



COMMISSIONER FOR HUMAN RIGHTS
COMMISSAIRE AUX DROITS DE L'HOMME



CommDH(2010)47

Ref: *CommHR/PP/sf 189-2010*

Mr Boyko BORISOV
Prime Minister of Bulgaria

Strasbourg, 7 October 2010

Dear Prime Minister,

Further to my visit to Bulgaria from 3 to 5 November 2009, I should like to take this opportunity to follow up on the constructive dialogue that I had with the Bulgarian authorities concerning the human rights of national and religious minorities.

In the report I published on 9 February 2010 following my visit to Bulgaria, I noted that Roma remain socially excluded and marginalised, and continue to live in poverty with little access to health care and education. During my 2009 visit to Bulgaria, I travelled to the Roma settlement in the Republika district in Sofia, where I found many families to be living in metal containers following the demolition of their dwellings. Approximately 200 residents were living in squalor with no proper infrastructure, only one tap to supply water for the whole settlement and no access to a sewage system.

In the aforementioned report, whilst commending the authorities for having undertaken important steps in the fight against different forms of discrimination towards the Roma population in the fields of education, housing and employment, through strategies and action plans, I have made several recommendations on measures aimed at improving the situation of Roma. Hence, I called on the authorities, among other things, to implement rapidly all plans adopted in the framework of the Decade for Roma Inclusion, through targets and indicators for implementing policies that address legal and/or social discrimination against Roma, in accordance with the Council of Europe Committee of Ministers Recommendation CM/Rec(2008)5 *on policies for Roma and/or Travellers in Europe*.

In line with the above-mentioned Recommendation of the Committee of Ministers, I call upon your government to assess the effectiveness of these Roma-related plans on a regular basis, and I invite your authorities to share their findings in this respect. I would also like to ask you to provide me with information on the current living conditions of the Roma community that I visited in the Republika district in Sofia.

In my report I further noted the judgments of the European Court of Human in the cases of *Hasan and Chaush v. Bulgaria* (judgment of 26 October 2000) and *Supreme Holy Council of the Muslim Community v. Bulgaria* (judgment of 16 December 2004). In these judgments the Court found that there had been an unjustified interference between 1995 and 1997 in the internal organisation of the divided Muslim community, in connection with the replacement of its recognised leadership and the manner in which the executive participated in the organisation of a conference aimed at unifying this community. The execution by Bulgaria of these judgments remains under supervision by the Committee of Ministers.

An issue recently brought to my attention has been the repeated refusal of the Bulgarian authorities to register the results of elections held during consecutive National Muslim Conferences in the period between 1996 and 2009, as well as the decision of the Supreme Court of Cassation of 12 May 2010 to remove the Chief Mufti who had been elected during these Conferences, and reinstate a person that held this post in the past. In this connection, and particularly bearing in mind the aforementioned findings of the European Court of Human Rights, I call upon your government to implement the provisions of the Denominations Act that provide religious groups with the right to freely choose their leaders, and to fully guarantee to all religious minorities in Bulgaria respect for their freedom of religion, as enshrined in Article 9 of the European Convention on Human Rights.

In my 2010 report I also noted that the European Court of Human Rights has found Bulgaria in breach of the provisions of the European Convention on Human Rights which relate to freedom of association and assembly in cases concerning the Macedonian minority. I was concerned that the execution by Bulgaria of some of the judgments concerning the "OMO-Ilinden" association is still under supervision by the Committee of Ministers, and that new applications had been lodged with the Court in this respect. I reiterate my recommendation that the right to freedom of association and assembly of this minority be fully and effectively safeguarded, in line with the relevant case-law of the European Court of Human Rights.

Finally, I would also like to recall that the effective protection by states of minority groups on their territories is a necessary condition for the establishment and preservation of domestic social cohesion and international peaceful relations and co-operation of all Council of Europe member states. In this context, freedom of ethnic self-identification is a major principle in which democratic pluralistic societies should be grounded and should be effectively applied to all minority groups, be they national, religious or linguistic. I trust that your government will fully heed this principle with respect to all minorities that have contributed to the enrichment and pluralism of Bulgarian society.

Looking forward to receiving your reply and continuing our dialogue, I remain,

Yours sincerely,

A handwritten signature in black ink, appearing to read "Thomas Hammarberg", with a stylized flourish at the end.

Thomas Hammarberg