



COUNCIL CONSEIL
OF EUROPE DE L'EUROPE

Strasbourg, 23 November 2007

ACFC/SR/II(2007)007

**SECOND REPORT SUBMITTED BY BULGARIA
PURSUANT TO ARTICLE 25, PARAGRAPH 1
OF THE FRAMEWORK CONVENTION FOR
THE PROTECTION OF NATIONAL MINORITIES**

Received on 23 November 2007

Table of Contents:

Introduction

I. Practical follow up measures at national level subsequent to the completion of the first monitoring cycle on the implementation of the Framework Convention

II. Concrete measures implemented in response to the Resolution adopted by the Committee of Ministers in respect of the Republic of Bulgaria

III. Specific questions to Bulgaria as a State Party to the Framework Convention

Introduction

Bulgaria signed the Framework Convention for the Protection of National Minorities of the Council of Europe (hereinafter, the Framework Convention) on 9 October 1997, and ratified it on 18 February 1999. The Framework Convention entered into force with respect to Bulgaria on 1 September 1999. Bulgaria submitted its first State Report under the Framework Convention on 9 April 2003. The Advisory Committee published its Opinion on Bulgaria on 27 May 2004, together with the comments of the Bulgarian authorities on that Opinion. The Committee of Ministers adopted a Resolution on Bulgaria on 5 April 2006 [ResCMN(2006)3].

This present second State Report by Bulgaria has been prepared pursuant to Article 25, paragraph 2 of the Framework Convention and in accordance with the Outline for Second Cycle State Reports adopted by the Committee of Ministers of the Council of Europe on 15 January 2003. The report concentrates on those areas highlighted in the Committee of Ministers Resolution. In addition, Section III of the report contains information in response to specific questions submitted by the Advisory Committee to Bulgaria.

The report has been prepared in cooperation with the National Council for Cooperation on Ethnic and Demographic Issues (NCCEDI) of the Council of Ministers - the main body for consultation and coordination of Government policies regarding persons belonging to ethnic, religious or linguistic minorities. The NCCEDI is composed of 16 ministries, 9 state agencies and 42 NGOs, including various minority associations.

The Bulgarian authorities hereby confirm their commitment to ensuring the effective protection of the rights and freedoms of all the citizens of Bulgaria, including of all persons belonging to ethnic, religious or linguistic minorities without any discrimination. In this context, the Bulgarian authorities remain committed to continuing the ongoing constructive dialogue and cooperation with the Committee of Ministers of the Council of Europe.

I. Practical measures implemented national level, subsequent to the first monitoring cycle on the implementation of the Framework Convention.

a) Please indicate the follow-up activities organized at national, regional and local level, the persons and authorities implicated, the conclusions adopted and their dissemination to interested parties (including publication, where appropriate)

The results of the first monitoring cycle were discussed in regular meetings of the NCCEDI, which brings together governmental officials from 16 Ministries, 9 State Agencies and civil society representatives, including minority associations participating on a voluntary basis.

In addition, various issues related also to the effective implementation of the Framework Convention were discussed at national and local seminars and workshops organized by relevant Ministries and statutory bodies within the framework of the initiative “Decade for Roma Inclusion, 2005-2015”, the Framework Programme on the Equal Integration of Roma in the Bulgarian Society, the National Action Plan for Protection against Discrimination, etc. Civil society representatives and media are regularly invited to participate in such events. Relevant information is available on the websites of the NCCEDI, the Commission for Protection against Discrimination, etc. (www.nccedi.government.bg, www.kzd-nondiscrimination.bg).

b) Please indicate what steps have been taken to publicise the results of the first monitoring cycle, as well as the impact of these steps: publication, dissemination, translation of the relevant documents (opinion, State comments, resolution) into the official language, and the minority languages where appropriate (including measures to promote awareness of the Framework Convention)

All relevant documents have been posted on the website of the NCCEDI as well as on the websites of various NGOs active in the sphere of the protection of the rights of persons belonging to ethnic, religious or linguistic minorities providing also links to the Framework Convention’s section of the Council of Europe website related to the first monitoring cycle in respect of Bulgaria.

c) Please indicate the steps taken and the outcome of these steps, in order to improve participation by members of civil society in the process of implementing the Framework Convention at the national level (including the means used to increase the level of information, consultation and participation of members of civil society in different stages of the Framework Convention monitoring procedure)

The authorities in Bulgaria have sought to enhance the capacity of the functioning mechanisms for coordination and consultation on minority issues, notably the NCCEDI, by introducing, *inter alia*, procedural changes facilitating the election of members from the non-governmental sector, as well as structural and functional changes, enhancing the participation of civil society representatives as experts in various thematic discussions and in decision making processes.

The NCCEDI is supported by a system of regional and municipal Councils for Cooperation on Ethnic and Demographic Issues, functioning within 22 of the 28 regional administrations,

and within 135 of the 265 municipal administrations in the country, as well as by numerous experts on ethnic and demographic issues at municipal level.

Having regard to the situation of Roma in particular, the Government has also established specialized bodies Roma-focused, such as the Commission on the Integration of Roma within the NCCEDI, supported administratively by the Department on the Integration of Roma at the governmental Directorate for Ethnic and Demographic Issues; the Council on the Equal Integration of Roma in the Bulgarian Society at the Ministry of Labour and Social Policy, the Roma Public Council on Culture at the Ministry of Culture, etc. All these different, multi-layered and interlocking types of mechanisms for coordination and consultation aim at facilitating the participation of minorities particularly Roma representatives, in decision making processes.

e) Please indicate what steps have been taken to continue the dialogue in progress with the Advisory Committee, including those taken to keep it regularly informed of any action taken in response to the results of the first monitoring cycle. Please also indicate the outcome of these steps.

Bulgaria has always made publicly available all information concerning developments in the country relevant to the provisions of the Framework Convention.

II. Measures taken to improve implementation of the Framework Convention in response to the Resolution adopted by the Committee of Ministers in respect to Bulgaria

In its resolution the Committee of Ministers stated that following the ratification of the Framework Convention, protection of persons belonging to minorities in Bulgaria has been receiving increased attention both from authorities and from civil society. The Committee of Ministers welcomed “*among positive developments, the entry into force of the Law on Protection against Discrimination, as well as the first examples of its effective implementation, to the benefit of persons belonging to minorities*”.

Indeed, in 2003, the Law on Protection against Discrimination was adopted. The Law entered into force on 1 January 2004. The Law prohibits discrimination on the basis of an exhaustive list of features including race, nationality, ethnicity, human genome, citizenship, origin, religion or faith, education, convictions, political affiliation, personal or social status, disability, age, sexual orientation, marital status, property or any other features established by law or in an international treaty to which the Republic of Bulgaria is a party (Article 4, paragraph 1). The Law contains special provisions concerning the protection of equality of treatment.

The Law envisages the establishment of an independent specialized body, *the Commission for Protection against Discrimination*. The Commission has set up on 13 April 2005 with the objective of which is “to prevent discrimination, to protect against discrimination and to ensure equal opportunities”.

The Commission examines cases brought to it in standing panels designated by the Chairperson according to the nature of the alleged discrimination - on ethnic and racial grounds, gender or other grounds.

In this regard, it should be noted that the Commission on Protection against Discrimination established under the said law is recognized and has gained a solid reputation as an institution for promoting tolerance and equal opportunities in Bulgaria.

Since the beginning of 2007 the Government has been implementing a special “*2007 National Action Plan for Protection against Discrimination*”, adopted by the Council of Ministers on 18 January 2007 (in line also with the initiative “2007 – the European Year of Equal Opportunities”). The National Action Plan highlights the priority areas and tasks of the government anti-discrimination policy during the first year of Bulgaria’s EU membership. The most important objective set out in the plan is to consolidate the equal treatment of persons from all social groups in the Bulgarian society and ensure equal opportunities for all in everyday practice.

This document, elaborated in the course of intensive interaction among experts from the public administration and representatives of civil society, covers the following main priorities:

- further training of relevant personnel as well as of representatives of the protected persons; effective enforcement of the national anti-discrimination legislation and practices;
- awareness raising and increasing interest of the media to all issues concerning prevention of and protection against discrimination;
- information campaigns and public debates on specific issues; development of a national database of good practices;
- conduct of thematic monitoring.

In addition, the equal access of citizens to justice for the protection of their rights and legitimate interests, including those guaranteed by the *Law on Protection against Discrimination*, is ensured inter alia through the provision of effective legal aid as stipulated in the *Law on Legal Aid*, which entered into force on 1 January 2006. The law regulates the provision of legal aid in criminal, civil and administrative proceedings in all courts. The resources for financing legal aid come from the state budget. A special body in charge of legal aid, the *National Legal Aid Bureau*, has been set up. The Bureau is an independent government body established by law. Legal aid is granted for the opening of proceedings or bringing a case to court; the preparation of documents concerning the lawsuit; representation in court. The evaluation and decision as to whether the party to the proceedings can afford to pay a defence counsel or not is taken by the court depending on the income of the individual or the family, the property as stated in an affidavit, marital status, health condition, employment, age and other circumstances reported.

Furthermore, on 8 May 2003, the National Assembly adopted the *Law on the Ombudsman*, which entered into force on 1 January 2004. The Ombudsman was elected by the National Assembly in April 2005.

As an independent institution with the aim of upholding the rights and freedoms of citizens whenever these may be violated by central or local government authorities and their administrations, the institution of the Ombudsman is an additional mechanism for promotion and protection of the citizens’ rights and freedoms. It complements the existing infrastructure, e.g. the parliamentary control, constitutional jurisdiction, judicial and administrative control, control through the media and non-governmental organizations, etc.

Likewise, various municipalities have appointed local ombudsmen, under the *Law on Local Government and Local Administration*, to serve as public advocates or intermediaries with the

local communities. In some municipalities these ombudsmen focus mainly on the protection of the rights of locally residing persons belonging to minorities, Roma in particular.

Various practical activities are also envisaged to promote and develop cultural diversity through opportunities provided to persons belonging to minorities for “equal start” in life and enhanced participation in all social spheres.

