has determined a situation of illegal contstruction on a portion of the property. The removal of the illegal construction by the competent members of the community would greatly contribute to solving the case.

The building of a second mosque in the municipality of Gotse Deltchev cannot be fulfilled since the requested estate plot by the Mufti's Office is actually property of the municipality, with the current building on it being a cultural monument.

Regarding the legal succession of former real property belonging to the Muslim congregation, the State would like to inform that almost all property has been returned to its rightful owners after the year 1944. In the rare cases, in which this has not been objectively possible, the Muslim congregation received compensatory records, pursuant to the law. Even more importantly – with respect to the religious communities in the Republic of Bulgaria, the statute of limitations applicable to the cases of property restitution has been increased by 10 years. Therefore, the government cannot "suspend all restitution claims" since the government is not a judicial body and these claims have already been resolved. Should there be any further potential issues concerning the rights of the Muslim congregation on real property, these can be decided by the competent courts.

ARTICLE 9: BROADCASTING FOR MINORITIES/BROADCASTING IN MINORITY LANGUAGES

This portion of the Advisory Committee's Opinion discusses the measures taken with regard to providing the various ethnic groups with broadcasts in their mother tongue. At this point it needs to be noted that while the State courteously uses the term "minority language" (particularly in reference to the applicable FCNM texts), the Republic of Bulgaria does not have "minority languages" and the term has not been introduced into its legislation. The reasons for this reflect the reasons already presented in the first half of this paper with respect to the term "national minorities.

Since the previously provided data was somewhat limited, the Committee reaches the conclusion that the needs of the citizens could have hardly been sufficiently covered. As a response to that and taking into consideration that the very few nationally sponsored television

channels could hardly provide programming that would equally satisfy the interests and needs of all ethnic groups, living on the territory of the Republic of Bulgaria, the State conducted a short sample research into the various nationally and regionally available satellite and cable options for broadcast reception in several mother tongues.

The results showed the following:

There is no geo-blocking on the territory of the State. Therefore, radio and television channels which are broadcasted without restriction (this is true for all radio channels and for most national television channels) may be accessed on the territory of Bulgaria.

Regarding the availability of cable television programming in the above mentioned mother tongues, the sample research evaluated 27 different cable providers (4 of which offering services on the territory of the whole country, 7 offering services in Eastern Bulgaria, 5 in North Bulgaria, 3 in Central and South Bulgaria, and 8 in the region of the Capital).

All of the evaluated service providers offer programming (news and entertainment) in almost all mother tongues, with the availability and variety of the programming strongly depending on the needs of the local population. Thus, the availability of programming in Russian varies between 3 and 22 different channels, depending on the audience within the broadcasting area. Similarly, the availability of Turkish varies from 1 channel in areas with hardly any citizens of ethnic Turkish origin up to 47 different channels in other areas. Programming in other mother tongues (Serbian, Greek, Armenian, Romanian and Romani) is also available.

Additionally, the web access to streaming radio and television channels is also unhindered, with a large portion of the municipalities on the territory of the State providing free high-speed internet for the citizens.

As far as the State sponsored broadcasting in various mother tongues is concerned, there are various programs, dedicated to the ethnic groups, their traditions, way of life and problems, which are regularly aired on the Bulgarian national TV. The regional format of the Bulgarian national radio since April, 2016 offers several hours of Turkish programs, as well as programs, aiming to help the integration of socially disadvantaged and vulnerable groups.

Regarding **par. 122,** the Republic of Bulgaria would like to underline that apart from the fact that there are no national minorities on the territory of the State, the national policy is to accept and respect the citizens of the country, irrespective of their ethnic origin. A large portion of the journalists employed at the biggest news providers actually do belong to different ethnic groups, which at times is evident because of their names. However actively taking measures to encourage the recruitment of journalists belonging to different ethnic groups, would necessarily require of the State to request information from candidates or working journalists regarding their ethnicity, which presents a massive intervention into the individual right to privacy and personal life.

The past European history has shown that such an approach has previously greatly aided the perpetration of hate crimes, crimes against humanity and genocide. Particularly, members of ethnic groups living in Bulgaria, which might have been victims of or observed hate crimes, might feel highly uncomfortable of being set apart from the rest of society and branded as different. The approach the State is to treat each of its citizens equally and not to single them out in the context of proactive or affirmative actions.

