

Minority Protection in Bulgaria

AN ASSESSMENT OF THE FRAMEWORK PROGRAMME
FOR EQUAL INTEGRATION OF ROMA IN BULGARIAN SOCIETY
AND THE “INTEGRATION OF MINORITIES” COMPONENT
OF THE PROGRAMME PEOPLE ARE THE WEALTH OF BULGARIA.

Table of Contents

1. Executive Summary	72
2. The Government Programmes – Background	75
2.1 Background to Present Programmes	76
2.2 The Programme – Process	77
2.2.1 The Framework Programme	77
2.2.2 The Integration of Minorities Programme	79
2.3 The Programme – Content	80
2.3.1 The Framework Programme	80
2.3.2 Integration of Minorities Programme	81
2.4 The Programme – Administration/ Implementation/Evaluation	82
2.5 The Programmes and the Public	83
2.5.1 The Framework Programme	83
2.5.2 The Integration of Minorities Programme	84
2.6 The Programmes and the EU	84
3. Government Programmes – Implementation	87
3.1 Stated Objectives of the Programmes	87
3.2 Government Programmes and Discrimination	88
3.2.1 Education	92
3.2.2 Employment	97
3.2.3 Housing and other goods and services	100

3.2.4	Healthcare and other forms of social protection	104
3.2.5	The criminal justice system	107
3.3	Protection from Racially Motivated Violence	108
3.4	Promotion of Minority Rights	111
3.4.1	Education	112
3.4.2	Language	113
3.4.3	Participation in public life	114
3.4.4	Media	116
3.4.5	Culture	117
4.	Evaluation	118
5.	Recommendations	120

1. EXECUTIVE SUMMARY

The Bulgarian Government's approach to the situation of Roma is at present framed by two documents: the Framework Programme for Equal Integration of Roma in Bulgarian Society, and the "Integration of Minorities" section of the comprehensive Government programme "People are the Wealth of Bulgaria."

The Framework Programme is generally a well-constructed strategy: it includes measures both to prevent discrimination and to promote minority rights. It largely reflects the input of Roma organisations solicited during the drafting process, although the Government deleted important provisions addressing police misconduct from the final version. The Integration of Minorities programme takes a more general approach, and gives less attention to anti-discrimination measures, suggesting that the Government lacks the resolve to confront discrimination directly.

Unfortunately, implementation of the two programmes has until very recently been at a standstill. Little or no funding was allocated from the Government's budget to realise programme goals. Moreover, certain projects that have been carried out, including some supported with Phare funds, appear poorly tailored to the specific circumstances of the target population and the goals of the Framework Programme. The structures responsible for overseeing implementation have failed to ensure Programme commitments are met, due to a lack of authority, resources, and political will.

The Bulgarian Roma community has given its support to the Framework Programme, and while some sections of the text should be revised to reflect developments since 1999, it is generally agreed that full implementation of the measures provided by the Programme is the best course forward.

Background

The history of the Framework Programme highlights the Government's ambivalence towards both minority issues and civil society organisations. While considerable input was solicited from Roma and NGO representatives in drafting the Framework Programme, the Government scaled back the version finally adopted in April 1999. The 2001 Integration of Minorities Programme is the result of a purely political process and was adopted without any pretence of consultation with minority NGOs and without being discussed publicly. It is narrower in scope and weaker in measures proposed than the Framework Programme.

The relationship between the two programmes is not altogether clear, although the Integration of Minorities Programme states its intent to both "change and supplement" and "monitor" the implementation of the Framework Programme. There has been little attempt to introduce and explain either Programme to the general public.

Administration

A Government office, the National Council for Ethnic and Demographic Issues (NCEDI) is charged with coordinating implementation of the Framework Programme.¹ Although the involvement of other Government institutions is indispensable to the success of the two Programmes, the NCEDI does not have the authority to require implementation from other Government offices, nor to require regular and transparent evaluation and reporting on Programme-related activities. There have been calls for the Council to be raised to the level of an executive agency, if not a ministry in its own right.² The Integration of Minorities Programme recognises that more robust powers are called for to oversee effective implementation of minority policy, yet it fails to set forth a clear vision as to what form an enhanced agency could take, or what its authority might be.

Each of the bodies responsible for implementing projects under the Framework Programme submits its annual budget to Parliament for approval, and subsequently has the authority to determine how it will distribute the allocated sum, including how much will be allocated to NGOs involved in implementation. In addition, the ministries are responsible for submitting project proposals to the Ministry of Foreign Affairs for inclusion each year in Bulgaria's Phare funding proposal to the EU.

EU Support

The EU has been supportive of the Government's efforts to improve the situation of Roma, commending the adoption of the Framework Programme, and monitoring its implementation in the Regular Reports. However, EU funding for Roma-related projects has not consistently followed the strategies articulated in the Framework Programme, and the observations related in the Regular Reports have occasionally lacked the emphasis and specificity that would encourage better adherence to Programme goals.

Content and Implementation

Overall, the implementation of both programmes' specific measures remains low. The EU remains the primary source of funding for Roma-related projects, although in 2000 no Phare funds were allocated for integration projects as the Government did not submit any proposals for Roma programmes that year.

¹ *Rules and regulations for the structure and organisation of the National Council on Ethnic and Demographic Issues*, State Gazette 118, 10 December 1997, Article 2.

² OSI Roundtable, Sofia, May 2002. *Explanatory note: the Open Society Institute held a roundtable meeting in Sofia in May 2002 to invite critique of a draft version of this report. Experts present included representatives of the Government, Roma groups, and non-governmental organisations.*

The Framework Programme acknowledges that discrimination is an important factor contributing to inequalities in Bulgarian society, while the Integration of Minorities Programme places greater emphasis on the promotion of minority identity. Comprehensive anti-discrimination legislation is being drafted, as the current legal framework does not meet international standards. While discrimination is specifically addressed in the Framework Programme, and measures are set out to combat inequalities in the spheres of education, employment, and housing, there have been few Government-sponsored projects to realise these commitments. First steps towards addressing segregation in the school system were taken only in Autumn 2002. The Framework Programme does not adequately address discrimination in health care or in the criminal justice system, and acute problems in these areas remain.

Promotion of minority rights remains underdeveloped in the Framework Programme and the Integration of Minorities Programme. Mother-tongue education in Romanes is theoretically available but no classes have been organised. Neither programme specifically addresses the use of minority languages in the public sphere, and there is no consensus in the Roma community on the need to advocate for change in this regard. Roma representation in public and political life is very low, and structures that would increase representation have not been developed. Roma experts have been appointed to a number of ministries, but these posts often have no defined responsibilities or mandate, and some experts feel that their positions and responsibilities are largely nominal.³

Conclusion

The Framework Programme's approach to integration of Roma is quite comprehensive. It deals with a wide range of problems and offers a variety of solutions. It was widely accepted by the Roma community. Nevertheless, there are areas needing improvement, notably in the areas of criminal justice and healthcare.

At the same time, the Bulgarian Government has demonstrated a lack of political will to systematically implement the Programme, and has apparently retreated from some of its objectives, as seen in the Integration of Minorities Programme. The relationship between the two programmes is in urgent need of clarification. There has not been sufficient effort to build support for the programmes among the general public, which contributes to politicians' reluctance to follow through on their commitments.

The main problem with the Framework Programme is that full implementation has not started yet, three years after its adoption. There is no effective mechanism for Programme administration, which has led to difficulties in ensuring appropriate allocation of funds, reporting, and evaluation. Government funding has been minimal,

³ OSI Roundtable, Sofia, May 2002.

and implementation has been limited in scope and content to support provided by NGOs or international organisations. A detailed and specific action plan should be drawn up, with designated responsibilities and deadlines in each sphere addressed by the Programmes, and funding allocated accordingly.

2. THE GOVERNMENT PROGRAMMES – BACKGROUND

At present the Bulgarian Government's approach to minorities is framed by two programme documents – The Framework Programme for Equal Integration of Roma in Bulgarian Society and the "Integration of Minorities" section of the comprehensive Government programme "People are the Wealth of Bulgaria." In addition, there are 12 district Government programmes dealing with minorities, differing both in quality and in the degree of association with the Government programmes. None of the district government programmes has allocated a budget for implementation, and only five provide for the implementation of concrete measures.

The Framework Programme for Equal Integration of Roma in Bulgarian Society was adopted on 22 April 1999 by the Government of the United Democratic Forces (UtDF).⁴ The present coalition Government is comprised of the National Movement Simeon the Second (NMSS), which won the June 2001 parliamentary elections, and the Movement for Rights and Freedoms (MRF), a political party representing mostly Bulgarian Turks and also supported by some Roma and Bulgarian-speaking Muslims.⁵ The coalition adopted the programme "People are the Wealth of Bulgaria" in October 2001. This programme recognises some continuity with the Framework Programme but deals with a more limited number of issues and intends to both "monitor" and "change and supplement" the Framework Programme, rather than to replace it.⁶

⁴ The text of the Framework Programme has never been published officially. This report uses the version supplied by the National Council on Ethnic and Demographic Issues (NCEDI, also available at the BHC web site, see <<http://www.bghelsinki.org>>, (accessed 19 September 2002).

⁵ The text of the Government programme "People are the Wealth of Bulgaria" is available at the Bulgarian Government's official web site: <<http://www.Government.bg>>, (accessed for the Bulgarian-language text on 23 February 2002). The same web site also hosts a very concise English-language version of only the "key priorities." This version however does not summarise the main ideas of the "Integration of Minorities" part.

⁶ A comparison of the themes and priorities in the Framework Programme and the Integration of Minorities Programme is discussed in detail below.

2.1 Background to present programmes

Bulgaria has a history of both long-term and short-term programmes attempting to support, regulate, and intervene in different aspects of the minority situation. The communist Government had a number of programmes dealing with issues such as access to education, housing, and medical care for Roma, their forced settlement, and other restrictions of minority rights. All these programmes were undertaken at the central or local levels through acts of different Government institutions, but were always sanctioned by the top Communist Party leadership. After the beginning of the transition to democracy in 1989, several consecutive Governments passed acts and drafted programmes aiming to restore minority rights that had been suppressed under the communist regime. These measures included restoring names changed in previous coercive assimilation campaigns, restitution of individuals' property confiscated or lost during the exodus of Bulgarian Turks in 1989, restitution of religious communities' property confiscated during the communist regime, amnesties and compensation for imprisonment and for other coercive measures that had been taken by the communist authorities.⁷

The first programme after 1989 that explicitly addressed the situation of the Roma was adopted by the socialist Government on 30 January 1997 and had the ambitious name "Programme for Resolution of Problems of Roma in the Republic of Bulgaria."⁸ The overall approach of this programme was to view Roma as a socially disadvantaged population, rather than as an ethnic group facing discrimination. Consequently, the areas addressed and the measures proposed totally disregarded the prevention of discrimination; as they were general in nature they would have given only an indirect benefit to Roma.⁹ Although the programme dealt with the protection of minority identity, it did so within a very limited scope. This programme proposed measures in six areas, including employment, social welfare, housing, health care, and access to education. The programme was to be financed by the State budget and through international sources (UN, EU, International Monetary Fund and the Council of Europe) on the basis of joint projects.

⁷ See, for more details on the history of the legislation and policy towards minorities in Bulgaria, K. Kanev, "Law and Politics on Ethnic and Religious Minorities in Bulgaria," in A. Krasteva (ed.), *Communities and Identities in Bulgaria*, Ravenna, Longo Editore, 1998, pp. 55–93.

⁸ See the English-language version in Ministry of Foreign Affairs of the Republic of Bulgaria, *Situation of Roma in Bulgaria*, Sofia, February 1997, pp. 13–23.

⁹ See Section 3.2 on the difficulties in developing special ethnically based measures to ensure full and effective equality stemming from the 1992 interpretation by the Constitutional Court of the anti-discrimination provisions of the Bulgarian Constitution.

The “Programme for Resolution of Problems of Roma in the Republic of Bulgaria” did not see even the beginning of its implementation, however. Five days after its adoption, the socialist Government resigned following mass protests throughout the country against its economic policies. As the programme was not adopted in consultation with all Roma groups, most of them learned about it months after the fall of the Government or not at all.¹⁰

2.2 The Process of Adoption of the Present Programmes

2.2.1 The Framework Programme

The history of the Framework Programme highlights the Government’s ambivalence both towards minority issues, especially discrimination, and civil society organisations. A team of Roma and non-Roma NGO experts drafted a first version of the programme in the late autumn of 1997. Throughout the period between the winter of 1997–1998 and March 1999 the Human Rights Project (HRP), the Roma rights NGO coordinating the preparation of and advocacy activities related to the Framework Programme, initiated consultation with the most active Roma NGOs.

The Government has downplayed the extent of discrimination in Bulgaria. In its 1996 report to the UN Committee on the Elimination of Racial Discrimination, it recognised the existence of racially motivated assaults by private parties, but not by public officials.¹¹ As the larger part of the Framework Programme involves the recognition and effective prevention of discrimination, it was met with hostility by a number of governmental institutions from the earliest stages of drafting.¹² Furthermore, in January 1998, the Legislative Council of the Ministry of Justice issued an opinion that the establishment of a State body to combat discrimination was unconstitutional.¹³

Roma NGOs on their part actively endorsed the Framework Programme both in the media and at specially organised public forums, as well as in their meetings with Government officials. One such event was the roundtable organised by the HRP on 3

¹⁰ Interviews with: Stela Kostova, President of the Roma Youth Organisation, Sofia, 14 March 2002; Hristo Kiuchukov, President of “Diversity” Foundation, Sofia, 6 March 2002; Vassil Chaprazov, President of the United Roma Union, 6 March 2002; Toma Tomov, MP from “Coalition for Bulgaria” in the 39th National Assembly, 13 March, 2002; Simeon Blagoev, Roma expert in the Ministry of Culture, 8 March 2002.

