



FIFTH OPINION ON BULGARIA

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

Adopted on 29 May 2024

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SUMMARY OF THE FINDINGS

1. During this period, Bulgaria was facing a number of challenges, among those the most notable being the political instability in the country. This has had a direct adverse consequence on the implementation of the rights of persons belonging to national minorities. Nevertheless, Bulgaria has developed its legislation on combating hate speech and hate crime. 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, although Roma still face many obstacles, including the lack of identity documents, which impedes their full equality and inclusion in Bulgarian society. A number of public health measures have had a positive impact on access of Roma to health care. The continuous support for Roma healthcare mediators is commendable. The adoption of a “National Action Plan to Combat Antisemitism (2023-2027)” in October 2023 and the restoration of a synagogue in the city of Vidin are also commendable. Despite this, no significant progress can be observed during the reporting period in implementing recommendations to ensure effective access to minority rights enshrined in the Framework Convention. Whereas Bulgaria has played an increasingly active role in promoting the rights of persons belonging to Bulgarian minorities abroad, the same efforts cannot be observed internally. In general, there is a notable lack of awareness of minority rights as an integral part of human rights. There have been no efforts to implement a number of long-standing recommendations regarding issues such as the principle of free self-identification, support for the promotion and protection of minority rights, including linguistic rights, and the necessity to ensure full equality of everyone living in Bulgaria as well as societal integration. More action from the authorities in a number of spheres related to the rights of persons belonging to national minorities is needed. Such action should include raising awareness amongst the authorities, relevant institutions, the general public and persons belonging to national minorities about minority rights enshrined in the Framework Convention that need to be made effectively available, in addition to the necessity to ensure effective protection from discrimination.

Intercultural dialogue and mutual respect

2. Acknowledging the efforts made by the authorities to combat all forms of racism and intolerance, including antisemitism, the Advisory Committee considers that further steps need to be taken by the authorities to combat prejudices against and stereotypes of minorities and persons belonging to them, by putting in place concrete measures to promote trust, mutual respect and understanding in relation to persons belonging to all minorities, through, among others, awareness-raising activities in the general population. The knowledge among the majority population about national minorities, minority cultures, languages, religions and identities, should be improved with a view to fostering greater acceptance of minorities and persons belonging to them as an integral and valued part of Bulgarian society.

Culture

3. Funding for cultural activities remains very limited. There is a shared concern among all minorities about the relatively low and insufficient financial support for their cultural activities by the authorities. There is no dedicated funding to this effect. Creation of suitable conditions for persons belonging to national minorities to preserve and develop their cultures and languages and to assert their respective identities should be considered essential for an integrated diverse society. A more structural approach to provide for the long-term preservation and development of cultural, linguistic and religious identities of persons belonging to national minorities needs to be envisaged by the authorities, paying also attention to the needs and interests of persons belonging to numerically smaller minorities.

Teaching of minority languages

4. Apart from the right to learn one’s “mother tongue” at the primary level of education (in grades 1-7, two hours weekly), there are no other possibilities for learning minority languages in school. The existing offer for learning minority languages is unsatisfactory and does not meet the obligations enshrined in the Framework Convention. The number of pupils studying their minority language is very low compared with the corresponding census figures, and the number of pupils studying Turkish has in particular fallen dramatically. No pupils study the Romani language as a “mother tongue” despite a numerically relatively strong Roma population, and very few study Armenian and Hebrew as a “mother tongue”. Teaching of minority languages merely at a primary level of education, without providing for teaching possibilities at the preschool, secondary and upper level, is not in line with the Framework Convention. Moreover, the teaching of minority languages as an optional subject does not sufficiently encourage minority pupils to learn their first language while pursuing their studies. Such limited options do not enable minority pupils to acquire full linguistic competences to be able and motivated to preserve their minority language, along with acquiring full linguistic competence in Bulgarian. There is a need to address and change the current process for assessing the existing demand for teaching of minority languages at all levels in areas where persons belonging to national minorities live in substantial numbers or traditionally. Following such an assessment, the authorities should decide on appropriate measures relating to minority languages education in these areas, in close consultation with representatives of the minorities

concerned. The development of a comprehensive long-term strategy promoting minority languages in education, by ensuring continuity from preschool to higher education and fostering the production of education materials in minority languages, is required. This needs to be combined with the promotion of the use of minority languages in other aspects of public life as envisaged in the Framework Convention.

Situation of persons belonging to the Roma minority

5. Roma in Bulgaria continue to face antigypsyism and a number of challenges in different fields. Despite the authorities' efforts in the field of health care and access to education, the situation of persons belonging to the Roma minority remains worrying. Forced evictions of Roma and inadequate housing provided to them is a serious ongoing issue, in violation of a wide range of human rights. The Advisory Committee considers that urgent measures are needed to put an end to human rights violations related to evictions and to make sure that the principles of proportionality and non-discrimination are respected in any eviction process. Inadequate housing conditions of Roma warrant concrete, systemic and comprehensive actions by the authorities, in particular as part of the development of housing policies to address social inequalities and ensure adequate living conditions, specifically access to drinking water and electricity, for persons belonging to the Roma minority. Despite favourable policy measures in the field of employment, the Advisory Committee remains concerned by the overall employment situation of persons belonging to the Roma national minority, including women. Additional efforts by the authorities are needed to reduce unemployment among persons belonging to the Roma minority and improve their access to decent work.

6. Commending the authorities for their efforts regarding the Roma healthcare mediators' outstanding work, which is funded by the state, the Advisory Committee has concerns about the overall health care situation of the Roma, which is closely connected with other issues – notably housing and employment. Further efforts are required from the authorities to ensure effective and non-discriminatory access to health care, including sexual and reproductive health services for Roma women and girls, including in the Romani language. The absence of identity documents further impedes effective equality of Roma and their access to a number of rights. In particular, the Advisory Committee considers that the inability of a large number of Roma to obtain identity documents, due to challenges or obstacles in legalising their houses and registering their place of residence, results in denial of access to education, employment, health care, voting and free movement, which hinders the registration of marriages and births. In the light of the concerns regarding the absence of disaggregated data relating to education, health care, housing and employment, the Advisory Committee considers that there is a need for nationally collected, disaggregated equality data to form the basis of targeted and outcome-oriented policy measures.

RECOMMENDATIONS

7. 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.

8. The authorities are invited to take account of the detailed observations and recommendations contained in the present Opinion of the Advisory Committee. In particular, they should take the following measures to improve further the implementation of the Framework Convention:

Recommendations for immediate action

9. The Advisory Committee urges the authorities to effectively address the lack of identity documents, in particular among persons belonging to the Roma minority, and to ensure that it does not constitute grounds for discrimination in accessing human rights. The authorities should find, with no further delay, effective solutions for persons without a regular permanent address so that they can also get their identity documents.

10. The Advisory Committee urges the authorities to systemically promote the cultures and the languages of persons belonging to national minorities, including by providing sufficient, earmarked and sustainable long-term baseline funding necessary to preserve, develop and promote cultures and identities of persons belonging to national minorities, with a particular focus on supporting also numerically smaller minorities.

11. The Advisory Committee urges the authorities to pursue and increase their efforts by taking concrete steps to promote trust, mutual respect and understanding in relation to persons belonging to all minorities, through, among others, awareness-raising activities in the general population. The knowledge among the majority population about Bulgaria's national minorities should be improved with a view to accepting minorities and persons belonging to them as an integral and valued part of Bulgarian society. Active efforts by the authorities are still needed to combat prejudices against and stereotypes of minorities and persons belonging to them, including through systematic police training to prevent violence against Roma by the police. The authorities should also secure thorough and independent investigation into all instances of police violence against Roma.

12. The Advisory Committee urges the authorities to promote teaching of minority languages. The level of demand for the teaching of Turkish, Romani, Armenian and Hebrew languages in areas where persons belonging to these minorities live in substantial numbers needs to be regularly assessed. Following such an assessment, the authorities should decide on appropriate measures relating to teaching of these languages. This procedure should also be extended to the languages of other minorities traditionally present in Bulgaria. The authorities should further develop a comprehensive long-term strategy for promoting minority languages in education, by ensuring continuity from preschool to higher education, and fostering the production of education materials in minority languages. The authorities should also undertake ample measures to raise awareness and incentivise the learning of the Romani language. Teacher training in minority languages, in particular in Romani, at the university level should also be introduced. All these steps should be taken in close consultation with representatives of the minorities concerned, including the youth.

13. The Advisory Committee urges the authorities to improve the housing situation of persons belonging to the Roma minority, including through securing investment for guaranteeing their access to drinking water and electricity as well as all other public services. The authorities should pay particular attention to ensuring safe living conditions also in light of the risks posed by the absence of the legal security of tenure. They should also provide adequate alternative accommodation in cases of demolition of Roma settlements, which should be carried out as a last resort and respect the basic principles of the rule of law, with sanctions being applied by a dedicated body to oversee all these developments, if these obligations are not fulfilled.

Further recommendations¹

14. The Advisory Committee reiterates its call on the authorities to pursue an inclusive approach to requests for the enjoyment of minority rights under the Framework Convention, based on giving a significant priority to the principle of free self-identification, and to consider the application of its provisions on an article-by-article basis to persons interested in benefitting from protection under the Framework Convention. In extending access to individual minority rights, 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.

¹ The recommendations below are listed in the order of the corresponding articles of the Framework Convention.

15. The Advisory Committee calls on the authorities to ensure effective protection against discrimination as well as the promotion and protection of minority rights. Awareness should be raised of the legislative standards and remedies available for victims of discrimination in the state institutions, including by provision of adequate training for their staff, in the population and in particular among persons belonging to communities most frequently exposed to discrimination, such as Roma. The Commission for Protection against Discrimination and the ombudsperson's institution should be adequately equipped to raise awareness of their respective mandates among persons belonging to national minorities and be more proactive in reaching out to them, including in minority languages.

16. The Advisory Committee calls on the authorities to ensure the effective implementation of the "National Strategy for the Equality, Inclusion and Participation of Roma (2021-2030)" through close co-operation with all the relevant actors, including the municipal authorities, and by providing the appropriate human and financial resources via an allocated budget for the authorities at all levels to address the different needs and concerns of persons belonging to the Roma minority. The authorities should design measures to address antigypsyism and mainstream gender in all areas covered by this strategy..

17. The Advisory Committee reiterates its call 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 containing all the relevant legal safeguards is swiftly adopted. The persons concerned must be properly informed of their rights and offered adequate and decent alternative accommodation as a permanent measure.

18. The Advisory Committee calls on the authorities to ensure that persons belonging to different communities can exercise freedom of association, as guaranteed by Article 7 of the Framework Convention. The authorities should provide for legislative or other appropriate measures that will make registration of non-governmental organisations representing minority communities effectively possible.

19. The Advisory Committee calls on the authorities to promote and effectively provide the necessary conditions for the oral and written use of minority languages in contacts with administrative authorities, including by considering the introduction of a legal basis for the use of minority languages, by explicitly allowing the targeted recruitment of minority language speakers, and by financially supporting local and regional authorities in covering the costs for the provision of services in minority languages. The authorities should also promote the use of minority languages through digitalisation by and with the administrative authorities and regularly monitor the progress achieved.

20. The Advisory Committee calls on the authorities to identify and implement long-term sustainable solutions, in co-operation with minority representatives, schools, parents and students, to improve access to quality education for Roma children, by setting up a disaggregated data collection system, focusing especially on different forms of educational segregation as it exists in practice, attendance and drop-outs rates of Roma children, as well as their educational outcomes. The authorities should put in place measures to tackle school segregation, by adopting a comprehensive desegregation policy with clear targets and by allocating sufficient resources, together with a clear timetable and a monitoring mechanism for its implementation. The authorities should further raise awareness in the Bulgarian society about the importance of inclusive education for social cohesion.

21. The Advisory Committee calls on the authorities to reform, in effective consultation with a wide range of relevant NGOs promoting access to minority rights and diverse minority representatives, the role and institutional position of the National Council for Co-operation on Ethnic Integration Issues so as to ensure ongoing and effective participation of persons belonging to national minorities in decision-making processes. The National Council should be as inclusive as possible, also in terms of gender and age of its members, and genuinely represent a wide range of views amongst persons belonging to national minorities. With regard to the expansion of its competencies, the work of the National Council should be organised in a way that is not detrimental to its role as the only national institution for addressing minority issues.

22. The Advisory Committee reiterates its call on the authorities to allow the use of languages other than Bulgarian during election campaigns and find effective ways, in consultation with persons belonging to national minorities, to ensure that these persons are able to enjoy their right to political participation and the right to receive and impart information and ideas in minority languages.

23. The Advisory Committee calls on the authorities to implement Roma employment programmes across the country and take positive measures to promote Roma employment in the public and private sectors.

Follow-up to these recommendations

24. The Advisory Committee encourages the authorities to organise a follow-up event after the publication of this fifth-cycle Opinion. It considers that 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 of implementing the recommendations contained in the present Opinion.

MONITORING PROCEDURE

Follow-up activities related to the recommendations of the Fourth Opinion of the Advisory Committee

25. The Advisory Committee's Fourth Opinion, adopted in 2020 was not translated into Bulgarian or any national minority languages. No dedicated follow-up meeting with the participation of the Advisory Committee was organised.

Preparation of the state report for the fifth cycle

26. The state report was received on 22 October 2021. The National Council for Co-operation on Ethnic and Integration Issues contributed to its preparation.

Country visit and adoption of the Fifth Opinion

27. This fifth-cycle Opinion on the implementation of the Framework Convention for the Protection of National Minorities (hereinafter "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. The findings are based on information contained in the fifth state report, other written sources, as well as information obtained by the Advisory Committee from governmental and non-governmental sources during its visit to Sofia, Plovdiv, Kardzhali and Blagoevgrad from 13 to 17 November 2023. The Advisory Committee expresses its gratitude to the authorities for their good co-operation before, during and after the visit, and to the other persons it met during the visit for their valuable contributions. The draft opinion, as approved by the Advisory Committee on 8 February 2024, was transmitted to the Bulgarian authorities on 15 February 2024 for observations, according to Rule 37 of Resolution (2019)49. The Advisory Committee welcomes the observations received from the Bulgarian authorities on 15 April 2024.

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28. A number of articles of the Framework Convention are not covered in the present opinion. 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 cycles of monitoring. Finally, it may be that issues which appear at this stage to be of relatively minor concern prove over time to have been underestimated.

ARTICLE-BY-ARTICLE FINDINGS

Personal scope of application (Article 3)

29. The declaration made by Bulgaria upon ratification of the Framework Convention does not contain information on the personal scope of its application.² At the same time, according to the Bulgarian Constitution, “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.”³ Bulgarian legislation does not contain the term “national minority”.⁴ There is no list of national minorities which are officially accepted as existing in Bulgaria so that persons belonging to them could more easily enjoy access to minority rights.

30. According to the authorities, the existence of a national minority is conditioned both by subjective (self-identification as belonging to a national minority) and objective criteria (the existence of distinctive identifying characteristics), which should be applied cumulatively.⁵ The authorities further stated that the right enshrined in Article 3 does not modify the precondition of its exercise (“belonging to a national minority”), which according to the Explanatory Report is a purely factual circumstance (“objective criteria relevant to the person’s identity”). This approach is reflected in the case law of the Constitutional Court of Bulgaria with regard to the compatibility of the Framework Convention with the Constitution.⁶ In exchanges with the Advisory Committee, the authorities also stressed that Bulgaria does not acknowledge collective rights but fulfils its obligations through an individual approach, meaning that individual rights are granted to everyone, including to persons belonging to some ethnic communities based on the application of objective and subjective criteria.⁷ Whereas persons can express their subjective ethnic affiliation, their access to minority rights depends on the existence of a minority, which is determined by the authorities.

31. The Advisory Committee notes that several ethnic and linguistic minorities are traditionally present in Bulgaria. As in the previous monitoring cycles, the National Council for Co-operation on Ethnic and Integration Issues includes associations representing the Armenian, Aromanian, Jewish, Karakachani, Roma and Vlach minorities.⁸ It should be noted that in 2019, organisations representing the Turkish minority left this Council as according to them, the National Council placed too much focus on issues related to Roma (see Article 15).

32. As in the previous cycles, persons identifying as Macedonians reiterated their long-standing wish to be protected under the Framework Convention, but because the authorities do not accept the existence of the objective criteria for them, these persons are unable to enjoy access to individual minority rights. Their long-term attempts to register associations promoting the Macedonian community have not been successful (see Article 7).⁹ Persons identifying as Pomaks also expressed the wish to benefit from the protection under the Framework Convention. According to the authorities, the necessary objective criteria are not present either for Pomaks, who continue to be referred to, contrary to their self-identification, as “Bulgarian Muslims”.

² Bulgaria, Reservations and Declarations for Treaty No.157 - Framework Convention for the Protection of National Minorities (ETS No. 157), available at <https://www.coe.int/en/web/conventions/full-list?module=declarations-by-treaty&numSte=157&codeNature=10&codePays=BUL>.

³ Article 54.1 of the Constitution of Bulgaria.

⁴ 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”, “ethnic communities” and “mother tongues”, respectively.

⁵ See, for example, [fourth state report](#), p. 25. See also the [Advisory Committee's Fourth Opinion on Bulgaria](#), adopted on 26 May 2020, para. 24. With respect to Macedonians, see [Comments of the Government of Bulgaria on the Third Opinion of the Advisory Committee on the Implementation of the FCNM by Bulgaria](#) dated 30 July 2014 (p. 4), where the authorities refer to the Bulgarian Academy of Sciences, according to which there is a lack of distinctive “Macedonian ethnicity” and “Macedonian language” that would characterise a person self-identifying as Macedonian as different from all other Bulgarian citizens. In December 2019, the Bulgarian Academy of Sciences confirmed its view that Macedonian is not a language but a “written-regional form of the Bulgarian language”.

⁶ 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.

⁷ See, for instance, [Comments of the Government of Bulgaria on the Fourth Opinion of the Advisory Committee on the implementation of the Framework Convention for the Protection of National Minorities by Bulgaria](#), pp. 4-5.

⁸ See [Advisory Committee's Fourth Opinion](#), para. 22. These communities are also covered by the state report.

⁹ With respect to Macedonians, on 24 October 2019, the Sofia Appeal Court (Decision no. 2333 regarding the registration of the “Association of Repressed Macedonians in Bulgaria Victims of Communist Terror”) concluded 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.” This decision confirms the position expressed in 2000 by the Bulgarian Constitutional Court, and maintained by the Bulgarian authorities, that there is no “Macedonian ethnos” in Bulgaria (Decision No. 1 of the Bulgarian Constitutional Court of 29 February 2000, referred to in [United Macedonian Organisation Ilinden – PIRIN and Others v. Bulgaria](#), application no. 59489/00, 20 October 2005, § 25).

33. The Advisory Committee recalls that access to rights is based on the right to free self-identification in line with Article 3 of the Framework Convention. According to the Explanatory Report to the Framework Convention, this 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.¹⁰ The Advisory Committee has intentionally refrained from interpreting what such objective criteria may be, as it is clear from the wording of the Explanatory Report that they must only be reviewed *vis-à-vis* the individual's subjective choice.¹¹ Decisive weight should be given to the free, subjective choice of the individual to be treated as belonging (or not) to a national minority. This belonging is therefore a freedom of an individual, which should only be questioned in rare cases. Whilst the Framework Convention in its Explanatory Report refers to objective criteria linked to the subjective self-declaration of minority affiliation, the Advisory Committee emphasises that where objective criteria are applied to define a minority identity, this may refer to some evidence of a person's practice of a different religion, language, culture or traditions compared to the majority. Identity in the context of the Framework Convention, as spelled out in the preamble and Article 5, refers to religion, language, traditions and cultural heritage.

