

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



ACFC/OP/IV(2020)001Final

**Fourth Opinion on Bulgaria - adopted on 26 May 2020**

**Summary**

Bulgaria has made progress in the implementation of the Framework Convention. As far as the legislative framework is concerned, Bulgaria has further developed its legislation on non-discrimination and introduced a more comprehensive ban on incitement to discrimination, violence or hatred on religious grounds. The authorities are engaged in combating anti-Semitism, and the funding scheme for religious denominations has been reformed for the benefit of the Muslim community. Concerted efforts regarding access to education have resulted in higher attendance rates of Roma children in schools and a gradually decreasing number of early school leavers.

As regards the cultural, linguistic and participation rights of persons belonging to national minorities, the legal framework in place remains underdeveloped. Apart from the right to learn one's mother tongue, there is no comprehensive legal framework granting specific rights to persons belonging to minorities in such fields as culture, media, language use in contacts with the authorities, topographical signage or political participation. This is regrettable not only as regards the numerically large Roma and Turkish minorities; numerically small minorities, such as Armenians, Aromanians, Jews, Karakachani and Vlachs, also suffer from the only minimal support provided to enable them to protect and develop their cultures and languages. The take-up of Turkish first language education is in sharp decline; only very few children learn Armenian, and no mother tongue teaching is provided for Greek, Romani or Romanian.

Despite the authorities' commendable efforts in the field of education of Roma children, problems persist with regard to advancing to secondary education and the quality of education. Roma continue to be affected by marked socio-economic inequality in education, housing and employment and are still exposed to high levels of discrimination, hostility and anti-Gypsyism. Frequent *de-facto* segregation in education, as well as in the housing and health sectors, is a reality and the authorities' efforts in combating this situation are insufficient.

The authorities are making efforts to promote inter-ethnic and inter-religious tolerance but these are regularly undermined by xenophobic, anti-Gypsy, Islamophobic and antisemitic statements by high-level politicians and media reporting of a similar nature, to which the authorities often fail to respond. Persons belonging to national minorities are often subject to incitement to hatred, motivated most frequently by anti-Gypsyism and Islamophobia. While the legal framework on hate speech and hate crime is largely satisfactory, cases of sanctions for hate crimes remain isolated and interlocutors complain about a climate of impunity, in particular with regard to hate speech and hate crimes against Roma.

The National Council for Co-operation on Ethnic and Integration Issues is not considered by minority organisations as an effective tool to participate in public affairs. Its twin function as a consultative body for both the implementation of the Roma Integration Strategy and the protection of minorities in general appears to exacerbate the problem.

### **Issues for immediate action**

- develop, adopt, implement and regularly evaluate, with the effective participation of members of the Roma communities and other stakeholders, a comprehensive new Strategy for Roma inclusion for 2021 onwards. The authorities should continue prioritising access to education for Roma children, extend the education mediators programme and combat segregation. Evictions of Roma from informal housing should be carried out only as a last resort and in compliance with the principles of non-discrimination and proportionality. The necessary legislation should be swiftly adopted.
- ensure the independence, impartiality and effectiveness of the Commission for Protection against Discrimination by introducing functional immunity regarding decisions taken by its members during their term of office, continuing to depoliticise its appointment procedure and providing for sufficient funding to enlarge its regional presence to all 28 provinces.
- ensure that racially or ethnically motivated attacks and discrimination are identified, recorded and effectively investigated and that those responsible are brought to justice. Take measures to raise awareness of the remedies available to reduce underreporting of hate crime. Furthermore, the authorities should combat and firmly condemn all instances of anti-Gypsy discourse by politicians and other public figures and actively support awareness-raising measures against anti-Gypsyism in society.
- promote minority language education, in close consultation with representatives of minority groups, by introducing it at preschool and secondary levels, providing for the teaching of different subjects in minority languages and introducing a standard procedure for informing parents of the local possibilities of accessing teaching in or of minority languages.

## Table of contents

SUMMARY .....	1
ISSUES FOR IMMEDIATE ACTION .....	2
<b>I. KEY FINDINGS .....</b>	<b>4</b>
MONITORING PROCESS .....	4
GENERAL OVERVIEW OF THE CURRENT SITUATION .....	5
ASSESSMENT OF MEASURES TAKEN TO IMPLEMENT THE RECOMMENDATIONS FOR IMMEDIATE ACTION .....	5
ASSESSMENT OF MEASURES TAKEN TO IMPLEMENT FURTHER RECOMMENDATIONS .....	6
<b>II. ARTICLE-BY-ARTICLE FINDINGS .....</b>	<b>8</b>
ARTICLE 3 OF THE FRAMEWORK CONVENTION .....	8
ARTICLE 4 OF THE FRAMEWORK CONVENTION .....	12
ARTICLE 5 OF THE FRAMEWORK CONVENTION .....	18
ARTICLE 6 OF THE FRAMEWORK CONVENTION .....	19
ARTICLE 7 OF THE FRAMEWORK CONVENTION .....	25
ARTICLE 8 OF THE FRAMEWORK CONVENTION .....	27
ARTICLE 9 OF THE FRAMEWORK CONVENTION .....	29
ARTICLE 10 OF THE FRAMEWORK CONVENTION .....	31
ARTICLE 11 OF THE FRAMEWORK CONVENTION .....	32
ARTICLE 12 OF THE FRAMEWORK CONVENTION .....	35
ARTICLE 14 OF THE FRAMEWORK CONVENTION .....	39
ARTICLE 15 OF THE FRAMEWORK CONVENTION .....	44
ARTICLES 17 AND 18 OF THE FRAMEWORK CONVENTION .....	48
<b>III. CONCLUSIONS .....</b>	<b>49</b>
RECOMMENDATIONS FOR IMMEDIATE ACTION .....	49
FURTHER RECOMMENDATIONS .....	49

## I. Key findings

### Monitoring process

1. This fourth cycle opinion on the implementation of the Framework Convention by Bulgaria was adopted in accordance with Article 26(1) of the Framework Convention and Rule 25 of Resolution (2019)49 of the Committee of Ministers.<sup>1</sup> The findings are based on information contained in the fourth state report, submitted by the authorities on 7 December 2017, other written sources and information obtained by the Advisory Committee from governmental and non-governmental sources during its visit to Burgas, Sredets, Plovdiv, and Sofia from 18 to 22 November 2019. The Advisory Committee regrets that, due to the delay of the visit there will only be a short timeframe for implementing the recommendations contained in this opinion.<sup>2</sup> The Advisory Committee expresses its gratitude to the Bulgarian authorities for the assistance provided before, during and after the country visit. It is grateful for the valuable input provided by other interlocutors during the visit. The draft opinion, as approved by the Advisory Committee on 19 February 2020, was transmitted to the Bulgarian authorities on 6 March 2020 for observations, according to Rule 37 of Resolution CM/Res(2019)49. Observations were received by the Secretariat on 5 May 2020.

2. The state report was due on 1 September 2015 and was regrettably submitted with a 24-month delay. As it contained only limited information on the *de facto* implementation of the Framework Convention, the authorities were asked to provide additional information in writing. The Advisory Committee appreciated the fact that these requests were handled effectively, with written submissions sent by the authorities in September 2019 and January 2020.

3. The Advisory Committee strongly regrets that the Advisory Committee's third opinion has not been translated either into Bulgarian or into minority languages. The website of the National Council for Co-operation on Ethnic and Integration Issues (hereinafter the National Council) refers only to the corresponding Resolution of the Committee of Ministers of the Council of Europe, but not to the text of the Advisory Committee's Opinion. It is further regrettable that the Opinion was not brought to the knowledge of stakeholders and that no follow-up meeting with the Advisory Committee was organised during the monitoring cycle.

4. The Advisory Committee encourages the authorities to make the present opinion public upon its receipt. It also invites them to translate the present opinion and the forthcoming Committee of Ministers' resolution into Bulgarian and minority languages, and to disseminate them widely among all relevant actors. The Advisory Committee invites the authorities to hold a follow-up event after the publication of this opinion. It considers that a follow-up dialogue to review the observations and recommendations made in this opinion would be beneficial. Furthermore, the Advisory Committee stands ready to support the authorities in identifying the most efficient ways to implement the recommendations contained in the present opinion.

---

<sup>1</sup> The submission of the [state report](#), due on 1 September 2015, was regulated by Resolution (97)10. However, the adoption of this opinion was regulated by [Resolution \(2019\)49](#) on the revised monitoring arrangements under Articles 24 to 26 of the Framework Convention for the Protection of National Minorities, as adopted by the Committee of Ministers on 11 December 2019.

<sup>2</sup> The fifth state report is due on 1 September 2020.

## General overview of the current situation

5. The Advisory Committee appreciates the fact that during its visit to Bulgaria the authorities provided a forum for an open dialogue on the principle matters regarding the application of the Framework Convention by Bulgaria. 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 judgement of the Constitutional Court in 1998.<sup>3</sup> It also notes that the Bulgarian authorities stress the programmatic nature of the Framework Convention's provisions and retain discretion as to which articles are directly applicable to the Bulgarian context and which, in their view, are not. Notwithstanding the open and enlightening exchanges and the arguments put forward by the Bulgarian authorities, the Advisory Committee retains its view expressed in its previous opinions regarding both the Framework Convention's personal scope of application (see Article 3) and material scope of application (see Articles 10 and 11).

6. As far the legal framework is concerned, the protection of persons belonging to national minorities from discrimination (see Article 4) and from hostility or violence (see Article 6) is largely ensured through the Protection Against Discrimination Act and the relevant provisions in the Criminal Code. However, the practical implementation of this legal framework is hampered by a lack of awareness of the rights and remedies in place, weak political support for institutions such as the Commission for Protection against Discrimination, and insufficient investigation and prosecution efforts by law enforcement bodies and the judiciary. Progress can be observed in the field of religious rights. At least the largest religious minority, Muslims, expressed their satisfaction with recent amendments of the Act on Religious Denominations, which aligned the funding mechanism applicable to them with that of the Bulgarian Orthodox Church.

7. As regards the cultural, linguistic and participation rights of persons belonging to national minorities, the legal framework in place remains rudimentary. Apart from the right to learn one's mother tongue enshrined in the Preschool and School Education Act, there are no legal provisions granting specific rights to persons belonging to minorities in such fields as culture, media, contacts with the authorities, topographical signage or political participation. This legal situation is mirrored in practice. The role of national minorities in the national media, the cultural and linguistic landscape and education is not proportionate to their demographic size. This concerns in particular the numerically largest minorities, Roma and Turks.

## Assessment of measures taken to implement the recommendations for immediate action

8. Despite the authorities' positive efforts in a number of areas, particularly education, the situation of Roma remains alarming. Roma continue to be affected by marked socio-economic inequality in education, housing and employment and are still exposed to high levels of discrimination, hostility and anti-Gypsyism. Unfortunately, no thorough quantitative analysis of the impact of the Roma Integration Strategy is possible, as the monitoring system only became operational in 2018. In the field of education, a comprehensive set of measures by national, regional and local authorities resulted in a higher attendance rate and a decrease in early dropout rates before the end of primary education, i.e. in grades 1 to 7. Problems persist, however, in advancing to secondary education and as regards the quality of education. Frequent *de-facto* segregation in education, as well as in the housing and health sectors, is a reality and the authorities' efforts to combat this situation are insufficient.

9. The Bulgarian authorities regrettably still do not collect data on hate speech and hate crime disaggregated by bias motivation. Reports from civil society and national minority representatives

---

<sup>3</sup> This opinion uses the terminology of the Framework Convention. In the Bulgarian context, the terms "national minority" and "minority language" may refer to "minority groups" or "mother tongue", respectively.

indicate, however, that persons belonging to national minorities are regularly subject in particular to incitement to hatred, most often motivated by anti-Gypsyism and Islamophobia. While the legal framework on hate speech and hate crime is largely satisfactory, cases of sanctions for hate crimes remain isolated and interlocutors complain about a climate of impunity, in particular with regard to hate speech and hate crimes against Roma.

10. At present, only Armenian, Hebrew and Turkish are taught in the form of the elective subject “Mother Tongue” in primary education and the numbers of students studying these languages have decreased in comparison with the previous monitoring cycle. Arabic, Greek and Romani are no longer taught as mother tongues. Minority languages are not taught in preschool or secondary education. While the mother tongue teaching of subjects other than that language is not prohibited, no teaching in minority languages is currently offered in Bulgaria.

11. The number of students learning Turkish is very low compared with the numbers of persons who at the time of the 2011 census declared themselves as having a Turkish ethnic affiliation and has continuously declined since the 1990s. Despite the high number of Romani speakers in Bulgaria, no students currently learn Romani as a mother tongue at school. There is no indication that the authorities have consulted representatives of other national minorities as to whether there is a demand for teaching in/of their languages.

12. As regards the right to effective participation in public affairs, the situation has unfortunately deteriorated during the monitoring period. Organisations representing the Turkish minority as well as many organisations working with and for Roma have either left the National Council or not reapplied to be a member of it, expressing their discontent with its work. The National Council’s twin function in the framework of the Roma Integration Strategy and for the protection of minorities in general is exacerbating the problem.

### **Assessment of measures taken to implement further recommendations**

13. 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. The same applies to persons identifying as Pomaks. A 2019 judgment by the Sofia Court of Appeal on the registration of an association similar to “UMO Ilinden” confirmed once again the position maintained by the Bulgarian authorities and the judiciary for 20 years now that there is no “Macedonian ethnos” in Bulgaria. The registration procedure for non-governmental organisations was reformed with the aim of simplifying the process. Since then, two organisations of persons identifying as Macedonians have been registered. However, during the Advisory Committee’s visit, in November 2019, the Deputy Prime Minister asked the General Prosecutor to launch an investigation into the discontinuance of the registration of these organisations, resulting in a request for discontinuance for one of them.

14. The budget of the Commission for Protection against Discrimination (CPD), the equality body, gradually increased over the monitoring period and regional offices have been established in 23 of the 28 regions. The process of selecting the collegial body’s nine members has been made more transparent but remains politicised. The CPD has a wide mandate but due to the members’ lack of functional immunity and insufficient political support for its independence it does not use its full potential.

15. As far as the situation in the media is concerned, Bulgarian National Television (BNT) continues to broadcast a daily ten-minute news programme in Turkish. In 2015, the first national Roma television channel in Bulgaria, Roma TV, was launched. An increased offer of television and radio broadcasting in Turkish, as well as in other minority languages, produced in Bulgaria and covering topics relevant to life in Bulgaria is not only necessary to cover the needs of persons belonging to national minorities but could also serve as a significant factor in strengthening integration in Bulgarian society. As regards print media,

the Advisory Committee notes that some news bulletins are published with the support of the National Council for Co-operation on Ethnic and Integration Issues in minority languages.

16. There is no right for persons belonging to national minorities to use minority languages in dealings with administrative authorities and no measures have been taken to assess the extent to which there is a need and demand for the use of mother tongue languages in such dealings. Minority languages are *de facto* used with local authorities in areas with a large proportion of persons belonging to minorities in the population, which in practice applies only to areas inhabited by the Turkish minority. Such use of Turkish, however, is only oral and does not extend to written communications or administrative forms

17. Traditional local names, street names and other topographical indications are not displayed in minority languages. Furthermore, in 2018, the Stara Zagora local council decided to replace local toponyms of Turkish-Arab origin with Bulgarian translations or neologisms. In general, there continues to be a lack of appreciation for the significant symbolic value that such names have for the population as affirmation of the long-standing presence of national minorities as a valued part of society.

18. The restoration of personal names is still not always implemented in administrative practice. Although many Turkish names have been restored, there are reportedly still cases of authorities issuing documents mentioning the former Slavic names.

19. In 2019, aids for teaching Turkish as a mother tongue in grades 1-7 were introduced in schools. Work to produce materials for the mother-tongue teaching of Armenian, Hebrew and Romani is underway. In 2017, the Ministry of Education and Science completed work on curricula for teaching Armenian, Hebrew, Romani and Turkish as mother tongues in grades 1-7.

20. In the following part of this opinion, a number of articles of the Framework Convention are not addressed. Based on the information currently at its disposal, the Advisory Committee considers that the implementation of these articles does not give rise to any specific observations. This statement is not to be understood as signalling that adequate measures have now been taken and that efforts in this respect may be diminished or even halted. Rather, the Advisory Committee considers that the obligations of the Framework Convention require a sustained effort by the authorities. Furthermore, a certain state of affairs which may be considered acceptable at this stage may not necessarily be so in further monitoring cycles. Finally, it may be that issues which appear at this stage to be of relatively minor concern prove over time to have been underestimated.

## II. Article-by-article findings

### Article 3 of the Framework Convention

#### Personal scope of application of the Framework Convention

21. Bulgaria's interpretation of the personal scope of application of the Framework Convention remains unchanged. The Bulgarian Constitution does not mention the existence of national minorities. It provides, however, that "everyone shall have the right to avail himself of the national and universal human cultural values and to develop his own culture in accordance with his ethnic self-identification, which shall be recognised and guaranteed by the law".<sup>4</sup> This provision, taken together with the respective case law of the Bulgarian Constitutional Court,<sup>5</sup> is interpreted by the Bulgarian authorities as an inclusive approach to the application of the Framework Convention.<sup>6</sup>

22. The Advisory Committee notes that several ethnic and linguistic minorities have had a traditional presence in Bulgaria.<sup>7</sup> The National Council for Co-operation on Ethnic and Integration Issues includes associations representing the Armenian, Aromanian, Jewish, Karakachani, Roma,<sup>8</sup> Turkish<sup>9</sup>, and Vlach minorities, which can be considered de-facto recognition of these minorities. These same groups are also covered by the state report.

23. As in all the previous monitoring cycles, persons identifying as Macedonians reiterated their desire for recognition as a national minority and protection under the Framework Convention. Several attempts have been made to register associations promoting the Macedonian minority but all but two were unsuccessful.<sup>10</sup> What is more, representatives of the Macedonian community informed the Advisory Committee that they perceived some actions of the authorities as actively discouraging them from self-identifying as Macedonian (see Article 7). Furthermore, in written submissions to the Advisory Committee, persons identifying as Pomaks expressed their desire to be *de facto* recognised as a national minority, *inter alia* through a separate column in the upcoming census (see below).

---

<sup>4</sup> Article 54.1 of the Bulgarian Constitution.

<sup>5</sup> Decision No. 2 of the Bulgarian Constitutional Court of 18 February 1998 expounds in detail the Framework Convention's compatibility with Bulgarian law, and particularly with the Constitution.

<sup>6</sup> [Comments of the Government of Bulgaria on the 3rd Opinion](#) of the Advisory Committee on the Implementation of the Framework Convention for the Protection of National Minorities by Bulgaria, 30 July 2014, p. 4.