¹¹ See CERD/C/229/Add.7, §§ 41–42.

¹² See more on the content of the Framework Programme below.

¹³ *Opinion of the Legislative Council of the Ministry of Justice and Legal Euro-Integration* from 19 January 1998 (in Bulgarian).

October 1998. There the Government, represented by the then Deputy Prime Minister, agreed that the Government programme would be developed by the joint efforts of Government institutions and Roma NGOs.

However, the newly-created Government office on minorities, the National Council on Ethnic and Demographic Issues (hereafter, NCEDI), soon started its own efforts to develop a programme. These efforts involved consultation with only one Roma NGO (the Social Council “Kupate”) and were based on principles different from the ones embedded in the Framework Programme. The Government drafts did not discuss discrimination or measures to combat it. These drafts were apparently unknown even within the various Government institutions. At a number of meetings between Roma NGOs and Government officials, Roma representatives voiced objections to the different versions of the Government draft. When the Government realised that it had lost the support of the Roma organisations, it ultimately abandoned its drafts.¹⁴

At a National Roundtable on 7 April 1999, co-organised by the HRP and the NCEDI, the Government and 75 mostly Roma NGOs co-signed a protocol stating that the Government would adopt the preliminary version of the Framework Programme, entitled “Programme for Equal Participation of Roma in Public Life of Bulgaria” after “editorial changes” by a joint commission.¹⁵

The editing process resulted in a significantly weaker document than the one agreed to at the National Roundtable. Government officials diluted the anti-discrimination provisions of the Framework Programme that had been supported by Roma groups. For example, the draft programme envisaged the creation of two Governmental bodies with effective powers to combat discrimination – one general and one special, dealing exclusively with complaints of citizens against illegal actions of police. However, in the final version of the Framework Programme the creation of a special body is not envisaged.¹⁶ The draft programme did not prescribe the rules of procedure and for presentation of evidence to be used in establishing and prescribing sanctions against ethnic discrimination. The final version of the Framework Programme explicitly states that the procedural and evidentiary rules set out in the Law on the Administrative Offences and Punishments should be used. These rules provide that the burden of proof lies with the prosecution rather than requiring the defence to affirmatively

¹⁴ For more details on the process of adoption of the Framework Programme see OSCE High Commissioner on National Minorities, *Report on the Situation of Roma and Sinti in the OSCE Area*, 2000, pp. 146–147.

¹⁵ This draft version was published by the HRP in both English and Bulgarian, with the names of all organisations that signed it: See Human Rights Project, *Programme “For Equal Participation of Roma in Public Life of Bulgaria,”* Sofia, 1999, (hereafter, “Framework Programme”).

¹⁶ See Section 3.2.

demonstrate there has not been discrimination.¹⁷ The draft programme also recommended that the entire Government anti-discrimination body be elected by the Parliament following proposals from minority organisations, but no such requirement was included in the final version of the Framework Programme.

2.2.2 The Integration of Minorities Programme

Unlike the Framework Programme, the Integration of Minorities Programme is a result of a purely political process and was adopted without consultation with minority NGOs and without being discussed publicly.¹⁸ It originated from two different streams of pre-election political action – that of the NMSS and that of the MRF, which converged after the June 2001 parliamentary elections to form a coalition Government.

In one of the few statements on minority politics in its election platform, the NMSS stated that it would pursue “preservation and encouragement of the culture of **different ethnic groups and religions**.”¹⁹ In a key pre-election address however, on 5 June 2001, the leader of the movement stated: “My goal is to raise the standard of living of all Bulgarian citizens without regard to their ethnic origin. Urgent measures are needed to solve the acute problems of the Roma in Bulgaria. For this purpose I will propose the establishment of a Governmental structure, dealing with the problems of the Roma minority. It ought to be headed by a representative of the Roma themselves.”²⁰

The election programme of the Movement for Rights and Freedoms had a special section on minorities. There the movement formulates three goals of its practical minority policy: full restoration of the rights suppressed under previous assimilatory and discriminatory policies; and creation of conditions for the expression, preservation, and development of the ethnic, cultural, linguistic and religious identity of national

¹⁷ See Framework Programme, Part Two, Section I.2 and the Law on the Administrative Offences and Punishments, Art. 7, Para.1, Art. 24, Para.1 and Art. 84. See alternatively: *EU Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin*, Art. 8.1: “Member States shall take such measures as are necessary, in accordance with their national judicial systems, to ensure that, when persons who consider themselves wronged because the principle of equal treatment has not been applied to them establish, before a court or other competent authority, facts from which it may be presumed that there has been direct or indirect discrimination, it shall be for the respondent to prove that there has been no breach of the principle of equal treatment.”

¹⁸ Interview with Mihail Ivanov, Secretary of the NCEDI, Sofia, 26 February 2002.

¹⁹ *Bulgaria – Hospitable Home for its Citizens*: pre-election programme of the “National Movement Simeon the Second,” emphasis in the original.

²⁰ Address of Simeon Saxe Coburg-Gotha from 5 June 2001.

minorities. The programme further calls for undertaking appropriate measures to raise the educational, cultural and socio-economic status of minorities with the aim of achieving full and effective equality between them and the majority population. In addition, the election programme provides for the adoption of an anti-discrimination law with an effective enforcement body, desegregation of Roma education, and transformation of the National Council on Ethnic and Demographic Issues into “a body of the executive power of a sufficiently high rank and capacity.”²¹

Several months after its formation, on 26 October 2001, the coalition cabinet of the NMSS and MRF proposed its programme “People are the Wealth of Bulgaria” with a special chapter on “Integration of Minorities” to the Parliament. This was the first Governmental programme after 1989 to contain a chapter on minorities. In a short press conference on 24 October, the Chairman of the National Council of Ethnic and Demographic Issues and its new Secretary outlined the content of the Integration of Minorities Programme and expressed the Government’s readiness to implement the Framework Programme in addition to the Integration of Minorities Programme.²²

2.3 Content of the Programmes

2.3.1 The Framework Programme

The prevailing theme of the Framework Programme is the elimination of discrimination against Roma. Discrimination is recognised in the introduction, and the “elimination of discrimination against Roma” is characterised as “one of the main political priorities of the Bulgarian State.”²³ The Government is expected to undertake this task with some input from Roma groups.²⁴ The Framework Programme sets out concrete measures in eight spheres of social life:

- Anti-discrimination legislation
- Employment and economic development
- Healthcare and sanitation
- Housing and neighbourhood regulation

²¹ *Bulgaria-Europe: A non-standard way of development*, election platform of the Movement for Rights and Freedoms.

²² Government press statement from 24 October 2001.

²³ Framework Programme, Part I.

²⁴ See Section 2.4.

- Education
- Protection of Roma culture
- Developing the Roma presence in the national media
- Elimination of discrimination against Roma women

2.3.2 Integration of Minorities Programme

As stated in its introduction, the Integration of Minorities Programme seeks to preserve and develop minority identity and to encourage “multi-ethnicity.” It also aims to reinforce anti-discrimination legislation. The programme has three parts: a statement of goals, the formulation of tasks and development of an action plan in three phases – up to the end of 2001, up to the end of 2002, and up to the end of the present Government’s mandate. However, it is rather vague in formulating its goals and activities, most of which are stated in very general terms. It includes a reference to establishing “an adequate institutional mechanism to include all levels of different authorities with clearly defined responsibilities and powers.”²⁵ It does not envisage any input from minority groups during implementation.

In comparison with the Framework Programme, the Integration of Minorities Programme is narrower in scope and weaker in measures proposed. Some of the provisions of the Framework Programme are in fact diluted by the Integration of Minorities Programme. This is the case with anti-discrimination legislation: while the Framework Programme envisages enacting a special anti-discrimination law dealing with discrimination on racial and ethnic grounds, the Integration of Minorities Programme discusses anti-discrimination legislation generally, without defining whether it would address discrimination on the basis of ethnicity, gender, or other grounds. Although the Integration of Minorities Programme regrets the lack of progress in realising the Framework Programme and seeks to monitor its implementation,²⁶ there are no concrete deadlines envisaged for any actions related to some of its main objectives, such as the desegregation of Roma schools, or housing and neighbourhood regulation.

²⁵ Goals include “political, socio-economic and cultural integration of minorities in Bulgarian society,” Integration of Minorities Programme: Goals, see <<http://www.government.bg/English/Government/Program/137.html>>, (accessed on 19 September 2002), (hereafter, “Integration of Minorities Programme”).

²⁶ Integration of Minorities Programme: State.

The Integration of Minorities Programme foresees the adoption of an anti-discrimination law by the end of 2002. This is also the deadline for the fulfilment of its other main objective, the creation of a State agency on minorities. The programme also calls for the creation of structures dealing with minorities at the central and local levels; ratification of Protocol 12 of the ECHR by the end of 2002; submission of a national report under the FCNM by the end of 2001 (already overdue as of October 2002) and the adoption of a strategy for development of underdeveloped regions with high populations of minorities by the end of the current Government mandate.

2.4 Administration and Implementation of the Programmes

The Integration of Minorities Programme explicitly states that all issues related to the implementation of the Framework Programme are to be handled by the National Council on Ethnic and Demographic Issues.²⁷ Indeed, according to its rules and regulations, the Council's powers encompass a broad range of coordination activities at the domestic and international levels.²⁸ Given the wide scope and multidisciplinary nature of most of the issues it deals with, the involvement of other Government institutions is indispensable to the work of the NCEDI, in particular the various ministries and other State institutions such as Parliament and municipal Governments. However, the Council does not have powers to require implementation from other Government offices nor to require regular and transparent evaluation and reporting.

The Integration of Minorities Programme observes that, "concrete mechanisms and instruments for the realisation of the basic principles of the Framework Programme... are lacking,"²⁹ apparently suggesting that the NCEDI or a future coordinating body should have a more robust mandate. However, there is no clear vision set out as to what form a future agency will take, or what its powers might be. NGOs have called for the Council to be raised to the level of an executive agency, if not a ministry in its own right.³⁰

Funding of any project follows the same general rules for budget formation and implementation. General budget items are subject to annual approval by the Parliament. Each institution then has the power to determine how it will distribute the

²⁷ Integration of Minorities Programme: State.

²⁸ *Rules and regulations for the structure and organisation of the National Council on Ethnic and Demographic Issues*, State Gazette 118, 10 December 1997, Article 2.

²⁹ Integration of Minorities Programme: State.

³⁰ OSI Roundtable, Sofia, May 2002.

allocated sum of money. It also determines how much money it can allocate to NGOs participating in implementation. The procedures by which responsibilities for implementation are divided among international, Government and non-governmental actors involved in the process are described in detail in individual project contracts, as are the procedures for overseeing and reporting on expenditures. There has been no project specifically implementing the Framework Programme since its adoption in April 1999, and therefore no official reports on implementation and evaluation have been issued to date.

The Framework Programme provides for input from Roma communities in a number of ways: it provides that the anti-discrimination body should inform the community of its activities, and it provides that minority organisations should participate in the working group on the draft anti-discrimination law. It calls for the recruitment of Roma into the governing body of the State fund for support to businesses employing minorities, and it envisages a number of ways to empower Roma organisations in implementing measures to protect Roma culture. As comprehensive implementation of the Framework Programme has not yet started, no mechanism has been put in place to coordinate collaboration between Governmental bodies and non-governmental organisations in implementation and evaluation.

2.5 The Programmes and the Public

2.5.1 The Framework Programme

The general public knows of the Framework Programme, and the Roma community in particular became aware of the Programme through the extensive negotiations undertaken prior to the Programme's adoption. Awareness has been raised primarily through the efforts of NGOs rather than through Government initiatives, however. Public knowledge is at a basic level; people generally know only that a programme to "do some good" for the Roma exists. Very few details of the programme are familiar to the public or discussed publicly, probably due to the fact that implementation has not yet started and therefore has not affected the well-being and interests of any group, ethnic Bulgarians or Roma.

Reporting on the Framework Programme has not been on the agenda of any media; it has been mentioned only as part of interviews with acting or former State officials or in articles written by them,³¹ in the statements of NGO activists³² or tangentially, in

³¹ *Dnevnik*, 17 October 2001, *Demokraciia*, 8 August 2001.

³² *Sega*, 23 March 2001.

reporting on events not directly related to the Programme.³³ No media outlet in Bulgaria has analysed the content of the Framework Programme in depth or has made financial and social cost estimates for its implementation since its adoption in 1999. When discussing topics that are a part of the Framework Programme, such as desegregation of Roma schools, media do not make any connection with Government policy.³⁴

2.5.2 The Integration of Minorities Programme

The Integration of Minorities programme is not as well known to the public or to its intended beneficiaries as the Framework Programme, perhaps because it was not adopted in consultation with minority organisations. A number of minority leaders and activists have expressed disagreement with its content and resentment against the way it was adopted and publicised. Some are not even aware of its existence.³⁵ Others have claimed that it is too general or vague.³⁶ The only Roma leader who has indicated publicly his support for the Integration of Minorities Programme is an MP from the ruling majority coalition.³⁷

2.6 The Programmes and the EU

The EU has been supportive of the Government's efforts to improve the situation of Roma, commending the adoption of the Framework Programme, and monitoring its implementation in the Regular Reports. However, EU funding for Roma-related projects has not consistently followed the strategies articulated in the Framework Programme, and the observations in the Regular Reports have occasionally lacked the emphasis and specificity that would encourage better adherence to Programme goals.

The EU accepted the Framework Programme without any criticism of its content from the beginning. The European Commission's 1999 Regular Report describes the main aspects of the Programme in brief, stating that its very adoption "reflect[s] the political

³³ *Sega* from 6 August 2001.