At the same time, the Republic of Bulgaria views the encouragement of recruitment of socially disadvantaged groups as well as the public discussion and broadcasting dedicated on ethnic issues as well as the maintaining of inter-cultural public dialogue quite favourably.

ARTICLE 10: USE OF MINORITY LANGUAGES IN DEALINGS WITH ADMINISTRATIVE AUTHORITIES

In **par. 5** the Advisory Committee referred to Judgement 2/1998 on Constitutional Case 15/1997 of the Bulgarian Constitutional Court. The Republic of Bulgaria sees that another referral to the judgment is quite necessary here, since it provides the exact lines, within which Art. 10 FCNM can in fact be applied in conformity with the Constitution.

According to Judgment 2/1998:

"(par. 17.6 (17 е.) of the Judgment) The first basic condition requires the presence of a **legally recognised national minority**, a question, depending on accepting a definition of "national minority" in the context of the Convention. Only after deciding this matter, may one review the question on the ways and forms of willful expression on the use of this right by individuals, belonging to a determined national minority. The Convention leaves these questions **to the disposition of the legislative bodies of the State Parties** and thus, their constitutionality cannot be determined at present.

(par. 17.7 (17 ж.) of the Judgment) The second basic condition of Art. 10 (2) FCNM is the presence of a "real need". The determination of such real need is a matter of concrete assessment in each specific case and has an entirely discretionary character. This discretion belongs to the legislative and executive bodies of the State.

(par. 17.9 (17 и.) of the Judgment) Therefore, from the point of view of the Constitution, the application of Art. 10 (2) FCNM **is possible only within the limits of** Art. 3 of the Bulgarian Constitution (according to which: "The official language in the Republic is Bulgarian.") and Art. 36 (3) of the Bulgarian Constitution (according to which: "The cases, in which only the official language is used, are prescribed in the law.") This is the exact expressed will of the State Parties to the Convention."

As can be seen from Judgment 2/1998, the State – following the requirements for constitutionality of FCNM as specified by the Constitutional Court – cannot proceed to "identify, in close cooperation with representatives of the national minorities, the municipalities that are inhabited (…) by persons belonging to minorities and in which Article 10.2 applies to the respective minority" as suggested in **par. 127.** The Constitutional Court very clearly specifies that this part of FCNM has an entirely discretionary character. Should the domestic legislative body decide on a definition of the term "national minorities" and furthermore specify that there are such within the State, the executive bodies may proceed to implement Art. 10 (2), following closely the conditions, set out by the Constitutional Court in its Judgment. However, as was shown earlier in this paper, the legislative body of the Republic of Bulgaria in its plenary discussions refused to determine the presence of any national minority within the State. Taking this in conjunction with the above quoted Judgment as well as Art. 3 and Art. 36 (3) of the Constitution of Bulgaria, the only constitutionally conform solution is that the language which the law prescribes as the official one is also the language, in which all citizens of the State may communicate with its administration.

However, in order to accommodate citizens or residents of the State, whose command of Bulgarian does not permit them to maintain such communication, the country provides translators and interpreters as well as – as shown in the Committee's Opinion – informal assistance. Any formal or informal consultation with the persons belonging to various ethnic groups cannot satisfy the imperative provisions of the Constitution and the requirements of the Constitutional Court, preceding the extensive application of Art. 10 (3) FCNM as requested by the Committee.

ARTICLE 11: USE OF OFFICIAL RECOGNITION OF PERSONAL NAMES IN MINORITY LANGUAGES

With respect to **par. 131-134,** the Republic of Bulgaria would like to refer to the information exchanged between the authorities and the Advisory Committee, which contained details on the legislative framework and the simplified administrative procedure, available for individuals who would like to change their names.

The administrative procedure, as briefly described in **par. 132** of the Opinion, may be voluntarily initiated by each individual citizen. The changed name is then reflected *ex officio* in the electronic population registry and therefore – in all documents pertaining to the civil status of the individual.

