

BULGARIAN HELSINKI COMMITTEE
MEMBER OF THE INTERNATIONAL HELSINKI FEDERATION
FOR HUMAN RIGHTS

ALTERNATIVE REPORT

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

SOFIA
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This alternative report of the Bulgarian Helsinki Committee (BHC) critically evaluates the report submitted by the government of Bulgaria (hereinafter the “government report”) pursuant to article 25, paragraph 1 of the Framework Convention for the Protection of National Minorities. It draws on the extensive research of the BHC on minority rights in Bulgaria for a period of more than ten years and on information provided by other NGOs and academic institutions. This alternative report tries to evaluate the government report objectively but in substance underlines its deficiencies thus trying to avoid repetition. The alternative report follows the structure of the government report and refers to several supplements that should be considered an integral part of the alternative report. In September 1999 the BHC published a report on the fulfilment of the commitments of Bulgaria under the Framework Convention.¹ The present alternative report is a follow up of the 1999 report.

General weaknesses of the government report

The report submitted by Bulgaria pursuant to Article 25, paragraph 1 of the Framework Convention for the Protection of National Minorities on April 9, 2003, is marked by a major flaw, which cannot but be pointed out, because it reflects on the overall quality of the report’s content and analysis. The language of the report, which was prepared and submitted with about 18-month delay, is comprised of general statements in most of its part, i.e. legal provisions are enumerated without being supported by *prima facie* evidence of effective implementation; concluded and/or underway projects and policies aimed at the cultural, economic, and social advancement of ethnic, linguistic, and religious minorities are simply enlisted as well, and not propped up by any account of achieved results; the entire “Factual” component of the report is weak, because of lack of factual evidence such as concrete examples provided, statistics /or any data/ indicating achievements in the spheres outlined by the Framework Convention; and, last but not least, the report is silent or cursory on numerous important issues, which should have been addressed under the separate headings of the report.

PART I

Information on the status of international law in the domestic legal order

As it has been already pointed out in the Government's report, all international treaties which are ratified pursuant to the constitutional procedure and published officially, are considered part of the domestic legislation and take precedence over domestic acts, which contradict them (Art.5 § 4 of the Bulgarian Constitution). According to Decision No. 7 of the Constitutional Court from 1992, international treaties that are ratified and have entered into force, but have not been published in *Official Gazette* are not part of the domestic legislation, unless they had been ratified before the entry into force of the 1991 Constitution and hence their publication had not been

¹ Alternative report submitted pursuant to Art.25. (1) of the Framework Convention for the Protection of National Minorities, prepared by the Bulgarian Helsinki Committee in September 1999, available at: www.bghelsinki.org.

necessary. Otherwise international treaties signed and ratified by Bulgaria only acquire precedence over domestic legislation upon publication in *Official Gazette*.

Brief review on the country's historical development with regard to minorities

Under the present heading the Bulgarian Government provides insufficient (or disproportional, in comparison to other issues) or no account of the following two most painful issues in historical aspect: the past and present (after 1989) situation of the Pomaks (Bulgarian-speaking Muslims) and the current status (after 1989) of Bulgarian citizens declaring Macedonian identity.

Important past events related to the **Pomak**² community need to be pointed out in order to shed some light on its current status in Bulgaria. Together with the Bulgarian nationals, declaring Macedonian identity, the Pomak Muslims are denied recognition of an ethnic minority, which results in flagrant abuses of their rights individually and as a group.

The Pomak population has been subjected to periodic forced Christianisation and Bulgarianisation as part of the "axiom" for their being Islamised Bulgarians, who have to be brought back to the Bulgarian nation regardless of means. In the period 1878 - 1944 Pomaks had been exposed to two violent conversion campaigns, which deserve special attention, as they had been launched and carried out as an official state policy, backed up by the King, the government, and the Bulgarian Orthodox Church. The first name-change affair took place in the heat of the 1912-1913 Balkan Wars. The violent conversion was deliberately undertaken before the conclusion of a peace agreement for that was the "optimal time" for exercising unpunished brutality under the cover of war situation.