³⁴ *Trud*, 14 September 2001; *Demokraciia*, 8 March 2001; *Demokraciia*, 20 September 2001; *Demokraciia*, 20 October 2001; *Sega*, 27 December 2001; *Republika*, 30 July 2001.

³⁵ Interviews with: Hristo Kiuchukov, President of "Diversity" Foundation, Sofia, 6 March 2002; Petar Georgiev, President of the Roma Confederation "Europe," 6 March 2002.

³⁶ Interviews with: Vassil Chaprazov, President of the United Roma Union, 6 March 2002; Toma Tomov, MP from "Coalition for Bulgaria" in the 39th National Assembly, 13 March, 2002; Svetlana Vassileva, former Secretary of the NCEDI, 5 March 2002.

³⁷ Interview with Alexander Filipov, MP from the NMSS, 21 March 2002.

commitment of the Bulgarian Government towards improving the situation of Roma.”³⁸ The sole concern expressed in the 1999 report regarded the lack of funding to implement the programme.

The 2000 Regular Report is somewhat imprecise and superficial in evaluating progress in implementing the Framework Programme. It recognised that “the administrative capacity of the NCEDI to implement the programme remains low,”³⁹ but also noted that “some progress has been made.” According to the report, this progress included the appointment of 24 experts on ethnic and demographic issues in the districts, six experts in two of the ministries and recruiting of 50 young Roma into the police.⁴⁰ However, these measures were not foreseen by the Framework Programme.

The analysis of the minority situation is more concrete and precise in the 2001 Report, however.⁴¹ For the first time, the European Commission took notice of measures to desegregate Roma schools in a favourable light, noting “It is a positive step that the process of desegregation of Roma schools has started, with some NGO projects testing different methodologies.”⁴² The Report goes on to observe that “[desegregation] has to become Government policy, and the methodology and the approach have to be broadly discussed and accepted by the Roma community.”⁴³

The 2001 Regular Report acknowledges that “very little progress has been made on implementation” of the Framework Programme,⁴⁴ apparently referring to the appointment of Roma experts in the public administration. As the Framework Programme does not provide for the appointment of Roma to administrative bodies *per se*, and there were not in fact any further Roma appointments after the release of the 2000 Regular Report, the basis of the Commission’s observation is not clear.

Within the framework of the annual Phare Bulgaria National Programmes, the EU provides funding for most of the activities undertaken in implementation of the Framework Programme. Annually, each Ministry is responsible for submitting project proposals to the Ministry of Foreign Affairs for inclusion in Bulgaria’s overall proposal

³⁸ European Commission *1999 Regular Report on Bulgaria’s Progress Towards Accession*, (hereafter, “1999 Regular Report”) p. 14.

³⁹ European Commission *2000 Regular Report on Bulgaria’s Progress Towards Accession*, (hereafter, “2000 Regular Report”) p. 22.

⁴⁰ 2000 Regular Report, p. 22.

⁴¹ The report cites data on the share of the illegally built housing in the Roma community and the estimates of unemployment, for example.

⁴² European Commission *2001 Regular Report on Bulgaria’s Progress Towards Accession*, (hereafter, “2001 Regular Report”) p. 23.

⁴³ 2001 Regular Report, p. 23.

⁴⁴ 2001 Regular Report, p. 23.

to the EU. While the integration of Roma is one of priorities of the 1999/2000 and 2001 Accession Partnerships,⁴⁵ projects to implement the Framework Programme have not consistently been included in Bulgaria's Phare National Programme budget.

Phare support constitutes a vital source of funding for Roma-related projects. However, not all EU-funded projects clearly correspond to the objectives articulated in the Government programmes. The Government itself has not done enough to take advantage of the opportunities afforded by the EU accession process: as one official has stated, "the Government thinks in terms of closing chapters, rather than solving problems."⁴⁶ However, Phare procedures have also been criticised as too unwieldy and often a large percentage of funding has been devoted to paying for European expert consultants.⁴⁷

For 1999 there was only one project affecting Roma within the Phare framework, "Promoting the Integration of Roma,"⁴⁸ for a total of €500,000, a rather moderate sum both in relation to the scope of the project and in relation to other elements in the 1999 Phare National Programme. The project had two components: education and urbanisation. The educational component provided for training of teacher assistants, preparing Roma secondary school graduates to apply for universities, training for Roma working in police units and a number of seminars and publications, all only loosely connected to the objectives set out in the Framework Programme. The urbanisation component envisages incorporation of one neighbourhood in Stara Zagora within the municipal boundaries, and the construction of several houses in Pazardzhik. These activities fall within the scope of the Framework Programme's goals in principle, although implementation is on a very small scale. Realisation of the 1999 project started only in the Autumn of 2001. It is not yet completed and consequently no official evaluation has been made to date.

For the year 2000 the Government did not include any project for the integration of Roma in its proposal to the EU, and accordingly no Phare funding was allocated to implementation of the Programme in 2000. However, the Phare 2001 National Programme allocates a total of €8,288,000 divided into three large-scale projects:

⁴⁵ See *Accession Partnership 1999*, p. 4, and *Proposal for a Council Decision on the principles, priorities, intermediate objectives and conditions contained in the Accession Partnership with Bulgaria 2001*, p. 6.

⁴⁶ OSI Roundtable, Sofia, May 2002.

⁴⁷ OSI Roundtable, Sofia, May 2002.

⁴⁸ Project BG 9907.01. A short financial memorandum of the project is available at <<http://www.evropa.bg>>, (accessed 20 March 2002). This and the other EU projects are discussed in more detail under Section 3.

- *Roma Population Integration* with two main components: improving school attendance and assistance in the preparation of an anti-discrimination law;
- *Social Inclusion* with several components, including development of cultural centres, job creation and entrepreneurial promotion, among others. This project includes also a small amount of money for integration of the disabled;
- *Healthcare* with two components: improved access to health in 15 towns and a healthcare awareness campaign.⁴⁹

The Phare 2001 project is also better integrated with the Framework Programme. Still, some aspects, especially those related to education, have raised concerns within the NGO community.⁵⁰ At present, all 2001 Phare projects are at the pre-contracting preparatory stage. No implementation activities have started for any of them.

3. GOVERNMENT PROGRAMMES – IMPLEMENTATION

3.1 Stated Objectives of the Programmes

The Framework Programme's underlying assumption is stated in its introduction: "Discrimination against Roma in social life pre-determines the problems of the community in socio-economic and cultural-educational aspects."⁵¹ The Programme takes into account the need both to prevent future discrimination and to address existing inequalities. Accordingly, the Framework Programme proposes the establishment of a general mechanism for the prevention of ethnic discrimination in all spheres of social life, and measures to ensure full and effective equality in particular fields such as education, employment, housing, health care, and social protection.⁵² In addition to its strong focus on discrimination, the Framework Programme sets out measures for the promotion of Roma ethnic identity in the spheres of education, culture and media.

⁴⁹ The fiches for the projects are available at <<http://www.evropa.bg>>, (accessed 20 March 2002).

⁵⁰ See Section 3.2.1.

⁵¹ Framework Programme, Chapter I.

⁵² The establishment of a general mechanism for the prevention of ethnic discrimination through an administrative body with effective powers to investigate and punish discrimination, suggested by the Framework Programme, should protect against discrimination in all spheres outlined below, in addition to the specific measures envisaged in each one of them.

The Integration of Minorities Programme is not as explicit or unequivocal in recognising discrimination. It is more focused on measures for the protection of ethnic minority identity. As it states in its introduction, “preservation and development of the minority identity is a priority in the Government’s politics.” Nonetheless, it does prescribe measures to combat discrimination, acknowledging that “anti-discrimination legislation and the mechanisms of its enforcement are not effective enough.”⁵³ It also regrets that the Framework Programme has not been fulfilled and proposes to establish a monitoring mechanism to promote its implementation.

3.2 Government Programmes and Discrimination

Discrimination is highlighted as a problem both in the Framework Programme, and by civil society. Nevertheless, the legal framework to combat discrimination remains very weak. General anti-discrimination provisions exist in the Constitution and in a number of laws, but these have never been enforced.⁵⁴ Anti-discrimination measures have been implemented inconsistently, particularly in the spheres of education and housing. The Government programmes have not set up a mechanism that is strong enough to overcome the lack of political will within the bodies tasked with carrying out activities to address inequalities.

In its decision from 10 November 1992 the Constitutional Court prohibited the State’s adoption and enforcement of “special measures” to promote full and effective equality on the grounds explicitly mentioned in the Constitution’s anti-discrimination provision, Art. 6(2). These grounds include race, ethnicity and sex among others.⁵⁵ Such measures, according to the Court’s ruling, would be privileges that would constitute a breach of the principle of equality.⁵⁶ However, the Court did not exclude the possibility of affirmative action that would indirectly benefit disadvantaged minorities by ruling that the State not only can but is also obliged to take measures aiming at “elimination of the existing inequalities for the purposes of achieving the

⁵³ Integration of Minorities Programme: State.

⁵⁴ See EU Accession Monitoring Program, *Monitoring the EU Accession Process: Minority Protection*, Budapest, CEU Press, 2001, p. 84, (hereafter, “*Minority Protection 2001*”). See also M. Ilieva, *Legal Analysis of National And European Anti-Discrimination Legislation: A Comparison of The EU Racial Equality Directive & Protocol N° 12 With Anti-Discrimination Legislation in Bulgaria*, European Roma Rights Center; Interights; Migration Policy Group, September 2001 pp. 5–6, (hereafter, “*Legal Analysis, Bulgaria*”).

⁵⁵ Article 6 (2) states: “There shall be no restrictions of rights or privileges based on race, national origin, ethnic appurtenance, sex, descent, religion, education, beliefs, political affiliation, personal and social status, or property status.”

⁵⁶ Constitutional Court Decision No.14/10 November 1992.

stipulated equality.” Such measures cannot be based on any of the 11 grounds listed in Article 6(2). Thus, some special measures envisaged in the Framework Programme, if adopted on a purely ethnic basis, would contravene current Constitutional Court jurisprudence.⁵⁷

The Framework Programme is the only Government document or programme that recognises or discusses discrimination. Moreover, both before and after the adoption of the Framework Programme the Government continued to deny the existence of discrimination at domestic and international forums. In its 1999 reply to the UN Committee on Economic, Social and Cultural Rights regarding Bulgaria’s third periodic report under the ICESCR, the Government rejected the conclusion of the Committee that Roma are subject to discrimination in receiving land as well as in receiving social assistance.⁵⁸ Previously, in its report to the Committee on the Elimination of Racial Discrimination from 26 June 1996 the Government recognised the existence of discrimination by private parties, but not by public officials.⁵⁹

Bulgaria is obliged to incorporate the European Council Directive Implementing the Principle of Equal Treatment Between Persons Irrespective of Racial and Ethnic Origin, the “Race Equality Directive,” as part of the *acquis communautaire*. At present, the existing framework lacks required comprehensive anti-discrimination legislation, and sets standards lower than those required under the Directive.⁶⁰

Under the Phare 2001 Bulgaria National Programme a separate “Twinning Light” component of the Roma Population Integration Project⁶¹ has been approved to assist the Bulgarian Government in adopting an anti-discrimination law. A total of €150,000 is allocated to solicit the expertise of one medium-term and one short-term expert from EU member States, who are to work with Bulgarian experts to draft a bill establishing a body for the promotion of equal treatment without discrimination on the basis of racial or ethnic origin, and for the training of law enforcement officials.

As of June 2002, a working group established to draw up anti-discrimination legislation had prepared an initial draft and submitted it to the Council of Ministers.

⁵⁷ The EU Race Equality Directive allows, but does not oblige states to take action to “prevent or compensate for disadvantages linked to racial origin” (Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin, (OJ L 180, 19/07/2000) Art. 5).

⁵⁸ See replies by the Government of Bulgaria to the List of Issues: Bulgaria. 09/07/99. (CESCR), §§ 4.1 and 4.6.

⁵⁹ See CERD/C/229/Add.7, §§ 41 and 42.

⁶⁰ See M. Ilieva, *Legal Analysis, Bulgaria*, p. 7.

⁶¹ Phare Project BG 0104.01, fiche available at <<http://www.evropa.bg>>, (accessed 20 March 2002).

The working group is comprised of Government and NGO representatives. Two EU experts, one from the UK and the other from Austria, also assisted with the drafting process, although the Twinning project did not officially begin until the Autumn. These experts will remain as consultants during the parliamentary discussion of the law expected later in the year.

Racial discrimination is identified as a problem by different sectors of civil society, although to varying degrees. The Bulgarian Helsinki Committee surveyed 19 ethnic minority newspapers published between May 1999 and May 2000 to analyse the extent to which these periodicals addressed themes of racism, xenophobia, and ethnically motivated violence.⁶² The survey found that these issues comprised a substantial share of the content in Turkish and Roma publications, 22.4 and 19.4 percent respectively in the two largest newspapers.⁶³ Recent publications in the minority press have described cases of employment discrimination when Roma apply for jobs,⁶⁴ called attention to discriminatory legal provisions in the Constitution and in laws regulating the use of minority languages, teaching of religion and provision of social welfare,⁶⁵ and discussed discrimination in Macedonians' exercise of their basic rights and freedoms.⁶⁶

Human rights NGOs also highlight ethnic discrimination in their publications and through other activities. According to the survey above, discrimination, racism, xenophobia, and racially motivated violence together comprise 47.1 percent of the content of the Roma-language publication *Romano Obektivno* of the Bulgarian Helsinki Committee and 44.4 percent of the content of *Roma Rights in Focus*, the periodical of the Human Rights Project. In its September 2001 memorandum to the new Government the Bulgarian Helsinki Committee emphasised the necessity of enacting an effective anti-discrimination law that would be in conformity with the Race Equality Directive and the need to improve the existing legal procedures to combat ethnic discrimination.⁶⁷

Trade unions have not taken an active role in identifying and combating discrimination against minorities. According to information supplied by the largest trade union in Bulgaria, the Confederation of Independent Trade Unions (hereafter,

⁶² See *The Ethnic Press in Bulgaria*, Sofia, BHC, 2000 (in Bulgarian).

