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

received on 4 October 2024

The comments have been submitted under the sole responsibility of Bulgaria and made public by the Council of Europe Secretariat in accordance with Rule 29 of Resolution CM/Res(2019)49 on the revised monitoring arrangements under Articles 24 to 26 of the Framework Convention for the Protection of National Minorities.

COMMENTS
BY THE REPUBLIC OF BULGARIA
ON THE FIFTH OPINION OF THE ADVISORY COMMITTEE
ON THE IMPLEMENTATION OF THE COUNCIL OF EUROPE FRAMEWORK CONVENTION
FOR THE PROTECTION OF NATIONAL MINORITIES

Sofia, October 2024

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GENERAL COMMENTS

The Republic of Bulgaria expresses its appreciation for the continuous dialogue of the Advisory Committee (AC) on the Council of Europe Framework Convention for the Protection of National Minorities (hereafter referred to as 'FCNM' or 'Framework Convention') with national authorities, to the benefit of the persons, belonging to ethnic, religious and linguistic minority groups in Bulgaria.

In this regard, it is noted with satisfaction that the Fifth Opinion acknowledges the efforts of the authorities and the positive developments, falling within the scope of the FCNM. At the same time, with the present comments, the Bulgarian authorities would like to share some fundamental and principled considerations and reservations concerning the recommendations of the AC.

The Constitution of the Republic of Bulgaria, national legislation and state international legal obligations in the field of human rights, guarantee the protection of the rights and freedoms of all Bulgarian citizens in strict conformity with the highest international standards of equality and non-discrimination.

The Bulgarian authorities pursue a consistent policy aimed at preventing and eliminating all forms of discrimination. All Bulgarian citizens are able to freely state their affiliation to and enjoy full protection of their rights as persons belonging to ethnic, religious or linguistic groups.

Having underlined this basic principle, the Bulgarian authorities regret **the lack of sufficient transparency** regarding the sources of information which serve as basis for the Fifth Opinion of the AC. This limits the authorities' ability to verify the authenticity of certain statements and respond to, clarify or refute them. Therefore, any conclusion based on anonymous information should fall solely within the responsibility of its author.

The Bulgarian authorities reiterate their **concerns regarding the use of certain terminology** related to the national approach in implementing the FCNM. These concerns are based on the Declaration of the Republic of Bulgaria contained in the instrument of ratification deposited on 7 May 1999 and have been raised in previous monitoring cycles. Regretfully, they remain unaddressed in the Fifth Opinion. That is why the Bulgarian authorities stress once again that terms such as 'national minority', 'minority rights', 'minority languages' and similar are not present in Bulgarian law, and their application *stricto sensu* is not conducive to the full understanding of the approach of the Republic of Bulgaria in implementing its obligations under the Framework Convention.

At the same time, it should be clarified once more that the Bulgarian national law and practice utilise the terms 'persons, belonging to minority groups' and 'mother tongue', thus embedding the protection of the ethnic, religious and linguistic diversity of the Bulgarian society in the instruments for human rights protection on individual basis – an approach fully compatible with the aims of the FCNM. As stated in the Explanatory report to the Convention (Article 13), *"the implementation of the principles set out in this framework Convention ... does not imply the recognition of collective rights. The emphasis is placed on the protection of persons belonging to national minorities, who may exercise their rights individually and in community with others"*. Earlier, in Article 12, the Explanatory report admits that *"the framework Convention contains no definition of the notion of "national minority"*, and before that, in Article 11, points out that *"in view of the range of different situations..., a choice was made for a framework Convention which contains mostly programme-type provisions... These provisions, which will not be 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". Regretfully, the terminology used by the AC is not conducive for enabling the authorities to analyse, understand, and, one may argue, to implement them effectively. That is why, it is strongly advocated that the Committee of Ministers takes this into account when deliberating on the effectiveness of implementation of FCNM's provisions by the Republic of Bulgaria.

It is also with regret that Bulgarian authorities highlight the **inconsistency between the approach taken by the AC and the fundamental principles of the Council of Europe's policy**. A crucial requirement for the existence and effectiveness of the Organization's various monitoring mechanisms is the strict adherence to their respective mandates, without duplication of competences and resulting activities. This may raise not only controversies with regard to financial implications, but also uncertainty as to the prerogatives of the respective monitoring mechanisms as set out in the Council of Europe conventions.

In this regard, the Fifth Opinion raises perplexity when the AC is assuming the competences of the Committee of Ministers as the supervisory body for the implementation of the judgements of the European Court of Human Rights (ECtHR). This is particularly evident in the comments made in the Fifth Opinion regarding the execution of judgements of the ECtHR in the 'UMO Ilinden and Others vs. Bulgaria' group of cases, currently under review by the Committee of Ministers. The inclusion of such texts in the Fifth Opinion is unjustified and unnecessary as it pre-empts the discussions within the Committee of Ministers – discussions pertaining to registration procedures to be observed by *any* association by *any* citizens of Bulgaria regardless of their ethnic, religious or linguistic affiliation. As pointed out in the Explanatory Report to the FCNM (Article 92), *"under no circumstances can the framework Convention modify the rights and freedoms safeguarded in the Convention for the Protection of Human Rights and Fundamental Freedoms. On the contrary, rights and freedoms enshrined in the framework Convention which are the subject of a corresponding provision in the Convention for the Protection of Human Rights and Fundamental Freedoms must be interpreted in accordance with the latter"*.

Last but not least, the Bulgarian authorities note with disappointment that in its Fifth Opinion, the AC once again evaluates in a subjective way bilateral policy issues that fall outside the FCNM's scope and are the prerogative solely of national authorities. Any attempt to misuse the FCNM for narrow political purposes has been proven to be to the detriment of the letter and spirit of the Convention itself, and should be considered as unacceptable.

In addition to the above, the Republic of Bulgaria would like to make additional clarifications following the structure of the AC's Fifth Opinion. These clarifications aim at providing explanations on specific issues regarding the implementation of the FCNM by Bulgarian authorities in the Fifth monitoring cycle.

SPECIFIC COMMENTS

With respect to the recommendations in paragraphs 36, 42, 53, 74, 75, 83, 102, 112, 127, 163, 167

As stated by Decision No. 4/1992 of the Constitutional Court, the Constitution of the Republic of Bulgaria recognizes the existence of religious, linguistic and ethnic diversity in the Bulgarian society, respectively the existence of Bulgarian citizens bearing such differences. In its Decision No. 2/1998, the Constitutional Court establishes that the content, scope and character of the rights and freedoms of these citizens, stemming from the principles of the FCNM correspond to the constitutionally guaranteed rights and freedoms. Following strictly the constitutional provisions and their interpretation of the Constitutional Court, the Bulgarian authorities have organised the protection of the rights of the persons belonging to ethnic, religious or linguistic minority groups on individual basis – which has been recognised as fully compatible with the provisions of the FCNM in the Explanatory report (Articles 11-13).

Furthermore, as made clear in the Declaration by the Republic of Bulgaria contained in the instrument of ratification deposited on 7 May 1999, the ratification and implementation of the FCNM by Bulgaria do not, and cannot imply any recognition of collective rights. That is why, the Bulgarian authorities find it unacceptable to respond to recommendations by the AC implying that the exercise of the rights of the persons belonging to ethnic, religious or linguistic minority groups in Bulgaria could, or even should be carried out through any recognition of collective rights.

With respect to paragraph 20:

There has never been a policy of school ‘segregation’ —either *de jure* or *de facto* — for Roma children in the national education system of the Republic of Bulgaria.

In certain neighbourhoods of towns and cities, individual schools may have a majority of students of Roma origin, but this is solely to the location of their families’ residences. A child's ethnicity does not play any role in their admission in public school.

The term ‘educational segregation’ is therefore inaccurate and should be avoided.