Archive documents from that time reveal that brutal force and intimidation were applied to convert the people. Active part in the violence took the members of the extremist political formation in the Kingdom of Bulgaria—the Internal Macedonian Revolutionary Organisation (IMRO), whose regiments had been sent to Pomak villages in Drama region to Christianise the Pomak Muslims with guns. Muslims were also intimidated into conversion through promises to have their sons, husbands, fathers, and grandfathers, who were facing death as war captives, released.

But even worse was that the Pomak population was abandoned at the mercy of an unruly army, which had often slipped completely out of control during the Balkan wars. Together with it, ordinary citizens of ethnic Bulgarian background, cherishing nationalistic ideals, participated in the unfortunate 1912-1913 conversion affair as well.

Immediately following the formal conversion, the government and the Orthodox Church started frantically to transform every available shack into a church or school for Pomak Muslims to be thought Christian values. However, while the authorities were

² More on the Pomak minority see in **Supplement No.1** (Bulgarian Helsinki Committee, *The Human Rights of Muslims in Bulgaria in Law and Politics since 1878*, under subsection "Immigration and assimilation problems".)

preoccupied with Bulgarianising the Pomak population, they ignored their most essential needs—to feed, dress, and shelter them. As a result of the plundering and burning their homes during the Christianisation ventures, the converts were left bare, starving and destitute. According to documented evidence, twenty to thirty people shared a single house.³

In a letter-complaint to the Chairperson of Bulgaria's National Assembly dating from February 4, 1913, the population from the villages Er Kyupria, Dryanovo and Bogutevo, wrote: "Mr. Chairman Danov, ... We are Bulgarian Muslims from ... Stanimaka region[.] [T]he terror, the abuses, and the sword upon us are in their peak--to make us Christians[.] [T]his, we believe, our holy Constitution will not allow - to be humiliated, beaten, and threatened to give up our religion We live in Old, free Bulgaria⁴, where order, legality and justice reigns, but is it so these days[?] [I]f you, with angel's power, could only come and see [(hear)] the tears and sobs of us, the unprotected, you would realise that the conversion is not voluntary, but [achieved] through great violence[.] [I]t is a fact, known by the entire world, that if we did want, we would have become Christians 35 years ago when Russia came⁵, not now when we should enjoy our freedom in Great Bulgaria. We trust you and your strong support for us and our suffering, [and need] to feel that we--we and the entire people--have not been betrayed by those whom we have elected ... [to govern us]."⁶

The second forced Christianisation of the Pomak population in the pre-WWII period, which occurred in 1942 - again during wartime - was as violent as it was short-lived. The names of the converted Pomaks were promptly restored by the Communists, which raised to power in September 1944. However, those same Communists renewed the forced Bulgarianisation of the Pomak Muslims in the early 1970s and the only thing that differentiated "the revival process" from the previous two conversions were the social and educational benefits for the Pomak population.

The state policies toward the Bulgarian citizens, declaring **Macedonian**⁷ identity have been most controversial throughout the time. In the 1940s and 50s, the Communist Party did not oppose and even encouraged the inculcation of Macedonian self-awareness among the population in the Pirin region within Bulgaria. However, in the mid-1950s this policy was dramatically reversed and the authorities started refusing to recognise Macedonian identity not only in Bulgaria, but also in the neighbouring Yugoslav Republic of Macedonia. From 169 544 Macedonians in the 1946 census

3 Ibid.

4 The Bulgarian Principality. Eastern Romelia, which was annexed to the Principality at the time in discussion was called "New Bulgaria."

5 The word is of the Russian-Turkish war in 1878, when separate short-lived forced conversions of Muslims took place.

6 Ibid.

7 For more on the Macedonians in Bulgaria see Bulgarian Helsinki Committee, *Annual Reports on the Human Rights in Bulgaria in 1999, 2000 and 2001*, available at: www.bghelsinki.org, esp. under the sections on Freedom of Assembly and Association); Report of the Centre of Documentation and Information on Minorities in Europe - Southeast Europe (CEDIME-SE) for the *Macedonians in Bulgaria*, December 1999, at: <http://www.greekhelsinki.gr/english/reports/CEDIME-Reports-Minorities-in-Bulgaria.html>); U.S. State Department, *2001 and 2002 Annual Reports on Human Rights Practices: Bulgaria*, under sections on Freedom of Peaceful Assembly and Association, available at: www.state.gov/g/drl/rls/hrrpt.

their number dropped to the meagre 9 632 only 9 years later, in the 1965 census. In the 1960s and 70s there were a number of political trials of people charged with activities related to “Macedonian nationalism”.