⁶³ See *The Ethnic Press in Bulgaria*, Sofia, BHC, 2000, pp. 126–136.

⁶⁴ *Drom Dromendar*, "There is hidden discrimination," from February 2002 (in Bulgarian).

⁶⁵ *Kaynak*, July–August, 2001 (in Turkish).

⁶⁶ "The election of a president of Bulgaria and the problem with our rights and freedoms," *Narodna volia*, December, 2001 (in Bulgarian).

⁶⁷ Memorandum of the Bulgarian Helsinki Committee to the Government of Bulgaria, 10 September 2001, see <<http://www.bghelsinki.org>>, (accessed 5 March 2002).

CITU), the union has been involved with Roma mostly through expert consultations in job-creation projects. Recently, CITU has organised festivals and assemblies with ethnic groups in order “to decrease the impression of discrimination formed in the representatives of different communities.”⁶⁸

The mainstream media generally do not discuss minority issues in light of racism, discrimination and xenophobia. Between June 2000 and June 2001 the Bulgarian Helsinki Committee undertook a survey of ethnic publications in the mainstream press and some regional periodicals. The survey showed significantly lower levels of discussion of discrimination, racism, xenophobia, and racially motivated violence in the mainstream press compared to the levels of discussion in the minority press. In the two biggest newspapers the share of these themes in the pool of all minority publications (generally, a tiny share of all publications) is negligible (2.3 percent in the biggest daily *Trud* and 3 percent in *24 chasa*). The situation in other periodicals is similar, with slightly better coverage in the two left-wing dailies *Duma* (13.1 percent) and *Sega* (9.6 percent).⁶⁹

Minority leaders and activists are unanimous in their opinion that discrimination against Roma is a serious problem in Bulgarian society. They all use almost the same words to characterise its scope and effect – it is referred to as “flagrant,” penetrating “all spheres of social life,” and a “serious problem for society” that has brought “tragic results” for the Roma community.⁷⁰

⁶⁸ Letter of the Chairman of CITU, Dr. Zheliazko Hristov, to BHC from 5 April 2002, available in the BHC archive.

⁶⁹ *Ethnic Minorities in the Press*, BHC, Sofia, 2002 (in Bulgarian). Once again, the percentages in the minority press reflect shares from all publications while those in the mainstream press reflect shares from the minority publications only.

⁷⁰ Interviews with: Stela Kostova, President of the Roma Youth Organisation, Sofia, 14 March 2002; Hristo Kiuchukov, President of “Diversity” Foundation, Sofia, 6 March 2002; Vassil Chaprazov, President of the United Roma Union, 6 March 2002; Toma Tomov, MP from “Coalition for Bulgaria” in the 39th National Assembly, 13 March, 2002; Simeon Blagoev, Roma expert in the Ministry of Culture, 8 March 2002; Zlatko Mladenov, President of Roma Social Council “Kupate,” 8 March 2002; Petar Georgiev, President of the Roma Confederation “Europe,” 6 March 2002; Svetlana Vassileva, former Secretary of the NCEDI, 5 March 2002; Alexander Filipov, MP from the NMSS, 21 March 2002.

3.2.1 Education

Discrimination in education has been widely documented by both Bulgarian and international human rights groups.⁷¹ Schools in exclusively Roma neighbourhoods give rise to *de facto* segregation, exacerbated by the lack of resources supplied to such schools; Roma children are also over-represented in the system of “special schools” for the developmentally disabled and for juvenile delinquents. According to census data supplied by the NCEDI, between 1992 and 2001 the illiteracy rate among Roma (excluding those younger than seven) rose from 11.2 percent to 14.9 percent, and the share of Roma holding a university degree decreased from 0.3 percent in 1992 to 0.16 percent in 2001.⁷²

Discrimination in education specifically is a concern of both Roma leaders and activists and civil society groups. Some Roma leaders and activists mention educational discrimination as a specific problem.⁷³ Others consider the very existence of schools in which only Roma are enrolled as discrimination.⁷⁴ National and international human rights and other civil society organisations also identify educational discrimination as a serious problem affecting the Roma community.⁷⁵

The Framework Programme addresses education at length, identifying six specific problem areas, most arising from past or present discrimination. It envisages specific measures to achieve full and effective equality in educational opportunities between Roma and non-Roma, and to ensure the promotion of minority rights. The Integration of Minorities Programme incorporates the objectives of the Framework Programme, but does not set deadlines for implementation of its objectives.

According to the Framework Programme, the key to equalisation of educational opportunities for Roma is desegregation. Segregation of Roma in the educational system became widespread during communism when rapid urbanisation led to the establishment of extensive Roma ghettos in almost every large Bulgarian city. Schools

⁷¹ See, e.g. D. Denkov, E. Stanoeva, V. Vidinski, *Roma Schools: Bulgaria 2001*, Sofia, OSF, 2000; J. Tanaka, “Parallel worlds: Romani and non-Romani schools in Bulgaria,” *Roma Rights*, No.3, 2000; *Minority Protection 2001*, pp. 86–90.

⁷² Interview with Ilona Tomova, NCEDI Expert, Sofia, 21 May 2002.

⁷³ Interviews with: Hristo Kiuchukov, President of “Diversity” Foundation, Sofia, 6 March 2002; Vassil Chaprazov, President of the United Roma Union, 6 March 2002; Zlatko Mladenov, President of Roma Social Council “Kupate,” 8 March 2002; Svetlana Vassileva, former Secretary of the NCEDI, 5 March 2002.

⁷⁴ Interview with Stela Kostova, President of the Roma Youth Organisation, Sofia, 14 March 2002.

⁷⁵ See J. Tanaka, “Parallel Worlds,” K. Kanev “Why is Desegregation Necessary,” in *Obektiv*, November 2001 – January 2002.

were established in the midst of these neighbourhoods, giving rise to *de facto* segregation. Altogether about 70 percent of school-age Roma are enrolled in such schools.⁷⁶ According to a 2001 survey, schools that enrol between 50 and 100 percent Roma students included 60 elementary, 350 primary and nine secondary schools.⁷⁷

In the mid-1960s the Government established special educational programmes in these schools, focusing on training for manual labour. These programmes existed for almost three decades and were abolished only in the 1990s.⁷⁸ The professional community of educators considered these schools the least prestigious, and as a consequence the teachers appointed there were often the least competent and motivated. One recent comprehensive survey of Roma schools in Bulgaria describes their quality of education in the following terms:

- Five percent of the students in these schools have a “slim chance” of graduating from secondary school;
- It is not uncommon for a fourth grader to be illiterate;
- Some schools lack basic educational tools such as blackboards and chalk;
- Only 0.3 percent of Roma students take an interest in national exams for admission to elite schools after the seventh and eighth grades;
- In more than 50 percent of Roma schools windows are covered by cardboard instead of glass.⁷⁹

The Framework Programme calls for the development of a “long-term strategy towards full abolition of segregated schools in Roma neighbourhoods,” ensuring the free access of Roma children to “normal” schools and prohibiting the enrolment of Roma in segregated classes.⁸⁰ In addition to desegregation, the Framework Programme envisages pre-school education in Bulgarian for Roma children who speak it as a second language, abolition of early professional education in Roma schools, dismissal of unqualified teachers, recruitment of Roma “teacher assistants,” and material and logistical support for Roma families.

The second objective of the Framework Programme in the field of education is to reduce the overrepresentation of Roma children in special schools for the

⁷⁶ Report from the conference “The Desegregation of Romani Schools – A Condition for Equal Start for Roma,” Sofia, Bulgaria, 27 April 2001, p. 6.

⁷⁷ See D. Denkov, E. Stanoeva, V. Vidinski, *Roma Schools: Bulgaria 2001*, Sofia, OSF, 2000, p. 10.

⁷⁸ See for more details: *Minority Protection 2001*, p. 87.

⁷⁹ D. Denkov et al., *Roma Schools: Bulgaria 2001*, pp. 10–11.

⁸⁰ Framework Programme, Part V.

developmentally disabled. The Bulgarian educational system is unable to take into account cultural specifics and to deal with the effects of poverty and neglect on Roma families: placement tests are in the Bulgarian language, are not culturally sensitive and are often very formal.⁸¹ As a result, a substantial number of Roma children are placed in special schools for purely social reasons. According to a recent survey of academic abilities in three special school classes conducted by Step by Step – Bulgaria, 46 percent of the students were performing up to a standard that would allow their integration into mainstream schools.⁸²

The third educational objective of the Framework Programme is the introduction of measures to combat racism in the classroom, including educational measures targeting teachers, parents and students, as well as effective sanctions against racist behaviour. All are envisaged in the context of desegregation. The Programme also aims to support university education for Roma by organising preparatory courses for application to university, and by disseminating information among Roma regarding the availability of stipends for university education. Finally, adult education and re-qualification courses are envisioned under the Programme.

Until very recently no action was taken to implement most of the Framework Programme's objectives in the field of education. In September 2002, the Ministry of Education issued its annual instructions on the organisation and regulation of school activities, including a new annex entitled "Guidelines for the Integration of Children and Students from Minorities."⁸³ These instructions direct municipalities to create their own programmes for the gradual integration of Roma with their peers from schools outside segregated settlements. The closure of Roma schools is not advised until local communities have been adequately prepared for integration.⁸⁴

Moreover, in August 2002, the Ministry of Education issued Ordinance No. 6, on the education of children with special educational needs or disabilities.⁸⁵ This ordinance defines the conditions of acceptance in special kindergartens and schools for children with all levels of developmental disabilities, not only for mild retardation, as had

⁸¹ J. Tanaka, "Parallel worlds", p. 39.

⁸² *School Success for Roma Children: Step by Step Special Schools Initiative*, Interim Report, Budapest, OSI, December 2001, p. 32.

⁸³ Ministry of Education and Science, *Organization and government of the activities of the schools of general education, professional and special schools*, Sofia, 2002, Annex 10, (hereafter, "Ministry of Education, 2002 Guidelines"). See also, Human Rights Project, *Bulgaria: Three and Half Years After the Adoption of the 'Framework Programme for Equal Integration of the Roma in Bulgarian Society' at Last the First Important Steps were Done*, Sofia, 13 September 2002.

⁸⁴ Ministry of Education, 2002 Guidelines, Annex 10.

⁸⁵ SG No. 83, 2002, 19 August 2002.

previously been the practice. The Ordinance states that special education programmes may only accept “children and students for whom all other possibilities for education have been exhausted.”⁸⁶ The Ministry guidelines further direct that “the existing practice to track normally developed children in schools for the mentally retarded should be stopped.”⁸⁷ The Ministry has also pledged to pass an ordinance providing for the participation of an interpreter during evaluations for placement in special education programmes.⁸⁸ At the time the guidelines were released, however, the evaluation commissions continued to work without an interpreter and most of them had already completed their assessments for the 2002–2003 school year; most classes had already been determined, as the process begins as early as April or May of each year.

These promising developments can in the meantime create a favourable atmosphere for desegregation projects already being implemented by NGOs. However, they represent only the beginning of the process, and appear to offer minimal concrete support to local authorities in the actual process of desegregation. A more detailed strategy, including resources and assistance for building greater support for desegregation in local communities, should be considered as a necessary complement to the Ministry’s instructions.

The Phare 1999 Bulgaria National Programme has a specific education component. It included several activities, not all of which are related to each other. The principal measures include:

- Preparation of a curriculum for 50 Roma teacher assistants to be trained for one month within a university department. Teacher assistants are then expected to be employed to help Bulgarian teachers (more than 90 percent of the teachers in the Roma neighbourhoods) maintain contacts with the community;
- Publication of a guide on Roma culture and history, to be used for teaching in mainstream elementary schools;
- Two training courses for two weeks for 50 Roma high school graduates to prepare them to apply to university faculties, including the police academy;
- Training for 50 Roma working in the police.

None of these activities is related to desegregation of the Roma educational system, a Framework Programme priority. Training of “teacher assistants” is envisaged in the Framework Programme as such, but in the context of desegregation. The preparation of “teacher assistants” within the current educational system runs the risk of

⁸⁶ SG No. 83, Art. 2 (3).

⁸⁷ Ministry of Education, 2002 Guidelines, p. 157.

⁸⁸ Ministry of Education, 2002 Guidelines, p. 157.

perpetuating segregation rather than abolishing it, as the presence of Roma assistants will be seen only as “helpers” for the ethnic Bulgarian teachers, and will discourage the systemic reform that is necessary. Training Roma to apply for universities is envisaged in the Framework Programme but training of police officers is not. Nevertheless, for the latter the 1999 project allocates the largest share of funds (€67,000 of the total €179,000).

The Phare 2001 Bulgaria National Programme includes a large educational component under the Roma Population Integration project.⁸⁹ It has three sub-components, which comprise:

- delivery of basic primary school packages, such as food, materials and clothes; support of educational activities to teach the Bulgarian language to Roma children; support of the schools’ boards of trustees; publication of inter-cultural materials and training activities for Roma children and adults.
- Identification of areas with high dropout rates of Roma students for the implementation of a pilot project to address this problem; training for 300 teachers’ assistants, and publication of a textbook.
- Curriculum development in teacher training institutions, and launching an information campaign on the revised curricula.

This is the largest of the Bulgarian Phare 2001 projects related to Roma (€1,750,000) and the least clearly related to the Framework Programme. Although the Framework Programme is noted in the project documents, the need to desegregate Roma schools is not even mentioned.⁹⁰ No activity is planned in that regard, and the teacher-assistant training is completely detached from the objective of desegregation.