With respect to paragraph 22:

According to Article 3 of the Constitution of the Republic of Bulgaria, the official language in the country is Bulgarian. Along with the rights and obligations of every Bulgarian citizen to learn and use the Bulgarian language, Article 36(3) of the Constitution stipulates that the cases in which only the official language of the country is used are defined in the laws.

One such law is the Electoral Code. The provision of Article 181(2) of the Electoral Code regulates the use of the Bulgarian language in election campaigns. The aim of the provision is to guarantee the right of every Bulgarian citizen to send or receive any political message during a campaign. This allows the full integration and realization of the human rights of all Bulgarian citizens, without discrimination on any grounds.

The provision of the Electoral Code **does not** limit in any way the right of Bulgarian citizens, whose mother tongue is not Bulgarian, to use their mother tongue in personal communications and discussions regarding the electoral process.

There is no specific restriction on the use of languages other than Bulgarian during election campaigns.

Article 3 — Personal scope and application of the FCNM

With respect to paragraph 29:

It should be recalled that the Framework Convention for the Protection of National Minorities is a specific legal instrument that differs from the so-called ‘classic conventions’ due to the program nature of its provisions. As stated clearly in the Explanatory report (Article 11), the provisions of the FCNM leave “*at the discretion of the States Parties to decide on the ways of implementation*”. This is determined by the absence of a legally binding definition in the document and in the international legal order of the term of ‘national minority’.

After the Republic of Bulgaria signed the Framework Convention in Strasbourg at the end of 1997, a group of parliamentarians from the 38th National Assembly posed a question to the Constitutional Court. They inquired ‘*whether individual provisions of the Framework Convention for the Protection of National Minorities, as well as the Convention as a whole, were in line with the Constitution of the Republic of Bulgaria*’. In Decision No 2 dated 18 February 1998, the Constitutional Court confirmed the constitutionality of the Framework Convention and outlined the framework for its implementation in Bulgaria.

In 1998, the National Assembly of the Republic of Bulgaria ratified the Framework Convention for the Protection of National Minorities. Considering the above circumstances, the Ratification Act¹ also includes the Explanatory Report thereto. The Explanatory Report is legally binding for the Republic of Bulgaria. The provisions of the Framework Convention are applicable in line with the national legal order and the interpretations provided in the Explanatory Report.

With respect to paragraph 32:

The Republic of Bulgaria is guided by the understanding that the Framework Convention establishes a good balance between the obligation to guarantee the rights of persons, belonging to minority groups, and the right of the State to choose the means to achieve this objective.

The Bulgarian citizens have the opportunity to declare their belonging to a particular ethnic, religious or linguistic group. The protection of their rights and freedoms is guaranteed by the Constitution, national legislation and Bulgaria's international legal obligations. The principle of non-discrimination and ensuring equality of all citizens before the law is strictly respected.

The statement in the Fifth Opinion of the Advisory Committee that ‘*because the authorities do not accept the existence of the objective criteria for them, those persons (i.e. ‘Macedonians’) are unable to enjoy access to individual minority rights*’ is extremely concerning and misleading. The data from the most recent national census in the Republic of Bulgaria, conducted in 2021, attests to the rights of free self-determination for every individual. Specifically, 1 143 citizens identified themselves as Macedonians.

The fact of the self-identification of these 1 143 Bulgarian citizens as “Macedonians” does not require any specific recognition by the authorities in any way. Furthermore, it does not restrict any of them in exercising to the fullest possible extent, and without any discrimination, all human rights and freedoms guaranteed to all other Bulgarian citizens self-

¹ The full text of the Ratification Act is available at: <https://www.ciela.net/svobodna-zona-darjaven-vestnik/document/2134648327/issue/665/zakon-za-ratifikatsirane-na-ramkovata-konventsija-za-zashtitana-natsionalnite-maltsinstva>

identifying as belonging to other ethnicity, practicing other religion or using a different mother-tongue, other than the majority of the population.

This has been most evident with regard to freedom of assembly – only in 2024, persons self-identifying as Macedonians carried out eight (8) public events in Bulgaria, without any restrictions, incidents or interference by the authorities.

With respect to paragraph 33:

The Framework Convention outlines the key elements pertaining to the notion of identity. As clarified by the Explanatory report (Article 35-37), the right to self-identification does not imply a right for an individual to choose arbitrarily to belong to any national minority. The individual's subjective choice is inseparably linked to objective criteria relevant to the person's identity.

Furthermore, during the Advisory Committee's visit to Bulgaria in November 2023, the Bulgarian authorities had the opportunity to reaffirm that the 'objective criteria' align with the identity elements specified in the Framework Convention² — religion, language, traditions and cultural heritage. In reference to certain 'minorities' explicitly mentioned in the Fifth Opinion, it is important to note that some only meet the criteria for a religious or linguistic minority group, while others **lack any** of the identity elements outlined in the Framework Convention.

Therefore, the identification of a person as belonging to a minority group necessitates **cumulation** of objective and subjective criteria.

As stated previously, the ratification of the FCNM by the Republic of Bulgaria cannot be a pretext for recognising collective (minority) rights of a particular group of persons.

With respect to the recommendation in paragraph 36:

We underline again that the approach to implementing the Framework Convention is based on the national legal order. The decisions of the Constitutional Court are an integral part of the national legal order. The pragmatism recommended by the Advisory Committee is irrelevant to matters subject to legally-binding regulation. Self-identification is only one of the criteria which in cumulation justify the personal scope for the application of the Framework Convention (*See the comment on paragraph 33*).

We draw attention to the part of the recommendation '*decisive weight should be given to the subjective choice of the individual to be treated as belonging to a national minority rather than to what the authorities consider as objective criteria*'.

The Bulgarian authorities find this wording unfounded and contradicting the Explanatory report itself, especially regarding the criteria that should prevail in the assessment. In the absence of an explicit commitment by the States Parties to the FCNM obliging them to determine the proportionality of the weight of the objective and subjective criteria applied, the formulated recommendation by the AC should be considered as of subjective nature with no further relevance.

² The preamble states that 'a pluralistic and genuinely democratic society should not only respect the ethnic, cultural, linguistic and religious identity of each person belonging to a national minority, but also create appropriate conditions enabling them to express, preserve and develop this identity'. Pursuant to Article 5(1) of FCNM 'the Parties undertake to promote the conditions necessary for persons belonging to national minorities to maintain and develop their culture, and to preserve the essential elements of their identity, namely their religion, language, traditions and cultural heritage'.

With respect to paragraph 39:

As clarified in detail in the Fifth Report of the Republic of Bulgaria³, followed by discussions with the AC members in November 2023 and additional information provided by the authorities in writing, the process's reliability was guaranteed with a unique identification number. This number was obtained by individuals who have completed the online questionnaire and was generated by the information system used for Census 2021. The census itself was carried out in strict compliance with all relevant UN and EU procedures.

All data is available in the census database. The option to declare more than one ethnicity was also provided. Any individual could freely and unhindered declare belonging to one or more ethnic group by writing or indicating this under the 'other' answer on the census card.

The criteria for selecting enumerators and supervisors were approved by the Central Census Commission. The selection process was open, inclusive, transparent and non-discriminatory on any ground. All necessary documents were published on the websites of the National Statistical Institute and the municipalities, as well in the media.

Persons, belonging to minority groups, have had the opportunity to freely identify themselves. This fact was repeatedly clarified throughout the Fifth monitoring cycle but does not seem to resonate with the members of the AC.

The Bulgarian authorities find especially concerning and misleading the conclusion in the Fifth Opinion that in a country that has seen an 11.5% decrease in population since the last census in 2011, this has not affected all of its citizens.

