

ECRI REPORT ON BULGARIA

(sixth monitoring cycle)



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FOREWORD

The European Commission against Racism and Intolerance (ECRI), established by the Council of Europe, is an independent human rights monitoring body specialised in questions relating to the fight against racism, discrimination (on grounds of “race”, ethnic/national origin, colour, citizenship, religion, language, sexual orientation and gender identity), xenophobia, antisemitism and intolerance. It is composed of independent and impartial members appointed on the basis of their moral authority and recognised expertise in dealing with racism, xenophobia, antisemitism and intolerance.

In the framework of its statutory activities, ECRI conducts country monitoring work, which analyses the situation in each of the member States of the Council of Europe regarding racism and intolerance and draws up suggestions and proposals for dealing with the problems identified.

ECRI’s country monitoring deals with all member States on an equal footing. The work takes place in 5-year cycles. The reports of the first round were completed at the end of 1998, those of the second round at the end of 2002, those of the third round at the end of 2007, those of the fourth round in the beginning of 2014, and those of the fifth round at the end of 2019. Work on the sixth round reports started at the end of 2018.

The working methods for the preparation of the reports involve documentary analyses, a visit to the country concerned, and then a confidential dialogue with the national authorities.

ECRI’s reports are not the result of inquiries or testimonial evidence. They are analyses based on information gathered from a wide variety of sources. Documentary studies are based on a large number of national and international written sources. The in situ visit provides the opportunity to meet with the parties directly concerned (both governmental and non-governmental) with a view to gathering detailed information. The process of confidential dialogue with the national authorities allows the latter to provide, if they consider it necessary, comments on the draft report, with a view to correcting any possible factual errors which the report might contain. At the end of the dialogue, the national authorities may request, if they so wish, that their viewpoints be appended to the final ECRI report.

The sixth round country reports focus on three topics common to all member states: (1) Effective equality and access to rights, (2) Hate speech and hate-motivated violence, and (3) Integration and inclusion, as well as a number of topics specific to each one of them.

In the framework of the sixth cycle, priority implementation is requested again for two specific recommendations chosen from those made in the report. A process of interim follow-up for these two recommendations will be conducted by ECRI no later than two years following the publication of this report.

The following report was drawn up by ECRI under its own responsibility. Unless otherwise indicated, it covers the situation up to 30 March 2022; as a rule, developments since that date are neither covered in the following analysis nor taken into account in the conclusions and proposals therein.

SUMMARY

Since the adoption of ECRI's fifth report on Bulgaria on 19 June 2014 progress has been made in a number of areas.

Bulgaria's national equality body, the Commission for the Protection against Discrimination (CPD), received funding to set up four additional local offices, bringing the total number to 24.

In the field of inclusive education, ECRI is pleased to note that at the end of 2019, a grant of BGN 7 million (approximately € 3.5 million) was awarded for increasing the capacity of pedagogical specialists to work in multicultural environments.

In 2020, for the first time, a Sofia-city ban of the Lukov March – an ultra-nationalist and neo-Nazi youth torch-bearing procession to glorify the legacy of a Bulgarian pro-Nazi politician – was upheld by the Supreme Administrative Court and the march subsequently cancelled.

The authorities have taken important steps to prevent and combat antisemitism in all its forms. Bulgaria became a full member of the International Holocaust Remembrance Alliance (IHRA), adopted the IHRA working definition of antisemitism, appointed a national coordinator on combating antisemitism, established a working group and initiated the development of an action plan.

Since 2019, the Ministry of Interior has worked with an LGBTI NGO on training investigative police officers on recognising anti-LGBTI hate crimes. A similar cooperation activity includes work with the National Police Academy on a new course covering this topic.

Regarding the integration and inclusion of Roma, the authorities introduced in 2016 Bulgarian language classes in preschools of a duration of up to 100 hours for children whose mother tongue is not Bulgarian. The vast majority of the beneficiaries are Roma. The public Employment Agency provided a number of services to promote the socio-economic integration of disadvantaged groups in the labour market. In 2020, nearly 30 000 Roma participated in these activities.

The work of the Roma mediators in the areas of education, employment and health has been very positive, also and especially during the Covid-19 pandemic when providing information and overcoming existing misunderstandings or mistrust was of crucial importance.

As concerns refugees and beneficiaries of subsidiary protection, ECRI notes that they can apply for family reunification, for which there are no specific conditions as regards income and housing, from the moment they receive protection status. ECRI also commends the authorities for their efforts in offering protection and support to the many Ukrainians who have sought refuge in Bulgaria.

ECRI welcomes these positive developments in Bulgaria. However, despite the progress achieved, some issues give rise to concern.

While since 2014 there has been a mechanism for countering violence in schools, there is no specific system in place to monitor and counter racist and anti-LGBTI incidents in schools.

ECRI notes that there is still no official data on the LGBTI population in Bulgaria. Furthermore, in spite of ECRI's recommendation in its last report, the authorities have not carried out any study or research into the situation of this group. Also, the authorities did not develop legislation on gender reassignment and gender recognition as recommended by ECRI.

LGBTI persons, as well as Roma, are the main victims of public expressions of hatred and prejudice. In both cases, hate speech against these groups also came in recent years from high-level politicians. The positive steps taken to counter antisemitism have unfortunately not been applied to these types of hatred as well. The LGBTI community centre "Rainbow Hub" in Sofia was attacked several times in recent years.

In at least two cases, Roma have become victims of local mob protests and threats, also leading to attacks against and demolition of Roma houses.

As concerns the integration and inclusion of Roma, unfortunately the authorities do not collect Roma-specific data in key areas such as education. Available estimates, however, still point to a high number of Roma children that do not attend preschool education, attend school regularly or complete their secondary education. In some cases, de facto segregation appears to exist in kindergartens and schools.

Overall, it should be noted that members of the Roma community were particularly badly affected by the pandemic-related measures taken by the authorities, in particular as many of them have precarious labour engagements in the informal sector of the economy.

In this report, ECRI calls on the Bulgarian authorities to take additional measures in a number of areas and makes a series of recommendations, including the following.

ECRI recommends that the authorities set up a system to monitor and counter racist and anti-LGBTI incidents in schools.

ECRI reiterates its recommendation that the authorities develop legislation on gender reassignment (change of a person's sex) and recognition in line with international human rights standards.

ECRI recommends that the authorities set up an LGBTI working group, which should include relevant organisations from the LGBTI community, to carry out research into existing forms of discrimination against LGBTI persons with a view to developing a national strategy and action plan to combat intolerance and discrimination against LGBTI persons.*

ECRI recommends that the authorities build on the positive actions they have taken to prevent and combat antisemitism in order to take similar measures also with regard to other groups that are vulnerable to hate speech.

ECRI strongly recommends that the authorities take all necessary measures to prevent threats and violence against Roma by groups of local residents.

ECRI recommends that the authorities ensure that no de facto segregation of Roma children takes place in kindergartens and schools.

ECRI recommends that the authorities protect Roma housing from demolitions that are not in line with relevant safeguards (such as a sufficient notice period, the possibility of legal remedies, and the provision of alternative accommodation) provided for by relevant international texts.

ECRI recommends that the authorities increase the number and scale up the successful work of Roma mediators in the areas of health, education and employment.*

ECRI recommends that the authorities scale up and expand the integration measures for refugees and beneficiaries of subsidiary protection (especially Bulgarian-language training for adults as well as skills-building and employment support) in order to reach more beneficiaries, either through the re-establishment of national integration programmes or the adequate funding and comprehensive roll-out of local-level activities.

* This recommendation will be subject to a process of interim follow-up by ECRI no later than two years after the publication of this report.

FINDINGS AND RECOMMENDATIONS

I. EFFECTIVE EQUALITY AND ACCESS TO RIGHTS

A. Equality bodies

1. The Commission for the Protection against Discrimination (CPD) was set up in 2005 and is, according to Article 40 of the Anti-Discrimination Act, the country's independent specialised state body for prevention of discrimination, protection against discrimination and ensuring equal opportunities. According to Article 41 of the Act, five members of the Commission are appointed by Parliament and four of them by the President of the Republic. In its previous report, ECRI recommended that a provision be inserted into the Anti-Discrimination Act expressly prohibiting members of the CPD from receiving any instructions.¹ To ECRI's knowledge such a provision has not yet been inserted into the Act. While, just as during the previous visit, ECRI did not receive any specific information that the absence of such a provision causes concrete problems, it reiterates the point made in 2014 and strongly encourages the authorities to include such a provision into the Anti-Discrimination Act.
2. ECRI also recommended in its previous report that the authorities provide adequate support to the CPD in order to set up local offices in all 28 districts of Bulgaria. ECRI has been informed that four additional local offices have been opened since, bringing the total number now to 24. ECRI commends the authorities for this progress, but also notes that the number still falls short of the recommended 28 local offices. Therefore, ECRI strongly encourages the authorities to support the CPD with additional resources to open four more local offices.
3. Furthermore, ECRI has learned that the absence of functional immunity for the CPD creates practical problems for the Commission's work as its members can be – and have been – brought to court over decisions taken by those who were found to have engaged in acts of discrimination. ECRI notes, as a positive example, that the Ombudsman already benefits from functional immunity.
4. ECRI recommends that the Bulgarian authorities amend the Anti-Discrimination Act (2005) with a view to granting functional immunity to members of the Commission for the Protection of Discrimination in line with § 24 of ECRI's General Policy Recommendation No. 2 (revised) on Equality Bodies to combat racism and intolerance at national level.

B. Inclusive Education

5. This part of the report deals with policies aimed at combating exclusion and marginalisation through inclusive education and fostering a society that is respectful of diversity and tolerant (sections II and III of ECRI's GPR No. 10 on combating racism and racial discrimination in and through school education). The specific measures for helping children belonging to minority groups are dealt with below in sections III and IV of this report.
6. Bulgaria's education laws and policies specifically provide for human rights education as an integral part of the curriculum, for example at the lower secondary school level where human rights are an independent area of competence according to the relevant Ordinance on civic, health, environmental and intercultural education. At high school level, human rights are an independent topic in the curricula for philosophy (X grade) and civic education (XI grade). Human rights also feature in a number of other subjects in the field of social sciences and humanities, such as history, geography and economics, Bulgarian language and literature, and foreign languages.

¹ ECRI (2014): §§ 28-29 and ECRI GPR No. 2 (revised) on equality bodies, section VIII, § 22.

7. As concerns the continuous professional training and development of teachers, ECRI is pleased to note that in 2019 the Ministry of Education and Science organised, under the National Qualification Programme, vocational training for pedagogical staff to improve their knowledge and teaching skills in the areas of, inter alia, pan-European values and civic education. Furthermore, at the end of 2019, a grant of BGN 7 million (approximately € 3.5 million) was awarded for increasing the capacity of pedagogical specialists to work in multicultural environments. The objective of the activities is to extend the professional competences of teachers, school principals and other pedagogical specialists to work in multicultural settings and to better enable children to recognise and respect ethno-cultural differences. The activities aim at reaching around 5 000 pedagogical staff from state and municipal schools and kindergartens, as well as educational mediators. ECRI strongly encourages the authorities to implement the planned activities, even though they have been severely delayed due to the Covid-19 health crisis, and to evaluate the results with a view to improving them, if necessary, and scaling up this type of work.
8. ECRI was informed by the Bulgarian authorities that while since 2014, there has been a mechanism for countering violence in schools, there is no specific system in place to monitor and counter racist and anti-LGBTI incidents in schools. Being aware of the pernicious effects of *hate-motivated* bullying, where it exists, and the potential harm to victims as well as their families and broader communities, ECRI considers that a robust mechanism to monitor and counter such incidents could be a very useful contribution to preventing hatred and, building also on the above-described training activities, provide helpful information and guidance to pedagogical staff.²
9. ECRI recommends that the Bulgarian authorities set up a system to monitor and counter racist and anti-LGBTI incidents in schools.

C. Irregularly present migrants

10. There are no official figures or estimates of the total number of irregularly present migrants in Bulgaria. It is generally estimated that the vast majority of migrants entering Bulgaria irregularly do not intend to stay in the country, and therefore do not apply for asylum in Bulgaria, but pass through it on their way to Central and Western Europe. While the Bulgarian authorities have policies and structures for dealing with asylum seekers, including reception centres (see section III.B), there are no specific measures in place for irregular migrants.
11. Nevertheless, the Bulgarian authorities informed ECRI that, for example, a lack of regular residence status would not be an obstacle for a person to access emergency medical treatment in hospital. Similarly, children at the age of compulsory schooling would not be turned away from enrolment in a school merely due to lack of residence status. ECRI was informed by the authorities that they do not have plans for designing any particular strategy or programme for irregular migrants, but that emergency assistance would be provided to any person present in the country regardless of his/her residence status.
12. While ECRI has not received any indication, either from civil society organisations or other interlocutors, that there is a specific need in this area at the moment, it encourages the authorities to assess the situation with regard to irregularly present migrants on an ongoing basis and, if and when necessary, to refer to ECRI's General Policy Recommendation No. 16 on safeguarding irregularly present migrants from discrimination for guidance.