Sports as an Element of the Integration Policy

The State Agency for Youth and Sports (SAYS) implements is implementing a programme named “Holidays and Sports”, through which children and pupils are involved in sports and, at the same time, creates opportunities for children and pupils from minorities to join their peers in sports activities. In 2006, out of 180,000 pupils involved in activities under this programme, 2% were of Roma origin, which was double the level reached in the second half of 2005.

The SAYS supports the implementation of programmes run by sporting organizations for training and conducting sports competitions and events for children accommodated in Social Care Homes for Children Deprived of Parental Care and in auxiliary schools. During the second half of 2005 and during 2006, a total of 4600 pupils from these education establishments were involved in the competitions, half of whom are of Roma origin.

SAYS is the coordinating body of the European Youth Campaign for Diversity, Human Rights and Participation *All different – All equal*, which is held in 46 countries at the initiative of the Council of Europe with the support of the European Commission and the European Youth Forum. The main goal of the campaign is related to the involvement of young people from various ethnic, religious, social and other backgrounds in combating instances of intolerance and discrimination. The following events have taken place within the framework of the campaign so far: European Youth Meeting to launch the campaign in Sofia in August 2006; Youth Event in Sofia in September 2006; seminars in 18 regional centres on the issues of civil society and human rights and education for equality and tolerance. The National Youth Conference *All different – All equal* is due to take place marking the end of the series of training sessions.

Referring in particular to the efforts of the Bulgarian authorities with regard to citizens of Roma origin, it should be emphasized that specific measures are included in all complementary strategic policy documents of the Government and its agencies. Further detailed information, including relevant practice of the Commission for Protection against Discrimination, is provided below.

III. Specific questions to Bulgaria as State Party to the Framework Convention

1. Taking into account Article 5.4 of the Bulgarian Constitution, please indicate to which extent the Framework Convention is considered self-executing in Bulgaria. Information on the relevant case law, including that of the Bulgarian Constitutional Court, would be welcomed.

The particular issue of the nature of the legal standing of the Framework Convention in the domestic law of the State in the context of the provision of Article 5.4 of the Bulgarian Constitution has not been the subject of a separate judgment of the Bulgarian Constitutional Court.

The Constitutional Court has, however, considered the issue in brief in its *Judgment No 2 of 18 February 1998* on the Constitutional case No 15/97. (State Gazette, issue 22/1998).

The case was initiated by several members of the XXXVIII-th National Assembly requesting the Constitutional Court to rule on the conformity of certain provisions of the Council of Europe Framework Convention for the Protection of National Minorities, as well as the Convention as a whole, with the Basic Law (i.e. the Constitution) of the Republic of Bulgaria.

In its judgment the Constitutional Court confirmed that the provisions of Articles 7, 8, 9, 10 and 11 of the Framework Convention for the Protection of National Minorities, signed on 9 October 1997, as well as the Convention as a whole, were in conformity with the Constitution of the Republic of Bulgaria.

In its reasoning, in paragraph 19 of the said Judgment, the Court considered particularly the “form of the Convention”. The Court specifically emphasized the importance of the chosen form of the international agreement – a **framework** convention. The Court noted further that in the Explanatory report to the Convention it was stated that the latter contains mostly programme-type provisions setting out objectives which the Parties undertake to pursue. These provisions, which will not be directly applicable, leave the States concerned a measure of discretion in the implementation of the objectives which they have undertaken to achieve, thus enabling them to take particular circumstances into account (*see paragraph 11 of the Explanatory report*). The Court further observed, that in paragraph 29 of the Explanatory report to the Framework Convention, it is clearly stated that the provisions of this framework Convention are not directly applicable and that it is not concerned with the law and practice of the Parties in regard to the reception of international treaties in the internal legal order.

This reasoning is fully in line with the declared will of the contracting parties, as reflected in the Convention itself and the Explanatory report thereto.

2. Please provide recent information on the practical implementation, and its impact on the situation of persons belonging to minorities, of the 2003 Anti-Discrimination Law, including the establishment of an independent structure in charge of combating discrimination. Information concerning the implementation of this law by Bulgarian courts would be welcomed.

As mentioned above, the 2003 Anti-Discrimination Law provided for establishment of an independent specialized body, *the Commission for Protection against Discrimination*, which

was set up on 13 April 2005, with a main objective “to prevent discrimination, to protect against discrimination and to ensure equal opportunities”.

In accordance with its Internal rules, the total number of the staff of the Commission for Protection against Discrimination, is 42 persons. The General Secretary, the Directors of Directorates and the Chief Legal Counsel of the Commission were appointed, and the staffing was completed by May 2005.

The members of the Commission are participating in six standing specialised panels (SSPs) based on the specific grounds of the issues raised.

The cases filed are distributed among Standing Specialised Panels (SSPs) of the Commission as follows:

Standing Specialised Panel (SSP) I: Ethnic and racial discrimination;

SSP II: Discrimination based on gender, human genome and protection in the exercise of the right to work;

SSP III: Discrimination based on nationality, citizenship, origins, religion and belief

SSP IV: Discrimination based on education, convictions, political affiliation, personal and public standing;

SSP V: Discrimination based on disability, age and sexual orientation;

SSP VI: Discrimination based on family and property status;

Ad hoc 5-member Panel: multiple discrimination. Such committees are formed on receipt of complaints or signals on discrimination based on more than one indicator.

In 2005, the Commission received 194 requests, complaints and reports from citizens, on the basis of which 89 procedures were initiated pursuant to the anti-discrimination law, while in 35 cases the Commission ruled against opening a procedure.

- Standing Specialised Panel (SSP) I received 38 cases on the grounds of “*ethnic and racial affiliation*”;
- SSP III received 17 cases on the grounds of “*national or social origin, citizenship, religion and belief*”;
- 5 cases were allocated to the 5-member panel dealing with *multiple discrimination*.

Five of the cases filed have been discontinued and a decision has been passed for five of them by the respective panel. Three statements establishing administrative contraventions have been issued, 3 compulsory writs have been issued to employers and officials and 3 recommendations been issued to state authorities.

After its final establishment at the end of May 2005, the Commission conducted dozens of *operational, regular and extraordinary sessions*. During its operational sessions, the Commission drafted and adopted its main enactments, the Regulations on the Structure and Activities of the Commission (RSAC) and the Regulations on Proceedings before the Commission (RPBC), and in the course of its regular sessions the Commission conducted its routine business in connection with the progress of complaints and signals received, cases initiated, meetings and sessions, etc. The extraordinary sessions were connected with the discussion and adoption of a number of fundamental documents and procedures deadlines, such as the Commission budget for 2006, procedures for the assignment of public procurements (renovation of the premises, purchase of official vehicles, etc).

Apart from the general sessions of the Commission, each of the SSPs conducts its own operational sessions on particular days of the week. The SSPs also conduct so-called “*open sessions*” in the meaning of Art. 62 and following provisions of the Law Protection from Discrimination, where it held hearings on the disputes of the parties to particular cases or when it adopted its decisions. Advance notification of these sessions given, since they are subject to deadlines determined by law.

In implementation of its powers under Art. 47 of the Law, part of the strategy of the Commission is to monitor the implementation of its provisions.

In order to monitor the implementation of provisions, the Commission sent letters on 20.09.2005 to ministers N. Vasilev and E. Etem heading respectively the newly-established Ministry of State Administration and Ministry of State Policy on Disasters and Accidents. The letters contained recommendations for ministry personnel selection to comply with PDA provisions.

With a view to implementation of the provisions of Section II, Chapter Two of the Law, the Commission in a letter № 24/30.09.2005 issued recommendations to the Ministry of Education and Science to undertake measures to prevent any racial discrimination in education institutions and to include topics on gender equality and equality between ethnic groups and races in the curricula.

With a view to implementing the provisions of Art. 5 and Art. 22 of the Law stipulating that the text of the law must be displayed in a visible location accessible to the public and to workers, the Commission in a letter № 27/30.09.2005 sent recommendations to the Minister of State Administration and the Minister of Regional Development and Public Works to draw the attention of regional governors and municipal mayors to the implementation of their obligations as officials, executive authorities and employers to display the law in a visible location and to ensure access to municipal buildings and the buildings of municipal and regional authorities and administrations. By the same letter, the Commission sent a recommendation to the Minister of Labour and Social Policy to take measures to notify employers and their structures and associations of their obligations under Section I, Chapter Two of the Law.

In addition, with every visit by the Commission to any location and with its meetings with regional governors, mayors and the heads of regional institutions, the members of the Commission personally monitor the implementation of the provisions of the Law and issue recommendations for their implementation. In connection with the above, it should be noted that when establishing cases of contravention of the Law, the Commission has the powers to apply the sanctions prescribed in Section II, Chapter Five.

Since 2006, the effectiveness of the work of the Commission has been further enhanced with regular sessions being organized in various towns in the country, and training and awareness-raising seminars conducted. The Commission also sponsored several surveys on issues related to protection against discrimination, including involving Roma. As a result, and bearing in mind the importance of prevention, a special long-term *Action Plan against Discrimination, 2006-2010* has been elaborated by the Commission, with a main objective to carry out an information campaign aimed at making the general public aware of the new institutional capacities and mechanisms for protection against discrimination and envisaging additional measures on monitoring the implementation of Commission decisions, as well as on

prevention of discrimination and stereotype re-shaping (for further details see www.kzd-nondiscrimination.bg).

As a result, in 2006 a progressive increase in the number of protection from discrimination proceedings before the Commission as compared with 2005 was noticed.

This trend demonstrates increased confidence in this institution and in combating and preventing discrimination. Public expectations were raised regarding the work of the Commission as a public institution providing the opportunity for rapid, genuine, effective and immediate resolution of disputes.

In 2006, a total of 389 complaints and signals were received and processed by the Records Office of the Commission for Protection against Discrimination. By order of the Chair of the Commission, cases were initiated on 220 of the complaints and signals (the remainder were refused).

SSP I: 48 cases in total based on ethnic and racial affiliation;

SSP III: 11 cases in total:

- 7 cases on discrimination based on citizenship;
- 4 cases on discrimination based on religion and belief;

Ad hoc 5-member panel: 43 cases in total.