Beginning in the 2000–2001 school year desegregation projects organised by Roma NGOs started operating in several Bulgarian cities. The first and the most successful of these is in Vidin, operated by Drom Association. In the 2001–2002 school year, similar projects started in five other cities, all operated by local NGOs. The attitudes of local authorities towards these projects have ranged from active support to open hostility.⁹¹ EU representatives have also expressed ambivalence regarding the need for desegregation, and at no point was the Bulgarian Government involved in supporting any of the projects financially, in spite of the Roma communities’ clear commitment to the process.

⁸⁹ Phare Project BG 0104.01, see <<http://www.evropa.bg>>, (accessed 20 March 2002).

⁹⁰ Phare Project BG 0104.01.

⁹¹ K. Nikolaeva, “Problems and Challenges before the Programme ‘Desegregation of the Roma Schools in Bulgaria’,” in *Roma Rights in Focus*, No. 20, 2001.

Given the importance that most domestic and international organisations place on improving the educational situation for Roma, and the scope of the problems involved, there have been some suggestions that the Framework Programme should be revised and amended, and that a specific action plan on education should be elaborated to accelerate the realisation of activities.⁹²

3.2.2 Employment

Racial discrimination played a specific role in isolating the Roma community from access to employment during the first wave of job cuts in 1990–1993. Local and international human rights monitors documented flagrant cases of dismissals based on ethnicity.⁹³ However, the Government does not collect data on unemployment by ethnicity, and no case of discrimination on any ground has been sanctioned by the courts since the promulgation of the Labour Code. A recent survey indicated that some 71 percent of working-age Roma are unemployed.⁹⁴ While unemployment correlates with the lower levels of education among Roma (also the result of discrimination, in part), there is evidence that direct discrimination in dismissals from and hiring for jobs also plays an important role.⁹⁵

For some discrimination in unemployment is the most frequent form of discrimination experienced by Roma.⁹⁶ Roma have expressed concerns about employment discrimination at public forums and before media. At a rally against discrimination in Sofia's biggest Roma neighbourhood, "Fakulteta," speakers reported that, "when employers understand that some candidate is of Roma origin, they don't accept him."⁹⁷ According to another Rom from Sofia interviewed by a Sofia daily: "There are lots of ads in the newspapers for work. When I go there however and they see that I am a

⁹² OSI Roundtable, Sofia, May 2002.

⁹³ See D. Petrova, *Violations of the Rights of Gypsies in Bulgaria*, Report of the Human Rights Project, Sofia 1994; Helsinki Watch, *Destroying Ethnic Identity: The Gypsies of Bulgaria*, New York, June 1991.

⁹⁴ Anti Poverty Information Center, "Social integration of the Roma population in Bulgaria," report prepared for the United Nations Department for Economic and Social Affairs, Sofia, October 2000, p. 32, (hereafter, "*APIC/UNDESA survey*").

⁹⁵ ECRI, *Second Report on Bulgaria*, 18 June 1999, §43, see <http://www.coe.int/T/E/human_rights/Ecri>, (accessed 16 March 2002). Interviews with: Stela Kostova, President of the Roma Youth Organization, Sofia, 14 March 2002; Vassil Chaprazov, President of the United Roma Union, 6 March 2002.

⁹⁶ Interview with Simeon Blagoev, Roma expert in the Ministry of Culture, 8 March 2002.

⁹⁷ "'Fakulteta' protests against discrimination," *Trud*, 15 October 2001.

Gypsy, they wouldn't offer anything. For a Bulgarian however they would."⁹⁸ Bulgarian Turks also complain of ethnic discrimination. In an interview for one of the daily newspapers, an MP stated that, "Our voters often complain that when they apply for jobs, directors would tell them: 'Change your name and you will get the job.'"⁹⁹

Furthermore, the redistribution of land as a result of restitution disenfranchised Roma who were engaged in agricultural work under communism. The land was restored to its pre-collectivisation owners and their heirs, very few of whom were Roma. As a result, Roma have been excluded from all forms of land cultivation since 1989, making the employment situation of Roma villagers even more desperate than that of Roma living in cities.

The Framework Programme deals with employment discrimination and with measures to promote full and effective equality. In Chapter I it provides for the creation of a special Government body to combat discrimination in all spheres of social life, including employment. In Chapter II, "urgent measures" are set forth to create employment opportunities for Roma. These measures include:

- Development of programmes for employment qualification and re-qualification, adapted to both the demands of the market and to traditional skills among Roma;
- Creation of a special Government fund, which would offer loans under the condition that they are used to create job opportunities for Roma; the fund is to be overseen jointly by governmental experts and Roma representatives;
- Creation of an effective information network to facilitate employment counselling for Roma;
- Simplification of the land appropriation procedure and legal reform to enable Roma to acquire land and to gain acceptance into existing agricultural cooperatives.¹⁰⁰

The Integration of Minorities Programme is more general in its approach to employment and proposes different measures to decrease unemployment among minorities. There is no explicit recognition of the existence discrimination in employment (or in other areas), though, as mentioned above, the adoption of anti-discrimination legislation is foreseen. Rather, it calls for the "creation of socio-economic and cultural conditions for effective integration of minorities." In the long-term perspective, by the end of the present Government's mandate, the Integration of Minorities Programme proposes the adoption of a strategy for the development of

⁹⁸ "Gypsy time," *Dnevnik*, 8 March 2001.

⁹⁹ "There is discrimination towards the Turkish population," *Monitor*, 7 August 2001.

¹⁰⁰ Framework Programme, Chapter II.

underdeveloped regions with compactly settled minority populations (generally referring to ethnic Turks and Bulgarian-speaking Muslims) No concrete measures are envisaged that would specifically benefit Roma.

Most of the objectives of the Framework Programme in the field of employment discrimination have not been realised. The adoption of anti-discrimination legislation is still pending; no Government fund to promote Roma employment has been created; and no changes in the Land Law facilitating access to land have been made.

In its Progress Report 2000¹⁰¹ on the legislative and policy measures taken to implement EU recommendations for accession, the Government mentioned several initiatives to improve employment prospects for Roma, including several at the regional level, which aim to provide “the Roma community adequate possibilities for work realisation and vocational training.” In contrast with its position in the Framework Programme, in the Progress Report the Government does not characterise racial discrimination as a cause of the high unemployment among Roma, emphasising rather that “the predominant part of the Roma is without education or vocational qualification, with low working discipline.”¹⁰²

While some of the regional programmes highlighted in the Progress Report will undoubtedly benefit Roma because they are over-represented among the unemployed, they do not target Roma specifically. For example, the two-tier training programme “From Education to Employment” of the District of Pernik, envisages a training scheme and subsequent employment placement for unemployed persons in general; it does not target Roma specifically.¹⁰³ The programme “Socially Useful Activities” in Omurtag municipality, proposes general training and temporary employment through public works; neither it nor a similar programme in the municipality of Antonovo specifically targets Roma.¹⁰⁴ The programme “Improvement of Living Conditions in the Municipality of Turgovishte” offers temporary employment for the long-term unemployed.¹⁰⁵ Another project cited in the Progress Report, “job placement of Roma people in gathering and processing plastic waste products,” allegedly “financed with

¹⁰¹ See <<http://www.mfa.Government.bg/eiweb>>, (accessed 17 March 2002).

¹⁰² *Progress Report 2000*, Ch.13, see <<http://www.mfa.Government.bg/eiweb>>.

¹⁰³ Interview with Ekaterina Markova, Director of the Bureau of Labour, Pernik, 20 March, 2002.

¹⁰⁴ Interview with Stanimira Todorova, Director of Municipal Industrial and Budgetary Activities, Omurtag, 26 March, 2002 and Mr. Lazarov, Secretary of the Municipality, Antonovo, 28 March 2002.

¹⁰⁵ Interview with Snezhina Slavcheva, Officer at the Administrative Control, Regional Development and State Property, Turgovishte, 26 March 2002.

priority” was cancelled by the Regional Initiative Fund in the autumn of 2001 because of financial irregularities.¹⁰⁶

The “Social Inclusion” project, part of the Phare 2001 Bulgarian National Programme, envisages several job creation activities for Roma and entrepreneurial promotion for Roma and the disabled.¹⁰⁷ The job creation component foresees the development of six job creation programmes, including four specifically targeting Roma. These programmes are designed to provide funding to organisations capable of delivering job-creation initiatives. The other component plans to provide entrepreneurial training, consulting and business support to individuals seeking to become self-employed or to develop an existing enterprise. In this case as well, delivery of services is planned on the basis of proposals coming from organisations at the local level. In both the job creation and the entrepreneurial promotion components, the Government provides one-third of the funding as co-financing. The activities planned in the Phare 2001 Social Inclusion project are all drawn from Chapter II of the Framework Programme. However, the participation of minorities in the governing bodies of these funds, as provided for in the Framework Programme, is not ensured in the project design and it remains to be seen how this will affect implementation.

Employment discrimination has long been a concern for Roma and other minority and human rights organisations, Roma leaders and activists, and ordinary Roma. Roma NGOs report that qualified Roma are not hired for jobs as soon as prospective employers see an address indicating a Roma neighbourhood.¹⁰⁸ In March 2000 the regional coordinator of the Movement for Rights and Freedoms in Lovech stated that employers refuse to hire minorities, which has compelled some people to change their Muslim names to Bulgarian ones.¹⁰⁹

3.2.3 Housing and other goods and services

Housing has been another cause of serious concern for Roma and for domestic and international observers. According to a survey conducted in 2000 by the Bulgarian Helsinki Committee based on information from district and municipal Government offices, 70 percent of the houses in Bulgaria’s Roma neighbourhoods are built “illegally,”

¹⁰⁶ Interview with Mihail Ivanov, Secretary of the NCEDI, Sofia, 26 February 2002.

¹⁰⁷ Phare Project BG 0102.06, fiche available at <<http://www.evropa.bg>>, (accessed 21 March 2002).

¹⁰⁸ “There is hidden discrimination,” interview with Leonchia Ivanova, coordinator of “Partners-Bulgaria,” *Drom Dromendar*, February 2002.

¹⁰⁹ Bulgarian Helsinki Committee, *Human Rights in Bulgaria in 2000*, *Obektiv*, March 2001, see also the BHC web site, <<http://www.bghelsinki.org>>.

either outside municipal boundaries or without appropriate authorisation documents. In some neighbourhoods this proportion reaches 85–90 percent of the houses,¹¹⁰ some of which are seriously sub-standard. As these settlements are not formally included in municipal plans, they do not receive services such as garbage collection, public transport and electricity at all, or to a much lesser extent than other areas.¹¹¹ The law permits State seizure of illegal buildings under certain circumstances.¹¹² Indeed, in some cases illegal buildings become easy targets for demolition, especially when lucrative interests are at stake for municipalities and private companies.¹¹³ In others, the existence of unregulated Roma properties after the restitution of the agricultural land on which they were built heightened tensions between Roma and ethnic Bulgarians.¹¹⁴ The conditions in these neighbourhoods worsened after 1989 with growing impoverishment and with the flight of the ethnic Bulgarian residents. In a number of towns, Roma access to commercial enterprises, such as bars, discos, restaurants, and swimming pools is restricted on racial grounds.¹¹⁵

The Framework Programme deals with the prevention of discrimination and the improvement of housing conditions for Roma in two interrelated sections: Prevention of Discrimination and Territorial Planning of Roma Neighbourhoods. Establishment of a framework for the effective prevention of discrimination is also intended to address housing and the provision of goods and services. The chapter on the territorial planning of Roma neighbourhoods provides for:

- Amendments to the Law on the Regulation of Territories and Settlements, in order to simplify the complicated bureaucratic procedure for legalisation of housing;
- Legalisation of Roma housing based on the principle of minimal interference in the existing state of affairs, so that Roma occupants may become owners as quickly as possible;

¹¹⁰ See *Minority Protection 2001*, pp. 93–94.

¹¹¹ See I. Zoon, *On the Margins: Roma and Public Services in Romania, Bulgaria, and Macedonia*, Open Society Institute, New York, 2001, pp.138–143.

¹¹² See Mihail Gheorgiev, “Fighting for Fakulteta: advocating Roma housing rights in Bulgaria,” *Roma Rights*, No. 2, 2000.

¹¹³ For the demolition by Sofia municipality of the Roma neighborhood “Asanova Mahala,” see Bulgarian Helsinki Committee, *Human Rights in 2001, Obektiv*, Special Issue, March, 2002, <<http://www.bghelsinki.org>>, (accessed 22 October 2002). See also the Human Rights Project’s letter to the Mayor of Sofia in *Obektiv*, March 2001 (in Bulgarian).

¹¹⁴ Report of the Human Rights Project on the implementation of the Framework programme on Equal Integration of Roma in Bulgarian Society, in *Andral*, No. 6, 1999, p. 6 (in Bulgarian).

¹¹⁵ Human Rights Project, *Annual Report*, 1999, p. 15.

- Improvement of the existing housing fund through access to credit, materials and land;
- Procurement of Governmental subsidies to improve infrastructure in Roma neighbourhoods;
- Adapting municipal housing programmes to allow for the resettlement of Roma to offer enhanced opportunities to improve their living environment.

The Integration of Minorities Programme notes that the objectives of the Framework Programme have not been achieved, including those related to the territorial planning of Roma neighbourhoods. However it does not envisage any specific activities to address these shortcomings.

In December 2000 the Parliament passed the Law on the Regulation of Territory, superseding the old Law on the Regulation of Territories and Settlements. The new law however, does not address the concerns of the Framework Programme in any way. It does not simplify the regulation and legalisation procedure and does not oblige the municipalities to deal with illegally built houses.