Since the procedure for changing a person's name is an individual right that remains at the disposition of each citizen**,** the State has no general oversight over the persons who have or would like to take advantage of it. It needs to be borne in mind that the changing of names on the basis of ethnic origin became legally possible in 1989 and the mechanism has been functioning over the last 31 years.

Unfortunately, the Committee's Opinion doesn't contain any specific references to cases within a certain region or municipality of the Republic of Bulgaria, so that authorities may identify existing shortcomings in the procedure. There is also no reference to a specific organisation or entity, which the State may address in order to receive information on the alleged situation. Neither has the Commission for the Protection against Discrimination, at any of the FCNM Fourth Cycle stages, informed the State of cases, involving discriminatory treatment on the basis of having or using a Turkish name.

PUBLIC TOPOGRAPHICAL INDICATIONS IN MINORITY LANGUAGES

In **par. 137-141** the Advisory Committee comments on the possibility of using topographical indications in minority languages, adding that such names have a "significant symbolic value" and could be perceived "as an affirmation of the long-standing presence of national minorities".

The topographic names in the Republic of Bulgaria are directly connected to a complex historical period. The qualification of the geographical names being of a "Turkish-Arab origin" is somewhat incorrect as it relates to the period of the Ottoman Empire.

The decision of the local council has been taken as a result of a democratic voting procedure with the participation of the representatives of the parties, freely elected in the region.

ARTICLE 12: INTERCULTURAL DIMENSION OF EDUCATION

The State would like to note that the information reflected in **par. 145** is only partial. Several school subjects deal with the study of ethnic topics, inter-ethnic relations and multiculturalism. Apart from "Bulgarian Language and Literature", these aspects are systematically reflected in the subjects "Environment and Man" and "Man and Society", which are taught from the initial stage of primary education. Higher grade curricula for 2020/2021 also include the civic module "Identities and Differences in Society", which includes topics like the role of language, religion, ethnicity and traditions for the social diversity. The students will have the opportunity to research the sources of identity of several ethnic groups, living in the country. During the research, representatives of various ethnic groups will be able to express their own sensitivities, culture, philosophy and beliefs within a constructive dialogue.

In **par. 146** the presented ratio between relevant textbooks and textbooks mentioning the Roma community does not shed light on the scope of the curriculum they cover. For example, the victimisation of the Roma community is reviewed in the context of the Holocaust, which is material, presented in the textbooks for the 9th grade, yet this is not a topic discussed in the textbooks for the 1st grade. Therefore, the number of the reviewed textbooks does not disclose whether they actually are meant to include material discussing the Roma community.

As far as footnote 126 to **par. 146** referring to the use of the term "national minority", it needs to be pointed out that this term is regularly used in order to refer to the Bulgarian national minority within the borders of the Ottoman Empire as well as the Bulgarian national minority on the territory of other countries.

In the context of **par. 147,** the Republic of Bulgaria would like to underline that the objective and age-appropriate teaching of history aids the acquisition of factual knowledge and the formation of analytical thinking in each generation. The objective discussion and analysis of the historical events is important not only to the citizens of Bulgarian and Turkish ethnicity, but also for the citizens of Armenian, Jewish, and Roma ethnicity, since each of these groups was affected.

All textbooks are updated on a periodical basis. They are free of outdated ideological concepts as their objective is to reflect accurate and precise historical facts. The teaching methods used are of a particular importance, and the Ministry of Education and Science is conducting trainings for the benefit of educators and teachers, with an emphasis on the importance and need of developing critical understanding in students.

The formulation in **par. 148 –** "such as replacing pejorative terms in history textbooks about the Ottoman period" seems inaccurate due to the fact that the school curriculum does not contain any definition pertaining to the form of political power in this period.

In the context of fostering peaceful coexistence, the State would like to note that there are different study programs focusing on inter-cultural and inter-religious relations. One example for this is the study program in Orthodoxy which provides a positive representation of Islam as well as the Islam study program, which introduces information on the basic elements of Christian orthodox faith and culture. The programs for non-confessional religious education also include possibilities for studying the main characteristics of various religions and cultures.