With respect to paragraph 41:

The history of the censuses in the Republic of Bulgaria demonstrates that the three main ethnic groups — Bulgarian, Turkish and Roma — have always been numerically the largest. The number of persons self-identifying as belonging to other ethnic groups varies between censuses. The approach of including only the three main ethnic groups was adopted because it is technically impossible to list all ethnic groups on the census card that is printed on paper. Furthermore, the inclusion of some and exclusion of other ethnic groups without a clearly defined criterion can also be defined as discriminatory.

All Bulgarian citizens are provided with the opportunity to define their ethnicity as they perceive it - in the category 'other'. All responses have been processed. The National Statistical Institute has published data for 18 (eighteen) different ethnic groups and provides information upon request, subject to data privacy requirements. This data was provided in its entirety to the AC members.

No Bulgarian citizen was prevented from identifying his/her ethnicity.

The presence of persons from many different ethnic groups in the census results demonstrates that the citizens were capable and did declare their ethnicity freely and according to their choice.

With respect to the recommendation in paragraph 42:

The census card was designed in accordance with all international requirements and includes the option to choose 'other' and clarify further. Again, including an exhaustive list of numerous categories in the Section "Population" would complicate the card's completion by enumerators and supervisors.

The Bulgarian authorities consider this recommendation premature as the 'Census 2021' has

³ The report is available at: <https://www.coe.int/en/web/minorities/bulgaria>

been completed and results have been announced. The next census is scheduled to take place in 10-years. The preparation of 'Census 2031' is due to start not earlier than 2029, which leaves unable the authorities to fulfil this recommendation before the end of the next monitoring cycle under FCNM.

Article 4 — Legal and institutional framework for protection against discrimination

With respect to paragraph 45:

The Bulgarian authorities have provided information regarding the functional immunity of the members of the Commission for Protection against Discrimination (CPD) in previous monitoring cycles as well as in the Fifth National Report.

It should be noted that the 'accreditation of National Human Rights Institutions' means that they are assessed by the UN Sub-Committee on Accreditation for their compliance with the Paris Principles. Status 'A' means full compliance, status 'B' means partial compliance and 'No status' means non-compliance. The Paris Principles require the mandate of national human rights institutions to be **as broadly formulated as possible** in order to be universal human rights institutions. This is the case, for example, of the mandate of the Ombudsman.

The mandate of the Commission for Protection against Discrimination (CPD) is established in the Protection against Discrimination Act (PADA). According to Article 40(1), the CPD is an independent **specialised state body for the prevention of discrimination, protection against discrimination and ensuring equal opportunities**.

With respect to paragraph 48:

The Bulgarian authorities have provided detailed information on the awareness-raising campaigns conducted by the two national human rights institutions, in both the Fifth State Report and in additional written information following the November 2023 visit of the AC.

The State disagrees with the finding that there is a '*general lack of awareness*' and '*lack of trust in institutions*'. This finding is too broad and unsupported. The general language and lack of specific examples to support such claims give the impression of subjective opinion and perception.

Moreover, the well-established network of field offices of the Ombudsman and the CPD through the overall territory of Bulgaria, together with the practice of personal meetings face-to-face (26 344 in 2023), have led to a record number of complaints sent to the Ombudsman in 2023 (78 463). Out of 9 856 recommendations by the Ombudsman to various state and local institutions and private companies, 92% have been implemented in full or partially. The high appreciation of the citizens for these activities of the Ombudsman and the CPD is evident in the many 'thank you' letters published directly on the websites of these institutions.

The various documents received by the CPD only in 2022, were 15 332, 748 of them regarding specific cases of discrimination. In 61 situations the CPD initiated proceedings of discrimination itself.

Regarding awareness-raising, only CPD has been carrying out various campaigns, including the issuing of certificates "Best Employer" in the field of non-discrimination. It organizes regular trainings and visits in schools, universities, etc. Furthermore, it has continued signing Memoranda of understanding for cooperation with various NGOs in organization public campaigns and information dissemination. The latest of these MoUs was signed in July 2024, with the Bulgarian association of the alumni of higher Muslim education. It has also signed

bilateral MoU for cooperation and training campaigns with the CPD of most EU and Western Balkans countries, with the Chief Ombudsman of Turkey, etc.

With respect to paragraph 50:

According to Article 12(1)(5) of the Bulgarian Citizenship Act, language proficiency in Bulgarian is one of the requirements for acquiring Bulgarian citizenship. Article 13(1) of the School and Preschool Education Act establishes the Bulgarian language the official language in the pre-school and school education system. Those provisions are in place to promote the inclusion of all Bulgarian citizens through the use of the Bulgarian language, while still respecting their cultural diversity. Education up to the high school in Bulgaria is both free of charge and mandatory.

Based on the information provided by the State authorities, it is inaccurate to claim that persons, belonging to minority groups, are being denied the opportunity to file complaints in their respective ‘minority languages’. All individuals should have had prior access to enrolment in the education system or other forms of education and should also be trained in the Bulgarian language.

With respect to the recommendation in paragraph 54:

The status of the CPD is enshrined in the Protection against Discrimination Act (PADA), which states that in exercising its powers the Commission is not subordinate to other state bodies. The Constitution of the Republic of Bulgaria regulates which state bodies enjoy functional immunity in Article 69, Article 103(1), Article 132 and Article 147(6). These include Members of Parliament, the President and Vice President, the judges, prosecutors and investigators, and the members of the Constitutional Court. The institutions with competence closest to the functions of the CPD are the judiciary and the Ombudsman of the Republic of Bulgaria⁴.

The concern expressed by the AC in the Fifth Opinion about the absence of legal certainty regarding the functional immunity for the members of the CPD is unfounded. The independence of the institution and the free discretion of its members on individual complaints are guaranteed by the way the body is constituted and defined as a quasi-judicial body. The legal possibility for the decisions of the Commission to be subject to appeal under the Administrative Procedure Code within 14 days of their notification to the interested parties is in line with the principles of the rule of law and the interaction between different authorities. This possibility does not pose risks to the independence of the CPD, which is free and independent to decide on the complaints it receives.

As a quasi-judicial authority, the CPD is completely separate from the legislative, executive and judicial branches of the state authority. The decisions of the CPD are made by the members of its Board based on their convictions and by a simple majority, in accordance with Article 64 of PADA. Decisions of the CPD may be subject to judicial review by the Supreme Administrative Court, pursuant to Articles 68—70 of PADA.

Furthermore, with respect to paragraph 54, it should be noted that granting functional immunity to the members of the Commission for Protection against Discrimination would require an amendment to the Constitution of the Republic of Bulgaria. Currently, no such necessity is being discussed or identified by the society or by its representatives in the national parliament.

⁴ <https://www.coe.int/en/web/minorities/bulgaria> — pp. 17–18

With respect to paragraph 58:

We would like to draw attention that regional councils for cooperation on ethnic and integration issues, attached to the regional governors, serve as consultative and coordinating bodies, supporting the implementation of the policy on ethnic and integration issues at regional level. These are bodies with consultative functions through which Roma participation is ensured in the implementation of inclusion policies by municipalities.

The Department for Prevention and Protection from Domestic Violence, Cooperation on Ethnic and Integration Issues and Interaction with Civil Society in the Administration of the Council of Ministers is the National Contact Point for the implementation of the National Strategy of the Republic of Bulgaria for Equality, Inclusion and Participation of Roma (2021—2030). ‘Guidelines for District Planning’ have been developed and disseminated to all district administrations and to municipal authorities to assist the preparation of the District Strategies for Roma Equality, Inclusion and Participation and the Municipal Action Plans thereto. The Guidelines specifically emphasize the participation of all stakeholders, in particular non-profit legal entities working in the field of ethnic and integration issues, representatives of the Roma community, Roma activists, etc.

With respect to paragraph 59:

Since 2015, the authorities of the National Construction Control Directorate (NCCD) at the Ministry of Regional Development have not enforced orders for the removal of illegal constructions, representing the only housing option for their occupants, in compliance with the principle of proportionality under Article 6 of the Administrative Procedure Code (APC), further developed in Article 272(1)(1) of the APC.