² See also ECRI's General Policy Recommendation No. 10 (2006) on combating racism and racial discrimination in and through school education: II.1.b.

D. LGBTI equality

13. ECRI notes that there is no official data on the LGBTI population in Bulgaria.³ Recommendation CM/Rec(2010)5 of the Council of Europe's Committee of Ministers on measures to combat discrimination on grounds of sexual orientation or gender identity indicates that personal data referring to a person's sexual orientation or gender identity can be collected when this is necessary for the performance of a specific, lawful and legitimate purpose. Without such information there can be no solid basis for developing and implementing policies to address intolerance and discrimination against LGBTI persons.
14. Furthermore, in spite of ECRI's recommendation in its previous report,⁴ the Bulgarian authorities informed ECRI that they have not carried out any study or research into the situation of LGBTI persons and related problems of discrimination and intolerance that the latter might experience. In this respect, the authorities referred to some work done by NGOs, and in particular LGBTI advocacy groups themselves, but also mentioned that these activities – with one exception⁵ – had not received any form of government support.
15. ECRI was informed by NGOs that they identified more than 200 legal aspects in which LGBTI persons could be considered as being discriminated against. According to these organisations, the identified legal problems concern especially areas of day-to-day life, such as family law (there is no legal possibility to register same-sex partnerships in Bulgaria⁶), property and contractual law, inheritance rules, as well as health-related issues.
16. In its last report, ECRI also recommended that the authorities develop legislation on gender reassignment and gender recognition ensuring that it is in line with international human rights standards and expertise.⁷ As already mentioned by ECRI previously, there is no specific legislation regulating gender reassignment for transsexual or intersex persons. Article 76 of the Civil Registration Act stipulates that a person's sex and name can only be changed following court proceedings, but no procedures and criteria for allowing or refusing an application are defined.⁸ In this context, ECRI notes that the European Court of Human Rights in its 2020 judgment in the case of *Y.T. v. Bulgaria* found that Bulgarian courts breached the right to respect for private life (Article 8 ECHR) when they dismissed, without providing sufficient reason, the applicant's request for gender reassignment. ECRI also notes that on 26 October 2021 the Bulgarian Constitutional Court issued a binding interpretative decision in which it found that the Bulgarian Constitution only recognises a binary biological sex (female/male) and not a socially or psychologically constructed *gender* and/or a non-binary gender identity. This decision confirmed an earlier ruling of the Bulgarian Constitutional Court from 2018 in the context of discussions over whether the country's ratification of the Council of Europe's Convention on Preventing and Combating Violence against Women and Domestic Violence (also known as the *Istanbul Convention*) would violate the Constitution. While the Court's decision at the time meant that Bulgaria could not ratify the Istanbul Convention, ECRI notes that neither the 2018 nor the 2021

³ See also ECRI's last report on Bulgaria (2014): §111-115.

⁴ ECRI (2014): § 115.

⁵ The authorities informed ECRI that they supported the study entitled "Bulgarian Criminal Law and LGB persons" carried out by the NGO "Deystvie" in 2020 through the project "Elaboration of instruments for civil participation in process of legislation formulation, implementation and monitoring of anti-discriminatory policies in Bulgaria", co-financed by the EU through the European Social Fund.

⁶ In this context, see Recommendation CM/Rec(2010)5: § 25, which calls on the governments of Council of Europe member states in which national legislation does not recognise registered same-sex partnerships to provide same-sex couples with legal or other means to address the practical problems related to the social reality in which they live.

⁷ ECRI (2014): § 120.

⁸ Judgement of the European Court of Human Rights in the case of *Y.T. v. Bulgaria* of 9 July 2020 (application no. 41701/16). See in particular §§ 11, 18 and 65-74.

decision precludes gender reassignment (change of a person's sex⁹) and should not pose an obstacle to developing and adopting relevant legislation on gender reassignment and recognition in order to provide legal certainty for the persons concerned.

17. ECRI reiterates its recommendation that the authorities develop legislation on gender reassignment (change of a person's sex) and its recognition ensuring that it is in line with international human rights standards and expertise.

18. In its last report, ECRI recommended that the authorities draw up and adopt an action plan to combat homophobia and transphobia in all areas of everyday life, including education, employment and health care, taking inspiration from Recommendation CM/Rec(2010)5 of the Committee of Ministers of the Council of Europe on measures to combat discrimination on grounds of sexual orientation or gender identity.¹⁰ However, no such action plan has been developed and no steps have been taken so far to initiate the relevant process. ECRI reiterates the need for developing such an action plan, which should be based on a national strategy, and for taking the first step in this direction by setting up an LGBTI working group, which should include relevant organisations from the LGBTI community.

19. ECRI recommends as a matter of priority that the Bulgarian authorities set up an LGBTI working group, which should include relevant organisations from the LGBTI community, to carry out research into existing forms of discrimination against LGBTI persons with a view to developing a national strategy and action plan to combat intolerance and discrimination against LGBTI persons.

20. In this monitoring cycle, ECRI also covers the situation of intersex persons.¹¹ According to NGOs met by ECRI, intersex issues are often pathologised by healthcare professionals in Bulgaria and are frequently considered to necessitate a medical response. Most "sex-normalising" treatments/surgery take place in early childhood with the consent of the parents. There are two specialised departments in the University hospitals in Sofia and in Varna. An LGBTI-NGO established contact with the heads of these departments and held meetings to raise awareness about intersex persons and their specific needs and problems from a rights-based perspective. ECRI strongly encourages the Bulgarian authorities to support such dialogue and to take inspiration from available international guidance on the topic.¹² It also refers to the recommendation made in the preceding paragraph.

II. HATE SPEECH AND HATE-MOTIVATED VIOLENCE

A. Hate speech¹³

21. ECRI received information from various NGOs indicating that hate speech is widespread in Bulgaria, confirming the concerns of the Council of Europe Commissioner for Human Rights,¹⁴ targeting now in particular Roma and LGBTI people. This phenomenon is particularly noticeable in political discourse, especially in the run-up to local or national elections, of which several were held in 2021 (three parliamentary elections and one presidential election). While during the 2015

⁹ In its last report, ECRI already noted that surgery relating to a change of sex is covered under the national health insurance system. See ECRI (2014): § 121.

¹⁰ ECRI (2014): § 123.

¹¹ Persons born with chromosomal, hormonal or anatomical characteristics which do not match strict medical definitions of male or female. (EU FRA 2015: 2.)

¹² See for example: Council of Europe Commissioner for Human Rights, Human rights and intersex people (2015).

¹³ According to ECRI's GPR No. 15 on combating Hate Speech, "hate speech" shall mean the advocacy, promotion or incitement, in any form, of the denigration, hatred or vilification of a person or group of persons, as well as any harassment, insult, negative stereotyping, stigmatization or threat in respect of such a person or group of persons and the justification of all the preceding types of expression, on the ground of "race", colour, descent, national or ethnic origin, age, disability, language, religion or belief, sex, gender, gender identity, sexual orientation and other personal characteristics or status.

¹⁴ See also: Commissioner for Human Rights of the Council of Europe, CommDH(2020)8: § 6.

migration crisis¹⁵ hate speech was mostly directed against migrants, in particular Muslims, this appears to have shifted back in recent years mainly towards members of the Roma and LGBTI communities.

22. An example of anti-Roma hate speech at high political level occurred in the aftermath of a conflict between Roma and non-Roma individuals in Vojvodinovo in January 2019 and the ensuing anti-Roma protests and evictions (see also section III.A below). One of the then Deputy Prime Ministers, instead of calming the situation and preventing or countering expressions of racism, publicly called “Gypsies in Bulgaria [...] exceptionally insolent”, declared that the “tolerance of Bulgarian society has run out” and called for a “solution to the Gypsy problem”.¹⁶ Roma have also been scapegoated and targeted by hate speech in the context of the Covid-19 pandemic (see also section IV.A below). In Bulgaria, politicians and some media have referred to Roma people as a threat to public health and requested special measures targeting them on this basis.¹⁷ A Bulgarian member of the European Parliament publicly called for Roma neighbourhoods to be closed during the pandemic, because in his view “Gypsies have a very low health culture [and] have no personal hygiene”. In addition to such generalising prejudice, he also characterised organisations which defended Roma as “anti-Bulgarian traitors”.¹⁸ Furthermore, the European Court of Human Rights in its 2021 judgment in the case of *Budinova and Chaprazov v. Bulgaria* found that the anti-Roma statements made by a Bulgarian politician were a violation of Article 8 (right to private and family life) in conjunction with Article 14 (prohibition of discrimination) of the European Convention on Human Rights.¹⁹
23. Anti-LGBTI statements have also become a common occurrence in Bulgarian political discourse and members of this community are frequently portrayed as posing a threat to the country’s tradition and to national identity. Some candidates standing for the 2019 local elections reportedly ran campaigns advancing an anti-LGBTI agenda including a ban on the Sofia Pride Parade.²⁰ The increase in recent years of hostile manifestations against LGBTI persons²¹ also became visible during the “Balkan Pride” photo exhibition which was part of the “Together” programme for tolerance in the city of Plovdiv as European Capital of Culture 2019: the event was marred by hate speech on the part of some politicians.
24. A Bulgarian LGBTI NGO informed ECRI about a survey it held in 2019 on the experience of LGBTI people of online hate speech and hate crimes.²² Out of 250 respondents, 73% had experienced hate speech and/or hate crime in the preceding five years including: insults, blackmail, threats of being outed, threats to destroy property, threats of violence against persons or even death threats. Of the victims, 34% did not report the incidents; 24% reported them to the relevant social media companies and only 3% reported cases to the police. The main reasons for not reporting cases were that victims did not want to disclose their sexual orientation/gender identity and that such incidents occur already too often anyway.

¹⁵ For a definition of this terminology see ECRI’s Annual Report 2015.

¹⁶ European Roma Rights Centre (ERRC) (16 April 2019), Bulgarian Government Set for Sweeping Victory in EU Elections after Anti-Roma Violence.

¹⁷ Commissioner for Human Rights of the Council of Europe (7 April 2020), Statement, Governments must ensure equal protection and care for Roma and Travellers during the COVID-19 crisis.

¹⁸ European Roma Rights Centre (4 May 2020), Anti-Roma hate speech by MEP Angel Dzhambazki.

¹⁹ Judgement of the European Court of Human Rights in the case of *Budinova and Chaprazov v. Bulgaria* of 16 February 2021 (application no. 12567/13).

²⁰ CommDH(2020)8: § 9, footnote 7; ILGA Europe, Annual review of the human rights situation of lesbian, gay, bisexual, trans and intersex people in Bulgaria covering the period of January to December 2019.

²¹ CommDH(2020)8: § 9, footnote 5.

²² See also: Hubbard, L. (2020), Speak Out. A Survey of Online Anti-LGBT+ Hate Speech and Hate Crime.

Respondents who reported cases were often dissatisfied with the responses they received.

25. Hate speech against Muslims had increased in particular as a result of the 2015 migration crisis and public discourses referring to Muslims in negative terms were commonplace in politics, the media, and the Internet. The Office of the Grand Mufti reported that the Bulgarian Muslim community was the target of several incidents of hate speech by politicians in the context of public debates about a number of legislative proposals on religious issues. These concerned the law prohibiting the wearing of face-covering clothing in public spaces (adopted in September 2016), the reform of the Act on Religious Denominations (adopted in December 2018), and a bill proposing to add the notion of "radical Islam" to the Criminal Code (proposed in 2015, not adopted).²³ With the strong decline in the number of migrants arriving in Bulgaria, anti-Muslim hate speech also declined and the focus of intolerant political discourse shifted back towards Roma and LGBTI persons. ECRI was also informed that there are now relatively few incidents of hate speech against the historical (mainly Muslim) Turkish minority in Bulgaria.
26. Although the levels of public expressions of antisemitism in Bulgaria are still relatively low, the country is not exempt from the rising trend of anti-Jewish hatred observed in many member states of the Council of Europe. The authorities informed ECRI about antisemitic statements made by some politicians, officials and other public figures in the last few years. Antisemitic rhetoric continues to appear on social networks and in some media, especially online. Several incidents of vandalism of Jewish graves and monuments, as well as displaying Nazi symbols or selling souvenirs with Nazi insignia in tourist areas have been reported around the country. Antisemitic incidents in football have also been noted in Bulgaria, with some extremist fans uttering racist chants and making Nazi salutes during matches.²⁴
27. Since 2003, the Lukov March – an ultra-nationalist and neo-Nazi youth torch-bearing procession to glorify the legacy of a Bulgarian pro-Nazi politician – has been held annually in Sofia. The Bulgarian authorities informed ECRI that while the sub-text of the march is clear, and its pro-Nazi character is underlined by the participation of known neo-Nazi groups from elsewhere in Europe, the march is usually held in silence and organisers are careful to warn participants not to display Nazi or antisemitic symbols. In 2017 and subsequent years, the rally had been initially banned by an order of the Mayor of Sofia, for the ban then to be overturned by a court on the grounds of the constitutional right to peaceful assembly. In February 2020, a decision by the Supreme Administrative Court upholding the ban by the mayor resulted in the torchlight procession being cancelled for the first time in the last 17 years. The event was limited to a short flower-laying ceremony at Lukov's former home with less than 100 supporters in attendance.
28. Jehovah's Witnesses informed ECRI that the overall situation regarding hateful expressions against them in Bulgaria has improved somewhat since 2014. Nevertheless, members of this religious group still experience hate speech including as a result of political campaigns both at national and local level. Stirring up hatred against them is part of a broader nationalistic intolerance directed against "the other" and against minorities perceived to be alien or dangerous to the nation's cohesion. Suggestions made by ultra-nationalist parties to ban Jehovah's Witnesses further fuelled already existing resentments and, in some cases, stimulated local politicians to take actions that publicly exhibit intolerance. In the city of Shumen for example, the municipal ordinances (Article 5.6) prohibit "non-traditional religions" from proselytising at the homes of residents. It appears that

²³ ACFC (2020): § 62.