34. The Advisory Committee is aware of the argumentation put forward by the authorities in relation to the personal scope of application of the Framework Convention. While recognising that states parties have a margin of appreciation in determining the personal scope of application of the Framework Convention, the Advisory Committee assesses whether the approach taken to the scope of application does not constitute a source of arbitrary or unjustified distinctions between communities with regard to effective access of persons belonging to them to rights enshrined in the Framework Convention.¹² Given its task to monitor the effective implementation of rights contained in the Framework Convention, the Advisory Committee has primarily been concerned with access to rights and only secondarily with questions surrounding status, except in cases where the status has prevented persons belonging to national minorities to enjoy access to rights. When examining the implementation of the Framework Convention by states parties, the Advisory Committee consistently encourages the authorities to consider, on an article-by-article basis, which rights should be made available to whom in order to ensure the most effective implementation of the Framework Convention based on facts (i.e. the actual existence of a minority) rather than on status (i.e. the formal recognition by the authorities of its existence).¹³

35. The Advisory Committee therefore emphasises that access to rights and their effective implementation are of paramount importance and must be the primary consideration for the authorities. With a due consideration to the Bulgarian authorities' approach to the personal scope of the Framework Convention, the Advisory Committee finds it crucial that a pragmatic approach towards persons self-identifying as Macedonians and Pomaks is followed. Reiterating its previous findings in relation to the implementation of Article 3 of the Framework Convention by Bulgaria,¹⁴ the Advisory Committee, based on the principle of free self-identification, finds it particularly important that the Framework Convention is applied on an article-by-article basis to persons belonging to those communities in areas such as, *inter alia*, non-discrimination and the principle of equality and equal access to rights as well as the promotion of mutual respect and understanding, particularly in education, culture and the media (Articles 4 and 6).

36. The Advisory Committee reiterates its call on the authorities to pursue an inclusive approach to requests for the enjoyment of minority rights under the Framework Convention, based on giving a significant priority to the principle of free self-identification, and to consider the application of its provisions on an article-by-article basis to persons interested in benefitting from protection under the Framework Convention. In extending access to individual minority rights, 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.

Population Census (Article 3)

¹⁰ Explanatory Report to the Framework Convention for the Protection of National Minorities, para. 35.

¹¹ [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. 10. See also UN CERD (1990), General recommendation VIII concerning the interpretation and application of Article 1, paragraphs 1 and 4 of the UN Convention on the Elimination of Racial Discrimination.

¹² See [ACFC Thematic Commentary No. 4](#), para. 26.

¹³ See [ACFC Thematic Commentary No. 4](#), para. 37.

¹⁴ See [Advisory Committee's Fourth Opinion](#), paras. 25-26.

37. The population and housing census was conducted from 7 September to 10 October 2021.¹⁵ Preparation activities began in 2019, when the Communication Strategy, Action Plan and Crisis Communication Strategy were adopted. The authorities reported that a large-scale information campaign had been carried out prior to the census, including through media outlets. They further stated that a significant number of meetings had been held with different target groups, including with representatives of the various ethnic communities in order to promote the census and explain its importance. Information seminars, advertising materials (flyers and posters) were offered. A toolkit (counting cards and instructions), which was used during census, had been developed in line with the UN recommendations on census.¹⁶ Two methods of data collection were used – an online questionnaire for self-enumeration and a visit to households by an enumerator. For the enumeration in the territories more densely populated by persons belonging to minorities, especially the Roma, the Regional Offices of the National Statistical Institute were in contact with the health and education mediators, as well as with the representatives of those communities. A representative of the National Council for Co-operation on Ethnic and Integration Issues was a member of the Central Census Commission.¹⁷

38. According to the results of the 2021 census, the population of Bulgaria is 6 519 789, a decrease of 11.5% compared with the 2011 census. The majority ethnicity makes up 84.6% of the total population (5 118 494). The numerically larger national minorities are Turkish (8.4% of the total population - 508 378 persons) and Roma (4.4% of the population - 266 720 persons). Compared to 2011, the share of persons self-identifying as Turkish decreased by 0.4% (in 2011, their number was 588 318), and the share of the Roma decreased by 0.5% (in 2011, their number was 325 343). Moreover, 1.3% or 79 006 persons self-identified as belonging to “other ethnic groups” (in 2011, their number was 49 304 persons or 0.7%). According to the results, 14 870 persons self-identified as Pomaks, 14 218 as Russians, 5 306 as Armenians, 2 071 persons as Karakachiani, 1 643 as Vlach, 1 625 as Greeks, 1 153 as Jews, and 1 143 as Macedonians. In addition to these categories, respondents were also able to choose between the fields “I cannot decide” and “I do not want to indicate”. As a result, 0.3% or 15 746 respondents indicated that they “could not decide” and 1.0% or 63 767 respondents answered, “I do not want to indicate”. The census questionnaire also contained a question relating to a “mother tongue”: 8.7% or 514 386 of respondents indicated Turkish and 3.9% or 227 974 of respondents indicated Romani as their “mother tongue”. The category “other mother tongue” was selected by 1.1% or 62 906 respondents, whereas 0.2% or 10 633 respondents could not determine their “mother tongue”. Finally, 0.8% of respondents (49 602 persons) ticked the box, “I do not want to answer”. Regarding the question on religion, 10.8% or 638 708 persons indicated Muslim religious denomination, 0.1% or 5 002 indicated the Armenian Apostolic creed, and 1 736 persons Judaism.¹⁸

39. Representatives of certain national minorities contest the 2021 census results and consider that the actual numbers of their respective minority are significantly higher than shown in the census results. Many persons the Advisory Committee met during its visit complained that they believe that they had not been enumerated: either the number which they received after they had completed the census form online was never collected by those responsible for carrying out the census (which meant that their answers were not counted), or no one visited them to conduct an interview if they did not opt for an online self-enumeration. Furthermore, representatives of some minorities criticised the fact that it was not possible to declare more than one ethnic affiliation. They regretted that persons born to parents affiliating with different ethnicities did not have the possibility to express a multiple affiliation in the census. It was further reported that there were no efforts on the part of the authorities to recruit persons belonging to national minorities as enumerators. Finally, the fact that the census was carried out during the Covid-19 pandemic had also an impact on its conduct and the subsequent results. The authorities, however, claimed that the methodology for conducting the 2021 census meets the recognised European and universal standards, including the UN recommendations and Regulation (EC) no. 763/2008 of the European Parliament and the European Council of 9 July 2008 on population and housing censuses.¹⁹

40. The Advisory Committee reaffirms its view that reliable information about the ethnic composition of the population is an essential condition for implementing effective policies and measures to protect minority rights, for helping to preserve, assert and develop minority identities as well as for addressing the needs and interests of persons belonging to national minorities, including from a gender and age

¹⁵ See 2021 Population Census and Housing Census in the Republic of Bulgaria Act, SG No. 20/8.03.2019, available at <https://nsi.bg/en/content/17050/basic-page/2021-population-census-and-housing-census-republic-bulgaria-act>.

¹⁶ “Fundamental principles of official statistics in the context of population and housing censuses” of UNECE recommendations of the Conference of European Statisticians Recommendation for the 2020 Censuses of Population and Housing”, United Nations Economic Commission for Europe, New York and Geneva, 2015.

¹⁷ Additional information provided by the authorities on 14 December 2023.

¹⁸ See the results of the Bulgarian population and housing census of 2021 at the webpage of the National Statistical Institute available at https://infostat.nsi.bg/infostat/pages/module.jsf?x_2=344.

¹⁹ Official Journal of the European Union, Regulation (EC) No. 763/2008 of the European Parliament and of the Council of 9 July 2008 on population and housing censuses (Text with EEA relevance), available at <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32008R0763>.

perspective. Population statistics should be collected regularly and should be complemented with information gathered through independent qualitative and quantitative research, particularly when results are contested. Data collection exercises should allow also for persons belonging to numerically smaller minorities to be enumerated separately, for the expression of multiple ethnic affiliations as well as for the collection of information on first and further languages spoken by the population. Results should be carefully analysed in consultation with minority representatives.

41. The Advisory Committee deeply regrets that, once again, only the three largest groups (including Bulgarian) were mentioned in the pre-defined list of the census form. The authorities maintain that it was technically impossible to list all ethnic groups on the printed census form and that all Bulgarian citizens have the opportunity to define their ethnicity as they perceive it by marking this under the category 'Other'. However, this approach may have discouraged persons belonging to other national minorities, such as Armenians, Aromanians and Jews, as well as other ethnic communities, to indicate their ethnic affiliation. The Advisory Committee further regrets that there was no possibility for declaring multiple affiliations in the census form. Finally, it notes with concern the complaints received during the monitoring visit by interlocutors from various national minorities, according to which the 2021 census results did not reflect their estimated numbers since they had allegedly not been enumerated. In this vein, the Advisory Committee considers that the comprehensive results of the census should be analysed in close consultation with minority representatives. The outcome of such a joint analysis, combined with other disaggregated data collection, should serve as the basis for policy making regarding access to minority rights.

42. The Advisory Committee asks the authorities to enter into a dialogue with the representatives of national minorities and other ethnic communities to evaluate the methodology and identify the problems occurred during the census of 2021, and to find possible solutions thereto, including by collecting additional disaggregated data, particularly in regions and municipalities more densely populated by persons belonging to numerically smaller minorities.

Anti-discrimination legal and institutional framework (Article 4)

43. There is no specific legislation to protect minority rights under the Bulgarian legal system. Bulgaria's legal framework on anti-discrimination continues to be regulated by the Constitution²⁰ as well as the 2004 Protection Against Discrimination Act (PADA).²¹ The PADA prohibits discrimination on the grounds of, *inter alia*, "race", nationality, ethnic affiliation, citizenship, origin, religion and belief. It defines and prohibits direct and indirect discrimination, discrimination by association, multiple discrimination, victimisation and harassment.²² Furthermore, it provides rules for a shift of the burden of proof. The definition of ethnic affiliation is not provided under the PADA. The Supreme Administrative Court held that there was a difference between "ethnic origin" ("ethnic belonging" or "ethnic affiliation" in the language of the PADA) and "origin", also a protected ground in the PADA. It held that "ethnic origin" - "ethnic affiliation" - was connected "to the idea of a social community distinct in terms of tribal affiliation, a common language and a cultural and traditional foundation."²³

44. As regards the institutional framework for combating discrimination, there are two bodies dealing with cases of discrimination: the Commission for Protection against Discrimination (CPD), which is the national specialised equality body, and the Ombudsman of the Republic of Bulgaria ("the ombudsperson"). The CPD has its own legal personality and is accountable to parliament only, through annual written reports on its activities.²⁴ The CPD is accredited as a 'B' rather than an 'A' National Human Rights Institution²⁵ since it does not fully conform to the UN Paris Principles regarding the independence criterion, due to the lack of a clear, transparent and participatory selection process which should promote the independence of, and public confidence in the CPD.²⁶ The CPD has 23 regional

²⁰ Article 6 of the Constitution of Bulgaria provides for the general clause on non-discrimination.

²¹ Protection against Discrimination Act, SG. 86/30, adopted on 30 September 2003, in force as of 1 January 2004.

²² See Article 2 (direct and indirect discrimination and harassment), article 5 (victimisation), Article 11 (multiple discrimination) and additional Provisions paragraph 1(11) (discrimination by association) of the Protection against Discrimination Act.

²³ Supreme Administrative Court of Bulgaria, Decision no. 12620 of 18 October 2018 in case no. 115/2018.

²⁴ See Articles 40 and 41 of the Protection against Discrimination Act.

²⁵ See also in this connection European Network of Legal Experts in Gender Equality and Non-discrimination, [Bulgaria, Country report, Non-discrimination: Transposition and implementation at national level of Council Directives 2000/43 and 2000/78](#), Reporting period 1 January 2022 – 1 January 2023, p. 69.

²⁶ Principles relating to the status of national institutions (the Paris Principles), adopted by the United Nations General Assembly on 20 December 1993 in its Resolution 48/134 on national human rights institutions for the promotion and protection of human rights and interpreted by the Sub-Committee on Accreditation of the Global Alliance of National Human Rights Institutions (GANHRI) in its General Observations, <https://ganhri.org/accreditation/>. As concerns independence, according to Article 41 (1) of the PADA, five of the nine members of the CPD, including the Chair and Deputy Chair, are elected by Parliament and four members are appointed by the President of the Republic. The PADA contains no provision expressly prohibiting members of the CPD from receiving instructions, which raises serious concern on ensuring sufficient guarantees as to the independence of the

offices, which are involved in awareness-raising campaigns. It deals with an open-ended list of discrimination grounds, such as gender, “race”, origin, ethnicity, nationality, religion or faith, education, beliefs or any other ground provided for by law or by an international treaty to which Bulgaria is a party.²⁷ The CPD has a legal standing to bring discrimination complaints to court; to initiate *ex officio* proceedings before the courts; to intervene in cases concerning discrimination, for example, as an *amicus curiae*.²⁸ In 2020, the CPD instituted proceedings on the grounds of “ethnicity” and “race” in 26 cases. In 2021, 42 cases were instituted on the said grounds; 27 in 2022 and 34 from 1 January until 30 October 2023.²⁹ The CPD is a quasi-judicial body and can issue legally binding decisions. No provisions were made since the previous monitoring cycle³⁰ to provide for a possibility to submit complaints in languages other than Bulgarian, including minority languages.

45. As in the previous cycle, the Advisory Committee received complaints in relation to the absence of functional immunity for the CPD members, which creates practical problems for its members because they can be brought to court following their decisions. During the monitoring visit, the authorities reiterated their position, as stated in their comments to the Advisory Committee’s Fourth Opinion on Bulgaria,³¹ i.e. that the CPD’s current status is “quite singular”, since it functions independently from the legislative, executive and judicial branches and there is no mechanism through which CPD members can be sanctioned.³² The control over the CPD is executed in two forms, for which no personal responsibility by the CPD members is borne: the presentation of the annual report before the parliament and the possibility of judicial appeal of CPD’s decisions by a party in the proceedings.³³ Despite these observations, the Advisory Committee reiterates its concerns about the lack of legal safeguards on the functional immunity for the CPD members and underlines that such immunity in respect of activities carried out in their official capacity for the CPD would also enhance the body’s independence.³⁴ It wishes to draw the authorities’ attention to the Recommendation of the Council of Europe Committee of Ministers from 2021, according to which, “Member States should take all measures necessary to protect and support NHRIs against threats and harassment and any other forms of intimidation, including through ensuring functional immunity.”³⁵

46. The CPD does not treat discrimination against Roma as a priority; it mainly deals with complaints on hate speech in the media, which in practice means that most of these applications are brought by Roma rights activists in the public interest, as opposed to direct victims of discrimination, for example, in the field of healthcare, education, social services, access to employment.³⁶ The Advisory Committee understood from its interlocutors that they are not fully aware of the relevance of the CPD’s and ombudsperson’s mandates and activities, including of the CPD’s regional offices. This also constitutes a reason for underreporting cases of discrimination. Interlocutors of the Advisory Committee stated that meaningful avenues of ensuring access to minority rights are necessary. The Advisory Committee also noted a lack of understanding in the Bulgarian society, including in institutions dealing with discrimination, that minority rights require special attention and dedicated measures in line with the provisions of the Framework Convention.

47. As regards the ombudsperson’s institution, it is vested with a competence to receive and deal with complaints and reports alleging violations of citizens’ rights and freedoms by public and private entities. In exercising this power, the ombudsperson can also make proposals and recommendations, file petitions to the Constitutional Court, requesting to have declared unconstitutional any law that violates the rights and freedoms of citizens.³⁷ Representatives of the ombudsperson’s institution informed the Advisory Committee that, although there are no official numbers regarding the complaints filed by

CPD as a whole. See also European Commission against Racism and Intolerance (2020), [ECRI Sixth Report on Bulgaria](#), adopted on 28 June 2022, para. 1.

²⁷ See Article 4 (1) of the Protection against Discrimination Act.

²⁸ See Article 47 of the Protection against Discrimination Act.

²⁹ Information provided by the Commission for Protection against Discrimination during the monitoring visit of the Advisory Committee from 13 to 17 November 2023.

³⁰ See [Advisory Committee’s Fourth Opinion](#), para. 41.

³¹ See [Advisory Committee’s Fourth Opinion](#), para. 40.

³² See [Comments of the Government of Bulgaria on the Fourth Opinion of the Advisory Committee on the implementation of the Framework Convention for the Protection of National Minorities by Bulgaria](#), received on 7 October 2020.

³³ *Ibid.*

³⁴ European Commission against Racism and Intolerance (2020), [ECRI Sixth Report on Bulgaria](#), adopted on 28 June 2022, paras. 3-4.

³⁵ See [Recommendation CM/Rec\(2021\)1 of the Committee of Ministers to member States on the development and strengthening of effective, pluralist and independent national human rights institutions](#), adopted on 31 March 2021, para. 13.

³⁶ See also in this connection European Network of Legal Experts in Gender Equality and Non-discrimination, [Bulgaria, Country report, Non-discrimination: Transposition and implementation at national level of Council Directives 2000/43 and 2000/78](#), Reporting period 1 January 2022 – 1 January 2023, p. 77.

³⁷ For further information regarding the ombudsperson’s activities and their legal basis see the official webpage of the Ombudsperson’s institution available at <https://www.ombudsman.bg/en/p/8>.

persons belonging to national minorities, the number of such complaints is not high and they are mostly submitted in relation to the issues pertaining to Roma and in some cases Turks.

48. Interlocutors of the Advisory Committee were concerned about a general lack of awareness about the rights of persons belonging to national minorities in Bulgaria, which impedes effective equality in the Bulgarian society. A lack of trust in the institutions dealing with the discrimination-related complaints was also mentioned to the Advisory Committee by several of its interlocutors. This is believed to be the main reason for a notable underreporting of discrimination against the Roma and persons belonging to other minorities.

49. The Advisory Committee reiterates that equality bodies should have both *de jure* and *de facto* independence, which allows them to proactively exercise all their functions and competences with a real impact.³⁸ Regional outreach initiatives of the equality bodies for a regular presence with communities exposed to discrimination and intolerance throughout the country are particularly important where such communities live. The Advisory Committee further underlines the particular importance of awareness-raising among persons belonging to minorities in general, and amongst those communities most exposed to discrimination such as the Roma in particular, on the legal remedies available to individuals experiencing discrimination.

50. The Advisory Committee is worried by the complaints it had received, according to which cases of discrimination are not being adequately reported and that the low number of complaints filed by persons belonging to national minorities, in particular by Roma and Turks with the CPD and the ombudsperson's institution, is the consequence of both the low level of awareness of the procedure among persons belonging to these minorities and the reported lack of trust in these institutions. The Advisory Committee regrets that there is no possibility for persons belonging to national minorities to file complaints with the CPD and the ombudsperson's institution in minority languages. The authorities have informed the Advisory Committee that a written complaint in a "foreign language" needs to be accompanied by a translation in Bulgarian. The Advisory Committee learned that CPD's regional offices merely collect complaints and send them to the central office in Sofia, without ensuring a follow-up. It therefore considers that proper training activities are needed for the employees of the CPD's regional offices, particularly in the regions where persons belonging to national minorities reside. The Advisory Committee also learned from both the CPD and the ombudsperson that neither of these institutions considers persons belonging to minorities and the difficulties they may face as one of their priority concerns, nor do they view themselves as having a role in the monitoring of the implementation of the Framework Convention.

51. The Advisory Committee is of the view that in order to ensure effective protection against discrimination, both the CPD and the ombudsperson should actively reach out to persons belonging to minorities through targeted awareness-raising activities, including in minority languages in the regions where persons belonging to national minorities reside. This is particularly needed for effectively protecting persons belonging to national minorities from discrimination in areas where there are serious problems as far as access to adequate housing, healthcare and employment of Roma is concerned (see Article 15).