<sup>7</sup> In the light of an [overview of ethnic minority communities](#) published by the National Council for Co-operation on Ethnic and Integration Issues (in Bulgarian), census results and other information, *inter alia* the following groups have been continuously present in the territory of Bulgaria since the 19th century or earlier: Turks, Roma (who speak Romani and Turkish), Russians, Armenians, Vlachs (who speak Romanian), Romanians, Aromanians, Greeks, Karakachani (who speak Greek), Tatars, Jews (Ladino-speaking Sephardic Jews, Yiddish-speaking Ashkenazi, who also use Hebrew), Albanians, Germans, Czechs and Gagauz. Macedonians are not mentioned in the overview published by the National Council for Co-operation on Ethnic and Integration Issues but figures on persons identifying as Macedonians were published in the 1992, 2001 and 2011 census results. Finally, some Bulgarian-speaking Muslims identify as Pomaks but the authorities do not consider them a separate minority and do not provide specific figures in census reports beyond the number of people self-identifying as both ethnically Bulgarian and Muslim.

<sup>8</sup> The Advisory Committee's use of the term "Roma minority" incorporates all Roma communities present in Bulgaria, including Yerlii, Kalderash and Rudari.

<sup>9</sup> Information for 2016, provided in the [state report](#), p. 18. In 2019 and 2020 no Turkish association was represented in the National Council (see Article 15).

<sup>10</sup> For one of the two associations registered in summer 2019, deregistration proceedings are currently being conducted by the Blagoevgrad District Court (see Article 7).



24. As in previous monitoring rounds, the Bulgarian authorities have not held consultations with persons representing these groups. They maintain their position that both subjective criteria (self-identification as belonging to a national minority) and objective criteria (the existence of distinctive identifying characteristics) need to be met in order for a person to be recognised as belonging to a national minority in Bulgaria.<sup>11</sup> With respect to both Macedonians and Pomaks, the authorities consider that the necessary objective criteria are not met.<sup>12</sup> With respect to Macedonians, the Sofia Appeal Court concluded on 24 October 2019 that “(t)here is no Macedonian ethnic minority in Bulgaria, having in mind the definition contained in the Recommendation 1134 (1990) - On the Rights of Minorities, adopted by PACE, that is to say a separate group, established on the territory of a state, the members of which are nationals of that state and have certain religious, linguistic, cultural or other characteristic which distinguish them from the majority of the population.”<sup>13</sup> This most recent judgment confirms once again the position expressed in 2000 by the Bulgarian Constitutional Court, and since maintained by the Bulgarian authorities, that there is no “Macedonian ethnos” in Bulgaria.<sup>14</sup> It is the Advisory Committee’s understanding that this judgment is perceived by the Bulgarian authorities as impeding any dialogue between the authorities and representatives of Macedonians on matters regarding the Framework Convention.

25. While taking due account of the reasoning outlined above, the Advisory Committee recalls that the right to free self-identification contained in Article 3 of the Framework Convention is not only a central provision of the Framework Convention<sup>15</sup> but, as the European Court of Human Rights has pointed out, “the ‘cornerstone’ of international law on the protection of minorities in general.”<sup>16</sup> 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 by the authorities when conducting their own analysis as to the fulfilment of objective criteria. While member states have a margin of appreciation in determining how to approach the question of right-holders in compliance with national and international obligations, they shall seek solutions that are not arbitrary and prevent the unjustified exclusion of persons from protection under the Framework Convention. Furthermore, the Advisory Committee recalls that recognition by the state as a minority is not a prerequisite to qualify for the protection of the Framework Convention.<sup>17</sup>

26. Applying these principles to persons self-identifying as Macedonians and Pomaks, the Advisory Committee considers that an open dialogue with persons identifying as belonging to these minorities would be important. Given that the Bulgarian approach to the scope of the Framework Convention does not require formal recognition for its application, such consultations may focus on an article-by-article

---

<sup>11</sup> [State report](#), p. 25.

<sup>12</sup> [Comments of the Government of Bulgaria on the 3rd Opinion](#) of the Advisory Committee on the Implementation of the FCNM by Bulgaria, 30 July 2014, p. 4. In this context, the Advisory Committee notes that in December 2019, the Bulgarian Academy of Sciences confirmed its view that Macedonian is not a language but a “written-regional norm of the Bulgarian language”. See [Communication from the Board of the Bulgarian Academy of Sciences](#) of 11 December 2019.

<sup>13</sup> Decision no. 2333 regarding the registration of the “Association of Repressed Macedonians in Bulgaria Victims of Communist Terror”. See also the Communication by Bulgaria concerning the UMO ILINDEN AND OTHERS group of cases v. Bulgaria, 22 April 2020 ([DH-DD\(2020\)356](#)).

<sup>14</sup> Decision No. 1 of the Bulgarian Constitutional Court of 29 February 2000, quoted in [United Macedonian Organisation Ilinden – PIRIN and Others v. Bulgaria](#), Application No. 59489/00, 20 October 2005, para. 25;

<sup>15</sup> [ACFC Thematic Commentary No. 4](#), The Framework Convention: a key tool to managing diversity through minority rights. The scope of application of the Framework Convention for the Protection of National Minorities, adopted on 27 May 2016, para. 9.

<sup>16</sup> See [Molla Sali v. Greece](#), Application No. 20452/14, 19 December 2018, para. 157.

<sup>17</sup> *Ibid*, para. 26.

approach, taking into consideration selected articles of the Framework Convention depending on the respective circumstances and wishes expressed by representatives of these groups.

### *Recommendation*

27. The Advisory Committee reiterates its urgent call on the authorities to enter into a dialogue with groups having expressed an interest in the protection afforded by the Framework Convention and to consider the possibility of applying its provisions to persons belonging to such groups on an article-by-article basis.

### **Population census**

28. The last population census took place in 2011 and was examined in detail in the third opinion.<sup>18</sup> The Advisory Committee recommended that the authorities carry out an in-depth analysis of the reasons why an increasing number of persons chose not to declare any ethnic affiliation and seek to engage in a constructive dialogue with representatives of Macedonians and Pomaks with a view to identifying irregularities that may have occurred during the census.<sup>19</sup> The Advisory Committee notes that, in line with the respective EU regulations, in 2014 the National Statistical Institute published an assessment of the census, which acknowledged the high proportion of non-responses to questions on ethnic affiliation, mother tongue and religion and concluded: “The reasons vary and can be discussed, but attempts to hide this fact, and the dissemination and publication of data only about the persons who provided answers is a coarse manipulation that raises a number of speculations.”<sup>20</sup> The Advisory Committee further notes that the dismissal of experts of the National Statistical Institute during the preparations for the census – allegedly under political pressure<sup>21</sup> – was judged unlawful by the Supreme Administrative Court and the persons have in the meantime returned to work.<sup>22</sup>

29. The next census will be held in 2021.<sup>23</sup> A trial census is to be conducted in spring 2020. Although the usual online public consultation required for government bills was held in July 2018, no active consultation of persons belonging to national minorities, for instance through the National Council for Co-operation on Ethnic and Integration Issues, has taken place.

30. The Advisory Committee was informed during the visit that the questions on ethnic affiliation will be slightly modified compared to the previous census. In 2011, replying to the section including questions on ethnic affiliation was optional and respondents could choose from among three pre-defined ethnic affiliations (Bulgarian, Turkish, Roma), or the category “other” with an open field. About 9% of respondents chose not to tick any of the boxes. In the 2021 census, responding to the section on ethnic

---

<sup>18</sup> Out of a total of 7 364 570 persons counted in the census, 91% answered the optional question on ethnic affiliation. Of those, 84.8% declared their ethnic affiliation as Bulgarian, 8.8% as Turkish and 4.9% as Roma. 49 304 persons (0.7%) expressed other ethnic affiliations, including Russian (9 978), Armenian (6 552), Vlach (3 684), Karakachani (2 556), Ukrainian (1 789), Macedonian (1 654), Greek (1 379), Jewish (1 162), and Romanian (891). 19 659 persons indicated other ethnic affiliations, which were not made public. See National Statistical Institute, [2011 Population Census – Main Results](#), pp. 23 and 26. Non-governmental sources indicate that the census results underestimate the number of Roma living in Bulgaria. The Council of Europe’s estimate is 700 000, i.e almost 10% of the total population. See CAHROM (2016), [Thematic report on Roma health mediators](#).

<sup>19</sup> [Third opinion](#) of the Advisory Committee on Bulgaria, adopted on 11 February 2014.

<sup>20</sup> See National Statistical Institute of Bulgaria, [“Summary of the Critical Report about Population and Housing Census conducted on February 1, 2011.”](#)

<sup>21</sup> [Third opinion](#) of the Advisory Committee on Bulgaria, para. 33.

<sup>22</sup> *Ibid.*

<sup>23</sup> [2021 Population Census and Housing Census in the Republic of Bulgaria Act](#), SG No. 20/8.03.2019.

affiliation will be mandatory. In addition to the categories mentioned above, respondents will be able to choose between the fields “I cannot decide” and “I do not want to indicate”.

31. The Advisory Committee regrets that, once again, only the three largest groups are mentioned in a pre-defined field. It is concerned that the additional effort of actively entering another ethnic affiliation into the open field may not only discourage persons identifying as Macedonians or Pomaks from doing so, but may also discourage persons belonging to minorities who are *de facto* recognised (through representation in the National Council) but are numerically small, such as Armenians, Aromanians, Jews and Vlachs.

32. As regards the now mandatory choice between either an ethnic affiliation or the fields “I cannot decide” or “I do not want to indicate”, the Advisory Committee considers that this may help identify the underlying reasons for the high non-response rates in the 2011 census. Bearing in mind the reports from both Macedonians and Pomaks about pressure exerted on respondents during the 2011 census,<sup>24</sup> the Advisory Committee considers, however, that a broad societal awareness of the right to self-identification, the appropriate training of interviewers and the recruitment of interviewers belonging to national minorities are crucial to avoid that people possibly do not disclose their ethnic affiliation because they feel uncomfortable about not identifying with any of the pre-defined groups. In this context, the Advisory Committee welcomes information provided by the authorities that the 2021 questionnaire will include detailed explanations regarding the right to free self-identification.

33. Finally, the Advisory Committee considers that an approach allowing for multiple affiliations, as also recommended by the United Nations Economic Commission for Europe (UNECE) Recommendations for the 2020 Census,<sup>25</sup> would give persons affiliating with both the Bulgarian and a minority ethnicity, for instance because they may be born to parents of different ethnicities, to express this multiple affiliation and potentially further reduce the non-response rate.

34. Overall, the Advisory Committee recalls that, wherever possible, representatives of the national minorities concerned should be involved throughout the process of data collection, while the methods of collecting such data should be designed in close co-operation with them.<sup>26</sup> It considers, therefore, that close consultation with minority communities in the preparation of the 2021 census is of crucial importance, given the identified shortcomings of the 2011 census. This census should be preceded by an awareness-raising campaign explaining to the population the importance of collecting accurate information on the diversity of Bulgarian society.

#### *Recommendations*

35. The Advisory Committee calls on the authorities to make sure that the right to free self-identification of persons belonging to national minorities is strictly respected in the upcoming 2021 population census. Persons belonging to national minorities should be consulted on the census methodology, the wording of the questions to be asked and safeguards for voluntary and informed answers. The authorities are invited to provide for the possibility of expressing a multiple identity in the census questionnaire.

36. The Advisory Committee calls on the authorities to undertake awareness-raising activities among persons belonging to national minorities well in advance of the census, in co-operation with minority

<sup>24</sup> See the submission to the Advisory Committee by representatives of Macedonians, received on 19 November 2019.

<sup>25</sup> UNECE Conference of European Statisticians [Recommendations for the 2020 Censuses of Population and Housing](#), pp. 148-150. See also [ACFC Thematic Commentary No. 4](#), para. 16.

<sup>26</sup> [ACFC Thematic Commentary No. 2](#) on Effective participation of persons belonging to national minorities in cultural, social and economic life and public affairs, adopted on 27 February 2008, para. 31,

representatives. These activities should relate to the importance and usefulness of collecting information about the ethnic composition of the population. The Advisory Committee further encourages the authorities to take specific initiatives to include persons belonging to minorities among the census interviewers.

## Article 4 of the Framework Convention

### Legal and institutional framework for protection against discrimination

37. The Protection Against Discrimination Act of 2004 is the main anti-discrimination law.<sup>27</sup> It bans discrimination on grounds of, *inter alia*, race, nationality, ethnic affiliation, citizenship, origin, religion, and belief. Discrimination on grounds of language is not covered by the act. The Act is considered to be in compliance with the relevant EU directives and even to go beyond them in a number of areas, such as the extended and open-ended list of grounds.<sup>28</sup> The Act is applicable to both the private and the public sectors and includes provisions on multiple discrimination and racial segregation.<sup>29</sup> Through an amendment in 2015, conditions for shifting the burden of proof in cases of alleged discrimination were extended to all cases in which it may be inferred that discrimination has taken place.<sup>30</sup> The definition of indirect discrimination was clarified in 2016.<sup>31</sup> NGOs have standing to take a public interest court action on their own behalf where the rights of a large number of persons<sup>32</sup> have been violated. Finally, the Act allows positive measures in a number of areas, including “for protection of the originality and identity of persons belonging to ethnic, religious or language minorities, and of their right, individually or jointly with other members of their group, to keep and develop their culture, to profess and practice their religion or use their language”.<sup>33</sup> The Advisory Committee welcomes this legal framework, which as such constitutes a solid basis for protecting persons from national minorities from discrimination and explicitly allows for positive measures benefiting persons belonging to these groups.

38. The Protection Against Discrimination Act bans racial segregation and obliges the Minister of Education and Science and local authorities to “take the necessary measures for not admitting race segregation in educational institutions”. The Preschool and School Education Act, in force since 2016, explicitly prohibits ethnic segregation at the class level. While welcoming these provisions, the Advisory Committee has concerns about the definition of racial segregation as “the issuance of an act, the carrying out of action or inaction, leading to a *compulsory* segregation, separation or division of a person on the grounds of his race, ethnic belonging or skin colour” [emphasis added].<sup>34</sup> The term “compulsory segregation” implies that segregation may be chosen, i.e. that persons may waive their right not to be racially segregated. The Advisory Committee notes that the European Court of Human Rights has held in Roma segregation cases that there can be no waiver of the right to non-discrimination in this context as that would conflict with an important public interest.<sup>35</sup> Indeed, the Advisory Committee considers that the emphasis on “compulsory segregation” may give the authorities too much leeway not to respond effectively to the frequent *de facto* segregation of Roma in housing and education (see the following section and Article 12).

<sup>27</sup> Protection against Discrimination Act, SG. 86/30, adopted on 30 September 2003, in force as of 1 January 2004.

<sup>28</sup> [European network](#) of legal experts in gender equality and non-discrimination (2018), Country report Non-discrimination: Bulgaria, p. 8.

<sup>29</sup> Articles 11 and 5.

<sup>30</sup> Article 9, as amended. SG 26/15.

<sup>31</sup> Article 4(3), as amended. SG 105/15.

<sup>32</sup> Article 71(3).

<sup>33</sup> Article 7(16).

<sup>34</sup> Articles 5, and 29, and Additional Provisions § 1(6). See also [European network](#) (2018), p. 11 and the overview available at [http://equineteurope.org/author/bulgaria\\_cpd](http://equineteurope.org/author/bulgaria_cpd).

<sup>35</sup> See for instance [D.H. and Others v. Czech Republic](#), Application No. 57325/00, 13 November 2007.

39. The Commission for Protection against Discrimination (hereinafter the CPD) is an independent equality body set up in 2004 under the Protection Against Discrimination Act. It is a collegial, quasi-judicial body that hears, investigates and takes binding decisions on cases of discrimination, has the right to impose sanctions and to act ex officio and is tasked with conducting awareness-raising activities. It handles complaints on all 19 grounds covered by the open-ended list in the Protection against Discrimination Act. Five CPD members are elected by Parliament and four are appointed by the President. Rules adopted by the parliament in 2017 made the process of selecting the parliamentary candidates more transparent, although the Advisory Committee was informed that it remains politicised. CPD members include members of parliament- belonging to far-right parties such as "Ataka".<sup>36</sup> However, the Advisory Committee welcomes the fact that the current composition includes two persons, including the Chair, who self-identify as Roma and one who self-identifies as Pomak and that previous compositions included persons belonging to the Turkish minority.

40. The Advisory Committee is concerned that members of the CPD do not enjoy functional immunity for decisions they take during their five-year term. It recalls that according to the European Commission against Racism and Intolerance (ECRI) as well as the European Commission for Democracy through Law (Venice Commission), 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.<sup>37</sup> 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.

41. Filing complaints in languages other than Bulgarian is only foreseen for persons who have no command of the state language, in which case the complaint would be translated. The Advisory Committee regrets that no provisions are made at least for persons belonging to the two largest minorities to address the CPD in their first languages, Romani and Turkish. Given the CPD's mandate regarding protection from discrimination on, *inter alia*, ethnic grounds, this could lower the threshold for individuals to file complaints and be a valuable symbolic gesture towards these groups.

42. The CPD's budget gradually increased during the monitoring period, from BGN 2 million in 2014 (approx. €1 million) to BGN 2.8 million (approx. €1.4 million) in 2018. Another increase is provided for in the 2020 budget. The Advisory Committee welcomes this development, which addresses one of the recommendations in its previous opinion. The CPD has 23 regional offices, which, however, often operate with only one member of staff and are located in provincial government buildings. The Advisory Committee considers that additional financing for those regional offices and the enlargement of the regional presence to all 28 provinces would strengthen the CPD's outreach to persons belonging to national minorities.

43. The CPD is regularly attacked by politicians from far-right parties during parliamentary debates on its annual report and the election of new members, asking for it to be closed down or its budget to be cut.<sup>38</sup> The Advisory Committee regrets that the CPD has to operate in such a negative political climate

---

<sup>36</sup> According to the 2018 report of the [European network](#) of legal experts in gender equality and non-discrimination (pp. 79, 90 and 101), the political nature of the selection process has led to biased decisions in favour of politicians and officials. The lack of transparency was also one of the two main reasons for the Sub-Committee on Accreditation to grant the CPD only "B" status as a National Human Rights Institution. The second reason is that the CPD does not have a mandate to protect all human rights. See *ibid.*, pp. 81f.

<sup>37</sup> European Commission against Racism and Intolerance (ECRI) (2019), [General Policy Recommendation No. 2 revised](#) on Equality Bodies to combat racism and intolerance at national level, para. 24. See also European Commission for Democracy through Law (Venice Commission) (2019), [Principles on the Protection and Promotion of the Ombudsman Institution](#) ("The Venice Principles"), para. 23.

<sup>38</sup> See [European Network](#) (2018), p. 79.

and considers that the equality body is in need of stronger political support to ensure that it can carry out its duties independently, impartially and effectively.

44. The Office of the Ombudsperson accepts complaints from citizens with respect to violations of their rights by public administrations or public service providers. The Ombudsperson may request information from the authorities, act as an intermediary in resolving disputes, make proposals for terminating existing practices and ask the Constitutional Court to abolish legal provisions as unconstitutional.<sup>39</sup> Unfortunately, it was not possible for the Advisory Committee to meet the Ombudsperson or her staff during the visit. It nonetheless learned from the authorities that legal amendments in 2018 extended the institution's mandate to the private sector, which resulted in it being ranked "A"-Status by the Global Alliance of National Human Rights Institutions (GANHRI).<sup>40</sup> The Ombudsperson also deals with discrimination but in practice mostly cases concerning people with disabilities.<sup>41</sup> Out of the 12,890 complaints the Ombudsperson received in 2018, only 25 dealt with discrimination (on all grounds) and figures were similar in the preceding years. In her 2018 annual report, the Ombudsperson made a number of proposals regarding the education (Article 12) and the housing (see Article 15) of Roma.