The second component of the Phare 1999 Bulgaria National Programme is urbanisation. This project has been under implementation since Autumn of 2001 under the management of the Bulgarian “Habitat for All” Foundation. It operates in two Bulgarian cities – Stara Zagora and Pazardzhik. According to the project’s terms of reference, in both cities it aims to amend the general town-planning scheme in order to include Roma settlements within the city boundaries and to construct several Roma houses. Because of the scarce funds (a total of €270,000), the latter activity was ultimately restricted only to the city of Pazardzhik.¹¹⁶ Thus, the only Governmental activity related to the Framework Programme’s territorial planning component is a small-scale operation with little effect on the Roma community as a whole. Concerns have also been raised that as demand for the new housing (14 houses in all) far outstrips supply, arriving at a fair and equitable means of allocating the housing will be extremely difficult.¹¹⁷ An alternative, and possibly more effective use of funds could be the provision of legal advice and support for Roma to regularise their property, which could potentially assist a much larger number of beneficiaries.¹¹⁸

The Phare 2001 Bulgaria National Programme includes the development of Roma information and cultural centres (“*chitalishte*”) to enhance the relationship between

¹¹⁶ Interview with Mariana Barouh, Executive Director of “Habitat for All” Foundation, Sofia, 15 March 2002.

¹¹⁷ OSI Roundtable, Sofia, May 2002.

¹¹⁸ OSI Roundtable, Sofia, May 2002.

Roma communities and “statutory authorities, for example national and local labour offices, regional educational inspectorates, drop-out centres and vocational training centres, employers and their organisation.”¹¹⁹ This project has four components:

- Provision of literacy and mathematical training. The expectation is that at least 4,500 Roma will receive such training under 300 programmes;
- Extension of mediation services with authorities to address language difficulties and develop better communications with Romani communities;
- Awareness training for public authorities to make them more sensitive to Roma needs;
- Extension of information services identifying potential employers and disseminating this information within the Romani community.

The Framework Programme includes the objective to advance adult literacy and qualification.¹²⁰ Promotion of information services also can be considered to be in line with the Framework Programme’s provisions designed to improve access to the labour market for Roma.¹²¹ The other two components are not directly related to any Government programme.

Discrimination in housing and in the provision of public goods and services has long been a serious concern for the Roma community.¹²² Roma report that they are barred from access to bars and cafes,¹²³ excluded from kindergartens,¹²⁴ offered a lower standard of service for public utilities and other municipal services in Roma neighbourhoods,¹²⁵ and subject to *de facto* curfews due to lack of public transport.¹²⁶

Discrimination in the provision of publicly organised goods and services has not been addressed through any targeted governmental activity, nor is not addressed in the Phare

¹¹⁹ Social Inclusion Project BG 0102.06, see fiche at <<http://www.evropa.bg>>.

¹²⁰ Framework Programme, Chapter V Section 6.

¹²¹ Framework Programme, Chapter II Section 2.

¹²² According to the President of the Roma Youth Organisation, the very existence of ghettos is discrimination, Interview, Sofia, 14 March 2002.

¹²³ See e.g. K. Anguelova, “Teteven café forcefully closed for serving representatives of minorities,” *Obektiv*, November 2000 – January 2001, also: Human Rights Project, *Annual Report*, 1999.

¹²⁴ “Minority children – no man’s land of today,” *Obektiv*, November 2000 – January 2001.

¹²⁵ I. Zoon, *On the Margins*, pp. 138–142.

¹²⁶ I. Zoon, *On the Margins*, pp.140–141.

Bulgaria National Programmes, except in a general manner, through efforts to draft an anti-discrimination law.¹²⁷

3.2.4 Healthcare and other forms of social protection

Due to poverty and exclusion the majority of Roma are heavily and in many cases exclusively dependent on social welfare.¹²⁸ In 1999 Bulgaria introduced universal health insurance as part of a reform of the national healthcare system. Although in theory the system was supposed to improve access to healthcare for all, in practice it has had serious negative consequences for both employed and unemployed Roma. Due to high levels of unemployment (this itself due in part to discriminatory practices in education and employment) and their exclusion from the social welfare system, many Roma have found themselves without health insurance and consequently without any access to healthcare.¹²⁹ According to a recent survey, almost 30 percent of Roma do not have a general practitioner (GP), the primary health care provider, a much higher share than among the population as a whole.¹³⁰

Even those who do have a GP are often unable to pay for transportation to the hospital, to pay doctors' fees or to buy prescribed medications.¹³¹ 31.2 percent of Roma participating in a survey conducted by "Fakt Marketing" in December 2001 had never visited their personal GP, while 35.4 percent reported that they cannot pay the user tax of one Lev (approximately €0.50¹³²) for an examination even if they have a GP.¹³³ Discriminatory treatment by health care practitioners, including physical and verbal abuse, segregation of Roma women in maternity wards, and negligence in examinations, also work to alienate Roma from the healthcare system.¹³⁴

The Framework Programme envisages two measures in the area of healthcare: improving sanitary conditions in Roma neighbourhoods, and increasing health education programmes, as well as stimulating Roma participation in these programmes. The

¹²⁷ See Section 3.2.

¹²⁸ According to a recent survey, 63.5 percent of Roma depend on social welfare for their survival. *APIC/UNDESA survey*, p. 27.

¹²⁹ I. Zoon, *On the Margins*, pp. 91–94.

¹³⁰ *APIC/UNDESA survey*, pp. 27–28.

¹³¹ I. Turnev, O. Kamenov, M. Popov, L. Makaveeva, V. Alexandrova, *Common health problems among Roma – nature, consequences and possible solutions*, Sofia, OSF-Bulgaria, January 2002, p. 3.

¹³² The exchange is calculated at BGL 1.95 = €1.

¹³³ Interview with Ilona Tomova, NCEDI Expert, 21 May 2002.

¹³⁴ I. Turnev et. al, *Common Health Problems Among the Roma*, pp. 6 and 10.

Integration of Minorities Programme does not address healthcare and social protection at all. It states only that the main objectives of the Framework Programme, including those relating to healthcare, have not been achieved, without specifying any measures to remedy this situation.

The Framework Programme was developed before the introduction of the national healthcare reform. The Programme's measures to address social protection and healthcare are thus in need of revision. With regard to social protection, the Programme requires that an amendment be made in the law to differentiate a subgroup of "vulnerable ethnic minorities" within the general category of the "socially weak," so that the special measures undertaken directly address their specific situation. An obstacle to implementing this measure became evident when the Framework Programme was adopted, in view of the Constitutional Court's prohibition against taking special measures on an ethnic basis.¹³⁵ The Framework Programme further requires that monitoring of the social welfare system should be strengthened through the involvement of Roma NGOs, although the precise nature of this collaboration has not been articulated.

Since the adoption of the Framework Programme, legislative and policy developments generally have had a negative impact with regard to Roma access to healthcare and social protection. The introduction of universal health insurance excluded many Roma from access to health care. A number of factors built into the existing social welfare legislation contributed to the further exclusion of Roma from monthly benefit payments. These factors include the exclusion of those sanctioned for not reporting their income,¹³⁶ and for travelling abroad,¹³⁷ and an increase in the number of poor people who must be supported by their relatives under the law.¹³⁸ The extremely bureaucratic application procedure is another factor discouraging potential applicants.

The Regulations for the Application of the Social Assistance Act have been amended several times since the adoption of the Framework Programme, including by the present Government. Some of these amendments did have a positive impact on Roma access to welfare. In November 2001, the provision imposing a three-year limit on the

¹³⁵ See Section 3.2.

¹³⁶ Sanction envisaged in the Regulations for the Application of the Social Assistance Act, Art.11.5.

¹³⁷ Sanction envisaged in the Regulations for the Application of the Social Assistance Act, Art.11.7. E.g. some Roma who travelled to Norway in the summer 2001 were prohibited from claiming monthly welfare benefits for a period of one year (See Bulgarian Helsinki Committee, Human Rights in Bulgaria in 2001, *Obektiv*, Special Issue, March 2002, see <<http://www.bghelsinki.org>>, (accessed 22 October 2002).

¹³⁸ They are to be excluded from monthly payments under the Regulations for the Application of the Social Assistance Act, Art.11.2.

payment of monthly social welfare assistance to working-age unemployed people was abolished. However, another provision, providing that those who have refused the offer of agricultural land can be excluded from monthly welfare payments, was not.¹³⁹ Those affected are mostly Roma, who have been compelled to decline land offers as they have no money to buy equipment and grain.¹⁴⁰

The Phare 2001 Bulgaria National Programme includes the project, “Ensuring Minority Access to Health Care,” aiming at “ensuring justice and equality of social opportunities in health access for Roma.”¹⁴¹ The total budget for the project is €1,100,000, of which €100,000 is provided by the Government. The project has two components: improving access to healthcare in 15 towns, and health issues awareness campaigns directed at Roma communities. The first sub-project includes three related activities:

- Delivery of healthcare equipment for GPs practising among Roma, in 15 towns including those with the largest Roma communities. Rehabilitation of buildings in which these practices are based is also envisaged;
- Training of GPs and nurses serving the Roma population to work with the new healthcare equipment and to promote health in the Roma community;
- Training of 50 Roma leaders to act as mediators between health authorities and Roma.

The second sub-project envisages information campaigns in target areas to address health risks and to disseminate healthcare information through NGOs and churches working with Roma. The project will be managed by the Ministry of Health and will be overseen by a committee composed of Government officials, Roma and NGOs. In addition, 15 local working groups including Roma NGOs will be established in the areas where the project is to be implemented.

If implemented as planned, the project will benefit those Roma who have registered with GPs. However, the project will not address the more fundamental problem of complete lack of access to the healthcare system for people who have dropped out of the social assistance system altogether. The overall approach of the project is to seek ways to adapt Roma to the system without also modifying the system to meet Roma needs.

¹³⁹ Regulations for the Application of the Social Assistance Act, Art.11.6.

¹⁴⁰ See the statement of the then Mayor of Russe and now Minister for State Administration, Dimitar Kalchev, in: Rositza Stoykova, “Non-payment of social benefits as part of the budget,” *Obektiv*, November 2000 – January 2001.

¹⁴¹ Ensuring Minority Access to Health Care Project BG 0104.02.

Part of the Phare 2001 Social Inclusion Project¹⁴² aims to extend mediation services to facilitate communications between Roma and public authorities, including the social welfare administration. This should eventually improve access for Roma and will increase the sensitivity of the administration staff to the Roma situation. At present very few Roma work within the social welfare administration; increasing the number of Roma employees in social services would also improve communications with and services for Roma communities.

3.2.5 The criminal justice system

A number of serious problems have been noted in the Bulgarian criminal justice system including unfair pre-trial and trial proceedings, excessive use of physical force by law-enforcement officers, and corruption and selective targeting of the poor and disenfranchised. These problems affect all people who come into contact with the criminal justice system. Very few Roma leaders and activists express concerns with discrimination against Roma in the criminal justice system. Only one of those interviewed mentioned the existence of discrimination in the work of the police and in the judiciary.¹⁴³

Nonetheless, some legal provisions are discriminatory on their face. For example, the police are not obliged to inform those arrested of the reasons for the arrest or of the charges brought them in a language that they understand. In addition to being discriminatory, this directly contradicts Art. 5(2) of the European Convention of Human Rights and Art. 10(3) of the Framework Convention for the Protection of National Minorities.

Moreover, there is a growing body of evidence that criminal defendants belonging to a minority group (especially Roma and Turks) are discriminated against in all phases of criminal proceedings. According to a number of surveys conducted by the Bulgarian Helsinki Committee since 1999, minorities are more likely to be physically abused during detention, less likely to be represented by a lawyer at all stages of criminal proceedings, more likely to be charged with serious crimes, and more likely to be

¹⁴² See Section 3.2.3.

¹⁴³ Interview with Petar Georgiev, President of the Roma Confederation "Europe," 6 March 2002.

sentenced to effective imprisonment.¹⁴⁴ According to the most recent surveys conducted by the Bulgarian Helsinki Committee in 2001 and 2002, the probability of being represented by a lawyer during trial clearly depends on a defendant's ethnicity; all other conditions being equal, the probability of being represented by a lawyer during trial decreases by between four and six percent if the defendant is not an ethnic Bulgarian.¹⁴⁵

The final version of the Framework Programme does not deal with discrimination within the criminal justice system specifically. The proposed legislation to combat ethnic discrimination generally is intended to protect against ethnic discrimination within the criminal justice system as well. An earlier draft of the Framework Programme provided for a mechanism to investigate complaints against illegal police actions, but this was omitted from the final version.¹⁴⁶ The Integration of Minorities Programme does not deal with discrimination in the criminal justice system. No other Government initiatives or policies to combat discrimination in this sphere exist beyond the two programmes. No EU or other international programmes address this issue.

3.3 Protection from Racially-Motivated Violence

Racially motivated violence, and particularly police brutality against Roma, have long been serious issues.¹⁴⁷ Racist attitudes continue to be common even in the official

¹⁴⁴ See Legal Defence of Defendants in the Criminal Process and its Effect, at <<http://www.bghelsinki.org>>, (accessed 22 March 2002); K. Kanev, "The access to justice of indigent criminal defendants did not improve," in *Obektiv*, November 2000/January 2001; Bulgarian Helsinki Committee, *Human Rights in Bulgaria in 2001*, *Obektiv*, Special Issue, March 2002, see <<http://www.bghelsinki.org>>, (accessed 22 October 2002). See also *Minority Protection 2001*, pp. 97–99.

¹⁴⁵ The survey involved examination of 1,891 criminal files and interviewing 1,001 prisoners, *Access to Legal Defense in the Criminal Justice System of Bulgaria*, see <<http://www.bghelsinki.org>>, (accessed 7 April 2002).

¹⁴⁶ See Section 3.3.

