

# Minority Protection in Bulgaria

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# Minority Protection in Bulgaria

## I. Executive Summary

The general framework for minority rights protection and the prevention of discrimination against minorities in Bulgaria is inadequate. Overall, Bulgarian minority groups are offered minimal protection of their cultural, religious and linguistic identity, and state recognition of the very existence of minority groups is uncertain. In some respects, Bulgarian legislation concerning minority rights protection does not fulfil Bulgaria's commitments under international law. For example, Bulgaria has ratified the European Convention on Human Rights (ECHR) and the International Covenant on Civil and Political Rights (ICCPR) – both of which guarantee freedom of association – yet the Bulgarian Constitution prohibits the establishment of political parties along ethnic and religious lines. Despite ratification of the Framework Convention for the Protection of National Minorities (FCNM), no legislation has been adopted to regulate the use of minority languages in communications between minorities and administrative authorities, or the public display of traditional local place names in minority languages.<sup>1</sup>

At the same time, those provisions of domestic legislation designed to combat discrimination and/or promote minority rights are not adequately enforced. Thus, despite constitutional and certain legislative prohibitions against discrimination, there exists widespread discrimination against Bulgarian Roma<sup>2</sup> in access to employment, education, health care, housing, and social welfare, and in the criminal justice system. Illegal and racially motivated use of force by both law enforcement officials and private groups and individuals is common. In 1999, one NGO asserted the existence of “institutional racism” in Bulgaria on the basis of numerous complaints received from Roma of racist attitudes and discriminatory actions on the part of local labour bureaux, social welfare offices, municipal authorities, and health and educational workers over the past ten

<sup>1</sup> These rights are guaranteed by the FCNM, Art. 10.2 and Art. 11.3.

<sup>2</sup> According to 1992 census results, Roma constitute 3.7 percent of the Bulgarian population. However, this figure is widely considered inaccurate, due at least in part to reluctance on the part of some to identify themselves as Roma. According to other estimates, a more accurate figure is between 600,000 and 800,000, (7.2–9.6 percent) of the total population. E. Marushiakova and V. Popov, *Gypsies (Roma) in Bulgaria*, 1997, pp. 43–44; Jean-Pierre Liegeois, *Roma, Gypsies, Travellers*, 1994, p. 34; I. Tomova, *Gypsies in the Period of Transition* (in Bulgarian), 1995, p. 13.

years.<sup>3</sup> Although numerous international organisations, including the European Commission, have noted these problems, significant steps have not yet been taken to address them, and they continue from year to year.

To date, the government's response to discrimination has been equivocal at best. No mechanisms have been established to ensure systematic monitoring of discrimination. Despite the promises made with the adoption of the Framework Programme for Equal Integration of Roma in Bulgarian Society in April 1999,<sup>4</sup> the government has neither adopted concrete implementing measures, nor invested the coordinating body, the National Council for Demographic and Ethnic Issues, with the competency to require that measures be adopted, adequately financed, and effectively carried out. As a result, as of April 2001 significant funding allocated by the EU in 2000 to support programs to improve the situation for Roma had gone largely unspent.

Government officials have often emphasised that according to the EU Bulgaria meets the political criteria for accession.<sup>5</sup> Earlier this year, Bulgarian President Petar Stoyanov went so far as to propose that, having fulfilled the political criteria, Bulgaria should be granted "political membership" prior to gaining full EU membership.<sup>6</sup> More recently, however, he acknowledged "that a hidden discrimination towards the gypsy population in Bulgaria continues to exist...[a]nd the integration of Bulgaria into the EU will have a lot to do with finding a solution to the gypsy question. If we do not, Bulgaria cannot meet the entry criteria."<sup>7</sup>

<sup>3</sup> T. Tashev, "Police Brutality against Roma – a Problem also during 1999", *Roma Rights in Focus*, Newsletter of the Human Rights Project, Autumn–Winter 1999, (in Bulgarian).

<sup>4</sup> The Framework Programme for the Equal Integration of Roma in Bulgarian Society (hereafter "Framework Programme") is a comprehensive document that envisages a broad range of measures to address discrimination, segregation in education, housing, employment and culture. The document was developed in consultation with, and supported by, a broad coalition of 75 Roma organisations.

<sup>5</sup> The Commission's Opinion of July 1997, while noting that "some gaps remain in respect for fundamental rights [...] The Turkish minority seems well integrated, but this is not so for the Roma", concluded that "Bulgaria is on the way to satisfying the political criteria." By 1998, Bulgaria was considered to have fulfilled the political criteria, although "[t]here have been only slight changes in the respect of minority rights and the protection of minorities." In 1999, the adoption of the Framework Program was deemed to "reflect the political commitment of the Bulgarian government towards improving the situation of the Roma." See *Commission Opinion on Bulgaria's Application for Membership of the European Union*, DOC/97/11, 1997, p. 19; *1998 Regular Report from the Commission on Bulgaria's Progress Towards Accession*, p. 11; *1999 Regular Report from the Commission on Bulgaria's Progress Towards Accession*, p. 16.

<sup>6</sup> Proposal of Bulgarian President Petar Stoyanov to EU enlargement commissioner Guenter Verheugen at the World Economic Forum in Davos, Switzerland on 26 January 2001, as reported by Bulgarian Radio. RFE/RL Newline, Vol.5, No. 19, Part II, 29 January 2001. For statement in Bulgarian, <<http://www.president.bg/cgi-bin/php/president/speech.php?id=631>> (accessed 8 August 2001).

<sup>7</sup> Agence France Presse, "Bulgarian President Laments Discrimination Against Roma", Sofia, 28 April 2001.

In fact, the Commission has continued to monitor compliance with the political criteria and, in particular, has expressed concerns about the “social exclusion” of the Roma. However, Commission reporting on Roma in Bulgaria has, at times, appeared somewhat inconsistent. Thus, some problems raised in the 1999 report, such as over-representation of Romani children in special schools for the mentally handicapped, were not followed up in the 2000 report, notwithstanding their persistence. Certain serious issues, such as NGO allegations that Roma constitute a rising share of the prison population, are not addressed at all.

## II. Background

The extent to which strongly negative attitudes towards Roma in Bulgarian society condition discriminatory and even violent responses towards Roma on the part of private individuals as well as public officials has not been adequately recognised by the Bulgarian government.

Several surveys reveal strong antipathy among ethnic Bulgarians to the very notion of minority rights. One 1997 study revealed that 30 percent of Bulgarians opposed the idea that minorities should have the right to print books and other materials in their native language, 56 percent opposed the introduction of minority language education in state schools and 59 percent supported the ban of political parties formed along ethnic lines. Few of Bulgaria's minorities share these attitudes: among surveyed Roma, only 12 percent, 13 percent and 15 percent respectively expressed similar views. Among other ethnic minorities in Bulgaria (Turks and Jews) these opinions were even less common.<sup>8</sup>

The perception that they are discriminated against is far higher among Roma and other ethnic minorities than among ethnic Bulgarians: one study concludes that levels of prejudice in Bulgaria today parallel those of the Southern American states in the 1960s.<sup>9</sup> A June 1997 survey showed that 54 percent of Roma were concerned about ethnic or religious discrimination, compared to 35 percent of Bulgarians.<sup>10</sup>

Both public and private media promote a stereotypical image of Roma, related, for the most part, to criminal activity. A common practise among newspapers is to highlight the ethnicity of criminals presumed to be Roma. Until January 2000, police routinely provided information on ethnicity to journalists. Since then, a new policy of the Interior Ministry has led to police claims that the practise has been terminated. Journalists nevertheless continue to publish such information, claiming that "it prompts people's interest."<sup>11</sup> As a rule, crimes alleged to have been committed by Roma are

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<sup>8</sup> See K. Kanev, "Changing attitudes towards the ethnic minorities in Bulgaria and the Balkans, 1992–1997", in T. Sfikas and C. Williams (eds.), *Ethnicity and Nationalism in East Central Europe and the Balkans*, 1999.

<sup>9</sup> K. Kanev in Tomova 1995, p. 82; Petar-Emil Mitev (ed.) *Bulgarian Youth Facing Europe*, 1999, p. 14.

<sup>10</sup> "Relations of Compatibility and Incompatibility between Christians and Muslims in Bulgaria", 1997. Available in the archive of the International Center for Minority Studies and Intercultural Relations (IMIR). This data is published here for the first time with the kind permission of IMIR.

<sup>11</sup> See D. Simeonova, "The Press and Ethnic Hatred", *Obektiv*, January–April, 2000. A sample of headlines from the last five days of January 2001 alone, from several of the biggest Bulgarian newspapers: *24 Chassa*, 31 January 2001: "Gypsies Beat a Trader Black and Blue"; *Sega*, 26 January 2001: "Gypsies Stole the Hens of an Old Woman from Mechka"; *Trud*, 31 January 2001: "Fifty Gypsies Beat up a Youth"; *Demokracia*, 27 January 2001: "Roma Killed a Man Without Any Reason".

reported out of their social, cultural and political context and without reference to discrimination within the criminal justice system.<sup>12</sup>

Racist opinion targeting Roma is published in mainstream newspapers and the tabloid press across the political spectrum.<sup>13</sup> These include the weekly *Zora* (a self-described left-wing newspaper, circulation c. 20,000),<sup>14</sup> the extreme right-wing *Anti*, and the right-wing daily tabloid *Monitor* (circulation c. 30,000).<sup>15</sup> More than half a dozen sensationalist dailies and weeklies, such as *Noshthen Trud*, *Shock* and *Strogo Sekretno*, print hate speech of all kinds; their combined circulation exceeds 150,000 copies daily. Hate speech on the broadcast media is generally restricted to private channels. An example is the programme “Spoko” on the popular nation-wide private channel *bTV*, which accorded most of its airtime on 22 March 2001 to anti-Roma statements by skinheads.

Public officials occasionally fuel anti-Roma prejudice. On 10 April 1998 the Chairman of the Parliamentary Committee on Human Rights, Religious Denominations and Petitions of the Citizens said at a conference on ethnic minorities and human rights that Roma abuse their right to have children. He repeated this view on 5 June 1998 in a broadcast on Radio Free Europe: “When a Bulgarian makes children, he first looks into his wallet [...] and then decides whether he can afford this or not [...]. The Rom should not be allowed to use the creation of children in order to ensure his life by getting social welfare benefits, because this is an imposition on society to take care of a product that he has created. No one asks the majority whether they want to take care of the kids of these families or not.”<sup>16</sup> Local mayors and other public officials

<sup>12</sup> Project on Ethnic Relations, *The Media and the Roma in Contemporary Europe: Facts and Fictions*, 1996, pp. 5–6.

<sup>13</sup> Some recent examples: S. Dinovska (“The swarthy tint”, *Trud*, 25 January 2001): “By all likelihood Europe will open its doors when we lift the Gypsies to our level. The hierarchy is Rom, Bulgarian European! But when will this happen?”; Editorial (*Monitor*, 23 February 2001): “If we all become Bulgarians, how are the Gypsies going to pay for their electricity”; Mara Balkanska (“I want to be a Roma: four reasons to change your ethnic origin”), *Monitor*, 9 February 2001, referring to Roma as lazy thieves who eat and drink stolen products; obtain unjust appointments to the police service; are entitled to consume electricity for free; and are undeservedly offered material benefits from the government. The article concludes: “At the end I decided – I’m going to be a Rom. Because we’re a Gypsy state anyway...”

<sup>14</sup> On 2 May 2000, *Zora* published an open letter from more than 100 Bulgarian intellectuals, expressing concern that the birth rate of Roma is three times higher than that of ethnic Bulgarians; that the government is hiding this fact from the public instead of taking measures; and that Roma are a threat to the security and culture of the Bulgarian people.

<sup>15</sup> For example, *Monitor* published an openly racist editorial on 27 January 2001, entitled “I Call Myself Gypsy and Jump for Joy.”

<sup>16</sup> See *Obektiv*, June–July, 1998 (in Bulgarian). The citation is from the letter of K. Kanev, Chair of the BHC, to the Speaker of the Parliament. The Speaker responded that he had asked Mr. Sungarski (the Parliamentary Committee Chairman) to “refrain from declarations that might create a confrontation in society”.

through their speech and actions have often fuelled violence and discrimination against Roma.<sup>17</sup> Racist epithets have also been employed by police during “punitive raids” in Roma neighbourhoods – in one 1998 raid, policemen reportedly shouted, “no Gypsy will be left alive!”<sup>18</sup> The mayor of Mechka reportedly demanded in 2000 that Roma should be expelled from the village.