The school curricula for 2020/2021 even contain a special module called "Culture and Spirituality". Even though the subjects, relating to the world religions are not ethnically related *per se*, while studying them the students become familiar with the cultural characteristics of the different ethnicities, presented in a positive light. At the same time, the Republic of Bulgaria feels that important topics, such as history, should not be artificially censored, only because they address sensitive topics.

Regarding **par. 150,** the State would like to point out that all educational requirements and materials, developed by the Ministry of Education and Science, already are the subject of public discussions, in which all parties concern are welcomed to participate.

ACCESS OF ROMA CHILDREN TO EDUCATION

In **par. 153,** the Committee quotes the results of the EU-MIDIS II research, according to which the total enrolment rate of Roma children in the education system is unfortunately not as high as it should be. However, attention needs to be paid to the fact that the research shows that the problem does not lie with the age group 7-14, where the percentage of enrolment is almost identical with the rate for the rest of Bulgaria's population. The report shows that the low attendance rates are apparent in the age group 15-18. This information is highly significant, since the low enrolment rate in this age group automatically leads to low enrolment rates for Roma students in the field of university education. Naturally, university attendance predisposes successful completion of secondary education. FRA's data additionally shows that the enrolment rates for Roma children in Bulgaria for each of the age groups are closely comparable to the enrolment rates in the rest of the researched countries. Therefore, the issue is of a general character and needs to be tackled with effective measures.

The Republic of Bulgaria takes the Advisory Committee's view regarding the laws linking child welfare allowances to school attendance. At the same time, it needs to be mentioned that the introduced measure is quite effective, since it plays the role of an important stimulus for the parents to ensure that their children will attend school regularly, which leads to better performance at school and lower drop-out rates.

In order for the sanction to become effective, the students must fail to attend school for the mentioned time period without providing an excuse – hence, medical reasons, emergency situations as well as particular personal or family reasons, which would be categorised as "excused absence" fall outside of the sanction's scope. The clear case, in which the sanction applies is when the student skips school without providing prior or after the fact any medical or written note by the parent that contains reasons for missing classes. Additionally, the accumulation of the absence is calculated for the month. Therefore, if within one school year the student has two absences in January and three in July, the sanction is not applicable. The requirements, leading to the sanction, are therefore very broad and do not interfere with circumstances which might objectively lead to the student missing classes.

Another point is that the suspension of payment concerns only the child welfare allowance for the particular student. It does not affect any other type of social benefits that are received within the household, including child welfare allowances for the other children. It must be explicitly underlined that accessing social benefits has never been the main incentive for sending children to school. The information provided by educational mediators and authorities to families who for one reason or another fail to enrol their children in the education system is that the lack of

education would dramatically influence the future quality of life of the children and limit their possibilities on the job market. The access to social benefits is just an additional incentive easing this choice.

The quality of education, along with school regular attendance, is a highly important topic. The authorities are making active and consistent efforts for creating conditions for inclusive education and differentiated care for children and students, especially those belonging to vulnerable groups, by addressing and providing ways for compensating learning difficulties, whenever such are present.

Par. 157 makes a general conclusion on the net enrolment rate of Roma children on the pre-primary stage of education, which then influences the following recommendations. The cited point of reference is the Civil Society Monitoring Report (CSMR) on the implementation of the national Roma integration strategy in Bulgaria, which repeats the statement, but does not contain any data that would confirm it. Instead it refers to EU-MIDIS II. However FRA's EU-MIDIS II neither makes such a statement, nor contains any data that would substantiate it.

The CSMR also points out that the National Statistical Institute of the Republic of Bulgaria does not gather ethnic-based, but merely general data on the enrolment rate of children in the education system. Therefore the basis for the assessment in **par. 157** remains undetermined.

The above shortcomings in the Opinion's precision notwithstanding, the State would like to confirm that it is indeed very much focused on improving the access to pre-primary and school education for all members of society. In order to boost enrolment numbers, the Ministry of Education and Science of the Republic of Bulgaria takes a variety of measures, aimed at supporting socially disadvantaged families, including those of Roma origin. A portion of these measures entail providing access and support to pre-school education via exemption from payment of school fees, social welfare payments, opportunities for additional studying of the Bulgarian language for children whose mother tongue is different etc. Pre-school education fees are a portion of the actual costs, relating to providing pre-school care and education. Currently, the pre-school fees, paid by parents whose children are enrolled, cover merely **a portion** of the costs for the food provided (breakfast, lunch, afternoon meal and dinner). The remaining costs are covered by the State.