²⁴ CommDH(2020)8: § 8, footnote 4, The Sofia Globe (29 October 2019), UEFA penalises Bulgarian Football Union over racist behaviour at Bulgaria-England Euro 2020 match.

this regulation has increased hatred against Jehovah's Witnesses, leading even to an act of violence against one of its members (see section II.B below).

29. A strong anti-migrant discourse has also been noted in Bulgaria, triggered by the 2015 migration crisis and persisting until today, despite the relatively low number of refugees and migrants who have remained in the country. In 2016 and 2017, so-called "vigilante groups" targeted migrants in the areas near the Bulgarian-Turkish border and subjected them to verbal abuse and even violence (see also section II.B below). ECRI is particularly concerned about the fact that perpetrators were initially given positive visibility in mainstream media and a then Deputy Prime Minister publicly thanked them for the "help they were offering to the State".²⁵ With the migration flow to Bulgaria having largely come to a halt, these groups ceased to be active.

Measures taken by the authorities

30. The response of the Bulgarian authorities against hate speech in recent years has been mixed. On the one hand, as described above, some high-level government members supported or themselves made public comments that were characterised by prejudice, resentment or hatred. On the other hand, it would be wrong to say that the authorities did not take measures to promote tolerance. Below are some examples of the various steps taken and ECRI strongly encourages the authorities to continue and intensify their efforts, including by taking inspiration from ECRI's General Policy Recommendation No. 15 on combating hate speech.
31. In the case of the Lukov March ban, the decision of the court was preceded by a decision of the Sofia City Prosecutor's Office to lodge an application in court to cancel the registration under the law on non-governmental organisations of the Bulgarian National Union (BNU) Edelweiss, organiser of the Lukov March. In the course of an investigation, the Sofia City Prosecutor's Office had identified numerous public statements by members of the leadership and activists of BNU Edelweiss, statements and opinions from the organisation containing incitement to violence and hate speech based on racial, ethnic or religious grounds.
32. On the eve of the Lukov March 2018, an international conference entitled "Sofia Says No to Hate Speech" gathered representatives from national and local governments, diplomats, academics, lawyers, NGOs, media and students to counter hate speech and intolerance. Building on the conference, a public campaign "Sofia – City of Tolerance and Wisdom" under the auspices of the Mayor of Sofia was launched together with a "Together Against Hate Speech" Manifesto, committing the signatories to combat intolerance and hate speech, including through counter speech. The public campaign is intended as a long-term project to unite institutions and civic organisations in opposition to hate speech building upon a number of initiatives, events and educational activities, such as the initiative "Let's Clean Hatred off the Streets of Sofia" to clean swastikas and other offensive graffiti off walls in the Bulgarian capital with the participation of more than 100 volunteers. In early 2019, a number of high-profile personalities and people from various walks of life posted videos on Facebook publicly stating support for the manifesto. An event in the Government Building on 16 February 2019 gathered Bulgarian intellectuals, civil society leaders, senior government officials, municipal leaders and diplomats to show support for the manifesto and add their signatures.
33. A first-ever march of tolerance and unity "Together for Bulgaria, together for Europe" drawing more than 1 500 people from across Bulgarian society onto the streets of Sofia took place on 10 March 2019. Participants included, among others, the Speaker of Parliament, a Deputy Prime Minister, the Minister of Foreign Affairs, the Mayor of Sofia and a number of MPs. The second annual march of tolerance

²⁵ ACFC (2020): § 64.

was scheduled for 15 March 2020 but had to be cancelled due to the ban imposed on public gatherings in view of the Covid-19 pandemic.

34. The National Council of Religious Communities has an important role in promoting inter-religious dialogue. It organises events such as the annual Festival of Religions in Sofia, academic conferences and debates on topics related to religious issues, tolerance, and human rights.²⁶ In this context, it should also be mentioned that the largest religious minority, Muslims, expressed their satisfaction with recent amendments to the Act on Religious Denominations, which aligned the funding mechanism applicable to them with that of the Bulgarian Orthodox Church.²⁷ According to a representative of the Muslim community met by ECRI, this step also represents a recognition of the long-established historical presence of a Muslim community in Bulgaria, which dates back several centuries, and thus sends an important signal of accepting the Muslims as part of the country's heritage instead of seeing them as alien to its traditions. In this respect, it can help to prevent and counter hate speech against this group.
35. In recent years, the Bulgarian authorities have taken several important steps to prevent and combat antisemitism in all its forms. In November 2018, Bulgaria became a full member of the International Holocaust Remembrance Alliance (IHRA), enhancing further its commitment and capacity to advance education, remembrance and research on the Holocaust – as well as the genocide of the Roma – and to counter the damaging impact of Holocaust denial and distortion, as well as other forms of antisemitic hate speech. In preparation of IHRA membership the Bulgarian government, in October 2017, took the decision to adopt and apply the IHRA “Working Definition of Antisemitism”. The decision tasked the ministers and heads of agencies to take the necessary measures to translate the working definition into operational practice within the areas of their responsibility. The government also proposed to the parliament to apply the definition in its future work.
36. The government also initiated the development of an action plan on combating antisemitism. The elaboration of the action plan is preceded by the first-ever dedicated public opinion survey and study of attitudes towards Jews in Bulgaria²⁸ which aims to provide policy makers with robust and reliable evidence needed to devise the courses of action and to establish the practice of regular attitude surveys.
37. Furthermore, the government appointed a Deputy Minister of Foreign Affairs as national coordinator on combating antisemitism who works with relevant ministries and state authorities, as well as with the Jewish community and civil society organisations, to coordinate policies and actions to prevent and counter antisemitism. The responsibilities of the national coordinator include facilitation of surveys of public attitudes, research and risk assessment, monitoring, data collection and reporting on antisemitic hate speech and hate crimes. He also interacts with media and is involved in the co-ordination of national and international projects against antisemitism, including with the European Commission Co-ordinator on Combating Antisemitism and the equivalents in other partner countries, as well as with the United Nations and its specialised agencies such as UNESCO, the OSCE/ODIHR, the Council of Europe, and the EU Fundamental Rights Agency.

²⁶ ACFC (2020): § 72.

²⁷ ACFC (2020): § 6.

²⁸ The sociological survey on "Public Attitudes Towards Antisemitism and Hate speech in Bulgaria" was conducted by the Alpha Research Agency for Sociological and Marketing Research and presented on 5 April 2022. The full text of the survey (in Bulgarian) is available at: <https://alpharesearch.bg/post/996-obshtestveni-naglasni-kum-antisemitizma-i-ezika-na-omrazata-mnenieto-na-shirokata-obshtestvenost-i-na-evreiskata-obshtnost.html?lang=bg>

38. In January 2018, the national coordinator established a contact group, which includes senior officials from the Ministry of Justice, Ministry of Interior, Ministry of Education, Ministry of Youth and Sports, the national security advisor to the Prime Minister, the chairperson of the Commission for Protection Against Discrimination, the Deputy Mayor of Sofia, the head of the Bulgarian delegation to the IHRA, and the president of the Jewish community organisation Shalom. Acting on alerts and reports by the Jewish community, the national coordinator has taken up incidents with national and local authorities to respond swiftly to antisemitic incidents by investigating and prosecuting the perpetrators, removing and confiscating Nazi-related memorabilia from sale and discouraging and preventing the sale of such items.
39. The Bulgarian authorities and Yad Vashem's International School for Holocaust Studies organised a training seminar for educators and policy makers in Sofia in May 2018 on the Holocaust and combating antisemitism and the rise of hate speech and hate crime to discuss regional cooperation, devise practical strategies, and address challenges in Holocaust education, promoting human rights and countering antisemitic hate crimes. Participants included representatives from a number of other European countries as well as international organisations.
40. In February 2019, the organisation of Jews in Bulgaria (Shalom) and the GLAS (Gays and Lesbians Accepted in Society) Foundation signed a Memorandum of Understanding and Cooperation, highlighting their common desire to live in a democratic society without intolerance and hate speech. The parties will share experience and expertise to raise public awareness of the need for concrete measures to prevent and combat forms of intolerance and their physical manifestations, in particular hate speech and hate crime. In addition, they will continue to work to create a safe environment for groups, communities and individuals who are subject to intolerance. The signing ceremony was attended by high level ministerial officials.
41. ECRI commends the Bulgarian authorities for the various steps described above, many of which could be considered as **promising practices**. It encourages them to take additional inspiration, if needed, from ECRI's revised General Policy Recommendation No. 9 on preventing and combating antisemitism. However, ECRI also notes that similar comprehensive action does not seem to have been taken to counter expressions of hatred against other groups that are frequently targeted, such as Roma and LGBTI persons. It therefore appears to be both useful and necessary to replicate and expand the above, or similar measures also to other vulnerable groups. In this regard, ECRI strongly encourages the authorities to support cooperation between relevant community groups, such as the one described above between Shalom and GLAS.
42. ECRI recommends that the authorities build on the positive actions they have taken to prevent and combat antisemitism in order to take similar measures with regard to other vulnerable groups that are exposed to hate speech.

B. Hate-motivated violence

43. The authorities have provided ECRI with data on the number of initiated criminal proceedings and convictions for offences committed under Articles 162-166 of the Criminal Code for the period 2017-2019, which show a small number of cases and few sentences handed down. As the authorities acknowledge, there is no distinction of the motivational features of the crime (such as hooliganism or racist motives). Hate crimes are presented without taking account of the criminal motives. Data on xenophobic and racist crimes are not collected, processed and analysed separately. The authorities informed ECRI that organisational measures have been taken in order to explore the possibilities of information technologies for providing statistical reports in the existing structure of the Criminal Code, including with an option of data differentiation according to motivation, especially with regard to hate

crimes. The Council of Europe's Commissioner for Human Rights considers that a lack of consideration of bias motivation of offences leads to ineffective investigations and to mere accusations of "hooliganism" (rioting). ECRI has repeatedly pointed out that the precise classification of racist and homo-/transphobic acts of violence is important not only for effective criminal investigations and in order to have an accurate picture of the situation, but also to send a clear message to the general public: labelling hate-motivated physical attacks as mere "hooliganism" is misleading as it does not reflect the dehumanising and therefore particularly dangerous nature of such acts adequately. In this context ECRI notes positively that, as of April 2022, the statistical information system of the Prosecutor's Office has been expanded to specifically indicate pre-trial proceedings concerning crimes with a discriminatory element, including hate crimes and their bias motivations.

44. The Council of Europe's Human Rights Commissioner expressed concern about a reported increase in hate-motivated violence perpetrated against members of minorities in Bulgaria, including a series of anti-Roma attacks.²⁹ Information received by ECRI from NGOs confirm reports that most racist attacks in the country are committed against Roma and that hostility against them has increased in recent years, as indicated by anti-Roma attacks which took place in several localities across Bulgaria, forcing hundreds of Roma to leave their homes and rendering many of them homeless or destitute.³⁰
45. The Commissioner's report referred in particular to a conflict which broke out in the village of Voyvodinovo in January 2019, following a dispute involving two young Roma men and a local ethnic Bulgarian army officer during which he was attacked by the men and subsequently hospitalised. On the same day, anti-Roma protests demanding the demolition of all Roma houses in the village were organised. Local residents, members of extremist groups, described by witnesses as "football fans", and army personnel attended the protest and addressed retaliatory threats to Roma people. The authorities of the Maritsa Municipality, to which the village belongs, immediately demolished some houses and issued orders for the demolition of others on the grounds that they were built illegally or were unsafe. According to the information received by the Commissioner, some 200 Roma left the village in fear, virtually overnight.³¹ The authorities managed to prevent physical attacks against the Roma but failed to protect them from being expelled from the village. It appears that the conflict was exacerbated by anti-Roma statements of the then Defence Minister (who was also a Deputy Prime Minister, see § 22), who travelled to Voyvodinovo shortly after the outbreak of the conflict.³² In 2021, he was found guilty of discrimination against Roma by the Supreme Administrative Court.³³
46. In April 2019, an incident with similar consequences occurred in Gabrovo, following a robbery committed by three Roma men and their assault of a shop assistant. Reports indicate that, for four consecutive nights, residents armed with batons protested and demanded that Roma people be banished from the city. Some houses were set on fire and Roma people were threatened with retaliation. The authorities reportedly urged Roma to spend the next few days with relatives in other municipalities. Many Roma left the city temporarily.³⁴ ECRI was informed by the

²⁹ CommDH(2020)8: § 7, footnote 2, Balkan Insight (5 July 2019), Bulgarian Muslims condemn Islamophobic attacks.