In the examination of cases in relation to illegal constructions, representing the only dwelling, the NCCD applies the same approach, regardless of the ethnicity of the occupants. No recent cases of forced evictions have been recoded.

With respect to paragraph 63 and the recommendation in paragraph 64:

Article 18(1) of the Bulgarian Identity Documents Act outlines the personal data required for Bulgarian citizens’ identity document application with Article 18(1)(9) specifically mentioning permanent address. This address is printed on the identity card and is essential for various rights and responsibilities. Therefore, the Civil Registration Act prohibits the arbitrary indication and registration of any address, requiring a legal and factual relationship to be established for citizens registered in the population register.

The requirements and procedures for civil registration (names, addresses, etc.) of natural persons in the Republic of Bulgaria are governed by the Civil Registration Act (CRA). The Mayor of the municipality, district or of the town, or officials designated by them, are responsible for address registration, with Article 92(8) of the CRA allowing Mayors to appoint commissions to address situation where citizens cannot provide the necessary documents for a permanent address registration.

On 25 September 2024, the National Parliament adopted amendments to the Civil Registration Act, aimed at addressing the issue of fictitious address registration. Individuals who are currently residing in Bulgaria and do not have valid document for self-identification due to lack of a permanent address can still apply for one. This document can be obtained using a Bulgarian identification document with an expiration date or by following the procedures outlined in the Ministry of Interior Act.

Article 5 — Protection and promotion of culture

With respect to paragraph 68:

The minority groups' culture support scheme is promoted through a number of information campaigns and meetings, allowing not-for-profit organisations to apply for funding.

The Ministry of Culture is the Programme Operator of PA14 'Cultural Entrepreneurship, Heritage and Cooperation Programme' under the European Economic Area Financial Mechanism 2014-2021.

In May 2022, 3 contracts were awarded under Outcome 1 'Improved management of cultural heritage', Sub-Outcome 1.2 'Digitally accessible cultural heritage sites' under the Programme PA 14 'Cultural Entrepreneurship, Heritage and Cooperation', for a total amount of BGN 1,891,716.

Table 1. Outcomes of projects aimed at digital accessibility of cultural heritage sites.

<i>Number of cultural heritage items converted to digital format, including Roma cultural heritage</i>	<i>Number of organised digital exhibitions</i>	<i>Number of visits to the digital exhibitions</i>
90,300	4	727,000

In the period January-April 2023, 16 (sixteen) contracts have been awarded under Outcome 3 'Improved awareness of arts and culture of ethnic and cultural minorities (focus on Roma)' under Programme RA 14 'Cultural Entrepreneurship, Heritage and Cooperation', for a total amount of BGN 2,233,116.

Table 2. Results of projects aimed at improving awareness of arts and culture of persons, belonging to minority groups.

<i>Number of people attending cultural/educational events related to the culture of minority groups (Roma)</i>	<i>Number of cultural events focusing on the culture of minority groups (Roma)</i>	<i>Number of educational events focusing on the culture of minority groups (Roma)</i>
23,000	109	57

Minority communities also received targeted financial support for creative projects in the field of literature.

A number of activities are carried out in the field of conservation, promotion and presentation of tangible movable and immovable cultural heritage. For the period 2021—2023 the National Culture Fund carried out activities to support the preservation and development of the identity and culture of minority groups in the following areas:

- *Cultural Heritage Programme* — support for projects to preserve, study and promote Bulgaria's cultural heritage and develop tools for improved access to cultural heritage. Priority implementation of measures for the development of community centers as places for spiritual growth and development of cultural identity.
- *Programmes for the support and development of artistic self-activity* - support for creative projects in all areas of artistic self-activity in Bulgaria.

With respect to the recommendation in paragraph 74:

Over the last 10 years, financial resources for cultural projects have increased. The state budget provides funds for the implementation of projects covering a wide and diverse range of areas, including performing arts, libraries, community work, festivals and preservation of cultural heritage, including intangible heritage. Funds are distributed through competitive bidding. The State respects the principle of preserving cultural diversity and promoting cultural dialogue. Efforts are aimed at preserving and developing the cultural, linguistic and religious identity of persons, belonging to minority groups.

Additionally, the Ministry of Culture implements grant schemes to fund projects focused on improving the situation of the Roma population. A minimum of 10% of the total eligible expenditure under the programme 'Cultural Entrepreneurship, Cultural Heritage and Cultural Cooperation' is aimed at improving the situation of the Roma community.

Given the above, the Bulgarian authorities are on the opinion that the Fifth Opinion of the Advisory Committee does not fully reflect the current situation in the country where funds are allocated to promote the culture of persons, belonging to minority groups.

With respect to the recommendation in paragraph 75:

There are **legal obstacles** for the Republic of Bulgaria to sign and ratify the European Charter for Regional and Minority Languages.

The administrative-territorial structure of the country **does not** include regions within its territory, making it impossible to apply this international treaty. Additionally, the Republic of Bulgaria has never committed to accede to the European Charter for Regional and Minority Languages. Therefore, the State cannot accept such recommendation as it considers it not relevant to the country.

Article 6 — Tolerance and intercultural dialogue. Protection against discrimination, hostility and violence.

With respect to paragraph 79:

The Bulgarian authorities draw attention to the fact, reflected in all monitoring cycles, as well as in the introduction of this document, that **the ratification of the Framework Convention by the Republic of Bulgaria cannot be the basis for the recognition of national minorities, since the accepted and well-established approach is the recognition of individual rights, which a group of persons exercises**. Furthermore, as clearly shown by the census results, each Bulgarian citizen is free and does self-identify ethnically as he/she deems appropriated.

It is incorrect to state that '*persons self-identifying as Macedonians, who continue to request protection under the Framework Convention, reported to the Advisory Committee that they perceived some actions of the authorities as actively discouraging them from self-identifying as ethnic Macedonian*'. The Republic of Bulgaria is founded on the principle of equality of citizens before the law and prohibits restrictions on rights or privileges based on race, nationality, ethnicity, sex, origin, religion, education, beliefs, political affiliation, social status and property. Ethnic identity is a matter of free personal choice for every individual.

With respect to paragraph 80:

The judgements of the European Court of Human Rights regarding the cases „*Budinova and Chaprazov v. Bulgaria*“ and „*Behar and Gutman v. Bulgaria*“ have been translated and explicitly brought to the attention of the institutions concerned, particularly the Sofia District

Court, the Supreme Court of Cassation and the Commission for Protection against Discrimination. They have also been provided to the National Institute of Justice (NIJ) for inclusion in the initial and continuing training of magistrates.

According to the Standards for Judicial Training adopted by the NIJ, the Protection against Discrimination Act is a subject of study in the education of civil judges in district courts and respectively administrative judges. The cases examined are part of the initial training of magistrates. The topic has been included in a number of seminars for acting magistrates.

Regarding the case in the village of Voyvodino, it is noted that in 2021 the Supreme Administrative Court ruled that the then Deputy Prime Minister and Minister of Defence had committed an act of a discriminatory nature with his anti-Roma statements in 8 January 2019⁵.

Over the last two decades there have been significant amendments in both national legislation and the manner of public speaking. The cases of alleged discrimination against ethnic or other vulnerable groups arising from public statements of politicians or other public figures are very few and routinely condemned.

With respect to paragraph 85:

We consider the finding regarding the collection of statistics by the Prosecutor's Office of the Republic of Bulgaria to be factually inaccurate.

As of 1 January 2022, according to the latest amendments to the Guidelines for the organization of information activities in the Prosecutor's Office of the Republic of Bulgaria, with statistical table 4.9. '*Crimes with a discriminatory element, including hate crimes*' data is collected and processed on files and cases opened for crimes with a discriminatory element, including hate crimes.