The issue of early marriages, addressed in **par. 159**, has indeed not been discussed in the Fourth Report. Regardless of that, the state and local institutions and bodies, working in the field of child protection, health, education, justice and law enforcement, take active measures for the prevention of this phenomenon. The efforts aim at increasing the access to information and knowledge of the members of the Roma community, which is expected to change their view of early marriages. The Ministry of Health, along with the Regional Health Inspectorate bodies and the health mediators, conducts information campaigns, discussions, trainings, meetings and consultations with the Roma youth and their parents, on the topic. The Ministry of Education and Science's measures regarding the enrolment and re-enrolment rates of children in the education system likewise take the factor of early marriages under consideration. The employment of education mediators (both on a regular or project basis) is yet another step towards improvement of the effect of the education system as well as towards the overcoming of negative attitudes and traditional practices which impair the options of the Roma youth to pursue middle and higher education. The NGO sector also plays an important role in this context, particularly with regard to providing a variety of delegated social services, including centres for family consultation. Such centres exist in a number of regional communities and

benefit the social inclusion and support of families at risk, young people, children whose parents are residing abroad, marginalised groups and other vulnerable groups. The prevention of early marriages is one of the key points in the work of the centres for family consultation.

ARTICLE 14: TEACHING IN OR OF MINORITY LANGUAGES

With respect to **par. 166** the State would like to clarify that studying of mother tongue is available from grades 1-12, therefore the option is provided both within the primary and secondary level of education. Regarding the availability of Romani language – this option is safeguarded by the State as there are curriculum and textbooks for studying of Romani. All students who would like to make use of this opportunity need to communicate their wish to the competent school authorities. Unfortunately, due to the lack of requests on the part of the students and/or their parents, currently the language is not being taught. Nevertheless, the Ministry of Education of the Republic of Bulgaria is maintaining contact with non-governmental organisations, formed by different minority groups. The cooperation between the State authorities and the civil sector is aiming to establish optimal results in this field, while each step taken in the right direction is a product of mutual concentrated efforts.

Par. 167 poses a question as to "whether the legal provisions may in practice hinder students belonging to the Bulgarian majority population from attending minority language classes if they so wish". The Bulgarian education system does not gather or store information on the students' ethnicity, since this violates the students' right to privacy and self-determination without contributing to the education process. The request for providing as well as the participation in mother tongue classes is done on an entirely voluntary basis as an initiative on the part of the students and/or their parents. In fact, the statement made in **par. 178** that "students were learning Armenian as a mother tongue (…). The students are not only ethnic Armenians." very clearly demonstrates that not only are mother tongue classes not provided on the basis of ethnic affiliation, but in fact they are taken by representatives of other ethnic groups as well.

As far as the two options for the studying of the mother tongue are concerned in **par. 171,** the Bulgarian authorities note that the attendance of facultative classes becomes compulsory once they are chosen, unlike the elective classes. In this connection, the Ministry adds that according to its expertise, many students perceive the compulsory aspect of the classes as burdensome or unwanted, which finds expression in their lack of desire to sign up for them or as a subsequent lack of attendance, progressively causing issues in studying and understanding the material. These are the reasons for the offer of mother tongue classes in two forms – facultative and elective, which corresponds to the different needs of the students.

The State would also like to elaborate on **par. 174**. The Turkish language can be studied in several different ways: (1) as a mother tongue from grade 1-12 – just like Hebrew, Armenian and Romani, and/or (2) as part of a special program for studying the Turkish language, which the schools offer. This second option is guaranteed by the State and involves studying of Turkish uninterruptedly in grades 1-4, following a special curriculum, developed in cooperation with representatives of the Turkish minority. Additionally, the special curriculum can be used in a different form – namely, it can be employed from grades 1-7 in mother tongue studies of Turkish or as a seven year curriculum, irrespective of when the students decide to begin with it. As can be seen, there is a variety of opportunities to study Turkish as mother tongue in addition to the opportunities of studying Turkish at university level. The curricula are flexible,

granting the students and their families the initiative of when to begin and how to move along with the studies.