52. At the same time, given the fact that the necessity to promote full and effective equality in all spheres was also highlighted by interlocutors from other minorities, and having regard to the overall lack of awareness of the rights of persons belonging to national minorities, the Advisory Committee considers that a systemic approach in the field of protection of minority rights is needed so as to ensure full and effective equality of everyone before the law. The Advisory Committee considers that making the CPD's and the ombudsperson's role genuinely visible and proactive in protecting minority rights as an integral part of general human rights could make Bulgaria's anti-discrimination system more accessible for persons belonging to national minorities. This would particularly help those in a vulnerable situation who are reluctant to approach the CPD or the ombudsperson or lack information about how to file a formal complaint or how to address their respective concerns.

53. The Advisory Committee calls on the authorities to ensure effective protection against discrimination as well as the promotion and protection of minority rights. Awareness should be raised of the legislative standards and remedies available for victims of discrimination in the state institutions, including by provision of adequate training for their staff, in the population and in particular among persons belonging to communities most frequently exposed to discrimination, such as Roma. The Commission for Protection against Discrimination and the ombudsperson's institution should be adequately equipped to raise awareness of their respective mandates among persons belonging to national minorities and be more proactive in reaching out to them, including in minority languages.

³⁸ See European Commission against Racism and Intolerance (2017), ECRI General Policy Recommendation No. 2: Equality bodies to combat racism and intolerance at national level, paras. 12 and 28.

54. The Advisory Committee encourages the authorities to provide for a full independence of the Commission for Protection against Discrimination and provide for a statutory functional immunity.

Promotion of full and effective equality – Roma (Article 4)

55. Bulgaria's "National Strategy for the Equality, Inclusion and Participation of Roma (2021-2030)" (also referred to as National Strategy) sets out the following priority areas: education and training, healthcare, housing, employment, rule of law and anti-discrimination, and culture and media. The fight against discrimination is a horizontal priority in all areas. The authorities report that its operational implementation is carried out through short-term national action plans. Measures were taken in several areas. These concern, among others, (i) comprehensive programmes at municipal level for education inclusion; (ii) expansion of the network of health mediators; an amendment of the regulation on the provision of obstetric care to pregnant women without health insurance; (iii) increase in the number of labour mediators; establishment of an electronic register with data on economically inactive persons; and (iv) housing conditions. The authorities also stated that the consultative process of developing the National Strategy passed through four stages of analyses, consultations with different ministries, district administrations, local authorities, mediators, district experts on ethnic and integration issues, teachers, and academics. As of September 2023, the Secretariat of the National Council for Co-operation on Ethnic and Integration Issues started the process of preparation and elaboration of the National Action Plan 2024-2027.³⁹

56. According to the recent Civil Society Monitoring Report on the quality of the "National Strategy for the Equality, Inclusion and Participation of Roma (2021-2030)", preparations for the development of this strategy were relatively difficult, due to the country's political instability and during the Covid-19 pandemic. The study conducted within the Roma Civic Monitoring Project shows that the organisations involved in the preparation process are dissatisfied with the quality of the consultations, considering the whole process rather superficial, and insufficiently open and participative. The Civil Society Monitoring Report states that the Strategy identifies the challenges related to antigypsyism and discrimination correctly. The non-legally binding working definition of antigypsyism/anti-Roma discrimination set by the International Holocaust Remembrance Alliance (IHRA) in 2020 was explicitly quoted as a proper standard for further policymaking in Bulgaria.⁴⁰ However, the majority of Roma NGOs consider that the antigypsyism and antidiscrimination related issues are not sufficiently reflected in the Strategy. Issues concerning hate speech and hate crimes are also largely missing and segregation is addressed only partially, whilst targets are not matched with measures to ensure progress. On a positive note, a new emphasis is placed on Roma women which is also reflected in the creation of advisory boards with Roma women and youth.⁴¹

57. The Advisory Committee welcomes that issues related to Roma women (including on their empowerment), children and youth are reflected in the National Strategy. There is continuity in some measures, such as health and educational mediators. Despite this, the Advisory Committee notes that many of the programmes and projects rely extensively on EU funding and the share of state funding seems insufficient to achieve long-term sustainability of the actions. As observed by its interlocutors, without the financial support of the EU, very little would be effectively done by the state.

58. Moreover, in light of concerns expressed by its interlocutors, the Advisory Committee considers that greater efforts are needed to ensure effective implementation on the ground of the measures contained within the national action plans. In this context, the authorities could envisage setting-up of task forces at regional level with the involvement of persons belonging to the Roma minority. This way, they could provide advice and support to local and regional authorities in building, planning and implementing specific actions. In addition, in light of concerns regarding the absence of disaggregated data relating to education, healthcare, housing and employment, the Advisory Committee emphasises the need for nationally collected, disaggregated equality data (also reflecting gender and age disparities) to form the basis of targeted and outcome-oriented policy measures. Such relevant data can be gathered through research carried out by or in co-operation with Roma, and should meet human rights and data protection standards, notably in relation to the principles of informed consent, anonymity and information on the purpose of data processing.

59. With regards to full and effective equality, the Advisory Committee notes that forced evictions of Roma remain a serious issue in Bulgaria. The European Court of Human Rights has considered several cases of attempted forced evictions of Roma and found violations of Article 8 (right to respect for private

³⁹ Additional information provided by the authorities on 14 December 2023.

⁴⁰ Roma Civil Monitor (2022), [Civil society monitoring report on the quality of the national strategic framework for Roma equality, inclusion, and participation in Bulgaria](#).

⁴¹ Ibid.

and family life) of the European Convention on Human Rights. In 2012, in the case of *Yordanova and Others v. Bulgaria*,⁴² the Court found that the enforcement of an eviction order issued on the basis of legislation that did not require the examination of proportionality violated Article 8 of the European Convention on Human Rights. The *Yordanova and Others* group cases⁴³ are under the enhanced procedure for execution before the Committee of Ministers. So far, no amendments have been introduced in the domestic legislation to comply with the judgment. The authorities informed the Advisory Committee that in 2018, a draft law to amend and supplement the Spatial Planning Act was prepared but has not yet been adopted due to various circumstances, including the Covid-19 pandemic, a series of consecutive early parliamentary elections as well as constitutional and judicial reforms.

60. Moreover, the Advisory Committee was informed by its interlocutors that in the reporting period, there were a number of forced evictions of Roma from their homes.⁴⁴ During its monitoring visit, the Advisory Committee visited the neighbourhood of Orlandovtsi in Sofia, where it witnessed an ongoing eviction of the entire Roma community, without a proper legal notice (only an informal notice was published in the neighbourhood without any stamp indicating the institution issuing the notice).⁴⁵ Roma, who became homeless as a result of the demolition of their homes in Orlandovtsi, were placed in temporary substandard accommodation for homeless but only for three months to be renewed once, meaning that after half a year, these persons could be effectively homeless. The Advisory Committee visited the alternative “accommodation” offered to those whose houses were demolished in Orlandovtsi and it witnessed the inhumane living conditions (i.e. an old wagon with a leaking roof, no insulation, and the absence of different services, such as access to schools, health centres, transportation facilities and employment opportunities. Interlocutors of the Advisory Committee stated that these wagons had been full of garbage when the Roma families were to move there and they had to empty the wagons before they were even able to use them as shelters. As a result of the demolition of their homes in Orlandovtsi, Roma families lost their addresses, leading to the loss of their school district. Subsequently, children who attended schools in the Orlandovtsi district no longer have a possibility to attend them.

61. The Advisory Committee reiterates that substandard housing conditions for Roma coupled with their spatial separation considerably affect their ability to participate in socio-economic life and can result in further poverty, marginalisation and social exclusion. This is frequently made more acute by the lack of legal provisions securing their residency rights and by their vulnerability to forced evictions.

62. The Advisory Committee deeply regrets that up until now the *Yordanova and Others* group cases are unimplemented. It is concerned about the practice of evictions of Roma families and especially about the resettlement of the Roma in places lacking the necessary standards, both as regards the quality of the housing itself, but also other services, such as transportation facilities, access to schools, health centres and employment opportunities. Access to basic infrastructure and adequate living conditions need to be ensured urgently, including access to drinking water, sanitation and electricity in or in the immediate vicinity of their settlements. Promotion of equal opportunities for Roma as regards access to private or public/social housing needs to be secured by the authorities (see Article 15). Adequate housing for Roma from informal settlements whose regularisation is not possible is equally needed. In this context, the Advisory Committee wishes to recall that according to the case-law of the European Committee of Social Rights, it is the responsibility of the state to ensure that evictions, when carried out, respect the dignity of the persons concerned, even when they are illegal occupants, and that alternative accommodation or other compensatory measures are available.⁴⁶

63. Finally, the absence of identity documents further impedes effective equality of Roma and their access to a number of rights. This is a direct consequence of the absence of a permanent address. The authorities submitted that in the implementation of the activities related to administrative services for Bulgarian citizens, there is no distinction on the basis of “ethnic origin” between persons applying for Bulgarian identity documents. The Advisory Committee was however informed that the Ministry of the

⁴² European Court of Human Rights, *Yordanova and Others v. Bulgaria*, no. 25446/06, 24 April 2012, available at <https://hudoc.echr.coe.int/eng?i=001-110449>.

⁴³ This group of cases concerns interferences with the applicants’ right to respect for their home or their private and family life as a result of eviction or demolition orders issued and reviewed under a domestic legal framework which did not require any proportionality assessment. In the case of *Yordanova and Others*, the European Court indicated, under Article 46 of the Convention, that the general measures should include amendments to the relevant domestic law and practice to ensure that orders to recover public land or buildings “identify clearly the aims pursued, the individuals affected and the measures to secure proportionality”, even in cases of unlawful occupation, thus enabling a proportionality review. It also indicated certain individual measures (the repeal of the order or its suspension pending measures to ensure proportionality).

⁴⁴ Bulgarian Helsinki Committee, Alternative Report of the Bulgarian Helsinki Committee (CSO) to the Advisory Committee on the Framework Convention for the Protection of National Minorities, 1 November 2023.

⁴⁵ See Bulgarian Helsinki Committee, Press release and a video (in Bulgarian) available at <https://www.bghelsinki.org/en/news/2023-06-27-press-orlandovtsi>.

⁴⁶ *European Roma Rights Centre (ERRC) v. Bulgaria*, Collective complaint No. 31/2005, decision published on 31 March 2007.

Interior of Bulgaria refuses to issue identity documents to persons who do not have a permanent address. An address can be lost as a result of demolition of houses and a simultaneous deletion of registration addresses, which happened to a number of Roma in Orlandovtsi (in Sofia) the Advisory Committee talked to. According to the data of the Ministry of the Interior, as of 15 July 2022, the number of Bulgarian citizens without a valid identity card is 187 883, and the number has increased in the meantime. The authorities informed the Advisory Committee that a working group would be set up in order to address this problem, including by looking into possibilities to assign an address *ex officio* to persons without a regular permanent address. In this context, legislative amendments to the Civil Registration Act are in the process of being drafted and they are (in May 2024) published for public consultation. The Advisory Committee is informed that the lack of identity documents disproportionately affects Roma living around the poverty line, who are subjected to or being threatened with homelessness.⁴⁷ The Advisory Committee considers that the inability of a large number of Roma to obtain identity documents, due to challenges or obstacles in legalising their houses and registering their place of residence, results in denial of a number of rights, such as access to education, employment, healthcare, voting and free movement, and hinders the registration of marriages and births.

64. The Advisory Committee urges the authorities to effectively address the lack of identity documents, in particular among persons belonging to the Roma minority, and to ensure that it does not constitute grounds for discrimination in accessing human rights. The authorities should find, with no further delay, effective solutions for persons without a regular permanent address so that they can also get their identity documents.

65. The Advisory Committee calls on the authorities to ensure the effective implementation of the “National Strategy for the Equality, Inclusion and Participation of Roma (2021-2030)” through close co-operation with all the relevant actors, including the municipal authorities, and by providing the appropriate human and financial resources via an allocated budget for the authorities at all levels to address the different needs and concerns of persons belonging to the Roma minority. The authorities should design measures to address antigypsyism and mainstream gender in all areas covered by this strategy.

66. The Advisory Committee reiterates its call 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 containing all the relevant legal safeguards is swiftly adopted. The persons concerned must be properly informed of their rights and offered adequate and decent alternative accommodation as a permanent measure.

Promotion of minority cultures and languages (Article 5)

67. Support for the preservation and development of national minority cultures is mainly secured through the funding allocated by the National Council for Co-operation on Ethnic and Integration Issues, amounting to 60 000 Bulgarian Lev (BGN) (approximately €30 000) annually. Additional funding is also provided by the Ministry of Culture for the organisation of cultural activities. During recent years, funding for cultural purposes has benefited associations representing persons belonging to the Armenian, Jewish, Roma and Vlach minorities for the publication of books and magazines, and the organisation of various cultural events. Within the framework of the Financial Mechanism of the European Economic Area 2014-2021, the Ministry of Culture allocated funds which focused on the preservation and promotion of the culture of persons belonging to the Roma minority. Moreover, “Promotion of Authentic Roma Culture and Art 2021- 2022” is a project funded by the National Culture Fund at the Ministry of Culture, which aimed to encourage Roma to preserve and maintain their unique traditions in creating “cultural plays”. Finally, in the context of the Cultural Heritage Competition Programme, measures for the development of community centres as centres of spiritual growth and development of cultural identity are foreseen.⁴⁸ The authorities informed the Advisory Committee that culture support scheme for minority groups is promoted through a number of information campaigns and meetings, allowing non-profit organisations to apply for funding.

68. Representatives of different national minorities shared concerns about the low and insufficient financial support for their cultural activities by the authorities, as well as about the lack of earmarked funding to this effect. They also stressed that the allocation of funds only on a project-by-project basis, without long-term and guaranteed baseline operational funding, does not ensure sustainability of institutions and projects. Interlocutors from the Turkish minority reported a very limited financial support by the authorities for their cultural activities, and that their cultural activities depend to a considerable extent on support from Turkey. In this vein, the Advisory Committee could not see any indication that the authorities plan to fund activities to promote the culture of the persons belonging to the Turkish

⁴⁷ Bulgarian Helsinki Committee, Alternative Report of the Bulgarian Helsinki Committee (CSO) to the Advisory Committee on the Framework Convention for the Protection of National Minorities, 1 November 2023.

⁴⁸ [State report](#), pp. 31 and 43-44. Additional information provided by the authorities on 14 December 2023.

minority in Bulgaria. Persons belonging to the Roma minority also referred to the need to have access to sustainable funding for the organisation of their cultural activities. Numerically smaller national minorities, among them interlocutors from the Armenian minority, also reported a low financial support by the state in relation to the organisation of their cultural activities, highlighting the necessity to preserve and promote the Armenian language and culture with state support.

69. The Advisory Committee reiterates that the creation of suitable conditions for persons belonging to national minorities to preserve and develop their cultures and languages and to assert their respective identities is considered essential for an integrated society.⁴⁹ The Advisory Committee thus emphasises that budgets allocated on an annual basis and/or through competitive general grants do not allow all national minorities to have access to funds, run their cultural activities on a regular and sustainable basis or to draw up long-term plans. The Advisory Committee is of the view that the support scheme for minority cultures should allow minority organisations, including those of numerically smaller minorities, to apply for projects and have access to sustainable long-term baseline funding. It reiterates that persons belonging to national minorities should have access to publicly available funding opportunities, in addition to the special and sufficient support for the preservation and development of their identities and cultures.

70. The Advisory Committee, welcoming the possibilities for different initiatives funded both through the National Council for Co-operation on Ethnic and Integration Issues and the Ministry of Culture, deeply regrets the lack of meaningful dedicated support for the preservation and promotion of the identities and cultures of national minorities. The funding allocated by the National Council for Co-operation on Ethnic and Integration Issues is insufficient for even the most basic needs. The Advisory Committee reaffirms that sustainable baseline funding as well as special funding lines are needed for the organisation of the activities and implementation of projects related to minority cultures and identities. The Advisory Committee considers that a substantial increase in the available financial support to preserve and promote minority identities and cultures is urgently required, so that the needs and interests expressed by persons belonging to different minorities, as regards the preservation and promotion of their cultures, could be met. The Advisory Committee also sees the need for the authorities to promote contemporary expressions of minority cultures, by expanding the number and variety of recipients of funding. It is also important to raise awareness among the majority population about the rights of persons belonging to national minorities to preserve and develop their cultures and identities, including religion, tradition, languages and cultural heritage, as an integral part of Bulgaria. To this effect, there is a need to include promotion of minority cultures in the general cultural policy, as an integral and valued part of Bulgaria's diverse cultural heritage.

71. The Advisory Committee reaffirms that the state funding should be sufficient to cover the needs and interests of persons belonging to national minorities in the field of culture and that national minorities should not be compelled to rely exclusively on financial support by other states or diasporas. Generally speaking, the Advisory Committee is of the view that a structured approach to provide for the long-term preservation and development of cultural, linguistic and religious identities of national minorities needs to be developed by the authorities.

72. The Advisory Committee furthermore considers that more attention by the authorities at all levels is required to the needs and interests of persons belonging to numerically smaller minorities. In this respect, the Advisory Committee reiterates the preamble of the Framework Convention which 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." The Advisory Committee reiterates that "[t]his may often require targeted efforts by the authorities to revitalise essential elements of the minority culture, without which the expression of some aspects of that identity may not be possible."⁵⁰ The Advisory Committee also highlights the importance of revitalisation and active support to protect and develop the cultures and languages of numerically smaller national minorities, with a view to ensuring that persons belonging to these minorities are able to preserve and develop their cultural identities.

73. Finally, the Advisory Committee notes that the European Charter for Regional or Minority Languages has not been ratified by Bulgaria yet. There were no steps taken to implement the Advisory Committee's previous recommendation to this effect.⁵¹ In the absence of proper implementation of any language rights under the Framework Convention (see Articles 10, 11 and 14), the Advisory Committee considers that its ratification could help the authorities to promote in a structured way the languages spoken by persons belonging to national minorities, including numerically smaller ones. Ratification of

⁴⁹ [ACFC Thematic Commentary No. 3](#), The Language Rights of Persons Belonging to National Minorities under the Framework Convention, adopted on 24 May 2012, para. 25.

⁵⁰ See [ACFC Thematic Commentary No. 4](#), para. 67.

⁵¹ See [Advisory Committee's Fourth Opinion](#), para. 67.

the Language Charter would also help to provide conditions necessary for persons belonging to national minorities to develop their respective languages and cultures as essential elements of their identity, thereby contributing to the implementation of the Framework Convention.

74. The Advisory Committee urges the authorities to systemically promote the cultures and the languages of persons belonging to national minorities, including by providing sufficient, earmarked and sustainable long-term baseline funding necessary to preserve, develop and promote cultures and identities of persons belonging to national minorities, with a particular focus on supporting also numerically smaller minorities.

75. The Advisory Committee continues to encourage the authorities to sign and ratify the European Charter for Regional or Minority Languages with a view to promoting minority cultures and languages as part of Bulgaria's cultural heritage and cultural diversity.

Intercultural dialogue and mutual respect (Article 6)

76. The authorities report on different measures promoting intercultural dialogue in society, including in education (see Article 12).⁵² In addition to Bulgaria's "National Strategy for the Equality, Inclusion and Participation of Roma (2021-2030)", several important steps to prevent and combat antisemitism in all its forms were taken by the authorities. In November 2018, Bulgaria became a full member of the International Holocaust Remembrance Alliance (IHRA), enhancing further its commitment and capacity to advance education, remembrance and research on the Holocaust. In October 2023, a five-year "National Action Plan to Combat Antisemitism (2023-2027)" was adopted.⁵³ It focuses on developing learning resources, strengthening research, enabling the recording of antisemitism as a bias motivation for hate crimes, conducting regular surveys of public attitudes towards Jews and monitoring online antisemitism.⁵⁴ The Advisory Committee was also informed that in September 2023, a fully restored synagogue in the city of Vidin (a district town in North-West Bulgaria) was inaugurated with the participation of the President of the Republic of Bulgaria. The restoration and adaptation of the synagogue was carried out with the participation of the Jewish Shalom organisation, the Municipality of Vidin and several ministries and funded under the Operational Programme "Regions in Growth 2014-2020".⁵⁵ According to the authorities, this project provided for the full restoration of the Jewish synagogue building in Vidin and the adjacent land by turning them into a cultural site combining the functions of a museum, exhibition space, multifunctional event hall, park and a religious building.