The Commission for Protection against Discrimination has issued substantive rulings, enacting decisions and definitions on a total of **62** cases. A total of **6** compulsory prescriptions have been issued. In connection with work on the cases, the various panels in the Commission conducted **126** open and **4** closed sessions.

Commission proceedings are conducted in two main phases:

- investigation phase;
- substantive examination.

The purpose of the proceedings is to establish the objective truth by clarifying the circumstances of the case in full and taking all aspects into consideration. In its final act, the Commission is obliged to issue a ruling on whether unequal treatment has taken place or not. Any final decision as well as any ruling preventing further proceedings is subject to appeal before the Supreme Administrative Court (SAC). In this respect, the Commission issued decisions in 2006 as follows:

- **Decision № 14/09.05.2006 of SSP I** concerns a complaint of direct discrimination on ethnic basis. The signal was not given formal consideration. The Commission found that the cases submitted, which occurred during the education process, did not constitute infringement of Art. 4, Para 3 and Art. 29, Para 1 of the PDA (“Protection in the exercise of the right to education and teaching”);
- **Decision № 15/09.05.2006 of SSP I**, concerns a complaint of ethnic discrimination in the exercise of the right to work. The Commission approved a friendly settlement reached between the parties;

- **Decision № 16/09.05.2006 of SSP I** concerns a signal of an instance of direct ethnic discrimination and harassment on the same grounds. The Commission found that discrimination had taken place, constituting harassment on ethnic grounds, occurring through undesirable verbal behaviour which undermined the dignity and created a disparaging environment for the affected party, which contravened Art. 4, Para 1 in connection with Art. 5 of the Law and constituted an administrative infringement of Art. 78, Para 1 of the Law;
- **Decision № 19/19.05.2006 of SSP I** concerns a complaint of ethnic discrimination. The Commission established the existence of direct ethnic discrimination under Art. 4, Para 1 in connection with Art. 4, Para 2 and Art. 37 of the Law with regard to the complainant, comprising a refusal to supply goods and services. The Commission imposed a fine on the perpetrator as an administrative sanction. The Commission also imposed a compulsory administrative measure on the employer on the basis of Art. 76, Para 1, Subpara 1 of the Law, prescribing that the perpetrator take effective measures in commercial activities to ensure that all personnel in the establishment desist henceforward from contravening Art. 37 of the Law with regard to clients belonging to Roma community;
- **Decision № 21/22.05.2006 of SSP I** concerns a complaint of ethnic discrimination and an infringement of the right to be taught in the complainant's mother tongue. The Commission imposed compulsory administrative measures under Art. 76, Para 1, Subpara 1 of the Law, prescribing that all necessary measures be undertaken to introduce teaching of the mother tongue. The decision prescribed that measures be taken to notify and inform all parents and pupils in an appropriate manner and in good time of the need to submit express applications requesting mother tongue teaching;
- **Decision № 23/23.05.2006 of a full 9-member panel of the Commission was based on a report by a member of the Commission.** On the basis of Art. 47, Para 3, second proposal and Art. 76, Para 1, Sub-para 1 of the Law, the Commission imposed a compulsory administrative measure on "Water Supply and Sewerage" Ltd. in Dobrich, of which the capital belongs to the state and the rights as sole proprietor of the capital are exercised by the Minister of Regional Development and Public Works, prescribing that effective measures be taken, all other conditions being equal, to encourage the participation in the management of the company of persons from under-represented or unrepresented ethnic groups with a view to compliance with the employer's obligation under Art. 24, Para 2 of the Law;
- **Decision № 34/24.07.2006 of SSP I** concerns ethnic discrimination. Complaints were filed of infringement of Art. 21 of the Law, by which the employer demonstrated a biased attitude to persons of Roma origin in the termination of their contracts. The complaint was not given formal consideration as Commission did not establish the existence of direct or indirect discrimination in the meaning of Art. 4 of the Law, since the act did not constitute a violation of Art. 21 of the Law;
- **Decision № 35/25.07.2006 of an ad hoc 5-member extended panel** concerns discrimination on the grounds of ethnic affiliation and political convictions. The Commission approved an agreement concluded between the parties. It prescribed that the employer should withdraw its order and should restore the complainant to the post;

- **Decision № 26/25.07.2006 of an ad hoc 5-member extended panel**, concerns a signal asserting discrimination on the grounds of more than one indicator: ethnic affiliation and political conviction. The signal was not given formal consideration. The Commission did not establish the existence of direct or indirect discrimination in the meaning of Art. 4 of the Law, nor any infringement of Art. 12, Para 1 of the Law;
- **Decision № 38/27.07.2006 of an ad hoc 5-member extended panel** concerns a complaint and signal of ethnic discrimination in the provision of emergency medical assistance. The Commission established the existence of direct ethnic discrimination in the provision of emergency medical assistance. It imposed a fine as an administrative sanction and approved an agreement concluded between the party which submitted the signal and one of the defendants;
- **Decision № 41/10.10.2006 of SSP I** concerns ethnic discrimination. The complaint was not given formal consideration;
- **Decision № 42/13.10.2006 of SSP V**, concerns discrimination on the grounds of ethnic affiliation, sexual orientation and citizenship. The Commission established a violation of the provision of Art. 5 of the Law: undesirable verbal behaviour aiming to undermine or resulting in the undermining of the person's dignity and the creation of a hostile and disparaging or threatening environment. The Commission imposed a fine;
- **Decision № 44a/16.10.2006 of SSP I** concerns a signal of ethnic discrimination against a Bulgarian citizen of Roma origin. The Commission established the existence of indirect ethnic discrimination in the supply of electrical energy under less favourable conditions, thereby contravening the provisions of Art. 4, Para 3 and of Art. 37 of the Law and constituting an administrative infringement under Art. 78, Para 1 of the Law. The Commission imposed a fine in accordance with Art. 78, Para 1 of the Law in connection with Art. 24, Para 2 of the Administrative Violations and Penalties Act (AVPA). The decision imposes compulsory administrative measures, prescribing specific measures to eliminate the consequences of the infringements. It decreed the discontinuation of the infringement on the basis of Art. 47, Para 2 of the Law;
- **Decision № 45/17.10.2006 of SSP I** concerns ethnic discrimination. It was asserted that the right to quality medical assistance was denied. The Commission did not find discrimination within the meaning of Art. 4, Para 2 and Para 3 in connection with Art. 5 of the Law. The complaint was not given formal consideration;
- **Decision № 58/29.11.2006 of SSP I** concerns ethnic discrimination in connection with the distribution and supply of electricity. The Commission established indirect ethnic discrimination against particular consumers which contravenes the provisions of Art. 4, Para 3 and Art. 37 of the Law and constitutes an administrative infringement under Art. 78, Para 1 of the Law. The Commission imposed a fine as an administrative sanction together with compulsory administrative measures, prescribing measures to discontinue the infringement in the future and eliminate its consequences;
- **Decision № 59a/30.11.2006 of SSP I** concerns ethnic discrimination. The complaint concerned infringement of Art. 4, Para 1 and Para 2 and Art. 5 of the Law. The Commission established discrimination in the form of harassment on ethnic grounds and an infringement of the principle of equal treatment and the prohibitions under Art. 4, Para

1 of the Law. The Commission imposed a fine as an administrative sanction together with compulsory administrative measures, prescribing that the perpetrator should refrain from the established infringement against other persons of Roma origin on the basis of Art. 76, Para 1, Subpara 1 of the Law;

- **Ruling № 71/22.12.2006 of SSP I** concerns alleged ethnic discrimination. The Commission terminated proceedings due to the lack of data on the infringement and due to the fact that at issue were written statements which could be described as using “harsh” language, but not as discriminative nor as contravening the right to equal treatment;
- **Decision № 1/27.02.2006 of SSP III:** The Commission did not establish direct discrimination arising from alleged infringement of Art. 13, Art. 14, Art. 21 and Art. 26 (“Protection in the exercise of the right to work”), or direct discrimination in connection with a fee introduced for joining a collective employment contract; the resolution establishes unequal treatment in connection with infringements of Art. 57, Para 2 of the Labour Code on handing in of written statements by workers and employees who wished to join a collective labour contract, an infringed right which leads to direct discrimination against workers and employees who are not members of trade union organizations and against those who are not members but have joined a collective labour contract under the procedures stipulated in Art. 57, Para 2 of the Labour Code due to the non-participation of their representatives in the distribution of the membership fees for social activities;
- **Decision № 4/13.03.2006 of SSP III:** The Commission found that the membership fee introduced does not constitute direct discrimination and that non-receipt of social benefits from social, subsistence and cultural service funds under a collective labour contract with regard to workers and employees who are not members of trade union organizations within the company which is a party to the collective labour contract in the process period, who are members of another trade union or who are not members of any trade union does not constitute direct discrimination arising from infringement of Art. 13, Art. 14, Art. 15, Art. 18, Art. 21 and Art. 26 of the Law (“Exercise of the right to work”). The Commission prescribed the inclusion of representatives of workers and employees who are not members of trade union organizations party to the collective labour contract or are not members of any trade union organization, who have joined the collective labour contract in the company’s Social Cooperation Council. It also prescribed that in accordance with Art. 76, Para 1, Subpara 2 in connection with Art. 65, Subpara 5 of the Law, the workers and employees should be informed about the distribution of the membership fees collected;
- **Decision № 5/27.03.2006 of SSP III:** The Commission did not give formal consideration to the complaint due to the absence of discrimination and victimization of a trade union leader; no formal consideration was given refused to a complaint and signal referring to discriminative practices in the recruitment of Bulgarian marine specialists to work under a foreign flag, due to the lack of evidence; no formal consideration was given to the part of the complaint which asserted that International Labour Organization (ILO) Convention № 179 on the Recruitment and Appointment of Seafarers had been contravened due to lack of evidence; no formal consideration was given due to lack of evidence that certain secondary legislative enactments establish provisions leading to unequal treatment (the Ordinance on the Conditions and Procedures for the Implementation of Labour Recruitment Mediation Activities, the Ordinance on Providing Mediation Services on the

part of the Employment Agency to Foreign Employers for the Recruitment of Bulgarian Citizens). In this connection, the Commission was not in position to exercise its right under Art. 47, Sub-para 6 of the Law; no formal consideration was given due to lack of evidence that the Employment Agency had been an accessory to the implementation of discriminative practices in connection with a request for the Employment Agency to exercise control on the activities of intermediaries for the recruitment of Bulgarian marine specialists to work under a foreign flag;