After 1989 many people have continued claiming Macedonian identity as of today, but the situation with the intolerance and non-recognition of their identity is still problematic. Neither in the 1992 nor in the 2001 censuses were they given opportunities to express their self-identity in conditions of freedom and non-discrimination.

The United Macedonian Organisation (UMO) “Ilinden” – PIRIN (this stands for "Party for Economic Development and Integration of the Population"), which consists of representatives of the moderate wing in the movement of the Bulgarian Macedonians, had difficulties in getting registration as a political party. Finally, on 12 February 1999, UMO "Ilinden" had been registered by the Sofia City Court, however, later the same year the Central Local Election Commission refused to register the party for participation in the elections on August 25. Still that decision was repealed five days later by the Supreme Administrative Court.

The most drastic violation in respect to the Macedonian identity in Bulgaria has been the decision of the Constitutional Court of 29 February 2000 whereby the United Macedonian Organisation (UMO) "Ilinden" - PIRIN was ruled unconstitutional. The Court held that the party threatens Bulgaria's national security with its activities, which are separatist and in violation of Article 44, paragraph 2 of the Constitution. The Court was approached in 1999 by a group of MPs, mainly from the BSP, whose petition for outlawing UMO "Ilinden" was supported by a number of state institutions, including the Interior Ministry, the Ministry of Justice and the Chief Prosecutor's Office. They presented "evidence" of the "separatist" activities of UMO "Ilinden" - PIRIN, some of which had been apparently collected illegally. The organisation appealed to the European Court of Human Rights in Strasbourg.

On 2 October 2001, the European Court announced its decision on the case of Stankov and UMO-Ilinden v. Bulgaria.⁸ The Court found a violation of Article 11 of the European Convention on Human Rights (ECHR) on five points, in which the state violated the right of Bulgarian Macedonians to assemble. All of them were connected with the organisation's commemorative activities at the grave of Yane Sandanski near Rozhen Monastery and at the Samuilova Fortress locality near Petrich on the anniversary of the Ilinden Uprising. The Court sentenced Bulgaria to pay compensation and to reimburse the plaintiffs for their legal expenses. The Bulgarian authorities were sharply chastised for their prejudicial and repressive attitude towards Macedonians in Bulgaria. In spite of the Court's decision, however, the authorities have been showing contradictory behaviour towards public display of Macedonian identity and during peaceful assemblies of Bulgarian Macedonians as of now.⁹

⁸ See *Stankov and the United Macedonian Organisation Ilinden v. Bulgaria*, Appl. Nos. 29221/95 and 29225/95, Decision from 2 October 2001, available at: <http://hudoc.echr.coe.int/hudoc>.

⁹ For details on the problems of the Macedonians in Bulgaria see the BCH annual reports, available at: www.bghelsinki.org, and the reports on CEDIME-SE on the Macedonians and Pomaks in Bulgaria (at: <http://www.greekhelsinki.gr/pdf/cedime-se-bulgaria-macedonians.PDF>), as well as the BHC report on *The Human Rights of Muslims in Bulgaria in Law and Politics since 1878* in **Supplement 1**.

Information on the ethnic and demographic status of the country

The major problem under the current section of the government report is the lack of adequate account for the current demographic status of the Pomak and Macedonian minorities in Bulgaria. It is a fact that no official census data on the number of the **Pomak Muslims**¹⁰ are presented in either the 1992 and the 2001 censuses. The reasons for this are complex, and the main claim goes that due to lack of clear sense of self-identity, the Bulgarian-speaking Muslims are prone to point out either Turkish and/or Bulgarian ethnic belonging. Many of them register as Turks, Bulgarians, or simply Muslims, because there is no appropriate column for them in the census papers. Failing this, not only the number of the Turks or ethnic Bulgarians artificially increases, but, what is more, one is unable to trust that the principle of free self-determination of Bulgarian nationals is properly applied to in the country—all the more that the idea of annulling the 2001 census results on grounds of “wrong ethnicity indication” among Pomak Muslims, Roma, and other communities, was rather close to implementation at the relevant time.