77. Despite all those measures, anti-Roma, anti-Muslim and antisemitic statements by high-level politicians and similar reporting in the media remain recurrent. A study commissioned by the German Friedrich Ebert Foundation, conducted among 1 200 Bulgarian citizens, identified increasing ethnocentrism and "indications of potential racism," with only 22% of respondents expressing willingness to co-reside with Turks and 15% with Roma, while 15% were willing to have family relations with Turks and 5% with Roma.⁵⁶ Although antisemitism does not have traditional support in Bulgarian society, it does have its proponents and those who express it among far-right political activists, who build their political identity by doing so.⁵⁷

78. According to research, cited in the 2020 report, entitled "Guilty by Default", Roma in Bulgaria were twice as likely to be the victims of physical police violence than non-Roma (28.3% as compared to 14.5%). Findings showed that one third of the respondents (34%) reported physical mistreatment, either during apprehension or during detention at police stations. The survey also showed that minors are particularly affected by police mistreatment; 66.6% of all minors interviewed reported physical violence during apprehension.⁵⁸

79. Interlocutors of the Advisory Committee reported that societal intolerance against minorities and persons belonging to them persisted and manifested itself in frequent discrimination against persons belonging to Roma and Turkish minorities, sometimes prompted by political and government actors. Intolerance and discrimination against the Roma increased during the Covid-19 pandemic. Persons belonging to 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. Persons belonging to the Jewish minority reported a recent rise of antisemitic incidents. Persons belonging to the Armenian minority mentioned good intercultural dialogue with the majority population but pointed at objections by the local authorities, due to the political sensitivity of historical events, to organise memorial events in relation to their history and cultural activities, such as exhibitions. Persons self-identifying as Macedonians, who continue to request protection under the Framework Convention (see Article 3), reported to the Advisory Committee that they perceived some actions of the authorities as actively discouraging them from self-identifying as ethnic Macedonian (see Article 7). Instances of attacks during public events organised by

⁵² [State report](#), pp. 31-32. Additional information provided by the authorities on 14 December 2023.

⁵³ Bulgarian News Agency (BTA), Bulgaria Adopts Its First National Action Plan to Combat Antisemitism (2023-2027), 18 October 2023, available at <https://www.bta.bg/en/news/bulgaria/549152-bulgaria-adopts-its-first-national-action-plan-to-combat-antisemitism-2023-2027>.

⁵⁴ FRA, [Antisemitism in 2022 : Overview of Antisemitic Incidents Recorded in the EU](#), published on 7 November 2023, p. 50.

⁵⁵ See Jewish Heritage Europe, [Bulgaria: With gala ceremony, the restored Vidin synagogue, which long stood derelict, opens as the Jules Pascin cultural centre - Jewish Heritage Europe \(jewish-heritage-europe.eu\)](#), 4 September 2023.

⁵⁶ Friedrich Ebert Foundation, Antony Todorov, Radicalisation of Rejection: Group Hate and Right-Extremist Attitudes in Bulgaria, Analytical report, 2021, p. 12.

⁵⁷ *Ibid.*, p. 2.

⁵⁸ Dilyana Angelova and Slavka Kukova, *Guilty by Default: Discrimination against Roma in the Criminal Justice System in Bulgaria*, Bulgarian Helsinki Committee, Sofia, 2020, p. 33, available at <https://www.bghelsinki.org/web/files/reports/138/files/2020-angelova-kukova--guilty-by-default--discrimination-against-roma-in-the-criminal-justice-system-in-bulgaria-EN.pdf>. This report has also revealed that Roma are over-represented in prisons: more than 50% of prisoners self-identified as Roma.

them, as well as obstacles for organising protests and different events were reported to the Advisory Committee. Interlocutors of the Advisory Committee mentioned that there is no awareness about the significance of minority rights in the Bulgarian society and that there is no understanding of national minorities as an integral and valued part of Bulgaria. Interlocutors of the Advisory Committee also reported a lack of knowledge about minorities in the society being reflected in the limited teaching offered in minority languages or about their historical presence in Bulgaria, their cultures, traditions and histories (see Article 12).

80. The Council of Europe Human Rights Commissioner also expressed concern about a reported increase in hate-motivated violence perpetrated against persons belonging to minorities in Bulgaria, including a series of anti-Roma attacks. In her report, the Commissioner referred to a conflict which broke out in the village of Voyvodinovo on 6 January 2019, following a dispute involving two young Roma men and an ethnic Bulgarian army officer, provoking anti-Roma protests demanding a demolition of all Roma houses in the village.⁵⁹ As a result, fearing for their safety, the majority of the Roma (about a hundred persons) left without delay the same night; the few who remained hid in their houses overnight and left the following day. The case was brought before the European Court of Human Rights, which, in its judgment of October 2022, found a violation of Article 8 taken in conjunction with Article 14 (right to private and family life and prohibition of discrimination). It is noteworthy that the Court, acknowledging the disadvantaged and vulnerable position of Roma and the need for their protection, highlighted the broader context in which the events took place. In particular, two days after the events, the then Deputy Prime Minister arrived in the village and made a series of statements, which received widespread media coverage, using strongly stigmatising language targeting the Roma community in Bulgaria as a whole. Some mayors publicly stated that the process of “cleaning up” the Roma neighbourhood would be pursued.⁶⁰ It should also be noted that in 2021, the European Court of Human Rights issued its judgments in the cases of *Budinova and Chaprazov v. Bulgaria* and *Behar and Gutman v. Bulgaria* concerning hate speech against Roma and Jews by one of the leaders of the United Patriots. In both cases, the Court found violations of Article 8 (right to private and family life) in conjunction with Article 14 (prohibition of discrimination) of the European Convention on Human Rights.⁶¹

81. The Advisory Committee emphasises that Article 6 of the Framework Convention calls for proactive efforts to foster a climate of mutual respect, understanding and co-operation among all persons in society, where persons belonging to national minorities are recognised as an integral and valued part of a diverse society, who effectively enjoy equal access to rights and resources, while being provided with opportunities for social interaction and inclusion across difference. It reiterates the preamble of the Framework Convention which states that “the creation of a climate of tolerance and dialogue is necessary to enable cultural diversity to be a source and a factor, not of division, but of enrichment for each society.” This should be reflected and fostered through legislation and policies.

82. The Advisory Committee welcomes the adoption of different measures promoting intercultural dialogue in society, including in education, as well as the adoption of a five-year “National Action Plan to Combat Antisemitism (2023-2027)”. Despite this, the Advisory Committee regrets that societal integration in Bulgaria is not sufficiently perceived as a process of mutual accommodation requiring efforts both from persons belonging to national minorities and from those belonging to the ethnic Bulgarian majority, and based on respect of diversity as society’s integral and valued part. It reiterates that it is essential “that all segments of society, majorities and minorities alike, are addressed in order for integration strategies to effectively facilitate the formation of societal structures where diversity and respect for difference are acknowledged and encouraged as normal, through recognition, mutual accommodation and active engagement on all sides.”⁶² In addition, the Advisory Committee expresses its strong concerns about the negative rhetoric and the physical and hate-motivated police violence against Roma.

83. The Advisory Committee urges the authorities to pursue and increase their efforts by taking concrete steps to promote trust, mutual respect and understanding in relation to persons belonging to all minorities, through, among others, awareness-raising activities in the general population. The knowledge among the majority population about Bulgaria’s national minorities should be improved with a view to accepting minorities and persons belonging to them as an integral and valued part of Bulgarian society. Active efforts by the authorities are still needed to combat prejudices against and stereotypes of minorities and persons belonging to them, including through systematic police training to prevent

⁵⁹ Commissioner for Human Rights of the Council of Europe Dunja Mijatović, Report following her visit to Bulgaria from 25 to 29 November 2019. Strasbourg, 31 March 2020, available at <https://rm.coe.int/report-on-the-visit-to-bulgaria-from-25-to-29-november-2019-by-dunja-m/16809cde16>.

⁶⁰ European Court of Human Rights, *Paketova and Others v. Bulgaria*, nos. 17808/19 and 36972/19, § 163, 4 October 2022, available at <https://hudoc.echr.coe.int/eng/?i=001-219776>.

⁶¹ European Court of Human Rights, *Budinova and Chaprazov v. Bulgaria*, no. 12567/13, 16 February 2021; and *Behar and Gutman v. Bulgaria*, no. 29335/13, 16 February 2021 available at <https://hudoc.echr.coe.int/?i=001-207929>.

⁶² See [ACFC Thematic Commentary No. 4](#), para. 54.

violence against Roma by the police. The authorities should also secure thorough and independent investigation into all instances of police violence against Roma.

Protection from hostility (Article 6)

84. Articles 162-164 of the Criminal Code of Bulgaria criminalise advocating of, or incitement to discrimination, hatred or violence, as well as the perpetration of acts of violence against persons and damages to property on grounds of including race, nationality, ethnic origin and religion, but not colour, language, sexual orientation, gender identity and sex characteristics. The Criminal Code also criminalises the setting up and management of or participation in organisations or groups involved in such incitement or acts of violence. In 2020, amendments were adopted to the Law on Radio and Television, strengthening the powers of the media regulator and introducing stricter measures against the use of hate speech and prohibiting incitement to violence, hatred or acts of terrorism in audio-visual media services. In July 2023, the Bulgarian Parliament adopted amendments to the Criminal Code, which envisage heavier punishments for the offences committed on racist or xenophobic motives. In 2023, the Criminal Procedure Code was amended to expand the list of procedural rights of victims of hate crimes, racism and xenophobia. Provisions governing hate speech and crimes relating to labour rights were also amended to include grounds of “colour” and “origin”.⁶³

85. Methodological guidelines issued by the Ministry of the Interior govern the process of crime registration, data collection and the compilation of police statistics. The Prosecutor's Office does not collect statistical information on the motives of hate crimes. Multiple bias motivations cannot be recorded for a single crime.⁶⁴ The authorities have provided the Advisory Committee with data on the number of initiated criminal proceedings and convictions for offences committed under Articles 162-166 of the Criminal Code for the period 2019-2023, which show a low number of cases.⁶⁵ The authorities reported that since 1 January 2022, data is collected and processed for the cases initiated in relation to criminal offences containing a discrimination element, including hate crimes. The authorities also reported that in 2023, the topic of hate speech became an integral part of the training curriculum on human rights and protection from discrimination, provided at the Academy of the Ministry of the Interior.⁶⁶

86. The Advisory Committee notes that hate crimes are presented without considering the relevant criminal motives. ECRI considered that labelling hate-motivated physical attacks as mere “hooliganism” is misleading as it does not reflect the dehumanising and therefore particularly dangerous nature of such acts adequately.⁶⁷ The Council of Europe's Commissioner for Human Rights stated that a lack of consideration of bias motivation of offences leads to ineffective investigations and to mere accusations of “hooliganism” (rioting).⁶⁸

87. In its recent concluding observations, the UN Committee on the Elimination of Racial Discrimination (CERD) stated that it was concerned about the persistence of racist hate speech and hate crimes in Bulgaria, including in the media and on the internet. In this context, the CERD noted that sanctions handed down by the Council for Electronic Media in relation to hate speech disseminated through media channels are not commensurate with the gravity of the offences and do not have a deterrent effect. Lack of information on cases examined by the Council and their outcome was also pointed out by the CERD. It further noted racist hate speech by political party representatives and other public figures, particularly during election campaigns, as well as reports of lenient judgments by the courts against politicians and other public figures in cases of incitement to hatred and discrimination against persons belonging to minorities and migrants. The CERD finally noted the problem of underreporting of racist hate crimes.⁶⁹

88. Interlocutors of the Advisory Committee confirmed all those problems, stating that hate-motivated attacks in Bulgaria are mostly committed against persons belonging to the Roma minority. The Advisory Committee was informed that hate speech targeting the Roma intensified during the Covid-19 pandemic. It was informed of numerous instances of hate speech by leading politicians during that

⁶³ Additional information provided by the authorities on 14 December 2023.

⁶⁴ For further information see OSCE ODIHR Hate Crime Reporting, available at <https://hatecrime.osce.org/bulgaria>.

⁶⁵ The number of adjudicated cases in the period 2019-2023 are as follows: five cases pursuant to Article 116 (1) (11) of the Criminal Code; one case pursuant to Article 131 (1) (12) of the Criminal Code; and two cases pursuant to article 164 (1) of the Criminal Code.

⁶⁶ Additional information provided by the authorities on 14 December 2023.

⁶⁷ European Commission against Racism and Intolerance (2020), [ECRI Sixth Report on Bulgaria](#), adopted on 28 June 2022, para. 43.

⁶⁸ Commissioner for Human Rights of the Council of Europe Dunja Mijatović, Report following her visit to Bulgaria from 25 to 29 November 2019. Strasbourg, 31 March 2020, available at <https://rm.coe.int/report-on-the-visit-to-bulgaria-from-25-to-29-november-2019-by-dunja-m/16809cde16>.

⁶⁹ Committee on the Elimination of Racial Discrimination (CERD), [Concluding observations on the combined twenty-third to twenty-fifth periodic reports of Bulgaria](#), adopted by the Committee at its 111th session (20 November–8 December 2023).

period. In this context, in a statement issued on 13 May 2020, two UN Special Rapporteurs on racism and minority issues expressed their deep concern “at the discriminatory limitations imposed on Roma on an ethnic basis that are overtly supported by Bulgarian State officials as part of the broader measures to prevent the spread of COVID-19.” They also condemned hate speech of high-level government officials and called on the authorities not to exploit the pandemic “to further exclude Roma and portray them as criminals and contagious,” and they urged the Bulgarian Government to condemn hate speech, racist and nationalist populism swiftly and unequivocally.⁷⁰

89. The Advisory Committee was also informed about the rise of antisemitic incidents in Bulgaria during the reporting period. As stated by ECRI, although the levels of public expressions of antisemitism in Bulgaria are still relatively low, the country is not exempt from them.⁷¹ In their written submissions to the Advisory Committee, the organisation of Jews in Bulgaria (Shalom) reported about the growing number of antisemitic incidents during the last years.

90. The Advisory Committee emphasises that it is an obligation of states parties to undertake appropriate measures to protect persons who may be subject to threats or acts of discrimination, hostility or violence or hate speech as a result of their ethnic, cultural, linguistic or religious identity. The Advisory Committee underlines the especially damaging nature of attacks against persons that are based on their inalienable characteristics or profoundly held beliefs. States have the obligation to take all necessary preventive measures as well as to ensure that cases of alleged hate crime and hate speech are effectively investigated. Law enforcement and criminal justice authorities need to collect disaggregated data on such cases and make these publicly available.⁷²

91. The Advisory Committee broadly welcomes the legislative steps taken to increase the protection from hate speech and hate crime in law, and to strengthen the capacity for investigating hate crime. Despite these developments, the Advisory Committee is deeply concerned about the reported rise in hate speech and hate crime during the recent years, as well as anti-minority rhetoric. It is equally concerned that crimes motivated by racism or xenophobia are often treated as hooliganism. In view of the situation in Bulgaria, the Advisory Committee considers that targeted measures to prevent violent attacks against Roma are needed. The Advisory Committee is further concerned about racist hate speech especially by politicians or public figures. It considers that any racist, anti-Roma or antisemitic discourse by politicians and public figures must be immediately and strongly condemned by senior government officials to ensure that a clear message is sent to the public that this is not acceptable. In all cases, adequate procedural responses are to be provided to victims’ allegations of hate crime and hate speech. Public awareness of the legal remedies available to combat hate speech and hate crime has to be improved, and there is a need for regular evaluation whether the training of the police, prosecutors and judges on the application of the existing legislation on racist offences needs to be intensified.

92. The Advisory Committee asks the authorities to ensure effective investigation, prosecution and sanctioning of hate crime and hate speech. The authorities should also intensify their efforts to combat hate crime, including through collection of disaggregated data that includes bias motivation. The authorities should refrain from and further condemn at the highest political level all manifestations of intolerance and ethnically motivated hostility in political discourse and in the media, and promote actively a sense of belonging by everyone to the Bulgarian society.

Freedom of association (Article 7)

93. The European Court of Human Rights, in 12 cases against Bulgaria, lodged by applicant associations the aim of which is to protect the interests of “the Macedonian minority in Bulgaria”, found violations of Article 11 of the ECHR (freedom of assembly and freedom of association). These cases, known as *UMO Ilinden* group, concern the refusals of the national courts, between 1999 and 2015, to register the applicant associations. The refusals were based on considerations of national security, protection of public order and the rights of others, and on the constitutional prohibition of associations pursuing political goals, as well as the failure of those associations to meet formal legal requirements, all of which the European Court of Human Rights found to be unjustified and a disproportionate interference with the right to freedom of association, inter alia since the applicant associations had not advocated the use of violence or other undemocratic means to achieve their aims. The Court also found

⁷⁰ UNHR Office of the Commissioner, Bulgaria/Covid-19 response: “Stop hate speech and racial discrimination against the Roma minority”, UN experts, 13 May 2020, available at <https://www.ohchr.org/FR/NewsEvents/Pages/DisplayNews.aspx?NewsID=25881&LangID=E>.

⁷¹ European Commission against Racism and Intolerance (2020), [ECRI Sixth Report on Bulgaria](#), adopted on 28 June 2022, para. 26.

⁷² See also [Recommendation CM/Rec\(2022\)16 of the Committee of Ministers to member States on combating hate speech](#), adopted on 20 May 2022, paras. 12 and 58.

that the fact that several of the goals of the associations were labelled as “political” was not a sufficient ground for refusing their registration.⁷³

94. Six judgments in this group of cases have been under the enhanced procedure of supervision for their execution by the Committee of Ministers of the Council of Europe for more than 17 years now. 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.⁷⁴ Since January 2018, the registration of NGOs by courts has been replaced by an administrative procedure before the national Registration Agency. In October 2020, the Committee of Ministers of the Council of Europe adopted an Interim Resolution, urging the authorities to adopt legislative or other appropriate measures to ensure broader and more effective obligation for the Registration Agency to give instructions to associations to rectify registration files.⁷⁵ In August 2021, the government adopted a road map for the execution of the judgments of the European Court of Human Rights, which foresees the preparation of legislative or other appropriate measures to ensure a broader and more effective obligation on the Agency to instruct associations to correct their documents where objectively possible.

95. In December 2022, the Committee of Ministers deplored the fact that despite the adoption of the 2020 Interim Resolution, associations aiming to “achieve the recognition of the Macedonian minority” continue to be routinely refused registration, mainly due to a wider problem of disapproval of their goals and are confronted with a persistent practice by the authorities raising new grounds for refusal, even though the registration documents have been repeatedly examined.⁷⁶

96. Despite the amendments introduced in 2018 modifying the procedure for registering NGOs, the Advisory Committee regrets that this group of cases remains unimplemented. It equally regrets to learn from its interlocutors who have attempted to register their associations, about a number of recent cases, whereby the Registration Agency refused to register *UMO Ilinden* organisations, and the domestic courts upheld those refusals. The Advisory Committee hopes that the authorities would comply with their international obligations by executing the judgments of the European Court of Human Rights and thereby also comply with the freedom of association, as ensured in Article 7 of the Framework Convention.

97. The Advisory Committee calls on the authorities to ensure that persons belonging to different communities can exercise freedom of association, as guaranteed by Article 7 of the Framework Convention. The authorities should provide for legislative or other appropriate measures that will make registration of non-governmental organisations representing minority communities effectively possible.