The files contain information on the grounds that motivated the crimes with a discriminatory element: sex, sexual orientation, age, disability, human genome, signs related to xenophobic motives, race, colour, religion/belief, origin (incl. social), nationality, ethnicity, nationality, beliefs (incl. political), citizenship, political affiliation (incl. membership or non-membership of a political party, organisation, movement or coalition with a political purpose), membership or non-membership of a trade union or other organisation, education, personal status, social status, marital status, property status, any other characteristics provided for by law or by an international treaty to which the Republic of Bulgaria is a party or not provided for as such grounds, but are contained in the main constituent elements of the crime.

The substantive provisions of the Criminal Code are sufficiently specific to adequately cover these offences.

With respect to the recommendation in paragraph 92:

Article 21(2) of the Statistics Act states that natural persons are not obliged to provide the statistical bodies with data on their race, nationality, ethnic origin, religion, state of health, private life, party affiliation, offences committed, philosophical and political views.

The State could commit to the implementation of this recommendation only in the part that it does not contradict to national law.

⁵ See the Sixth Report <https://www.coe.int/en/web/european-commission-against-racism-and-intolerance/bulgaria>

Article 7 — Freedom of association

With respect to paragraphs 93—97:

The Republic of Bulgaria undertook a major legislative reform in 2018. The judicial registration procedure was replaced with an administrative one, which is significantly simplified. The current registration procedure is among the most liberal and straightforward among the Council of Europe Member States. The registration is performed at the Registration Agency under the Minister of Justice. The initiative is upon the applicant to act and submit the due documentation, correctly filled-in. The applicant can use legal assistance. In case of denied registration, the applicants have the unlimited right to file new applications. Any denial of registration by the Registration Agency can be appealed in court.

The procedure is relatively new and despite some objective difficulties such as the recent pandemic, the Government is doing everything possible to increase its effectiveness. The statistics for the last two years show that the submitted registration applications are 2963, of which 2222 were granted and 741 rejected.

Since the new procedure was introduced, there has been a constant decrease in the number of rejected registration applications. This demonstrates continuous improvement in the functioning of the registration procedure. At the same time, the overall number of rejected applications implies that there is no discrimination against one or more applicants.

There are no obstacles for the registration of any civil association in Bulgaria as long as there is compliance with the respective legal requirements. However, the applicants in the group of cases “OMO Ilinden and Others vs. Bulgaria” never submitted the necessary documents for registration in due order, despite being represented before the ECtHR by very competent lawyers. This raises the question whether the plaintiffs really want to register their civil associations or to keep the issue open for potential political exploitation by the Republic of North Macedonia. Furthermore, other civil associations with identical goals to those from the group of cases “OMO Ilinden and Others vs. Bulgaria” achieved successfully registration.

We reiterate that the ECtHR judgements in this group of cases concern solely the registration of several civil associations and do not concern the recognition of a so-called ‘Macedonian minority’ or any other minority in Bulgaria. This is explicitly stated in the decisions of the Committee of Ministers, including from March 2024. No individual or entity can expand the scope of the obligations arising from the ECtHR judgements.

Furthermore, one should bear in mind Article 92 of the Explanatory report of the FCNM, stating, *inter alia*, that “*under no circumstances can the framework Convention modify the rights and freedoms safeguarded in the Convention for the Protection of Human Rights and Fundamental Freedoms. On the contrary, rights and freedoms enshrined in the framework Convention which are the subject of a corresponding provision in the Convention for the Protection of Human Rights and Fundamental Freedoms must be interpreted in accordance with the latter*”.

The monitoring of the execution of the “OMO Ilinden and Others vs. Bulgaria” judgements should not be used to promote a certain political agenda. This goes against the letter and spirit of the European Convention on Human Rights. The rhetoric concerning this group of cases is not only unjustified and manipulative but also purposefully and actively politicizes and, thus, undermines the entire system of the European Convention on Human Rights.

With respect to the recommendation in paragraph 97:

As outlined above, the Republic of Bulgaria cannot accept this recommendation from

in the Fifth Opinion of the Advisory Committee as it concerns primary the executions of the decision of ECtHR on “UMO Ilinden vs. Bulgaria” cases, which fall outside the scope of the AC’s activities and mandate.

The authorities have provided freedom of association through legislative amendments introducing in 2018 an administrative system for registration, which significantly liberalises the approach, in comparison to the previous judicial one.

However, it is the obligation of the applicant, not the State, to accurately complete the respective registration form. At the same time, it should be duly noted that the authorities have been providing additional counselling to interested parties as to facilitate the registration process. Regretfully, the counselling procedures and the right to re-apply for registration in accordance with the procedure, have not been recognised by some applicants.

Thus, it should not be concluded right away, on the basis only of one instance of failed registration that there are any limitations to the freedom of association of persons belonging to ethnic, religious or linguistic minority groups in Bulgaria under the Non-profit Legal Entities Act.

Article 9 — Radio and television broadcasts and print media in mother tongue

With respect to paragraph 105:

See the comment on paragraph 22.

With respect to paragraph 106:

A review of the services provided by cable TV providers covering the whole country shows that channels are offered in almost all mother tongues. For example, the availability of channels in Turkish is between 1 (one) and 47 (forty-seven), depending on the area. Channels are also available in other tongues (English, Russian, French, German, Polish, Serbian, Greek, Armenian, Romanian and Romani).

Considering the above, the AC's finding of insufficient access to the media in Bulgaria does not correspond to the reality on the ground. Furthermore, Bulgaria applies the EU Geo-blocking Regulation, which removes online discrimination based on place of residence or establishment.

With respect to recommendation in paragraph 112:

Information regarding radio and television broadcasts in mother tongue of persons, belonging to minority groups is contained in the Fifth National Report duly submitted by the authorities.

As far as state-sponsored radio and television broadcasting in different mother tongues is concerned, the Bulgarian National Television regularly broadcasts programmes on ethnic groups, their traditions, life and issues.

Article 10 — Use of mother tongue in contacts with administrative authorities

With respect to recommendation in paragraph 119:

The Bulgarian position on the use of mother tongue is duly clarified in the First National Report of 9 April 2003.

The constitutional and legal framework regulating the use of the official language, including by citizens for whom Bulgarian is not their mother tongue, remains in force.

Article 11 — Use and recognition of personal names in mother tongue. Topographic signs in mother tongue

With respect to paragraph 121:

After a name has been changed and restored in accordance with the procedure laid down by law, the person can freely use their restored name. The restored and changed name is reflected in the civil status records and in the population register and, accordingly, the civil status documents issued to that person. According to Article 63(4), of Ordinance № RD-02-20-9/21 May 2012 on the functioning of the unified civil registration system, when issuing documents based on civil status records in which there are changes, additions, entries or notations, the data reflects the changed circumstances.

With regard to the allegations by anonymous sources that the Bulgarian authorities store personal information with the previous names of a person, it should be considered that property documents, diplomas and other documents may have been issued with these names and therefore their deletion from the registers could be detrimental to the interests of these persons. If it is necessary to certify the identity of the persons concerned, a Certificate of Identity shall be issued under the established procedure and template, in accordance with Ordinance № RD-02-20-6/24 April 2012 on the issuance of certificates based on the population register.