¹⁴⁷ Some of the more recent reports with evidence of racially-motivated violence include: "The case of Blago Atanasov from Gelemenovo," *Roma Rights in Focus*, January–July, 1999, pp.3–4; "The case from Sotiria," in *Roma Rights in Focus* January–July, 1999, p.4; "Bulgarian police violence against Roma," *Roma Rights*, No. 4, 2000. See also BHC annual reports on human rights in Bulgaria for 1992–2001, at <<http://www.bghelsinki.org>>, (accessed 25 March 2002); *Racial Discrimination and Violence against Roma in Europe*, ERRC submission to the 57th Session of CERD, August 2000; and Helsinki Watch, *Destroying Ethnic Identity: The Gypsies of Bulgaria*, p. 47.

discourse of senior police officers.¹⁴⁸ Such attitudes can mute the official response to racially motivated violence by private groups.¹⁴⁹ Three recent surveys of the use of force during arrest and in custody by law enforcement officials conducted by the Bulgarian Helsinki Committee in 1999, 2001 and 2002 have established that Roma are more likely than the other defendants to be physically abused during arrest and inside the police station.¹⁵⁰

Roma leaders and activists have widely varying views on the existence and the role of racially motivated violence against Roma. Some identify it as a serious and frequent problem.¹⁵¹ Others believe that it exists as both private and institutional behaviour but is not a serious problem on the level of nationalist principles, or that it only expresses itself from time to time.¹⁵² Still others believe that it is hidden or that it exists only at

¹⁴⁸ A characteristic example from a letter of P. Purvanova, Director of the International Cooperation Directorate of the Ministry of Interior, to E. Poptodorova, Director of the Human Rights Directorate, Ministry of Foreign Affairs, for preparation of the initial report due under the Framework Convention for the Protection of National Minorities, from 14 December 2001, (hereafter, "letter of P. Purvanova") : "Socio-economic factors, demographic and ethno-cultural characteristics of the Roma population explain the relatively high crime rate among it. Because of the low professional qualification of the majority of Roma, they were dismissed from work during the structural adjustments of the enterprises. As a consequence, the Gypsy criminality is "justified" as a form of social resistance." In the same letter legitimate protest actions, such as public rallies against electricity cuts and delays in the payment of social welfare money are called "anti-social behaviour."

¹⁴⁹ Another example from the letter of the Director of the International Cooperation Directorate of the Ministry of Interior: "Despite society's traditional tolerance towards minorities, some isolated accidents of intolerance can be observed, motivated by the perception of the representatives of Roma community as potential criminals. Such negative attitudes find expression in the actions of youth groups, imitating the "Skinheads" movement." Letter of P. Purvanova.

¹⁵⁰ K. Kanev, "The access to justice of indigent criminal defendants did not improve," in *Obektiv*, November 2000/January 2001; Bulgarian Helsinki Committee, *Human Rights in Bulgaria in 2001*, *Obektiv*, Special Issue, March 2002, see <<http://www.bghelsinki.org>>.

¹⁵¹ Interviews with: Stela Kostova, President of the Roma Youth Organisation, Sofia, 14 March 2002; Svetlana Vassileva, former Secretary of the NCEDI, 5 March 2002.

¹⁵² Interviews with: Vassil Chaprazov, President of the United Roma Union, 6 March 2002; Zlatko Mladenov, President of Roma Social Council "Kupate," 8 March 2002.

the level of private groups.¹⁵³ There are also Roma leaders and activists who believe that it would be an exaggeration to refer to racially motivated violence.¹⁵⁴

The Government has been reluctant to recognise the problem of racially motivated violence, especially when Government agents are responsible. The version of the Framework Programme signed by the Government and Roma NGOs on 8 April 1999 included a section providing for the creation of a special governmental body for investigating complaints of citizens against illegal actions by police. However, as a result of the “editing” which took place after the agreement on the Programme had already been signed, no such bodies are envisaged in the final version of the Framework Programme.

Illegal use of force and firearms by law enforcement officials was referred to in the 8 April Programme as “one of the most serious manifestations of ethnic discrimination against Roma.” Accordingly, the draft programme agreed to on 8 April 1999 provided for the establishment of committees at the central and local levels to review complaints against law enforcement officers. These committees, in which ethnic minorities were to be proportionally represented, would have been authorised to refer cases to the prosecutor’s office and to take part in criminal investigations, to give recommendations for compensating victims, and to sanction administrative offences. The final Framework Programme envisages only the introduction of changes to the Penal Code that would provide for heavier penalties if racial animus is proven as a motive for the commission of a given crime. The Integration of Minorities Programme does not deal with racially motivated violence at all.

Racially motivated violence is also not addressed adequately by the Government outside the scope of the Framework Programme. On 15 August 2000 a Specialised Commission on Human Rights was created within the police, which was assigned the task of planning activities to sensitise the police force to human rights. According to information submitted by the Ministry of the Interior, as of November 2001 the Ministry of Interior had realised six projects relating to human rights and police work:

- The publication of teaching materials on human rights and translation of the video “Police and Human Rights – Let’s be More Careful,” sponsored by the Council of Europe;

¹⁵³ Interviews with: Hristo Kiuchukov, President of “Diversity” Foundation, Sofia, 6 March 2002; Simeon Blagoev, Roma expert in the Ministry of Culture, 8 March 2002.

¹⁵⁴ Interviews with: Toma Tomov, MP from “Coalition for Bulgaria” in the 39th National Assembly, 13 March, 2002; Petar Georgiev, President of the Roma Confederation “Europe,” 6 March 2002.

- Six seminars on police violence and procedures for filing complaints, as well as on the internal relationships within police structures for 180 police officers, sponsored by the World Organisation against Torture;
- Seminars on human rights and policing for senior police chiefs, sponsored by the Office of Technical Assistance of the US Treasury Department;
- Training seminar for the regional coordinators of the human rights commission sponsored by the ADACS;
- Experts' working meeting on police ethics to discuss the Code of Conduct of National Police Officers sponsored by the Council of Europe.
- A training project on policing in a multiethnic environment in the Roma neighbourhood of Plovdiv sponsored by the UK Know-How Fund.¹⁵⁵

Human rights NGOs took part in some of these projects and discussed police violence against minorities but no programme addressed racially motivated violence as such as its topic. None of these projects appears to have been effective in combating racially motivated violence, which has remained at a consistently high level, particularly with regard to police violence during arrest and in custody.¹⁵⁶ Civil society organisations have assisted victims in filing cases before domestic courts and international tribunals, and the European Court of Human Rights has issued three decisions against Bulgaria on cases of ill treatment/torture of Roma by law enforcement officers, finding that the State had failed to adequately investigate allegations of police misconduct.¹⁵⁷

3.4 Promotion of Minority Rights

The overall legal framework for the protection of minority rights is weak and in some cases at variance with international standards.¹⁵⁸ Enforcement of existing laws has been both restrictive and discriminatory and has further curtailed those rights provided for under the Constitution and in separate legislation.

¹⁵⁵ Letter of P. Purvanova,, 14 December 2001.

¹⁵⁶ K. Kanev, "The access to justice of indigent criminal defendants did not improve," in *Obektiv*, November 2000/January 2001; Bulgarian Helsinki Committee, *Human Rights in Bulgaria in 2001*, *Obektiv*, Special Issue, March 2002, see <<http://www.bghelsinki.org>>.

¹⁵⁷ *Asenov and Others v. Bulgaria*, ECHR Appl. No. 24760/94, Judgment from 28 October 1998; *Velikova v. Bulgaria*, ECHR Appl. No. 41488/98, Judgment from 18 May 2000; *Anguelova v. Bulgaria*, ECHR Appl. No. 38361/97, Judgement from 13 June 2002.

¹⁵⁸ For example, the Constitution prohibits the formation of political parties on an ethnic or religious basis. Bulgarian Constitution, Art. 11 (4).

Both the Framework Programme and the Integration of Minorities Programme provide for the promotion of some minority rights, though neither programme sets forth a comprehensive plan covering the entire spectrum of minority rights. Nevertheless, some Governmental activities directed at protecting minority identity and culture have taken place outside the scope of the Government programme.

3.4.1 Education

Most Roma leaders and activists believe that Romanes should be studied in public schools, as an extension of existing programmes for the study of other minorities' native languages. Opinions as to how this should best be implemented vary, and there are also Roma leaders and activists who think that there is no need to study Romanes in the schools or have no opinion on the matter.¹⁵⁹ In 1994–1995, some 4,000 Roma students received Romanes mother-tongue education. Since then, however, the number of students has declined, and at present there are no students studying in Romanes.¹⁶⁰

At the time the Framework Programme was created, mother-tongue education was organised for all minorities as an elective subject, which could be taught as a supplement to the regular school curriculum, and for which students did not earn a grade. The Framework Programme envisages introduction of Romanes as an obligatory elective subject in public schools. In addition, the programme calls for the training of teachers of minority languages in the pedagogical universities and institutes, including Sofia University. As part of its objective to combat racism in the classroom,¹⁶¹ the Framework Programme provides that the Ministry of Education should develop programmes for teaching tolerance to teachers and introduce anti-racist education in schools. In the section on the protection of ethnic identity and culture of Roma the Programme requires the introduction of themes related to Roma history and culture “into the textbooks for the elementary, primary and secondary education, in the general context of the Bulgarian history and culture.”¹⁶²

The Integration of Minorities Programme does not envisage concrete measures related to mother-tongue education or to any other educational activities, but reiterates the Government's commitment to the implementation of the Framework Programme and the FCNM. By the end of the mandate of the present Government it pledges to

¹⁵⁹ Interviews with: Toma Tomov, MP from “Coalition for Bulgaria” in the 39th National Assembly, 13 March, 2002; Simeon Blagoev, Roma expert in the Ministry of Culture, 8 March 2002; Zlatko Mladenov, President of Roma Social Council “Kupate,” 8 March 2002.

¹⁶⁰ See *Minority Protection 2001*, pp. 106–107.

¹⁶¹ See Section 3.2.1.

¹⁶² Framework Programme, Part VI.

“ensure full and effective enforcement of the FCNM by undertaking concrete measures of legislative and other character.”¹⁶³

In 1999 the legislative framework for mother-tongue education was changed, and it became an obligatory elective subject. Consequently, all minority students (Turkish, Armenian, Jewish, and others) who previously studied their mother tongue as a free elective subject started studying it on an obligatory elective basis. This change did not affect Roma however, as no mother tongue education was organised for them on any basis. There have been no efforts to train teachers qualified to teach Romanes at public schools and no Government-sponsored programmes have been introduced within the county’s pedagogical institutes.

One of the activities envisaged in the Roma Population Integration project as part of the Phare 2001 Bulgaria National Programme¹⁶⁴ proposes the introduction of a nation-wide multicultural content-revised curriculum in order to provide students with a greater understanding of Roma culture. These activities are to be supported by an information campaign targeted at school management and civil society organisations and by supporting training needs and cost assessment for the planned in-service training of teachers. As with the other Phare 2001 projects, implementation has not yet begun.

Several NGOs have organised training activities for teachers in multicultural education, with the permission of the Ministry of Education. They have also published teaching materials on minority history and culture. The scope of these activities has been very limited, however.

3.4.2 Language

Roma leaders and activists are not unanimous in their opinions as to the need to enable Roma to expand the use of Romanes in communications with public authorities. Some believe that Romanes could or should be used;¹⁶⁵ others believe that such measures would not meet with broad societal acceptance, or that they are not necessary.¹⁶⁶ Roma

¹⁶³ Integration of Minorities Programme, Activities.

¹⁶⁴ See Part 3.2.1.

¹⁶⁵ Interviews with: Stela Kostova, President of the Roma Youth Organization, Sofia, 14 March 2002; Hristo Kiuchukov, President of “Diversity” Foundation, Sofia, 6 March 2002.

¹⁶⁶ Interviews with: Simeon Blagoev, Roma expert in the Ministry of Culture, 8 March 2002; Toma Tomov, MP from “Coalition for Bulgaria” in the 39th National Assembly, 13 March, 2002; Alexander Filipov, MP from the NMSS, 21 March 2002; Svetlana Vassileva, former Secretary of the NCEDI, 5 March 2002 Vassil Chaprazov, President of the United Roma Union, 6 March 2002 Zlatko Mladenov, President of Roma Social Council “Kupate,” 8 March 2002.

leaders and activists are similarly divided regarding the use of Romanes on public signs; some endorse the idea¹⁶⁷ while others do not accept it.¹⁶⁸

Neither the Framework Programme nor the Integration Programme envisages measures to encourage the use of Romanes with public authorities, including in judicial proceedings, on public signs, and in their names and surnames.

The Government has not implemented any measures to ensure the expansion of the public use of Romanes or other minority languages.

3.4.3 Participation in public life

Roma are grossly underrepresented at all levels of decision-making and in the public employment sector.¹⁶⁹ During the municipal elections in 1999 two *de facto* Roma parties, “Free Bulgaria” and “Future for All” won 102 and four seats respectively in municipal councils or as mayors. At present there are only two Roma in the Parliament, both elected on the tickets of mainstream parties, the NMSS and the Coalition for Bulgaria.

Roma leaders and activists unanimously voice concern about the inadequate representation of Roma in governmental institutions, although they advance different models to improve the situation. The majority believes that Roma should have their own political party through which they should take part in elections at both central and local level.¹⁷⁰ Some prefer participation through the mainstream political parties.¹⁷¹ Others consider that participation through single-constituency candidates would be

¹⁶⁷ Interviews with: Stela Kostova, President of the Roma Youth Organization, Sofia, 14 March 2002; Hristo Kiuchukov, President of “Diversity” Foundation, Sofia, 6 March 2002; Vassil Chaprazov, President of the United Roma Union, 6 March 2002; Zlatko Mladenov, President of Roma Social Council “Kupate,” 8 March 2002.