45. The national minority that most frequently falls victim to discrimination is undoubtedly the Roma. According to the EU MIDIS-II study, 22% of Roma reported having been discriminated against at least once over the past five years, most often when looking for work, in the housing sector and as users of public or private services.<sup>42</sup> The CPD has issued a number of decisions imposing sanctions on employers, media outlets or politicians for acts of discrimination or incitement to discrimination against Roma on ethnic grounds.<sup>43</sup> It also issued a decision against a former Deputy Prime Minister for making a discriminatory public statement against Roma women. The decision was confirmed by the court of first instance but later quashed by the Supreme Administrative Court.<sup>44</sup>

46. Another decision of the CPD, in 2010, concerned an electricity company which installed electricity meters in neighbourhoods with predominantly Roma inhabitants at an inaccessible height a phenomenon not observed in other residential areas. The CPD found that this practice amounted to discrimination on ethnic grounds but the decision was overruled by the Supreme Administrative Court. In February 2014, the European Court of Justice noted in a preliminary ruling that the practice in question indeed showed characteristics of less favourable treatment on grounds of ethnicity.<sup>45</sup>

47. None of the documented cases on Roma dealt with by the CPD concerned segregation of Roma children in education; nor is the Advisory Committee aware of any case or *ex officio* action by the CPD concerning forced evictions or structural discrimination in social or health policies. Given the urgency of these issues, as indicated by the respective decisions of the European Court of Human Rights and the

---

<sup>39</sup> U.S. Department of State (2019), Bulgaria 2018 – International Religious Freedom Report, p. 5.

<sup>40</sup> The Ombudsperson is also recognised as a national preventive mechanism and visiting body for the prevention of torture and other cruel, inhuman or degrading treatment or punishment.

<sup>41</sup> Ombudsperson of the Republic of Bulgaria (2019), Summary of the annual work of the ombudsperson 2018, pp. 49-50.

<sup>42</sup> EU Agency for Fundamental Rights (FRA) (2017), [Second European Union Minorities and Discrimination Survey, Roma – Selected findings](#), p. 38.

<sup>43</sup> An English translation of extracts from the annual reports 2014-2018 was submitted to the Advisory Committee. The annual reports are available in Bulgarian at [www.kzd-nondiscrimination.com/layout/index.php/layout-over-40-positions/godishen-otchet](http://www.kzd-nondiscrimination.com/layout/index.php/layout-over-40-positions/godishen-otchet).

<sup>44</sup> The Sofia Globe (18 January 2019), [Bulgaria supreme court acquits \[Deputy Prime Minister\] on anti-Roma hate speech charge](#).

<sup>45</sup> Case C-83/14, [CHEZ Razpredelenie Bulgaria AD v Komisia za zashtita ot diskriminatsia](#), of 16 July 2015. The Sofia City Administrative Court remanded the case in 2017 for procedural reasons, citing procedural rules for the CPD to follow when hearing it anew. See [European Network](#) (2018), p. 111.

European Committee on Social Rights, the Advisory Committee would have expected the CPD to be more proactive on this issue.

48. In the housing field (see also Article 15), Bulgaria was found in violation of Article E (Non-discrimination) of the European Social Charter as early as 2006 after executing forced evictions of Roma.<sup>46</sup> The European Committee on Social Rights held that the legislation limiting the possibility of legalising illegal dwellings disproportionately affected Roma. The Advisory Committee was informed by NGOs that this legislation has still not been appropriately amended and the legalisation of illegally built dwellings continues to be a cumbersome and expensive procedure. Furthermore, the legal amendments deemed necessary by the European Court of Human Rights so as to implement its 2012 judgment in *Yordanova and others v. Bulgaria*<sup>47</sup> have not yet been adopted. Several similar complaints to the European Court of Human Rights followed; the most recent concerned the mass eviction of families in Voyvodinovo near Plovdiv, where the Court in April 2019 communicated the applicants' request for the imposition of an interim measure.<sup>48</sup> The Advisory Committee notes, however, that such legislation has been discussed in Parliament and that the Supreme Administrative Court has started consistently applying the proportionality principle in such cases, as required by the European Court of Human Rights.<sup>49</sup>

49. The Advisory Committee notes that the European Court of Human Rights has so far not considered eviction cases under Article 14 (non-discrimination). Analyses by NGOs emphasise that demolition orders in respect of illegal housing disproportionately affect Roma families. In 2010-2012, 500 out of 514 orders issued by the Directorate for National Construction Control (97%) concerned the homes of Roma citizens.<sup>50</sup> The Advisory Committee deeply regrets this situation and considers that evictions should be used as a last resort and must respect the principles of non-discrimination and proportionality, bearing in mind that the negative consequences of evictions on Roma and Travellers are exacerbated by their long history as targets of persecution and constant uprooting.<sup>51</sup>

50. As regards social and health policies, the European Committee on Social Rights found in 2018 that the Bulgarian legislation on child welfare has a disproportionate impact on Roma, especially female minors. It held in particular that the termination of family allowances when the minor becomes a parent and the suspension or termination of family allowances if the child stops attending school amount to discrimination against Roma, particularly female minors.<sup>52</sup> In another decision published in April 2019, the European Committee on Social Rights found a violation of Article E (Non-discrimination) of the revised European Social Charter in conjunction with Article 11§1 (right to protection of health) concerning access to health insurance and healthcare for Roma women in maternity cases.<sup>53</sup>

### *Recommendations*

51. The Advisory Committee urges the authorities to ensure the independence, impartiality and effectiveness of the Commission for Protection against Discrimination by introducing functional immunity

<sup>46</sup> [European Roma Rights Centre \(ERRC\) v. Bulgaria](#), Collective Complaint no. 31/2005, decision published on 31 March 2017.

<sup>47</sup> [Yordanova and others v. Bulgaria](#), Application No. 25446/06,

<sup>48</sup> [Paketova and others v. Bulgaria](#), Application No. 17808/19, communicated on 5 July 2019.

<sup>49</sup> Communication from the Bulgarian authorities to the Committee of Ministers of 9 January 2020, Addendum to the Action Plan for the implementation of *Yordanova and Others v. Bulgaria*, [DH-DD\(2020\)20](#).

<sup>50</sup> Bulgarian Helsinki Committee (October 2019), Alternative report on the implementation of the Framework Convention by Bulgaria.

<sup>51</sup> See also Operational Platform for Roma Equality (2016), [OPRE Joint Statement on Evictions of Roma and Travellers in Europe](#) and UN Committee on Economic, Social and Cultural Rights (19 March 2019), [Concluding observations on the sixth periodic report by Bulgaria](#), paras. 35-37.

<sup>52</sup> [Equal Rights Trust v. Bulgaria](#), Application Complaint No. 121/2016, decision published on 27 March 2018.

<sup>53</sup> [European Roma Rights Centre v. Bulgaria](#), Complaint No. 151/2017, decision published on 19 April 2019.

regarding decisions taken by its members during their term of office, continuing to depoliticise its appointment procedure and providing for sufficient funding to enlarge its regional presence to all 28 provinces.

52. The Advisory Committee calls on the authorities to combat the frequent instances of discrimination against Roma through *de-facto* segregation in contexts such as schools, housing or healthcare, including by clarifying the legal provisions in this regard.

53. The Advisory Committee calls on the authorities to ensure that evictions of Roma from informal housing are carried out only as a last resort, respecting the principles of non-discrimination and proportionality and ensuring that the necessary legislation is swiftly adopted. The persons concerned must be adequately informed of their rights and offered adequate alternative accommodation.

### **Promotion of full and effective equality**

54. Inequalities between the majority and minority populations exist mainly with regard to persons belonging to the Roma minority and, to a lesser extent, members of the Turkish minority. The Advisory Committee welcomes the fact that there are a number of positive policy measures in place for the benefit of ethnic groups, in particular Roma. In one – so far isolated – case, however, positive measures have been called into question. In 2018, the Sofia City Administrative Court set aside a decision by the CPD, which had found that the Minister of Education was not liable for ethnic discrimination on the ground of having introduced scholarships exclusively for Roma school students. The complainant association had alleged that non-Roma students were discriminated against, as the impugned scholarships were only available to Roma students. The ruling was upheld by the Supreme Administrative Court.<sup>54</sup>

55. It is only with regard to Roma that a dedicated government policy promoting full and effective equality through positive measures is being pursued.<sup>55</sup> The Framework Programme for the Equal Integration of Roma into Bulgarian Society (2010-2020) and the National Strategy of the Republic of Bulgaria for the Integration of Roma (2012-2020) (hereinafter: “National Roma Integration Strategy” or “Strategy”) are still in force and were assessed in detail in the Advisory Committee’s third opinion.<sup>56</sup> The Bulgarian Academy of Science is currently preparing an assessment of the present strategy, which is due in March 2020. The authorities informed the Advisory Committee that this would be followed by an intensive decentralised consultation process with Roma representatives and NGOs in the provinces, which would be highly welcomed. A new strategy document is scheduled for adoption by the Parliament in October 2020.

56. Rebuilding trust by Roma and civil society in the process of developing the Strategy is sorely needed. In February 2019, the Defence Minister and Deputy Prime Minister, the leader of the nationalist VRMO party, proposed a controversial “Concept for the integration of the unsocialised Gypsy (Roma) ethnicity”, which contained provisions on cutting social welfare for Roma, the destruction of illegally built

---

<sup>54</sup> Ruling 458/2020. See [European network](#) of legal experts in gender equality and non-discrimination (2019), Country report Non-discrimination: Bulgaria, pp. 55-56.

<sup>55</sup> It has to be noted, though, that the term “Roma” in the understanding of these policies covers also persons who may identify as Turks but live in similarly vulnerable situations. See [third opinion](#) of the Advisory Committee on Bulgaria, para. 50.

<sup>56</sup> [Third opinion](#) of the Advisory Committee on Bulgaria, paras. 48-50.



houses and a crackdown on so-called “Roma crime”.<sup>57</sup> The document was heavily criticised by Roma NGOs<sup>58</sup> and members of the National Council for Co-operation on Ethnic and Integration Issues.

57. Interlocutors informed the Advisory Committee that the authorities have had growing success in securing a budget from the European Social Funds and other EU sources for the implementation of the Strategy. Regrettably, a system for monitoring the outcomes achieved through the Strategy was not operational until 2018.<sup>59</sup> Publicly accessible information on the respective website is still limited but contains some data on Roma employment, housing, healthcare (see Article 15) and education (see Article 12). The Advisory Committee considers it crucial that the follow-up Strategy to be adopted later in 2020 is based on a thorough analysis of these data.

58. While welcoming the progress outlined above, the Advisory Committee sees two main impediments to the implementation of the National Roma Integration Strategy. The first challenge lies in the governance of the implementation process: the Secretariat of the National Council for Co-operation on Ethnic and Integration Issues, which is at the same time the national contact point for the Strategy, is understaffed. Also, none of the only four staff members is of Roma origin. The National Council, which should play a key part in the Strategy, is described by the Advisory Committee’s interlocutors as highly dysfunctional (see Article 15). In 2017, it was further discredited when a Deputy Prime Minister who belongs to a far-right party was appointed as its chair. Even though another Deputy Prime Minister now chairs the Council, the majority of NGOs working with or for Roma have left the body in recent years. The second challenge lies in the widespread anti-Gypsyism in Bulgarian society, which is continuously fuelled by far-right politicians, who became part of the ruling coalition in 2017 (see Article 6).

#### *Recommendations*

59. The Advisory Committee urges the authorities to develop, adopt, implement, monitor and regularly evaluate, with the effective participation of members of the Roma communities and other stakeholders, a comprehensive new Strategy for Roma inclusion for 2021 onwards. It should build on a thorough evaluation of the current Strategy and include measures targeting the majority population in order to combat anti-Gypsyism. Measures and indicators contained in the Strategy should be periodically reviewed, adapted and strengthened.

60. The Advisory Committee calls on the authorities to reform the current implementation mechanism and the National Contact Point for the Strategy on Roma inclusion to ensure it is effective, adequately resourced and legitimised through the participation of Roma representatives – including among its staff.

---

<sup>57</sup> Balkan Insight (8 February 2019), [Bulgarian Nationalists’ Roma ‘Integration’ Plan Dismays Rights Advocates](#).

<sup>58</sup> [Open letter](#) of 13 May 2019 addressed by the European Rights Centre to the Bulgarian Prime Minister and the Public Prosecutor.

<sup>59</sup> See “System for monitoring, evaluation and control of the National Strategy of the Republic of Bulgaria for Roma Integration 2012-2020” (SYSTEM), available at [www.nccedi.government.bg/en/node/189](http://www.nccedi.government.bg/en/node/189).

## Article 5 of the Framework Convention

### Support for the preservation and development of the cultures of national minorities

61. The Bulgarian authorities support the preservation and development of national minority cultures mainly through the National Council for Co-operation on Ethnic and Integration Issues. The Council distributes funds amounting to BG 60 000 (approx. €30 000) per year, which are used for projects under the National Roma Integration Strategy as well as for cultural, media and other activities carried out by other national minorities. In recent years funding for cultural purposes has benefited associations representing Armenians, Aromanians, the Jewish community, Karakachani, Roma and Vlachs. They have received support for the publication of books and magazines and the organisation of cultural festivals, exhibitions and other events, such as the premiere of a documentary by a Bulgarian director of Roma origin about the history of Roma during the Second World War.<sup>60</sup>

62. The Ministry of Culture also implements and supports projects promoting cultural diversity and minority groups, *inter alia* through an intangible cultural heritage programme and the Cultural Heritage and Contemporary Arts Programme, which supports Roma artists and projects.<sup>61</sup> During the last monitoring cycle, the development of a national cultural strategy was initiated, and the Advisory Committee recommended the close involvement of national minorities.<sup>62</sup> Although that strategy, which is still under preparation, has been subject to public consultations, no targeted consultation of national minorities has taken place.<sup>63</sup>

63. Finally, Bulgaria maintains a large network of local and regional cultural centres. According to the authorities, over the past five years approximately 1 000 community centres out of a total of 3,650 have stated that representatives of “traditional smaller ethnic communities” participated in their activities.<sup>64</sup>

64. A welcome development is the establishment of classes on “Romani folklore” as part of a state-funded programme implemented by the association Amalipe. Under this programme, Roma children are offered optional weekly lessons on Roma culture, history, crafts and folklore, including at a school in Sredets, which the Advisory Committee visited.

65. While welcoming the developments outlined above, the Advisory Committee considers that Bulgaria’s system for supporting minority cultures is relatively limited. It is worth noting that the state report does not mention any associations or initiatives promoting the culture of the largest minority, the Turks, among the recipients of central government support. This observation echoes the complaint by representatives of the Turkish minority about a lack of financing for their community’s cultural activities at both the national and the local levels. Representatives of the Turkish minority also said that cultural centres were spread too thinly in the areas inhabited predominantly by Turks and that some do not provide cultural activities for the Turkish minority and lack literature in the Turkish language.

66. The National Council for Co-operation on Ethnic and Integration Issues was created, *inter alia*, to design and develop the conditions necessary for ethnic minorities to maintain and develop their culture. Its financial resources are, however, extremely limited. This hampers the possibilities for associations, including of those of numerically smaller minorities, to protect and promote their cultures and languages. According to representatives of some minorities, the broad mandate of the National Council, covering both cultural issues and the implementation of the National Roma Integration Strategy, reduces its efficiency (see Article 15).

<sup>60</sup> [State report](#), pp. 29-31 and written submission by the authorities of 30 September 2019.

<sup>61</sup> *Ibid.*, pp. 27-28.

<sup>62</sup> [Third opinion](#) of the Advisory Committee on Bulgaria, paras. 57 and 60.

<sup>63</sup> Written submission by the authorities of 11 February 2020.

<sup>64</sup> Written submission by the authorities of 30 September 2019.

67. In this context the Advisory Committee also notes that Bulgaria has neither signed nor ratified the European Charter for Regional or Minority Languages, a treaty designed to protect traditionally used minority languages as part of Europe’s cultural heritage. It contains practical promotional measures for minority languages in different fields and could help the authorities to promote in a structured way the conditions necessary for persons belonging to national minorities to develop their language and culture as essential elements of their identity. The Advisory Committee is not aware of principal objections in Bulgaria to considering ratifying this Council of Europe treaty and encourages the authorities to explore this matter.

#### *Recommendations*

68. The Advisory Committee calls on the authorities to significantly increase the budget allocated to the preservation and development of national minority cultures. The authorities should also create an effective mechanism enabling representatives of minorities to participate in the design of cultural policies and the distribution of funding.

69. The Advisory Committee invites the authorities to consider ratifying the European Charter for Regional or Minority Languages.

### **Article 6 of the Framework Convention**

#### **Intercultural understanding and tolerance**

70. The Bulgarian authorities at the national and local levels are undertaking measures to promote intercultural understanding and tolerance as well as inter-religious dialogue. The state report describes a number of activities, most of them project-based and many supported by external funding.<sup>65</sup> The Commission for Protection against Discrimination regularly undertakes awareness-raising activities, such as the “Lessons in Tolerance” and “Schools without Discrimination” training courses offered in schools and the annual celebration of International Roma Day.<sup>66</sup>

71. During the monitoring period, the authorities were particularly active in their work to combat anti-Semitism.<sup>67</sup> In 2017 the government decided to apply the “Working Definition of Antisemitism” of the International Holocaust Remembrance Alliance (IHRA), and became a full IHRA member in 2018. Again in 2017 the Deputy Minister of Foreign Affairs was appointed as the first National Coordinator on combatting anti-Semitism. The National Co-ordinator works through a Contact Group comprising relevant authorities, including the police and the Organisation of Jews in Bulgaria - Shalom. The National Co-ordinator has repeatedly publicly denounced manifestations of anti-Semitism and xenophobia,<sup>68</sup> and the Advisory Committee strongly welcomes these developments.

72. The National Council of Religious Communities has an important role in promoting inter-religious dialogue. It organises events such as the annual Festival of Religions in Sofia, academic conferences and debates on topics related to religious issues, tolerance, and human rights.<sup>69</sup> It also provides a forum for discussing political issues, such as the 2018 reform of the Religious Denominations Act (see Article 8). The

<sup>65</sup> See [state report](#), pp. 5-9 and 31-33.

<sup>66</sup> See [state report](#), p. 33.

<sup>67</sup> See [state report](#), p. 9.

<sup>68</sup> See for instance Sofia Globe (2 November 2017), [Bulgarian National Co-ordinator against Anti-Semitism condemns defacing of Soviet Army monument](#).

<sup>69</sup> See [website](#) of the National Council of Religious Communities (in Bulgarian).

Advisory Committee notes that interlocutors were satisfied with the work of this Council and welcomes its work on promoting inter-religious understanding.