Despite all the evidence, the Bulgarian government has a mixed record of recognising the existence of ethnic discrimination. The 1999 Framework Programme explicitly acknowledged the problem<sup>19</sup> and proclaimed the elimination of discrimination “the central political priority of the Bulgarian state.”<sup>20</sup> However, the Legislative Council of the Ministry of Justice, commenting on the Framework Programme before its adoption, denied the need for an official body to enforce anti-discrimination legislation. The Council considered that the formation of such a body would be unconstitutional, as it implies that “the Bulgarian nation is a mixture of different ethnic groups. This idea is contrary to the idea embodied in the Constitution about the unity of Bulgaria.”<sup>21</sup> The adopted programme nevertheless envisions such a body, but several months after adoption the government rejected the finding of the UN Committee on Economic, Social and Cultural Rights that Roma are subject to discrimination in access to land and social assistance.<sup>22</sup>

Official ambivalence towards the existence of discrimination against Roma in Bulgaria undercuts legislative and policy initiatives to address it; absent the requisite political will, even strong legislation is unlikely to be effectively implemented.

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<sup>17</sup> In 1994, the mayor of Dolno Belotinci village himself instigated angry crowds to violence against Roma. D. Petrova, *Violations of the Rights of Gypsies in Bulgaria*, Sofia, Human Rights Project, 1994, p. 27 and R. Rusinov, “Maripe ando gav Dolno Belotinci”, *Romano Objektivno*, Februarija, 1996, pp. 8–9; Roma from “Hristo Botev” neighbourhood in Sofia testify that in October 1997 drunken policemen attacked the neighbourhood for no clear reason and used racial slurs while beating and otherwise abusing innocent people (*Roma Rights in Focus*, Newsletter of the Human Rights Project, Autumn–Winter 1997, in Bulgarian).

<sup>18</sup> See Human Rights Project, *Annual Report*, 1998, pp. 32–37.

<sup>19</sup> “In the socio-economic aspect as a whole, the status of Roma is dramatically lower than the Bulgarian average: high unemployment rate, deplorable living conditions, bad health, and high illiteracy rates. These stable characteristics in the situation of the Roma community are external manifestations and direct consequences of the same problem, which is: discriminatory treatment.” Framework Programme, Part II – General Principles.

<sup>20</sup> Framework Programme, Part II – General Principles.

<sup>21</sup> Opinion of the Legislative Council of the Ministry of Justice on the Framework Programme from 19 January 1999, available in the BHC archive.

<sup>22</sup> See replies by the Government of Bulgaria to the List of Issues: Bulgaria. 09/07/99. (CESCR), §§4.1 and 4.6.



### III. Minority Protection: Law and Practice

Bulgaria is party to the major international human rights treaties containing provisions which prohibit discrimination and protect minority rights.<sup>23</sup> However, the government has not yet signed Protocol No. 12 to the ECHR or transposed the legal measures for combating discrimination contained in the EU Race Equality Directive of June 2000.<sup>24</sup>

According to Article 5(4) of the Constitution, “any international instruments which have been ratified by the constitutionally established procedure, promulgated and having come into force with respect to the Republic of Bulgaria, shall be considered part of the domestic legislation of the country. They shall supersede any domestic legislation stipulating otherwise.” Individual complaint before the Constitutional Court is impossible. According to Art. 5(2) of the Constitution, however, its provisions have direct effect and can be invoked in domestic courts.

#### A. Protection from Discrimination

The principle of equality before the law and non-discrimination has long been accepted in the Bulgarian legal system. The Constitution of the Kingdom of Bulgaria of 1879 contained a general clause providing for equality before the law,<sup>25</sup> as have all subsequent constitutions.<sup>26</sup> The present Constitution states that “there shall be no privileges or restriction of rights on the grounds of race, nationality, ethnic self-identity, sex, origin, religion, education, opinion, political affiliation, personal or social status or property status (Art. 6(2)). In 1992, the Constitutional Court ruled that this list was exhaustive,<sup>27</sup> with the implication that there is no constitutional protection against discrimination

<sup>23</sup> See Appendix A to overview report.

<sup>24</sup> Council Directive 2000/43/EC, adopted by the Council of the European Union on 29 June 2000. *Official Journal* SOC 221 JAI 67 (hereafter “Race Directive”).

<sup>25</sup> Constitution of 1879, Art. 57.

<sup>26</sup> However, equality and non-discrimination have never been determining factors in Bulgaria’s social and political life, especially with regard to minorities. That laws existed largely on paper is amply illustrated by the atrocious discrimination some minorities have faced in the past, and the passage of laws of attainder and discriminatory arrangements of the legal status of minorities throughout Bulgarian history. See Kanev, “Law and Politics Towards Ethnic and Religious Minorities in Bulgaria”, 1998.

<sup>27</sup> Constitutional Court Decision No. 14/1992.

on other grounds, such as language<sup>28</sup> and sexual orientation.<sup>29</sup> The Court further ruled that the principle of non-discrimination would be violated by any *privilege* based on the grounds explicitly stated in Art. 6(2), with the consequence that affirmative action measures risk being judged unconstitutional.

There is no comprehensive anti-discrimination legislation in Bulgaria. A number of acts regulating different spheres of social life contain anti-discrimination provisions, generally amounting to variations on the wording in the Constitution. These include laws on social welfare, education, employment (public and private), health care, criminal justice, asylum and taxation.<sup>30</sup> The provisions are theoretically enforceable through court action by the affected party in a civil suit, through punitive administrative action initiated by the administrative bodies empowered to enforce the respective law (where such bodies are available) or by a combination of these. To date, these provisions have not been enforced.

Bulgarian legislation does not provide a definition of indirect discrimination or provide for reversal of the burden of proof in civil causes of action where persons establish “facts from which it may be presumed that there has been direct or indirect discrimination.”<sup>31</sup>

The inadequacy of Bulgarian anti-discrimination legislation was acknowledged in the government’s Framework Programme, which states: “[s]pecial provisions for protection against discrimination should be envisaged and included or current ones amended,” and proposes “the drafting of a law with a provisional title ‘Prevention of Discrimination Act.’”<sup>32</sup> The initiatives foreseen by the programme, while an improvement, would not be sufficient to bring Bulgarian legislation into line with the norms of the Race Equality Directive.<sup>33</sup>

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<sup>28</sup> Language is a ground for non-discrimination e.g. in the Protocol No. 12 of the ECHR (Art. 1.1).

<sup>29</sup> In its reasoning, the Court gave a controversial sub-classification of the grounds in Art. 6(2) into *inherent* (race, nationality, ethnic belonging, sex and origin) and *acquired* (religion, education, political affiliation, personal or social status or property status) characteristics.

<sup>30</sup> See, e.g. Art. 4 of the National Education Act: “No restrictions or privileges are permitted based on race, nationality, sex, ethnic and social origin, religion and social status.” A full list of laws containing anti-discrimination clauses is given in Appendix B.

<sup>31</sup> Race Directive, Art. 2(2b) and 8(1).

<sup>32</sup> Framework Programme for Equal Integration of Roma in Bulgarian Society, 1998, Part 2, I.1–2.

<sup>33</sup> “[l]egislation transposing the EC Directive based on Art. 13 of the Treaty on discrimination on the grounds of race or ethnic origin will have to be introduced and implemented.” 2000 Regular Report, p. 59.

The lack of effective anti-discrimination legislation must be viewed in the context of patterns of entrenched discrimination against Roma that have been documented by both international monitoring bodies and domestic NGOs in many of the most important areas covered by the Race Directive. Bulgarian authorities, meanwhile, have made no effort to monitor the frequency of discrimination and violence against Roma. Some institutions, such as the National Employment Agency, do not do so on the grounds that collecting information on ethnicity for any purpose runs counter to Bulgarian legislation protecting free choice of identity.<sup>34</sup> However, Bulgarian authorities gather statistics on criminal activity by ethnicity at all stages of the criminal procedure up to sentencing.

All concerns expressed by the UN Committee for the Elimination of Racial Discrimination (CERD) in its report on Bulgaria related to the situation of Roma, and expressed concern about *de facto* discrimination against Roma in the enjoyment of their civil and political, economic, social and cultural rights.<sup>35</sup> CERD recommended the establishment of a governmental body to combat racial discrimination, specific measures for the prevention of segregation of minorities and the implementation of affirmative action towards Roma.<sup>36</sup> In December 1999, the Committee on Economic, Social and Cultural Rights deplored “discrimination against the Roma minority in many aspects of life, including education, work, social benefits and access to land.”<sup>37</sup>

Two reports on Bulgaria by the European Commission against Racism and Intolerance (ECRI) identified the “particularly underprivileged situation of the Roma” as “meriting particular attention” in terms of discrimination in all spheres of social life.<sup>38</sup> The reports discussed various aspects of discrimination and intolerance towards Roma and other ethnic and religious minorities in Bulgaria, and recommended comprehensive policy measures to combat them.

In its 2000 Regular Report, the European Commission noted that “[t]he Roma minority ...continues to suffer discrimination due to the accumulation over time of factors that

<sup>34</sup> See Constitution, Art. 2 and the Protection during Unemployment and Encouragement of Employment Act. Cited in letter of the Director of the National Employment Agency to the BHC, 5 September 2000.

<sup>35</sup> *Concluding Observations of the Committee on the Elimination of Racial Discrimination: Bulgaria*, 23 April 1997, CERD/C/304/Add.29, para. 8 (hereafter “CERD/C/304/Add.29”).

<sup>36</sup> CERD/C/304/Add.29, paras. 14, 17.

<sup>37</sup> *Concluding Observations of the Committee on Economic, Social and Cultural Rights: Bulgaria*, E/C.12/1/Add.37, 12 August 1999, para. 11.

<sup>38</sup> CRI (98) 46, Introduction; CRI (2000) 3, especially paras. 31–46.

have worsened their living conditions” and that “major efforts and resources will be required to reverse the situation of discrimination...”<sup>39</sup>

To date none of the recommendations by these bodies has been implemented by the Bulgarian government.

### 1. *Education*

Bulgarian education laws prohibit the granting of “restrictions or privileges” on the basis of, *inter alia*, ethnic origin;<sup>40</sup> however, no sanctions are specified in case of violation. As a result, there is no clear legal basis to challenge discriminatory practices such as the segregation of Roma in inferior schools, or the tracking of Roma into separate “special” classes for the mentally retarded – even when there is no trace of mental retardation. Such practices seriously restrict Roma children’s access to education and vocational training.

According to information from the 1992 census, the level of education among Roma is much lower than among the population as a whole. Over 36 percent of ethnic Bulgarians possessed a diploma from secondary school, compared to 4.9 percent of Roma; 8.9 percent of all ethnic Bulgarians had a university diploma, compared to just 0.1 percent of Roma.<sup>41</sup>

The situation with regard to access to education for Roma has deteriorated since the fall of communism, mainly because of an increasingly high drop-out rate among Roma children. Many Roma live in extremely harsh conditions, and Romani children’s education suffers as a result. Romani parents often lack the means to feed, clothe, and purchase school materials for their children. According to a recent survey, at least 100,000 Bulgarian children of school age do not attend school. Of these, 30 percent are Roma – many times higher than their respective share in the general population; a further 20 percent are Turks.<sup>42</sup> According to the Podkrepa Trade Union, 60 percent of the Roma children in the Plovdiv Roma neighbourhood of Stolipinovo do not attend school. Another recent survey put the share of the Roma children who drop

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<sup>39</sup> 2000 Regular Report, p. 59.

<sup>40</sup> National Education Act, Art. 4; Higher Education Act, Art. 4

<sup>41</sup> National Institute of Statistics, “Results from the Population Census: Demographic Characteristics”, 1994, p. 303.

<sup>42</sup> *Sega*, 26 August 2000.

out between grades one and seven at 80 percent.<sup>43</sup> The high drop-out rate is a direct cause of high rates of illiteracy among Roma. According to some estimates, as much as 25 percent of the Roma population is illiterate.<sup>44</sup>

Two principal trends towards segregation can be observed. First, and most commonly, “normal” schools reproduce the segregatory patterns of the Roma or non-Roma neighbourhoods in which they are located. Schools in Roma neighbourhoods are poorly equipped compared to schools in non-Roma neighbourhoods. A second category of segregated schools consists of a variety of “special schools” and like institutions ostensibly designed for retarded children and those considered juvenile delinquents, in which Roma are disproportionately represented.