Freedom of religion (Article 8)

98. The Advisory Committee was informed by the Mufti’s Office that Muslims, after a 15-year long attempt, now received the plot of land in Sofia necessary for the establishment of a Higher Islamic Institute. The Office of the Grand Mufti stated that the state institutions supported and assisted in the acquisition of a suitable building for the institute, and that the building is to be renovated. Representatives of the Office of the Grand Mufti expressed hope that after the renovation of the building, the institute would be accredited as an educational institution.

99. It was reported that the issue of building permits for the construction of mosques in some municipalities is still an open issue. There is only one mosque in Sofia, which is not sufficient for the needs of the Muslims living in the city. The lack of a mosque in the Orlandovtsi district of Sofia, where hundreds of Muslims live, was also brought to the attention of the Advisory Committee.

⁷³ European Court of Human Rights, see, among others, *United Macedonian Organisation Ilinden and Others v. Bulgaria*, no. 59491/00, § 53, 19 January 2006; *United Macedonian Organisation Ilinden and Others v. Bulgaria* (no. 2), no. 34960/04, §§ 27 and 30, 18 October 2011; *United Macedonian Organisation Ilinden–PIRIN and Others v. Bulgaria* (no. 2), nos. 41561/07 and 20972/08, 18 October 2011; *Yordan Ivanov and Others v. Bulgaria*, no. 70502/13, § 39, 11 January 2018; and *United Macedonian Organisation Ilinden and Others v. Bulgaria* (no. 3), no. 29496/16, § 32, 11 January 2018.

⁷⁴ See [Advisory Committee’s Fourth Opinion](#), para. 95.

⁷⁵ Committee of Ministers, Interim Resolution CM/ResDH(2020)197, Execution of the judgments of the European Court of Human Rights, *United Macedonian Organisation Ilinden and Others* group against Bulgaria, adopted by the Committee of Ministers on 1 October 2020, at the 1383rd meeting of the Ministers’ Deputies, available at https://search.coe.int/cm/Pages/result_details.aspx?ObjectID=09000016809fc587.

⁷⁶ In 2022, the Committee of Ministers urged the authorities to take all the necessary outstanding measures to comply fully with Interim Resolution CM/ResDH(2020)197 and subsequent decisions. It noted that to allow tangible progress to be achieved, the Agency and the courts should: (i) not refuse registration to associations aiming to achieve “the recognition of the Macedonian minority in Bulgaria” on grounds, which contradict the European Court’s judgments; (ii) exhaustively identify all deficiencies of the registration documents. Finally, the Committee affirmed its readiness, in the absence of tangible progress before September 2023, to invite its Chair to send a letter to the Bulgarian authorities to urge them to find swift solutions to abide fully and effectively by their obligations deriving from these judgments.

100. According to information the Advisory Committee received from the Office of the Grand Mufti of Bulgaria, the lack of halal food in kindergartens, schools, hospitals and prisons is a problem for the Muslim community. The Office of the Grand Mufti regularly receives complaints from Muslims about this issue. This happens even in schools where more than 90% of pupils or students are Muslims. Detainees and prisoners also do not have access to halal food. The Muslim community in the town of Kardzhali, including parents of young children, has continuously been requesting from the municipality and government institutions that Muslim children have access to halal food in municipal kindergartens, but their demands have been rejected.⁷⁷

101. The Advisory Committee reiterates that effective access to places of worship is a key element of the manifestation of religion. The Advisory Committee therefore considers that a genuine dialogue is necessary with the persons belonging to the Muslim community of Bulgaria to explore possibilities of increasing the availability of places of worship. The Advisory Committee also considers that an adequate solution is needed to accommodate different diets in kindergartens, schools and prisons, taking into account also the needs and interests of persons belonging to the Muslim community.

102. The Advisory Committee encourages the authorities to ensure that persons belonging to national minorities and practising minority religions have adequate access to places of worship. The authorities are also encouraged to adopt a religiously sensitive approach to the observance of dietary practices in educational institutions, hospitals and prisons and look for solutions, in consultation with those concerned, which take into account the freedom of religion.

Radio and television broadcasting and print media in minority languages (Article 9)

103. The Bulgarian National Television (BNT) broadcasts a daily news programme in the Turkish language, which lasts for ten minutes only. Every weekday, the BNT1 broadcasts a documentary programme titled "Small stories", occasionally covering topics related to people of different ethnic affiliations in Bulgaria, with a special focus on Roma. The authorities further report that within the framework of the project entitled "Promotion of Authentic Roma Culture and Art 2021-2022", funded by the National Culture Fund at the Ministry of Culture, the first Roma television channel - ROMANI-YAK - with national coverage has been licensed and established by the Council for Electronic Media. It has a cultural-informational focus, oriented towards the specific problems related to Roma inclusion and socio-economic development.⁷⁸

104. The Bulgarian National Radio (BNR) continues to provide programmes in the Turkish language throughout the week via the regional channel "Radio Kardzhali". The BNR's programme titled "Small stories" has aired life stories about the inclusion of Roma in Bulgaria. In October 2023, the programme "Horizon until Noon", available on the BNR's channel "Horizont" and on the BNR's website, was launched, featuring students belonging to the Roma minority.⁷⁹

105. Regarding the printed media, the Advisory Committee was told by the representatives of the Turkish minority that they publish one newspaper in the Turkish language, which receives no public financing in Bulgaria. Interlocutors from the Armenian minority stated that two newspapers in the Armenian language are published (one weekly and one monthly), with funds provided by the Armenian diaspora. No information was made available to the Advisory Committee in relation to the printed media in other minority languages. The Advisory Committee was also informed about the limitations of media contents in minority languages on political campaigns – no such information can be included in printed media in a minority language, which also limits potential earnings from political campaigns for the under-financed minority newspapers like the one in Turkish (see Article 15).

106. Interlocutors of the Advisory Committee stated that access to the media produced in Bulgaria in minority languages for persons belonging to national minorities, both print, broadcast and electronic media, remains insufficient. Issues that are particularly relevant for persons belonging to national minorities are not integrated in the mainstream media and there are no media programmes for persons belonging to numerically smaller minorities, according to minority representatives. For receiving information in their minority languages and consume other media contents, persons belonging to minorities thus need to rely on media produced in other states.

107. The Advisory Committee emphasises the significance of the role played by the media in contributing to societal cohesion and good inter-ethnic relations. Furthermore, "the availability of print, broadcast and electronic media in minority languages has very specific emblematic value for national minorities, in particular for the numerically smaller ones. Through them, persons belonging to national minorities not only gain access to information, but minority language media also raise the visibility and prestige of the minority language as an active tool of communication."⁸⁰ The Advisory Committee further

⁷⁷ Muslim Denomination of Bulgaria, Report on Religion submitted to the Advisory Committee on the FCNM on 4 January 2024.

⁷⁸ [State report](#), pp. 33-34. Additional information provided by the authorities on 14 December 2023.

⁷⁹ On details regarding the programmes on minorities and in different "mother tongues" see [State report](#), pp. 33-34.

⁸⁰ See [ACFC Thematic Commentary No. 4](#), para. 69.

stresses that an active and diverse media scene, including in minority languages, may considerably influence the sense of belonging and participation of persons belonging to national minorities. In order for public service broadcasting to reflect the cultural and linguistic diversity within society, it must guarantee an adequate presence of persons belonging to national minorities and their languages.

108. The Advisory Committee thus welcomes the recent launch of the ROMANI-YAK, the first Roma television channel in Bulgaria, and notes with satisfaction that there are a number of programmes about the Roma minority and persons belonging to it. Despite this, the Advisory Committee notes that in Bulgaria's public media, contents and programmes dedicated to minority issues or in minority languages are very scarce. It is concerned that the Turkish and Romani languages continue to have a very limited presence in the broadcast media in Bulgaria. As in its previous opinions, the Advisory Committee considers that ten minutes of daily television broadcasting in the Turkish language is insufficient to meet the needs and interests of persons belonging to the Turkish minority. In this connection, the Advisory Committee notes that due to insufficient provision of programmes in minority languages, persons belonging to the Turkish minority use media outlets from Türkiye. The Advisory Committee therefore considers that the level of domestically-produced content in minority languages should be significantly increased, accompanied with an adequate financial support to produce media contents for, by and about persons belonging to national minorities in Bulgaria.

109. The Advisory Committee furthermore finds it regrettable that there is no broadcasting offer in minority languages, besides the very limited offer in Turkish and in Romani. No support or subsidies are available for the numerically smaller minorities. The Advisory Committee therefore reminds the authorities that "in order for public service broadcasting to reflect the cultural and linguistic diversity existing within society, it must guarantee an adequate presence of persons belonging to national minorities and their languages [...]. This entails granting support to the media and programmes for, by, and about national minorities in minority and majority languages, as well as in bi- or multi-lingual formats."⁸¹ The Advisory Committee considers that special attention should be paid also to the needs of persons belonging to the numerically smaller minorities. Where the media play a central role in an ongoing process of linguistic revitalisation, resolute public support is needed, including through the funding of minority organisations or minority media outlets and media contents in order to bring minority identities, languages, histories and cultures to the attention of the majority and thereby also foster integration of society as a whole (see Article 6).⁸²

110. Moreover, the Advisory Committee is concerned by the reported indications that the issues pertaining to national minorities and persons belonging to them are largely lacking in the mainstream media. It reminds the authorities that "it is important for the formation of an open and pluralist media environment that issues of concern to minority communities generally are given weight in the broader public media debate and that persons belonging to such minorities are portrayed as integral members of society."⁸³ Minority interests and concerns should be mainstreamed into regular broadcasts in mainstream media, rather than singled out in occasional programmes.

111. The Advisory Committee notes that participation of persons belonging to national minorities in the development of minority language broadcasts to ensure that these programmes adequately reflect their interests and concerns is also needed. In this context, the Advisory Committee considers that care should be taken to produce quality media contents, including in minority languages, that are attractive to wider audiences, and to ensure that they are broadcast at convenient times.⁸⁴ It is vital that all media professionals and journalists obtain adequate training to increase their awareness of and sensitivity towards the specific and contemporary needs and interests of all persons belonging to different communities living in Bulgaria, including by actively involving persons belonging to national minorities in the preparation and presentation of both mainstream and minority (language) programmes that will cover the content from various genres, such as local and national news, entertainment and culture, and address different generations, including children and youth.

112. The Advisory Committee asks the authorities to substantially increase the support, including dedicated financial support, for the production of print, broadcast and electronic media in minority languages. The authorities should also actively support the presence of persons belonging to national minorities, including of numerically smaller minorities, and of their languages and cultures in the mainstream public media, notably by considerably increasing the quality and quantity of television programmes adapted to their needs and interests, as well as by increasing the content produced by and for them.

⁸¹ Ibid., para. 41.

⁸² See [ACFC Thematic Commentary No. 3](#), para. 42.

⁸³ See [ACFC Thematic Commentary No. 4](#), para. 63.

⁸⁴ See [ACFC Thematic Commentary No. 3](#), para. 41.

Use of minority languages with administrative authorities (Article 10)

113. The position of the authorities with regard to the implementation of Article 10 of the Framework Convention has not changed, meaning that no language other than Bulgarian can formally be used by persons belonging to national minorities in relations with administrative authorities at any level, in any context. In particular, the authorities argue that the provisions of the Framework Convention, which are not directly applicable, leave the states concerned a discretion in the implementation of the objectives which they have undertaken to achieve, thus enabling them to take particular circumstances into account. Therefore, following Article 3 of the Bulgarian Constitution, which provides that “Bulgarian shall be the official language of the Republic,” Bulgarian authorities believe that their current approach is in line with Article 10(2) of the Framework Convention.

114. The Advisory Committee was informed that in practice, although not legally ensured, some minority languages can be used orally. Thus, Turkish can be used sporadically in oral dealings with local administrative authorities in areas inhabited by a substantial number of persons belonging to the Turkish minority. This occurs in certain municipalities where almost the entire administration is composed of civil servants belonging to the Turkish community and speaking Turkish as their first language (“mother tongue”). As regards the use of the Romani language, the Advisory Committee was informed that there were situations where Roma, without sufficient command of Bulgarian, have received the oral information in Romani when dealing with local administrative authorities. The Advisory Committee understood that the languages of numerically smaller minorities are not at all used in dealings with the administrative authorities.

115. The Advisory Committee reiterates that even if the state party has a margin of discretion in the implementation of Article 10(2) of the Framework Convention, 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 authorities should therefore take legal and practical measures enabling the use of minority languages, by creating an environment that is conducive to the use of those languages, including through the allocation of necessary financial and human resources.⁸⁵ The recruitment of civil servants mastering the minority language, including persons belonging to the national minority concerned, is also a way of promoting minority participation in public administration.⁸⁶ The use of minority languages in dealings with the administration in all areas where the criteria established by Article 10(2) of the Framework Convention are met is without detriment to the official language(s). The Advisory Committee reiterates that “the possibility of using minority languages in dealings with the administration in all areas where the criteria established by Article 10(2) of the Framework Convention are met may not be left solely to the discretion of the local authorities concerned. It is therefore important to set up clear and transparent procedures on how and when to institute the use of minority languages, including in written form, to ensure that the right is enjoyed in an equal manner.”⁸⁷

116. In this light, the Advisory Committee deeply regrets that its previous recommendation, whereby the authorities were urged, in close consultation with representatives of 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, was not implemented,⁸⁸ and that the Bulgarian authorities included no information in the state report on how they plan to implement these provisions and the recommendation. The Advisory Committee emphasises that the use of minority languages along with the use of Bulgarian in the public sphere, including in dealings with the administrative and local authorities, should be perceived by the authorities as a sign of a shared space and respect of diversity in the Bulgarian society.

117. The Advisory Committee is of the opinion that digitalisation can help to address the situation with regard to the use of minority languages with administrative authorities. For example, translation of documents and forms in minority languages and their publication online in all the municipalities where the conditions under Article 10(2) are met, would contribute to access to minority rights regarding the use of minority languages with administrative authorities. Furthermore, legislative or administrative provisions or policy measures encouraging the use of minority languages by local officials are needed. This is especially important given the low awareness of this right contained in the Framework Convention – both among persons belonging to national minorities and among local authorities. Active awareness-raising, followed by an assessment in close consultation with persons belonging to national minorities of the demand for communication with authorities in minority languages, are needed.

⁸⁵ See [ACFC Thematic Commentary No. 3](#), para. 58.

⁸⁶ See [ACFC Thematic Commentary No. 2](#). The effective participation of persons belonging to national minorities in cultural, social and economic life and in public affairs, adopted on 27 February 2008, para. 160.

⁸⁷ See [ACFC Thematic Commentary No. 3](#), para. 55.

⁸⁸ See [Advisory Committee's Fourth Opinion](#), para. 129.

118. Finally, knowledge of minority languages as an asset in public recruitment procedures would be beneficial. Indeed, targeted recruitment of individuals with adequate language skills may contribute to the prestige and presence of national minority languages along the use of the state language as tools of direct communication. This could also be an important step in the sense of generating interest in minority language learning at all levels (see Article 14). With respect to the targeted recruitment of minority language speakers, the Advisory Committee reiterates that Article 4(2) of the Framework Convention provides that the promotion of full and effective equality between persons belonging to a national minority and those belonging to the majority may require states to adopt special measures and “take due account of the specific conditions of the persons belonging to national minorities.”

119. The Advisory Committee calls on the authorities to promote and effectively provide the necessary conditions for the oral and written use of minority languages in contacts with administrative authorities, including by considering the introduction of a legal basis for the use of minority languages, by explicitly allowing the targeted recruitment of minority language speakers, and by financially supporting local and regional authorities in covering the costs for the provision of services in minority languages. The authorities should also promote the use of minority languages through digitalisation by and with the administrative authorities and regularly monitor the progress achieved.

Use and official recognition of personal names in minority languages (Article 11)

120. As stated in the Advisory Committee’s Fourth Opinion on Bulgaria, measures to reverse earlier policies and practices of forcibly changing the names of persons belonging to national minorities to Bulgarian names with Slavic endings (so-called Slavic names) were taken by the authorities and the restored names are reflected in the electronic population registry. The administrative procedure may be voluntarily initiated by everyone. The changed name is then reflected *ex officio* in the electronic population registry and therefore in all documents pertaining to the civil status of the individual. According to the authorities, since the procedure for changing a person’s name is an individual right, it remains at the discretion of each citizen. Therefore, the state has no general oversight over persons who have taken or would like to take advantage of it.

121. Although many Turkish names have been restored, there are still cases, as reported by the interlocutors to the Advisory Committee, in which authorities issue documents containing such names only after the applicants mention their former Bulgarian name. Interlocutors explained that the Bulgarian names in the registers in the municipalities continue to exist even for those who have taken back their original Turkish and Muslim names. There are often difficulties with issuing the documents due to a discrepancy in names. In their report submitted to the Advisory Committee, interlocutors from the Turkish minority stated that the authorities justify the presence of the Bulgarian names in the registers by the fact that it allows them to identify or find persons who committed a crime and are recorded with their Bulgarian names, and that it facilitates the collection of the employment records of these persons. The authorities stated that it should be taken into account 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. It was also reported that currently about 80 000 persons refuse changing their names as a protest against assimilationist pressures by the state, and there are also people who do not take back their original names in order to be able to find work more easily.

122. The Advisory Committee reiterates that “the right to use one’s personal name in a minority language and have it officially recognised is a core linguistic right of persons belonging to national minorities, linked closely to personal identity and dignity. The transcription should be as accurate as possible and should not be disconnected from the essential elements of the minority language.”⁸⁹ Accordingly, the Advisory Committee is of the view that a genuine dialogue between the authorities and representatives of the Turkish minority is needed to find appropriate solutions relating to the practical use of Turkish names after they are changed from Bulgarian names.

123. The Advisory Committee encourages the authorities, in close consultation with representatives of the Turkish minority, to ensure that the right to use personal names in the minority language is effectively guaranteed in practice once the administrative procedure on changing the former Bulgarian names into Turkish names is completed.

Display of minority language signs and topographical indications (Article 11)

124. There is no specific legislation to regulate the use of minority languages for traditional local place names, street names and other topographical indications. The authorities do not report on the display of minority language signs and topographical indications, and the Advisory Committee did not see any such signs during its visit to Bulgaria. When it asked the authorities about this right in their exchanges, it received the answer that all signs are already in Bulgarian Cyrillic and in Latin alphabets. The Advisory

⁸⁹ See [ACFC Thematic Commentary No. 3](#), paras. 61-62.

Committee understood from its interlocutors, even among persons belonging to national minorities, that there was a general lack of awareness regarding the right to display minority language signs and topographical indications, as provided for under Article 11(3) of the Framework Convention.

125. Against the above background, the Advisory Committee recalls that topographical indications in minority languages contribute to the maintenance of the local linguistic and cultural heritage and raise awareness of the presence of national minorities, conveying the message that a given territory is shared in harmony by different communities and persons belonging to them.⁹⁰ This is particularly important in the Bulgarian context, where there is noticeably limited knowledge about minority rights in general (Article 4). Therefore, the Advisory Committee considers that displaying signs and topographical indications also in minority languages would constitute an affirmation of the long-standing presence of national minorities in Bulgaria as an integral part of the society. This would also contribute to the maintenance of the local linguistic and cultural heritage and raise awareness of national minorities locally.

126. The Advisory Committee also wishes to emphasise that displaying topographical indications in minority languages, in addition to the official language (and the Latin alphabet), in regions traditionally inhabited by substantial numbers of persons belonging to national minorities, would help to enhance the visibility of national minority languages. In this vein, the Advisory Committee 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 place names in the field (heritage preservation) that is appreciated in all parts of society.

127. The Advisory Committee asks the authorities to ensure effective implementation of the right to display topographical indications in minority languages in practice. Awareness of this right needs to be raised among persons belonging to national minorities in areas where they reside traditionally in substantial numbers. The authorities should also financially support the municipalities concerned to introduce topographical indications in minority languages, including for street names, traditional local names on maps, cultural and touristic signposts.