³⁰ CommDH(2020)8: 8.

³¹ CommDH(2020)8: § 12.

³² CommDH(2020)8: § 13 and footnote 10, The Sofia Globe (10 January 2019), Bulgaria's Voyvodinovo saga: Karakachanov, 'impudent gypsies' and the voices of concern.

³³ EurActiv (15 June 2021): Bulgaria's former deputy PM accused of anti-Roma discrimination.

³⁴ CommDH(2020)8: § 16 and footnote 12, The Sofia Globe (13 April 2019), Many Roma have fled Gabrovo, as Bulgarian town braces for another 'no to aggression' protest.

authorities that, in the aftermath of the events, the Gabrovo municipal Council declared its rejection of any form of violence and aggression.

47. ECRI strongly recommends that the authorities take all necessary measures to prevent threats and violence against Roma by groups of local residents and ensure that the authors of any such threats and perpetrators of any such violence are held accountable.
48. As concerns the intolerance and hatred against Jehovah's Witnesses mentioned in section II. A above, ECRI notes with concern that in the city of Shumen this has led to an attack against one member of this religious group on 30 July 2016. The assault was so severe that the victim was left unconscious for around seven minutes. Similar to other cases of hate-motivated violence the perpetrator was charged – and in this case convicted – of "hooliganism".
49. Several instances of assault against LGBTI persons were reported in recent years as well as repeated attacks against the LGBTI community centre "Rainbow Hub" in Sofia.³⁵ The latest attack against the Rainbow Hub took place on 30 October 2021 during a community meeting, which included two well-known transgender persons with a media presence over the preceding months. A group of about 10 men stormed into the centre, hitting one LGBTI activist in the face and vandalising the interior. The attacker was allegedly a well-known right-wing extremist leader who was also a candidate in the presidential elections in Bulgaria, which took place on 14 November 2021. He was subsequently charged with hooliganism and infliction of an injury.³⁶ The authorities informed ECRI that the then Minister of Foreign Affairs strongly and publicly condemned the attack and sent letters to the Prosecutor's Office, the Minister of Interior and the Minister of Justice to request immediate action. ECRI takes positive note of this official reaction and encourages all relevant high-level officials to adopt a coordinated approach in the condemnation of any attack of this kind against groups of concern to ECRI.
50. In 2020, the GLAS Foundation's platform against hate speech and hate crimes against LGBTI people received 37 notifications, most of which related to harassment or violence against students in school, but only two of the cases were reported to the police.³⁷ That year also saw a case of homophobic violence when, on 27 September, a crowd of minors, members of the Botev Plovdiv football fan club, attacked in Tsar Simeon's Garden in Plovdiv two young girls with eggs and shouted homophobic insults at them. It later emerged that the group had apparently organised itself on Instagram to "cleanse" the park of "gays". The prosecutor's office initiated pre-trial proceedings for bodily injuries with xenophobic and hooligan motives. After the event in Plovdiv, two LGBTI activists received public threats through graffiti, and in one case pre-trial proceedings were instituted.³⁸
51. ECRI underlines the urgent need for the Bulgarian authorities to prevent and counter anti-LGBTI hatred and violence and refers in this context to the recommendation made above in section I.D as well as the recommendation made in § 106 of its last report, namely that the authorities include sexual orientation and gender identity in all the relevant articles of the Criminal Code.³⁹
52. ECRI reiterates its recommendation that the authorities include sexual orientation and gender identity in all the articles of the Criminal Code addressing hate speech and hate crime (Articles 162, 163, 131 and 116).

³⁵ CommDH(2020)8: § 9.

³⁶ RFE/RL (3 November 2021): Bulgarian Presidential Candidate Charged over Violent Attack on LGBT Center.

³⁷ Bulgarian Helsinki Committee, Human Rights in Bulgaria in 2020 (Summary), (2021): 43

³⁸ Bulgarian Helsinki Committee, Human Rights in Bulgaria in 2020 (Summary), (2021): 43.

³⁹ In this context see also the judgement of the European Court of Human Rights in the case of Stoyanova v. Bulgaria of 14 June 2022 (application no. 56070/18).

53. ECRI was informed by LGBTI NGOs that they had good cooperation with the Sofia police also in the context of the protection for the Pride Parade 2021. However, outside of the capital good relationships are unfortunately not yet the norm. The Pride Parade 2021 in the city of Burgas was the first to be held outside Sofia and NGOs complained that the police there were not as good as their colleagues in Sofia at protecting the event from anti-LGBTI protests and violence.

Measures taken by the authorities

54. Since 2019, one LGBTI NGO has worked with the Ministry of Interior and helped to train 54 investigative police officers from across all regions on recognising anti-LGBTI hate crimes. This activity could be considered as a **promising practice**. It is now planned to also extend this training to “reception officers” and ECRI strongly encourages the authorities to do this. ECRI was informed by the authorities that during 2019 and 2020 more than 130 investigative police officers attended trainings on hate crimes against LGBTI persons and another 17, who are designated as contact points by the regional directorates of the Ministry of Interior in several cities, were trained in March 2022. Furthermore, in 2021, the Bulgarian translation of a Council of Europe handbook for policing hate crime against LGBTI persons was disseminated within the Ministry of Interior and the LGBTI NGO Deystvie has also started working with the National Police Academy on a course covering the topic of hatred against LGBTI-persons.
55. The authorities also informed ECRI that further to a review of the Bulgarian Criminal Code by the OSCE Office for Democratic Institutions and Human Rights (ODIHR), focusing in particular on provisions pertaining to anti-discrimination, hate crime and hate speech, issued on 17 April 2018, an amendment to the Criminal Code was introduced in Parliament in 2019 (not yet adopted) that would increase penalties for antisemitic, xenophobic and racist hate crimes from three to five years. The amendment aims to eliminate the possibility to sanction perpetrators with no criminal record with only an administrative fine, and will enact effective prison terms. The ODIHR Opinion also recommended expanding the list of protected characteristics; including them in all provisions dealing with bias-motivated crime and increasing the number of crimes with a specific penalty enhancement, as well as emphasising the importance of correct identification, registration, investigation and punishment of such crimes.
56. As part of ODIHR’s project entitled Building a Comprehensive Criminal Justice Response to Hate Crime, three pilot training courses for police officers and prosecutors (75 participants altogether) took place in the first half of 2018 in three Bulgarian cities. The ODIHR Manual on joint hate crime training for police and prosecutors to address hate crimes was also launched in the Bulgarian language. In 2019, ODIHR assisted Bulgarian civil society organisations in building a coalition of various organisations working to address different forms of intolerance and discrimination. Activities included a workshop on ODIHR’s hate crime methodology and civil society reporting platform in Sofia on 19-21 February 2019. These efforts culminated in the creation of the Bulgarian Hate Crime Recording Coalition, trained to properly record and report hate crimes and equipped with a hate crime recording form.
57. FRA and ODIHR jointly conducted in Sofia on 20-21 June 2019 a support workshop on ways to improve national approaches to official hate crime recording and data collection in Bulgaria. The workshop brought together more than 30 representatives of the police, Ministry of Justice, Prosecutor’s Office, the judiciary and several NGOs involved in hate crime monitoring. In addition to these developments in 2018 a total of 1 286 professional trainings were conducted for police officers working in a multi-ethnic environment and a total of 22 259 police officers were trained.

58. While ECRI commends the Bulgarian authorities for the steps taken to combat hate crime and hate-motivated violence, it was informed by many civil society organisations about a wide-spread unwillingness amongst victims of racist and anti-LGBTI violence to report cases to the police due to a lack of trust in the law enforcement authorities. In this respect, ECRI notes the absence in the police of dedicated hate crime officers or hate crime units which can serve as a permanent link to the communities most affected by hate-motivated violence.
59. ECRI recommends that the authorities establish within the police dedicated hate-crime units to work closely with the communities most affected by hate-motivated violence.
60. ECRI is pleased to note that the at times violent border vigilante groups that existed in 2016 and 2017 have ceased to be active. However, ECRI also expresses its concern that these groups were at some point receiving what could be considered as encouragement from politicians and officials. Furthermore, no case of anti-immigrant violence led to a conviction in the criminal courts, as only one person was put on trial and the initial conviction was subsequently overturned. ECRI strongly encourages the authorities to ensure proper accountability for any such action in the future.

III. INTEGRATION AND INCLUSION

A. Roma

Data and policies

61. Bulgaria has various national minorities. In this respect, ECRI refers to the Advisory Committee on the Framework Convention for the Protection of National Minorities (FCNM) and its work.⁴⁰ The Advisory Committee also covers issues related to the expression of a separate identity, such as mother-tongue education, which are not covered by ECRI. Furthermore, analysing the situation from an integration and inclusion perspective, ECRI does not aim at covering all minority groups in this section, but limits itself to the most socially marginalised one, namely Roma.
62. There is an estimated average of 750 000 Roma persons living in Bulgaria, approximately 9.94% of the population.⁴¹ In its last report, ECRI recommended⁴² that the authorities allocate adequate funding to the National Roma Integration Strategy (2012-2020) for it to be effective and find solutions, in close cooperation with all the communities involved, in order for the National Council for Cooperation on Ethnic and Integration Issues (NCEII) to function efficiently. The NCEII, which functions as an advisory and coordinating body assisting the government in its policy regarding national, ethnic and religious minorities, is chaired by a Deputy Prime Minister and includes senior officials from all ministries and organisations representing national minorities. The NCEII coordinates and monitors the implementation of the National Roma Integration Strategy (2012-2020) and the new National Strategy for Equality, Inclusion and Participation of the Roma (2021-2030)⁴³ and the action plans for the strategies' implementation. In the past, NGOs did not always see the NCEII as effective and groups representing Roma and the Turkish minority have distanced themselves from it at some point. The appointment as chair of the NCEII of a Deputy Prime Minister belonging to an ultra-nationalist party, in 2017-2018, has notably led to the collapse of the NCEII's co-operation with Roma NGOs.⁴⁴ However, this situation seems to have improved again since

⁴⁰ See: Advisory Committee on the Framework Convention for the Protection of National Minorities (ACFC), Fourth Opinion on Bulgaria, 2020.

⁴¹ Council of Europe, Roma and Travellers (2012), Estimates on Roma population in European countries.

⁴² ECRI (2014): § 79.

⁴³ Adopted by the Council of Ministers on 5 May 2022 (Decision No. 278): <https://nccedi.government.bg/en/node/451>

⁴⁴ CommDH(2020)8: § 28.

and ECRI, highlighting its previous recommendation, strongly encourages the authorities to ensure close cooperation and efficient functioning of this mechanism to ensure the implementation of the National Strategy for Equality, Inclusion and Participation of the Roma (2021-2030).

63. The new strategy focuses on the priority areas of education, employment, housing and health, with equality, inclusion and participation being cross-cutting issues. Furthermore, a new emphasis is placed on Roma women which is also reflected in the creation of advisory boards with Roma women and youth. Local level (municipal) Roma integration plans feed into regional ones, which in turn form the basis for the national plan. A common problem, however, is that local authorities do not always receive the necessary resources for what they could do, even when there is the political will among municipal politicians, as seen by ECRI in the city of Plovdiv.

Education

64. According to a UNICEF 2017 report, 45% of Roma children do not attend pre-school education or kindergarten, and 15% do not go to school.⁴⁵ Reports continue to refer to de facto segregation in education for Roma pupils because many Roma live in de facto segregated areas and Roma children mainly study in schools located in such residential areas. These schools are attended mostly by Roma pupils and are often sub-standard.⁴⁶ In this context, ECRI notes that the municipal authorities in Plovdiv attempted, from 2017 until 2021, a de-segregation project that consisted of bussing Roma children from Roma neighbourhoods to three schools in other areas. However, the authorities noted that while a small number of Roma children could be integrated reasonably well into their new schools, this changed when the numbers grew. The municipal experts admit that eventually the attempt failed as a counter-reaction became visible: non-Roma children were moved out of the schools by their parents. The project experience will now be analysed and assessed jointly by the local authorities and the Bulgarian Academy of Sciences which had accompanied the project. ECRI strongly encourages the national authorities to support the analysis as well as future steps local authorities will take to address this problem.
65. Since 1 August 2016, according to the Pre-School and School Education Act, kindergartens and schools may not segregate children of different ethnicities into separate groups or classes.⁴⁷ However, ECRI has heard about such a complaint in Plovdiv. Current data on de facto segregation in schools is generally lacking, but in a 2014 study, the EU's Fundamental Rights Agency had found that, in Bulgaria, the percentage of Roma children up to the age of 15 reported as having attended a special school or class mainly for Roma was 14%.⁴⁸
66. ECRI recommends that the authorities ensure that no de facto segregation of Roma children takes place in kindergartens or schools.
67. Only an estimated 9% of Roma have secondary education and just 0.5% a university degree, according to the 2011 Census. With regard to the latter figure, some progress has been reported: a 2019 survey indicated the share of Roma with tertiary education to be 2.6%.⁴⁹ Although there are no official statistics per ethnicity, many teachers and experts share the opinion that in secondary schools with a majority of Roma students the dropout rate and irregular attendance are higher.