The Supreme Cassation Court also hears civil cases under Article 2(1)(3) of the State and Municipal Liability for Damages Act. In that regard compensation can be claimed by persons who suffered from police actions and prosecution during the so-called 'Revival process' (*the policy pursued by the Communist regime to change the names of Bulgarian citizens with Turkish ethnicity in the 1980s*), given the severe repression that was exercised against these persons and in view of the rights affected (*the right to a name, self-identification, free movement, work, choose a way of life*). This repression is qualified by the court as an unlawful act and these persons are awarded appropriate compensation, considering the type of coercion (*detention in inhuman conditions*), the manner in which it was carried out (*removed from their home without information, without any possibility of preparation and protection*), the intensity of the coercion (*mental and physical harassment, name change followed by eviction*). Such damages are awarded by all courts, including the SCC:

- Judgement No 50062 of 2 February 2024 in civil case No 1080/2022 of the IV Civil Chamber of the SCC;
- Judgement No 87 of 08/02/2024 in civil case No 1088/2023 of the III Civil Chamber of the SCC;
- Judgement No 117 of 22/02/2024 in civil case No 1194/2023 of the III Civil Chamber of the SCC;
- Judgement 50060 of 31 March 2023 in civil case No 2528/2022 of the IV Civil Chamber of the SCC;
- Procedural Order No 228 of 29 March 2022 in civil case No 3509/2021 of the IV Civil Chamber of the SCC;
- Judgement No 72 of 01/06/2022 in civil case No 4037/2021 of the III Civil Chamber of the SCC;
- Judgement No 73 of 2 June 2022 in civil case No 4038/2021 of the III Civil Chamber of the SCC, etc.

With respect to the recommendation in paragraph 123:

The events in the period 1984-1989, known as the 'Revival Process', were unequivocally condemned in the Republic of Bulgaria at the highest levels of state power and society immediately after the fall of the totalitarian regime in late 1989.

The procedure for the restoration of the names of Bulgarian citizens forcibly changed during the Communist regime is clearly regulated by the Bulgarian legislation. This administrative process is governed by Article 19a of the Civil Registration Act and Section V (a) of Ordinance № RD-02-20-9 /21 May 2012 on the functioning of the unified civil registration system. The initiative to start the procedure lies solely with the affected individual pending on their free will which name to choose.

Amendments to the Civil Registration Act in 2004, 2007 and 2015 allowed for the restoration of names of deceased persons as well.

The conditions and procedure for compensation, including for heirs, for moral and material damages suffered during the totalitarian regime are outlined in the Political and Civil Rehabilitation of Repressed Persons Act, which was adopted in 1991. This law applies also to all individuals who were victims of forced name changes (Article 1 (7)).

With respect to the recommendation in paragraph 127:

According to the Constitution of the Republic of Bulgaria and the Local Self-Government and Local Administration Act, the competent authorities for naming and renaming objects are the President of the Republic of Bulgaria — for objects of national importance and settlements, and the Municipal Council — for naming and renaming of streets, squares, parks, engineering facilities, villa zones, resorts, and other objects of municipal importance.

The Geodesy and Cartography Act of the Geodesy, Cartography and Cadastre Agency regulates issues related to establishing geographical names in the Republic of Bulgaria, maintaining a register and creating and maintaining a database and information system. The Agency maintains a Geographic Names Register to ensure uniformity and stability in the use of names of geographical names. It contains over 259 000 updated geographical names in Bulgarian, along with transliterated names and alternative/old names of available. The register does not include information on the origin of names.

According to § 2 of the Additional Provisions of the Cadastre and Property Register Act, geographical objects in the cadastre must be designated by their official names. The use of established geographical names is mandatory for all users of geographical names in the country.

Article 12—14 — Learning and teaching in mother tongue

With respect to paragraph 129:

The key priority of national authorities is to achieve full inclusion of children and pupils of compulsory preschool and school age in the education system and to ensure equal access to education for all children and pupils.

Article 3(2)(11) of the Preschool and School Education Act sets out the principle of participation of the state, municipalities, non-profit legal entities, employers, parents and other stakeholders in education matters.

Among the principles for the realization of the right to education, set out in the Pre-School and School Education Act (PSEA), are: equality and non-discrimination, humanism,

tolerance, and preservation of cultural diversity.

According to the PSEA, the official language in the pre-school and school education system is Bulgarian. Pre-school and school education shall be provided in Bulgarian, except in the cases provided for in the PSEA. Pre-school education ensures that children are ready for school, including in the area of language development. The priority in preschool education is acquiring competence in the official state language.

Mother tongue can be studied throughout primary education (1st to 7th grade) within elective and/or optional classes. For the study of Romani, Turkish, Armenian and Hebrew curricula have been developed and approved, in which the number of classes is determined.

With respect to paragraph 131:

The State has provided standardized curricula in the respective languages of minority groups. The study of these subjects in elective and/or optional classes is **entirely** a choice of the pupils and respectively their parents, in accordance with national legal regulations and international human rights instruments.

With respect to paragraph 136:

See the comment on paragraph 20 regarding 'segregation'.

The Bulgarian education system does **not collect data** on the origin of children and pupils on grounds ethnicity, nationality, religion or race. The data is gathered on an entirely voluntary basis in accordance with EU data protection standards.

With respect to paragraph 138—140:

See the comment on paragraph 20 regarding 'segregation'.

In 2018, a Mechanism for joint work of institutions on the admission of children and pupils of compulsory pre-school and school age to the education system was established. The aim of the Mechanism is to unite the efforts of the institutions and to include all children and pupils in pre-school and school education in the educational process.

A specific project entitled "Active Inclusion in the Preschool Education System" is implemented under the Operational Programme 'Science and Education for Smart Growth' 2014-2020. One of the strands of this project is 'Educational environment for active social inclusion'. The strand is implemented since 16 May 2019 by the Ministry of Education and Science in partnership with the Centre for Educational Integration of Children and Students from Ethnic Minorities. Its focus includes: educational inclusion of children from vulnerable groups in pre-school education; supporting their access to quality education; supporting their professional, social and personal fulfilment.

Other activities, which also provide funds for additional education of pupils from vulnerable groups, are implemented under the project 'Support for Success' with a total budget of BGN 127,759,359. One part of these activities has already started in 2019 and the total duration of the project is 30 (thirty) months. It aims to improve educational outcomes through differentiation that considers individual student abilities. The project includes the development of a toolkit for early identification of pupils at risk of early school dropout. In the school year 2021/2022, 40,862 pupils were included in the project. They were divided into 7,112 supplementary subject groups, which were established in 1,038 schools.

Another ongoing project called 'Success for you' under the 'Education Programme 2021-2027', co-funded by the EU, will enable schools to help pupils improve their educational outcomes. The duration of the project, which is 5 (five) years, is an additional guarantee for acquiring and consolidation of the skills. The focus of the project is on pupils from grades 1

to 7. Emphasis is placed on general education support for pupils at risk of dropping out, as well as on teaching Bulgarian language and literature to pupils in order to ensure their successful performance in national external assessments and in the state matriculation exams. The participation of educational mediators and social workers is allowed. Career guidance activities for pupils are funded. The project also provides training for over 4,000 pedagogical specialists and non-teaching staff educational mediators, social workers, etc. With funding of BGN 151,123,000, schools will support nearly 100,000 pupils and their parents.

With respect to the recommendation in paragraph 141:

See the comment on paragraphs 20 and 136.

With respect to the recommendation in paragraph 154:

Pursuant to Article 13(6) of the Pre-School and School Education Act, pupils for whom Bulgarian is not their mother tongue have the right to learn their mother tongue under the conditions and procedures of this Act and under the care and control of the State. Conditions are created for pupils who do not speak Bulgarian to learn their mother tongue.

As mother tongues in the Bulgarian education system, Hebrew, Turkish, Armenian and Romani are studied:

	Number of academic hours			
	Turkish	Hebrew	Armenian	Romani
Grade 1	64	64	64	64
Grade 2	64	64	64	64
Grade 3	64	64	64	64
Grade 4	68	68	68	68
Grade 5	68	68	68	68
Grade 6	68	68	68	68
Grade 7	72	72	72	72

Article 15 — Participation of representatives of minority groups in the decision-making process

With respect to paragraph 155:

Persons, belonging to minority groups, participate on an equal basis in all spheres of public and political life in the Republic of Bulgaria. According to Article 11 of the Constitution, political activity in the Republic of Bulgaria is based on the principle of political pluralism.