- **Decision № 9/12.04.2006 of SSP III** concerns discrimination on the grounds of citizenship. The complaint calls for the establishment of direct or indirect discrimination within the meaning of the Law, since the applicant, a foreign citizen serving a sentence in a place of detention in Bulgaria, considered that he was unable to enjoy the same rights as those enjoyed by Bulgarian citizens deprived of their liberty, such as: remission for good behaviour in a prison hostel or a prison with a less severe regime. The complaints are that foreign citizens deprived of their liberty are accommodated in Sofia Central Prison, which is intended for habitual criminals. The complaint was not given formal consideration due to the absence of discrimination within the meaning of Art. 4 of the Law in the part concerning the complaint that the applicant was subjected to discrimination because of being unable to enjoy remission for good behaviour outside the prison, to enjoy the right to discontinuation of the deprivation of liberty, to be moved to a transitional type of prison establishment and to exercise the right to work; no formal consideration was given due to the absence of discrimination in the meaning of Art. 4 of the Law, in the part relating to alleged unequal treatment of foreign citizens deprived of their freedom in the application of the institution of early conditional release. On the basis of Art. 47, Subpara 6 of the Law, the Commission recommended that the Minister of Justice should bring into compliance with Art. 12c of the Implementation of Sentences Act his order on the elimination of direct discrimination against foreign citizens deprived of their liberty, arising from the fact that they are accommodated only in the prison in Sofia, irrespective of the seriousness of the penalty imposed. On the basis of Art. 76, Para 1 of the Law, the Commission prescribed that the Director General of the Serving of Sentences Directorate General, the Minister of Justice and the Governor of Sofia Prison should take the necessary measures to set up a site with guarded premises outside the prison in which foreign citizens deprived of their liberty would be accommodated during remission for good behaviour;
- **Decision № 10/12.04.2006 of SSP III** concerns a complaint from a foreign citizen serving a sentence in the Sofia Central Prison. The complaint called for the establishment of direct and indirect discrimination on the basis of citizenship in the sense of the PDA and asserts that the complainant is unable to enjoy the same rights as those enjoyed by Bulgarian citizens deprived of their freedom, i.e.: remission for good behaviour in the prisoners' hostel; a prison with a less severe regime; access to exercising the right to work; and the right to education. Due to the identical nature of the disputes, the decision of the Commission was identical to that in № 9/12.04.2006 (cited above);
- **Decision № 11/12.04 of SSP III** is identical to decisions № 9 and № 10 of 12.04.2006. The alleged discrimination on the grounds of citizenship was not given formal consideration due to the absence of discrimination in the meaning of Art. 4 of the Law in the part concerning alleged discrimination due to the impossibility of early conditional release and transfer to the state of which the complainant is a citizen to serve a sentence of deprivation of liberty. The complaint was not given formal consideration due to the

absence of discrimination in the meaning of Art. 4 of the Law in the part relating to the exercise of the right to work in the prison;

- **Decision № 12/17.04.2006 of SSP III** concerns a request to establish incitement to direct discrimination on the basis of religion in the case of a series of articles published in a Bulgarian newspaper. The Commission upheld the complaint in the part relating to discrimination suffered in the form of religious harassment in the meaning of Art. 5 in connection with Para 1, Subpara 1 of the Law. The Commission rejected the complaint in the part concerning discrimination suffered in the meaning of Art. 4, Para 3 of the Law. The Commission rejected the request for a fine and material sanctions to be imposed on the defending party. On the basis of Art. 76, Para 1, Subpara 1 of the Law the Commission prescribed the elimination of the legal infringement found and prescribed that the infringement of anti-discrimination legislation in connection with the official registration of religious communities in Bulgaria should be prohibited in future;
- **Decision № 13/21.04.2006 of an extended 5-member specialized panel** concerns a request to establish discrimination on the basis of religion and contravention of Art. 12, Para 4 of the Law. The Commission found that the respondent clearly abused the right to a claim and discontinued the case due to the imperative provisions of Art. 52, Para 2 of the Law;
- **Decision № 44/17.10.2006 of SSP III** on religious discrimination approved an agreement reached between the parties;
- **Decision № 48/24.10.2006 of SSP III** on alleged discrimination on the grounds of citizenship. The Commission did not establish any infringement of the Law on the grounds of citizenship in the application of the Civil Service Act;
- **Decision № 56/27.11.2006 of an extended 5-member panel** concerning multiple discrimination on the grounds of age and citizenship. The Commission discontinued proceedings on the case due to failure to correct irregularities in the complaint by the prescribed deadline.

During 2006, appeals were initiated against 38 decisions, rulings, injunctions and prescriptions of the Commission for Protection against Discrimination and the Commission participated as an interested party in 47 court sessions of the Supreme Administrative Court and other courts. Six decisions of the Supreme Administrative Court and 23 rulings of the Supreme Administrative Court and other courts where the Commission intervened as an interested party within the meaning of Art. 47, Sub-para 5 of the Law were enacted. Three decisions out of six enacted by the Supreme Administrative Court have been entered into force.

In addition, an increasing number of non-governmental organisations also make use of the anti-discrimination legislation in cases where the rights of representatives of ethnic minorities may have been infringed.

For instance, the autumn of 2002, *the Bulgarian Helsinki Committee (BHC)* and *the European Roma Rights Centre – Budapest (ERRC)* launched a joint project to bring cases before the Bulgarian courts for alleged Roma cases of racial discrimination involving Roma in the exercise

of their social and economic rights. In this regard, in 2003 a court judgment ruled in favour of BHC/ERRC in a case related to provision of the *Implementing Rules of the Law on Public Education*, which provided that enrolment in school of children living in the school area. The Supreme Administrative Court instructed that the Minister of Education and Science repeal that provision, which was implemented.

In January 2003, a lawsuit was brought against a hotel owned by the Bulgarian Academy of Sciences in Sofia, which allegedly discriminated against Roma clients by refusing to accommodate them. Evidence was provided with the assistance of *the Human Rights Project* and *the Romani Baht Foundation*.

In August 2003, another case was brought on behalf of three Roma families living in Filipovtsi neighbourhood in Sofia against the local branch of the Electric Distribution Company. The claimants perceived the installation of electric meters at a height which prevented them from monitoring the electricity consumption to be an act of racial discrimination against the members of the three Roma families. Besides, the electricity supply had been stopped for a whole block in Filipovtsi, including the claimants, accusing the inhabitants for theft of electric power. Later in the year, through an administrative procedure initiated before the State Electricity Commission, the Electric Distribution Company was instructed to review its contracts with the inhabitants of Filipovtsi.

At the end of 2003, a lawsuit was brought against a university on behalf of a Roma student who studied there. The racial discrimination allegation was based on the statement that the claimants could not graduate for six years due to the arbitrary and racial refusal of a faculty member to let her sit for an exam and the university management had failed to sanction the lecturer, in spite of the complaints of the student.

With the adoption of *the Law on Protection against Discrimination*, several dozen other lawsuits were brought, most of which were cases of alleged racial discrimination against Roma persons. The cases varied from refusal to allow Roma persons into public establishments (hotels, swimming pools, cafeterias, discotheques and restaurants), refusals on the part of employers to allow Roma persons to apply for jobs or to be recruited and alleged anti-Roma statements on the part of law enforcement authorities, medical personnel, employees in commercial companies (estate agencies) made while implementing their activities. Some of the cases were won by the complainants, while claims under other cases, such as the “segregation” case filed by the Romani Baht foundation in 2005 against the municipality of Ihtiman, which was won by the municipality, have not been upheld.

Representatives of Bulgarian civil society have over the recent years reacted against the populist xenophobic statements and actions and brought cases against Dr. Konstantin Trenchev, leader of “Podkrepa” trade union organisation, and Mr Volen Siderov, leader of “Ataka” Coalition (which subsequently became a political party).

On 10 August 2004, Dr. Konstantin Trenchev, apparently reacting to a series of incidents involving persons of Roma origin, announced that it was high time to form a national guard in order to “rebuff Roma criminality” and to have voluntary detachments of the Bulgarian public in order to restrict “gypsy raids”. Romani Baht Foundation brought a case against him, and in 2005 he was convicted by the first-instance court for inducement to discrimination and harassment on ethnic basis.

At the end of 2005, 68 non-governmental organisations working in the field of human rights, social minorities, the environment and health, as well as 18 citizens of minority origin united in the Citizens against Hatred Public Coalition served a civil claim against Mr Volen Siderov for incitement to hatred under the Anti-Discrimination Law, claiming that the speeches which Mr Siderov made in the election campaign in the same year and, later on, from the parliamentary rostrum and on SCAT television, were subjecting them to harassment, infringing upon their dignity and inducing discrimination.

The court in that lawsuit did not recognize an independent right of the said organisations to sue Mr Siderov on their own behalf as a discriminating person who had violated the rights of many people. The court considered the associations as representatives of the victims and required evidence that the victims were willing to be represented by those organisations. On 1 December 2006, the Sofia City Court rejected the three claims of the Citizens against Hatred Coalition regarding the alleged xenophobic and homophobic statements of Volen Siderov. The court ruled that the authorship of some of the statements had not been proven beyond any reasonable doubt.

Later, the Sofia City Court granted the first claim of ethnic-based insults levelled by Mr Siderov and warned him against using such wording.

On 21 July, Volen Siderov was convicted by Sofia District Court in one of the seven other cases brought against him under the anti-discrimination law. The claim had been lodged by Juliana Metodieva, who is of Armenian ethnic origin. She won the case against Mr Siderov at the first-instance court for harassment and inducement to discrimination against persons belonging to ethnic minorities. The Sofia District Court issued its judgment in July 2006, declaring particular statements made by Mr Siderov to be hostile words suggesting ethnic hatred and creating a hostile environment for all persons belonging to minorities, including those not mentioned directly by Mr Siderov, such as the Armenians. The court ruled that Mr Siderov had violated the public interest by spreading and inducing to ethnic hatred and hostility. He was convicted to refrain from such wording in future.