73. These praiseworthy activities to promote intercultural understanding are unfortunately regularly undermined by xenophobic, anti-Gypsy, Islamophobic and antisemitic statements by high-level politicians and similar reporting in the media. Persons belonging to national minorities expressed their dissatisfaction with the fact that the authorities often fail to respond to this kind of discourse. Since an alliance of three far-right parties became part of the ruling coalition in 2017, politicians from these parties have benefited from an even broader platform for expressing their views.<sup>70</sup> Surveys regularly conducted by the Open Society Institute show that in the last 12 months about 50% of respondents have heard public statements expressing disapproval or hatred of or aggression towards ethnic, religious or other minority groups.<sup>71</sup> A peak in hate speech against persons of different ethnic origin could be observed in 2016. In 2018 the ethnic and religious groups most targeted by hate speech were Roma (81%), Turks (26%), Muslims (21%) and migrants (12%).<sup>72</sup>

74. Several outbreaks of violence against Roma occurred during the monitoring period as a result of a combination of public anti-Roma hate speech and the widespread anti-Gypsy attitudes in society. In May 2016, following an incident in which men of Roma origin assaulted Bulgarians in a street row, 2 000 protesters gathered for an anti-Roma rally. Violent protesters tried to enter the Roma neighbourhood and the inhabitants temporarily left their houses in fear of being attacked. In 2015 protesters also occupied Roma neighbourhoods in the village of Garmen and in Sofia's Orlandovtsi neighbourhood but the police prevented any outbreak of violence.<sup>73</sup> In January 2019 anti-Roma rallies took place in the village of Voyvodinovo near Plovdiv, following a criminal incident in which two Roma men had injured a special forces official during a street fight. Protesters' demands for the permanent expulsion of all Roma from the village and the destruction of their homes were supported and further fuelled by the Deputy Prime Minister, a member of the nationalist VMRO Party. The local authorities ordered the eviction of dozens of houses without providing alternative shelter, leaving some 100 Roma homeless (see Article 15).<sup>74</sup> In April 2019, anti-Roma protests broke out in the city of Gabrovo, triggered by a fight between ethnic Bulgarians and Roma in a shop. Again, statements by two Deputy Prime Ministers, helped to fuel the anger of local residents, who organised arson attacks on Roma houses and the destruction of property. No charges were filed by the police and the attackers were not prosecuted.<sup>75</sup> The Advisory Committee strongly regrets these incidents of hostility between ethnic Bulgarians and Roma. It notes that protests usually start locally over crime-related issues but are then fuelled by far-right politicians, who give legitimacy to the violent attacks rather than calming the situation.

75. Interlocutors from NGOs working with Roma reported to the Advisory Committee that the continuous negative public discourse about Roma also has effects on practical everyday situations. They pointed out that Roma women who call the police or social services, for instance when confronted with domestic violence, often receive negative responses or no support at all.

---

<sup>70</sup> After the March 2017 parliamentary elections, the ruling party GERB formed a coalition with the United Patriots, an alliance of three extreme nationalist parties, the Internal Macedonian Revolutionary Organisation (IMRO), the National Front for Salvation of Bulgaria (NFSB) and ATAKA).

<sup>71</sup> Open Society Institute Sofia (14 December 2018), [Public attitudes to hate speech in Bulgaria in 2018](#).

<sup>72</sup> Ibid. The second most targeted group after Roma in 2018 were homosexuals.

<sup>73</sup> Balkan Insight (5 May 2016), [Clashes at Anti-Roma Rally in Radnevo, Bulgaria](#). See also ECMI Working Paper No. 111, Andreea Cârstocea (December 2018), [Roma policy-making in Romania and Bulgaria: in need to prioritise combating anti-Gypsyism](#).

<sup>74</sup> Bulgarian Helsinki Committee (October 2019), Alternative report on the implementation of the Framework Convention in Bulgaria, pp. 19-21.

<sup>75</sup> Ibid., pp. 21-22.

76. Persons representing the Turkish minority informed the Advisory Committee that politicians from the far-right parties sometimes make anti-Turkish statements, such as describing the Turkish minority's faster demographic growth compared to the Bulgarian population as a threat.

77. According to reports by persons belonging to the Muslim religious community (comprising citizens of Turkish, Pomak and Roma origin and, to a lesser extent, migrants), speech referring to Islam and Muslims in negative terms is commonplace in the fields of politics, media and the Internet.<sup>76</sup> While welcoming the recent government policy on religious denominations (see Article 8), the Office of the Grand Mufti reported that the Bulgarian Muslim community was the target of Islamophobic incidents throughout the monitoring period.<sup>77</sup> Islamophobic public statements were made, for instance, by politicians in the context of public debates about a number of legislative proposals on religious issues.<sup>78</sup> These concerned the law prohibiting the wearing of face-covering clothing in public spaces (adopted in September 2016), the reform of the Religious Denominations Act (adopted in December 2018, see Article 8), and a bill proposing to add the notion of "radical Islam" to the Criminal Code (tabled in 2015 but not passed).<sup>79</sup> In March 2018, a high-ranking prosecutor made Islamophobic statements in a media interview, describing a potential rise in the Muslim population through migration and higher birth rates as a threat to national security.<sup>80</sup> The Commission for Protection against Discrimination investigated but later dropped the case. Overall, the Advisory Committee had the impression that Bulgarian citizens of Muslim faith, instead of being generally accepted as a historical part of Bulgarian society and culture, are often portrayed as foreign and different. In particular in the context of the discourse about radical Islam, Bulgarian Muslims perceive a certain suspicion that they are not loyal to the Bulgarian state.<sup>81</sup> The Advisory Committee regrets this and considers that a more proactive approach by the authorities is necessary to promote appreciation of the historical presence of a significant Muslim community in the country.

78. Persons belonging to the Jewish community alerted the Advisory Committee about the use of antisemitic rhetoric, particularly in online social media but also in mainstream media, often a recourse of representatives of extreme-nationalist parties. In 2017, the deputy regional development minister resigned after a picture of him saluting a wax statue of a Nazi officer in a Paris museum nine years earlier was circulated on social media. The annual rally to commemorate the pro-Nazi Bulgarian leader Hristo Lukov is perceived by the Jewish community as particularly troublesome. While the organisers are careful not to display unlawful symbols such as the swastika, the social media pages related to the so-called "Lukov March" host many anti-Semitic posts.<sup>82</sup> The Advisory Committee notes the fact that in February 2020 the Sofia City Prosecutor's Office lodged an application in the Sofia City Court to cancel the registration of the NGO organising the annual march and will follow with interest the outcome of the proceedings. Some representatives of the authorities and the Commission for Protection against Discrimination condemned the annual March but Jewish and human rights NGOs would like to see it

<sup>76</sup> SETA Foundation for Political, Economic and Social Research (2019), [European Islamophobia Report 2018](#), p. 191.

<sup>77</sup> Written submission by the Office of the Grand Mufti to the Advisory Committee, November 2019. The Muslim community of Bulgaria consists of persons belonging to the Turkish, Pomak and Roma national minorities as well as, in smaller numbers, refugees and migrants from Muslim countries.

<sup>78</sup> Sofia Globe, 30 March 2016, [Proposed changes to laws on religions in Bulgaria spark ire](#).

<sup>79</sup> Amendments to the Penal Code No. 654-01-54, adding the expression "radical Islam" to Article 108, paragraph 1, section 31, article 91 and paragraph 2, article 108, were adopted on first reading on 23 June 2016, but not on second reading.

<sup>80</sup> See Sofia Globe (6 April 2018), [Bulgarian Council of Religious Communities backs Muslims in controversy over prosecutor's statement](#). The prosecutor was charged with a case of 14 Muslims from the town of Pazardzhik who were accused of the proliferation of radical Islam. See Sofia Globe (25 February 2016), [Bulgarian court holds first hearing in new 'radical Islam' lawsuit](#).

<sup>81</sup> See also [submission by the Office of the Grand Mufti in Bulgaria](#) to the Supplementary OSCE Human Dimension Meeting, 22 June 2017.

<sup>82</sup> Organisation of Jews in Bulgaria "Shalom" (2018), [Situation Report: Antisemitism in Bulgaria](#), p. 2.

prohibited. The Advisory Committee therefore welcomes that, in February 2020, the Supreme Administrative Court upheld the decision by the Sofia municipality to ban the procession and limit it to a small gathering. Interlocutors from the Jewish community in Burgas informed the Advisory Committee that memorabilia with Nazi symbols and pictures of Adolf Hitler are being sold to tourists in the Black Sea region. The Advisory Committee regrets these developments, which demonstrate the importance of the above-mentioned government initiatives to combat anti-Semitism.

79. Interlocutors also report a strong anti-migrant discourse in Bulgaria, triggered by the 2015 refugee crisis, which still persists despite the relatively low number of refugees and migrants who stayed in the country.<sup>83</sup> In 2016 so-called “vigilante groups” started targeting migrants in the border areas and subjecting them to hate-motivated verbal abuse and even physical violence. Perpetrators were initially shown in a positive light in mainstream media and the then Deputy Prime Minister publicly thanked them for the “help they were offering the state”. Only one individual was prosecuted.<sup>84</sup>

80. The Bulgarian Council for Electronic Media is charged with supervising radio and TV broadcasters’ compliance with the principles laid down in Article 10 of the 1998 Bulgarian Radio and Television Act. These include the non-acceptance of programmes promoting intolerance (10.5) or instigating hatred based on racial, religious or other grounds (10.6). The Council has the power to enforce bans and sanctions in this respect. According to information provided by the authorities, between 2015 and 2019 this happened in seven cases. Two of them concerned reporting about Roma, and the remainder concerned the glorification of fascism and the promotion of racism and intolerance in general.<sup>85</sup> The Advisory Committee welcomes these decisions, two of which are still under judicial review. Representatives of NGOs and national minorities, however, did not perceive the Council for Electronic Media as an effective watchdog in respect of intolerance and hate speech in radio and TV broadcasting, which is regrettable.

81. The Advisory Committee recalls that member states must take effective measures to promote mutual respect, understanding and co-operation among all persons, irrespective of their ethnic, cultural, linguistic or religious identities. It recalls, furthermore, that hate speech in public discourse generates a climate conducive to hate crimes and that, according to the long-standing case-law of the European Court of Human Rights, there can be no doubt that hate speech does not enjoy protection under Article 10 of the European Convention on Human Rights, which guarantees freedom of expression.<sup>86</sup>

82. It also recalls that, in the spirit of Article 6 of the Framework Convention the genuine integration of society is a two-way process encompassing all segments of society, majorities and minorities alike.<sup>87</sup> The Advisory Committee therefore regrets that the efforts of the Bulgarian authorities remain insufficient to prevent the above-mentioned instances of intolerance against different minority groups. It regrets in particular that underlying fears and stereotypes in parts of society against Roma, Muslims or other minority communities are being reinforced and exploited by some politicians for populist ends.

83. Finally, the Advisory Committee wishes to express its concern that human rights defenders have been targeted by verbal and physical violence for their activities in support of refugees, migrants, Roma

<sup>83</sup> See Amnesty International (2018) [Bulgaria 2017/2018](#), and Council of Europe Special Representative of the Secretary General on migration and refugees (19 April 2018), [Report of the fact-finding mission to Bulgaria](#), 13-17 November 2017, p. 20. Interlocutors of the Advisory Committee estimate that 5 000 to 6 000 refugees and migrants are living in Bulgaria.

<sup>84</sup> [European network](#) (2018), p. 6.

<sup>85</sup> Written submission by the authorities of 15 January 2020.

<sup>86</sup> See, *inter alia*, [Jersild v. Denmark](#), 23 September 1994, Application No. 5890/89, para. 35; [Pavel Ivanov v. Russia](#), 35222/04, decision of 20 February 2007; [M’Bala M’Bala v. France](#), 25239/13, decision of 20 October 2015, para. 40.

<sup>87</sup> [ACFC Thematic Commentary No. 4](#), paras. 51-54.

and other minorities.<sup>88</sup> In October 2019, for instance, a member of parliament for the VMRO party and candidate for the office of mayor of Sofia, publicly called for the deregistration of the Bulgarian Helsinki Committee because its activities, such as litigation before domestic courts and the European Court of Human Rights, interfered with the independence of the Bulgarian courts.<sup>89</sup>

### *Recommendations*

84. The Advisory Committee urges the authorities to combat and condemn all instances of racist, xenophobic and anti-Gypsy discourse by politicians and other public figures. The authorities should actively support awareness-raising measures to combat anti-Gypsyism in society.

85. The Advisory Committee calls on the authorities to continue their efforts to promote intercultural dialogue and mutual understanding between the different religious groups in Bulgaria. Manifestations of intolerance and hostility against religious minorities should be condemned at the highest political level.

### **Hate crime**

86. Bulgaria's legal framework on hate crime is a combination of specific penalty enhancements and substantive offences, as defined in the Criminal Code.<sup>90</sup> Penalty enhancements apply to murder and to inflicting bodily harm "for hooligan, racist or xenophobic motives".<sup>91</sup> Article 162 of the Criminal Code further prohibits advocating or inciting discrimination, hatred or violence based on race or national or ethnic origin, the use of violence against another person or damage to his/her property on account of his/her race, national or ethnic origin, religion or political opinion, and membership of an organisation committing such acts. Article 163 makes it a criminal offence to participate in a crowd which gathers to attack communities, individuals or their property on account of their national, ethnic or racial affiliation. In 2015, Article 164 was amended and now includes a comprehensive prohibition of incitement to discrimination, violence or hatred on religious grounds. The Advisory Committee welcomes this addition.

87. Unfortunately, the Bulgarian authorities do not collect disaggregated data on the bias motivation of hate crimes. Hate crimes are registered like any other criminal offence according to the respective provision of the Criminal Code. Methodological guidelines issued by the Ministry of the Interior govern the process of registration of offences, data collection and compilation of police statistics. According to the data the authorities provided to the OSCE Office for Democratic Institutions and Human Rights (OSCE ODIHR), the number of recorded hate crimes declined sharply from 617 in 2014 and 704 in 2015 to only 28 in 2016, 22 in 2017 and 46 in 2018. Non-governmental actors provided the following figures for 2018: 6 hate crimes motivated by racism and xenophobia, 2 motivated by bias against Roma, 8 motivated by Islamophobia, and 2 against Christians. Similar numbers were reported for 2017, with an additional 4 hate crimes motivated by anti-Semitism.<sup>92</sup>

88. While many alleged hate crimes are reportedly not prosecuted and punished (see below), some fines were imposed during the monitoring period (non-exhaustive list), usually by the Commission for Protection from Discrimination: In 2018, the Burgas Administrative Court upheld a CPD decision that the then Deputy Prime Minister was guilty of anti-Roma harassment (hate speech) for making public statements while a member of parliament. The court found that the impugned statements were an affront to Bulgarian Roma, creating an intimidating environment for all of them, and that they were not

<sup>88</sup> [European Network](#) (2018), p. 106.

<sup>89</sup> Balkan Insight, 2 October 2019, [Amnesty Condemns Call to Ban Bulgarian Helsinki Committee](#).

<sup>90</sup> Bulgarian Criminal Code of 1968.

<sup>91</sup> Articles 116 para. 1(11) for murder, Article 131 para. 1(12), for inflicting bodily harm.

<sup>92</sup> See OSCE ODIHR hate crime data on Bulgaria, available at <https://hatecrime.osce.org/bulgaria>.

protected under the right to freedom of expression.<sup>93</sup> In 2017, the Supreme Administrative Court ruled that an online news company was guilty under Article 8 of the Protection against Discrimination Act for consciously abetting harassment in the form of anti-Turkish hate speech published by users on its website. The court thus upheld a ruling of the Commission for Protection against Discrimination, which had imposed a fine on the company.<sup>94</sup> Finally, in 2018, in a case brought by a Roma activist, the CPD found that a newspaper article entitled “Gypsies are Bulgarian terrorists” constituted anti-Roma harassment (hate speech). The CPD imposed the maximum fine of BGN 2 000 (EUR 1 000) on both the company owning the paper as a legal entity and its executive as a natural person.

89. While noting positively that certain hate crimes are penalised, the Advisory Committee learned from interlocutors that a considerable number of alleged hate crimes are either never reported or, once reported, not duly investigated, prosecuted and punished. Generally, the Advisory Committee observes that the provisions on bias-motivated crimes in the Criminal Code are rarely applied in practice. The authorities seem to be aware of this issue and have implemented, mostly with OSCE/ODIHR support, a range of projects to enhance the effectiveness of law enforcement and prosecutions in the fight against hate crime.<sup>95</sup> They informed the Advisory Committee that the Ministry of the Interior used a manual to train police officers on how to investigate hate crime and that the Police Academy included hate crime in its curriculum.

90. Nevertheless, experts, non-governmental organisations and representatives of minorities alike complained to the Advisory Committee that the prosecutor’s office in particular often refused to deal with cases of alleged hate crime against minorities. While the prosecutor’s office cited grounds of freedom of expression, the categorisation of offences as “petty hooliganism”, or technical impediments to enforcement, some interlocutors alleged that the refusal to act was more a matter of effectively agreeing with the racist slander. Representatives of the Jewish community said they had the impression that a prosecution would often only be brought once there was international pressure.

91. What is more, research suggests that the lack of criminal convictions in flagrant cases of hate speech is bringing about a reduction in public support for the penal policy as a means of counteracting hate speech. According to a study by the Open Society Institute, in 2018 the proportion of people who were aware that hate speech and violence motivated by ethnic, racial or religious hatred is a crime was at its lowest level for the past five years. At the same time, the proportion of people who would be willing to report the public use of hate speech to the police decreased from 26% (in 2014) to 17% (in 2018).<sup>96</sup>

92. The Advisory Committee recalls that ethnically based violence must be recognised as an especially nefarious form of violence that concerns and threatens society as a whole and must thus be resolutely opposed and prevented.<sup>97</sup> It therefore regrets the limited effectiveness of the law enforcement and prosecution agencies in investigating and prosecuting hate crime.

---

<sup>93</sup> The statements by the Deputy Prime Minister included the following: “[Roma] have become brazen, presuming and brutalised human-like [creatures], demanding a right to pay without doing work, wanting sickness assistance without being sick, child assistance for children who play with pigs in the street and maternity assistance for women with the instincts of stray bitches.” Decision No. 564 in case No. 1786/ 2017; [European Network \(2019\)](#), p. 94.

<sup>94</sup> Decision No 2171 in case No 12401/ 2015. See [European network](#) (2018), p. 110.

<sup>95</sup> See [state report](#), pp. 8-10 and OSCE/ODIHR data available at <https://hatecrime.osce.org/bulgaria>.

<sup>96</sup> Open Society Institute Sofia (14 December 2018), [Public attitudes to hate speech in Bulgaria in 2018](#).

<sup>97</sup> [ACFC Thematic Commentary No. 4](#), para. 56.



### *Recommendation*

93. The Advisory Committee urges the authorities to ensure that racially or ethnically motivated attacks and discrimination are identified, recorded and effectively investigated and that those responsible are brought to justice. It also calls on the authorities to take measures to raise awareness-of the remedies available to reduce the underreporting of hate crime.