⁴⁵ UNICEF (2017), Situation of women and children in Bulgaria: 10.

⁴⁶ ENLE (2019): 40.

⁴⁷ ENLE (2019): 40.

⁴⁸ EU FRA (2016a), Education: The situation of Roma in 11 EU Member States: 48.

⁴⁹ Angelova, R., Dimitrova, M., et al. (2021), Education and success of the Roma community: Main conclusions from a nationally representative survey of the Roma community in Bulgaria.

During its visit to Plovdiv, ECRI learnt that in the municipal district of Stolipinovo, which is predominantly inhabited by Roma, only 0.1% of residents have a higher education degree and only 6.9% completed secondary education – a large percentage is estimated to have only attended primary school or has no formal education at all.

68. In 2016, the authorities introduced Bulgarian language classes in preschools of a duration of up to 100 hours of tuition for children whose mother tongue is not Bulgarian. Although not exclusively targeting Roma children, the vast majority of the beneficiaries are Roma. It is self-evident that a good knowledge of the language of instruction is a prerequisite for educational success. Given that many, though by far not all, Roma children grow up in a predominantly Romani-speaking family environment, ECRI notes that such language classes are a very positive step. However, it also appears that not all Roma children in need of Bulgarian language classes are enrolled, and furthermore that 100 hours of tuition are not always sufficient.
69. ECRI recommends that the authorities expand the Bulgarian language classes in preschools, both in terms of reaching more Roma children as well as increasing the number of hours where necessary.
70. In order to assess the situation for Roma in education accurately, relevant data is necessary. However, the authorities confirmed to ECRI that they do not collect Roma-specific data in education. On the positive side, there have been many reports about the good work carried out by Roma education mediators, who follow Roma children and their families in the communities and encourage school attendance and completion. ECRI takes note of the fact that the work of these mediators is much appreciated by the families concerned, Roma community representatives and the municipal authorities alike.

Employment

71. As concerns the situation of Roma in the field of employment, ECRI notices a similar problem regarding the absence of Roma-specific data. In the above-mentioned municipal district of Stolipinovo, Roma NGOs estimate the unemployment rate to be 80% or above – compared to a general national unemployment rate of 5.3%. It is self-evident that low educational achievements subsequently translate into considerably lower labour market participation rates and, if employed, low-paid and more precarious jobs.
72. ECRI notes that the public Employment Agency, under the National Roma Integration Strategy 2012-2020 and its Action Plan, provided a number of services to promote the socio-economic integration of disadvantaged groups in the labour market, including of unemployed persons who identified themselves as Roma. In 2020, nearly 30 000 persons, who self-identified as Roma, participated in the various activities offered. These included vocational and competency training, job-seeking and career guidance, the acquisition of entrepreneurial skills as well as providing employment through subsidised jobs. Again, ECRI also heard very positive reports about employment mediators who often help Roma to overcome administrative barriers, inform them about existing support activities and promote those in Roma communities. Nevertheless, it is also noticeable that – leaving the reduced participant numbers for 2020 aside, which are at least in part a result of the Covid-19 pandemic – the participant numbers in 2019 were lower than those in 2017. ECRI strongly encourages the authorities to carry out an evaluation of these activities in order to determine the factors that caused participant numbers to decrease and pay particular attention to the question as to whether very limited formal education, or the complete lack thereof, is an obstacle for some Roma to avail themselves of these support activities. Should this be the case, the authorities should adjust or expand their activities accordingly to ensure that this target group can also benefit.

Housing

73. Roma in Bulgaria often experience difficult housing conditions, including substandard housing, some of it ramshackle, with very limited access to basic infrastructure, security of tenure or essential services, such as public transport, emergency medical aid, waste collection, and, for some, even electricity and water supplies. There is often a de facto housing segregation, with neighbourhoods being predominantly inhabited by Roma while non-Roma move out. In many places, local authorities have for decades ignored Roma housing and infrastructure problems, investing little or nothing in the development of Roma residential areas. The authorities in many places have consistently refused to include Roma residential areas in urban planning and to regulate them. Forced evictions and the lack of social protection for the people rendered homeless by them have further compounded this situation.⁵⁰
74. A very recent study refers to the continuing dire conditions in some Roma settlements. According to a report carried out by the European Environmental Bureau (EEB), a pan-European network of green NGOs, about 60 000 people are estimated to live in the district of Stolipinovo, Europe's largest Roma settlement in Plovdiv. Many are cut off from the piped water and sanitation services which serve the rest of the city.⁵¹
75. Many instances of forced eviction running the risk of homelessness have been documented and remain without remedy for the victims. Reference should be made in this regard to the judgment of the European Court of Human Rights (ECtHR) of 24 April 2012 (final on 24 September 2012) in the *Yordanova and Others v. Bulgaria* case, which concerned collective forced evictions threatening a Roma community. The implementation of this judgment is under enhanced supervision by the Committee of Ministers and the ECtHR.⁵² Roma who had to leave their homes following rallies targeting their communities in several localities, including Voyvodinovo (see §§ 45-47 above), a village from where some 200 individuals left their houses under the threat of mob violence in January 2019, were not provided with adequate alternative housing and many are now living in extremely precarious conditions.
76. According to NGO reports, 89% of demolition orders for residential buildings issued by local authorities in 2012-2016 (in a sample of 61% of municipalities in Bulgaria) concerned Roma houses. Furthermore, NGOs estimate that at least half of Roma in Bulgaria live in illegally built housing. The lack of registration resulting from this situation often has serious consequences for the persons concerned, from the lack of access to health care to the lack of identity documents and the lack of voting rights. Residents of informal settlements are also barred from requesting improvements to the public infrastructure. In most cases, those evicted are not provided with adequate alternative housing. However, temporary solutions have been found in some localities, such as Peshtera, where the municipality paid rent for one year to the evicted persons.⁵³
77. Government attempts to legalise houses in informal settlements have been in general unsuccessful, although legalisation was achieved in some pilot projects such as those carried out in Kjustendil and Dupnitsa. Current legislation only allows the legalisation of houses built before 31 March 2001, whereas other houses can

⁵⁰ ENLE (2019): 44.

⁵¹ The Guardian (6 April 2020), "Roma suffer under EU's 'environmental racism', report concludes".

⁵² ENLE (2019): 44 and footnote 246 and 247; European Court of Human Rights, Application No. 25446/06. See also the Interim Resolution CM/ResDH(2020)357 on the Execution of the judgments of the European Court of Human Rights, *Yordanova and Others* group against Bulgaria at: <https://hudoc.exec.coe.int/eng?i=001-206991>, as well as Bulgaria's Country Factsheet by the ECtHR at: <https://rm.coe.int/1680709740>.

⁵³ CommDH(2020)8: § 18.

be demolished at any time.⁵⁴ Many municipalities are reported not to have social housing available, and they are not under a legal obligation to set aside funds for this purpose. Only a few municipalities are in the process of building new social housing, funded by an EU programme.⁵⁵ In addition to the shortage of social housing in general there are other obstacles to Roma's access to social housing. Municipalities are free to establish their own eligibility criteria for social housing, which often include the requirement that applicants should not have previously lived in an "illegal" building or should already have a formal address. Another obstacle is public opposition at local level, which has prompted some municipalities to cancel construction projects.⁵⁶

78. ECRI recommends that the authorities protect Roma housing from demolitions that are not in line with the relevant safeguards (such as sufficient notice period, the possibility of legal remedies, and the provision of alternative accommodation) provided for by relevant international texts.

Health care

79. Due to lack of employment, a number of Roma do not have health insurance. Recipients of social welfare payments are supposed to pay a contribution (approximately € 6 per month) for their public health insurance from the amount they receive. However, many Roma are either unaware of this or struggle to make ends meet with the amounts available to them. In such a situation, additional unforeseen expenditures, like those necessitated by the Covid-19 pandemic (masks, disinfection gels), also cause problems. Roma health mediators have been reported to provide very useful assistance in giving advice and information, for example on health insurance rules or pandemic-related regulations (see also section IV.A).

80. The CPD has been consulted regarding a problem with a statement by a former health minister who, after an incident, declared that he will not allow emergency vehicles to serve citizens in Roma neighbourhoods anymore. ECRI understands that this has been rectified and is no longer a problem. Nevertheless, it invites the authorities to ensure that the right of Roma to access necessary health care is not put into question by public officials again.

General comments

81. The preceding paragraphs referred *inter alia* to the positive work of the Roma mediators in the areas of health, employment and education, examples of which ECRI also heard about during its visit to Plovdiv.

82. ECRI recommends as a matter of priority that the authorities increase the number and scale up the successful work of Roma mediators in the areas of health, education and employment.

83. As mentioned above, the Bulgarian authorities do not collect comprehensive equality data on the integration of Roma in the areas of education, employment, housing and health. The absence of such data makes an in-depth evaluation of the effectiveness of existing measures very difficult.

84. With regard to the implementation of the National Strategy for Equality, Inclusion and Participation of the Roma (2021-2030) and the related national, regional and local action plans, an important role for achieving overall transformative results is played by municipalities. As a result, the wide range of attitudes and practices among local authorities vis-à-vis the situation of Roma significantly impacts on the implementation of the strategy. Providing support, including financial resources,

⁵⁴ CommDH(2020)8: § 20.

⁵⁵ CommDH(2020)8: § 21.

⁵⁶ CommDH(2020)8: § 22.

and capacity building for local authorities is a crucial factor in the process towards delivering tangible results for the integration of Roma.

85. ECRI recommends that the authorities scale up and improve their measures for Roma integration by, inter alia, collecting comprehensive and gender(sex)-disaggregated Roma-specific data in the areas of education, employment, housing and health. The data collection should respect the principles of informed consent, self-identification, confidentiality and exclusive use for the promotion of Roma equality. The authorities should also provide increased support, including financial resources, and capacity building on Roma integration to municipalities, including with the aim of harmonising standards across the country. When implementing this recommendation, the authorities should draw inspiration from ECRI's General Policy Recommendation No. 13 on combating antigypsyism and discrimination against Roma.

B. Refugees and beneficiaries of subsidiary protection

Overview

86. The number of recognised refugees and beneficiaries of subsidiary protection⁵⁷ in Bulgaria has declined after the 2015 migration crisis, during which a high number of migrants entered Bulgaria but mainly with the intention of continuing their journey towards Western European countries. In 2015 and 2016, Bulgaria received approximately 20 000 asylum applications annually. The annual numbers dropped to between 2 000 and 4 000 in the period 2017-2020. In these four years, a total of around 1 400 persons received refugee status and some 2 300 persons received subsidiary protection status. In 2021, asylum applications have risen again sharply to nearly 11 000, mainly due to a spike in the later part of the year: more than half of the applicants were from Afghanistan. This growth in applications underlines the need to booster and expand existing integration measures.⁵⁸
87. Asylum-seekers have access to healthcare from the moment of their application for protection. In addition, reception centres have healthcare and social workers' services available. If a decision on the protection application is not made within three months, asylum-seekers have the right to work. If a protection status is granted, the beneficiaries have the same rights in terms of employment (except for certain civil service positions for which Bulgarian citizenship is required), education, housing and social welfare assistance as Bulgarian citizens. From this moment on they can also apply for family reunification for which there are no specific conditions as regards income or housing. There is generally no difference between refugees and beneficiaries of subsidiary protection in terms of rights and access to services, with the only exception that the first group receives five-year residence permits and the latter three-year ones.
88. In 2015, the government adopted a National Strategy on Migration, Asylum and Integration for the period 2015-2020 which, inter alia, covered persons who have been granted asylum or refugee status in Bulgaria. It was subsequently followed by the National Strategy on Migration 2021-2025. Under the 2015-2020 strategy a National Council on Migration and Integration was set up, which is a collective advisory body for the formulation and coordination of the implementation of state policies in the field of migration and integration of foreigners seeking or receiving protection in Bulgaria. The national strategy defined integration as a two-way process (which ECRI has also repeatedly emphasised). However, unlike previously there are no nationally coordinated integration programmes and introduction courses anymore and responsibility for integration has been delegated to the local authorities (see paragraph below). As a result, for example, in 2018

⁵⁷ The Bulgarian authorities use the term "humanitarian status".