¹⁶⁸ Interviews with: Simeon Blagoev, Roma expert in the Ministry of Culture, 8 March 2002; Petar Georgiev, President of the Roma Confederation “Europe,” 6 March 2002; Svetlana Vassileva, former Secretary of the NCEDI, 5 March 2002.

¹⁶⁹ See *Minority Protection 2001*, p. 110.

¹⁷⁰ Interviews with: Stela Kostova, President of the Roma Youth Organisation, Sofia, 14 March 2002; Vassil Chaprazov, President of the United Roma Union, 6 March 2002; Toma Tomov, MP from “Coalition for Bulgaria” in the 39th National Assembly, 13 March, 2002; Simeon Blagoev, Roma expert in the Ministry of Culture, 8 March 2002; Zlatko Mladenov, President of Roma Social Council “Kupate,” 8 March 2002. The Constitution (Art. 11.4) however prohibits political parties organised along ethnic or religious lines.

¹⁷¹ Interview with Petar Georgiev, President of the Roma Confederation “Europe,” 6 March 2002.

most effective,¹⁷² and still others believe that Roma should participate in decision-making predominantly as experts.¹⁷³

In its introduction, the Framework Programme states that: “Roma should not be only a passive object of influence but an active subject in the public sphere.”¹⁷⁴ In its conclusion it reiterates: “The active position of Roma at all levels of state institutions, which are responsible for the realisation of this programme, is a condition for its successful implementation.”¹⁷⁵ The Framework Programme mandates the participation of Roma in some of the governing bodies it proposes to establish, such as the special governmental fund to create employment opportunities for Roma.¹⁷⁶ In the draft version of the Framework Programme, the proposed anti-discrimination body was to be elected by the Parliament with its composition at both central and local level “proposed by minority organisations and correspond[ing] to the relative share of the respective ethnic group.”¹⁷⁷ However, this provision was eliminated when the Programme was “edited,” and is not included in the final text.

The Integration of Minorities Programme provides that the realisation of the programme’s priorities is to be achieved “through the direct participation of the minorities in the development and the realisation of politics.”¹⁷⁸ It further envisages among its short-term activities the “creation of structures dealing with the problems of minorities in the central, district and municipal administrations.”¹⁷⁹

Since the adoption of the Framework Programme, representation of Roma in public life improved somewhat but still remains unsatisfactory. Several Roma work on minority issues in different Governmental agencies, including the Ministry of Education, the Ministry of Culture, the NCEDI, and the State Agency of Youth and Sports. A few Roma work in these agencies as ordinary employees at positions unrelated to minorities. The employees from both groups occupy some of the lowest levels of the administrative hierarchy.

A number of Roma work as experts on ethnic and demographic issues at the district and municipal government level. These posts often have no defined responsibilities or

¹⁷² Interview with Alexander Filipov, MP from the NMSS, 21 March 2002.

¹⁷³ Interview with Svetlana Vassileva, former Secretary of the NCEDI, 5 March 2002.

¹⁷⁴ Framework Programme, Introduction.

¹⁷⁵ Framework Programme, Conclusion.

¹⁷⁶ See Section 3.2.2.

¹⁷⁷ Programme “For Equal Participation of Roma in the Public Life of Bulgaria,” Section 1.1.

¹⁷⁸ Integration of Minorities Programme, Priorities.

¹⁷⁹ Integration of Minorities Programme, Activities.

mandate, and some experts feel that their positions and responsibilities are largely nominal.¹⁸⁰

According to information from the Ministry of Interior, by the end of 2000 only 92 Roma worked in the National Police, 88 of whom were sergeants.¹⁸¹ Thus, the participation of Roma in the implementation of the Framework Programme at different levels of state institutions, as the programme itself requires, is negligible at present.

3.4.4 Media

Roma leaders and activists are almost unanimous in identifying a need for newspapers, radio and TV broadcasts in Romanes. Some believe that such broadcasts should be organised on all channels and that there should also be a special Roma channel.¹⁸² Others think that the Government should provide financial and legal support for the organisation of such broadcasts.¹⁸³ There are also Roma leaders and activists who do not see a need for media in Romanes as their existence would “encapsulate” the community and isolate it from majority Bulgarian society.¹⁸⁴

The Framework Programme is critical of the representation of Roma in the media. It states that Roma are “deprived of the possibility of equal access to national media,” which, given their stereotyped portrayal of Roma, “leaves the development of negative social attitudes without an alternative.”¹⁸⁵ The Programme envisages State support for Roma participation in the Bulgarian National Television and National Radio through the inclusion of Roma broadcasts and of Roma journalists. The Framework Programme also envisages State support for Roma print publications.

The Integration of Minorities Programme does not envisage any measures to improve minority representation in the national media, nor does it stipulate support for minority publications.

Since the adoption of the Framework Programme, stereotyped representation of Roma in the media has continued unchanged, and Roma voices continue to be absent from both the electronic and print media. The only relevant broadcast on Bulgarian

¹⁸⁰ OSI Roundtable, Sofia, May 2002.

¹⁸¹ Letter of P. Purvanova, 14 December 2001.

¹⁸² Interview with Alexander Filipov, MP from the NMSS, 21 March 2002.

¹⁸³ Interview with Toma Tomov, MP from “Coalition for Bulgaria” in the 39th National Assembly, 13 March, 2002.

¹⁸⁴ Interview with Svetlana Vassileva, former Secretary of the NCEDI, 5 March 2002.

¹⁸⁵ Framework Programme, Part VII.

National TV at present is a one-hour programme on Channel 1 dedicated to Roma problems, which is broadcast in Bulgarian.¹⁸⁶ Some private radio and TV stations air programmes for Roma without any support from the Government. Several Roma periodicals are published, most of them irregularly, and some receive modest financial support from the Government. In 2001 the NCEDI supported the publication of the largest Roma newspaper *Drom dromendar* for a total of BGL 3,300 (approximately €1,692), allocated BGL 5,983 (approximately €3,069) to a Roma association in Brusartsi for a media campaign, and BGL 600 (approximately €308) to the studio “Roma” in the Mizia regional radio centre in Pleven.¹⁸⁷

3.4.5 Culture

The Framework Programme has a special section on the protection of Roma culture in which it plans support for the “development of the Roma culture as a specific ethnic culture and at the same time as a part of the Bulgarian national culture.”¹⁸⁸ The Framework Programme envisages a series of measures to achieve this goal:

- To restore information and cultural centres in Roma neighbourhoods;
- To encourage Roma participation in national and regional folk festivals;
- Protection of authentic Roma folklore through support for Roma music festivals, through the publication and distribution of audio and video products and by ensuring access to national media for Roma;
- Restoration of the Roma national theatre.

The Integration of Minorities Programme does not envisage specific objectives for the protection of Roma culture in addition to those stated in the Framework Programme, though it states a general goal of “preservation and encouragement of the culture of different minorities.”

Some State funding is available annually to support the organisation of Roma cultural activities, including folk festivals and the celebration of holidays. In 2001 the National Council on Ethnic and Democratic Issues contributed a total of BGL 7,500 (approximately €3,847) for Roma cultural events and festivals. Another BGL 47,880 (approximately €24,557) was allocated to support Roma Information and Cultural

¹⁸⁶ See *Minority Protection 2001*, p. 108.

¹⁸⁷ Information on Funds from the NCEDI budget for projects – 2001, offered by the NCEDI.

¹⁸⁸ Framework Programme, Part VI.

Centres, whose activities include the organisation of cultural events.¹⁸⁹ The Ministry of Culture allocated an additional BGL 14,500 (approximately €7,437) to Roma cultural activities in 2001.¹⁹⁰

Phare 2001 Bulgaria National Programme's Social Inclusion Project envisages development of Roma *chitalishte*. They are expected to retain their existing role as centres of Roma cultural events (see Section 3.2.3). In addition, the project envisages strengthening their role as mediators between the Roma community and authorities in the provision of literacy, information services for job creation, and awareness training for public officials.

4. EVALUATION

The Framework Programme for Equal Integration of Roma in Bulgarian Society was developed and accepted with enthusiasm across the Roma community. Both domestic and international organisations considered it to address the most serious problems affecting the Roma community. The Bulgarian Government benefited internationally from the adoption of the Framework Programme, receiving praise for its active attempt to facilitate the integration of minorities.

The Framework Programme's approach to integration of Roma is quite comprehensive. It deals with a wide range of problems and offers a variety of solutions. Nevertheless, a close reading of its provisions reveals some gaps, including:

- *Racial discrimination in the criminal justice system.* The Framework Programme does not deal adequately with discrimination in the criminal justice system and does not offer solutions. No other governmental or international effort exists to address these problems.
- *Protection from racially motivated violence.* Racially motivated violence continues to be a taboo subject when governmental agents are implicated. The Framework Programme does not develop any specific objectives and no other national or international programme has addressed the issue either.

¹⁸⁹ Information on Funds from the NCEDI budget for projects – 2001, offered by the NCEDI.

¹⁹⁰ 2,000 Leva for the celebration of "Bangu Vassil"; 3,000 Leva for the 8 April nation-wide celebration; 4,000 Leva for the celebration of 8 April in Montana; 4,000 Leva for the Festival of Roma Song in Stara Zagora; 1,500 Leva for the Roma Spring Musical Days in Stara Zagora.

- *Discrimination in health care.* The Framework Programme's approach to Roma healthcare is minimal, as it was adopted before the introduction of universal health insurance, which has produced widespread discriminatory effects within Roma communities.
- *Use of minority language publicly and before administrative authorities.* The Framework Programme does not address the issue of use of Romanes as a minority language. This is an area in which there is no apparent consensus within the Roma community.
- *Problems relating to the internal consistency of some of the approaches of the Framework Programme.* The relationship between different approaches and objectives in the Framework Programme is not always clear. For example, not enough consideration was given to harmonising desegregation with training for teachers' assistants. The Programme would benefit from formal review and evaluation and adjustment as necessary.

The anti-discrimination provisions of the Framework Programme also require further development to bring them into conformity with the EU Race Equality Directive.

The main problem with the Framework Programme, however, is that its comprehensive implementation has not yet begun, three years after its adoption; only some of the measures envisioned have been implemented, and in a poorly-coordinated manner. There is still no effective programme administration, with appropriate allocation of funds, reporting, and evaluation procedures. As the Council of Europe's Commissioner on Human Rights observed in his 2002 Report, "although the framework programme is the result of a formal agreement with the Government and answers the expectations of both the Roma/Gypsy community and the authorities, it has so far come to nothing."¹⁹¹

Although the Framework Programme represents a minimalist, rather than maximal approach in light of the scale of the problems faced by Roma, it appears to be viewed as a burden that politicians and society as a whole is not prepared to accept; there has been a marked lack of will to undertake systematic implementation of its measures, and little attempt to clarify the relationship between the Integration of Minorities Programme and the Framework Programme. While the Integration Programme formally states that the Framework Programme continues to form the basis for activities to promote the integration of Roma, the Government has failed to take the necessary next step of developing concrete objectives for its comprehensive implementation. The Government's views on key issues, such as desegregation of

¹⁹¹ Commissioner for Human Rights, *Second Annual Report April 2001 to December 2001, to the Committee of Ministers and the Parliamentary Assembly*, Strasbourg, 2002, p. 84.

Roma schools and the involvement of minorities in the prevention of racial discrimination, remain unclear.

For its part, the EU has not demonstrated that it expects concrete and comprehensive implementation of the Framework Programme's provisions. Although the European Commission praised the adoption of the Framework Programme, it has only expressed regret at the lack of implementation since. Moreover, there appears to be no clear relationship between EU funding to support the integration of minorities and the Framework Programme. In some cases, such as the educational component of the 2001 Phare Roma Population Integration project, EU funding may impede rather than encourage further implementation of the Framework Programme.

The implementation of the Framework Programme so far is a model case of a failed attempt to bring about improvements in the area of minority protection. Nevertheless, the adoption of the Programme with the support of a broad range of civil society organisations and the Roma community remains a significant achievement. The Framework Programme is well known both among Roma and internationally, and has raised expectations about the possibility for making significant improvements to the situation of Roma. As one Roma leader has stated, "we have one document, the Framework Programme, which showed that we can unite for a common cause."¹⁹² Therefore, its implementation is likely to remain on the political agenda of both the Government and the Roma community.

5. RECOMMENDATIONS

In order to initiate systematic and comprehensive integration of Roma in Bulgarian society the Government of Bulgaria should:

- Reconfirm its commitment to implement the Framework Programme for Equal Integration of Roma in Bulgarian Society at the highest governmental level;
- Plan and implement measures with the involvement of top political and governmental leadership on a non-partisan basis to educate the public on the need to integrate Roma into Bulgarian society;
- Clarify the relationship between the Integration of Minorities Programme and the Framework Programme, and develop a unified strategy for implementation;

¹⁹² Interview with Petar Georgiev, President of the Roma Confederation "Europe," 6 March 2002.

- Supplement the Framework Programme with objectives in areas where the Framework Programme does not set out concrete measures, such as the criminal justice system, protection from racially motivated violence, health care, public use of minority language and religious freedom;
- Start developing an action plan for implementation with concrete objectives in all areas covered by the Framework Programme;
- Allocate funds for implementation, and establish adequate reporting and evaluation procedures in all spheres covered by the Framework Programme;
- Involve civil society and especially Roma organisations at all stages of planning, implementation and evaluation;
- Address EU and other international donors for financial support only on the basis of a comprehensive plan to implement the Framework Programme.

The European Union should encourage and help Bulgaria to implement the Framework Programme by:

- Making the Framework Programme and its implementation the yardstick for monitoring the Government's efforts to ensure human rights and minority protection;
- Targeting all its funding in line with the objectives set forth in the Framework Programme;
- Ensure that civil society and especially Roma organisations are involved in all activities directed toward the integration of Roma through both the EU-Bulgaria twinning programmes and civil society programmes.