## **Article 7 of the Framework Convention**

### **Freedom of association**

94. In its third opinion, the Advisory Committee urged the Bulgarian authorities to remove all remaining legal obstacles preventing interested groups from exercising the freedom of association guaranteed by the Framework Convention, referring notably to associations of persons identifying as Macedonians. It referred in particular to the 2006 judgment of the European Court of Human Rights concerning the refusals of Bulgarian courts to register UMO Ilinden, an association aiming to bring about “the recognition of the Macedonian minority in Bulgaria”. That judgment has so far not been implemented. The same applies to the meanwhile three further judgments on UMO Ilinden, in which the ECHR also found violations of Article 11 of the European Convention on Human Rights (ECHR).<sup>98</sup>

95. As a general implementation measure in the UMO Ilinden group of cases, Bulgaria has adopted amendments to the Act on Non-Profit Legal Persons and the Commercial Register and the Register of Non-Profit Organisations Act, which modified the procedure for registering NGOs. Since January 2018, the registration of NGOs by courts has been replaced by an administrative procedure before the national Registry Agency. As explained in the state report, this new system is meant to reduce the administrative burden of registering NGOs and speed up the procedure.<sup>99</sup> During the visit, the authorities informed the Advisory Committee that the new system started with some difficulties. About half of the applications were rejected in 2018 and 30% in 2019, mainly due to a failure by applicants to meet the objective criteria necessary for registration. While welcoming the aim of simplifying the registration procedure, the Advisory Committee considers that the high refusal rates are problematic.

96. UMO Ilinden and similar organisations have made several attempts to register as NGOs under the new procedure. All but two associations (see below) have so far been refused registration. Refusals have been based either on formal grounds or on a combination of formal and substantive grounds, namely considerations of national security, the protection of public order and the rights of others, the constitutional prohibition on associations pursuing political goals, and the non-recognition of the Macedonian minority.<sup>100</sup> In earlier judgments, the European Court of Human Rights considered that these grounds were not properly invoked in respect of the applicant association or could not as such justify a restriction of freedom of association as guaranteed by Article 11 ECHR, to which Article 7 of the Framework Convention is considered a matching provision.

---

<sup>98</sup> See, *inter alia*, *United Macedonian Organisation Ilinden and Others v. Bulgaria*, Application No. 59491/00, 19 April 2006; *United Macedonian Organisation Ilinden and Others v. Bulgaria* (no. 2), Application No. 34960/04, 8 March 2012; *The United Macedonian Organisation Ilinden and Others v. Bulgaria* (no. 3), Application No. 29496/16, 11 April 2018; *Yordan Ivanov and Others v. Bulgaria*, Application No. 70502/13, 11 April 2018. In November 2018, the Sofia Court of Appeal confirmed once again the refusal to register UMO Ilinden, resulting in another complaint to the European Court of Human Rights), which has not yet been communicated.

<sup>99</sup> See [state report](#), pp. 39-40.

<sup>100</sup> Committee of Ministers of the Council of Europe (25 September 2019), *H46-5 United Macedonian Organisation Ilinden and Others group v. Bulgaria* (Application No. 59492/00); Supervision of the execution of the European Court’s judgements (CM/Notes/1355/H46-6).

97. The Advisory Committee notes some inconsistencies in the reasons given for these refusals. In a judgment dated September 2018, the Sofia Court of Appeal confirmed the refusal to register the “Society of the Repressed Macedonians” on formal grounds but implicitly recognised the public utility of the organisation’s goals, which include the “protection and popularisation of the Macedonian historical and cultural heritage”.<sup>101</sup> Following another unsuccessful attempt to register this association, which was appealed against, the same court stated in a judgment of October 2019<sup>102</sup> that “there is no Macedonian ethnic minority in Bulgaria according to the definition contained in the Parliamentary Assembly’s Recommendation 1134 (1990) on the Rights of Minorities.”<sup>103</sup>

98. In August 2019 two other associations similar to UMO Ilinden successfully completed the registration procedure, a fact reported by the authorities as proof of the implementation of the respective ECHR decisions.<sup>104</sup> The Advisory Committee met with the representative of one of these associations during its visit in November 2019. During this visit, the Deputy Prime Minister requested the Prosecutor General to investigate the need for discontinuance of these organisations’ registration, as they were advocating the recognition of a Macedonian minority, and thus threatening “the unity of the nation”.<sup>105</sup> This decision was accompanied by public statements and media reporting, which interlocutors of the Advisory Committee identifying as Macedonians perceived as humiliating and even as hate speech against them. Representatives from one of the associations also reported having been questioned by the police in Blagoevgrad about the “real purpose” of the association and its activities so far. For one of these associations, a case on the termination of its registration is currently pending at the Blagoevgrad District Court.<sup>106</sup> The Advisory Committee will follow the developments closely.

99. In its second and third opinions, the Advisory Committee set out in detail its position on the registration of both associations and of political parties of persons belonging to national minorities.<sup>107</sup> In the meantime, the authorities have not informed the Advisory Committee of any action of the above-mentioned associations or their members during the monitoring period which might have compromised the territorial integrity or unity of the Bulgarian state.<sup>108</sup> It therefore does not see any grounds for deviating from the assessment given in its previous opinions.

100. As reported in previous monitoring cycles, the Bulgarian constitution provides that “(t)here shall be no political parties on ethnic, racial or religious lines, nor parties which seek the violent usurpation of state power”. The Advisory Committee also takes note of decision No. 4/1992 of the Bulgarian

---

<sup>101</sup> Committee of Ministers of the Council of Europe, 1355th meeting, 23-25 September 2019, H46-5, United Macedonian Organisation Ilinden and Others group v. Bulgaria (Application No. 59491/00), Supervision of the execution of the European Court’s judgments ([CM/Notes/1355/H46-5, p. 4](http://cmn.coe.int/cm/Notes/1355/H46-5_p.4)).

<sup>102</sup> Decision No. 2333 of 24 October 2019. Since this judgement is final, the “Society of the Repressed Macedonians in Bulgaria, Victims of the Communist Terror” filed an application with the European Court of Human Rights in December 2019.

<sup>103</sup> PACE Recommendation 1134(1990) defines national minorities as “separate or distinct groups, well defined and established on the territory of a state, the members of which are nationals of that state and have certain religious, linguistic, cultural or other characteristics which distinguish them from the majority of the population”.

<sup>104</sup> Civil Association for the Protection of Fundamental Individual Rights and Association of Ancient Macedonians. For the execution status, see <http://hudoc.exec.coe.int/eng?i=004-3657>.

<sup>105</sup> Unofficial translation of the letter submitted to the Advisory Committee.

<sup>106</sup> See the Communication from an NGO (Bulgarian Helsinki Committee) (16/04/20) in the UMO Ilinden and Others group of cases v. Bulgaria and response from the authorities (27/04/2020), ([DH-DD\(2020\)376](http://www.dh-dd.com/bg/2020/04/27/20200427-001)). See also the [website](http://www.prosecutor.gov.bg/en/press-releases/2019/11/21-prosecutors-office-wants-termination-of-a-civil-association-due-to-unconstitutional-activities) of the Prosecutor General of the Republic of Bulgaria (21 November 2019): “Prosecutor’s Office wants termination of a civil association due to unconstitutional activities” (in Bulgarian).

<sup>107</sup> See second and third opinions of the Advisory Committee on Bulgaria, Article 7. See also [ACFC Thematic Commentary No. 4, para. 68](http://www.acfc.europa.eu/ACFC-Thematic-Commentary-No.-4-para.-68).

<sup>108</sup> As the ECHR notes in its respective judgements “the expression of separatist views does not in itself imply a threat to the territorial integrity of the State nor national security and does therefore not justify a restriction of the rights secured by Article 11 of the Convention”.

Constitutional Court, which found that the political party Movement for Rights and Freedoms was not unconstitutional.<sup>109</sup> The Advisory Committee refers to its previous conclusions and recommendations in this regard and recalls in particular that as a matter of principle the existing constitutional and legal restrictions placed on the formation of political parties along ethnic, racial or religious lines could potentially raise problems of compatibility with Article 7 of the Framework Convention.<sup>110</sup>

101. In another judgment delivered during the monitoring period, in the *National Turkish Union and Kungyun v. Bulgaria* case,<sup>111</sup> the ECHR found a violation of Article 11 of the ECHR when the Bulgarian authorities refused to register an association promoting the rights of the Muslim community in Bulgaria. The Advisory Committee welcomes the fact that this case could be closed due to the implementation of general measures facilitating the registration of non-governmental organisations, including those representing the interests of the Turkish minority.

#### *Recommendation*

102. The Advisory Committee reiterates its urgent call to ensure that all interested groups can exercise freedom of association, as guaranteed by Article 7 the Framework Convention. To this end, the authorities should strive to ensure legal certainty in the application of the new registration procedure for non-governmental organisations representing minority groups.

## **Article 8 of the Framework Convention**

### **Freedom of religion**

103. On 21 December 2018 the Bulgarian Parliament passed amendments to the 2002 Religious Denominations Act. These provide for substantially increased government funding for the two largest religious groups, the Bulgarian Orthodox Church and the Muslim community.<sup>112</sup> Furthermore, the amendments require religious groups to report to the government all places of worship they use.<sup>113</sup> An earlier version of the bill, adopted on first reading in October, was criticised by all the major religious groups, who stated that the amendments would restrict religious freedom under the guise of protecting national security and combating terrorism.<sup>114</sup> The bill provided for restrictions on foreign funding and the activities of foreign clergy, as well as a ban on preaching in a language other than Bulgarian. The revised bill was negotiated with representatives of the religious communities. The Advisory Committee was informed that the official representatives of the Muslim community are satisfied with the amendments now in place and agree with the authorities' approach to reduce the dependence on funding from abroad by aligning the funding mechanisms of the Bulgarian Orthodox Church and the Muslim Denomination of

<sup>109</sup> See also *United Macedonian Organisation Ilinden – PIRIN and Others v. Bulgaria*, Application No. 59489/00, 20 October 2005; *United Macedonian Organisation Ilinden – PIRIN and Others v. Bulgaria* (no. 2), Application Nos. 41561/07 and 20972/08, 18 October 2011.

<sup>110</sup> See second and third opinions of the Advisory Committee on Bulgaria, Article 7.

<sup>111</sup> *National Turkish Union and Kungyun v. Bulgaria*, Application No. 4776/08, 8 June 2017, and [CM/ResDH\(2019\)308](#).

<sup>112</sup> According to the 2011 census, approx. 76% of the population identify as Eastern Orthodox Christian. Approximately 10% reported to be of the Muslim faith, various protestant groups amount to 1.1% and Roman Catholics to 0.8%. 0.2% identify with other groups, including the Armenian Apostolic Orthodox Church and the Jewish community.

<sup>113</sup> According to the U.S. Department of State (2019), Bulgaria 2018 – International Religious Freedom Report, p. 8, the bulk of state funding to religious communities is allocated to the Bulgarian Orthodox Church (approx. BGN 3.8 million in 2018). In the same year, the Muslim community received BGN 400 000, and the Catholic Church and the Jewish Community BGN 60 000 each. BGN 100 000 was distributed among seven other registered denominations that had applied for funds to the Directorate for Religious Affairs. The amendments privilege religious communities whose membership is more than 1% of the population.

<sup>114</sup> U.S. Department of State (2019), Bulgaria 2018 – International Religious Freedom Report, p. 8.

Bulgaria.<sup>115</sup> The Advisory Committee also notes that public expenditure for the renovation and construction of places of worship doubled between 2014 and 2019 for the Muslim Denomination, the Catholic Church, the Jewish community, and the Armenian Apostolic Orthodox church.<sup>116</sup>

104. The Advisory Committee was informed of the Muslim community's long-standing wish to establish a Higher Islamic Institute, for which they have not been able to obtain a building or plot of land in Sofia in the past 15 years. As a building is the precondition for the institution's accreditation, the Bulgarian Muslim community is obliged to send its clergy abroad for their higher education studies. However, both the Muslim community and the authorities told the Advisory Committee that, with the funding structure now in place, they were optimistic that this issue should soon be resolved.

105. The Advisory Committee was also informed that for more than 10 years the Muslim Community in Burgas had been trying to obtain permission to build a mosque. Similar difficulties have occurred in the municipality of Gotse Delchev. Some of these discussions go back to a long dispute within the Muslim community about the succession to the properties of pre-1940 Muslim congregations seized during the communist rule. Pending a court review to designate the rightful successor to the confiscated properties, the government continues to suspend all restitution claims by the Office of the Grand Mufti.

106. According to information the Advisory Committee received from the Office of the Grand Mufti of Bulgaria, the Muslim community in the town of Kardzhali, including parents of young children, has been requesting the municipality and government institutions to allow Muslim children access to halal food in municipal kindergartens but their requests have been rejected. The initiative committee "Halal Food for Our Children" decided to lodge a complaint with the European Court of Human Rights after the Kardzhali Administrative Court and the Commission for Protection against Discrimination rejected its complaints.

#### *Recommendation*

107. The Advisory Committee encourages the authorities to pursue their constructive dialogue with religious leaders from both the Muslim community and the numerically smaller religious groups also during the implementation phase of the recent amendments to the Act on Religious Denominations.

108. The Advisory Committee invites the authorities to take further steps to ensure that persons belonging to national minorities and practising minority religions have adequate access to places of worship. Decisions on the building or allocation of new places of worship should be taken in a transparent manner, in close consultation with representatives of the groups concerned.

109. The Advisory Committee encourages the authorities to adopt a religiously sensitive approach to the observance of dietary practices in educational institutions and consider, in consultation with those concerned, solutions which take into account religious freedom.

---

<sup>115</sup> Sofia Globe (24 April 2019), [Bulgaria's government approves additional 20.7M leva subsidy for Orthodox church, Muslims](#).

<sup>116</sup> Written submission by the authorities of 15 January 2020. In the same period, the expenditure for the Bulgarian Orthodox Church increased by 45%.

## Article 9 of the Framework Convention

### Broadcasting for minorities/broadcasting in minority languages

110. As in the previous monitoring cycle, the Bulgarian authorities confirm that there are no legal restrictions on the access of persons belonging to any ethnic, religious or linguistic minority groups to the media and that all persons, irrespective of their ethnic self-identification, may create and use their own media outlets in compliance with the provisions of the Bulgarian Radio and Television Act

111. As far as the situation in practice is concerned, Bulgarian National Television (BNT), the national public broadcaster, continues to broadcast a daily ten-minute news programme in Turkish. In line with its previous assessment,<sup>117</sup> the Advisory Committee is of the view that ten minutes of daily television programming in Turkish is insufficient to meet the needs of the high number of Turkish speakers in Bulgaria. In particular, it considers that broadcasting in minority languages should cover various genres, including news, entertainment and culture, and address different generations. The total duration of broadcasts in minority languages should be adequate to achieve this objective and thereby also contribute to language use and preservation.

112. In 2015 the first national Roma television channel in Bulgaria, Roma TV, was launched as a pay-per-view/non-linear on-demand service. In addition, BNT broadcasts the programme “World of Roma” with the support of the National Council for Co-operation on Ethnic and Integration Issues. The Council for Electronic Media has also issued a licence for a new Roma television channel (Romani Jak) to be broadcast on cable and satellite. It will start broadcasting in May 2020.

113. Every weekday, BNT1 broadcasts the documentary programme “Little stories”, which occasionally covers topics related to people of different ethnic backgrounds in Bulgaria, with a special focus on Roma (“Little stories from the world of Roma” telecast).

114. There is no updated information available about public and/or private radio broadcasting in Turkish and other minority languages. Nevertheless, the Bulgarian authorities have confirmed that television and radio broadcasts in minority languages can effectively be received from abroad without technical difficulties (e.g. geoblocking). Channels in minority languages are available both via cable providers and via satellite signal.

115. The Advisory Committee notes that the Turkish and Romani languages continue to have a limited presence in the broadcast media in Bulgaria, while there does not seem to be any broadcasting in other minority languages in the country. An increased offering of television and radio broadcasting in Turkish, as well as in other minority languages, produced in Bulgaria and covering topics relevant to life in the country is not only necessary to cover the needs of persons belonging to national minorities but could also constitute a significant factor in strengthening integration in Bulgarian society. The Advisory Committee draws the Bulgarian authorities’ attention to the requirement that they adopt adequate measures to facilitate access to the media for persons belonging to national minorities and in order to permit cultural pluralism, in accordance with Article 9.4 of the Framework Convention.

116. As mentioned above, media in minority languages and/or providing information about national minorities also promote tolerance and permit cultural pluralism. In this context, it is important to note that when media organisations recruit persons belonging to national minorities this contributes to an accurate portrayal and a raised awareness of the national minorities in Bulgarian society at large.

---

<sup>117</sup> See [third opinion](#) of the Advisory Committee on Bulgaria, para. 93.

Furthermore, journalists need to receive adequate training on national minority issues and in the given minority language.<sup>118</sup>

117. As regards print media, the Advisory Committee notes that, with the support of the National Council for Co-operation on Ethnic and Integration Issues, some news bulletins are published in minority languages, for example Aromanian. There is also a commercial newspaper in Turkish. During the Advisory Committee's visit to Bulgaria, representatives of the Turkish minority expressed an interest in extending the use of their language in newspapers. While Article 9.3 of the Framework Convention contains mainly a negative obligation on states not to hinder the creation and use of print media in minority languages, the Advisory Committee recalls that print media remain an important means for persons belonging to national minorities to maintain and develop their cultures and language (especially with regard to regular written production in that language).<sup>119</sup> The Advisory Committee also notes that, apart from creating newspapers in minority languages, consideration could in certain cases be given to regularly including articles in minority languages in existing commercial newspapers published in Bulgarian. This would have economic and logistical advantages, lead to a wider circulation of news in minority languages and raise awareness of the existence of a local national minority among the majority population.

118. The Advisory Committee is aware that a more active approach by the Bulgarian authorities to supporting media in minority languages has budgetary implications. Nevertheless, it also notes that during the period under review the importance of digital, online and social media has considerably increased. These new media offer considerable potential to make audiovisual productions and newspaper content available in minority languages at a much lower cost than is incurred by traditional (including print) media. They also solve problems linked to unattractive broadcasting hours, which the Advisory Committee in its previous opinion noted to be the case regarding the BNT news programme in Turkish,<sup>120</sup> or technical difficulties in receiving broadcasts from abroad. While it is clear that new media do not yet fully reach the older generation, the Advisory Committee considers that they could in the short term facilitate the launch of media in minority languages not yet used in the Bulgarian media and also complement the current offering available in Turkish and Romani.

119. In general, the Advisory Committee considers that the Bulgarian authorities should consult representatives of the national minorities about their needs with regard to the creation of media in their languages, what form such media should have (public or private) and how the minorities could contribute to the preparation of content. The objective of this consultation should be to create and financially support, for each interested national minority, an adequate offering in the fields of television, radio, other audiovisual productions and print media in the given minority language, including by using new media.

#### *Recommendations*

120. The Advisory Committee urges the authorities, in consultation with persons belonging to national minorities, to facilitate public and/or private broadcasting of television and radio programmes in minority languages of a sufficient duration, as well as to support the regular publication of written news (printed or online news publications) in minority languages to meet the needs of national minorities.

121. The Advisory Committee calls on the authorities to support the production of audio and audio-visual works that raise awareness of the national minorities within Bulgarian society at large.

---

<sup>118</sup> See Thematic Commentary No. 3, The Language Rights of Persons Belonging to National Minorities under the Framework Convention, adopted on 24 May 2012, Part IV.