### *Segregated Schools in Roma Neighbourhoods*

Roma children living in segregated Roma neighbourhoods typically attend segregated schools, which characteristically are poorly equipped: many have broken windows and desks, and lack even such basics as chalk. The Sofia-based Romani Baht Foundation alleges that, as a rule, these “Roma schools” are reliant on support from civic associations and NGOs, even for the purchase of educational aides and central heating bills.<sup>45</sup>

Roma schools generally offer pedagogical programmes of inferior quality. Special education programmes were first introduced into schools in Roma neighbourhoods by the Municipal Council of Plovdiv in 1966. The programmes, which involved enforced manual labour training, and “production plans” requiring the manufacture of a certain quota of items for sale on the market, were judged a success by the Ministry of Education, which adopted them on a national level starting from 1967. By the end of the communist period, schools with such programmes had been established in 31 Roma neighbourhoods,<sup>46</sup> including the three major Roma districts in Sofia, and those in Plovdiv, Sliven, Pazardzhik, Kiustendil, Burgas, Varna and Stara Zagora. The policy to offer special educational programmes for segregated Roma neighbourhoods was legally abolished in the mid-nineties. Unofficially, however, the practice persists.<sup>47</sup>

<sup>43</sup> 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. 20 (hereafter APIC/UNDESA 2000).

<sup>44</sup> Project on Ethnic Relations, *The Roma in Bulgaria: Collaborative Efforts between Local Authorities and Non-Governmental Organizations*, 24–25 April 1998, p. 12.

<sup>45</sup> Romani Baht Foundation, *1999 Annual Report*, p. 23.

<sup>46</sup> Information on the primary schools with enforced manual labour education by the Deputy Minister of Education Mr. Dimitrov for the 1990/1991 school year, available in the BHC archive.

<sup>47</sup> See OSCE High Commissioner on National Minorities, *Report on the Situation of Roma and Sinti in the OSCE Area*, 2000 (hereafter “OSCE 2000”), p. 70.

As a result, the education Roma children receive is often inadequate, which greatly reduces their chances of continuing education in secondary schools and universities.

The pattern of segregation is reinforced by the refusal of headmasters of some Bulgarian schools to enrol Roma students. Allegedly, several schools just outside “Faculteta” (Bulgaria’s largest Roma neighbourhood) do not accept Roma children. In the village of Rakitovo, children study in “some kind of a pig-sty”; the Bulgarian school – one kilometre away – will not accept them.<sup>48</sup> Roma children who do study in “Bulgarian” schools are often reportedly harassed and ridiculed by their schoolmates, thus prompting their parents to return the children to a Roma school.

Furthermore, parents of non-Roma origin are reluctant to send their children to kindergartens and schools attended by Roma children, commonly arguing that they pose a threat to the health of the “white” children. Parents in one kindergarten reportedly demanded that Roma children should be banned from attending altogether – a request which was subsequently granted.<sup>49</sup>

#### *Over-representation of Roma in Special Schools*

Since the early sixties a growing number of Roma children have been absorbed into an expanding system of boarding schools, some of which are “special schools” for mentally retarded children. There are approximately 130 such special schools in Bulgaria, with more than 19,000 students,<sup>50</sup> attended predominantly by Roma. There are two types of special school for mentally retarded children: primary schools for non-severe mental retardation and Social Educational Professional Institutions (SEPI).<sup>51</sup>

#### *Special Primary Schools for the Mentally Retarded*

Special “Medical-Pedagogical Commissions” at the Regional Inspectorates of the Ministry of Education assign students to special primary schools for mentally retarded children. Theoretically, assignments take place on the basis of medical evidence and – in cases in which a student is reassigned to such a school from a “normal” school – school record. In practice, a number of other factors come into play, including school

<sup>48</sup> OSI Roundtable, Sofia, April 2001. *Explanatory Note: OSI held a roundtable meeting in Sofia in April 2001 to invite critique of the present report in draft form. Experts present included representatives of the government, Roma representatives, and civil organisations.*

<sup>49</sup> For more details see “Minority children – no man’s land”, *Obektiv*, January 2001.

<sup>50</sup> Information to the BHC from the Ministry of Education for the school year 2000/2001, October 2000.

<sup>51</sup> Formally SEPI are not educational but social welfare institutions under the Ministry of Social Welfare; they do not offer a diploma or any other form of educational qualification.

directors' incentive to "fill their schools" in order to secure funding and staff and the desire of some non-Roma parents to "cleanse" schools of Roma students. The "agreement" of impoverished Romani parents, who are unable to provide for their children otherwise, is frequently not difficult to secure.

#### *Social Educational Professional Institutions (SEPI)*

Students who complete special primary schools for the mentally retarded usually continue in Social Educational Professional Institutions (SEPI), although these institutions also accept students from poor families, without diagnosed retardation.<sup>52</sup> Students attending SEPI institutions do not receive any diploma, and receive training only in certain manual skills.

In 2000–2001, the Bulgarian Helsinki Committee (BHC) visited a number of special primary schools and SEPI institutions and met with directors and members of Medical-Pedagogical Commissions. BHC concluded that many of the students in both types of institutions, especially Roma, were placed there for purely social reasons (poverty, neglect and lack of an adequate knowledge of Bulgarian language) rather than for actual mental handicaps.<sup>53</sup> Roma are also over-represented in institutions for severely mentally handicapped children, which come under the jurisdiction of the Ministry of Social Welfare.<sup>54</sup>

#### *Schools for Delinquent Children*

Schools for delinquent children form a third category of "special school" in which, according to the BHC survey, Roma are over-represented. The decision to place children in these schools is at the discretion of courts, prosecutors, or administrative bodies known as "Commissions for Juvenile Delinquency". Minorities constitute about 65 percent of all children in these schools, and in some they reach up to 85–90 percent of pupils. All aspects of education in these institutions – from their material conditions and infrastructure to the qualifications of school personnel – is far below average.<sup>55</sup>

<sup>52</sup> Ordinance No. 4 of the Ministry of Social Welfare, March 1999, Art. 13(2).

<sup>53</sup> BHC will publish its observations on these visits in 2001.

<sup>54</sup> BHC is in the process of monitoring these institutions. The monitoring includes visits, collection of medical data and soliciting medical expertise, as well as interviews with government officials. On the deplorable living conditions in these institutions see: Antoaneta Nenkova, "The horror in Fakia", *Obektiv*, June–September, 2000; A. Nenkova, "The invisible world of mentally retarded", *Epoha*, 26 May–1 June 2000.

<sup>55</sup> See the BHC summary report from this project "Correctional Boarding Schools and Social Educational Boarding Schools in Bulgaria", <<http://www.bghelsinki.org>> (accessed 8 August 2001).

### *Government Measures*

Although the government has supported desegregation of Bulgaria's educational system in principle, as of yet there is no government policy in place to address the problem systematically. However, the President of Bulgaria recently expressed his support for a desegregation project involving 300 Romani children from the Nov pat Romani neighbourhood of Vidin, and affirmed the government's commitment to a policy of desegregation on a wider scale.<sup>56</sup> The project has been carried out independently by the local Romani NGO "Drom" with private donor support.

There is no government policy to address the over-representation of Romani children in special schools.

## *2. Health Care and Other Forms of Social Protection*

Bulgarian legislation provides for equal rights and access to "qualitative medical services without regard to religion, race, sex, political opinion, nationality or citizenship"<sup>57</sup> and prohibits discrimination on grounds of ethnic belonging in the provision of social assistance;<sup>58</sup> The Law on Protection of the Child expressly prohibits restrictions of rights and privileges based on *inter alia* ethnic belonging.<sup>59</sup>

In practice, Bulgarian Roma not only suffer from generally poorer health than the population as a whole, but do not enjoy equal access to either health care or social assistance. The European Commission noted "practices in access to social support and health care where particular eligibility criteria can have a discriminatory effect, making it difficult in practice for Roma to gain access to social support. A precondition for non-contributory health services is access to social support, so this also affects access to health services."<sup>60</sup>

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<sup>56</sup> President Stoyanov stated: "I fully endorse the idea of desegregation of Romani schools in Bulgaria and congratulate the successful Vidin desegregation project, which is a first step in a process to which the Bulgarian government is committed." Cited from the opening address of President Stoyanov at the conference "The Desegregation of the "Romani Schools" in Bulgaria as a Condition for an Equal Start of Roma", 27 April 2001.

<sup>57</sup> National Framework Contract between the National Health-Insurance Fund and the Bulgarian Doctor's Union and the Union of Dentists from 28 December 2000, Art. 212.

<sup>58</sup> Act on Social Assistance, Art. 3L.

<sup>59</sup> Law on Protection of the Child, Art. 10 (2).

<sup>60</sup> *2000 Regular Report*.



### *Health Care*

A number of surveys indicate that health conditions among Roma are much worse than among the Bulgarian population as a whole. According to one survey conducted in 1994, among a representative sample of the Roma population, 44 percent of Roma families included at least one chronically ill member and 13 percent included a disabled member. These figures are in sharp contrast to the 1992 census results, which reported a lower level of disability among Roma than the national average. In fact, this is an indication that many Roma are excluded from the official disability certification system on which the census result was based.<sup>61</sup> Thus, many disabled Roma are denied disability benefits.

One study revealed that most inhabitants of the Faculteta Roma neighbourhood have never been under the supervision of public health authorities, are not tested for high-risk diseases, and are not covered by either public health education or vaccination programmes. Romani patients in Faculteta hospitals are often isolated from other patients, because they are considered a “threat” – especially in maternity wards.<sup>62</sup> There have been numerous reports by Roma in Sofia, Plovdiv, Sliven and several other cities of cases when ambulances have refused to come to Roma neighbourhoods because it was either “too dangerous” or no ambulances were available.<sup>63</sup> Medical facilities in some Roma neighbourhoods have closed down entirely, as in Faculteta, which used to serve more than 30,000 inhabitants.

Bulgarian health authorities report that between three and seven percent of the country’s children are not vaccinated. While there is no information on the ethnicity of these children, a 1994 survey indicated that 11.4 percent of Roma families with children reported that they had not been vaccinated.<sup>64</sup> It is also well known that Roma children are disproportionately afflicted by diseases, such as polio and diphtheria, that can be prevented or eradicated through vaccination. Epidemics of both diseases in 1992 and 1993 in the region of Sliven affected only Roma children.<sup>65</sup> There have been few attempts to educate Roma communities regarding the importance of vaccination; the Romani Baht Foundation reports that the mobile medical units servicing the Faculteta neighbourhood do not employ Roma staff.

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<sup>61</sup> Tomova 1995, pp. 49–50.

<sup>62</sup> Romani Baht 1999, p. 39

<sup>63</sup> I. Zoon, *On the Margins: Roma and Public Services in Romania, Bulgaria, and Macedonia*, Open Society Institute, New York, 2001, p. 99.

<sup>64</sup> Tomova 1995, p. 51.

<sup>65</sup> Tomova 1995, pp. 51–52.

Reforms in the Bulgarian health system in mid-1999 introduced compulsory health insurance. Although in theory the system should work for everyone, in practice a considerable number of Roma are excluded. The new system requires every employed Bulgarian citizen to contribute six percent of his/her income and register with a “Personal Physician” (a general practitioner). For unemployed and other non-earners, the contribution is covered by municipal and state budgets. However, residents of some Roma neighbourhoods are not present on official social welfare lists, either because they have moved without registering or because they have dropped out of the welfare system altogether. As a result they are ineligible for any kind of social support, including health insurance.

The 1999 reform also gave general practitioners (GPs) the right to choose clients. Some have reportedly turned down requests for registration from Roma. Many GPs are simply unwilling to visit Roma neighbourhoods or take on the burden of dealing with the severe health conditions faced by poorer Roma communities.<sup>66</sup> According to a recent survey, commissioned by UNDESA-Bulgaria and conducted by the Anti Poverty Information Center, only 71.1 percent of Roma in Bulgaria have registered with a family doctor. However, 48 percent of those surveyed said that they treat their illnesses by themselves and do not visit a doctor.<sup>67</sup>

### *Social Assistance*

Regulations limit the payment of social welfare benefits to the unemployed of working age to a maximum of three years. These regulations have a disproportionate effect on Bulgarian Roma, many of whom are among the long-term unemployed, and thus ineligible to receive social assistance (see below).<sup>68</sup>

A 2000 survey indicates that only three to five percent of employers of Roma and self-employed Roma make regular social security payments.<sup>69</sup> The survey also revealed that few Roma have savings or pensions to draw upon; 63.5 percent of the Romani households surveyed depended on social assistance to survive.<sup>70</sup>

Delays in payment of social benefits, which are common, therefore pose a fundamental threat to many Roma families. In late 2000 and early 2001, several thousand Roma protesters gathered in front of several municipalities in northern Bulgaria to demand their due unemployment and welfare benefits for the last months of the year 2000. Since

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<sup>66</sup> The information is from a special survey commissioned by the BHC and conducted by Romani Baht Foundation in several Bulgarian cities and villages in the second half of the year 2000.