Every political party in the country has members, who are persons, belonging to minority groups, including in leadership positions. Many high-ranking government officials, many other prominent public figures, as well as civil servants and members of the armed forces and the law – enforcement, belong to minority groups. All ethnic and religious groups are represented in central and local government and in all state institutions.

The majority of members and supporters of certain political parties are Bulgarian citizens of Turkish or Roma ethnic origin.

Members and supporters of Turkish and Roma ethnic origin are present in all other political parties.

Members of the Armenian and Jewish communities in Bulgaria have been continuously elected as MPs over the years as well.

At local level, persons, belonging to minority groups, are elected as mayors or municipal councillors.

With respect to paragraph 156:

Since December 2023, the National Council for Co-operation on Ethnic and Integration Issues is composed of 46 members, of which 20 are NGOs.

Membership of the civil society's organizations in the National Council is obtained through democratic criteria that are easy to fulfil - to be registered under the Non-profit Legal Persons Act and to have been active in the last three years. NGOs can apply to join the Council by 20 December each year. The applications are reviewed by a committee appointed by the Chairperson of the National Council.

The mandate of the NGO members of the National Council is three years.

With respect to paragraph 157:

The Administration of the Council of Ministers has always provided venues for the meetings of the National Council, working groups and other events with the participation of NGOs.

The last NCCEII meeting was held on 30 May 2024 and it was chaired by the Deputy Prime Minister. The NCCEII approved the Monitoring Report on the implementation of the National Strategy of the Republic of Bulgaria for Equality, Inclusion and Participation of the Roma (2021-2030) in 2023, as well as the implementation of the Municipal Action Plans. The Council of Ministers adopted the Monitoring Report with a Decision № 581 on 8 August 2024.

During the National Council's meeting, information was presented on the short feature film "Heni: Friendship - Meaning and Salvation", produced by the Center for Jewish-Bulgarian Cooperation "Alef", a member of the NCCEII. The film commemorates the 80th anniversary of the salvation of the Bulgarian Jews and was financially supported by NCCEII. Additionally, the members of the National Council were informed about the activities of the Association of Vlachs in Bulgaria, one of the oldest members of the NCCEII, in celebration of its 30th anniversary.

With respect to paragraph 163:

By Decree of the Council of Ministers No 276, dated 13 December 2023, an independent Department for Prevention and Protection from Domestic Violence, Cooperation on Ethnic and Integration Issues and Interaction with Civil Society Organizations was established under the Secretary General of the Council of Ministers. The Department serves as the Secretariat of the National Council for Prevention and Protection from Domestic Violence, the Secretariat of the National Council for Cooperation on Ethnic and Integration Issues and the Secretariat of the Civil Society Development Council. There is no duplication of functions, composition and powers between the three Councils.

The activities of the three Councils intersect in two key areas, which form the basis of the new department's operation. Firstly, this involves the Councils addressing issues of

interest to various societal group. Secondly, it involves facilitating and promoting cooperation between state bodies and NGOs. The Councils are working towards establishing various forms of partnerships between the government and the civil sector to jointly formulate policies. The Secretary of the three Councils also serves as the Head of the Department for Prevention and Protection from Domestic Violence, Cooperation on Ethnic and Integration Issues and Interaction with Civil Society Organizations, enhancing coordination and follow-up between the Councils.

There are no specific changes planned for the Secretariat of the National Council for Cooperation on Ethnic and Integration Issues. It will continue to support the activities of the National Council in terms of information, analysis, administration and technical support, in accordance with the legal regulation on the structure and activities of the National Council for Cooperation on Ethnic and Integration Issues under the Council of Ministers.

With respect to paragraph 164:

See the comment on paragraph 22.

Please note that there is no „absolute prohibition” on the use of languages other than Bulgarian during election campaigns.

With respect to the recommendation in paragraph 167:

In view of the comments made on paragraph 22 of the Fifth Opinion, the Bulgarian authorities cannot commit to legislative amendments, including changes at Constitutional level at this time.

With respect to paragraph 168:

See the comment on paragraph 20 regarding ‘segregation’.

The Fifth Opinion does not consider a series of specific measures in various fields.

The Bulgarian authorities highlight the measures taken in relation to housing, including: the involvement of Roma representatives at all levels; plans for creating a Council to oversee the implementation of the National Strategy of the Republic of Bulgaria for Equality, Inclusion and Participation of Roma (2021-2030) and its Implementation Plan; promoting the participation of young people and Roma women through consultations; monitoring civil society and more.

With respect to paragraph 173—178:

The Bulgarian authorities are drawing attention to the measures taken in relation to health care, such as expanding of the network of health mediators and the amending of the Regulation on the provision of obstetric care to uninsured pregnant women.

Health insurance in the Republic of Bulgaria is compulsory and provides a specific type and volume of medical care, funded by the National Health Insurance Fund (NHIF). The legal framework defining the package of health activities, preventive examinations and dispensations guaranteed by the NHIF budget is updated annually to improve access to health services. The amendment of Regulation No 26/2007 extends medical care to uninsured pregnant women and provides medical examinations outside compulsory health insurance for children and pregnant women.

The National Programme for Improvement of Maternal and Child Health 2021-2030 and its Action Plan 2021-2023 were approved by the Council of Ministers in Decision No 333 of 2021. The National Programme aims to ensure sustainability and build on achievements in maternal and child health by promoting health, preventing disease, providing timely, quality

medical care, and developing health and social services for those in need. The program includes the operation of 31 Medical Child Health Consultative Centres in all regional cities, providing integrated health-consultative and social services for parturient, pregnant women with pathology, children with chronic diseases and premature babies. Additionally, 23 (twenty-three) mobile offices operate annually in different regions of the country and conducting preventive examinations and tests in areas with a concentrated Roma population.

In the National Action Plans to the implementation of the National Strategy of the Republic of Bulgaria for Equality, Inclusion and Participation of the Roma (2021-2030), for the periods 2022-2023 and 2024-2025, more focus is placed on the increase of health mediators. The Ministry of Health updates the register of the certified health mediators on an annual basis. To reduce turnover and boost motivation among the health mediators, the Ministry proposed update on their wages to reflect increasing responsibilities. Before that, the mediators have been employed on minimum wage.

During the COVID-19 pandemic health mediators were included in municipal crisis boards. They supported both families with the highest degree of vulnerability in Roma neighbourhoods and institutions.

With respect to paragraph 180:

Jobseekers, including those of Roma ethnic origin, who are registered with the Labour Offices, are entitled to all rights and obligations under the Employment Promotion Act (EPA). In exercising these rights and fulfilling duties under the EPA, no form of direct or indirect discrimination, privilege or restriction based on different grounds, including ethnicity, is allowed (Article 2 of EPA).

To facilitate the labour integration of unemployed persons, including those of Roma ethnic origin, who face disadvantages in the labour market, the labour offices provide a wide range of employment mediation services. These services include information dissemination, counselling, psychological support, encouragement for proactive behaviour in the labour market, training, guidance and assistance in finding employment.

Unemployed persons of Roma ethnic origin who are unemployed are eligible to participate in employment and training programmes based on factors such as their education, level of qualifications, age, length of unemployment. The allocated financial resources for labour market policy for 2023 amount to BGN 73 million.

In order to improve access to the labour market for economically inactive persons from Roma ethnic origin, Roma labour mediators have been appointed. Their activities are financed by the state budget and their role is to motivate inactive people of Roma ethnic origin to register at labour offices. Roma mediators regularly hold meetings with Roma representatives, NGOs, and employers. Between 2021-2023, 700 meetings have been held with Roma representatives and NGOs and over 3,000 meetings have been held with employers.