<sup>119</sup> See Thematic Commentary No. 3, The Language Rights of Persons Belonging to National Minorities under the Framework Convention, adopted on 24 May 2012, para. 47.

<sup>120</sup> See [third opinion](#) of the Advisory Committee on Bulgaria, paras. 93, 97.

122. The authorities should also take measures to encourage the recruitment of journalists belonging to a national minority by media and/or to encourage the training of journalists about national minority issues and in the given minority language.

## **Article 10 of the Framework Convention**

### **Use of minority languages in dealings with administrative authorities**

123. In its previous monitoring cycles, the Advisory Committee recommended that the Bulgarian authorities assess, in close consultation with representatives of national minorities, whether there was a need or demand for the use of minority languages in dealings with the administrative authorities in those areas inhabited traditionally or in substantial numbers by persons belonging to national minorities and to establish by law how and when the oral and written use of minority languages may be instituted in contacts with administrative authorities, in order to ensure that this right is enjoyed on an equal footing throughout the country.

124. In the state report, the authorities repeat their position that the provisions of the Framework Convention which are not directly applicable leave the states concerned a measure of discretion in the implementation of the objectives which they have undertaken to achieve, thus enabling them to take particular circumstances into account. Therefore, according to the authorities, the implementation parameters of Article 10.2 are defined in the Constitution of the Republic of Bulgaria according to which “Bulgarian shall be the official language of the Republic” (Article 3). The authorities conclude that the present situation in Bulgaria remains in conformity with Article 10.2 of the Framework Convention.

125. However, the Advisory Committee observed during its visit to Bulgaria that minority languages can *de facto* only be used in dealings with local authorities located in areas where the minority language is used by a very high proportion of the local population. In practice, this applies only to areas inhabited by the Turkish minority. The state report also indicates that “in certain municipalities the entire administration is composed of civil servants whose names indicate a belonging to the Turkish community. Such municipalities are for instance Dzhebel, Momchilgrad and Kardzhali.” The Advisory Committee notes, however, that where there is a high proportion of persons belonging to the Turkish minority in the local administration this is not the result of active and structured measures on the part of the authorities but a mere reflection of the local demographic situation. The use of Turkish within the local administration and in contacts between the population and the local administration is therefore natural. However, as representatives of the Turkish minority confirmed during the visit to Bulgaria, such use of Turkish is only oral and does not extend to written communications or administrative forms in Turkish.

126. The Advisory Committee understands that there have been instances where Roma who did not have a sufficient command of Bulgarian have received assistance in Romani when dealing with local authorities. While such assistance is to be welcomed, such informal *ad hoc* measures do not suffice to implement Article 10, which also applies in cases where the person belonging to a national minority does speak the state language. The Advisory Committee has received no indication that there is provision for the use of any other minority language in dealings between persons belonging to a national minority and the administrative authorities.

127. In the light of the above, the Advisory Committee disagrees with the authorities that the present situation in Bulgaria is in conformity with Article 10.2 of the Framework Convention. Even if the state party has a margin of discretion in the implementation of the provision, so as to take particular circumstances into account, this flexibility does not imply that the state party is free not to take any legal and practical measure to implement it. The implementation of Article 10.2 cannot be left to coincidental and informal arrangements in individual municipalities. Rather, the national authorities should identify, in close co-operation with representatives of the national minorities, the municipalities that are inhabited traditionally or in substantial numbers by persons belonging to minorities and in which Article 10.2 applies

to the respective minority and its language. Furthermore, the authorities need to provide clear legal guidance to these municipalities concerning the scope of the oral and written use of the minority languages. Finally, they should ensure, including by providing financial assistance, that the local authorities take the necessary practical steps to implement this provision, in particular as regards human resources (recruitment of linguistically qualified staff, language training and mobility of existing staff) as well as provision for translation and interpretation. In this context, the Advisory Committee welcomes the fact that, according to the state report, in 2014 the aforementioned municipality of Dzhebel implemented a European Social Fund financed project under which 95 civil servants received training to improve their ability to communicate in Turkish.<sup>121</sup>

128. The Advisory Committee recalls that the rights arising under Article 10.2 also apply in areas traditionally inhabited by only a relatively small percentage of persons belonging to national minorities if a request has been made and there is a need to use the minority language in contacts with administrative authorities. It also recalls that the term “need” does not necessarily refer to cases where persons belonging to national minorities do not speak Bulgarian and therefore need services in their minority language. In fact, such an interpretation would not only place these persons in a legal position similar to foreigners but also exclude those among them who are bilingual (Bulgarian/minority language) from benefiting from this provision. On the contrary, one of the preconditions for the preservation of a minority language as an essential element of the identity of a national minority and its transmission is that the given language remains fully functional in all areas of daily life, including the field of administration. Therefore, a threat to the functionality of the minority language as a communication tool is sufficient to constitute a need within the meaning of Article 10.2 of the Framework Convention.<sup>122</sup>

#### *Recommendations*

129. The Advisory Committee urges the authorities, in close consultation with representatives of the national minorities, to assess the need for the use of minority languages in dealings with the authorities in the areas inhabited traditionally or in substantial numbers by persons belonging to those minorities. In doing so, the authorities should determine, on the basis of clearly established criteria, the municipalities in which Article 10.2 applies to the respective minorities and ensure, including by providing financial assistance, that the local authorities take the necessary practical steps to implement this provision.

130. The Advisory Committee further recommends that the authorities establish by law clear criteria and transparent procedures on how and when the oral and written use of minority languages may be instituted in contacts with administrative authorities in order to ensure that this right is enjoyed on an equal footing throughout the country.

### **Article 11 of the Framework Convention**

#### **Use and official recognition of personal names in minority languages**

131. In the previous monitoring cycle, the Advisory Committee recommended that the Bulgarian authorities take urgent steps, together with representatives of all groups concerned, to identify and eliminate any remaining impediments, whether in legislation, policies, procedures or practice, to the full official recognition and use in daily life of names in minority languages.

132. The Advisory Committee recalls that the authorities have previously taken measures to reverse earlier policies and practices of forcibly changing the names of persons belonging to national minorities to Slavic names. While the state report does not provide information on Article 11.1, during its visit the

---

<sup>121</sup> See [state report](#), p. 45.

<sup>122</sup> See Thematic Commentary No. 3, The Language Rights of Persons Belonging to National Minorities under the Framework Convention, adopted on 24 May 2012, para. 56.



Advisory Committee received complaints from representatives of the Turkish minority that the restoration of personal names is still not always implemented in administrative practice. Although many Turkish names have been restored, there are reportedly still cases in which authorities issue documents mentioning the former Slavic names. Moreover, the Advisory Committee has again received reports of persons who fear discriminatory treatment at work should they use their Turkish name. The Bulgarian authorities have clarified that restored names are reflected in the electronic population registry. According to Article 63.4 of Ordinance № RD-02-20-9 of 21 May 2012 on the functioning of the unified system for civil registration, the civil status documents reflect the latest state of the data. Furthermore, the amendments to the Civil Registration Act in 2004, 2007 and 2015 provide for the possibility of changing the names of the deceased. In cases where local authorities issue documents with incorrect data, citizens may request a correction. However, it is not clear to the Advisory Committee how many requests for the restoration of personal names are still pending.

133. The Advisory Committee recalls that the right to adopt and effectively use one's personal name in a minority language is a core human right and is closely linked to personal identity and dignity, which makes it particularly important that States Parties ensure that individuals encounter no obstacles to the use and recognition of their names in their own language.

*Recommendation*

134. The Advisory Committee calls on the Bulgarian authorities, in co-operation with representatives of all the groups concerned, to identify and eliminate any remaining impediments in practice to the full official recognition and use in daily life of personal names in minority languages.

**Right to display in minority languages signs, inscriptions and other information of a private nature visible to the public**

135. In the light of the information obtained by the Advisory Committee during its visit, it appears that persons belonging to national minorities display only to a limited extent signs, inscriptions and other information of a private nature visible to the public in minority languages. Given that there are more private signs or inscriptions than public ones in most municipalities (e.g. inscriptions in shops or businesses), this field is important for the maintenance of minority languages as functional languages of daily life. It also contributes to raising awareness of the local presence of a national minority. The limited implementation of this right seems to be a reflection of the desire not to disclose one's ethnicity or linguistic affiliation in public.

*Recommendation*

136. The Advisory Committee calls on the authorities to take measures informing the population in areas inhabited by national minorities of the right to display in minority languages signs, inscriptions and other information of a private nature visible to the public and to encourage them to make use of it.

**Public topographical indications in minority languages**

137. In the previous monitoring cycles, the Advisory Committee recommended that the Bulgarian authorities assess, in close consultation with representatives of national minorities, the extent to which there is a need or demand for the use of minority languages for topographical indications in the areas traditionally inhabited by a substantial number of persons belonging to national minorities. It also urged the authorities to establish by law clear criteria and transparent procedures to enable national minorities

to display traditional local names, street names and other topographical indications in the minority language, in conformity with Article 11.3 of the Framework Convention.

138. As far as the legal basis for the implementation of Article 11.3 is concerned, the authorities maintain their view that this provision does not give rise to a direct obligation but allows for different forms of implementation based on the legal framework and the specific situation prevailing in each state.

139. The Advisory Committee refers to its previous opinions and recalls that, while allowing a margin of discretion as to the measures to be taken in practice, Article 11.3 does create a direct obligation on states parties by providing that they “shall endeavour” to display topographical and similar indications in minority languages when the other conditions set out in this provision are met. Moreover, the Explanatory Report to the Framework Convention (para. 70) makes it clear that this provision is intended not merely to create but to “promote the possibility” of such displays. In addition, Article 11.3 requires the display of signs in minority languages to be given a clear and unambiguous legal basis.

140. According to the information obtained by the Advisory Committee during the visit to Bulgaria, traditional local names, street names and other topographical indications are not displayed in minority languages. Place name and street name signs bear only the official name in Bulgarian in the Cyrillic and (underneath) the Latin script. However, the Advisory Committee is aware that the official names of a number of topographical sites in Bulgaria are based on traditional place names in minority languages, such as Turkish and Greek. In this context, the Advisory Committee is particularly concerned about complaints it received during its visit that such toponyms continue to be systematically changed. In 2018, the Stara Zagora local council decided to replace 838 local toponyms of Turkish-Arab origin with Bulgarian translations or neologisms. The Office of the Grand Mufti issued a statement strongly criticising this decision.<sup>123</sup> The Advisory Committee finds the abolition of official topographical names in minority languages incompatible with the principles of Article 11 and regrets the lack of appreciation for the significant symbolic value that such names carry for the population as an affirmation of the long-standing presence of national minorities as a valued part of society. It therefore considers that the authorities should identify, in co-operation with the representatives of relevant national minorities, means of restoring traditional place names abolished since the entry into force of the Framework Convention, at least as co-official names in conjunction with the new Bulgarian names.

141. In contrast, the Advisory Committee also notes a positive initiative taken by the authorities. The state report indicates that, in the context of a project implemented in co-operation with Turkey, a study has been carried out on the Turkish cultural monuments located in the municipality of Boliarovo (Yambol province). This study identified topographical sites with their ancient Turkish names and “clearly showed that many names of settlements, sites, hills and other areas are of Turkish origin.” While it is not clear whether the Turkish names will be displayed on signs, the state report mentions that they could be used for the production of historical maps. The Advisory Committee welcomes this local initiative, which is a relevant measure for the implementation of Article 11.3 of the Framework Convention. In particular, it considers that multilingual cultural and touristic signage offers considerable potential for the use of topographical names in minority languages as it uses these languages and toponyms in a field (heritage preservation) that is appreciated in all parts of society, raises awareness of the cultural contributions made by national minorities and has a practical function. Furthermore, the Advisory Committee welcomes the fact that, in 2017, the Presidential Committee on Naming Objects of National Significance and Communities rejected an appeal lodged by Sofia’s regional governor to rename the Musala peak, Bulgaria’s highest mountain, after St Ivan Rilski.

142. The Advisory Committee recalls the important symbolic value of bilingual topographical indications as an affirmation that the presence of linguistic diversity is appreciated and that a given

---

<sup>123</sup> Balkan Insight (1 June 2018), [Bulgarian City Stirs Tensions by Changing Place Names](#).

territory is shared in harmony by various linguistic groups.<sup>124</sup> Accordingly, the Advisory Committee considers that the authorities, in close co-operation with representatives of national minorities and researchers, should identify the traditional topographical names in each minority language in which distinct toponyms exist and determine how such names can be used and displayed in the script of the given minority language on cultural and administrative signage. The authorities should, moreover, give clear legal and practical guidance, including financial assistance, to the local authorities concerned by the decision.

### *Recommendations*

143. The Advisory Committee calls on the authorities to refrain from abolishing official place names in minority languages and, in co-operation with the representatives of national minorities, to restore recently abolished place names, at least as co-official names together with the new Bulgarian names.

144. The Advisory Committee encourages the authorities, in close co-operation with representatives of national minorities and researchers, to collect and identify unofficial traditional topographic names in each relevant minority language and to determine how such names will be used and displayed in the script of the given minority language on cultural and administrative signage. It also encourages the authorities to give clear legal and practical guidance on taking such decisions as well as financial assistance.

## **Article 12 of the Framework Convention**

### **Intercultural dimension of education**

145. The Advisory Committee welcomes the fact that, according to the Act on Preschool and School Education adopted in 2015 one of the aims of education is the “formation of tolerance and respect for the ethnic, national, cultural, language and religious identity of every citizen”. According to the authorities, the “Bulgarian Language and Literature” curricula for grade 2 and grades 3-5 include information on Bulgarian minority cultures and cultural dialogue.

146. A recent Council of Europe study found that the Roma were not mentioned at all in Bulgarian school curricula. Out of 76 relevant textbooks in geography, history and civics analysed for the study, Roma were mentioned in only 16. Most references were made in a demographic context, but textbooks also mentioned Roma in Bulgaria’s national history, Roma culture, and the Roma in contemporary society.<sup>125</sup>

147. Representatives of the Turkish minority expressed serious concerns about the portrayal of the Ottoman period in textbooks in particular. In their view, in descriptions of that period, Turks are still presented as evil oppressors and dangerous enemies, which contributes to creating a negative image of Turks and potentially Muslims in general. The Advisory Committee was informed that this made children feel uncomfortable in class when this topic was being discussed and interlocutors mentioned reports about the psychological pressure perceived by Turkish children after such lessons, especially when they are in a minority in their class.

---

<sup>124</sup> ACFC Thematic Commentary No. 3, The Language Rights of Persons belonging to National Minorities under the Framework Convention, adopted on 24 May 2012, para. 67.

<sup>125</sup> Council of Europe (2019), The Representation of Roma in European Curricula and Textbooks; joint report commissioned to the Georg Eckert Institute for International Textbook Research in partnership with the Roma Education Fund, pp. 10-17. It is noteworthy, that according to the same report, Bulgarian curricula mention the term “national minority” several times.

148. In 2016, the Ministry of Education proposed changes to the curriculum and educational materials, such as replacing pejorative terms in history textbooks about the Ottoman period with more appropriate wording. This provoked sharp reactions from nationalist organisations and political parties and was one of the reasons for the Minister's resignation.<sup>126</sup>

149. The Advisory Committee recalls that States Parties need to conduct regular reviews of the curricula and textbooks in subjects such as history, religion and literature, in order to ensure that the diversity of cultures and identities is reflected and that tolerance and intercultural communication are promoted.<sup>127</sup> While noting information provided by the authorities that such reviews are regularly undertaken, the Advisory Committee regrets that persons belonging to the Turkish minority tend to feel uneasy with the way their groups are reflected in the current curricula and teaching materials and considers that more attention should be paid to these sensitivities.

#### *Recommendation*

150. The Advisory Committee calls on the authorities to promote the provision of adequate information to children on the history, culture, languages and religion of national minorities as well as their contribution to Bulgarian society. The authorities should revise teaching and learning materials in co-operation with persons belonging to minorities to take into account their respective sensitivities.

### **Access of Roma children to education**

151. The latest Civil Society Monitoring Report on the implementation of the National Roma Integration Strategy states that education is the area which shows the most significant progress in terms of implementation. Ensuring attendance in preschool and primary school education has become a high priority for the current government and has had tangible results. Government decisions in 2017 and 2018 led to the establishment of a multi-institutional framework for full enrolment, with a co-ordination unit at the highest political level and multidisciplinary teams (education, social services, health services, police, municipal authorities) in local catchment areas. According to official data, a total of 49 000 students who had dropped out were re-enrolled in the education system between 2017 and 2020. The work is co-ordinated by the Centre for Educational Integration of Children and Pupils from Ethnic Minorities (CEICSEM), which has an annual budget of BGN 1 million but also raises substantial external funding.<sup>128</sup>

152. The Advisory Committee considers that the work of educational mediators, which it was able to observe in the schools it visited, is of extraordinary importance in this context. According to the authorities, a total of 997 educational mediators are employed in kindergartens and schools.<sup>129</sup> Mediators in Sredets, for example, would do regular tours through the neighbourhood to find out why certain children have stopped attending school and would work with the families to secure their return. The Advisory Committee deeply regrets that the great majority of education mediators are only employed on a project basis, unlike Roma mediators in the health field (see Article 15). Having seen the positive contributions of Roma mediators in both areas, the Advisory Committee considers that this approach should also be institutionalised in the education sector. Together with better quality education through smaller classes and better-trained teachers, the use of mediators could help, in the medium and long term, to ensure high attendance rates by Roma children.

---

<sup>126</sup> See the European Islamophobia Report 2016, pp. 111-112.

<sup>127</sup> [ACFC Thematic Commentary No. 3](#), page 11; see also OSCE High Commissioner for National Minorities (2012), [The Ljubljana Guidelines on Integration of Diverse Societies](#), p. 56.

<sup>128</sup> Written submission by the authorities of 15 January 2020.

<sup>129</sup> Written submission by the authorities of 15 January 2020.

153. Overall, Roma children's access, attendance and performance in education from preschool to secondary education remains problematic and has rightly been chosen by the Bulgarian authorities as a priority objective in recent years. According to EU-MIDIS II data for 2016, 7% of children aged 7-14 and 43% of young people aged 14-18 do not attend school. 97% of young people aged 19-24 are not in any form of education. Approximately 60% of Roma students who attend school go to de-facto segregated schools, despite the formal prohibition of this practice. Only two-thirds of Roma children aged 4-7 attend kindergarten, compared to almost 90% in the general population.<sup>130</sup>

154. During its monitoring visit, the Advisory Committee visited two schools predominantly attended by Roma children. In the St. Kiril and Metodii school in Sredets, most children are so-called Bulgarian Roma, whose mother tongue is Romani. The Khristo Botev school in Burgas has about equal proportions of children speaking Romani and those speaking Turkish at home. According to the headmaster, not a single child in this school has Bulgarian as a mother tongue. The Advisory Committee notes that the infrastructure in both schools is satisfactory and in Burgas partly even of a very high standard, not least thanks to the municipality's active fundraising efforts targeting international donors.