Mr Siderov is the defendant in six other cases brought against him by representatives of organisations of ethnic minority communities in the country.

In 2005, pre-trial proceedings were started for inducement to national hostility and hatred against an unknown perpetrator who had used the forum on the website of Ataka Coalition. The forum disseminated anti-Semitic materials violating the anti-discrimination legislation.

3. Please indicate if any recent steps have been taken with regard to the possible amendment of the new Law on Religious Denominations and comment on their relevance for minority protection.

The Law on Religious Denominations has remained as adopted in 2002.

In 2003, the following provisions of the law were challenged before the Constitutional Court of the Republic of Bulgaria: Article 7.4 “*The rights and freedoms of persons belonging to a religious community may not be restricted by the internal rules, rites and rituals of this community or institution*”; Article 10.1, third and fourth sentences: “*Its exponent and representative shall be the self-governing Bulgarian Orthodox Church which, under the name of Patriarchy, is the legal successor to the Bulgarian Exarchate and member of the One, Holy and Apostolic Church. It shall be managed by the Holy Synod and*

*represented by the Bulgarian Patriarch who is also Bishop of Sofia” and para 2: “The Bulgarian Orthodox Church shall have legal personality. Its structure and management shall be defined in its Statute.; § 1.3 of the Additional Provision: “Within the meaning of this Law: 3. “**Religious institution**” shall mean the religious community registered in accordance with the Law on Religious Denominations, which shall have legal personality, governing bodies and Statute”; § 2.3 of the Transitional and Final Provisions: “3. Persons who had separated from a registered religious institution as of the date of entry into force of this Law, may not use an identical name and use or dispose of its property”; and § 4: “(1) On the basis of a request served by a registered religious denomination, the Director of the Religious Denominations Directorate at the Council of Ministers shall issue a certificate on the legal succession between the religious denomination and religious, religious and educational and charity legal entities which existed prior to 1949. (2) The representatives of the respective religious denomination shall serve the claim to the Sofia City Court to verify the legal succession, producing also the certificate issued by the Director of the Religious Denominations Directorate under para 1. (3) The court shall issue a judgment to be entered into the register under Article 18. (4) The judgments may be appealed by other registered religious denominations pursuant to the provisions of the Civil Procedure Code.”*

The Constitutional Court in its Judgment No. 12/15 July 2003 under Constitutional Case No. 3/2003 unanimously ruled that Article 7.4 of the Law on Religious Denominations did not contravene the Constitution. As to the request to declare Article 10 and the related texts of the Additional Provision and the Transitional and Final Provisions anti-constitutional, the Constitutional Court was split and the request was also rejected.

In the following year, the Parliamentary Assembly of the Council of Europe adopted Resolution 1390/2004 *New Bulgarian Law on Religion, Known as the Confessions Act (the Law on Religious Denominations) 2002*. The Resolution emphasizes that the new law “represents an important step forward by comparison with the Denominations Act 1949” (which it replaced). The Assembly further affirmed that the new Law “recognises religious freedom as a fundamental right, declares that all religions are free and equal and lays down the separation of the Church and the State. At the same time, it allows for the State and local communities to support religious activities, including through tax advantages and the provision of places of worship. Finally, it operates an important change in the role of the Directorate “Religion” of the Bulgarian Council of Ministers, which is evolving from a directing and controlling organ into a chiefly advisory body whose task it is to watch over the respect for religious freedom.”

The Assembly also noted that the Confessions Act “has nevertheless given rise to some criticism by many religious communities”. In this context it suggested that either the formulation of certain provisions, “which seem unclear”, should be altered, or that the relevant authorities ensure that these provisions be interpreted narrowly and applied in accordance with the standards of the ECHR.

The application of the Law in practice clearly demonstrated that any initial doubts by the said religious communities regarding some of its provisions proved to be unfounded.

Thus, over the period 2002 – 2005 57 new religious denominations were registered. At present, the total number of religious denominations registered in the Republic of Bulgaria is 85. As evident from the practice of the court, the expert opinion of the Religious Denominations Directorate at the Council of Ministers is strictly of advisory nature for the purposes of the registration of new denominations. Initial hesitations in the registration of

local chapters of various denominations have been overcome. Foreign clergy, for whom the particular religious communities have applied for permits to stay in Bulgaria, have received either visas or long-term stay permits (except for the cases of non-compliance with the visa requirements or of the conditions for continuation of the stay).

(It may also be useful to mention, that for instance according to a report of the Netherlands Institute of Human Rights (SIM), the Bulgarian legislation and practices are in conformity with the European standards set out in Articles 9 and 11 of the Convention for the Protection of Human Rights and Fundamental Freedoms. The report also points out that Article 10 of the Law on Religious Denominations does not contravene the European Convention.)

In connection with the last part of the question, it should be specifically emphasized that the Law on Religious Denominations does not distinguish between “majorities” and “minorities”. The Law is applied to all persons concerned without distinction (regardless of their ethnic self-identification, religious beliefs or mother tongue, etc.).

4. Please provide information on any recent developments relating to the personal scope of application of the Framework Convention in Bulgaria, including any steps taken to initiate a dialogue with persons belonging to groups which have already expressed an interest in receiving the protection of the Framework Convention.

It would be recalled that the fundamental principle with regard to the Framework Convention for the Protection of National Minorities (Framework Convention) is that each Party is sovereign to determine the personal scope of application of this Convention within its territory.

On the basis on the relevant provisions of the Convention and the interpretation thereof given in the Explanatory Report, the authorities regularly examine the personal scope of application to be given to the Framework Convention within Bulgaria, in order to verify that no arbitrary or unjustified distinctions have been made.

As stated on previous occasions, the Republic of Bulgaria adheres to the principle that ethnic identity is a matter of free personal choice for any individual. This freely expressed will is a subjective choice to be considered when defining the personal scope of application of the Framework Convention.

It would also be recalled that according to the Explanatory Report to the Framework Convention of, “*The individual’s subjective choice is inseparably linked to objective criteria relevant to the person’s identity.*” (paragraph 35), i.e. the personal scope of application of the Framework Convention is inherently linked to the existence of both subjective and objective criteria **cumulatively**.

Consequently, any individual(s), who may wish to come under the protection flowing specifically from the principles of the Framework Convention must fully satisfy these criteria cumulatively in order to qualify for such protection (a mere wish and/or sentiment could not suffice).

Therefore, based on the Constitution of the Republic of Bulgaria, in connection with the provision of Art.3, paragraph 1 of the Framework Convention, and to the extent that the individual choice of every person regarding his belonging to a given ethnic, religious or linguistic minority group or community is linked to the existence of objective criteria relevant to that person's identity, the principles of the Framework Convention are applicable to all citizens of the Republic of Bulgaria, who on the basis of their own freely expressed will, linked to identifiable objective criteria, have chosen to belong and to be regarded as belonging to a given ethnic, religious or linguistic minority group or community in the country

As already mentioned, in the Republic of Bulgaria every person belonging to an ethnic, religious or linguistic minority group has the right to freely choose whether he/she wishes to be treated as belonging to any such given minority group or not and no disadvantage whatsoever could arise from this choice.

In this context, any widening of the personal scope of application of the Framework Convention beyond the limits set by its relevant provisions as interpreted in the Explanatory Report in conformity with the will of the Parties, would not be possible.

5. Please provide up-to-date information on the establishment of a specialized department of the Government in charge if ethnic and demographic questions, including on its institutional position, functions and first activities.

Pursuant to the provisions of Decree No. 333 of 10 December 2004, adopted by the Council of Ministers of the Republic of Bulgaria, the existing National Council for Ethnic and Demographic Issues at the Council of Ministers (NCEDI) was transformed into *the National Council for Cooperation on Ethnic and Demographic Issues* (NCCEDI) at the Council of Ministers. By the same Decree the Internal rules of the NCCEDI were adopted.

The National Council for Cooperation on Ethnic and Demographic Issues is an advisory and coordinating body which supports the Bulgarian Government in the elaboration and implementation of the government policy on ethnic and demographic issues. NCCEDI assists the cooperation and coordination between government bodies and associations of Bulgarian citizens belonging to ethnic minorities, as well as other organisations working in the field of inter-ethnic relations and demographic development.

The Chairperson of the NCCEDI is a Deputy Prime Minister of the Republic of Bulgaria, currently Mrs. Emel Etem. The membership of the National Council is composed of Deputy Ministers from the respective ministries, heads of institutes and agencies, a representative of the Bulgarian Academy of Sciences and a representative of the National Association of Municipalities, as well as representatives of non-governmental organisations of persons belonging to ethnic minorities.

The National Council holds meetings at least once in three months. Meetings are convened by the Chairperson or at the request of at least one-third of the members.

Also, a special Commission for Roma Integration has been established within the National Council to advise it on matters related to the elaboration and implementation of the government policy for equitable integration of Roma into Bulgarian society.

A Directorate for Ethnic and Demographic Issues (DEDI) was likewise established pursuant to Decree No 333. The Directorate is an integral part of the specialized administration of the Council of Ministers assisting the Government in the elaboration and implementation of the government policy for integration of persons belonging to ethnic minorities and providing the necessary organisational and technical support for the activities of the National Council for Cooperation on Ethnic and Demographic Issues, in particular by assisting the Chairperson of the Council in the exercise of his/her functions. The Director of DEDI is the Secretary of NCCEDI.

The Directorate is charged with the elaboration and implementation of measures and monitoring of the implementation of the Framework Programme for Equitable Integration of Roma into Bulgarian Society. In 2006, the staffing of the new Directorate for Ethnic and Demographic Issues was practically completed.

Two years later, subsequent to wide consultations with the membership and beyond, on 20 December 2006 the Council of Ministers adopted Decree No. 351, approving new Internal Rules for the National Council for Cooperation on Ethnic and Demographic Issues.