<sup>67</sup> APIC/UNDESA 2000, pp. 27–28.

<sup>68</sup> Regulations for the Application of the Social Assistance Act, November 1998.

<sup>69</sup> APIC/UNDESA 2000, p. 24.

<sup>70</sup> APIC/UNDESA 2000, p. 27.

budgets allocated to the municipalities do not account for growth in unemployment during the year, and since welfare payments are not a priority for municipal authorities, the welfare funds of the municipalities in question were depleted by September 2000. Although the Regulations for the Application of the Social Assistance Act provide that social benefits are to be paid within a month of the period for which they are due, payments were nevertheless stopped due to lack of funds. After days of protest Roma received some but not all of their entitlements.

### 3. *Housing and Other Public Goods and Services*

There exists no national legislation expressly prohibiting discrimination in access to housing and/or other public goods and services. The many Roma who are effectively compelled to live in illegally-constructed houses generally have limited access to public services; because their settlements are illegal, they have no right to services, and no recourse when they are denied. Roma are routinely barred access to public establishments such as bars and restaurants – occasionally with open support from municipal authorities.

#### *Housing*

The government recognises that the living conditions of Roma are below the average for the country and that these conditions “are among the main factors for the relatively worse state of health of the Roma population.”<sup>71</sup> In addition to the health and environmental hazards that inevitably accompany poor living conditions, large numbers of Roma face the additional insecurity of living in illegally built housing. As the government has acknowledged in the Framework Programme, this exposes them to “abuses of different kinds and degrees, including extortion by municipal and other organs as well as by private individuals.”<sup>72</sup>

On the basis of a nationwide survey of all municipal and district authorities conducted in 2000, approximately 70 percent of the houses in Roma neighbourhoods countrywide are built “illegally”, i.e. either outside of the municipal boundaries or without appropriate authorisation papers.<sup>73</sup> In some of the biggest urban neighbourhoods the

<sup>71</sup> Replies by the Government of Bulgaria to the List of Issues of CESCR, §4.1, 09/07/99.

<sup>72</sup> Framework Programme for Equal Integration of Roma in Bulgarian Society, 1999, Section 3.

<sup>73</sup> The survey solicited information on the proportion of Roma houses constructed illegally, the infrastructure of Roma neighbourhoods, and municipal plans for improvements from all district and municipal authorities in Bulgaria. Responses were received from about 90 percent of all districts and municipalities. Information on file with the Bulgarian Helsinki Committee (BHC).

proportion is even greater: in the Roma neighbourhoods of Sliven, between 90 and 100 percent of Roma houses are illegal; the figure is 80 percent in Stara Zagora and in Shumen; 85 percent in Blagoevgrad; 90 percent in Kurdzhali; and over 80 percent in Lovech.<sup>74</sup>

Many Roma report discriminatory treatment in the delivery of paid public services to their neighbourhoods;<sup>75</sup> because many Roma neighbourhoods are formally outside city boundaries, municipal authorities often offer either curtailed municipal services or none at all. For example, the number of garbage trucks allocated to serve Roma-inhabited areas is lower than the number of trucks used in non-Roma districts. The garbage is collected less frequently in Roma neighbourhoods and in some of them it is not collected at all.<sup>76</sup>

Roma are sometimes subject to enforced separation through the construction of physical barriers, such as metal or concrete fences, around their neighbourhoods. Some municipalities have used municipal funding for this purpose. For example, Plovdiv's "Sheker Mahala", Kazanlak's Roma neighbourhood and the Roma neighbourhood in Kiustendil are surrounded by two-meter high fences paid for by the respective municipalities.

#### *Government Response*

Two years after the adoption of the Framework Programme, which called for immediate measures to legalise Romani homes, very few municipalities have done so. Among those that have are the municipalities of Pazardzhik and Stara Zagora, which have initiated plans to regularise the status of their Roma neighbourhoods, integrating them into the municipality and supplying them with municipal services.

There has been no government response to the openly discriminatory regulations adopted by some municipalities in order to segregate Roma from the rest of the community.

#### *Other Public Goods and Services*

Roma are reportedly often restricted from entering commercial enterprises, such as bars, restaurants, swimming pools, baths, discos and other public accommodations

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<sup>74</sup> Information from the district government and municipal government offices of Sliven, Stara Zagora, Shumen, Blagoevgrad, Kurdzhali and Lovech, October and November 2000, information on file with the BHC.

<sup>75</sup> See Tomova, 1992.

<sup>76</sup> Zoon 2001, pp. 141–142.

on racial grounds.<sup>77</sup> In some cases, Roma have been banned from entering any public establishment in an entire town. The first detailed documentation of such practices was the systematic ban to enter public accommodations imposed by the police on Roma in Pazardzhik after a police pogrom in the Roma neighbourhood on 30 June 1992.<sup>78</sup> Such practices continue; after a clash between Roma and Bulgarians in the village of Mechka in 1998, Roma were prohibited from entering any public accommodations in the village – a prohibition endorsed by the local mayor. The restriction is still in force as of June 2001.<sup>79</sup>

### *Government Response*

The government has taken no action to date to discourage widespread discrimination in access to goods and services for Roma. At the local level, municipalities can, and sometimes do, enact municipal ordinances prohibiting such discrimination. For example, the municipality of Stara Zagora has passed an ordinance prohibiting discrimination in the provision of public services, subject to administrative fines.<sup>80</sup> However, these ordinances have not been enforced; there have been no successful court challenges to discrimination in access to public accommodations.

In one case, a plaintiff brought suit against a bar that allegedly refused to serve ethnic minorities in Plovdiv on the basis of the general constitutional provision prohibiting discrimination, as well as on the basis of the International Convention on the Elimination of all forms of Racial Discrimination (hereafter “ICERD”). However, the case was closed after it was withdrawn by the plaintiff, and no official action was taken.

## 4. *Employment*

A number of provisions prohibit discrimination or the granting of privileges or restrictions on grounds of ethnicity in the field of employment.<sup>81</sup> Art. 172 (1) of the Bulgarian Penal Code prohibits preventing another person from taking a job or compelling

<sup>77</sup> One recent report lists incidents from Plovdiv, Pazardzhik, Balchik, Vidin, Blagoevgrad, Haskovo, Shumen, Svilengrad, Pavlikeni, Yagoda and Stara Zagora. See Human Rights Project, *Annual Report*, 1999, p. 15.

<sup>78</sup> See “Events in Pazardzhik, Exhibit No. 5”, M. Ivanov: *National and Ethnic Issues and Religious Denominations in the Work of the President’s Office During the Period 1 September 1990–1 December 1996*, report available in the BHC archive.

<sup>79</sup> See R. Russinov, S. Danova, “When the state is on ‘city leave’”, *Obektiv*, January–April, 2000.

<sup>80</sup> See Human Rights Project, *Annual Report*, 1999, p. 15.

<sup>81</sup> Labour Code, Art. 8 (3); Protection during Unemployment and Encouragement of Employment Act, Art. 2; Tax Procedures Code, Art. 9.

him/her to leave a job because of his/her ethnicity, race religion, social origin, and political affiliation. In practice, these norms are simply not implemented, and discrimination against Roma in employment is common.

The National Employment Agency does not keep statistical data on unemployment by ethnicity, and thus it is not possible to give precise figures regarding unemployment among Roma. Nonetheless, the limited information available supports the assertion that Roma are grossly over-represented among the unemployed.<sup>82</sup> Unemployment is especially high in predominantly Roma neighbourhoods.<sup>83</sup>

The reasons for high unemployment rates among Roma usually suggested by the government include low education and work qualifications. According to the National Institute of Statistics' 1992 census results, 93.3 percent of unemployed Roma had primary level education or lower.<sup>84</sup> However, there is little doubt that racial discrimination too plays a significant role in the availability of work to Roma.<sup>85</sup> Roma were generally dismissed during the first wave of unemployment to hit Bulgaria, between 1990–1993, while ethnic Bulgarians (or sometimes Bulgarian Turks) with similar qualifications retained their jobs.<sup>86</sup> According to a recent survey, only 5.1 percent of Roma attribute their unemployment to their poor education; 65.8 percent claim that the real reason is ethnic discrimination.<sup>87</sup>

Moreover, those Roma who are employed usually perform unskilled jobs for low levels of remuneration. The main forms of employment available to Roma are casual labour or self-employment as small traders, service providers, entertainers, or collecting and selling herbs or scrap metal. Municipal social assistance centres reportedly assign workers of Roma origin predominantly to low-skilled community service jobs (e.g. street-cleaning)

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<sup>82</sup> A 1998 PACE report suggested that “80 to 90 percent of the Roma population is unemployed.” This indicates that between 60–75 percent of working age Roma are unemployed – an estimate supported by the findings of a second APIC/UNDESA survey. PACE, *Honouring of Obligations and Commitments by Bulgaria*, Information Report from 7 July 1998, AS/Mon (1998) 37, p. 20. This figure is cited in the *Second Country Report of ECRI* from 18 June 1999, CRI (2000) 3, §43. See also APIC/UNDESA 2000, p. 32.

<sup>83</sup> For example, in 1992 approximately 85 percent of working age Roma in the Pazardzhik Roma neighbourhood were unemployed. See M. Ivanov, “Events in Pazardzhik, Exhibit No. 5”, *National and Ethnic Issues and Religious Denominations in the Work of the President's Office During the Period 1 September 1990–1 December 1996*.

<sup>84</sup> National Institute of Statistics, *Unemployed in Bulgaria as at 4 December 1992*, p. 16.

<sup>85</sup> See, e.g. *Second Country Report of ECRI*, §43; OSCE 2000, p. 35.

<sup>86</sup> See Petrova 1994, p. 33. In one of the cases cited, that of Orliak, Bulgarian Turks were appointed to replace the 200 Roma who were fired from the agricultural cooperative; See also Helsinki Watch, *Destroying Ethnic Identity: The Gypsies of Bulgaria*, June 1991, pp. 40–42.

<sup>87</sup> APIC/UNDESA 2000, p. 25.

which are unattractive to non-Roma. One survey indicated that the salary of a Roma labourer provides an average daily income of less than € 0.90 per family member.<sup>88</sup>

### *Government Response*

The government made a commitment to establish a special governmental fund to support businesses hiring minorities as part of the Framework Programme, but to date no steps have been taken to fulfil this commitment.

## 5. *Criminal Justice*

There are widespread allegations that Roma receive differential treatment within the Bulgarian criminal justice system, including disproportionately high rates of arrest and placement in pre-trial detention, longer periods in pre-trial detention, and harsher sentencing. International monitoring bodies such as ECRI have noted concern at the “incidence of police discrimination and mistreatment of members of the Roma/Gypsy community.”<sup>89</sup>

To date, there are no official statistics to verify or refute these allegations. At the same time, Bulgarian authorities gather statistics on criminal activity by ethnicity at all stages of the criminal procedure up to sentencing,<sup>90</sup> and those that are publicly available suggest patterns of discrimination in sentencing.<sup>91</sup> Moreover, although the authorities claim that data on ethnicity is collected only with the consent of the defendant and according to the principle of self-identification,<sup>92</sup> in fact there is sufficient evidence to conclude that ultimately it is the law enforcement officer who determines the ethnicity.<sup>93</sup>

<sup>88</sup> Russinov 2000, p. 33.

<sup>89</sup> CRI (2000)3, Section II.32. See also European Roma Rights Center, *Profession: Prisoner: Roma in Detention in Bulgaria*, December 1997 (hereafter ‘ERRC 1997’), pp. 36–40.

<sup>90</sup> There is an “ethnic group” entry on statistical form 1-CC that is filled out at the beginning of a criminal investigation. There are explicit guidelines for filling out this form, which specify that personal data are to be filled in “by the person who conducted the preliminary investigation” or by the court. Interviews with investigators conducted by BHC in September and October 2000.

<sup>91</sup> BHC examined statistics supplied by the National Institute of Statistics for 1998 and 1999 during interviews in September 2000, and examined the annual publication of the Institute, *Crime and Sentenced People*, for the years 1994–1998. See also ERRC 1997, p. 40.

<sup>92</sup> Information from the Director of the National Institute of Statistics, 13 September 2000.

<sup>93</sup> There is an ‘ethnic group’ entry on statistical Form 1-CC to be filled out from the beginning of the criminal investigation and an explicit guideline directing that personal data are to be completed “by the person who conducted the preliminary investigation” or by the court (in cases of crimes prosecuted by private complaints). This is corroborated by interviews with investigators conducted by BHC in September and October, 2000.