ARTICLE 15: PARTICIPATION OF NATIONAL MINORITIES IN PUBLIC AFFAIRS AND CONSULTATIVE BODIES

Par. 193 and **par. 194** describe the legal status and functions of the National Council for Cooperation on Ethnic and Integration Issues. It needs to be clarified that – as NCCEII's official website shows, the administrative regions in the Republic of Bulgaria are 28 (not 27) and NCCEII has representation both from the governmental and non-governmental sector in each one of them.

Par. 196-198 elaborate on the motivation some NGOs stated as reasons for leaving NCCEII. Without prejudice to the statements made, it needs to be further added that one of the few requirements for membership in the Council is maintaining activity on an annual basis by the NGO members. NCCEII continues its cooperation with all willing representatives of ethnic groups in the country – including in the form of participation in NCCEII discussions, debates, cultural events, and counselling (e.g. the work on the new National Roma Integration Strategy. Regarding the lack of an invitation to NGOs to apply for NCCEII membership, raised in **par. 197**, it is the law (quoted by the Advisory Committee in footnote 147) as well as NCCEII's official website, which specify that membership is approved after an application, not through an invitation. One could also theorise that specific invitations might be in violations of the right to equal treatment of the non-governmental sector, since they would demonstrate a preference for some organisations over others. At any rate, as can be seen in a publication on NCCEII's website from November 26, 2019, there was a public call for membership for the period 2020-2022, directed to all relevant and interested NGOs. The publication also contains the needed forms, legal details and contacts that should be used by all applying NGOs.

The presumption of **par. 199,** alleging that "the very inclusion of the term "ethnic integration issues" in the Council's name indicates that the underlying concept is not that of appreciating multi-ethnic diversity but rather of integrating minorities into mainstream society" is based on an incorrect reading of the institution's name, which is "Natoinal Council for **Cooperation on** Ethnic **and** Integration Issues".

ACCESS OF ROMA TO HEALTH CARE

The State would like to make some corrections to **par. 206,** where the mentioned number of mobile medical units and the one medical check-up during pregnancy are only a fraction of the services the State authorities provide free of charge.

Pregnant women who have an illness that has manifested itself during the pregnancy have the right to additional medical and gynaecological examinations. The measure is foreseen in the National Health Improvement Program for Mothers and Children (2014-2020). Among the additional services provided to uninsured persons are medical counseling, home visitations, screening for women whose pregnancy exhbits pathological features, counseling for children with disabilities or chronical illnesses as well as premature babies. Biochemical screening for the assessment of the risk for Down's syndrome, other chromosomal anomalies, spina bifida,

anencephaly or serious defects in the abdominal wall are also part of the provided laboratory tests and evaluations.

The State also provides free health services with respect to prevention and control of sexually transmitted diseases (National Programm for the Prevention and Control of HIV and Sexually Transmitted Infections 2017-2020), including diagnostics, antiretroviral treatment of all affected individuals, disease prevention measures (STD testing, awareness raising campaigns), specifically in risk groups. Over 120 municipalities, universities, regional health inspections, medical institutions, and NGOs, supporting risk groups, participate in the aforementioned program in order to ensure its implementation. Pregnant women who do not have health insurance are also tested for HIV for free.

Another program which profits uninsured individual (including Roma) is the National Program for Tuberculosis Prevention and Control 2017-2020. The budget of the Ministry of Health is used, among other things, for the awareness raising campaigns, vaccination, screening, diagnosis, chemioprophyilaxis, medical treatment and anti-tuberculosis medication. 29 health institutions and 25 NGOs, supporting risk groups, cooperate on the implementation of the program.

ARTICLE 17-18: BILATERAL RELATIONS

With respect to **par. 212,** the Republic of Bulgaria would like to note that the term North Macedonia is of geographical nature, which includes regions, lying on the territory of Bulgaria as well as three other countries. Given the character of these circumstances, the Republic of Bulgaria would like to urge the Advisory Committee to use the full constitutional name of the country – Republic of North Macedonia with the purpose of preventing future misconceptions.