⁵⁸ Bulgarian State Agency for Refugees with the Council of Ministers (2021), Statistics and reports. Available at: <https://www.aref.government.bg/en/node/179>.

only 13 beneficiaries of international protection received integration support: not under the national integration mechanism, but through EU funded activities.⁵⁹

89. In July 2017, an Ordinance on the conditions and procedure for concluding, implementing and terminating the agreement on the integration of foreigners with granted asylum or international protection was adopted. According to the Ordinance, local authorities are responsible for the initiation and implementation of policies and measures for the social inclusion and integration of refugees and persons with subsidiary protection status accommodated in their area. The integration agreement is then concluded between the person with asylum or subsidiary protection and the municipality. The agreement, which normally covers a three-year duration, should include specific integration activities in terms of education, employment, training, housing, health and social assistance and social services. However, many NGOs criticise that there are not enough funds made available to the municipalities for integration activities and at the same time rules, measures and expected outcomes are insufficiently defined. It is therefore maybe not surprising that according to data from the State Agency for Refugees (SAR), as of 1 September 2019, only four agreements, covering 26 persons, were concluded. And, although these integration agreements might confer benefits on the refugee or person benefiting from subsidiary protection, they are not part of an automatic process because they are only offered by certain municipalities (with the SAR only acting as the intermediary linking interested individuals and municipalities). While national integration programmes have been largely abolished, local-level ones are currently still unable to adequately fill the gap. The Bulgarian Helsinki Committee even criticises this as a “trend towards zero integration”.⁶⁰

Language courses, education and employment

90. The authorities emphasise an early transition from initial support provided in terms of accommodation for asylum-seekers and Bulgarian language courses to equal treatment on the same footing as Bulgarian citizens for those who receive protection status. The focus of this approach is on promoting early labour market participation. While this is not necessarily in itself a wrong approach, ECRI points to the need to ensure that protection beneficiaries are adequately equipped and prepared, including through *sufficient* language training and skills-building that take their educational background and professional experiences into consideration (see below). This will not only enhance the probability of protection beneficiaries becoming economically self-sufficient but can also greatly increase the contribution that they can make in the long run to the Bulgarian economy and society in general. It should also be noted that an equal footing with Bulgarian citizens in terms of access to social welfare benefits can be based on a misleading assumption, namely that the needs and the available coping mechanisms are equal: especially in economically challenging times such as the Covid-19 pandemic a serious additional hardship can result from not having access to and support from established social networks like family and friends.
91. According to the Pre-school and School Education Act (PSEA), children of the obligatory preschool and school age, residing in the country, including foreign nationals and those seeking or granted international protection, shall be provided with free training and additional teaching, if necessary, in the Bulgarian language. The training is conducted individually or in groups in classes additional to the school curriculum for 12 months. Pupils seeking or receiving international protection who have gaps or difficulties in mastering the educational content, are provided with further training in the Bulgarian language and in other subjects in accordance with the Ordinance on inclusive education. However, in this context,

⁵⁹ Bulgarian Helsinki Committee (2020): 22.

⁶⁰ BHC (2020): 32.

ECRI finds it problematic that the authorities do not collect data on the educational outcomes of children with refugee or subsidiary protection status.

92. In 2014 the Programme for Employment and Training of Refugees was adopted. This programme is operated by the Employment Agency and aims at encouraging the integration of refugees and beneficiaries of subsidiary protection into the labour market. Under the programme a procedure for the selection and inclusion in training with a duration of 180 school hours in the key competence "Communication in a foreign language - Bulgarian language" has been organised for 200 unemployed persons who have been granted refugee or subsidiary protection status. Another procedure, for selection and inclusion in training with a duration of 300 school hours for acquiring the first degree of a professional qualification or qualification in part of a profession has also been organised for 100 unemployed persons who have received refugee or subsidiary protection status. Each unemployed person involved in training is provided with a stipend for each day of attendance as well as transport costs. While these are commendable initiatives, ECRI notes that they only cover a certain selected number of beneficiaries, with the standard language introduction courses that are made available to all refugees and beneficiaries of subsidiary protection having been described by many interlocutors as generally insufficient, both in terms of duration and availability. It is laudable that different NGOs offer Bulgarian language classes to this group of persons, but ECRI considers it problematic for the authorities to rely on NGOs to ensure that the necessary level of Bulgarian language instruction is provided.
93. The above-mentioned programme includes professional qualification training, such as for construction workers, bakers, stock and plant breeders, waiters, chefs and hairdressers; and full-time subsidised employment for up to 12 months for unemployed international protection status holders.⁶¹ The Ministry of Labour and Social Policy provides financial incentives for employers to employ and train unemployed adult refugees. Funds are provided for up to 12 months towards salaries and associated costs. The programme for the employment and training of refugees was extended in February 2020 by Order of the Minister of Labour and Social Policy. However, it appears that an in-depth evaluation of these measures would be urgently needed, especially as, reportedly, the beneficiary numbers have been rather low (157 persons in the period 2019-2021).
94. ECRI recommends that the authorities scale up and expand their integration measures for refugees and beneficiaries of subsidiary protection (especially Bulgarian-language training for adults as well as skills-building and employment support) in order to reach more beneficiaries, either through the re-establishment of national integration programmes or the adequate funding and comprehensive roll-out of local-level activities.
95. The authorities informed ECRI that between late February and May 2022, Bulgaria has welcomed more than 80 000 Ukrainians, mostly women and children.⁶² They have been accommodated predominantly in cities close to the Romanian border, with 95% of them registered for temporary protection. While initially staying in hotels at the expense of the state, the authorities plan to relocate them to state and municipal centres throughout the country. Over 2 500 have started working on employment contracts. All persons arriving from Ukraine benefit from access to healthcare, social services and education, and receive daily allowances. Free Bulgarian language courses are also available for them in a number of locations. In addition, the Bulgarian Red Cross offers food, clothing, toys, as well as medical and hygiene supplies. ECRI commends the Bulgarian authorities for their efforts in

⁶¹ EU FRA (2018), Current migration situation in the EU: Impact on local communities (update): 13.

⁶² Official information received in May 2022. See also, in this connection, ECRI's statement on the consequences of the aggression of the Russian Federation against Ukraine (adopted at ECRI's 88th plenary meeting of 29 March – 1 April 2022).

offering protection and support to the many people who arrived from Ukraine and sought refuge in the country.

IV. TOPICS SPECIFIC TO BULGARIA

A. The Covid-19 health crisis

96. ECRI notes that Bulgaria, like all Council of Europe member states, has been severely affected by the Covid-19 health crisis since early 2020. The negative social and economic consequences, including as a result of the necessary lock-downs and other restrictions, has impacted the entire society. Nevertheless, it is important to point out that vulnerable groups that were already marginalised before the pandemic have been particularly badly affected. This concerns especially the Roma community in Bulgaria.
97. As concerns the schooling of Roma children, the various shortcomings already explained in section III.A above have only been intensified by the temporary switch to online education. While this has affected all children in the country, Roma children are particularly affected due to crowded housing conditions, lack of necessary IT-equipment, as well as unreliable Internet connectivity or electricity supply which many (though not all) Roma living in disadvantaged or informal residential areas experience. ECRI was informed by the Bulgarian education authorities that they are aware of this problem and initiated a support programme with the aim of providing tablets or laptop computers to disadvantaged children (not limited to but also including many Roma children). However, this support activity was hampered by cases in which parents did not use the allocated funds for the intended purpose. ECRI strongly encourages the authorities to continue finding solutions for this problem if there should be a need for online-teaching again in the future.
98. The pandemic has had a negative impact on employment and income levels for many Bulgarians, but the already very difficult situation before the pandemic of many Roma in the field of employment has particularly worsened because of the health crisis. The fact that many Roma work in the informal and/or the service economy, which was disproportionately badly affected by lock-downs and closures and where teleworking (“home office”) is not an option rendered them especially vulnerable to losing their jobs, incomes and livelihoods.
99. ECRI recommends that the Bulgarian authorities take the heightened vulnerabilities, as a result of the Covid-19 pandemic, of many Roma in the areas of education and employment into consideration in the future implementation of the National Strategy for Equality, Inclusion and Participation of the Roma (2021-2030), but also when designing socio-economic recovery programmes for persons affected by the pandemic. Furthermore, the authorities should make the best possible use of Roma health mediators in terms of overcoming any existing misunderstandings or mistrust resulting from measures taken during the pandemic.

B. Interim follow-up recommendations

100. In its fifth report, ECRI recommended that the authorities urgently organise an awareness-raising campaign promoting a positive image of and tolerance for asylum seekers and refugees and ensuring that the public understands the need for international protection. In its 2017 interim follow-up conclusions, ECRI noted that this recommendation had not been implemented. Since then, the Bulgarian authorities informed ECRI that an EU-funded project “Tolerant society for integration of persons seeking or receiving international protection” was implemented in Bulgaria from 2017 to 2019 in cooperation with NGOs and UNHCR. The project aimed at raising the level of awareness among the Bulgarian public about persons seeking or receiving international protection and forming tolerance or positive attitudes towards them, also in order to facilitate their full integration into the society. The activity involved around 800 beneficiaries of international

protection and some 10 000 Bulgarians. The related national campaign included television programmes, regional roundtables, information materials and a conference at national level. Local authorities, in particular the city of Sofia also participated with a variety of activities.

101. In its fifth report, ECRI recommended that the Commission for Protection against Discrimination (CPD) produces and publishes information about discrimination, and explaining the procedures for discrimination complaints, in a variety of languages used in the country and disseminates it widely. In its 2017 conclusions, ECRI found that this recommendation had been partially implemented and commended in particular the website of the CPD to which a tool had been added to produce translations of relevant information about the CPD procedures into a large number of languages. At the time, ECRI regretted that complaints to the CPD had to be transmitted in Bulgarian or at least with a Bulgarian translation if the original was drawn up in a different language. The authorities refer in this regard to Article 3 of the Constitution of the Republic of Bulgaria which stipulates that Bulgarian shall be the official language of the state. However, ECRI also notes that the Advisory Committee on the Framework Convention for the Protection of National Minorities (FCNM) referred to the possibility, in the case of persons who have no command of the Bulgarian language, that their complaint would be translated. Nevertheless, the Advisory Committee regretted that no provisions were made at least for persons belonging to the two largest ethnic minorities in the country to address the CPD in their first language, namely Romani and Turkish. ECRI concurs with the view of the Advisory Committee that this could lower the threshold for individuals to file complaints and be a valuable symbolic gesture towards these groups.⁶³ It therefore strongly encourages the Bulgarian authorities to consider this possibility, also taking into consideration Article 53(2) of the Anti-Discrimination Act.

⁶³ ACFC (2020): § 41.

INTERIM FOLLOW-UP RECOMMENDATIONS

The two specific recommendations for which ECRI requests priority implementation from the Bulgarian authorities are the following:

- (§ 19) ECRI recommends that the Bulgarian authorities set up an LGBTI working group, which should include relevant organisations from the LGBTI community, to carry out research into existing forms of discrimination against LGBTI persons with a view to developing a national strategy and action plan to combat intolerance and discrimination against LGBTI persons.
- (§ 82) ECRI recommends that the authorities increase the number and scale up the successful work of Roma mediators in the areas of health, education and employment.

A process of interim follow-up for these two recommendations will be conducted by ECRI no later than two years following the publication of this report.

LIST OF RECOMMENDATIONS

The position of the recommendations in the text of the report is shown in parentheses.

1. (§4) ECRI recommends that the Bulgarian authorities amend the Anti-Discrimination Act (2005) with a view to granting functional immunity to members of the Commission for the Protection of Discrimination in line with § 24 of ECRI's General Policy Recommendation No. 2 (revised) on Equality Bodies to combat racism and intolerance at national level.
2. (§9) ECRI recommends that the Bulgarian authorities set up a system to monitor and counter racist and anti-LGBTI incidents in schools.
3. (§17) ECRI reiterates its recommendation that the authorities develop legislation on gender reassignment (change of a person's sex) and its recognition ensuring that it is in line with international human rights standards and expertise.
4. (§19) ECRI recommends as a matter of priority that the Bulgarian authorities set up an LGBTI working group, which should include relevant organisations from the LGBTI community, to carry out research into existing forms of discrimination against LGBTI persons with a view to developing a national strategy and action plan to combat intolerance and discrimination against LGBTI persons.
5. (§42) ECRI recommends that the authorities build on the positive actions they have taken to prevent and combat antisemitism in order to take similar measures with regard to other vulnerable groups that are exposed to hate speech.
6. (§47) ECRI strongly recommends that the authorities take all necessary measures to prevent threats and violence against Roma by groups of local residents and ensure that the authors of any such threats and perpetrators of any such violence are held accountable.
7. (§52) ECRI reiterates its recommendation that the authorities include sexual orientation and gender identity in all the articles of the Criminal Code addressing hate speech and hate crime (Articles 162, 163, 131 and 116).
8. (§59) ECRI recommends that the authorities establish within the police dedicated hate-crime units to work closely with the communities most affected by hate-motivated violence.
9. (§66) ECRI recommends that the authorities ensure that no de facto segregation of Roma children takes place in kindergartens or schools.
10. (§69) ECRI recommends that the authorities expand the Bulgarian language classes in preschools, both in terms of reaching more Roma children as well as increasing the number of hours where necessary.
11. (§78) ECRI recommends that the authorities protect Roma housing from demolitions that are not in line with the relevant safeguards (such as sufficient notice period, the possibility of legal remedies, and the provision of alternative accommodation) provided for by relevant international texts.
12. (§82) ECRI recommends as a matter of priority that the authorities increase the number and scale up the successful work of Roma mediators in the areas of health, education and employment.