155. The Advisory Committee heard different views about the punitive approach taken to enforce school attendance. Parents whose children miss school for five days or pre-school for three days without providing a "good reason", lose the child welfare allowance for the child concerned for one year. The suspended payments are allocated to the respective kindergartens and schools so that they can provide general or additional support for the personal development of the child in question. Between February and June 2019, the total amount of suspended monthly allowances for children was BGN 1.8 million, and the corresponding funding had been granted to 2 299 educational institutions.<sup>131</sup> While some interlocutors perceived this approach as patronising and as punishing the children more than their parents, others regarded the measure as an important factor contributing to the success of the current policy. Whilst not taking any position in principle on the use of financial sanctions to enforce school attendance, the current approach seems disproportionate to the Advisory Committee. After a very short period of absence (3 or 5 days respectively), imposing a year-long ban on accessing social benefits does not constitute an incentive for sending children back to school. Moreover, the Advisory Committee considers it important that transparency and clear criteria are applied when such decisions are taken and that the best interest of the child shall be a primary consideration.

156. Some interlocutors from the Roma minority informed the Advisory Committee that they found the emphasis placed on attendance too limited because it did not attach sufficient importance to the quality of education. Persons belonging to the Roma minority in one segregated neighbourhood complained that their children did not learn properly to read and write even if they attended school regularly. The Advisory Committee regrets this and considers that, in addition to ensuring attendance, adequate attention needs to be paid to the quality of education.

157. Preschool education is compulsory from the school year in which the child turns five. However, for four years in a row the net enrolment rate in pre-primary education has decreased and the rate among Roma children is particularly low. This is regrettable, given that early childhood education is widely acknowledged as being a key factor for educational success later in life, in particular for children for whom Bulgarian is not their first language.<sup>132</sup> An important inhibiting factor seem to be kindergarten fees, which

<sup>130</sup> EU Agency for Fundamental Rights (FRA) (2016), Second European Union Minorities and Discrimination Survey (EU-MIDIS II), Roma, pp. 23-30.

<sup>131</sup> Written submission by the authorities of 15 January 2020.

<sup>132</sup> [Civil society monitoring report on implementation of the national Roma integration strategy in Bulgaria](#), 2019, pp. 43-45.

despite recommendations by the Ombudsperson and many other institutions have not yet been abolished.<sup>133</sup>

158. Ensuring attendance of secondary schools, after usually seven years in primary school, is particularly challenging. In the 7-class Khristo Botev school in Burgas, the headmaster reported that, in 2019, 100% of the students subsequently went on to secondary, usually vocational education but this seems to be an exception. All the interlocutors confirmed that the key to keeping Roma children in education is a multi-disciplinary approach and co-ordination among different actors such as the school, social services, education mediators and the child welfare service. They also confirmed, however, that continuous funding is necessary, for example for bus transfers and the additional staff required. The Advisory Committee considers that the project-based approach is particularly risky here as progress is usually not seen immediately and needs a long-term commitment by a wide range of stakeholders.

159. Even though interlocutors informed the Advisory Committee that the numbers of early “marriages”<sup>134</sup> are slowly declining, this is still a very common phenomenon among Roma in Bulgaria. Taken together with the common phenomenon of early pregnancies, they are a frequent reason for girls dropping out from school. The Advisory Committee is not aware of any action addressing this particular problem.

160. The segregation of Roma in education continues to be a serious problem in Bulgaria despite the legal prohibitions in place (see Article 4). According to NGOs, every fifth educational institution is segregated and only a third of schools and kindergartens are mixed, without any threat of secondary segregation. Education in these institutions follows the same curriculum as in other schools, but is reportedly of lower quality. Dropout rates are higher and only a few students go on to secondary education.<sup>135</sup> The Advisory Committee observes that official interlocutors tend to refer to the “voluntary” nature of this segregation, which is portrayed as a natural consequence of Roma families’ desire to settle in common neighbourhoods. Given the violation of public interest considerations and the high risk of discrimination and lower educational outcomes associated with segregated education, the Advisory Committee finds this situation unacceptable. It considers that the measures taken by the Bulgarian authorities to ensure inclusive education and combat secondary segregation are insufficient.

161. There are laudable efforts to enhance the enrolment of Roma children in preschools and promote desegregation. In the city of Burgas, for example, 42 children from the Pobeda neighbourhood are taken daily by bus to two different kindergartens where the majority of children are Bulgarian. In 2019, a three-year government programme was launched to address segregation in schools, largely modelled on programmes in place until approximately 2012, such as bussing. Funding is provided to municipalities for desegregation activities such as bussing to kindergartens, schools and other institutions. By November 2019, six municipalities had received funding under the programme. However, given the extent of the problem and the negative impact it has on the life chances of Roma children, the Advisory Committee considers that the authorities’ efforts to combat segregation in education are far from sufficient.

### *Recommendations*

---

<sup>133</sup> See the recommendations of the Ombudsperson in that respect in her [Annual Report 2018](#), p. 35. For a notable exception in the municipality of Ispirih, see <https://integrobg.org/en/isperih-municipality-abolished-the-monthly-fees-for-nurseries-and-kindergartens>.

<sup>134</sup> The term “marriages” - commonly used to describe the practice according to which Roma families agree to formalise the unofficial [i.e. legally unregistered] union between their children as husband and wife and agree to their living as a couple outside the girl’s family home - should however be understood as “unions”, in particular when there is no official record of the marriage, in line with the position expressed by the CAHROM thematic group experts in the [2015 CAHROM Thematic report on early and forced marriages in Roma communities](#).

<sup>135</sup> [Civil society monitoring report on implementation of the national Roma integration strategy in Bulgaria](#), 2019, pp. 52-53.

162. The Advisory Committee urges the authorities to continue prioritising access to education for Roma children. To ensure the implementation of the existing objectives, the use of education mediators should become a sustainably funded government programme and preschool fees should be abolished.

163. The Advisory Committee calls on the authorities to combat segregation, including secondary segregation, in education more effectively, by promoting the added value of inclusive education both among Roma families and in society as a whole.

## **Article 14 of the Framework Convention**

### **Teaching in or of minority languages**

164. In the previous monitoring cycles, the Advisory Committee called on the authorities to adopt an active approach to improving opportunities for persons belonging to national minorities to receive teaching in or of their minority language. It urged the authorities to extend the offering of minority language education for Turkish and Romani as well as to undertake a detailed examination of existing demands for teaching in or of other minority languages. It also called on the authorities to raise the awareness of parents and children belonging to national minorities as to the existing possibilities of teaching minority languages. Furthermore, it urged the authorities to support the training of teachers qualified to teach minority languages, to encourage students to attend such courses and to recruit teachers of minority languages. Finally, the authorities were asked to support and encourage the development of textbooks for minority language teaching.

165. There is no preschool education in minority languages in Bulgaria. Given that preschool is the first level of regular education and that language education can take place there, the Advisory Committee underlines the importance of preschool education for learning a minority language. This applies especially when that language is not the main one used in the family, which is the case of most national minorities other than Roma and Turks. The Advisory Committee therefore calls on the authorities to introduce the use of minority languages in preschool education.

166. With regard to primary education (grades 1-7), the state report indicates that Armenian, Hebrew, Romani and Turkish can be studied in the form of the elective subject “Mother Tongue”. However, the Advisory Committee notes that currently no teaching of Romani takes place (see below). Minority languages are not taught at secondary level.

167. Bulgarian legislation provides for citizens whose mother tongue is not Bulgarian to have the right to study their own language/mother tongue (Article 36.2 of the Constitution; Article 13.6 of the Preschool and School Education Act). The Preschool and School Education Act (paragraph 1, item 14) defines “mother tongue” *inter alia* as the language spoken in the family by “a) children and pupils from ethnic minority groups that traditionally or in significant numbers populate the territory of the Republic of Bulgaria ...” The Advisory Committee acknowledges the need to provide specific forms of language teaching for students who speak a given language as their mother tongue and have a fluent command of it when they are enrolled in school. This is the situation of many Roma and Turkish students, but many students belonging to other national minorities, notably numerically small ones, have Bulgarian and not the minority language as their mother tongue. In addition, “mother tongue” refers to the highest level of proficiency of a language. Considering that “mother tongue” education is currently the only form of teaching minority languages, the legislation confines access thereto to a narrowly defined group and de facto to only few national minorities. Furthermore, it is not clear whether the legal provisions may in practice hinder students belonging to the Bulgarian majority population from attending minority language classes if they so wish, whereas access to learning an international foreign language does not

depend on the student's mother tongue or ethnicity. In the light of these considerations, the Advisory Committee calls on the authorities to develop and introduce educational models for the teaching in or of minority languages which will be open to students who either do not master the minority language at mother tongue level or have no command of it at all.

168. According to information obtained by the Advisory Committee during the visit to Bulgaria, the threshold for setting up classes in the subject "Mother Tongue" is 13 students. While this seems to cause no difficulties in areas densely inhabited by Roma or Turks, it is too high for smaller national minorities who are unlikely to attain this threshold locally. This observation is all the more pertinent given the unfavourable demographic development in recent years. The Advisory Committee therefore calls on the authorities to lower this threshold with a view to promoting teaching in or of minority languages.

169. The curriculum specifies that the subject "Mother Tongue" is taught for two hours a week. In this context, it must be borne in mind that one of the purposes of minority language education is to maintain or inculcate a degree of fluency and literacy which enables the learner to use the language in public and private life, including in the fields covered by the Framework Convention, and to pass it on to the next generation. Teaching a minority language for only two hours a week is unlikely to achieve this objective, especially when that language is not the predominant language used within families. In order to make an effective contribution to the preservation of minority languages as an essential element of the identities of national minorities, it is necessary to extend the number of teaching hours of the subject "Mother Tongue".

170. Against this background, the Advisory Committee welcomes the authorities' confirmation that there are no legal or administrative impediments to the teaching of subjects other than the mother tongue in a specific language. However, Bulgaria currently offers no teaching in minority languages where such a language constitutes an equally used (bilingual education) or main medium of instruction.<sup>136</sup>

171. The subject "Mother Tongue" is offered either as a "facultative elective class" or as an "elective class". Facultative elective classes are outside the general curriculum, but students are obliged to choose classes in them. Elective classes may be chosen by students if they wish. As the Advisory Committee already noted in the previous monitoring cycle, offering the mother tongue as an optional elective class reduces its attractiveness as well as the chance that students will choose it. According to representatives of national minorities whom the Advisory Committee met during its visit to Bulgaria, the interest in such teaching would be greater if the minority language was offered as a facultative elective class" only.

172. Following consultations with education experts, persons belonging to minorities and representatives of non-governmental organisations, in 2017 the Ministry of Education and Science completed work on the curricula for teaching Armenian, Hebrew, Romani and Turkish as mother tongues over the course of seven academic years.

173. In 2019 teaching aids for teaching Turkish as a mother tongue in grades 1-7 were introduced in schools. Work to produce materials for the mother-tongue teaching of Armenian, Hebrew and Romani is underway.

174. As far as the situation of individual minority languages is concerned, 4 016 students are currently learning Turkish as a mother tongue in various Bulgarian provinces.<sup>137</sup> Compared to previous years (2017: 6 967 students, 2012: 9 268 students), this reflects a rapid decline in the number of students

---

<sup>136</sup> See in this context para. 77 of the Explanatory Report to the Framework Convention, which states that "bilingual instruction may be one of the means of achieving this provision [Article 14.2 of the Framework Convention]". See also [ACFC Thematic Commentary No. 1](#) on Education under the Framework Convention for the Protection of National Minorities, adopted on 2 March 2016, pages 16 and 24-26.

<sup>137</sup> Written submission by the Bulgarian authorities of 18 January 2020.



learning Turkish as a mother tongue. Furthermore, according to information received from the authorities, many schools do not offer Turkish from grades 1 through to 7 but only in some grades. Taken in conjunction with the absence of Turkish-language education at preschool and secondary levels and the low number of weekly teaching hours in primary education, the lack of continuity between the different grades in primary education further hampers the effectiveness of learning Turkish. During the Advisory Committee's visit, representatives of the Turkish minority also expressed their dissatisfaction about the absence of a qualified inspectorate for Turkish mother-tongue teaching. As far as the training of teachers of Turkish is concerned, this language can be studied at Paisii Hilendarski University in Plovdiv (*inter alia*, Pedagogy of training in Bulgarian and Turkish), at St. Kliment Ohridski University in Sofia and at Konstantin Preslavsky University in Shumen (*inter alia*, Pedagogy of training in Bulgarian and Turkish).

175. The Advisory Committee reiterates the observation made in the previous monitoring cycles to the effect that the number of students learning Turkish is very low compared with the number of persons who, in the 2011 census, declared themselves as having a Turkish ethnic affiliation. During the visit to Bulgaria, representatives of the Turkish minority stressed that the number of students learning Turkish as a mother tongue had dramatically declined from approximately 114 000 in the early 1990s<sup>138</sup> to 4 016 in 2020.

176. As far as Romani is concerned, the authorities indicate that no students currently learn Romani as a mother tongue at school. The state report notes that the number of children willing to learn Romani was over 4 000 at the beginning of the 1990s. Furthermore, no training for teachers of Romani is currently being organised. The former bachelor's degree course "Elementary and preschool pedagogies in the Romani language" at the University of Veliko Tarnovo is no longer offered, which the authorities claim is due to insufficient interest among the students who might take this course.

177. Considering the high number of Romani speakers in Bulgaria, the Advisory Committee regrets this development. It is aware that many Roma parents are of the view that speaking Romani in the family is sufficient to master this language and prefer their children to prioritise learning Bulgarian at school. Nevertheless, if the teaching of Romani were actually offered in relevant municipalities and parents' awareness were raised as to the considerable advantages for children of acquiring full literacy in their mother tongue, this attitude would change. During its visit to Bulgaria, the Advisory Committee was informed that the St. Kiril and Metodii School in the municipality of Sredets is considering offering the teaching of Romani in future. The Advisory Committee welcomes these intentions and urges the authorities to support such pilot initiatives.

178. In the 2018/2019 academic year, 106 students were learning Armenian as a mother tongue in grades 1-7 at the Victoria and Krikor Totiungyan Primary School in Plovdiv. The number of students declined during the period under review (2017: 128 students, 2012: 158 students). The students are not only ethnic Armenians. Representatives of this school informed the Advisory Committee during its visit that Armenian is taught between 2 and 5 hours per week, depending on the grade. This language is only taught as a "facultative elective class" in grades 1-4 and as an (optional) elective subject in grades 5-7. No comparable educational offering exists in other Bulgarian cities in which persons belonging to the Armenian minority are resident. In higher education, Armenian can be studied at St. Kliment Ohridski University in Sofia.

179. In the 2018/2019 academic year, 168 students (2017: 278 students) were learning Hebrew as a mother tongue in grades 2-7 at the Dimcho Debelyanov High School in Sofia. Neither Ladino nor Yiddish is taught within the regular education system in Bulgaria. According to representatives of the Jewish minority, the number of Ladino speakers is now very small and the language is threatened by extinction in Bulgaria. Hebrew studies are offered at St. Kliment Ohridski University in Sofia.

---

<sup>138</sup> See [third opinion](#) of the Advisory Committee on Bulgaria, para. 125

180. The Advisory Committee regrets that, in the light of the information provided by the authorities, Greek is no longer taught as a mother-tongue. In the 2012-2013 school year, 26 students were still taking Greek mother tongue classes. However, Greek seems to be taught to students whose parents are foreigners, but it is not clear what kind of language teaching is organised and where.<sup>139</sup>

181. Furthermore, the Advisory Committee notes with regret that the teaching of Romanian<sup>140</sup> in Vidin has been discontinued. At present, Romanian is only offered, as a foreign language, at the Mihai Eminescu High School in Sofia, which enables Romanian to be studied intensively. According to representatives of Romanian speakers, this school also teaches subjects other than Romanian in this language. The Advisory Committee welcomes the availability of Romanian language education in Sofia, but notes that no teaching in or of Romanian is offered within the regular education system in the areas where Romanian speakers live in substantial numbers, especially around Vidin. The Advisory Committee calls on the Bulgarian authorities, in co-operation with Romanian speakers, to make teaching in or of Romanian available in the areas traditionally inhabited by this minority.

182. According to the authorities, Russian and German are taught as foreign languages in Bulgaria. Both can be studied together with Turkish at Konstantin Preslavsky University in Shumen and German is also available at Paisii Hilendarski University in Plovdiv. It appears that other minority languages traditionally used in Bulgaria are not taught within the regular education system and there is no indication that the authorities have consulted representatives of these groups as to whether there is a demand for such teaching.

183. In the state report, the authorities acknowledge that the number of students enrolled in mother tongue teaching continued to decrease during the period under review. The authorities reiterate that this trend is “linked mainly to the opportunities for integration in the labour market after graduation” and that parents and the children themselves prefer children to learn languages which will facilitate their further study or job opportunities abroad.

184. However, in the Advisory Committee’s view the desire to emigrate does not explain the dramatic decline in the number of students learning minority languages. The Advisory Committee also notes that the full implementation of the Framework Convention in fields such as education, the media, administration and culture would create job opportunities in Bulgaria for people with full proficiency in the respective minority languages. Therefore, the Advisory Committee considers that the authorities should raise awareness of the advantages of minority language education. This should contribute to avoiding a sense of shame and guilt about expressing oneself in one’s mother tongue and to overcoming the reluctance of some persons belonging to national minorities to openly display or declare their ethnicity. Furthermore, in areas inhabited by a sufficient number of persons belonging to national minorities the authorities should introduce a standard procedure for informing parents of local opportunities for enrolment in existing minority language classes or set up new courses with fewer than 13 students and encourage parents to make use of them. Another element of an active approach to minority language education would be to provide universities with financial and other incentives to offer courses in minority languages and to encourage students to enrol in them.

---

<sup>139</sup> “Education in the mother tongue and culture of compulsory school-age pupils residing in the country whose parents are nationals of other Member States and engaged in employment in the territory of the Republic of Bulgaria”, as stated in the Bulgarian authorities’ replies of 18 January 2020 to the Advisory Committee’s questionnaire.

<sup>140</sup> See the 1st opinion of the Advisory Committee on Bulgaria, para. 98. The Romanian language is used by two groups, one self-identifying as Vlachs and the other as Romanians.

*Recommendations*

185. The Advisory Committee urges the authorities, in consultation with the representatives of the national minorities, to undertake an analysis of demand for teaching in or of minority languages and, in the light of the outcome, to provide for such teaching. In addition to Turkish, Romani, Armenian, Romanian and Hebrew, this procedure should also extend to the languages of the other minorities traditionally present in Bulgaria

186. The Advisory Committee urges the authorities to introduce minority language education in preschool and secondary education. It also calls on the authorities to provide for the teaching of different subjects in minority languages and to extend the number of teaching hours of the subject "Mother Tongue" and ensure the continuity of teaching this subject in all grades.

187. The Advisory Committee encourages the authorities to ensure that persons belonging to national minorities have adequate opportunities for being taught their minority's language or for receiving instruction in this language irrespective of whether they master it at mother-tongue level. It also encourages the authorities to lower the minimum number of students (currently 13) needed to establish a class providing teaching in or of a minority language as a "facultative elective class".

188. In addition, the authorities should ensure the development of curricula and teaching materials as well as provide universities with incentives to offer courses in minority languages and encourage students to enrol in them.

189. The Advisory Committee calls on the authorities to introduce a standard procedure for informing parents of local opportunities for enrolment in existing minority language classes or to establish such classes and to actively encourage parents to make use of these opportunities.