The new rules streamlined the structure and membership of the Council and established two positions of Deputy Chairperson of NCCEDI with one-year terms of office. One of them is appointed by the Prime Minister, and the other was elected by representatives of the non-governmental organisations of Bulgarian citizens belonging to ethnic minorities which are members of the NCCEDI. Thus, conditions were created for closer coordination between the respective government bodies and the NGOs represented in the Council, as well as for greater operational flexibility.

Membership of new non-governmental organisations in the NCCEDI is ensured through applications, which must be submitted before 15 January of each year. The applications are reviewed within two weeks by a committee appointed by the Chairperson of the National Council and headed by a Deputy Chairperson. The objective is to further democratize the procedure for membership of non-governmental organisations in the NCCEDI.

The new rules contain detailed provisions on the functions of the Secretariat of the National Council (DEDI). They also specify the functions of the specialized Commission for Roma Integration at the Council. Its membership and organisation of activities were streamlined through a reduction of the quota of government participation. The Commission is chaired by the NCCEDI Chairperson. It holds meetings once every two months.

Ethnic and demographic policy is a priority in the activities of regional administrations. Regional Councils for Ethnic and Demographic Issues operate within the regional administrations. The Regional Councils are chaired by the respective Regional Governors. Their members are heads of central administrative structures at the regional level, deputy mayors in charge of ethnic and demographic issues from the municipalities within the territory of the region, and representatives of non-governmental organisations. They work on regional programmes they have adopted for the integration of persons from ethnic minorities. The 28 regional administrations employ 30 regional experts on ethnic and demographic issues.

Likewise, municipalities may establish Municipal Councils for Ethnic and Demographic Issues. These Councils adopt and implement municipal programmes for the integration of persons belonging to ethnical minorities. Local governments implement the ethnic and

demographic policies in accordance with the national priorities and the specific local needs, in line with the concept of decentralization of government.

Regional and Municipal Councils draw up quarterly reports on their activities and submit them to the Secretariat of the NCCEDI.

Over half of all local governments have appointed municipal experts on ethnic and demographic issues. These employees may be trained to apply a methodology for the assessment of the implementation of the Framework Programme, and to take part at the local level in adjustment of the measures for more efficient absorption of the structural funds. They address specific problems of persons from ethnic minorities and provide information to the Regional Councils.

The Regional and Municipal Councils and the experts on ethnic and demographic issues cooperate with DEDI in the implementation of the government policy in this sphere at the regional level.

In addition, during 2006 the Directorate for Ethnic and Demographic Issues organised three seminars with the participation of speakers from the Ministry of Labour and Social Policy, the Ministry of Regional Development and Public Works, the Ministry of Health and others to train regional and municipal experts on ethnic and demographic issues with regard to the social adaptation of persons from the Roma community and the implementation of the Framework Programme for Roma Integration into the Bulgarian Society, the 2005 – 2015 National Programme for the Improvement of the Roma Housing Conditions in the Republic of Bulgaria, and the 2005 – 2015 Roma Inclusion Decade.

6. Please provide information on recent developments relating to the establishment of a Fund for Educational Integration of Minority Children. Information on recent measures taken to tackle isolation of Roma children in schools would be welcomed.

Pursuant to Decree No. 4 of 11 January 2005, of the Council of Ministers of the Republic of Bulgaria a *Centre for Educational Integration of Children and Pupils from Ethnic Minorities* was established.

The current structure, activities and organisation of work of the Centre for Educational Integration of Children and Pupils from Ethnic Minorities are regulated by Decree No. 108/8 of May 2006 of the Council of Ministers. The centre is a secondary budget spending unit under the Minister of Education and Science, supporting MES activities in the implementation of the policy for educational integration of children and pupils from ethnic minorities.

The Centre elaborates, finances and supports projects intended to promote the equal access to high-quality education and to improve the results of the education and training of children and pupils from ethnic minorities by means of:

- ensuring conditions for joint education and training of children and pupils of different ethnic origin at the state-owned and municipal kindergartens and schools and auxiliary units;
- providing additional pedagogical work with pupils lagging behind in their studies;
- activities to bring drop-outs back to school and to improve their educational results;

- development and introduction of educational and training programmes reflecting the cultures of the various ethnic minorities at kindergartens and schools;
- qualification work with teachers in conformity with the objectives of the educational integration of children and pupils from ethnic minorities;
- research related to the integration of children and pupils through education;
- assistance to parents for the educational integration of children and pupils;
- monitoring and assessment of projects financed by the Centre;
- public awareness activities related to the educational integration policy and the work of the Centre etc.

The equal access to high-quality education is ensured through joint education and training of children and pupils of different ethnic origin in the settlements where the necessary conditions exist, and through the provision of additional educational and training for pupils who have problems with their studies.

The Director of the Centre was appointed by the Minister of Education and Science by December 2006. The Director in turn, appointed four of the experts employed there. The Managing Board of the Centre was also set up. It consists of 11 members as follows: four representatives of the Ministry of Education and Science, a representative of the Directorate for Ethnic and Demographic Issues at the Council of Ministers (DEDI), representatives of the Ministry of Finance, of the Ministry of Labour and Social Policy, and of the Ministry of Culture, as well as three representatives of non-profit organisations working in the field of the educational integration of children and pupils from ethnic minorities. The Chairperson of the Managing Board is the Minister of Education and Science who has delegated this function to Deputy Minister Mrs. Mukaddes Nalbant. In October 2006, the Managing Board held its first meeting at which the Director of the Centre presented information on the proposed future activities of the Centre.

Under a three-year Council of Ministers programme, the work of the Centre for Educational Integration of Children and Pupils from Ethnic Minorities (CEICPEM) is being developed along two main lines of activities:

1. Raising non-state budget funds for the implementation and support of projects.
2. Funding of projects.

The CEICPEM carried out the following activities under the 2007 programme approved by its Governing Board:

- under the first line of activity, it drafted a 700 000 BGN project to apply for funding from the Roma Education Fund (REF), for which 500 000 BGN were requested from the REF and 200 000 BGN as co-funding from CEICPEM. The project was approved by the Governing Board of the REF on 12.10.2007.

- Under the second line of activity, a call for project proposals was initiated with a deadline on 31.08.2007. A total of 439 project proposals were received by CEICPEM, of which 237 were admitted. 83 projects received funding to a total value of 1 million BGN. As of 01.10.2007, the number of projects to which funds were distributed under the programme was as follows:

- 24 project proposals to guarantee the equal access of children and pupils from ethnic minorities to quality education, amounting to a total value of 550 000 BGN;
- 14 project proposals to preserve and develop the cultural identity of children and pupils from ethnic minorities, amounting to a total value of 100 000 BGN;
- 17 project proposals to establish conditions for the successful socialization of children and youths from ethnic minorities, amounting to a total value of 150 000 BGN;

- 28 project proposals to support the process of making cultural diversity into a source and factor for mutual familiarization and intellectual development of children and youths and the creation of an atmosphere of mutual respect, tolerance and understanding, amounting to a total value of 200 000 BGN.

Current Educational Situation of Roma Children in Bulgaria

The laws in force in the Republic of Bulgaria, including *the Law on Public Education (LPE)*, ensure equal access of all children to education, regardless of their ethnic origin, religion or gender.

Within the sound legal framework some specific practical problems related to the education and training of Roma children still present a challenge for society.

Due to various factors, both historic and recently emerged, including the observed growth of separate Roma neighbourhoods in different parts of the country, currently there are 65 schools and 24 kindergartens in such neighbourhoods attended by Roma children.

Data collected by the Regional Education Inspectorates (REIs) indicates that there were a total of 867,496 pupils in grades I to XII in the beginning of the 2005/2006 school year. According to various sources, including REIs, the total percentage of Roma children attending school in that age bracket was slightly over 10 % or about 90 thousand children.

REIs also reported that during the 2005/2006 school year, a total of 30,421 Roma children attended kindergartens and schools located within the larger separate urban Roma neighbourhoods. 2,464 of them were children in 24 kindergartens and the other 27,957 were pupils attending 65 schools.

During the 2006/2007 school year, according to information from REIs, approximately 10-11% of the pupils were of Roma origin. Out of these, about 27 000 attended schools located in separate Roma neighbourhoods and 40 000 in the single schools in rural locations with predominantly Roma populations.

Experts estimate that some 43,000 Roma children attend mixed schools in rural areas where single schools exist. However, a typical trend in these rural areas is the drift of the population of Bulgarian ethnic origin mainly to big cities, and less to foreign countries, as a result of which they remain populated mainly by Roma, and consequently Roma children prevail at schools there. The other (approximately 20,000) Roma children study in mixed schools in urban areas. These children come from families which are well integrated in Bulgarian society and do not need special integration measures.

According to the latest estimates, Roma pupils account for 19.7 % of all pupils in grades I to IV, but in some regions they may reach over 40 %. Their education and training is a very important and responsible, and at the same time, a quite complex and difficult task. The complexity and difficulties stem from the fact that Roma tend to concentrate in separate neighbourhoods and as a consequence the pupils in such neighbourhoods in effect form "Roma" schools. The importance and responsibility lie in the fact that only well educated people can successfully integrate in the economic, socio-political and cultural life of modern Bulgaria under the conditions of a functioning market mechanism. This makes the role of schools even more essential not only for the development of the knowledge and skills needed in modern life, but also for the development of appropriate models of interpersonal, inter-ethnic and social group relations, which make pupils better citizens.

Legislative, Political and Administrative Measures of the Bulgarian Government aimed at full integration of Roma in Education

The Ministry of Education and Science has undertaken the following actions to improve the educational level of Roma children and to ensure their access to schools outside Roma neighbourhoods:

- In 2004 and 2005, the Ministry drafted and adopted a long-term strategy and action plan for the gradual full elimination of separate schools in Roma neighbourhoods and prevention of any separate Roma children classes at mixed schools;
- In April 2004, the administrative rule providing for mandatory school enrollment of children based on residency was abolished in order to ensure easy access of Roma children to all schools in the community where they live. At present, the Law on Public Education enables parents/guardians to choose freely the school where their children will study;
- The Law on Public Education was amended during the 2004/2005 school year to ensure better preparation of children of Roma and Turkish origin for school by introducing mandatory one-year pre-school preparatory groups at kindergartens or preparatory classes for all the children before they go to grade I;
- Teachers who lacked the required education and qualifications were relieved of their posts.