Starting in 2022, the National Employment Action Plan includes funds to increase the number of Roma mediators employed in labour offices. Their number has increased from 73 in 2021 by 89 at the end of September 2023.

With respect to paragraph 181:

Within the framework of the EU Programme for the next period 'Human Resources Development 2021-2027' targeted measures are foreseen in the following areas:

- Improving access to employment, skills and qualifications;

- Social inclusion and access to healthcare;
- Activities against discrimination and overcoming negative stereotypes and attitudes.

The total budget for the targeted measures under the Programme for Roma Inclusion is BGN 184,3 million, with a participation of over 44,000 persons of Roma ethnic origin. Additionally, horizontal measures benefit around 55,000 people. Persons of Roma ethnic origin are eligible to receive support through all other components of the programme at horizontal a level (integrated approach) as disadvantaged persons.

With respect to paragraph 182:

The EU Human Resources Development Programme 2021-2027 also includes several procedures specifically related to the labour market.

The 'Starting a Job' procedure with a budget of BGN 300 million aims to provide a comprehensive package of measures for integrating unemployed and inactive persons into the labour market, with a focus on the disadvantaged. The measures are divided into three components: activating the NEETs, training measures and providing job opportunities.

The Youth Employment+ procedure with a budget of BGN 188 million aims to increase the competitiveness of young people by facilitating the transition from education to employment. Unemployed and inactive young people can participate in an apprenticeship with an employer, on-the-job training or subsidised employment.

The procedure 'Active inclusion and access to employment of disadvantaged people', with a budget of BGN 30 million, targets vulnerable people, including those at risk of poverty, social exclusion or discrimination in various forms. The procedure involves active cooperation with employers to address negative attitudes towards disadvantaged people. Currently, 121 project proposals are under evaluation.

The procedure 'Promotion of social economy at local and regional level', with a budget of BGN 22 million, aims to provide opportunities for the development of social enterprises that offer sustainable jobs for disadvantaged groups. This initiative will reduce the risk of poverty and social exclusion. The procedure also aims to support training, use of new technologies and improvement of digital skills of employees from vulnerable groups. Additionally, it provides support for activities that raise awareness, visibility and recognition of the social and solidarity economy and social enterprise products.

Funding is allocated for measures aimed at combating discrimination, promoting tolerance and creating an inclusive social environment for equality. For example, the procedure 'Say 'No' to discrimination' will be implemented with a budget of BGN 1,6 million to enhance the capacity and expertise of the Commission for Protection against Discrimination.

In 2023, there were 93 job fairs held to facilitate direct contact between employers and economically inactive people. Additionally, 462 Employer Day meetings were organised to connect employers and jobseekers, and 814 mobile Jobcentres were established to provide employment intermediary services in remote areas. Employment intermediary services were offered to 38,564 unemployed self-identified Roma, marking a 14.2% increase from the previous year.

Furthermore, 17,739 unemployed persons who self-identified as Roma were successfully placed in employment, representing a 22.4% increase from 2022. In 2023, Roma matadors were able to activate 9,820 economically inactive persons who self-identified as Roma, showing significant increase of 30,6% from the previous year. As a result, these economically inactive persons, who are currently outside the labour market, have been granted access to

free employment services.

Article 17—18 — Bilateral and cross-border cooperation

With respect to paragraph 187- 188:

Paragraphs 187-188 contains unsubstantiated statements that do not align with the facts.

The Republic of Bulgaria is actively working towards fostering good-neighbourly relations and building mutual trust. We are committed to holding regular meetings of the Joint Multidisciplinary Expert Commission on Historical and Educational Issue, as agreed upon. The effectiveness of this Commission relies on both parties equally adhering to the 2017 Treaty of Friendship, Good-Neighbourliness and Cooperation. This treaty emphasised the importance of the Commission basing its work on scientific debate and objective interpretation of historical sources and facts. Due to the Republic of North Macedonia representatives not following this approach, the Commission is unable to make progress. The AC should acknowledge and respect the fundamental principle that underpins the international legal system – *pacta sunt servanda* - agreements must be kept.

The Republic of North Macedonia's unfulfilled commitments along with the constructive efforts of the Republic of Bulgaria are hindered by numerous cases of hate crimes and hate speech in public domain, as well as institutional pressure and repression against Bulgarians in North Macedonia. These acts go unanswered by institutions and the political establishment in North Macedonia, further solidifying a culture of impunity regarding hate speech and crimes against Bulgarians in the country.

The allegation of '(non-)recognition of minorities' creates a false impression of reciprocal responsibility between both sides. According to the Treaty of Friendship, Good-Neighbourliness and Cooperation, cited in the draft Opinion, including Article 11(5), the Republic of North Macedonia has committed to not interfere in the internal affairs of the Republic of Bulgaria, especially regarding the status and rights of persons who are not citizens of North Macedonia and to refrain from anti-Bulgarian propaganda. Despite these legally binding commitments, senior officials and leading politicians from North Macedonia have actively involved the Republic of Bulgaria and bilateral relations in the domestic political debate during the electoral campaigns in the country, spreading false and provocative anti-Bulgarian rhetoric.

Furthermore, the statements in the Fifth Opinion could to be used as a tool to legitimise and reinforce the raging anti-Bulgarian campaign in the Republic of North Macedonia, which violates the legally-binding international commitments of the State, including in those related to its EU integration efforts.

The Republic of North Macedonia's failure to comply with legally binding international commitments such as goodwill participation in the work of the cited commissions, is not within the scope of the AC's examination. Additionally, the EU enlargement process is not under the AC's mandate either.

With respect to paragraph 189:

The paragraph implies an interdependence between the Bulgarian authorities' concern for the rights of Bulgarians in the Republic of North Macedonia and the claims for recognition of a supposed 'Macedonian minority' in the Republic of Bulgaria.

Ensuring the rights of the citizens in the Republic of North Macedonia, who self-identify as Bulgarians, cannot depend on national policies towards any group of citizens in another

country.

With respect to the recommendation in paragraph 191:

The Bulgarian authorities note with regret that some of the allegations made in the Fifth Opinion are essentially a political instrumentalization of the Framework Convention by the Advisory Committee, which we find inadmissible. It is necessary to emphasise that the European integration of the Western Balkans, including of the Republic of North Macedonia, is a priority of Bulgarian foreign policy. In this regard, it should be duly reminded that the topic of EU enlargement was brought back to the agenda of the Union during the Bulgarian Presidency of the Council of the EU in 2018.

At the same time, it should be noted that the EU integration is a voluntary process, based on merit and achievements that must meet clear standards, including the protection of human rights and good-neighbourly relations. The adherence to these criteria by any candidate country is assessed strictly by the European Commission, in accordance with a clear methodology adopted by the Council of the European Union and the European Parliament.

Paragraphs 187 -190 in particular seem inappropriate given the AC's failure to acknowledge the widespread public, brutal and unchecked campaign of discrimination, hate speech and hate crime in this country against its citizens who dare to demonstrate in one way or another their ethnic Bulgarian self-identification. Moreover, the anti-Bulgarian campaign in North Macedonia is not only directed at denying and deleting the well documented history of more than a millennium – old Bulgarian majority ethnic presence in the lands of what is today the Republic of North Macedonia but also at denying the identity of the Bulgarian nation as a whole.

The comparison between the recent AC Opinion on the Republic of North Macedonia and the Fifth Opinion on the Republic of Bulgaria, particularly paragraphs 187- 190, raises doubts about the potential application of double standards, a possible intention for political instrumentalization of the FCNP and a desire to legitimize repressions against ethnic Bulgarians in North Macedonia. This approach significantly undermines the effectiveness and future of the FNCP.

In light of the above, the interpretation of the commitments of Bulgaria under Articles 17 and 18 of the Framework Convention should be regarded as completely incorrect.