13. (§85) ECRI recommends that the authorities scale up and improve their measures for Roma integration by, inter alia, collecting comprehensive and gender(sex)-disaggregated Roma-specific data in the areas of education, employment, housing and health. The data collection should respect the principles of informed consent, self-identification, confidentiality and exclusive use for the promotion of Roma equality. The authorities should also provide increased support, including financial resources, and capacity building on Roma integration to municipalities, including with the aim of harmonising standards across the country. When implementing this recommendation, the authorities should draw inspiration from ECRI's General Policy Recommendation No. 13 on combating antigypsyism and discrimination against Roma.
14. (§94) ECRI recommends that the authorities scale up and expand their integration measures for refugees and beneficiaries of subsidiary protection (especially Bulgarian-language training for adults as well as skills-building and employment support) in order to reach more beneficiaries, either through the re-establishment of national integration programmes or the adequate funding and comprehensive roll-out of local-level activities.
15. (§99) ECRI recommends that the Bulgarian authorities take the heightened vulnerabilities, as a result of the Covid-19 pandemic, of many Roma in the areas of education and employment into consideration in the future implementation of the National Strategy for Equality, Inclusion and Participation of the Roma (2021-2030), but also when designing socio-economic recovery programmes for persons affected by the pandemic. Furthermore, the authorities should make the best possible use of Roma health mediators in terms of overcoming any existing misunderstandings or mistrust resulting from measures taken during the pandemic.

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APPENDIX: GOVERNMENT'S VIEWPOINT

The following appendix does not form part of ECRI's analysis and proposals concerning the situation in Bulgaria

ECRI, in accordance with its country-by-country procedure, engaged into confidential dialogue with the authorities of Bulgaria on a first draft of the report. A number of the authorities' comments were taken on board and integrated into the report's final version (which, in line with ECRI's standard practice and unless otherwise indicated, could only take into account developments up until 30 March 2022, date of the examination of the first draft).

The authorities also requested that the following viewpoint be reproduced as an appendix to the report.

COMMENTS OF THE GOVERNMENT OF THE REPUBLIC OF BULGARIA ON THE SIXTH REPORT OF THE EUROPEAN COMMISSION AGAINST RACISM AND INTOLERANCE ON BULGARIA

The Government of the Republic of Bulgaria appreciates that in the Sixth Report of the European Commission against Racism and Intolerance (ECRI) on Bulgaria, progress in a number of areas in the field of combating racism and intolerance have been recognized.

The visit of ECRI, together with the additional information provided by the Republic of Bulgaria, was prepared with the assistance of the National Council for Cooperation on Ethnic and Integration Issues, the Ministry of Interior, the Ministry of Justice, the Ministry of Education and Science, the Ministry of Culture, the Ministry of Labour and Social Policy, the Ministry of Regional Development and Public Works, the Ministry of Health, the Supreme Prosecutor's Office of Cassation, the National Commission for Combating Trafficking in Human Beings, the National Statistical Institute, the Council for Electronic Media and the Commission for Protection against Discrimination, under the coordination role of the Ministry of Foreign Affairs.

The Government would like also to thank ECRI for adopting a number of comments made by the Bulgarian authorities to the draft version of the report as well as for accepting some of the additionally provided explanations, which resonated in the final text of the report. The Government is fully determined to take into consideration the proposed recommendations in the report to further improve the actual situation on the ground in the country.

* * *

In line with the established procedure concerning the possibility for a country under monitoring to provide its viewpoints in a separate Appendix, the Government provides the following additional and explanatory information:

I. General comments

The Republic of Bulgaria is a party to all major international legal instruments in the field of human rights and is committed to ensure full protection and realisation of human rights on its territory. All Bulgarian citizens are provided with the opportunity to freely state their affiliation to a certain ethnic, religious, linguistic or other group. The protection of their rights and freedoms is guaranteed by the Bulgarian Constitution, the national legislation and Bulgaria's international legal obligations in the field of human rights, in strict conformity with the principles of equality and non-discrimination.

The **Constitution of the Republic of Bulgaria** raises the rights, dignity and security of the individual to supreme principles. In this way, the respect for equality and non-discrimination is guaranteed at the highest legislative level. No restrictions on rights or privileges based on race, national or social origin, ethnic identity, sex, religion, education, opinion, political affiliation, personal and social status or property status are permitted (*art. 6, para. 2 of the Constitution*). Those grounds reflects the ones specified in art. 14 of the European Convention on Human Rights (ECHR), art. 2, para. 1 of the International Covenant on Civil and Political Rights, art. 2, para. 2 of the International Covenant on Economic, Social and Cultural Rights, art. 10 of the Treaty on the Functioning of the European Union and art. 21 of the Charter of Fundamental Rights of the European Union.

The Constitutional Court ensures the supremacy of the Constitution. In accordance with art. 14, para. 6 of the Constitutional Court Act, the decisions of the Court are binding to all state bodies, legal entities and citizens.

The **Protection against Discrimination Act** establishes a dedicated independent state body, namely the Commission for Protection against Discrimination (CPD). The CPD decides on citizen appeals regarding direct and indirect forms of discrimination based on the constitutional grounds as well as all grounds provided in law or in international agreement to which the Republic of Bulgaria is a party (*art. 4 of the Protection against Discrimination Act*).

The **Ombudsman's Act** settles the legal status, organisation and activity of the institution to intervene when the rights and freedoms of citizens are violated by state authorities or by natural or legal persons subject to private law. In accordance with Art. 150, para. 3 of the Constitution, the Ombudsman may approach the Constitutional Court with a request for declaring as unconstitutional a law which infringes human rights and freedoms.

The other relevant normative acts are the Equality of Women and Men Act, the Child Protection Act, the People with Disabilities Act and the Protection against Domestic Violence Act. In addition to those specific acts, a number of general acts contains anti-discrimination provisions such as the Penal Code and the Legal Aid Act. The Civil Servants Act and the Labour Code also include provisions regarding the protection of the rights, legal interests and freedoms of the citizens.

With regard to the two specific interim recommendations of ECRI, the Government would like to make the following clarifications:

1. On paragraph 19, in light of the model enshrined in the Constitution of the Republic of Bulgaria, the authorities would like to use the opportunity to reiterate the State's official position regarding **the use of term "gender" and "gender identity"**. As per Decisions № 13/2018 and 15/2021 of the Constitutional Court of the Republic of Bulgaria, the term "gender" in the national legal system refers to the two sexes – female and male – that are biologically defined.

In Judgement № 15/2021, the Constitutional Court recognizes that some individuals could self-identify according to their own feelings regarding gender, which is regarded as the so-called "gender identity". The right of these persons to self-identify and to express themselves and communicate in their social life is not questioned and is protected as by art. 8 of the ECHR. It is also protected as by art. 4, para. 2 of the Constitution of the Republic of Bulgaria, guaranteeing the life, dignity and rights of the individual as values of the highest rank. The framework, within which the State is obliged to assist their identity status, remains within the firm context of the Constitution.

However, it should be noted that prohibition of discrimination based on "gender identity" is not included neither in the European Convention on Human Rights, nor in the EU acquis. The Republic of Bulgaria is under no obligation to recognise the concept of "gender identity" in the domestic legislation as the category is not part of the core international human rights law, which lays down the obligations and the standards which States are bound to respect.

2. On paragraph 82, on 5 May 2022, the Council of Ministers adopted the **National Strategy of the Republic of Bulgaria for Equality, Inclusion and Participation of Roma (2021-2030)** and the National Action Plan for its implementation for the period 2022-2023. The leading document in the development of the Strategy is the National Development Programme: Bulgaria 2030. The Strategy outlines the framework for implementation of policies for the socio-economic inclusion and participation of Roma. Its long-term goal is to ensure effective equality and reducing disparities between persons who self-identify themselves as Roma and the rest of the population. The Strategy establishes three horizontal goals - equality, inclusion and participation within the four spheres of action - education, health, housing and employment. The fight against discrimination is foreseen as a horizontal priority in all four spheres.

II. Specific comments

3. On paragraphs 3-4, ECRI's General Policy Recommendation No. 2 proposes functional immunity in view of the independence of the national equality bodies from state influence, specifically affecting their administrative independence, but **not** the immunity of their members from civil and/or criminal jurisdiction.

The Constitution of the Republic of Bulgaria in art. 69, art. 103, para. 1, art. 132 and art. 147, para. 6, declares which state bodies shall enjoy functional immunity. Although not included in those articles, the independence, impartiality and effectiveness of the CPD is fully guaranteed by the existing primary legislation. The status of CPD is legally enshrined in art. 40, para. 1 of the Protection against Discrimination Act (PADA), which stipulates that in the exercise of its powers, CPD is not subordinated to other state bodies. As a quasi-judicial body, CPD is completely separate from the state's legislative, executive and judicial branches. The decisions of CPD are taken on the basis of internal conviction of the members and are finalised by a simple majority of the members of the panel, pursuant to art. 64 of the PADA. The decisions of CPD may be subject to judicial review by the Supreme Administrative Court, pursuant to art. 68-70 of the PADA.

4. On paragraph 10, the Ministry of Interior prepares annual reports on its activities, which include statistical data. The reports contains official figures on the migration pressure, including numbers of irregularly present migrants in the Republic of Bulgaria.

They are published on the Ministry of Interior Internet [website](#) and are publicly available.

5. On paragraph 11, the Republic of Bulgaria has elaborated and adopted two consecutive national strategies in the field of migration management. They cover the periods 2015-2020 and 2021-2025. Both documents outline the goals, principles and target groups as well as the national polities, including irregular migration and integration. Each strategy is implemented through action plans.

The strategic documents are published at the Ministry of Interior [website](#) and are publicly available.

6. On paragraph 12, the Directorate "Migration" of the Ministry of Interior processes, systematizes and analyses the information on irregularly present migrants in the country, which is received through the Ministry's bodies. Information on the number of irregularly present citizens of third countries is presented on a monthly basis to the European Border and Coast Guard Agency (FRONTEX).

7. On paragraph 13, article 21, para. 2 of the Statistics Act states that natural persons are not obliged to provide the statistical authorities with data concerning their race, nationality, ethnic origin, religion, health status, private life, party affiliation, committed legal offences, philosophical and political views. The right to self-determine one's personal sexual orientation is considered as a subject to this person's private life. In addition, article 22 of the Statistics Act requests the National Statistical Institute (NSI) and the statistical authorities to inform the persons, who are subject of the statistical surveys, about their rights and obligations, the purpose, scope and manner of conducting the surveys, as well as the guarantees for data confidentiality and protection of secrecy. Those provisions are in line with the requirements for processing of special categories of personal data enshrined in art. 9, para. 1 of the EU Regulation 2016/679 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data.

"Census 2021" was held in the period 7 September – 3 October 2021. The toolkit (*counting cards and instructions*), used during "Census 2021", was developed with respect to the current UN recommendations on the facilitation of the census cycle. The "Household" section of the counting cards is structured to complete information on the persons and their

relations in a single household. The person's relation towards the other family members could be marked as partner, where is particularly specified that it means "cohabitation without a marriage". This opportunity is provided to all units of surveying during Census 2011 with no discrimination based on sex.

8. On paragraph 15, no reference to published surveys and/or analyses is presented to verify the statement that "*more than 200 legal aspects in which LGBTI persons could be considered as being discriminated against*". The assumption lacks transparency on the sources used to be formulated, thus, it could be regarded merely as a personal observation.

The authorities would like to recall their previously explained position that the lack of information about certain allegations deprives them of the opportunity to verify those statements and, accordingly, to provide an adequate response.

9. On paragraph 16, the State's position regarding the use of "gender" and "gender identity" is provided in Section I.1. of the present comments.