The kindergartens and schools attended predominantly by Roma children were identified. At the beginning there were 105 such schools in the whole country. As a result of restructuring of the school system and of integration projects their number was reduced to 64, the first located in the regional centres of Pleven, Ruse and Silistra;

- Schools outside the Roma neighbourhoods were identified, to which Roma children are being gradually re-orientated;
 - The Ministry of Education and Science has elaborated and provided to local governments recommended models for the reform of the identified separate Roma schools in Roma neighbourhoods;
 - Municipalities which have schools attended only by Roma pupils have been charged to develop, within the framework of the current government policy, their own plans, on the basis of the national ones, to gradually reintegrate Roma children and orientate them towards mixed schools outside Roma neighbourhoods;
 - Municipalities have actually started closing down separate schools attended only by Roma pupils (the local governments most advanced in this respect are in the regional centres of Pleven and Ruse);
 - Regional Education Inspectorates (REI) have assigned experts directly responsible for the integration of Roma children and the implementation of the annual plans in this sphere;
 - The Ministry and REIs provide direct advice to any mayors and representatives of local governments, which may be lagging behind with the implementation of the government policy or in the enforcement of the anti-discrimination legislation;
- The position of “assistant teacher” was introduced in the education system and the training of persons from the Roma community has been organised to perform this job and facilitate the adaptation of Roma children at mixed schools. During the 2006/2007 school year, 64 teacher assistants from the Roma community worked in the secondary education system;
- The Government passed a decision to assist children from poor families by providing free textbooks and free breakfast at school for all children in preparatory groups at kindergartens or preparatory classes at school and for all pupils up to grade IV;

- At the end of 2003, the National Assembly adopted the Law on Protection against Discrimination. The Law provides that the Minister of Education and Science and local governments shall take all measures to prevent any racial (ethnic) discrimination at educational institutions. The Law also stipulates an obligation for the headmasters of those institutions to undertake effective measures preventing all forms of discrimination at school;
Teacher training universities have introduced bachelor's and master's intercultural programmes in their curricula, focusing on the adaptation of Roma children in a mixed school environment. Three years ago, the University of Veliko Tarnovo introduced initial pedagogy with Roma language as a major for teachers in mother Roma tongue. At the same time, since its establishment in 2005 the National Pedagogical Centre and its regional structures have been offering short qualification courses for teachers to work in a multicultural environment. A total of 721 teachers were trained in 2006 and 49 courses on intercultural competences were planned for a total of 1000 participants in 2007;
- During 2006, 81 projects of non-governmental organisations were being realized at kindergartens and schools all over the country aimed at the development of positive attitudes and the consolidation of a suitable environment for the educational integration of Roma children;
- Anti-discrimination rules were drafted as amendments to school regulations, which were aimed at preventing any discriminatory acts based on gender, race, nationality, ethnicity, citizenship, origin, religion or faith. They were discussed with the REI experts in charge of the educational integration of children and pupils from ethnic origin at a working meeting in May 2006. In September 2006 these anti-discriminatory model rules were transmitted to all school headmasters and were included in the school regulations. These regulations were also included in the rules of kindergartens and service units and in the job descriptions of school personnel;
- The job descriptions of the teaching and non-teaching staff at schools have been reviewed in accordance with the Law on Protection against Discrimination;
- The Ministry of Education and Science created opportunities for Roma university students to pass their practice at the Regional Education Inspectorates within the framework of the MES Student Internship Programme. The initiative was broadly publicized through the REIs in all 28 regions of Bulgaria. There were applicants in 14 regions. Candidates were selected on the basis of the criteria announced in advance. Thus, fourteen university students of minority origin passed their three-month practice at REIs. This experience will enable the young people to carry out field work in connection with the educational integration of Roma children;
- Since March 2006 each issue of "AzBuki" newspaper has two special pages dedicated to dissemination of the MES initiatives related to the educational integration of children and pupils from ethnic minorities and local good practices in this sphere. The materials published in the newspaper are prepared with the involvement of the Roma organisation *Amalipe*.

In order to support children from socially disadvantaged families and to ensure the fuller inclusion of pupils of compulsory school age, under Council of Ministers Decree № 82 of 09.02.2005 all children in kindergarten preparatory groups, in the preparatory class and in primary education from grade I to IV are receive textbooks and a meal at school free of charge, while all primary school children are provided with free transport to centrally located schools.

The MES drafted and provided municipalities with recommended integration models for Roma children in separate Roma neighbourhoods. In the course of implementation of the National Education Plan, the Regional Education Inspectorates draft plans, implement and report on activities to promote the educational integration of children and pupils from ethnic minorities.

As a result of the successful partnership between the MES and REIs with municipalities and non-profit organizations, over 3000 children of Roma origin were integrated in mixed schools in Vidin, Stara Zagora, Montana, Pleven, Sofia, Plovdiv, Sliven, Haskovo, Pazardzhik, Berkovitsa, Peshtera and other towns around the country. Over 2000 teachers completed various forms of training to work with Roma children in an ethnically mixed environment.

In implementing activities to reintegrate children from auxiliary schools (including children of Roma origin who in the past were enrolled in them for social and not medical reasons), Comprehensive Pedagogical Assessment Teams (CPAT) were established in general education and vocational schools to assess the educational needs of disabled children and to transfer them to integrated teaching. Only children with severe and multiple disabilities are enrolled in special schools, including auxiliary schools. During the 2005/2006 school year a total of 7884 children were taught in 70 auxiliary schools. Ten auxiliary schools were closed in 2006 and two more in 2007. In the 2007/2008 school year, 58 auxiliary schools are in existence in the country, attended by 5929 children.

In August 2007 the Structural Funds and International Education Programmes Directorate at the MES conducted information days to call for project proposals under four programmes, one of which is entitled "Creating a Favourable Multicultural Environment for the Practical Application of Intercultural Education and Learning" amounting to a total of 5 574 116 BGN in financial support. The call for proposals was concluded on 05 October 2007 and the actual funding of the approved projects is planned to start by the beginning of the 2008 financial year.

In 2007, the MES drafted indicators and procedures for monitoring and evaluating the implementation of the aims and objectives of the Strategy and Action Plan on a national, regional, municipal, school and pre-school level. During March 2007, 230 administrative and pedagogical personnel from 11 municipalities were trained in implementing Bulgarian and European legislation on educational integration of children and pupils from ethnic minorities under an MES project entitled "Developing an Instrumentarium for the Educational Integration of Children from Minorities". Guidelines intended for REI and municipal administration experts and for head teachers were developed and issued, containing: a system of criteria and indicators for monitoring of progress and evaluation in the field of educational integration of children from ethnic minorities; an assessment of opportunities for implementing integration policies in schools; a review of international and domestic documents in the field of integration of a person belonging to ethnic minority; a development model for municipal and school educational integration plans; a glossary of the main concepts in the field of integration.

With the new administrative structure of the MES, a specialized department was established with the priority task of developing mechanisms for:

- education and teaching of children and pupils with intercultural educational elements;
- integration of Roma children from separate Roma neighbourhoods in mixed schools and classes;
- overcoming any negative stereotypes and prejudice with regard to people who are different;

- promoting sensitivity among children and pupils towards, and skills for enhancing solidarity in a multicultural environment;
- Promoting self-esteem among children and pupils with regard to their cultural identity.

As mentioned, the Strategy for Educational Integration of Children and Pupils from Ethnic Minorities and the Action Plan for its implementation until 2009 were adopted in 2004. The Strategy contains several important priorities concerning Roma pupils:

1. Guaranteed right of equal access to high-quality education for children and pupils from the Roma community;
2. Preservation and development of the Roma cultural identity at schools;
3. Transformation of cultural diversity into a source and factor of mutual knowledge and spiritual development of young people, as well as development of an atmosphere of mutual respect, tolerance and understanding;
4. Full integration of Roma children and pupils through the reorganisation of kindergartens and schools in the separate Roma neighbourhoods and creation of conditions for equal access to high-quality education outside them;
5. Optimization of the school network in municipalities comprised of small and dispersed settlements through, *inter alia*, support to the main schools there with a view to ensuring high-quality education in them.

The results from the implementation of the Strategy are as follows:

- The Ministry of Education and Science and REIs have further enhanced their partnership with non-governmental organisations and municipalities in Vidin, Stara Zagora, Montana, Pleven, Sofia, Plovdiv, Sliven, Haskovo and other cities undertaking a reorganisation process of the Roma attended schools, with over 3000 children of Roma origin transferred by the beginning of the 2006/2007 school year to mixed schools to learn together with their Bulgarian classmates.
- Over three thousand Roma children have actually been taken out of separated schools and now they attend mixed schools together with their Bulgarian peers]
- More than 100 assistant teachers help the educational integration of Roma children at mainstream schools;
- Over two thousand teachers have been trained in various forms to work with Roma children in their adaptation to an ethnically mixed environment. A Deputy Minister has been appointed at the Ministry of Education and Science to specially deal with the education integration of children and pupils from ethnic minorities, as well as with the integration of children from minorities with specific educational needs;
- The Ministry of Education and Science has established a specialised department wholly dedicated to working for the integration of children and pupils from minorities.

Partnership of the Ministry of Education and Science with Non-governmental Organisations

The Advisory Board (AB) for the education of children and pupils from minorities, established at the Ministry of Education and Science in 2003, resumed its work in the beginning of the 2006/2007 school year. It is a standing consultative public-cum-state body under the Minister of Education and Science. Its main task is to draft and propose to the Minister of Education and Science documents and decisions in the field of the

educational integration of children and pupils from minorities, with a special focus on Roma. It has 31 members, including representatives of non-governmental organisations working in this sphere, representatives of all larger ethnic minority groups in the country, representatives of the major teachers' trade unions, rectors of teacher training universities, and officials at the Ministry who are in charge of teaching in the mother tongue and the overall integration process of children and pupils from minorities.