Intercultural education and knowledge about national minorities (Article 12)

128. According to the authorities, intercultural education, regulated by Ordinance No. 13 of 2016, is aimed at acquiring knowledge about different dimensions of cultural identities and about essential characteristics of intercultural relations. The Centre for Educational Integration of Children and Students from Ethnic Minorities established within the Ministry of Education and Science supports implementation of the state policy for educational integration and intercultural education aimed at children and students from ethnic minorities and ethno-cultural communities. The authorities further report that the school curriculum provides teaching about the Holocaust within the framework of different subjects, such as the subject "Man and Society" (grade 4), "History and Civilisations" (grades 5 and 7), "History and civilisations - Modern World History" (grades 9 and 10), and the subject "Civic Education" (grades 11 and 12).⁹¹

129. Persons belonging to different national minorities, especially Turks and Roma, stated that their distinct cultures, traditions and histories in Bulgaria over centuries are not adequately reflected in relevant educational materials or in the school curricula. Persons belonging to the Armenian minority stated that although their contribution to Bulgaria's history is taught, their own history is not reflected in educational materials and in the school curricula. In addition, the Advisory Committee was also informed by several interlocutors that the importance of minority rights in general education as an integral part of human rights protection is not adequately ensured.

130. The Advisory Committee recalls that adequate information about societal diversity, including about (persons belonging to) national minorities, must form part of the curriculum and be systematically reflected in educational materials used in all schools throughout the states parties, not only to promote intercultural understanding and respect among all students, but also to raise the prestige and self-awareness of persons belonging to numerically smaller or socially or economically marginalised communities.⁹² It further underlines that as part of an integrated and inclusive curriculum, education about national minorities should also recognise contributions of individuals, including women, belonging to national minorities to various fields, whether in art, music, literature or science or other fields. In the Advisory Committee's view, the promotion of respect for diversity and intercultural understanding must not only be taught as a subject in class but must be lived through joint teaching and learning wherever possible, as well as through the respectful accommodation and affirmation of diversity present in the schools.

⁹⁰ See [ACFC Thematic Commentary No. 3](#), para. 67.

⁹¹ Additional information provided by the authorities on 14 December 2023.

⁹² See [ACFC Thematic Commentary No. 4](#), para. 59.

131. The Advisory Committee regrets that curriculum contents about Bulgaria's national minorities and persons belonging to them remain sporadic and insufficient. Not least in the context of the increasing awareness of the need to teach respect for diversity, the Advisory Committee is of the view that all pupils and students in Bulgaria, regardless of where they live, should have basic knowledge about all of Bulgaria's national minorities. The Advisory Committee reminds the authorities of the Committee of Ministers' Recommendation (2020)2 "on the inclusion of the history of Roma and/or Travellers in school curricula and teaching materials" and emphasises the importance of its implementation.⁹³ Teaching about the substance and purpose of minority rights in the general human rights education is also of utmost importance. Moreover, it is essential that all teachers be adequately trained to promote respect for different ethnic, cultural and linguistic identities and to promote inclusion and dialogue in schools, in individual classrooms and throughout school activities, including in extracurricular activities.

132. The Advisory Committee asks the authorities to ensure that information about minority cultures, traditions, histories, religions and languages, including numerically smaller minorities, and about their integral and valued role in Bulgaria's diverse society, is included in school curricula, in educational materials and in accompanying teacher training. The authorities should also raise awareness of the importance of minority rights in general education as an integral part of human rights protection.

Access of Roma to education (Article 12)

133. Bulgaria's "National Strategy for the Equality, Inclusion and Participation of Roma (2021-2030)" sets out provisions to be made in the area of education.⁹⁴ According to the authorities, different actions were taken to increase the inclusion of Roma in education in recent years. These, inter alia, include the project "Active inclusion in the pre-school education system", which is currently being implemented by the Ministry of Education and Science in partnership with the Centre for Educational Integration of Children and Students from Ethnic Minorities. The main goal of the said project is the timely educational inclusion of children from disadvantaged groups in pre-school education, support for their access to quality education, support of their social acceptance and rapprochement for their development as full-fledged citizens, and successful professional, social and personal realisation. "Support for Success" is another project implemented by the Ministry of Education and Science providing for the development of a toolkit for the early identification of students at risk of prematurely leaving the education system and for applying a differentiated approach in determining their needs.⁹⁵ In 2017, the educational mediator position was introduced to support children in vulnerable situations. There are currently more than 1 000 educational mediators employed in kindergartens and schools.⁹⁶

134. A recent survey conducted among 4 164 persons, of which 3 655 live in Roma settlements, neighbourhoods or areas with a compact Roma population and self-identify as Roma, and 509 live in neighbourhoods with a predominantly Bulgarian population or in neighbourhoods with a mixed population, shows that there is a significant improvement in access to education by Roma. In particular, a comparison of results from the surveys conducted in 2011 and 2019 shows an improved educational background of the Roma population in three areas. The share of people who have never attended school or who have not yet completed primary education has decreased from 15.3% in 2011 to 5.6% in 2019. This development has led to a decrease of the percentage of persons who have primary education (from 31% to 13.8%) and an increase in the share of people with basic education (from 31% to 39.7%). The share of individuals with basic education has increased considerably among the Roma aged 56 and older. At the same time, an upward trend of Roma who have completed secondary education can be observed (from 22.8% to 34.5%). There is also a six-fold increase of Roma in the share of persons who have completed higher education (from 0.2% in 2011 to 1.2% in 2019, which is however still several times lower than their share in Bulgaria's population).⁹⁷

135. Interlocutors of the Advisory Committee praised the work of education mediators in helping to improve access of Roma children to education. They, however, stated that many of those mediators still continue to be employed on a project basis, financed by international programmes, which is not conducive to sustainability of their work. The Advisory Committee was also informed that the work of

⁹³ [Recommendation CM/Rec\(2020\)2](#) of the Committee of Ministers to member States on the inclusion of the history of Roma and/or Travellers in school curricula and teaching materials, adopted by the Committee of Ministers on 1 July 2020 at the 1380th meeting of the Ministers' Deputies.

⁹⁴ See "[National Strategy of the Republic of Bulgaria for Roma Equality, Inclusion and Participation \(2021-2030\)](#)", pp. 22-25.

⁹⁵ According to additional information provided by the authorities on 14 December 2023, in the 2021/22 school year, 40 862 students were included in the project. In addition, the Education Programme 2021-2027 provides different supportive measures on a horizontal basis for all children and students, including Roma, through systematic operations throughout the country and targeted support for marginalised groups such as the Roma. See "[National Strategy of the Republic of Bulgaria for Roma Equality, Inclusion and Participation \(2021-2030\)](#)", p. 23

⁹⁶ Roma Civil Monitor (2022), [Civil society monitoring report on the quality of the national strategic framework for Roma equality, inclusion, and participation in Bulgaria](#), p. 18.

⁹⁷ Trust for Social Achievement, R. Angelova, M. Dimitrova, G. Yordanova, A. Pamporov, V. Lyubomirova, M. Terziiska. National Survey on Roma Educational Attainment and Employment, Sofia, January 2020, p. 16, available at https://socialachievement.org/web/files/richeditor/dokumenti/REPORT_TSA_ENG.pdf.

educational mediators, which it was able to observe in the Todor Kableshkov school in Sofia it visited, is very important, especially in ensuring high attendance rates of children. It was also reported that access of Roma children to education is very frequently impeded due to labour migration of their parents to other countries of the European Union. As a result, there is no continuity in education because children leave Bulgaria with their parents, and frequently they come back temporarily and leave again.

136. Interlocutors of the Advisory Committee also confirmed that segregation as it exists in practice remains a big problem in the Bulgarian educational system and that the authorities do not collect statistical data in order to adopt appropriate desegregation measures. According to the European Commission's Education and Training Monitor 2022, the share of Roma aged 7-15 who attend formal education is 86.2%, compared to 94.6% for the entire population. Only 28 % of Roma students aged 20-24 complete upper secondary education, while for the Bulgarian population as a whole, this figure is 83.6%. Almost two thirds of Roma children aged 6-14 attend a school or kindergarten where all or most of their schoolmates are Roma. Three quarters of Roma children under 18 are at risk of poverty.⁹⁸ Moreover, the recent Civil Society Monitoring Report on the quality of the "National Strategy for the Equality, Inclusion and Participation of Roma (2021-2030)" indicates that the Strategy lacks relevant quantitative data to serve as the basis for combatting educational segregation and qualitative data for ensuring quality education for all children.⁹⁹ The lack of specific desegregation measures has also been pointed out by the European Commission's recent assessment report of the Member States' national Roma strategic frameworks.¹⁰⁰ A study carried out by the Amalipe Centre, and the Ministry of Education and Science of Bulgaria shows that nearly 930 general education schools and 150 vocational education and training (VET) gymnasiums have a concentration of children and students mostly belonging to the Roma community. These represent almost half of the general schools and one-third of the VET gymnasiums. This survey defines 120 of the schools of general education (6%) and 77 (about 20%) of the VET gymnasiums with predominantly children in a vulnerable situation as segregated because they are located in regional and municipal centres with more than one school, and the percentage of parents of the attending children with low educational background is between 60% and 100%.¹⁰¹ The low quality of education provided in these educational facilities attended by Roma was also pointed out by the interlocutors of the Advisory Committee.

137. The Advisory Committee reiterates that ensuring equal opportunities for access to quality education at all levels for persons belonging to national minorities, as enshrined in Article 12(3) of the Framework Convention, requires states to act resolutely across different but interlinked areas to ensure this right is upheld in practice: in monitoring school enrolment and attendance; in ensuring access to minority language education; in removing physical barriers to school attendance, such as a lack of schools in certain areas or no transportation; in acting to improve the confidence of parents and students in the education system; in monitoring school attainment, including absenteeism and drop-out rates, literacy, completion of studies, grades, gender disparities, access to higher education and employment.¹⁰² All this requires the collection of accurate and reliable disaggregated data to assess the situation and design the needed measures and policies.

138. The Advisory Committee commends the authorities for their efforts in the field of education and the implementation of projects and measures to foster greater and more effective access to education for children belonging to the Roma minority. It further acknowledges the efforts made by the authorities to close the educational gaps between Roma and the majority population. However, given the absence of data relating to the situation of educational segregation, drop-out rates in Bulgaria, and qualitative and quantitative indicators in the "National Strategy for the Equality, Inclusion and Participation of Roma (2021-2030)", the Advisory Committee considers that a comprehensive data collection system is needed for the authorities to get all relevant data disaggregated by gender, ethnic affiliation and socio-economic situation of individuals. This should go hand-in-hand with studies on consequences of labour

⁹⁸ See European Commission (2022), Education and training monitor 2022: Bulgaria, available at <https://op.europa.eu/webpub/eac/education-and-training-monitor-2022/en/country-reports/bulgaria.html>.

⁹⁹ Roma Civil Monitor (2022), [Civil society monitoring report on the quality of the national strategic framework for Roma equality, inclusion, and participation in Bulgaria](#), p. 19.

¹⁰⁰ See Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, Assessment report of the Member States' national Roma strategic frameworks, COM(2023) 7 final, Brussels, 9 January 2023, available at <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52023DC0007>.

¹⁰¹ Boyan Zahariev, Deyan Kolev, Amalipe Center for Interethnic Dialogue and Tolerance, 'NOSEGREGATION: Local Action Against School Segregation of Roma: School segregation maps in Bulgaria, July 2020, available at https://amalipe.bg/wp-content/uploads/2021/03/D2.1_School-segregation-maps-in-Bulgaria_BGversion.pdf.

¹⁰² See [ACFC Thematic Commentary No. 1](#), Education under the Framework Convention for the Protection of National Minorities, adopted on 2 March 2006, pp. 21-22.

migration on access to education of Roma children and on early and forced marriages, to be carried out in co-operation with persons belonging to the Roma minority and civil society organisations.

139. The Advisory Committee has strongly condemned all instances of segregated education and has urged states parties to take all necessary measures to ensure equal access to inclusive integrated quality education for all children.¹⁰³ It recalls that “segregated education, often of lower standard than that offered to other students, is one of the most extreme examples of the precarious position of Roma parents and pupils.”¹⁰⁴ The Advisory Committee emphasises that the authorities have a positive obligation to end situations of segregation, and this includes adopting measures that address the broader circumstances conducive to educational segregation such as measures in the area of housing, as well as to spatial segregation (see also Article 15).¹⁰⁵

140. In this light, the Advisory Committee regrets that the issue of segregated education has not yet been properly addressed by Bulgaria’s authorities and has serious consequences in terms of the quality of education received by Roma children, which in turn contributes to maintaining strong prejudices in the general population and prevents social inclusion of Roma, notably within the labour market. The Advisory Committee echoes the findings of the European Court of Human Rights, according to which coexistence of all members of a society free from racial segregation is a fundamental value of democratic societies,¹⁰⁶ and that inclusive quality education is the most appropriate means of guaranteeing the fundamental principles of universality and non-discrimination in the exercise of the right to education.¹⁰⁷ The Advisory Committee considers that there is a need to develop a comprehensive policy against Roma segregation in education, with the provision of concrete measures to eliminate it.

141. The Advisory Committee calls on the authorities to identify and implement long-term sustainable solutions, in co-operation with minority representatives, schools, parents and students, to improve access to quality education for Roma children, by setting up a disaggregated data collection system, focusing especially on different forms of educational segregation as it exists in practice, attendance and drop-outs rates of Roma children, as well as their educational outcomes. The authorities should put in place measures to tackle school segregation, by adopting a comprehensive desegregation policy with clear targets and by allocating sufficient resources, together with a clear timetable and a monitoring mechanism for its implementation. The authorities should further raise awareness in the Bulgarian society about the importance of inclusive education for social cohesion.

Teaching of minority languages (Article 14)

142. There is no offer in teaching in minority languages and a very limited offer in teaching of minority languages. Over time the number of children learning minority languages has decreased as well as the number of languages taught.¹⁰⁸ Bulgarian legislation provides that citizens whose first language (“mother tongue”) is not Bulgarian, have the right to study their language/“mother tongue”.¹⁰⁹ The “Preschool and School Education Act” 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 [...]”.¹¹⁰ No preschool education in minority languages is available in Bulgaria. At the primary level (grades 1-7), the state report indicates that Armenian, Hebrew, Romani and Turkish can be studied in the form of the subject “mother tongue”.¹¹¹ Minority languages are not taught at secondary level (grades 8-12). The threshold for setting up classes in the subject “mother tongue” is 13 students and the curriculum specifies that the subject “mother tongue” is taught for two hours a week either as a “facultative elective class” or “optional class”.¹¹² Article 75 of the Preschool and School Education Act lists groups of key competences that must be achieved through the general educational system. No provision is set out for the development of competences for learning “mother tongue”.¹¹³

¹⁰³ See [ACFC Thematic Commentary No. 4](#), para. 73.

¹⁰⁴ See [ACFC Thematic Commentary No. 1](#), p. 21.

¹⁰⁵ Ibid.

¹⁰⁶ European Court of Human Rights, see, for instance, *Vona v. Hungary*, no. 35943/10, ECHR 2013.

¹⁰⁷ European Court of Human Rights, see, for instance, *Çam v. Turkey*, no. 51500/08, 23 February 2016.

¹⁰⁸ This concerns for example the Greek language. See in this connection [Advisory Committee's Fourth Opinion](#), para. 180.

¹⁰⁹ See Article 36.2 of the Constitution; Articles 13.1 and 76.1 of the “Preschool and School Education Act”.

¹¹⁰ See Article 76 (paragraph 1, point 14) of the Preschool and School Education Act.

¹¹¹ [State report](#), p. 26.

¹¹² Facultative elective classes are outside the general curriculum, but students are obliged to choose them. Optional classes may be chosen by students if they wish.

¹¹³ The authorities reported to the Advisory Committee the allotment of teaching hours for each grade. They are presented as follows. Grades 1-3: 64 teaching hours for each grade; Grades 4-6: in total 68 teaching hours for each grade; and 72 teaching hours in Grade 7. The “mother tongues” concerned are Armenian, Hebrew, Romani and Turkish.

143. According to the state report, in the 2020-21 school year, 3 984 pupils were learning Turkish (two hours per week) as a mother tongue in grades 1-7 (in 2019: 4 016 students, in 2017: 6 967 students, in 2012: 9 268 students). The number of pupils learning Armenian for the same school year was 111 in grades 1-7 at the Victoria and Krikor Totiungyan Primary School in Plovdiv. The headmaster of this school informed the Advisory Committee that the pupils studying Armenian are not only ethnic Armenians, and Armenian is taught between two and five 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. The state report indicates that in the 2020-21 school year, 92 pupils were learning Hebrew.¹¹⁴ Finally, over the past few years no students have learned Romani as a "mother tongue" at school. In exchanges with the Advisory Committee, the authorities stated that there is no demand by Roma parents for their children to study Romani, and a very modest demand by other parents for learning other minority "mother tongues".

144. Interlocutors of the Advisory Committee from the Turkish minority stated that studying a minority language for only two hours a week is unsatisfactory. Moreover, since the "mother tongue" can be studied either as elective or facultative subject, the timing reserved for it is after the general education subjects, in late afternoon or in the evening, which is demotivating for children. The need and demand for learning this language in different parts of Bulgaria where persons belonging to the Turkish minority reside remains unevaluated. Overall, interlocutors from the Turkish minority regretted the decreasing numbers of pupils learning Turkish as their "mother tongue". According to their submissions, the numbers decreased from 114 000 in 1992/93 to 4-5 000 in recent years. The lack of "mother tongue" language experts in the Regional Directorates of Education is another issue which was pointed out to the Advisory Committee.

145. Interlocutors from the Armenian minority stated that except for the Victoria and Krikor Totiungyan Primary School in Plovdiv, no comparable educational offer exists in other regions of Bulgaria where persons belonging to the Armenian minority reside. They highlighted their needs in the field of minority language education especially in order to preserve the language. The headmaster of the school also mentioned to the Advisory Committee that compared with all other schools in Plovdiv, the school does not receive any funding from the municipal authorities for the maintenance and renovation of its premises. As regards the learning of the Romani language, the Advisory Committee understood from its interlocutors that no assessment was conducted by the authorities to evaluate the demand for learning this language.

146. The Advisory Committee reaffirms its view 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 and to pass it on to the next generation. The Advisory Committee underlines that in order to develop minority language skills as an added value for their speakers, there must also be continuity in access to teaching and learning of and in minority languages at all levels of the education system, from pre-school to higher education.¹¹⁵ Preschool is, together with secondary education, the level where particular weaknesses in the offer of minority language education are often observed. The Advisory Committee underlines that the lack of incentives or possibilities at pre-school, secondary or higher level can seriously reduce the attractiveness of minority language learning at primary level. The Advisory Committee further reiterates that Article 14 applies "in areas inhabited by persons belonging to national minorities traditionally or in substantial numbers, if there is sufficient demand." It is essential that the authorities do not take a purely passive approach, but actively stimulate the demand for learning minority languages through raising awareness among parents and young people. In addition, adequate teacher training and a high level of language competence of the teachers are essential for the provision of minority language education.

147. On a general note, the Advisory Committee deeply regrets that its previous recommendations in relation to the above-mentioned issues were not implemented by the authorities. It considers the existing offer of learning of minority languages as highly unsatisfactory and considers that teaching of a minority language for a small number of hours per week is unlikely to ensure full linguistic competences of the learners. The Advisory Committee finds that the teaching of minority languages only in grades 1-7 without providing for the teaching possibilities at the preschool, secondary and upper level of education (grades 8-12) is not sufficient with a view to acquiring sufficient linguistic competences in a minority language. Moreover, the teaching of minority languages as an optional subject does not sufficiently encourage minority pupils to learn their first language while pursuing their studies and that is likely to affect negatively their ability and motivation to preserve their language and possibly also their culture.