The lack of transparency with regard to the collection of official ethnic statistics and the purposes for which these statistics are used is a source of concern for many civil society leaders in Bulgaria. This situation could be remedied if Bulgarian authorities collect such statistics only for clear and public purposes, and only using a transparent methodology. Recording the incidence of discrimination in the area of criminal justice (and in other areas) is considered by many – including ECRI – to be a legitimate reason for data collection, provided proper safeguards to ensure the protection of free choice of identity are set in place.<sup>94</sup>

### *Legal Aid*

The above-noted discriminatory trends against Roma in the administration of justice are heightened and accentuated by the disproportionate number of Roma who do not enjoy legal representation. The Bulgarian criminal justice system does not afford adequate legal services to indigent defendants. Although access to a lawyer is guaranteed from the moment of arrest, the scope of the state's obligation to offer free legal services is very narrow in practice.<sup>95</sup> As a result, large numbers of criminal defendants pass through all stages of legal and judicial proceedings without a lawyer (see Table 1). Although this regulation has general application, it has a discriminatory effect on Roma, who are grossly over-represented among criminal defendants. The following table from a survey of prisoners from January–February 1999 and December 2000–January 2001 is quite indicative of levels of discrimination in access to legal services:

*Table 1*  
**Percentage of respondents answering “no” to the question of whether they had a lawyer at different stages of the criminal process**

	During the Preliminary Investigation		Before the First-instance Court		During the Appeal (Excluding Answers of “There Was No Appeal”)	
	1999	2001	1999	2001	1999	2001
Bulgarians	48	53	35	34	36	n/a
Turks	58	54.5	48	44	51	n/a
Roma	64	61	48	36	51	n/a

SOURCE: *Bulgarian Helsinki Committee*

<sup>94</sup> OSI Roundtable, Sofia, April 2000. See also CRI 2000(3), para. 29.

<sup>95</sup> According to Art. 70 of the *Code of Criminal Procedure* the following categories of defendant receive free legal services: those under 18 years; those suffering from physical and mental deficiencies; those who do not speak Bulgarian; those who have different interests in the process and one of them has a lawyer; those tried in absentia and those who cannot afford paying a lawyer “when the interests of justice require” that he/she has a lawyer. The latter provision, vague as it is, was introduced in 2000.



The decrease in the share of Roma claiming no access to a lawyer before the first-instance court from 1999–2001 is possibly due to the enforcement by some courts of a new provision of the Code of Criminal Procedure (effective since January 2000) allowing the appointment of an *ex officio* lawyer in cases where the defendant is poor and “the interests of justice so require.” Despite this decrease, the proportion of unrepresented defendants remains high, and Roma are over-represented among them. Thus, although Roma usually live under worse material conditions than the average defendant, are less well educated, sometimes to the point of illiteracy, or cannot speak Bulgarian, their access to legal counsel is less secure. The level of exclusion, especially at the stage of preliminary investigation, is alarmingly high.

## B. Protection from Racially Motivated Violence

Although the Penal Code envisages criminal responsibility for racially motivated violence and for some forms of hate speech (Art 162),<sup>96</sup> such crimes are actually punished *less* severely than ordinary crimes of the same nature. This, combined with a general reluctance among prosecutors to bring such cases, has resulted in lack of enforcement of these provisions, despite evidence of frequent cases of racially motivated violence against Roma, including by law-enforcement and other state officials.

Art. 162 of the Penal Code punishes crimes “of general nature”, i.e. they are prosecuted by public prosecutors; private prosecution is not possible. However, there are no prosecutors with special responsibilities for the enforcement of laws prohibiting racial discrimination or racially motivated violence. According to official statistics, since 1990 public prosecutors have instituted no criminal proceedings and no one has been sentenced under Art.162.

After a police raid in the Roma neighbourhood of Mechka in July 1998, when dozens of innocent people were beaten up and their property destroyed, several Roma received threats of violent attack from their Bulgarian fellow villagers. On their request that the District Prosecutor of Pleven instigate criminal proceedings under Art. 162, he refused, arguing that they were confusing the terms “nationality and race” with “ethnos and ethnic”, i.e. that the crime envisaged by Art. 162 does not apply to ethnic groups.<sup>97</sup>

<sup>96</sup> Art. 162 (1) “A person who propagates or abets racial or national hostility or hatred or racial discrimination shall be punished by deprivation of liberty for up to three years and by public censure. (2) A person who uses violence against another or damages his property because of his nationality, race, and religion or because of his political convictions shall be punished by deprivation of liberty for up to three years and by public censure.”

<sup>97</sup> See Human Rights Project, *Annual Report*, 1998, p. 8.

At the same time, violent abuse by police and other officials during criminal investigation is widespread in Bulgaria and affects both Roma and non-Roma. There are no official statistics, but research indicates that Roma are more likely to experience abuse than other groups. For example, according to one survey conducted in January–February 1999, 51 percent of all prisoners in Bulgaria reported ill treatment during arrest, 53 percent inside the police station and 37 percent during the preliminary investigation. The respective figures among Roma prisoners are: 54 percent, 60 percent and 44 percent.<sup>98</sup> A follow-up survey in December 2000–January 2001 again revealed higher proportions of Roma suffering ill-treatment in police stations and during arrest:

*Table 2*  
**Ill-treatment during and after arrest  
as reported by Bulgarians, Turks and Roma**

Minority	Bulgarians		Turks		Roma	
	1999	2001	1999	2001	1999	2001
Ill-treatment during arrest	50%	46.5%	52%	45%	54%	56%
Ill-treatment inside the police station	50%	42%	54%	44%	60%	48%

SOURCE: *Bulgarian Helsinki Committee*

Two cases of police violence against Roma have been decided by the ECHR (*Asenov v. Bulgaria*<sup>99</sup> and *Velikova v. Bulgaria*<sup>100</sup>), both raising important factual and legal issues related to police brutality. These include the reluctance of the prosecutor's offices to initiate criminal proceedings in cases of police abuse against Roma or to indict police officers who are responsible for human rights violations against Roma; the complicity of medical professionals in concealing the crimes of law enforcement officers; and the lack of impartiality of the prosecution as an agency for imposing detention and prosecuting crime. Several similar cases involving Roma are pending, not all of which involve complaints of violations of fundamental human rights, but violations of human rights affecting others also, such as inhuman detention conditions and inadequate access to legal aid.

<sup>98</sup> See *Legal Defence of Defendants in the Criminal Process and its Effect*, available at the BHC web site: <<http://www.bghelsinki.org>>, (accessed 8 August 2001).

<sup>99</sup> ECHR, Appl. No. 24760/94, Judgment from 28 October 1998.

<sup>100</sup> ECHR, Appl. No. 41488/98, Judgment from 18 May 2000.

According to the submission of the European Roma Rights Center to the ECHR in the case of *Asenov v. Bulgaria*, between 1992 and 1998 at least 14 Roma men died in police custody or as a result of use of firearms by law enforcement officers.<sup>101</sup> Between then and December 2000, law-enforcement officers or private security guards have killed at least another seven Roma.<sup>102</sup> In 1997, the European Committee for the Prevention of Torture (CPT) recommended that Bulgaria establish a number of safeguards against torture/ill treatment,<sup>103</sup> none of which have been implemented to date. In addition, lack of effective investigation of torture/ill-treatment is a systemic problem in the Bulgarian criminal justice system and affects Roma disproportionately.

Racially motivated violence also occurs during “punitive raids” conducted by the police in Roma neighbourhoods. Between 1992 and 2000, police made at least 11 punitive raids in Roma neighbourhoods throughout the country.<sup>104</sup> During these raids Roma individuals, including women and older persons, were beaten up and property was destroyed. Police or prosecution authorities sought some legal justification for most of these raids either in advance or subsequently, despite their very clear punitive purposes.

In addition to violent attacks by police, private groups also attacked Roma neighbourhoods or individual Roma, beat and otherwise abused people, and destroyed property. Human rights monitors from non-governmental organisations documented at least five such raids of private groups in Roma neighbourhoods between 1992 and 2000.<sup>105</sup> Roma are also the frequent target of attacks by skinheads and other racist groups. At least four Roma lost their lives as a result of such attacks between 1994 and 1999, in addition to many others who were physically abused in a variety of ways.<sup>106</sup>

<sup>101</sup> Written Comments of the European Roma Rights Center in the case of *Asenov and others v. Bulgaria*, 29 April 1998, §6. Appendix A to the report lists cases resulting in death or serious physical injury.

<sup>102</sup> See for 1998 and 1999 the respective annual reports of the Bulgarian Helsinki Committee, <<http://www.bghelsinki.org>> (accessed 8 August 2001).

<sup>103</sup> The recommended safeguards included: effective access to a lawyer from the moment of any form of detention; informing the detainee’s relatives or other third parties about his/her whereabouts and conditions of detention immediately upon arrest; guarantee of access of all people under any form of detention to independent medical expertise, including by a medical professional of detainee’s choice. CPT Report to the Bulgarian Government on the visit to Bulgaria from 26 March–7 April 1995, CPT (95) 40, Strasbourg, 6 March 1997, para. 228.

<sup>104</sup> See the BHC annual reports on human rights in Bulgaria for 1992–1999, at: <http://www.bghelsinki.org>> (accessed 8 August 2001).

<sup>105</sup> See the BHC annual reports on human rights in Bulgaria for 1992–1999, at: <http://www.bghelsinki.org>> (accessed 8 August 2001).

<sup>106</sup> See detailed description of two of the most recent cases, both from Sofia, in *Racial Discrimination and Violence against Roma in Europe*, ERRC submission to the 57<sup>th</sup> Session of CERD, p. 34.

Proving torture and ill treatment is a serious problem in Bulgaria: a number of Roma have reported difficulties in obtaining medical certificates after being abused by police. Forensic doctors and general practitioners were allegedly instructed by police not to issue forensic certificates to the victims.<sup>107</sup> Concerns with medical evidence in cases of torture were expressed also in the decision of the ECHR in the case of *Velikova v. Bulgaria*.<sup>108</sup>

Despite concerns about violence of this kind, expressed by both domestic and international organisations for many years,<sup>109</sup> and the numerous allegations made by victims, prosecution authorities and police have remained indifferent. Very few cases of ill treatment in custody have been punished; in the few cases where they have, punishments have been inadequate to the severity of the crimes: impunity is another concern frequently raised in domestic and international reports.<sup>110</sup> A number of recent cases confirm this trend. For the killing in June 1998 of the Rom Yordan Yankov near his home during a police raid, a policeman was ultimately sentenced, on appeal, to two years and four months suspended sentence despite the fact that he had been sentenced to 15 years

<sup>107</sup> See Human Rights Project, *Annual Report*, 1997, p. 20 and *Annual Report* 1998, p. 38.

<sup>108</sup> ECHR, Appl. No. 41488/98, Judgment of 18 May 2000, para.79: "It is [...] highly significant that the investigation file contains no trace of any attempt by investigator Enchev to identify the members of the medical team who, according to the statements of the police officers involved, visited the Pleven police station twice during the night when Mr Tsonchev died. Copies of the records of the hospital emergency unit, which would normally contain information about the alleged visit, are not to be found in the investigation file."

<sup>109</sup> See, e.g. Amnesty International, *Bulgaria: Tsvetelin Petrov: a 16-year old Roma boy, severely burned in police detention*, August, 2000; Amnesty International, *Bulgaria: The shooting of Atanas Djambazov, a 14 year old Roma boy*, August 2000; Amnesty International, *Bulgaria: Recent reports of unlawful use of firearms by law enforcement officials*, December 1998; European Roma Rights Center, *Profession: Prisoner: Roma in Detention in Bulgaria*, December 1997; Amnesty International, *Bulgaria: Growing Incidence of Unlawful Use of Firearms by Law-Enforcement Officials*, October 1997; Amnesty International, *Reported Ill-Treatment of Roma in the Montana Region*, September 1997; Human Rights Watch/Children's Rights Project, *Children of Bulgaria: Police Violence and Arbitrary Confinement*, September 1996; Amnesty International, *Bulgaria: Shootings, Deaths in Custody, Torture and Ill-Treatment*, June 1996; D.Petrova, *Violations of the Rights of Gypsies in Bulgaria*, Report of the Human Rights Project, Sofia 1994; Human Rights Watch/Helsinki, *Bulgaria: Increasing Violence against Roma in Bulgaria*, November 1994; Amnesty International, *Bulgaria: Turning a Blind Eye to Racism*, September 1994; Amnesty International, *Bulgaria: Torture and Ill-Treatment of Roma*, May 1993; Human Rights Watch/Helsinki, *Bulgaria: Police Violence Against Gypsies*, April 1993; Helsinki Watch, *Destroying Ethnic Identity: The Gypsies of Bulgaria*, June 1991, as well as the annual reports of the Human Rights Project and the Bulgarian Helsinki Committee.