The State Child Protection Agency (SCPA) issues licenses and provides advice to non-governmental organisations in various cities throughout the country with a view to ensuring social services to children and families, which are aimed at consulting, support, rehabilitation and social integration of children at risk, disadvantaged children, would-be drop-outs and their families. Part of these groups of children and families at risk belong to the Roma community.

Initiatives of the Ministry of Labour and Social Policy for the Integration of Children and Pupils from minorities

The Ministry of Labour and Social Policy (MLSP) pursues an active social policy to overcome negative demographic trends, to allocate investments specifically in the social development of children and young people, and to create equal opportunities for social reproduction.

The National Programme for Fuller Outreach to Pupils in the Mandatory School Age, which is administered by the Ministry of Labour and Social Policy, is intended to achieve strategic priorities related to the provision of access to education for pupils of any ethnicity, gender, origin or religion, by creating opportunities to study for all, regardless of their domicile and economic status.

A specific objective of the Programme is to retain children at school and to help parents in providing food to their children. Other specific objectives are to reduce the number of drop-outs in grades I to IV at state and municipal schools, to enhance the motivation of parents to send their children to school, to help families in raising their children, and to provide breakfast to children. The Programme is implemented at the national, municipal and school level on the basis of the principle of shared rights and responsibilities.

The Programme provides a meal and a cup of hot milk or tea to all children in grades I to IV attending municipal and state-owned schools and to the children of pre-school age. Over the period from January to September 2006, the amount of the disbursed resources was BGN 13 696 370 and the number of children in grades I to IV involved in the Programme was about 280 000.

Social Investment in Children Programme. The Ministry of Labour and Social Policy and the Agency for Social Assistance successfully implemented the Social Investment in Children Programme in seven pilot municipalities throughout the country (Lom, Stara Zagora, Smolyan, Kazanluk, Maglizh, Byala Slatina and Razgrad). The Programme gave priority to families with children who are reported to have used their monthly benefits or one-off aid for other purposes.

The main forms of social investment were as follows:

- Payment of kindergarten or crèche fees;
- Payment for meals at school canteens;
- Purchase of clothes, footwear, textbooks and notebooks;

- Purchase of foodstuffs.

The Social Investment in Children Pilot Programme was launched in November 2005. During the six months of the pilot phase (November 2005 – April 2006), a total number of 1,752 benefits worth BGN 22 565 were allocated in the form of social investment in the development of children in the seven municipalities. Every month, the Social Assistance Directorates worked individually with 172 families with children on average in accordance with the objectives and tasks of the Programme.

280 children were covered on the average monthly with individual social work so that to identify the specific needs of each child. The average monthly number of benefits in the form of social investment was 292 for the six months of the operation of the Programme.

- An average of 109 children monthly had their kindergarten fees paid at the total amount of BGN 7,498;
- An average of 17 children monthly had their crèche fees paid at the total amount of BGN 1,110;
- An average of 47 children monthly had their food paid at school canteens at a total amount of BGN 4,730;
- An average of 28 children monthly received clothes and footwear purchased at a total amount of BGN 1,499;
- An average of 9 children monthly received textbooks and notebooks purchased at a total amount of BGN 830;
- An average of 92 children monthly received foodstuffs purchased at a total amount of BGN 6,898.

The monitoring and evaluation of the Programme indicated that it was supported by the institutions (Social Assistance Directorates, local governments, schools and kindergartens), as well as by the parents of the children involved and by the general public. Those conclusions gave grounds for the drafting of amendments to the Law on Family Benefits and its Implementing Rules and for the introduction of social investment as an optional form of that type of benefits.

In April 2006, *the Teachers for Extra-curricular Activities and Holidays Project* was changed through the introduction of the new position of an assistant teacher because of the growing need for additional work with children from minorities, including Roma, with a view to their integration in the education process and the contacts between the ethnic community, parents and teachers. Unemployed Roma with secondary education or level three professional qualifications are appointed to these positions. While the project, envisaged the creation of 44 jobs for assistant teachers in 2006, 71 assistant teachers were employed all over the country within the framework of the project by 30 September 2006.

For the purposes of acquiring the professional qualifications of assistants in the raising and education of children, it was envisaged that unemployed Roma registered at the Labour Offices of the Manpower and Employment Directorates in Sofia, Lovech, Haskovo, Plovdiv, Russe, Montana and Burgas would be trained over the period from June to September 2006. Although the initial plans provided for the training of 50 persons, 96 unemployed Roma were involved in training by 30 September 2006.

In the exercise of her powers under Article 17a, item 5 of the Law on Child Protection, from July 2004 to October 2006 the SCPA Chairperson issued 194 licenses for the provision of

social services to children and families, which were aimed at advice, support, rehabilitation and social integration of children at risk, disadvantaged children, would-be drop-outs and their families. Those groups of children and families at risk partly belonged to the Roma community. Out of the 65 licenses issued for 84 social services over the period January – 31 October 2006, 56 were issued to:

- the Centre for Training and Integration of Children at Risk – 1 license;
- the Centre for Social Rehabilitation and Integration – 31 licenses;
- the Centre for Social Support – 7 licenses;
- the Consultative Centre for Children at Risk and Their Parents – 14 licenses;
- the Centre for Community Psycho-social Support to Children and Families – 1 license;
- the Mobile Centre for Social Rehabilitation and Integration – 2 licenses.

Two Roma foundations were licensed in 2006:

- the Roma Initiative Foundation, Sofia for the service of a Day care centre for children;
- Roma Foundation “Iskra”, Shumen for the service of a Day care centre for disabled children and children in disadvantaged social condition.

On the basis of the monitoring performed by *SCPA* experts with regard to the sets of social services for children and families, which were established within the framework of the project entitled *Child Welfare Promotion Reform in Bulgaria* in ten pilot municipalities, a review of good practices was carried out in the field of the social services for the various groups of children at risk, including would-be drop-outs, children with deviant behaviour, waifs, children victims of violence and children with disabilities.

The evaluation of all specialised childcare institutions in the country started on 18 September 2006 in connection with the implementation of *the mechanism for closing down, reforming or restructuring of specialised childcare institutions*. 144 institutions with 9,209 children - 46 % of whom of Roma origin, have been evaluated and serious progress has been reported by comparison with 2004 in the application of standards and criteria related to the quality of childcare in the social services provided there. In terms of some major criteria, such as individualized childcare, including the satisfaction of cultural, religious, linguistic and ethnic needs, 71 institutions have been evaluated as very good. Very good evaluation has been given also to the opportunities for social integration and adaptation of children at 78 institutions.

In the course of their inspections, the experts from the *SCPA* Directorate in charge of the control of the rights of the child noted that some children accommodated at the homes for raising and educating of children deprived of parental care (orphanages) attended auxiliary schools. The available medical records contained no evidence that those children had disabilities or that their intellectual development was impaired. As such practices of orientating children towards auxiliary schools is divergent from the objectives of the National Plan for Integration of Children with Special Educational Needs and/or Chronic Diseases into Mainstream Schools, mandatory instructions were issued to eliminate the irregularities observed.

On 26 October 2006, the Council of Ministers of the Republic of Bulgaria adopted *the 2006 – 2009 National Integrated Plan for the Implementation of the United Nations’ Convention on the Rights of the Child*. The 2006 – 2009 National Integrated Plan for the Implementation of the United Nations’ Convention on the Rights of the Child was drawn up with the broad participation of representatives of all institutions involved in the protection and safeguarding of the rights of the child, as well as of Bulgarian and international organisations, including

ILO, UNHCR, and with the special technical assistance of the United Nations' Children's Fund (UNICEF).

A human rights based and performance orientated planning approach was used in the process of preparation of the Integrated Plan. This approach is the conceptual framework of the human development process, building on the international standards of human rights, including in particular the rights of the child. Its objective is to guarantee and effectively protect these rights. The Plan integrates the norms, standards and principles of the international system for the protection of human rights and their reflection in plans, policies and processes of planning and development. It observes the principles of universality, indivisibility, interdependence, non-discrimination, and all rights for all children applied everywhere. SCPA is the coordinator of the implementation of the National Integrated Plan for the Implementation of the United Nations' Convention on the Rights of the Child.

The implementation of *Project PHARE BG 2003/004-937.01.03 Educational and Medical Integration of Vulnerable Minority Groups with a Special Focus on Roma* started in June 2006. The project is implemented by NCCEDI. It has been elaborated to ensure the implementation of measures within the framework of the priorities of the Framework Programme for Equitable Integration of Roma in the Bulgarian Society, as well as in connection with political criteria for EU membership. The objective of the project is to improve the access of Roma to education and healthcare, and to strengthen the capabilities of the system to resolve the health problems of Roma communities.

The Educational Integration Component includes the following contracts: Contract 1 – Supply of Learning and Technical Aids; Contract 2 – Institutional Building; Contract 3 –Construction and Repair Works; Contract 4 – Supply of School Equipment.

Contracts 1 and 4 cover the following:

- Lot 1: Supply of computer equipment
- Lot 2: Supply of audio-visual equipment
- Lot 3: Supply of kitchen equipment
- Lot 4: Supply of furniture and fixtures
- Lot 5: Supply of sports equipment
- Lot 6: Supply of musical instruments
- Lot 7: Supply of learning and technical materials, visual aids, toys
- Lot 8: Supply of books

The supplies under the two contracts were delivered to integrated childcare and educational establishments (32 schools and 27 kindergartens) selected on the basis of a needs assessment of all Bulgarian municipalities. The deliveries to the end beneficiaries started in September and all eight lots were finalized by mid-of October. The regional and municipal experts in ethnic and demographic issues were involved in the process.

Contract 2 – Technical Assistance. The supplier under this component is the Centre International d'Etudes Pedagogiques (France), in consortium with Universitaire de Formation des Maitres de l'academie de Versailles /France/ and Roma-Lom Foundation (Bulgaria). The implementation of the component started in June 2006 and will continue until 31 January 2008. Five pilot regions have been selected for these activities: Blagoevgrad, Vratsa, Kyustendil, Montana, and Shumen.

Contract 3 – Construction and Repair Works. The repair works were completed at all sites involved in the project (9 schools and 3 kindergartens) by 28 February 2007.

* * *