148. Furthermore, the Advisory Committee is concerned by the decreasing numbers of students choosing to learn Turkish as a "mother tongue". Compared with the numbers of persons having declared

¹¹⁴ [State report](#), p. 26.

¹¹⁵ See [ACFC Thematic Commentary No. 3](#), para. 75.

themselves in the 2021 census as having Turkish ethnic affiliation (508 378 persons), the number of children studying the Turkish language is worryingly low. The Advisory Committee is also troubled by the fact that no Roma child learns the Romani “mother tongue” in Bulgaria (in 2021 census, 266 720 persons declared themselves as having a Roma ethnic affiliation). As regards the numerically smaller minorities, such as Armenians and Jews, the Advisory Committee considers that in order to make an effective contribution to the preservation of minority languages as an essential element of the identities of persons belonging to national minorities, it is necessary to extend the number of teaching hours of minority languages. The Advisory Committee reiterates that for minority languages spoken by a small number of persons, particular measures to revitalise or preserve the language may be necessary – including language immersion.

149. Against the above background, the Advisory Committee considers that the Bulgarian authorities should take active steps to arrest the decline in numbers of students studying minority languages through a strategy that acknowledges the importance and the value of teaching of minority languages, promotes such teaching and regularly assesses the level of demand for learning minority languages in areas where persons belonging to national minorities may live in substantial numbers, as required under Article 14 of the Framework Convention. In this connection, the Advisory Committee stresses that a more proactive approach in relation to minority language education is required. Furthermore, sustained positive measures are needed, including to incentivise students to learn minority languages and ultimately pursue studies in teaching of these languages at university. Regarding specifically the Romani language, the Advisory Committee considers that, in addition to the above measures, a dialogue with the representatives of the Roma minority is required to determine how an interest in learning Romani language can be triggered among the pupils and students. Some ambitious measures are necessary to sustain the Romani language, on an indicative basis, through generous support for the creation of attractive teaching materials, training of teachers and organising activities.

150. As regards higher education, Turkish can be studied at Paisii Hilendarski University in Plovdiv, at St. Kliment Ohridski University in Sofia; and at Konstantin Preslavsky University in Shumen. No higher educational studies are available in the Romani language. Armenian can be studied at St. Kliment Ohridski University in Sofia, and Hebrew at Sofia University and at St. Kliment Ohridski University in Sofia. No training activities for teachers teaching minority languages (as “mother tongue”) were reported to the Advisory Committee.

151. The Advisory Committee recalls that adequate pre- and in-service quality teacher training is one of the essential preconditions for ensuring good quality education for students. “Adequate” opportunities for teacher training imply that the authorities should collect baseline data and make regular needs assessments to ensure that teachers from both majority and minority communities are recruited and given training equipping them to work in multilingual and multicultural environments.¹¹⁶ In this connection, the Advisory Committee deeply regrets the absence of the Romani language studies in higher educational facilities in a country with a sizeable Roma population. The Advisory Committee further regrets the insufficient pedagogical training for teachers teaching minority languages.

152. Lastly, another issue reported to the Advisory Committee concerns the educational materials in minority languages. Although the right to study the “mother tongue” is foreseen in law, there is no regulation related to the approval and funding of educational materials for this, compared to those in Bulgarian. Interlocutors from the Turkish minority informed the Advisory Committee that the publication of “mother tongue” textbooks is not funded by the state on the pretext that these textbooks are not for general education subjects. Moreover, the lack of textbooks and other teaching and learning materials in “mother tongue” (e.g. literature textbooks, encyclopaedias and dictionaries) makes teaching challenging for the teachers and can contribute to reducing pupils' interest in learning Turkish. The Advisory Committee was also informed that textbooks in the Armenian language (Western Armenian dialect)¹¹⁷ come from the Syrian Arab Republic with the help of the Ministry of Education, Science, Culture and Sports of Armenia.

153. The Advisory Committee recalls that the availability of quality educational materials in minority languages constitutes a prerequisite for increasing interest among students and parents in minority languages learning.¹¹⁸ The Advisory Committee regrets that the publication of educational materials in minority languages is not entirely ensured by the Bulgarian authorities. Relying on materials from other states and thus outsourcing the obligation of the authorities is not conducive to implementing the national curricula in Bulgaria. It therefore considers that the production of updated and high-quality educational materials as an integral part of the teaching of minority languages is needed.

¹¹⁶ See [ACFC Thematic Commentary No. 1](#), p. 19.

¹¹⁷ The Armenian language has two standardized forms: Western Armenian and Eastern Armenian. In Bulgaria, pupils learn the Western dialect of the Armenian language.

¹¹⁸ See [ACFC Thematic Commentary No. 1](#), pp. 18-19.

154. The Advisory Committee urges the authorities to promote teaching of minority languages. The level of demand for the teaching of Turkish, Romani, Armenian and Hebrew languages in areas where persons belonging to these minorities live in substantial numbers needs to be regularly assessed. Following such an assessment, the authorities should decide on appropriate measures relating to teaching of these languages. This procedure should also be extended to the languages of other minorities traditionally present in Bulgaria. The authorities should further develop a comprehensive long-term strategy for promoting minority languages in education, by ensuring continuity from preschool to higher education, and fostering the production of education materials in minority languages. The authorities should also undertake ample measures to raise awareness and incentivise the learning of the Romani language. Teacher training in minority languages, in particular in Romani, at the university level should also be introduced. All these steps should be taken in close consultation with representatives of the minorities concerned, including the youth.

Effective participation in decision-making processes (Article 15)

155. Persons belonging to national minorities do not enjoy any special political rights such as guaranteed representation in elected bodies. The authorities reported that persons belonging to the Armenian and Jewish communities have been continuously elected to the parliament. The authorities further submitted that representatives of the political party Movement for Rights and Freedoms, which is represented in the parliament, are Bulgarians belonging to the Turkish community.¹¹⁹ During its monitoring visit, the Advisory Committee was informed about local counsellors of Turkish, Roma, Armenian and Jewish ethnic affiliations.

156. The National Council for Co-operation on Ethnic and Integration Issues (also referred to as National Council), composed of 47 NGOs, is a consultative body under the Bulgarian Council of Ministers. The chairperson of the National Council is a Deputy Prime Minister, appointed by a decision of the Council of Ministers on the proposal of the Prime Minister who appoints both vice-chairs. One of the vice-chairs is elected by the representatives of national minority organisations represented in the National Council on the basis of a rotation among minority organisations in the National Council. Members of the National Council are deputy ministers, appointed by the respective ministers, and representatives of registered minority NGOs whose membership in the National Council is limited to three years. NGOs applying for membership in the National Council for the first time submit an application to its chairperson. After the expiry of the three-year term, those who wish to renew their membership in the National Council, apply for another three-year term. Applications for membership are reviewed by a committee appointed by the chairperson of the National Council. The current composition of the National Council includes representatives of Armenian, Aromanian, Jewish, Karakachani, Roma and Vlach minorities. The National Council assists the government in devising and implementing policies on minority issues and acts as a co-ordinator between the government and the NGOs. It also co-ordinates implementation of the “National Strategy of the Republic of Bulgaria for Roma Equality, Inclusion and Participation (2021-2030)”, by monitoring progress of the relevant action plan. There are also 28 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”.

157. During its visit, the Advisory Committee met with representatives of the NGOs in the National Council who shared a number of their concerns. Those include the lack of permanent premises for their operation as a result of which no regular meetings are being held (it appears that the last meeting held with participation of all members represented in the National Council took place in 2020). They were also deeply disappointed and upset by the reported plans by the authorities to further expand the scope of issues covered by the National Council to include also competences in the area of domestic violence. Whereas they were not against the need to address this problem, they expressed that the proposal to add this area to the National Council is not acceptable as the competence of the National Council to monitor the implementation of the Roma National Strategy has already shifted attention away from other minority issues. The authorities have informed the Advisory Committee that no changes regarding the scope of competence of the Secretariat of this body are envisaged at the time of the adoption of this opinion.

158. Interlocutors of the Advisory Committee stated that the National Council does not serve as a channel for dialogue between the authorities (the government) and persons belonging to national minorities. Neither the parliament nor the government are obliged to hold regular consultations with the National Council. Generally speaking, all the minority interlocutors of the Advisory Committee expressed concerns regarding the lack of systematic and formalised mechanisms for their consultation with the authorities, and the need to have a full-fledged and regular dialogue with the authorities. It also to be noted that since February 2019, no association representing the Turkish minority has been a member of the National Council. As in the previous cycle, persons belonging to that minority informed

¹¹⁹ Additional information provided by the authorities on 14 December 2023.

the Advisory Committee that the associations that used to be members of the National Council lost their motivation to work with it and did not apply again because they found it was focusing disproportionately on Roma issues. Moreover, interlocutors of the Advisory Committee 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 minority representatives themselves. The Advisory Committee noticed a notable lack of youth participation in the National Council.

159. The Advisory Committee reiterates that “consultation alone [...] does not constitute a sufficient mechanism for ensuring effective participation of persons belonging to national minorities. It is important to ensure that the obligation to consult them is entrenched in law and that their involvement in decision-making processes is of a regular and permanent nature. For the credibility of consultative bodies, it is essential that their appointment procedures are transparent and designed in close consultation with national minorities. State parties are encouraged periodically to review the appointment procedures to make sure that the bodies concerned are as inclusive as possible, maintain their independence from governments, and genuinely represent a wide range of views amongst persons belonging to national minorities. It is important to ensure that women belonging to national minorities are involved in consultative bodies.”¹²⁰

160. In the previous cycle, the Advisory Committee asked the authorities “to reform the National Council for Co-operation on Ethnic and 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.”¹²¹ Regrettably, this recommendation was not implemented by the authorities. The Advisory Committee therefore reminds the authorities that persons belonging to national minorities should be given real opportunities to meaningfully influence decision-making, the outcomes of which should adequately reflect their needs and interests.¹²²

161. Against this background, the Advisory Committee reiterates its view expressed in its Fourth Opinion on Bulgaria and considers that the National Council for Co-operation on Ethnic Integration Issues needs a reform in order to enable persons belonging to national minorities to participate more effectively in policy-making affecting them. Such a reform needs to address the overlapping competences in the fields of monitoring implementation of the Roma National Strategy with its action plans and of being a consultative body for general policies affecting minorities. Accordingly, any expansion of the National Council's competences to other fields, such as domestic violence, would further undermine its role as a central body dedicated to the already severely under-developed system of protecting minority rights in Bulgaria. The National Council will only be able to play a notable role with effective participation of minority representatives if it meets regularly¹²³ and if becomes a forum for genuine consultations between governmental and minority (civil society) representatives. In this light, it is essential that the role and institutional position of the National Council is clearly defined, including through a statutory text, prepared in effective consultation with a broad range of relevant NGOs promoting access to minority rights and minority representatives, including the youth. Regarding the participation of national minority youth, the Advisory Committee reminds the authorities of Committee of Ministers' Recommendation CM/Rec(2023)9 of 4 October 2023 on “the Active Political Participation of the National Minority Youth”¹²⁴ and emphasises the importance of its implementation.

162. Finally, the Advisory Committee also emphasises the importance of sub-national forms of government in creating the necessary conditions for effective participation of persons belonging to national minorities in decision-making, including in regions where persons belonging to national minorities live compactly”.¹²⁵ The authorities should therefore pay close attention to the diverse needs and interests of persons belonging to national minorities at lower levels of government.

163. The Advisory Committee calls on the authorities to reform, in effective consultation with a wide range of relevant NGOs promoting access to minority rights and diverse minority representatives, the role and institutional position of the National Council for Co-operation on Ethnic Integration Issues so as to ensure ongoing and effective participation of persons belonging to national minorities in decision-making processes. The National Council should be as inclusive as possible, also in terms of gender and age of its members, and genuinely represent a wide range of views amongst persons belonging to

¹²⁰ See [ACFC Thematic Commentary No. 2](#), para. 111.

¹²¹ See [Advisory Committee's Fourth Opinion](#), para. 200.

¹²² See [ACFC Thematic Commentary No. 2](#), para. 71.

¹²³ See [ACFC Thematic Commentary No. 2](#), paras. 116-117.

¹²⁴ [Recommendation CM/Rec\(2023\)9](#) of the Committee of Ministers to member States the Active Political Participation of the National Minority Youth, adopted by the Committee of Ministers on 4 October 2023 at the 1477th meeting of the Ministers' Deputies.

¹²⁵ See [ACFC Thematic Commentary No. 2](#), para. 129.

national minorities. With regard to the expansion of its competencies, the work of the National Council should be organised in a way that is not detrimental to its role as the only national institution for addressing minority issues.

Participation of persons belonging to national minorities in public affairs (Article 15)

164. The Electoral Code of Bulgaria contains an obligation to only use the Bulgarian language in election campaigns, and breaches of the legislation entail administrative sanctions in the form of fines (Article 133). This has been criticised by the Advisory Committee in its previous Opinion on Bulgaria. In particular, the Advisory Committee considers that this restricts both the right of persons belonging to minorities to participate in public affairs and their right to receive and impart information and ideas in their respective minority language without interference by public authorities. The Advisory Committee has called on the authorities to allow the use of languages other than Bulgarian during election campaigns.¹²⁶ However, this recommendation has not been implemented by the authorities.

165. In its judgment of May 2023, in the case of *Mestan v. Bulgaria*,¹²⁷ the European Court of Human Rights found that an absolute prohibition on the use of languages other than Bulgarian (the case concerned the use of Turkish) coupled with administrative fines is not compatible with the right to the freedom of expression as protected by Article 10 of the European Convention on Human Rights and made reference also to the Advisory Committee's findings.¹²⁸ The case is pending execution before the Committee of Ministers of the Council of Europe. The authorities informed the Advisory Committee that in preparing the implementation action plan, their "attention will be drawn to the need to analyse the circumstances of each violation of election legislation in detail and take into account modalities such as the use of interpretation or the share of foreign language campaigning in a given pre-election event before imposing sanctions in order to avoid arbitrariness."¹²⁹

166. The Advisory Committee reiterates that "[S]tate Parties should ensure that parties representing or including persons belonging to national minorities have adequate opportunities in election campaigning. This may imply the display of electoral advertising in minority languages. The authorities should also consider providing opportunities for the use of minority languages in public service television and radio programmes devoted to election campaigns and on ballot slips and other electoral material in areas inhabited by persons belonging to national minorities traditionally or in substantive numbers."¹³⁰ The Advisory Committee deeply regrets that its previous recommendation in relation to the absolute ban on using languages other than Bulgarian during election campaigns has not been implemented. Emphasising the importance of pluralism, respect and protection of minority rights as an integral part of human rights in a democratic society, the Advisory Committee considers that the situation needs to be finally addressed by the authorities.

167. The Advisory Committee reiterates its call on the authorities to allow the use of languages other than Bulgarian during election campaigns and find effective ways, in consultation with persons belonging to national minorities, to ensure that these persons are able to enjoy their right to political participation and the right to receive and impart information and ideas in minority languages.

Access to adequate housing - Roma (Article 15)

168. Bulgarian legislation does foresee a right to adequate housing. There is no national housing policy regulated in a strategic document and no uniform legislation to regulate public engagement in the provision of housing. The majority of Roma in Bulgaria live in severely substandard housing, in situations of *de facto* spatial segregation, with limited access to basic infrastructure, security of tenure or access to essential services, such as public transport, postal services, emergency medical aid, and waste collection. In some cases, there is no electricity and water supply.¹³¹ A lack of construction regulations and settlement planning in many places leads to overrepresentation of Roma in informal

¹²⁶ See [Advisory Committee's Fourth Opinion](#), paras. 191-192.

¹²⁷ European Court of Human Rights, *Mestan v. Bulgaria*, no. 24108/15, 2 May 2023, available at <https://hudoc.echr.coe.int/eng?i=001-224437> (in French only).

¹²⁸ *Ibid.*, paras. 24-25.

¹²⁹ Additional information provided by the authorities on 14 December 2023.

¹³⁰ See [ACFC Thematic Commentary No. 2](#), para. 77.

¹³¹ European Network of Legal Experts in Gender Equality and Non-discrimination, [Bulgaria, Country report, Non-discrimination: Transposition and implementation at national level of Council Directives 2000/43 and 2000/78](#), Reporting period 1 January 2022 – 1 January 2023, p. 42. In addition, data from a large-scale survey conducted in 2020 (see the project "Novel approaches to generating data on hard-to-reach populations at risk of violation of their rights" was funded under the European Economic Area Financial Mechanism 2014 – 2021 (EEA FM) under call BGLD-3.001, programme "Local development, poverty reduction and enhanced inclusion of vulnerable groups", available at <https://www.noveleea.bg/documents/reports/>), shows that 43.5% of Roma in Bulgaria live in poor housing conditions, 76.9% live in overcrowded housing, 34.7% live in housing without a toilet and bathroom inside the house. The share of Roma children living in poor housing conditions (more than 70%) is much higher than the share of Bulgarian children in the same situation (less than 10%). More than half of the children in Bulgaria live in overcrowded housing (compared to an average of 34.8% of the population as a whole). The proportion of children living in overcrowded conditions is particularly high among the Roma population (almost 85%). Nearly one in four persons belonging to the Roma minority - 23.5% - lives in a home with a leaking roof, damp walls, floors or foundations, or have rotting flooring out of which can pose a real threat to their health. Every second Roma household - 49% - lives in a polluted area, which leads to them being much more prone to sickness: particularly various pulmonary diseases. Seven out of every 10 Roma – 71.5% - live in overcrowded dwellings or housing conditions.

housing. A shortage of social housing and persistent barriers faced by Roma in accessing social housing, particularly due to the introduction by local authorities of restrictive criteria to assess social housing and housing benefits, is also a problem. Demolition of informal settlements and forced evictions of Roma, without a provision of adequate alternative housing or monetary compensation, and even without a proper legal document informing the affected Roma that demolition of their home was going to be carried out, was also brought to the attention of the Advisory Committee during its visit. In August 2023, settlements in the Orlandovtsi neighbourhood in Sofia were demolished and residents belonging to the Roma minority were evicted without any legal notice to this effect. The Advisory Committee was unable to get an answer by the authorities which body is responsible to oversee such actions and receive a formal complaint following such a demolition. The Advisory Committee visited this neighbourhood as well as the alternative housing allocated to the Roma whose houses were demolished. It observed that the living conditions in the alternative housing were inhumane. As a result of demolition of their homes, Roma lost their addresses which, in turn, impaired access to education of Roma children residing in Orlandovtsi, since they lost the school district (Article 4).

169. A recent study in four neighbourhoods situated in Sliven and Targovishte Municipalities shows that there are places where total deprivation of proper housing conditions can be observed: no access to running water, no electricity, and no access to communal services. In the four neighbourhoods, 57-87.5% of the households live below the national poverty line, and between 35% and 88% of the households are overcrowded. The research shows a lot of shortcomings in the national legislation, as well as the existence of irrelevant and ineffective practices at the municipal level.¹³²

170. The Advisory Committee reiterates that “substandard housing conditions, often coupled with the physical/spatial separation of persons belonging to certain national minorities, in particular Roma and Travellers, considerably affect their ability to participate in socio-economic life and can result in their further poverty, marginalisation and social exclusion. This is frequently made more acute by the lack of legal provisions securing their residency rights and by their vulnerability to forced evictions.”¹³³

171. In this light, the Advisory Committee notes that the operational goal of the section on “Housing conditions” in the “National Strategy of the Republic of Bulgaria for Roma Equality, Inclusion and Participation (2021-2030)” focuses on improving technical infrastructure, as well as the construction of healthcare and social infrastructure, introducing alternative models of social housing for households from areas with a concentration of poverty. Nevertheless, the Advisory Committee deeply regrets that no goals or measures aimed at improving the housing conditions of Roma are foreseen in this respect. Having regard to the importance of this issue, the Advisory Committee considers that inadequate housing conditions of Roma warrant concrete, systemic and comprehensive actions by the authorities, in particular as part of the development of housing policies to address social inequalities and ensure adequate living conditions for persons belonging to the Roma minority. Resolute measures for the legalisation of existing informal Roma settlements are needed along with the necessity to improve access to social housing in line with the principles included in Recommendation Rec (2005) 4 of the Council of Europe Committee of Ministers “on improving the housing conditions of Roma and Travellers in Europe.”¹³⁴

172. The Advisory Committee urges the authorities to improve the housing situation of persons belonging to the Roma minority, including through securing investment for guaranteeing their access to drinking water and electricity as well as all other public services. The authorities should pay particular attention to ensuring safe living conditions also in light of the risks posed by the absence of the legal security of tenure. They should also provide adequate alternative accommodation in cases of demolition of Roma settlements, which should be carried out as a last resort and respect the basic principles of the rule of law, with sanctions being applied by a dedicated body to oversee all these developments, if these obligations are not fulfilled.