In the initial publications of the 1992 census results based on a 2% sample, 65,546 persons were reported to have declared “Bulgarian Muslim” identity, which number represented the sum of Muslims who registered as non-Turks, non-Bulgarians, and non-Roma. This figure, however, does not reflect even the approximate number of Pomak Muslims in Bulgaria. Thus, it should be accounted also that according to the 1992 census 70,252 persons declared “ethnic Bulgarian” identity, but Muslim religion; about 35,000 – Pomak Muslims from the Rhodopes, registered as Turkish-speaking; and about 70,000 of them declared “ethnic Turkish” identity. In addition, there was a small number of people considered by others as “Pomaks”, who in fact declared “ethnic Bulgarian” identity and “Orthodox Christianity” as their religion.¹¹ In any event, the number of Bulgarian-speaking Muslims remains a matter of rough approximation at best. What happens during censuses is that their number is unevenly distributed among several groups, depending on the identity criterion: ethnicity, religion and/or mother tongue. As a result they are never indicated, and hence, never recognised thus far as a distinct minority group in spite of the fact that they perceive themselves and are seen by the others as a separate community.¹²

The demographic problem with the Bulgarian citizens with **Macedonian**¹³ identity is even sharper. As Macedonians continue to be unrecognised, they were underrepresented in both the 1992 census and in the 2001 census. In the 1992 census

10 More on the issue see in **Supplement No.1** (Bulgarian Helsinki Committee, *The Human Rights of Muslims in Bulgaria in Law and Politics since 1878*), under subsection "Demographic data" in the Introductory Chapter.

11 Alternative report submitted pursuant to Art.25. (1) of the Framework Convention for the Protection of National Minorities, prepared by the Bulgarian Helsinki Committee, September 1999 (p.5).

12 Recall the fact that more than 65,000 Bulgarian-speaking Muslims wished to have been referred to as “Pomaks”, “Pomak Muslims” in the 1992 census.

13 See Alternative report submitted pursuant to Art.25. (1) of the Framework Convention for the Protection of National Minorities, prepared by the Bulgarian Helsinki Committee in September 1999, under section "Demographic situation in the country".

the results of which related to Macedonians have never been officially published counted 10 803 people who declared Macedonian identity. About 3 000 of them declared Macedonian as their mother tongue. The government's National Statistical Institute announced that at the 2001 census 5 071 persons declared Macedonian identity.¹⁴ It has to pointed out that the government's policy towards Macedonians and towards declaring Macedonian identity has been very negative and oppressive during both censuses. In 2001 several people have been even threatened and a criminal investigation was opened against those attempting to encourage others to declare Macedonian identity. It can be thus concluded that under conditions of genuine free self-determination, there would be more people declaring Macedonian identity.

PART II

Article 1

The protection of national minorities and of the rights and freedoms of persons belonging to those minorities forms an integral part of the international protection of human rights, and as such falls within the scope of international co-operation.

(... Information is also requested on how, pursuant to the rule of law, access to justice is guaranteed on issues of protection of persons belonging to national minorities.)

A number of Bulgarian laws provide for equality before the law and equal protection of the law to all Bulgarian nationals on the basis, among other things, of race, ethnicity and religion. In reality, however, there is a serious problem with the enforcement of these laws. One of the reasons is the inefficient access to justice for poor people and certain minority members in both criminal and civil proceedings. Both the Constitution and the Code for Criminal Procedure provide for the right of access to a lawyer from the moment of detention, but the percentage of those being unable to make use of that provision because of either poverty or structural problems (including discrimination) in the administration of justice, remains very high. The primary victims of that and other malpractices such as mistreatment in places of detention continue to be the **Roma** and **Turks**.¹⁵

In January and February 1999, the Bulgarian Helsinki Committee distributed a standard questionnaire among 309 detainees and prisoners from all prisons throughout the country, asking, among other things, about physical abuse of detainees by police during arrest, inside detention facilities, and during preliminary investigation. 51% of the respondents reported that physical force had been applied against them during arrest, 53% responded that they had suffered physical violence inside detention

¹⁴ Results available at: www.nsi.bg.