## Article 15 of the Framework Convention

### Participation of national minorities in public affairs

190. Persons belonging to national minorities continue to be represented in parliament and to hold other public functions, including at local level. Although the establishment of political parties on ethnic lines remains prohibited by the Constitution (see Article 7), the political party Movement for Rights and Freedoms, which is present in the current parliament, is perceived as mainly representing the interests of persons with an ethnic Turkish background.<sup>141</sup> The Advisory Committee was also informed about one mayor and several local councillors belonging to the Roma minority and welcomes these developments.

191. The Advisory Committee is concerned about the fact that the electoral code continues to ban the use of languages other than Bulgarian during election campaigns. In the course of the last parliamentary election campaign, one of the co-chairs of the DOST Alliance<sup>142</sup> was fined because two videos containing Turkish subtitles were available on the alliance's official website.<sup>143</sup> The Advisory Committee considers this prohibition problematic, because it restricts both the right of persons belonging to minorities to participate in public affairs and the right to receive and impart information and ideas in the minority language without interference by public authorities, as guaranteed by Article 9 of the Framework Convention (see also Article 10.1).<sup>144</sup> Persons belonging to the Turkish minority also criticised the fact that the electoral code was amended before the 2017 elections to limit the number of polling stations abroad. While the restrictions were withdrawn for EU states after protests, they remained for non-EU countries, which mainly affected voters in Turkey. Due to the fact that the polling stations there were reduced from 136 in 2014 to 35 in 2017, considerably fewer votes were cast than in the 2014 parliamentary elections.<sup>145</sup>

#### *Recommendation*

192. The Advisory Committee calls on the authorities to withdraw the ban on using languages other than Bulgarian during election campaigns.

### Consultative bodies

193. The National Council for Co-operation on Ethnic and Integration Issues is a consultative body under the Council of Ministers.<sup>146</sup> It assists the government in devising and implementing policies on minorities and acts as a co-ordinator between the government and the minorities' NGOs. It also co-ordinates the implementation of the Republic of Bulgaria's National Strategy for Roma Integration (2012-2020) and constantly monitors the progress of the action plan for that implementation.

194. At provincial level, there are 27 councils on ethnic and integration issues, made up of provincial and local government representatives, regional municipal services suppliers, NGOs, and municipal experts on "ethnic issues". During its visit, the Advisory Committee met with the Secretaries of these provincial councils in Burgas and Plovdiv.

<sup>141</sup> See [state report](#), p. 16-17.

<sup>142</sup> "DOST" means "Friend" in Turkish and is an acronym for the Bulgarian words for "Democrats for Responsibility, Freedom and Tolerance".

<sup>143</sup> European Audiovisual Observatory (2017), [IRIS 2017-5:1/9, \[BG\] Violations of the Election Code](#).

<sup>144</sup> See also [Şükran Aydın and Others v. Turkey](#), Application No. 49197/06.

<sup>145</sup> Bulgarian Helsinki Committee (2018), *Human Rights in Bulgaria 2017*, pp. 4-5.

<sup>146</sup> Regulations on the Structure and Activities of the National Council for Co-operation on Ethnic and Integration Issues, available at [www.lex.bg/laws/ldoc/2135541318](http://www.lex.bg/laws/ldoc/2135541318) (in Bulgarian).

195. The criteria for selecting members of the National Council are transparent and, according to the authorities, it practically never happens that an association that fulfils these criteria is denied membership.<sup>147</sup> The current composition includes representatives of the following minorities: Armenians, Aromanians, Jewish, Karakachani, Roma, and Vlachs. The National Council has a small budget for cultural activities of national minorities and supports, for example, the Armenian, Vlach and Aromanian associations in publishing their respective newspapers.

196. However, according to the representatives of several national minorities, the National Council is not functional. As early as 2013, a dozen Roma NGOs left it under protest and have not returned since, despite several invitations to do so, and more have left during the current monitoring period.

197. Since February 2019, for the first time no association representing the Turkish minority has been a member of the National Council. Persons belonging to that minority informed the Advisory Committee that the associations that used to be members of the Council lost their motivation to work with it and did not apply again because they found it was focusing too much on Roma issues. Other organisations said they had not received an invitation to apply.

198. Representatives from both the Roma and the Turkish minorities informed the Advisory Committee that the appointment in 2017 of the then Deputy Prime Minister from the far-right “National Front for the Salvation of Bulgaria” as Chair of the National Council was perceived as a provocation and obviously discredited the institution. Representatives of both minorities also criticised the fact that the Council was not able to effectively influence policies and did not produce tangible results.

199. The Advisory Committee considers that the National Council needs sound reform in order to fulfil its functions properly. Firstly, it appears problematic that one and the same body is both the participatory component of the National Roma Integration Strategy and the consultative body for general policies affecting minorities. As pointed out under Article 5, it may be advisable to have separate civil society structures for these two objectives, without excluding the possibility for a Roma association with the appropriate profile to be a member of both consultative bodies. Secondly, 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. Thirdly, interlocutors reported that the meetings of the National Council were often dominated by the numerous representatives of the authorities, who would come to present their latest policies and measures but not genuinely listen and consult representatives of minorities themselves. Finally, a more proactive approach in reaching out to minority associations during the application period may be necessary, going beyond a call for publications on the Council’s website.

#### *Recommendation*

200. The Advisory Committee urges the authorities to reform the National Council for Co-operation on Ethnic Integration Issues by splitting its tasks related to the National Roma Integration Strategy from those related to general policies on national minorities in such fields as culture and identity, minority languages and the promotion of inter-ethnic tolerance and understanding. A wide range of national minority organisations should be encouraged to join it.

---

<sup>147</sup> In order to become members of the National Council, associations must have valid legal status, three years’ experience in the relevant field and a recent track record of activities.

### Access of Roma to housing

201. In general, the housing conditions of Roma in Bulgaria are clearly worse than those of the majority population. According to official data, almost 58% of Roma have no toilet with running water inside their dwelling, compared to 16% among the population in general.<sup>148</sup> The EU-MIDIS II study also identifies significant gaps between Roma and non-Roma in a variety of indicators, although they tend to be smaller than in other countries with large Roma minorities. Also, a slight improvement in a number of housing indicators is reported between 2011 and 2016.<sup>149</sup> Roma have access to social housing if they meet the criteria but such housing is extremely scarce (about 2.2% of all dwellings).

202. About a quarter of houses inhabited by Roma were built illegally and about half of Roma are estimated to live in such housing. This exposes them to a permanent risk of being evicted and evictions in fact take place regularly (see Article 4). Nearly 30% of Bulgarian Roma live in segregated neighbourhoods.<sup>150</sup> The Stolipinovo neighbourhood in Plovdiv, which the Advisory Committee visited, is one of the biggest such neighbourhoods in the country. An estimated 35 000 to 50 000 inhabitants live either in apartment blocks or in poor quality houses, some appearing dangerous for their inhabitants and most erected without a building permit. The infrastructure in the neighbourhood is inadequate; interlocutors complained, for example, that they had long been asking for better street lighting or a set of traffic lights at a crossroads in front of a school, but to no avail.

203. As indicated in the state report, the authorities run a number of investment projects for social housing. In 2015 and 2016, for example, 414 social housing units were completed,<sup>151</sup> which is far from meeting the needs. Another obstacle is the public opposition to such projects at local level. In Varna and Burgas, for instance, two already approved building projects were cancelled following public protests and pressure by far-right groups.<sup>152</sup> The upgrading of existing dwellings in marginalised areas does not seem to be a priority. A draft National Housing Strategy was presented for discussion in 2018 and its ambitious targets raised the hopes of Roma NGOs<sup>153</sup>, but it has so far not been adopted.

204. The Advisory Committee was informed that some efforts have been made to legalise illegal houses in informal settlements, for instance in the municipalities of Kavarna and Radnevo, but overall government attempts in this regard have had little success. The government's programmes aimed at legalising illegally constructed buildings require that the applicant should either be the owner of the land or have a legal right to build on it. This, together with the complex and expensive procedures involved and, in some cases, the communities' lack of awareness of such programmes, has resulted in a very low uptake from Roma.<sup>154</sup> As the legislation has not changed, however, the building of illegal houses has continued.

---

<sup>148</sup> Data retrieved from the System for Monitoring, Evaluation and Control, available at <http://www.nccedi.government.bg/bg/node/225> (in Bulgarian). See also EU Agency for Fundamental Rights (FRA) (2017), [Second European Union Minorities and Discrimination Survey](#), Roma – Selected findings, pp. 33-34.

<sup>149</sup> European Commission (September 2019), [Roma inclusion measures reported under the EU Framework for NRIS](#), Accompanying the Communication from the Commission to the European Parliament and the Council Report on the implementation of national Roma integration strategies - 2019 (COM(2019) 406 final), Part 1 / 2, p. 23.

<sup>150</sup> [Civil society monitoring report on implementation of the national Roma integration strategy in Bulgaria](#), 2019, pp. 23-24.

<sup>151</sup> [State report](#), p. 19.

<sup>152</sup> [Civil society monitoring report on implementation of the national Roma integration strategy in Bulgaria](#), 2019, p. 26.

<sup>153</sup> [Civil society monitoring report on implementation of the national Roma integration strategy in Bulgaria](#), 2019, p. 27.

<sup>154</sup> World Bank (October 2017), [A roof over our heads. Housing in Bulgaria](#).

*Recommendation*

205. The Advisory Committee calls on the authorities to significantly strengthen their efforts to improve the housing situation of Roma through legal and policy measures facilitating the legalisation of illegal buildings where possible and upgrading or replacing sub-standard buildings where necessary. Investment in social housing should be significantly increased.

**Access of Roma to health care**

206. Although no official health data disaggregated by ethnicity is available, various reports indicate that Roma tend to have lower health outcomes than average Bulgarians. This concerns, for instance, life expectancy, child mortality and vulnerability to outbreaks of measles and hepatitis A, B and C.<sup>155</sup> A key problem also reported to the Advisory Committee during its visit is the fact that many Roma lack health insurance. According to the 2019 Civil Society Monitoring Report, this also affects many non-Roma but Roma, particularly Roma women, are affected disproportionately. During pregnancy, uninsured women have access to one medical check-up, which is not considered sufficient. To provide medical services to uninsured persons in Roma settlements, the Ministry of Health finances 23 mobile medical units and four mobile gynaecological units. The projects implemented under the Public Health Initiatives Programme resulted in a steady decrease in infant mortality, but this is still significantly above the EU average.<sup>156</sup>

207. Clear progress has been achieved with regard to Roma health mediators. Since 2007, health mediators have received sustainable funding through the Ministry of Health. During the monitoring period, their number increased from 150 (in 2014) to 245 (in 2019). As the Advisory Committee was able to see during its meetings with local authorities, health mediators are at the core of local authorities' outreach to Roma communities. The Advisory Committee welcomes this system, which is widely recognised as a good practice.<sup>157</sup>

*Recommendation*

208. The Advisory Committee encourages the authorities to continue and further strengthen the system of health mediators and to step up their efforts to increase the health insurance coverage of Roma, in particular Roma women.

**Access of Roma to employment**

209. More than half of working age Roma are unemployed; 65% of Roma aged 16-24 years are neither in work nor in education or training as their main activity. Roma who are economically active are most frequently employed in low-paid jobs or in the informal sector, often without health insurance.<sup>158</sup> During the Advisory Committee's visit to the Stolipinovo neighbourhood, interlocutors reported that unemployment was one of the major concerns, which is why many Roma leave the neighbourhood to work abroad. While EU MIDIS survey data suggest that Roma seeking work in Bulgaria experience less discrimination than the EU average,<sup>159</sup> interlocutors informed the Advisory Committee that

<sup>155</sup> [Civil society monitoring report on implementation of the national Roma integration strategy in Bulgaria](#), 2019, pp. 31-32.

<sup>156</sup> See [state report](#), p. 22, Written submission by the authorities of 15 January 2020, and [Eurostat](#) data.

<sup>157</sup> See CAHROM (2016), [Thematic report on Roma health mediators](#), p. 57.

<sup>158</sup> EU Agency for Fundamental Rights (FRA) (2016), [Second European Union Minorities and Discrimination Survey](#), Roma – Selected findings, pp. 18 and 21.

<sup>159</sup> EU Agency for Fundamental Rights (FRA) (2019), [Second European Union Minorities and Discrimination Survey: Summary of main results – Bulgaria](#).

discrimination is widespread but most cases do not get reported. A key factor leading to high unemployment is reportedly the low level of education among Roma. 90% of employed Roma have completed primary education at most, 0.5% have completed secondary education, and only 0.1% have a university degree.<sup>160</sup>

210. The authorities are carrying out a number of projects and programmes aiming to secure employment for the long-term unemployed, unemployed young adults and other people in vulnerable situations. They reported that a total of almost 200,000 have benefited from one or more of the measures to increase employability and provide employment for persons identifying as Roma. For instance, the “Activating the Inactive” programme is funded by the state budget, follows a person-centred approach and provides a wide range of measures for Roma, including Roma career mediators in local employment offices. This approach, as well as the introduction of youth mediators adopting a peer-to-peer approach with unemployed youth, has been positively assessed by Roma NGOs. The Advisory Committee welcomes these measures, in particular the fact that priority is given to education (see Article 12), thus addressing a root cause for the high unemployment. It regrets, however, that due to a lack of disaggregated data it is not possible to evaluate the impact of these measures over time.

#### *Recommendations*

211. The Advisory Committee calls on the authorities to further increase their efforts to improve employment conditions for Roma and increase their employability, notably by expanding the use of Roma career mediators and youth mediators.

### **Articles 17 and 18 of the Framework Convention**

#### **Bilateral relations**

212. In August 2017, Bulgaria signed a friendship treaty with North Macedonia, which was ratified by the Bulgarian parliament in January 2018. The treaty recognises both countries’ territorial integrity, envisages the establishment of a commission that will try to resolve differing views of history, and contains a pledge to protect the rights of the other country’s nationals living on their soil. The Advisory Committee welcomes the ratification of this treaty.

213. The Advisory Committee also notes that Bulgaria has concluded treaties on friendship and good neighbourly relations with Greece (1972 and 1993), Romania (1993 and 2000) and Turkey (1992 and 1997), which contain provisions on exchanges and co-operation in the fields of culture, education and science. It also notes that Bulgaria has taken an active role in promoting the rights of Bulgarian national minorities abroad.<sup>161</sup>

#### *Recommendation*

214. The Advisory Committee encourages the authorities to implement the existing bilateral agreements and to continue to promote bilateral co-operation on issues pertaining to minority protection in a consistent manner and in a spirit of good neighbourliness, friendly relations and co-operation between states, whilst respecting the role of multilateral standards and procedures.

---

<sup>160</sup> [Civil society monitoring report on implementation of the national Roma integration strategy in Bulgaria](#), 2019, p. 13.

<sup>161</sup> See in this context OSCE High Commissioner for National Minorities (June 2008), [Bolzano/Bozen Recommendations on National Minorities in Inter-State Relations](#). Recommendation 15 states that “[w]hen granting benefits to persons belonging to national minorities residing abroad, States should ensure that they are consistent in their support for persons belonging to minorities within their own jurisdiction”.



### III. Conclusions

215. The Advisory Committee considers that the present concluding remarks and recommendations could serve as the basis for the resolution to be adopted by the Committee of Ministers with respect to the implementation of the Framework Convention by Bulgaria.

216. The authorities are invited to take account of the detailed observations and recommendations contained in Sections I and II of the Advisory Committee's Fourth Opinion.<sup>162</sup> In particular, they should take the following measures to improve further the implementation of the Framework Convention:

#### Recommendations for immediate action<sup>163</sup>

- develop, adopt, implement and regularly evaluate, with the effective participation of members of the Roma communities and other stakeholders, a comprehensive new Strategy for Roma inclusion for 2021 onwards. The authorities should continue prioritising access to education for Roma children, extend the education mediators programme and combat segregation. Evictions of Roma from informal housing should be carried out only as a last resort and in compliance with the principles of non-discrimination and proportionality. The necessary legislation should be swiftly adopted.
- ensure the independence, impartiality and effectiveness of the Commission for Protection against Discrimination by introducing functional immunity regarding decisions taken by its members during their term of office, continuing to depoliticise its appointment procedure and providing for sufficient funding to enlarge its regional presence to all 28 provinces.
- ensure that racially or ethnically motivated attacks and discrimination are identified, recorded and effectively investigated and that those responsible are brought to justice. Take measures to raise awareness of the remedies available to reduce underreporting of hate crime. Furthermore, the authorities should combat and firmly condemn all instances of anti-Gypsy discourse by politicians and other public figures and actively support awareness-raising measures against anti-Gypsyism in society.
- promote minority language education, in close consultation with representatives of minority groups, by introducing it at preschool and secondary levels, providing for the teaching of different subjects in minority languages and introducing a standard procedure for informing parents of the local possibilities of accessing teaching in or of minority languages.

#### Further recommendations<sup>164</sup>

- enter into a dialogue with groups having expressed an interest in the protection afforded by the Framework Convention and consider the possibility of applying its provisions to persons belonging to such groups on an article-by-article basis. Furthermore, ensure that the right to free self-identification of persons belonging to national minorities is strictly respected in the upcoming 2021 population census and that they are consulted on its methodology.

---

<sup>162</sup> A link to the Opinion is to be inserted in the draft resolution before submission to the GR-H.

<sup>163</sup> The recommendations below are listed in the order of the corresponding articles of the Framework Convention.

<sup>164</sup> The recommendations below are listed in the order of the corresponding articles of the Framework Convention

- significantly increase the budget allocated to the preservation and development of national minority cultures and create an effective mechanism for representatives of minorities to participate in the design of cultural policies and distribution of funding.
- ensure that all interested groups can exercise the freedom of association, as guaranteed by Article 7 of the Framework Convention. To this end, the authorities should strive to ensure legal certainty in the application of the new registration procedure for non-governmental organisations representing minority groups.
- facilitate, in co-operation with persons belonging to national minorities, public and/or private broadcasting of television and radio programmes of sufficient duration as well as support the regular publication of written news (printed or online news publications) in minority languages to meet the needs.
- assess the need for the use of minority languages in dealings with the authorities in areas inhabited traditionally or in substantial numbers by persons belonging to national minorities. In doing so, the authorities should determine, in line with clearly established criteria, the municipalities in which Article 10.2 applies to the respective minorities and ensure, including by providing financial assistance, that the local authorities take the necessary practical steps to implement this provision.
- refrain from abolishing official place names in minority languages and, in co-operation with the representatives of national minorities, restore recently abolished place names at least as co-official names together with the new Bulgarian names.
- promote the provision of adequate information to children on the history, culture, languages and religion of national minorities as well as their contribution to Bulgarian society. The authorities should also revise teaching and learning materials in co-operation with persons belonging to minorities to take into account their respective sensitivities.
- reform the National Council for Co-operation on Ethnic and Integration Issues and split its tasks related to the National Roma Integration Strategy from those related to general policies on national minorities in such fields as culture and identity, minority languages, and promotion of inter-ethnic tolerance and understanding as well as the implementation of the Framework Convention. The authorities should ensure that a wide range of national minority organisations is represented in the Council.