Access to healthcare - Roma (Article 15)

173. There is no data collected on the health situation of persons belonging to the Roma minority. In exchanges with the Advisory Committee, the authorities reported that the number of Roma mediators was increased from 307 in 2022 to 332 in 2023. The project “Health for All” supports better access to healthcare for individuals in vulnerable situations, in particular in the field of maternal and child

¹³² Dobrudzhalieva, A., A. Pamporov. (2022). Living Conditions in Squatter Settlements and Possible Improvement Policies. Habitat for Humanity - Bulgaria [Жилищни условия в квартали с концентрация на бедност и политики за тяхното подобряване], available at <https://bit.ly/3vdv6sE>.

¹³³ See [ACFC Thematic Commentary No. 2](#), para. 57.

¹³⁴ [Recommendation Rec\(2005\)4](#) of the Committee of Ministers to member states on improving the housing conditions of Roma and Travellers in Europe, adopted by the Committee of Ministers on 23 February 2005.

healthcare. During the visit, the Advisory Committee was informed of a number of positive measures related to access to healthcare which greatly benefit of persons belonging to the Roma minority. For instance, with the legislative amendments of 2022, free medical services/assistance can be provided to those pregnant women who do not have insurance. In addition, by orders of the Minister of Health, every year 23 mobile offices are provided to the Regional Health Inspectorates to carry out preventive examinations and research in areas with a concentrated Roma population.¹³⁵ The authorities further informed the Advisory Committee that they are implementing a number of measures for early childhood care. The Human Resources Development Programme 2021-2027 focuses on social inclusion, tackling child poverty and ensuring access to social services. Within the framework of this programme, the implementation of the project “Future for Children” started in November 2022.

174. Roma access to healthcare is hampered by a number of factors, such as the absence of doctors and nurses in rural Roma settlements and in large urban Roma neighbourhoods. Moreover, access to healthcare is problematic due to the fact that many Roma do not possess identity cards (see Article 4) and many do not have health insurance cards due to the fact that they are neither regularly employed nor registered as unemployed. According to a recent study, access to health care for many Roma of working age (18-64) is difficult due to the high proportion of Roma with unpaid health insurance contributions, which excludes them from receiving medical care and outpatient treatment. Health insurance for children, people of retirement age and people receiving monthly social benefits, is covered by the state. However, even those, who have a health insurance, lack effective access to medical care due to the lack of doctors and nurses in Roma neighbourhoods. Access to emergency medical care for Roma is often compromised due to poor road infrastructure in Roma neighbourhoods, and due to poor communication between Roma and staff in emergency medical centres. This occurs, on one hand, due to a lack of cultural sensitivity by the medical staff, and on the other hand, due to a lack of awareness among Roma of medical conditions covered by emergency medical care in Bulgaria.¹³⁶ According to the interlocutors of the Advisory Committee, in many instances, it is also due to the discrimination in healthcare facilities and by doctors.

175. In the thematic report on the elderly from a large-scale survey of the National Statistical Institute of Bulgaria and the FRA, conducted in 2020, the proportion of Roma aged 65 and over who perceive their health as good or very good is 17.5%. As regards the reproductive healthcare situation, different reports found that Roma women were placed in ethnically segregated maternity wards in certain public hospitals with inadequate sanitary and material conditions.¹³⁷ Another study indicates that Roma women's access to gynaecologists is hampered by a number of factors, such as the health insecurity of a large proportion of Roma women, the lack of gynaecologists in or close to the Roma neighbourhoods, distrust of male gynaecologists and antigypsyist attitudes by obstetricians during childbirth.¹³⁸

176. The Advisory Committee was also informed that the Covid-19 pandemic had a serious negative impact on the health situation of Roma. Regarding vaccination, it was reported that very low number of Roma were vaccinated since many of them did not believe in its effectiveness, which is why they massively refused and continue to refuse to be vaccinated. Disinformation among Roma played a negative role in their proper awareness of vaccines, treatment and disease prevention. Health mediators have not been able to successfully combat disinformation targeting Roma about Covid-19 and the vaccination. At the same time, the work of health mediators was crucial during the pandemic, since, among many other activities, they were delivering food aid and helping children without internet access to get schoolwork so they would not be completely excluded from educational process.¹³⁹

177. Commending the authorities for their efforts regarding the Roma mediators' outstanding work, which is funded by the state, the Advisory Committee has concerns about the overall healthcare situation of the Roma. It recognises the connection of this issue with others – notably housing and employment. It further considers that effective and non-discriminatory access to health care, including sexual and reproductive health services for Roma women and girls, should also be ensured, including in the Romani language. The Advisory Committee is concerned about reported long-term negative

¹³⁵ The comparative analysis of community surveys conducted in the period 2017-2021 in 30 Roma neighbourhoods included in the ROMACT programme shows that more than 10% of Roma in different neighbourhoods suffer from some chronic disease and 1-3% of Roma have an expert decision issued by the Territorial Expert Medical Committees, which certify persons for permanent incapacity/type and degree of disability.

¹³⁶ European Roma Grassroots Organisations Network, “Roma access to quality, inclusive and affordable health and long-term care in Bulgaria” Case study, p. 2, 2022, available at : <https://ergonetwork.eu/wp-content/uploads/2022/11/BULGARIA-Roma-access-to-health-and-long-term-care-final.pdf>.

¹³⁷ See, for example, ERRC Cause of Action Report: Reproductive Rights of Romani Women in Bulgaria, April 2020, available at http://www.errc.org/uploads/upload_en/file/5229_file1_reproductive-rights-of-romani-women-in-bulgaria.pdf.

¹³⁸ European Roma Grassroots Organisations Network, “Roma access to quality, inclusive and affordable health and long-term care in Bulgaria” Case study, p. 13, 2022, available at <https://ergonetwork.eu/wp-content/uploads/2022/11/BULGARIA-Roma-access-to-health-and-long-term-care-final.pdf>.

¹³⁹ *Ibid.*, p. 15.

impact of the Covid-19 pandemic on the health condition of persons belonging to the Roma minority. In light of the lack of data, including on the impact of Covid-19, the Advisory Committee refers here to its findings and conclusions under Article 4.

178. The Advisory Committee asks the authorities to ensure effective access to healthcare services for persons belonging to the Roma minority, including reproductive healthcare services. They should also provide training to healthcare professionals in applying a culturally sensitive approach to providing healthcare for persons without relevant documentation and healthcare insurance. The authorities should also make investments in the medical infrastructure and services in areas where persons belonging to the Roma minority reside. They should also step up their efforts to further strengthen the system of health mediators and increase their numbers to meet the demand.

Access to employment – Roma (Article 15)

179. According to the Employment Agency data, in 2020, the number of unemployed persons belonging to the Roma minority was 34 073 or 14.1% of all registered unemployed persons. In 2021 and 2022, along with the decrease in the total number of unemployed persons registered with the Labour Offices, the number of persons belonging to the Roma minority also decreased. In 2022, the average annual number of unemployed persons belonging to the Roma minority decreased on an annual basis (compared to 2021) by 16% or by 4 236 persons to 24 678 or 16.7% of all unemployed persons. In 2022, among all unemployed persons belonging to the Roma minority, 59% were women, 15.1% were young people of up to 29 years old, 34.6% were over 50 years old, 41% were long-term unemployed. On average for the period between January and September 2023, the number of unemployed persons belonging to the Roma minority was 26 959 or 18% of all unemployed registered with the Labour Offices. The authorities report about a number of planned measures to improve access to the labour market of economically inactive persons, including Roma. In order to facilitate access of economically inactive persons, including Roma, to the Bulgarian labour market, the Employment Agency organises job fairs and mobile Labour Offices. The authorities further reported that the number of labour intermediaries was increased and an electronic register with data on economically active persons was created. In order to reach more economically inactive persons belonging to the Roma minority, since 2022, funds have been annually provided from the state budget to increase the number of Roma mediators employed in the Labour Offices. As a result, their number has increased from 78 in 2020 to 89 by the end of September 2023. The Roma mediators motivate economically inactive persons belonging to the Roma minority to register with the Labour Offices and use the employment mediation services. In the period 2020-2023, Roma mediators activated on average per year 7 700 economically inactive persons belonging to the Roma minority.¹⁴⁰ Further positive measures in relation to access to employment were reported to the Advisory Committee.¹⁴¹

180. Despite these measures, the employment rate among Roma remains the lowest. Both employment rates and wage levels are substantially higher in economically prosperous regions than in poor and more rural parts of the country and employment outcomes vary significantly across ethnic minorities. For example, employment rates for working-age Roma men are 51%, compared to 65% for Turkish males and 76% for ethnic Bulgarian males. For women, the differences are even bigger with employment rates of 31%, 48% and 71% for Roma, Turkish and Bulgarians, respectively.¹⁴²

181. The main obstacles for Roma to access employment are low education levels and a lack of adequate qualifications; insufficient, inadequate employability services and difficult access to them if available; Roma involvement in the informal economy, work without contracts and insurance payments; high levels of prejudice against Roma by employers and employees in the Labour Offices and discrimination in the labour market. The recent Civil Society Monitoring Report on the quality of the “National Strategy for the Equality, Inclusion and Participation of Roma (2021-2030)” states that the diversity of the inactive and unemployed people is broadly addressed in the National Strategy and there

¹⁴⁰ Additional information provided by the authorities on 14 December 2023.

¹⁴¹ In particular, the authorities informed the Advisory Committee that a wide range of employment mediation services are provided to disadvantaged unemployed people. In 2022, 26 235 unemployed people (975 more than in 2021) were enrolled in vocational guidance and employment training. In the first four months of 2023, the number of unemployed people enrolled in vocational guidance and employment training was 9 849. The number of economically active persons is increasing. In 2021 Roma mediators assisted 5 670 inactive persons, in 2022, this number was 7 183, and for the period between January and April 2023, 4 287 persons were assisted. By 2023, a total of 24 565 people from disadvantaged groups, of whom 18 792 have self-identified as Roma, are included in the EU Human Resources Development Operational Programme 2014-2020. Subsidised employment or apprenticeship was provided to 1 063 persons and 2 534 persons received various types of vocational training or training for the acquisition of key competences. 2 481 children have been provided with access to education and training and over 19 000 people have been involved in other project activities.

¹⁴² OECD, Connecting People with Jobs, Reaching Out and Activating Inactive and Unemployed Persons in Bulgaria, 2022, pp. 14-15.

are targeted interventions for women, youth and elderly. However, several important issues are not addressed, in particular those concerning improvement of labour conditions and prevention of local and transborder exploitation; combating the grey economy and improvement of conditions indicated in labour contracts in agriculture, forestry and construction.¹⁴³

182. The Advisory Committee reiterates that “State Parties should [...] take effective measures to remove any undue restrictions in the access to the labour market, which particularly affect persons belonging to certain national minorities.”¹⁴⁴ In this connection, the Advisory Committee welcomes the continuing efforts by the authorities to tackle the high unemployment rate among persons belonging to the Roma minority. Despite favourable policy measures, the Advisory Committee remains concerned by the overall employment situation of persons belonging to the Roma national minority, including women, in particular by their over-representation among the unemployed. Additional efforts by the authorities are needed to reduce unemployment among persons belonging to the Roma minority and improve their access to decent work. In this connection, the Advisory Committee recalls that “[s]tates should ensure that everyone has equal opportunities for employment in both the private and the public sectors. Disparities in employment should be analysed based on reliable disaggregated data to identify and address any barriers to the employment of persons belonging to national minorities. Alongside comprehensive anti-discrimination legislation, measures should be instituted to promote inclusivity in the labour market. These might include employer incentives, public-private partnerships, fiscal policies such as increased government spending or corporate tax breaks, language training, issuance of guidance for employers on their scope for taking positive action, and the reasonable accommodation of persons with special needs in the workplace.”¹⁴⁵

183. The Advisory Committee further reiterates that state parties should ensure that economic regional development initiatives are designed and implemented in a manner that also provides benefits to those in need among persons belonging to national minorities who live in such regions. In order to ensure this, studies should be undertaken to assess the possible impact of development projects on persons belonging to national minorities, with a special attention being paid to the situation of minority women and the youth.

184. The Advisory Committee also reiterates that “public administration should, to the extent possible, reflect the diversity of society. This implies that state parties are encouraged to identify ways of promoting the recruitment of persons belonging to national minorities in the public sector [...]. Participation of [such] persons [...] in public administration can also help the latter better respond to the needs of national minorities.”¹⁴⁶ The authorities should hence pay close attention to achieving this outcome of the national action plans as it is also fundamental in furthering the effective socio-economic inclusion of persons belonging to these minorities. In light of the lack of data, the Advisory Committee refers, here too, to its conclusions under Article 4 relating to data collection.

185. The Advisory Committee calls on the authorities to implement Roma employment programmes across the country and take positive measures to promote Roma employment in the public and private sectors.

Bilateral and cross-border co-operation (Articles 17 and 18)

186. A number of co-operation agreements in the field of education, culture and science have been signed between Bulgaria and neighbouring states. According to the authorities, in 2023, the Government of the Republic of Moldova presented a draft agreement to the Government of Bulgaria aimed at transformation of the legal status of Taraclia University into a branch of the University of Ruse. The draft agreement is under consideration by the Bulgarian authorities.¹⁴⁷

187. The 2017 “Treaty of friendship, good-neighbourliness and cooperation between the Republic of Bulgaria and the Republic of Macedonia” (now North Macedonia), in force since February 2018, seeks to further develop good neighbourly relations, friendship and co-operation based on respect of fundamental principles of international law on friendly relations among states and on respect of democratic principles enshrined in the Council of Europe instruments.¹⁴⁸ The treaty envisages the

¹⁴³ Roma Civil Monitor (2022), [Civil society monitoring report on the quality of the national strategic framework for Roma equality, inclusion, and participation in Bulgaria](#), p. 20.

¹⁴⁴ See [ACFC Thematic Commentary No. 2](#), para. 55.

¹⁴⁵ See OSCE HCNM Recommendations on effective Participation of National Minorities in Social and Economic Life & Explanatory Note, October 2023, Recommendation 20, p. 47, available at <https://www.osce.org/files/f/documents/2/3/553783.pdf>.

¹⁴⁶ See [ACFC Thematic Commentary No. 2, para. 120](#).

¹⁴⁷ Additional information provided by the authorities on 14 December 2023.

¹⁴⁸ This includes, among others, a commitment by both state parties to refrain from supporting “actions against the other State which are unfriendly in nature”, from allowing “its territory to be used against the other by organizations and groups which have

establishment of two commissions: an expert commission on historical and educational issues and intergovernmental commission. The former commission has made hardly any progress, as the Advisory Committee was informed by different interlocutors, in resolving differing views of history and linked to this, different historical narratives about nation-building and state-formation processes which include narratives about the existence of nations and languages.¹⁴⁹ The issue has been placed within the context of EU integration of North Macedonia. On 15 May 2000, Bulgaria and North Macedonia signed an Agreement for co-operation in the field of education and science, and on 22 March 2022, a programme for co-operation in the field of education and science for the period 2022-2025. On 15 May 2000, these states signed an Agreement for co-operation in the field of culture. Following this agreement, three bilateral implementation programmes have been signed for the periods 2002-2004, 2019-2022 and 2022-2025, respectively.¹⁵⁰

188. Interlocutors of the Advisory Committee viewed obstacles to a smooth functioning of these commissions and to any furthering of good neighbourly relations and bilateral co-operation at all levels also in the general lack of trust in bilateral relations between two states. This is manifested also through the persisting open issues regarding (non)recognition of minorities in both states. All these political developments are viewed by the interlocutors of the Advisory Committee as having a negative effect on inter-state relations and on addressing identity-related concerns of individuals in both states.

189. The Advisory Committee considers that in addition and without prejudice to existing instruments and mechanisms of multilateral co-operation, bilateral agreements, particularly in the fields of culture, education and the media, can be important to further co-operate and thereby ensure promotion of mutual respect, prosperity, stability and peace.¹⁵¹ It should be recalled that the protection and promotion of the rights of persons belonging to minorities is a matter of a common international concern. However, it is first and foremost the obligation of the state in whose jurisdiction these persons reside. When pursuing policies promoting the rights of 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.¹⁵²

190. The Advisory Committee welcomes Bulgaria's efforts of bilateral co-operation and sees an opportunity to promote relations with neighbouring countries, including cross-border co-operation at the level of regional and municipal authorities. However, it is concerned that Bulgaria's protection of national minority rights at national level is not consistent with its external policies as a "kin-state".

191. The Advisory Committee encourages the authorities to pursue good neighbourly relations with all neighbouring countries and to promote cross-border co-operation through bilateral agreements in addition to implementing the existing international instruments, namely the Framework Convention.

the purpose of committing subversive, separatist and threatening the peace and security of the other Party's acts", as well as recognising that the two states "have no and will not make any territorial claims against each other" (Article 11(1-3)). With regards to expression of interest in individuals living in another states, according to Article 11(5), North Macedonia "confirms that nothing in its Constitution can and should be interpreted as constituting or will even constitute a basis for interfering in the internal affairs of the Republic of Bulgaria with the purpose of protecting the status and rights of persons who are not citizens of the Republic of Macedonia."

¹⁴⁹ Different interpretations of histories by both states are said to have paved the way for Bulgaria's concerns regarding its support to EU integration of Western Balkans, including of North Macedonia. See, among many others, "Borissov warns North Macedonia against stealing Bulgarian history", 19 June 2019, available at <https://www.euractiv.com/section/enlargement/news/borissov-warns-north-macedonia-against-stealing-bulgarian-history/>; and "Bulgarian parliament votes to lift veto on EU accession talks with North Macedonia", 24 June 2022, available at <https://www.france24.com/en/europe/20220624-bulgarian-parliament-votes-to-lift-veto-on-eu-accession-talks-with-north-macedonia>.

¹⁵⁰ Additional information provided by the authorities on 14 December 2023.

¹⁵¹ Explanatory report to the Framework Convention, paras. 85-86.

¹⁵² See also OSCE High Commissioner on National Minorities (2008), [Bolzano/Bozen Recommendations on National Minorities in Inter-State Relations](#), Recommendation 15, p. 23.

The Advisory Committee on the Framework Convention for the Protection of National Minorities is an independent body that assists the Committee of Ministers of the Council of Europe in evaluating the adequacy of the measures taken by the Parties to the Framework Convention to give effect to the principles set out therein.

The Framework Convention for the Protection of National Minorities, adopted by the Committee of Ministers of the Council of Europe on 10 November 1994 and entered into force on 1 February 1998, sets out principles to be respected as well as goals to be achieved by the states, in order to ensure the protection of national minorities. The text of the Framework Convention is available, among other languages, in Bulgarian, Armenian, Romani, and Turkish.

This Opinion contains the evaluation of the Advisory Committee following its 5th country visit to Bulgaria.

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