<sup>110</sup> See especially: ERRC 1997, pp. 63–67; Amnesty International 1996; Petrova 1994; Amnesty International 1994. See also §§10–12 of the ERRC submission to the ERCH on the *Assenov* case, as well as the annual reports of the Human Rights Project and the Bulgarian Helsinki Committee.

effective imprisonment by the trial court.<sup>111</sup> None of the punitive raids in Roma neighbourhoods have been adequately investigated and no official has been punished for coordinating or instigating the raids.

Police and prosecution authorities have failed to protect Roma in cases of mob violence, by not responding to calls for action or by failing to prosecute perpetrators. In those few cases in which private racist attacks against individuals have been investigated, the perpetrators have received minimal punishments.

The low rate of prosecution of racist violence was a principal concern expressed by the UN CERD in 1997, concluding that in Bulgaria it seems that “such crimes against ethnic minorities are not considered to pose a significant danger to public order” and recommending the education and sensitisation of law enforcement officials about the excessive use of force.<sup>112</sup> Despite this recommendation, there have been no attempts to train teachers, law enforcement officers and other public officials in non-discriminatory norms and practices. In 1999, the UN Committee Against Torture (hereafter, “CAT”) noted “continuing reporting from reliable non-governmental organisations on ill-treatment by public officials, particularly the police, especially against persons belonging to ethnic minorities.”<sup>113</sup> Both cases decided by the ECHR in Strasbourg, involving Roma victims, *Asenov v. Bulgaria* and *Velikova v. Bulgaria*, condemned Bulgaria for failing to adequately investigate and offer effective remedy for official violence.<sup>114</sup>

<sup>111</sup> See “Ten death cases sharply pose the problem of justice”, *Obektiv*, June–September, 2000.

<sup>112</sup> CERD/C/304/Add.29, para. 9.

<sup>113</sup> UN Committee Against Torture, *Concluding Observations of the Committee against Torture: Bulgaria*, 07/05/99, CAT A/54/44, para. 160.

<sup>114</sup> “The Court observes that there existed obvious means to obtain evidence [...] about the circumstances surrounding his arrest, his state of health, and, consequently, about the perpetrators of the grave crime committed against him [...]. However, the investigator did not proceed to collect such evidence, an inactivity which was sanctioned through the decree of 19 March 1996 and the letter of 3 June 1997 of the supervising prosecutor [...]. Furthermore, the investigation remained dormant, nothing having been done since December 1994 to uncover the truth about the killing of Mr Tsonchev. The applicant’s numerous complaints of the inactivity of the authorities were to no avail [...]. No plausible explanation for the reasons of the authorities’ failure to collect key evidence was ever provided by the respondent Government. The Court finds, therefore, that there has been a violation of the respondent State’s obligation under Article 2 of the Convention to conduct an effective investigation into the death of Mr Tsonchev.” ECHR, *Velikova v. Bulgaria*, Appl. No. 41488/98, Judgment from 18 May 2000, para. 83–84.

## C. Minority Rights

Bulgaria does not have a separate law for the implementation of international minority treaties. Although Bulgaria ratified the Framework Convention for the Protection of National Minorities (FCNM) in 1999, the government failed to submit its initial report to the Secretary General of the Council of Europe on legislative and other measures taken to give effect to the principles set out in the FCNM by 1 September 2000, as required by Art. 25.1 of the Convention.<sup>115</sup>

With the cessation of Council of Europe monitoring of Bulgaria in January 2000, the Parliamentary Assembly of the Council of Europe indicated outstanding concerns including, *inter alia*, “insufficient implementation of minorities’ constitutional rights as regards education and information in their mother tongue through electronic media.”<sup>116</sup>

There are neither direct restrictions nor specific dispensations with regard to minorities in the laws on citizenship, property rights, housing, health care and employment.

### 1. Identity

The Bulgarian authorities have demonstrated ambivalence towards recognition of the existence of minorities in Bulgaria. The Constitution itself does not use the term “national minority” – referring instead to “citizens whose mother tongue is not Bulgarian” (Art. 36(2)); Article 54 provides for the right of “everyone” to develop his/her own culture “in accordance with his/her ethnic belonging.” The only variation on this wording is in the decree assigning the tasks of the National Council for Ethnic and Demographic Issues, which refers to “Bulgarian citizens of different ethnic and religious groups” and “Bulgarian citizens belonging to minority groups.”<sup>117</sup> Thus the term “national minority” appears nowhere in Bulgarian law, despite ratification of the FCNM,<sup>118</sup> and there is no enumeration in law of groups recognised as minorities.

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<sup>115</sup> Bulgaria has not yet signed the European Charter for Regional or Minority Languages. See Appendix A to overview for detailed list of minority rights instruments to which Bulgaria is party.

<sup>116</sup> *Resolution 1211 (2000)* of PACE, <<http://stars.coe.fr/ta/ta00/eres1211.htm>> (accessed 26 July 2001).

<sup>117</sup> Rules and Regulations for the Structure and Regulation of the Work of the National Council on Ethnic and Demographic Issues, Council of Ministers Decree 449 of 4 December 1997.

<sup>118</sup> FCNM Article 3(1): “Every person belonging to a national minority shall have the right freely to choose to be treated or not to be treated as such and no disadvantage shall result from this choice or from the exercise of the rights which are connected to that choice.”

One Roma leader recently asserted the opinion that “it is of no small significance to find the right definition of ‘national minority’, which should be adopted in the public sphere. In Bulgaria, we speak of minorities in general, but quite frequently politicians and statesmen are offended and sometimes they say there are no minorities in Bulgaria, but only ethnic groups, and in this way we divert attention from the problems [faced by minority groups].”<sup>119</sup>

## 2. *Language*

The opportunities for use of minority languages in dealings with public authorities, as called for in the FCNM, are extremely limited in practice.

The Constitution provides that Bulgarian is the official language of the Republic, but also that “citizens whose mother tongue is not Bulgarian shall have the right to study and use their own language alongside the compulsory study of the Bulgarian language.”<sup>120</sup> At the same time, there are more than 100 laws, decrees, ordinances, regulations and binding court decisions on the obligatory use of Bulgarian by public authorities, juridical persons and citizens. These include mandatory and exclusive use of the Bulgarian language in the activities of political parties and of the military; in appeals to the courts and in judicial proceedings; and in civil claims.<sup>121</sup> No legislation has been adopted to regulate the use of minority languages in communications between minorities and administrative authorities, or the public display of traditional local place names in the minority language.

Translators and interpreters are provided by the state in the case of penal proceedings. During prison visits, however, the detainees and visitors must pay for interpretation themselves:<sup>122</sup> in practice, visits are carried out in Bulgarian, which is difficult for some detainees and their families. During visits to the notary, the parties involved must pay for translation.<sup>123</sup>

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<sup>119</sup> OSI Roundtable, April 2001.

<sup>120</sup> Constitution, Art. 3 and 36(2).

<sup>121</sup> Political Parties Act (Art. 5); Law of Defence and Armed Forces of the Republic of Bulgaria (Art. 9); Tax Procedure Code (Art. 122); Law for the Supreme Administrative Court (Art. 17 and Art. 35); Law on the Judiciary (Art. 105); Civil Procedure Code (Art. 98).

<sup>122</sup> Code of Criminal Procedure (Art. 11); Law for the Execution of Sentences (Art. 33(1b)).

<sup>123</sup> Civil Procedure Code (Art. 478).

### 3. *Education*

Legal provisions ensuring the right to study minority languages in the Bulgarian education system have not resulted in the organisation of classes in the Romani language on a systematic basis. Moreover, Roma culture and language are not given space within the general curriculum.

The Constitutional provision on the right to study the “mother tongue” (defined as the “language which the child uses to communicate with its family”<sup>124</sup>) is repeated in The Law on National Education (Art. 8(2)) and substantiated in a number of other legal acts. These allow for languages other than Bulgarian to be taught as an “obligatory selectable subject” – i.e. as one of a limited number of core subjects of study – in municipal schools from grades one to eight, four times weekly,<sup>125</sup> where a minimum of eleven students wish to study it.<sup>126</sup> Textbooks and other teaching facilities are provided by the state.<sup>127</sup> It is also legally possible to obtain a university degree in the mother tongue, including in the Romani language,<sup>128</sup> although the possibility does not exist in practice. There are no provisions allowing for general education through minority languages.

At present Roma children do not exercise their constitutional right to study their mother tongue. When the possibility to receive mother tongue education was introduced in some Roma schools in 1990–1991, a number of Romani language classes were established; according to some estimates, the total number of Roma children studying the Romani language as their mother tongue reached 4,000.<sup>129</sup> However, courses were not organised

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<sup>124</sup> Regulations for the Applying the National Education Act (Art. 8(4)).

<sup>125</sup> Decree No. 183 of the Council of Ministers from 5 September 1994 for Studying the Mother Tongue in Municipal Schools in the Republic of Bulgaria (Art. 1). Decree No. 183 also provides that the study of the mother tongue shall be a “freely-selectable subject” – i.e. optional in addition to core subjects – but this is effectively repealed by the Law on the Educational Degree, Educational Minimum and the Educational Plan from 27 July 1999, Art. 15(3), which provides that “into the obligatory selectable programme should be included also the education of the mother tongue according to Art. 8(2) of the Law on National Education”.

<sup>126</sup> Ordinance No. 4 from 2 September 1999 of the Ministry of Education and Science for the general educational minimum and the distribution of the school hours. (Art. 24.)

<sup>127</sup> Decree No. 183, Art. 4 states that “textbooks for the study of mother tongue are not paid for by the students”, and Art. 5 provides that “the finances for mother tongue instruction” are supplied by municipal budgets.

<sup>128</sup> Decree No. 86 of the Council of Ministers from 12 March 1997 for Endorsing a State Register for the Educational Degrees in Higher Educational Establishments in the Republic of Bulgaria, Annex to Art. 1 under code 1.2.14 lists a degree in “Mother tongue (Turkish, Armenian, Hebrew, Romanes)...”.

<sup>129</sup> Y. Nunev, *The Roma Child and His/Her Family Environment* (In Bulgarian), 1998, p. 40.



or supported systematically, and no measures were taken to ensure provision of teaching materials, teaching standards, or the harmonisation of mother tongue classes within the broader educational plan. As a consequence, the number of Roma children studying in the Romani language had gradually decreased to zero by 1999.

Roma cultural and historical issues are not addressed in the compulsory school curricula in Bulgaria. The few teachers who do address these issues do so on a voluntary basis, using teaching materials supplied by NGOs. In general, the problem of racism is not highlighted within the Bulgarian school system.

#### 4. *Media*

Bulgarian law stipulates that programmes shall be broadcast in the official language, although it also provides for the possibility for radio and television broadcasters and stations to air programmes in languages other than Bulgarian “for Bulgarian citizens whose mother tongue is not Bulgarian.”<sup>130</sup>

There are no specific restrictions in law or in practice on the ability of Roma or other minorities to form media. Nonetheless, a 2000 survey conducted by the Bulgarian Helsinki Committee (hereafter ‘BHC’) concluded that for a variety of reasons “the presence of the Roma press in the life of Roma is only symbolic”.<sup>131</sup> First, relatively few Roma have access to Roma periodicals in practice; only one Roma newspaper per year is published for every ten Roma people, in sharp contrast to publications for some other ethnic minorities – e.g. one Jewish newspaper per month for every two Bulgarian Jews.<sup>132</sup>

Second, as the audience for Roma periodicals is impoverished, there is no serious market for advertising. This means that Roma media cannot survive without some form of external support. However, there are no tax exemptions on minority media initiatives, and no government support for minority media.<sup>133</sup> Unlike in the case of the Turkish minority,

<sup>130</sup> Radio and Television Act, Art. 12 (1), Art. 12(2) and Art. 49(1).

<sup>131</sup> Bulgarian Helsinki Committee, *The Ethnic Press in Bulgaria*, 2000, p. 9.

<sup>132</sup> *The Ethnic Press*, 2000, p. 9.

<sup>133</sup> For the entire period between January 1997 and September 2000 the total amount of money spent by the Ministry for Roma cultural activities was 8,400 Leva (c. € 4,500). None was reserved for minority media. In addition, the Ministry included one Roma community centre in a joint project with the UN development programme and offered another € 9,920 for both its administrative and operational costs. At the same time, the Ministry of Culture spends millions of leva for different types of mainstream cultural activities and supports a variety of mainstream cultural institutions. Letter from the Ministry of Culture to the Bulgarian Helsinki Committee, 14 September 2000.

the state-owned electronic media do not produce programmes in the Romani language either at the national or at the local level.