The absence of an explicit legal regulation for "gender" reassignment in the Republic of Bulgaria is not an obstacle for referral on the matter to the Bulgarian court. The Civil Registration Act specifies that the basic data for civil registration of a person includes the name, date and place of birth, sex, citizenship and unified civil number. The change of data about the civil status of a person is made only by judicial order under the regulation of art. 73 of Civil Registration Act. In addition, art. 79. para. 5 of the same Act specifies that by administrative order cannot be changed the name of the titular, except in the cases explicitly provided in the Act, the date of birth, marriage or death and sex. In the *case Y.T. vs. Bulgaria*, the European Court of Human Rights (ECtHR) concludes that "the domestic authorities' refusal to grant legal recognition to applicant's sex reassignment, without giving relevant and sufficient reasons, and without explaining why in other cases such recognition could be possible, has constituted an unjustified interference with the applicant's right to respect for his private life". The ECtHR accepts that in the Republic of Bulgaria the non-admission of sex reassignment is an isolated practice.

Moreover, sex reassignment procedures are available to patients in the health network in the Republic of Bulgaria. Ordinance № 4/24.02.2021 for approval of the medical standard "Plastic-reconstructive and aesthetic surgery"⁶⁴ includes the specifications for sex reassignment operation in item 6.3.2.1.31 of the list of operations and manipulations.

10. On paragraph 17, the Bulgarian authorities would like to underline that ECRI's concrete recommendation to "*develop legislation on gender reassignment and gender recognition*" is not in line with the ECRI General Policy Recommendations. In additions to the explanations provided in Section.I. of the present comments, the authorities would like also to remind ECRI of the fact that the Republic of Bulgaria is under no international obligation to develop and/or adopt a legislation on "gender" reassignment. The recognition in the national legal order of such obligation is also not included in the international human rights law.

The Bulgarian authorities expect ECRI's recommendations in these sensitive to every person private life's areas to be based on a preliminary analysis of the domestic legal order of the concerned country with respect to the existing international regulations and obligations. Such recommendations needs to be found on solid anticipatory researches for their impact assessment on the development of the person, which will make them applicable in practise.

⁶⁴ The text of the Ordinance is available at: https://www.mh.government.bg/media/filer_public/2021/03/18/naredba4-24-02-2021-standart-plastichna-hirurgiq.pdf

In light of the above, the authorities see the dialogue with ECRI as an opportunity for expert assistance on specific issues, which is not vitiated by the inapplicability of the suggested measures and/or recommendations.

11. On paragraph 20, no reports, information or explanatory examples are provided to support the statement that *“intersex issues are often pathologied by healthcare professionals in Bulgaria and are frequently considered to necessitate a medical response”*. As explained, the lack of transparency on the sources used to formulate the statement prevent its verification by the Bulgarian authorities and thus, it could be considered as a personal observation.

12. On paragraphs 21-24, there is a contradiction between the conclusion *“this political phenomenon is particularly noticeable in political discourse, especially in the run-up to local or national elections, of which several were held in 2021”* and the examples presented in the paragraphs, which are isolated cases from 2019. The listed isolated cases date from a period prior to the three parliamentary elections and two rounds of president elections held in 2021.

The authorities would like also to stress that, in order to avoid misinterpretations and create false impressions, statements of certain politicians and public figures should not be taken out of their context. They cannot also be accepted as representative to all political parties or the entirety of political leadership in the country.

13. On paragraphs 44, there is contradiction between the statement *“a reported increase in the hate-motivated violence perpetrated against members of minorities in Bulgaria, including a series of anti-Roma attacks”* and the only two examples presented in the subsequent **paragraphs 45 and 46**, both of which occurred in 2019. The statement is not supported by statistical information nor published analyses and reports, which reflects on its objectiveness and authenticity.

14. On paragraph 52, in view of the decision of the ECtHR on the *case of Stoyanova vs. Bulgaria*, amendments to Penal Procedure Code have been prepared. One of the proposed amendments envisages changes in art. 116 and 131 of the Penal Code to include severe penalties on murder and bodily harm, committed on ground of sexual orientation of the victim.

The draft law is published for preliminary public consultations at the Ministry of Justice website and sent to the Venice Commission for opinion with Note Verbale PV-4.1-300/27.07.2022.

15. On paragraph 61, while the Republic of Bulgaria has ratified the Framework Convention on Protection of National Minorities, the State adheres to the principle that the protection of minorities is most effectively ensured by fully guaranteeing the individual rights and freedoms of the persons belonging to those minorities. Therefore, the authorities do not accept the statement in the report that *“Bulgaria has various national minorities”*.

As the issue of the recognition of existence and granting of rights to national minorities is subject to domestic legal regulation, the Bulgarian authorities could only understand and accept the above statement as referring to *“persons, belonging to minority groups”*.

16. On paragraph 64, there has never been a policy of school "segregation" – de jure or de facto - of Roma children in the national education system of the Republic of Bulgaria. The fact that in some neighbourhoods in certain towns and particular schools are attended predominantly by pupils of Roma origin is related to the domicile of the family and the profile of the neighbourhoods. There are no rules, nor have been, where the ethnic origins of the child is related to the admittance to any public school. Therefore, the term "segregation" (incl. “de facto”) with respect to Roma children is inaccurate.

The inclusion into the education system of children of compulsory pre-school and school age, as well as the ensuring of equal access to education for all citizens of the Republic of Bulgaria, including Roma children, is a major priority in the work of every Bulgarian government. The Ministry of Education and Science is directly involved in this process. The Centre for Educational Integration of Children and Students from Ethnic Minorities also supports the policies of the Ministry of Education and Science to promote cultural diversity, prevent discrimination and foster tolerance.

In 2018, a special permanent Mechanism for joint work of the institutions for coverage, inclusion and prevention of dropping out of the education system of children and students of compulsory pre-school and school age was introduced. The Mechanism regulates the functions of the individual institutions at national, regional and municipal level as well as the activities of the outreach teams in the process of searching for and including the children of pre-school and school age not enrolled in the education system. The measures apply to all children, regardless of their ethnic origin, citizenship and nationality, as well as to stateless children, regardless of their usual place of residence. In addition, an Information System under the Mechanism is established, containing a database for its functioning, as well as for ensuring the exchange of information and coordination between the persons and institutions involved.

17. On paragraph 71, the NSI and the Employment Agency (EA) are the two institutions, which can present official national data on the unemployment rates in the country. The data claimed by the NGOs should have been obtained using the same methodology as the one used by NSI for calculating employment and unemployment rates to be accepted as corresponding. The same applies to the registered unemployment rate according to the data of the Employment Agency. The Roma NGOs' data regarding the employment rate of the population in the municipal district of "Stolipinovo" are not representative at the regional level and are not comparable with those available at the national level.

Under the Employment Promotion Act, "unemployed" is a person who upon registration in the Directorate "Employment Office" does not work, is looking for a job, and is ready to start work within 14 days after the notification by the Directorate. The data provided by the Employment Agency on the registered jobseekers in the Eastern district of the city of Plovdiv, where "Stolipinovo" is located, shows that the average monthly number of registered Roma for the last few years does not exceed 100. Only for the first half of 2022, the average monthly number of registered people who have self-identified themselves as Roma in the area is 65.

This discrepancy is explained with the possibility, but not the obligation, of the Bulgarian citizens to self-identify themselves as persons, belonging to certain minority group during surveys organized by state bodies.

The recent changes in the Employment Promotion Act of 3 June 2022 (*SG No. 41 of 3 June 2022*) provides the establishment of an electronic register with data on economically inactive persons. The data from the register will help the employment mediators to reach the economically inactive persons more easily and to involve them in labour activities.

18. On paragraph 82, in the Action Plan for the implementation of the National Strategy for Equality, Inclusion and Participation of Roma (2021-2030), under the priority "*Employment*", the number of working Roma mediators is foreseen to increase from 69 to 100 in the next 3 years. The National Action Plan for Employment in 2022 provides funds from the state budget for an active labour market policy to increase the number of Roma mediators by 30 already in 2022. They will cover more municipalities with a large concentration of Roma population and will give the opportunity to unemployed Roma with secondary or higher education to work in public administration.

Under the priority "*Health*", the number of health mediators is also foreseen to increase annually. In 2021, there were 290 health mediators covering 143 municipalities, compared to 260 in 2020, in 136 municipalities respectively. In 2022, the number of health mediators is increased to 307.

In addition, the Ministry of Health, in partnership with the Association "*National Network of Health Mediators*", is implementing a project funded by the Financial Mechanism of the European Economic Area 2014-2021. The main objective of the project is to improve communication, resources and coordination at local level in implementing health policies for marginalised communities.

19. On paragraph 85, the gathering of information based on racial or ethnic origin is done only in accordance with the provisions of the Statistics Act. Outside of these provisions, the State does not gather any information based on racial or ethnic origin of individuals as this presents highly sensitive personal data.

The participation of persons who self-identified as Roma in the measures and programmes included in the National Action Plan for Employment in 2022 is guaranteed by their high share in the composition of almost every disadvantaged group in the labour market - long-term unemployed, youth up to 29 years, persons with primary and lower education. Their presence in the active policy is also evidenced by the indicator "transitions to employment in subsidised jobs", as for the first half of 2022 for the total unemployed these transitions are 3.1% and for Roma 3.2%.

Measures have also been taken to increase the share of Roma in adult training through the activities of Roma mediators. Activities are planned to extend the functions of health mediators and to include them in the teams of hospital care facilities, as well as to optimise the use of health mediation in the implementation of national policies at local level and the achievement of healthcare objectives.

20. On paragraph 94, pursuant to Art. 2 para. 2 of the Asylum and Refugees Act and Decision No. 144 of the Council of Ministers of 10 March 2022, in line with the Council Implementing Decision (EU) 2022/382 of 4 March 2022, the Bulgarian state granted temporary protection to displaced persons from Ukraine for a period of one year, starting from 24.02.2022. The Ukrainian citizens under temporary protection have the right to remain on the territory of the Republic of Bulgaria, to work without a permit for access to the labour market, as well as to take vocational training courses. They also have the rights of appropriate accommodation or means of accommodation, social assistance, and medical aid in case of emergency and to return freely to their country of origin.

According to the abovementioned amendments to the Employment Promotion Act (*SG No. 41 of June 3, 2022*), foreigners benefiting from temporary protection under the Asylum and Refugee Act, including Ukrainian citizens, have been granted the right to register at the labour offices and enjoy the rights of jobseekers. Between 03.06.2022 to 30.06.2022, 1 975 Ukrainian citizens have been registered.

The implementation of the *Programme for education and employment of refugees*, adopted in 2014, was amended by an Order of the Minister of Labour and Social Policy on 13 July 2022. The main changes are:

- inclusion of the foreigners receiving temporary protection under the Asylum and Refugees Act to the target groups. This will encourage the employment of Ukrainian citizens who have been granted temporary protection on the territory of the Republic of Bulgaria;
- extension of the possibility for the persons from the target groups to participate in the training programme "Communication in a foreign language - Bulgarian language" upon a request by employer.

Since the beginning of June 2022, the implementation of the project "Solidarity" has been launched. Its main objective is to provide timely support for the rapid labour market integration of displaced persons from Ukraine with secured access to the labour market. Under the project, foreigners receiving temporary protection will be provided psychological support, vocational guidance, employment counselling and motivation.

21. On paragraph 98, the assessment and analysis of the data, collected by the Employment Agency on the impact of the Covid-19 pandemic on registered unemployed individuals, show that there is no significant difference in the transitions from employment to unemployment and vice versa between the persons who self-identified themselves as Roma and the others.

In 2019, transitions to employment in unsubsidized jobs for all unemployed on an annual basis is estimated at 8.7%. In the pandemic years 2020 and 2021, they are 7.8% and 7.9%, respectively. At the same time, for the unemployed persons who self-identified as Roma, the figures are for 2019 - 4.4%, for 2020 - 3.7% and for 2021 - 3.6%. The decrease compared to 2019 for the first year of the pandemic is by 0.7 points and for the second - by 0.8 points. This indicates that employment prospects for Roma following the Covid-19 pandemic have declined to the same extent as for all unemployed.

22. On paragraph 101, the Bulgarian authorities would like to reiterate once again that according to art. 3 of the Constitution of the Republic of Bulgaria, the official language in the country is Bulgarian. Article 36, para. 1 of the Constitution introduces the right and the obligation for every Bulgarian citizen to study and use Bulgarian language, whereas further para. 3 stipulates that the cases, in which only the official language of the country shall be used, are stated in the law.

The Republic of Bulgaria provides compulsory, free and accessible high-quality primary education for all children, which in turn enables them to express themselves in Bulgarian. As under the provisions of art. 36, para. 1 of the Constitution, it is clear that the requirements of art. 51, para. 1 of PADA aim to guarantee equality of all citizens in their communications with the CPD. Giving to persons belonging to a certain minority group the right to communicate in their mother tongue with official bodies, will place persons belonging to other groups in an unprivileged position and thus, will create conditions for discrimination and intolerance.

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The European Commission against Racism and Intolerance (ECRI) is a unique human rights monitoring body which specialises in questions relating to the fight against racism, discrimination (on grounds of “race”, ethnic/national origin, colour, citizenship, religion, language, sexual orientation and gender identity), xenophobia, antisemitism and intolerance in Europe; it prepares reports and issues recommendations to member States.