As a result, there is only one exclusively Roma electronic outlet – a local cable channel *TV Roma*, which operates for 2–3 hours a day in the Roma neighbourhood of Vidin and broadcasts news (in Bulgarian and the Romani language), songs, and shows for children and adults. For the last year there have been several one-hour programmes on Channel 1 of *Bulgarian National Television* dedicated to Roma issues, and a similar, very occasional programme on the private owned *7-Days TV*. A joint Roma-Bulgarian staff prepares both programmes. In three cities (Sofia, Stara Zagora and Sliven) local radio stations irregularly broadcast programmes for Roma, prepared for the most part by Roma staff.

At present, two Roma periodicals appear regularly in Bulgaria – the monthly bilingual *Drom Dromendar* of the United Roma Union, (circulation 2,500) and the bi-monthly bilingual *Andral*, published by the private SDS, 2000 Editorial House (circulation 500). The first Roma newspaper after the democratic changes, *Roma*, was published by the Democratic Roma Union, and appeared irregularly between 1990 and 1991.<sup>134</sup> Several other newspapers and magazines followed,<sup>135</sup> including a number of one-off publications.<sup>136</sup> These mostly bilingual papers covered a wide range of subjects related to the history, social, cultural and political life of Roma in Bulgaria and abroad. With the exception of *Amal Romane*, published as a supplement to the Sofia municipality's weekly *Sofia*, all post-1989 Roma periodicals were issued by private groups, without financial or other assistance from the government.

## 5. Participation in Public Life

The Constitution prohibits the organisation of political parties organised along ethnic and religious lines.<sup>137</sup> Both local and international human rights monitors have repeatedly

<sup>134</sup> Several Roma newspapers and magazines were published under government control during the communist period, but all had ceased publication by 1988.

<sup>135</sup> Including *Develecano Sesi Romalen* (God's Voice), *Tsiganite* (The Gypsies), *O'Roma*, *Amal Romane* (Friend of the Roma), *Romano Ilo* (Roma Heart), *Romano Obektiv* (Roma *Obektiv*), *Drom Dromendar* (From Road to Road), *Gypsy Rai* (Gypsy Paradise), *Gitane* and *Andral* (Outside). Other Roma publications include the newspapers *Roma 420*, *Obshtestvo i Rodina* (Society and Country), *Romsko Slovo/Romano Peras* (Roma Word), *Amen/Nie* (We), *Zaedno* (Together) the magazines *Romano Barvalipe* and *Focus*.

<sup>136</sup> See J.P. Liegois, *Roma, Gypsies, Travellers*, (in Bulgarian), 1999, pp. 317–319.

<sup>137</sup> Constitution, Art. 11(4).

criticised this provision for being unreasonably restrictive and discriminatory.<sup>138</sup> A similar provision is included in the Law on Political Parties. The provision was applied for the first time in October 1990 when the Democratic Roma Union sought re-registration as a political party. The Sofia City Court rejected the application because the party “would rest along ethnic lines.”<sup>139</sup> However, a Constitutional Court interpretation of Art. 11 to prohibit only those parties that explicitly restrict their membership within one ethnic group,<sup>140</sup> has opened the way to *de facto* ethnic parties, of which there are at least five representing the Roma currently. Two of these achieved some success in the local elections of October 1999, when 102 representatives of The Free Bulgaria Party and four representatives of the Bulgarian Future Party were elected to local offices (municipal councillors and mayors). In addition, some Roma were elected to local offices on the tickets of the mainstream parties.

Since 1989 a number of Roma MPs have been elected on the lists of mainstream parties in each election. However, the Roma community is not represented in proportion to its share of the Bulgarian population, and Roma MPs seldom dare to push for Roma political interests. At present, there is only one Roma MP elected from the governing UtDF coalition.

Roma organisations were successful in their efforts to develop the common platform articulated in the 1999 Framework Programme, and in negotiating with the government to have it adopted: this represents a rare success story in Roma political participation.<sup>141</sup> Furthermore, as part of the government’s efforts to fulfil its commitments under the Framework Programme a total of 24 Roma were employed as experts in District Government Offices by September 2000. The effectiveness of these experts has been limited by the fact that their functions and powers have not been clarified, nor have

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<sup>138</sup> Parliamentary Assembly of the Council of Europe, “Opinion on the application of Bulgaria for membership of Council of Europe”, Rapporteur: Mr Rathbone, UK, ADOC6597; US Department of State, “Country Reports for Human Rights Practices for 1992”, February 1993, p. 733; Bulgarian Helsinki Committee, “Human Rights in Bulgaria After the October 1991 Elections”, 13 October 1992; Lawyers Committee for Human Rights, “Critique: Review of the U.S. Department of State’s Country Reports on Human Rights Practices for 1991”, July 1992, p. 45. Concern was expressed, albeit cautiously, in the Commission’s 2000 Regular Report.

<sup>139</sup> Decision from 22 October 1990 of the Sofia City Court on the case of the Democratic Roma Union.

<sup>140</sup> Decision No. 1/2000, 29 February 2000. In the case of “OMO Ilinden” – PIRIN, a Macedonian-based political party, the court ruled that “it can be asserted that a party is organised along ethnic lines only if its statute does not allow membership of persons of other ethnic groups”. Nevertheless, the party was declared unconstitutional, not because it was organised along ethnic lines but because it was considered a “threat to the national security.”

<sup>141</sup> See more details on the negotiating process in OSCE 2000, pp. 146–147.

they been given specific tasks related to the fulfilment of the other aspects of the Framework Programme; most do not have formal job descriptions. Some appear to be ignorant of the very existence of the Framework Programme.<sup>142</sup>

In general, Roma are grossly underrepresented in the public employment sector. Some few are employed as policemen, municipal officials and in government ministries, although in each case Roma are positioned as lower level officials. In 2000 three experts were appointed at the Ministry of Regional Development and three at the Ministry of Health.<sup>143</sup> The government has stated that it is working to recruit 50 young Roma into the police force.<sup>144</sup> There are no Roma government ministers, deputy ministers or chiefs of ministerial departments. No Roma are employed as top-level officials in institutions dealing largely with Roma, such as the social welfare system, police or prison administration.

## 6. Religion

Freedom of religious expression is set forth in the Denominations Act of 1 March 1949, subject to a number of amendments and decisions since then, including a constitutional court decision which provides for the inadmissibility of government interference in the internal affairs of religious communities.<sup>145</sup> However, there have been credible reports of discrimination against Roma by both the Eastern Orthodox Church and by Muslims.<sup>146</sup> In 1992, 1993 and 1994 there have been cases of refusals on the part of some imams to bury Muslim Roma who did not restore their Muslim names after 1989.

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<sup>142</sup> Information from district office employees, September 2000.

<sup>143</sup> *2000 Regular Report*, p. 22.

<sup>144</sup> *2000 Regular Report*, p. 22.

<sup>145</sup> Constitutional Court Decision No. 5, 11 June 1992. For more elaboration on the legal framework of the right to freedom of religion and belief in Bulgaria, as well as on its effect and the violations of this right, see E. Cohen, K. Kanev, "Religious Freedom in Bulgaria", in: *Journal of Ecumenical Studies*, 36:1–2, Winter–Spring, 1999.

<sup>146</sup> Many Roma converted from Islam to Christianity in the period from 1878 until the freeze on religious activity imposed by Communism. Today, approximately half of the Roma population is Muslim. The revival of religious life after 1989 did not result in the integration of Roma into either of the two biggest religious denominations in Bulgaria – the Eastern Orthodox Church and the Muslim Denomination. No new Orthodox churches or mosques have been built in Roma neighbourhoods since 1989; neither denomination has showed any interest in this community and no religious classes have commenced in any of the segregated Roma schools on an optional basis as provided for by law. For more on the exclusion of Roma from religious life in the past, see Krassimir Kanev, "Law and Politics on Ethnic and Religious Minorities in Bulgaria", in A. Krasteva (ed.), *Communities and Identities in Bulgaria*, Ravenna, 1998, pp. 60–61.

More recently, Protestant evangelical groups established in Roma neighbourhoods in post-Communist years<sup>147</sup> have become targets of government repression and discrimination, accused of “brainwashing” and “undermining Bulgarian Orthodox identity.”<sup>148</sup> Amendments in 1994 to the Law on Persons and the Family effectively outlawed a number of these groups. Religious discrimination was manifest in prohibitions on private as well as public religious gatherings, confiscation of religious literature, discrimination on a religious basis in the sphere of work,<sup>149</sup> and a prohibition on proselytising activities.

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<sup>147</sup> These groups built new churches in the neighbourhoods, recruited Roma as ministers and also translated the Gospel and a number of songs into the Romani language.

<sup>148</sup> For more information on discriminatory practices see E. Cohen, K. Kanev, “Religious Freedom in Bulgaria”, in: *Journal of Ecumenical Studies*, 36:1–2, Winter–Spring, 1999.

<sup>149</sup> E.g. in 1998 dozens of Roma Seventh-Day Adventists in Kiustendil complained to BHC that their employer did not allow them to take Saturdays off work, although the Church of Seventh-Day Adventists is officially recognised in Bulgaria.

## IV. Institutions for Minority Protection

### A. Official Bodies

As of yet there are no legal provisions for the establishment of bodies promoting equal treatment and monitoring of discrimination based on ethnicity, as recommended by the Race Equality Directive, although the need for such a body was highlighted both by CERD<sup>150</sup> and in the Framework Programme.<sup>151</sup> The 2000 Regular Report notes the lack of independent commissions or ombudsmen to oversee policy development in the “fight against racism.”<sup>152</sup>

In the absence of an official body dealing with complaints regarding violations of minority rights, some parliamentary bodies deal with complaints on an ad hoc basis, but none offer effective remedy, and this largely discourages the filing of complaints. In addition, some minority individuals fear that complaints will spark retaliation; some even fear negative consequences merely for expression of their ethnic identity (e.g. Macedonians). Poor knowledge of Bulgarian and low educational level among some minorities (particularly Roma and significant numbers of Turks) hamper effective formulation of complaints. Finally, the lack of free legal assistance and poor knowledge of individual rights is widespread among minority groups and to a slightly lesser extent also among the Bulgarian population as a whole. All of these factors combine to render the entire process of registering and dealing with minority complaints haphazard and sporadic.

For the period from January 1998 to September 2000 the Parliamentary Committee on Human Rights, Religious Denominations and Petitions of the Citizens received a number of complaints related to violations of minority rights and ethnic discrimination, including seven complaints from Roma alleging discrimination in the criminal justice system and two complaints from Bulgarian Turks alleging employment discrimina-

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<sup>150</sup> *Concluding Observations of the Committee on the Elimination of Racial Discrimination: Bulgaria*, 23 April 1997.

<sup>151</sup> Framework Programme, 1998, Part 2, I.2: “According to the Framework Programme the state body shall be created for the prevention of ethnic discrimination against all Bulgarian citizens, irrespective of their ethnic origin.” CERD/C/304/Add.29.

<sup>152</sup> *2000 Regular Report*, p. 59. The assertion elsewhere in the Report that “Ombudsman offices have been set up in a number of municipalities on a voluntary basis” is incorrect. *2000 Regular Report*, p. 21.

tion.<sup>153</sup> Of these nine complaints, the committee investigated five. In the remaining four cases the committee only requested information from state institutions. All nine cases were declared unsubstantiated; the Committee decided that there was either no discrimination or not sufficient proof of discrimination.<sup>154</sup> However, this Committee, like other parliamentary committees, has neither an established complaint mechanism nor formal powers to investigate or sanction. It cannot require submission of documents by governmental institutions, does not have the power to subpoena witnesses, and cannot impose any sanctions or institute judicial proceedings. It can only refer cases to other governmental institutions, together with its opinion.

### 1. *Advisory Bodies*

Since 1994, the Council of Ministers has included bodies to promote the conditions necessary for persons belonging to national minorities to maintain and develop their culture, and to preserve the essential elements of their identity in practice. However, these bodies have all laboured under an unclear mandate and few clearly specified powers.

In 1994, the Interdepartmental Council on Ethnic Affairs at the Council of Ministers was established as an advisory body.<sup>155</sup> However the Council was never convened. In 1995, the next government set up a National Council on Social and Demographic Issues, also mainly as an advisory body. It was supposed to represent ethnic communities, as well as organisations of women, the disabled, and pensioners.<sup>156</sup> The very title and, to a large extent, the functions and policies of this body reflected the traditional approach of pre-1989 governments to ethnic minority issues in Bulgaria: problems faced by minorities were regarded as primarily social problems, rather than as problems caused by ethnic discrimination. On 30 January 1997 the Council published a “Programme for the Resolution of the Problems of Roma in Bulgaria as an integral

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<sup>153</sup> One petition, signed by a number of Bulgarian Turks, demanded the establishment of an effective administrative procedure for restoration of the names of ethnic Turks who died before 1990 and whose names were not restored under the rehabilitation laws subsequently. Another petition of Bulgarian Turks requested a change in the procedure for issuing identity documents in order to bar the possibility of submission of previous (forcibly changed) names on the forms. The committee handled both cases and at present the parliamentary groups of UtDf and MRF are in a process of negotiation to change the respective legal provisions.

<sup>154</sup> Information from the Chairman of the Parliamentary Committee on Human Rights, Religious Denominations and Petitions of the Citizens, 15 September 2000.

<sup>155</sup> Council of Ministers Resolution 267, 30 June 1994.

<sup>156</sup> Government Decree 123, 14 June 1995; Official Gazette No. 57 of 23 June 1995.

part of the National Programme for Social Development.”<sup>157</sup> This programme focused mainly on the social problems faced by the community, such as poverty, poor education, bad hygiene, and inadequate housing, without touching on either racial discrimination or deficiencies in the protection of minority rights. However, a few days after the programme was adopted the government resigned, and the programme was never implemented.

In December 1997, the United Democratic Forces (UtDF) government established a National Council on Ethnic and Demographic Issues (NCEDI), which was placed in charge of looking after the interests of both ethnic minorities and Bulgarians abroad.<sup>158</sup> The Council’s primary objective is to facilitate cooperation between government bodies and NGOs in the formation of policy towards “ethnic and demographic issues and migration.”<sup>159</sup> The Council is empowered to elaborate concrete measures to align Bulgarian legislation and practice with international standards to which it is party.<sup>160</sup> The membership of the NCEDI includes 11 deputy-ministers, four other state agencies and 32 non-governmental organisations, 21 of which are Roma. The Council is administered by four people: the Secretary, one Chief Expert who is Roma and two specialists who are non-Roma.<sup>161</sup>

A serious problem with the NCEDI is the explicit linkage of ethnic and demographic issues. As a consequence, discussion of minority issues and policy is centred on birth rates and population growth among minority groups *vis à vis* Bulgarians.<sup>162</sup> In addition, this linkage is a sign of continuation of the previous government’s policy of viewing minority issues as primarily social issues.

In 1999, the NCEDI initiated the formation of district councils on ethnic and demographic issues in the 28 districts of Bulgaria, a process that continues today. District councils are consultative bodies to the district governors, established on a voluntary basis. There is no law or other regulation providing for their function and powers. In different parts of the country these councils deal with different issues – improvement of neighbourhood infrastructure, regular payment of welfare benefits, and support for

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<sup>157</sup> Government Decree 441, Council of Ministers.

<sup>158</sup> Government Decree 449 from 4 December 1997; Official Gazette No. 118 of 10 December 1997.

<sup>159</sup> Rules and Regulations of the Council, Art. 1.

<sup>160</sup> Rules and Regulations of the Council, Art. 2(2).

<sup>161</sup> Information from the Secretary of the NCEDI, 22 December 2000.

<sup>162</sup> Amnesty International, *Bulgaria: Imprisonment of Ethnic Turks*, EUR/15/03/86, April 1986, p. 24; See also: K. Karpat, “Introduction: Bulgaria’s Methods of Nation Building and the Turkish Minority”, in: K. H. Karpat (ed.). *The Turks of Bulgaria: The History, Culture and Political Fate of a Minority*, 1990, pp. 12–19.



neighbourhood schools. As the district governors are political appointees, however, these councils are treated as tools of the government for influencing the Roma community. At the end of the year 2000 the World Bank awarded a grant of 500,000 USD (c. € 580,990) to be administered through the NCEDI for the institutional strengthening of the district councils.

## *2. The Framework Programme for Equal Integration of Roma in Bulgarian Society*

Government policy towards the Roma minority took a different turn with the adoption of the Framework Programme for the Equal Integration of Roma in Bulgarian Society, which incorporated an explicit acknowledgement of the existence of discrimination against Roma and outlined specific measures for combating discrimination in a number of different areas. However, very few legislative or other measures have been taken to ensure implementation of the Programme.

The Framework Programme was adopted by the Council of Ministers on 22 April 1999. The programme envisages the establishment of a governmental body with wide powers to deal with cases of ethnic discrimination, including the imposition of fines on individuals and juridical persons for discrimination on ethnic grounds. It also envisages desegregation of Roma schools, regulation of Roma neighbourhoods and legalisation of houses, the systematic introduction of the Romani language as a subject of study in public schools, and establishment of a special governmental fund to support businesses hiring minorities.

There is no corresponding plan for implementation of the Programme, and no mechanism for requiring the necessary commitment of staff or resources on the part of different government Ministries. The NCEDI, as an advisory body with no management competencies, was in no position to coordinate implementation; ministries are under no obligation to report to the NCEDI or to any other body on measures taken to fulfill their commitments under the Programme.<sup>163</sup>

The European Commission has consistently emphasised the fundamental importance of implementation in its Regular Reports. In the 1999 Report the Commission expressed particular satisfaction with the adoption of the Programme, but explicitly cautioned that adoption must be followed by concrete actions, and the allocation of budgetary means for its implementation. Implementation of the programme and strengthening

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<sup>163</sup> OSI Roundtable, Sofia, April 2001.

of the NCEDI were made short-term priorities in the 1999 Accession Partnership.<sup>164</sup> During his visit to Bulgaria in January 2000, Mr. Romano Prodi spoke before the Bulgarian Parliament and mentioned the abolition of the death penalty and the adoption of the Framework Programme as two of the most important human rights developments in Bulgaria of the previous two years. However, because the Programme was never formally presented or discussed in Parliament, most MPs heard about its existence for the first time from him.<sup>165</sup>

In the Regular Report for 2000, the Commission noted that “[s]ome progress has been made to start implementation of the Roma Framework Programme,” but the overall tone is critical; although little detail is provided on fulfilment of the precise objectives of the programme under review, it is stated clearly that: “the administrative capacity of the NCEDI to implement the programme remains low and the lack of financial means allocated for its implementation make effective performance of its task difficult.”<sup>166</sup>

In 2000 the EU offered 500,000 EUR in Phare funding to the NCEDI for a project that has three basic objectives: improving access to education for Roma children; regulation of the legal status of Roma neighbourhoods, and training of Roma police candidates. However, critics maintain that there has been little participation from key civil society organisations in aligning these projects with implementation of the Framework Programme, and little transparency with regard to planning how these funds should be spent.<sup>167</sup>

## B. Civil Society

There are a number of non-governmental organisations that claim the promotion of the interests of the Romani minority as their primary objective. However, none can be said to represent the entire Roma population and all are organisationally and financially weak. These organisations have a cultural, political and humanitarian agenda and a wide variety of activities; all are membership groups. A number of organisations, staffed by both Roma and non-Roma, engaged in human rights monitoring, legal action and rights-oriented education. Others promote Roma rights through research and support for Romani culture and community development.

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<sup>164</sup> *Accession Partnership 1999*, p. 4.

<sup>165</sup> Three MPs approached the Bulgarian Helsinki Committee in the two days following Mr. Prodi’s speech to enquire what the Framework Programme was about.

<sup>166</sup> *2000 Regular Report*, p. 91.

<sup>167</sup> OSI Roundtable, Sofia, April 2000.

Roma and non-Roma organisations alike are largely reliant on international financial assistance to function. Few groups are able to solicit funds from local donors, and most of these are charitable institutions. Restrictive taxation laws hamper the activities of all NGOs, including Roma NGOs. Bulgarian law does not provide for tax exemptions on donations, and NGOs are required to pay most of the taxes paid by businesses, including on real estate ownership and for services that they are not in a position to benefit from, such as the decontamination of hazardous waste.

Successive governments have favoured some Roma organisations and hindered the work of others according to their political preferences. For example, under the Socialist government, the only Roma group that was accepted as a member of the National Council on Social and Demographic Issues was the pro-socialist Confederation of Roma. For its part, the UtDF government favoured and even assisted in the establishment of the Social Council “Kupate” and subsequently supported its activities in a number of ways.

For the most part, however, the government is indifferent towards Roma organisations, reflecting a generally negative public perception of Roma. Most do not receive any official support, and they are not consulted during the development of government policies towards Roma. The government has been reluctant to implement even the Framework Programme, which obtained the support of fully 75 civil society organisations.

The EU has supported a number of projects to improve the situation for minorities, including Roma, in a wide range of areas, including prevention of discrimination; community development; education; housing; small business creation and alleviation of unemployment.<sup>168</sup> However, it has been alleged that EU funding has not adequately targeted the areas that have been proven problematic by domestic NGO monitoring and analysis. Moreover, NGOs claim that their access to EU funding is hindered by a cumbersome application procedure, and further discouraged by an overly bureaucratic review and evaluation process; allegedly this source of funding, especially for NGOs, falls short of reasonable criteria for reliability and predictability. EU funding provided to the government has not been allocated by the government in a transparent manner.<sup>169</sup>

Greater cooperation between the European Commission Delegation and Bulgarian NGOs could increase both the accuracy of EU reporting and the efficacy of EU assistance, particularly in light of the limited implementation capacity demonstrated by the government to date.

<sup>168</sup> For example, there are ten projects from the now defunct PHARE LIEN programme currently underway in Bulgaria, amounting to a total of € 558,772. For the period 1998–1999, the Civil Society Development Programme offered a total of € 158,436 for programmes related to minorities, including Roma.

<sup>169</sup> OSI Roundtable, Sofia, April 2001.

## V. Recommendations to the Government

*In addition to the recommendations elaborated in the Overview Report, the following measures would contribute to enhanced minority protection in Bulgaria:*

1. Reaffirm commitment to implement the Framework Programme for the Integration of Roma in Bulgarian Society, including through the allocation of adequate budgetary resources to fund specific activities under the Programme.
2. Invest the official body tasked with overseeing implementation of the Programme with sufficient authority to fulfil its coordination and evaluation functions effectively.
3. Take immediate steps to reverse the segregation of Roma children in separate and inferior classes and schools.
4. Legalise the large number of houses in Roma neighbourhoods that presently lack legal status.
5. Investigate reports of discriminatory practices in access to public health care and, if substantiated, take immediate steps to eradicate them.
6. Amend legislation to ensure that racially motivated crimes are punished more severely than identical crimes committed without such motivation.

## Appendix A

### Demography

The December 1992 census in Bulgaria had questions on people's ethnic group, religion and mother tongue. All these categories were supposed to be determined according to the principle of self-identification. The results are as follows:<sup>170</sup>

Ethnic group		Religion	Mother tongue	
Bulgarian	7,271,185	Eastern Orthodox	Bulgarian	7,275,717
Turkish	800,052		Turkish	813,639
Roma	313,396	Catholic	Romanes	310,425
Tatar	4,515	Protestant	Tatar	7,833
Jewish	3,461	Sunni Muslims	Jewish	
Armenian	3,677		(mainly Ladino)	780
Circassian	573	Shi'a Muslims	Armenians	9,996
Gagauz	1,478	Israelites	Gagauz	402
Albanian	3,197	Armenian-Gregorian	Albanian	319
Arab	5,438		Arabic	3,246
English	1,578	Other	English	538
African	718	Dunovists	African	2,835
Vietnamese	1,969	Undeclared	Vietnamese	1,217
Vlach	5,159		Vlach	6,715
Greek	4,930		Greek	8,000
Kurdish	128		Kurdish	196
German	879		German	625
Polish	1,218		Polish	1,197
Russian	17,139		Russian	17,608

<sup>170</sup> National Institute of Statistics, *Results from the Population Census: Demographic Characteristics, vol. 1* (in Bulgarian), Sofia: NIS, 1994, p. 194, 222.

Ethnic Group		Religion	Mother Tongue	
Romanian	2,491		Romanian	5,900
Slovak	452		Slovak	596
Slovenian	66		Slovenian	192
Ukrainian	1,864		Ukrainian	1,583
Hungarian	343		French	188
French	56		Czech	467
Czech	588		Serbo-Croatian	441
Serbian	418		Other	7,902
Croatian	71		Undeclared	8,481
Bosnian-Herzegovinian	365			
Karakachan	5,144			
Other	16,288			
Undeclared	8,481			
Total Population according to the 1992 Census: 8,487,317				

In February 2001 Parliament passed the 2001 Census Act, which scheduled the next census for March 2001. The census included questions on ethnicity, religion and mother tongue and used the same methodology for their determination as previously. The only difference from the 1992 census was the instruction to respondents that they are not obliged to answer. Preliminary results are expected in 2001.