¹⁵ For more details on the issue refer to **Supplement No.1** (Bulgarian Helsinki Committee, *The Human Rights of Muslims in Bulgaria in Law and Politics since 1878*, under subsection "Access to Justice"). See also Bulgarian Helsinki Committee, *Annual Reports on the Human Rights in Bulgaria in 1999, 2000 and 2001*, available at: www.bghelsinki.org; Bulgarian Helsinki Committee, *Access to Justice: International Standards and the Situation in Bulgaria* (*Достъпът до Правосъдие: Международни Стандарти и Положението в България*) ВНС, Sofia, 2003 (in Bulgarian).

centres, and 37%--that physical force had been used against them during the preliminary investigation proceedings. The BHC survey established that the proportion of the interviewed Turks and Roma among respondents reporting the use of physical force was much higher than that of ethnic Bulgarians.

The same survey was repeated in the period December 2000 – January 2001, among the same number of persons, who had become defendants after 1 January 2000--the date of entry into force of the amendments to the Code of Criminal Procedure, which increased the power of the police to investigate crimes. This time 2% less (49% compared to 51% in 1999) defendants reported that physical force had been used against them at the time of arrest, and 9% less (44% against 53% in 1999) respondents complained of having suffered physical abuse during detention as compared to 1999. However, the use of violence against minority members, particularly Roma, had not changed the least, moreover, it had increased. Thus, 56% of Roma continued to report violence used against them during arrest (compared to only 46% in 1999), and 48% confessed they had been tortured while in detention (against 42% in 1999).

The same survey was examining the issue of detainees' access to lawyer during criminal proceedings from the moment of arrest as well, as the January 2000 amendments to the CCP provided for. The results showed that the legal changes contributed little—if at all—to the access of indigent defendants to free legal counsel. 55% of the respondents reported lack of access to lawyer during preliminary investigation in 2001, and their percentage was 54% in 1999. However, the share of those, who were not represented by a lawyer during trial was smaller (37%) in 2001 as compared to their percentage (44%) in 1999. Still minority representatives were again discriminated against in their access to justice. 61% of Romani respondents in 2001 stated that they had no lawyer in pre-trial proceedings, which was 8% higher than in 1999 (53%).

In the period August – September 2002, the Bulgarian Helsinki Committee launched its next survey on investigating physical abuse of detained and imprisoned, but this time among inmates of only 4 Bulgarian prisons.¹⁶ 43% of the respondents reported that they had been tortured or abused in detention units, which is 1% lower than in 2002. However, while the general level of detainees' mistreatment had decreased with the insignificant 1% in 2002, the number of members of minority groups complaining of violence in places of detention remained disproportionate—the number of Turkish and Romani suspects reporting abuse in detention centres, was times higher as compared to the number of ethnic Bulgarians in 2002 (for example, 77% of the Roma and only 27% of the ethnic Bulgarians complained of having been mistreated while in detention).

Another study of the Bulgarian Helsinki Committee published in 2003 on access to justice concludes that “being an ethnic Bulgarian is a factor, which increases the possibility of the defendant's being represented by a lawyer during first instance court's proceedings.”¹⁷ The study further establishes that there is strong correlation

16 With the entrance into force of the new Sentence Enforcement Act in 2002, it became impossible for BHC researchers to meet with suspects and accused persons, as well as to take interviews from them.

17 *Access to Justice: International Standards and the Situation in Bulgaria (Достъпът до*

between ethnic belonging (Roma and Turks) on one hand, and unemployment, serious crime indictment, effective imprisonment, and pre-trial detention—on the other hand. In other words, ethnic minority members are over-represented among (1) the charged with serious crime commission, (2) the sentenced to effective imprisonment, (3) and the kept in pre-trial detention. Moreover, the unemployment condition in pre-crime commission, which has dominated among the ethnic minority defendants, reduces the possibility of their being represented by a legal counsel during criminal proceedings, especially at pre-trial and first-instance-court stages.

The same study reveals that the percentage of Turks and Roma among the awaiting trial and already sentenced persons are as follows: charged: Turks – 10.9 %, and Roma – 16.5 %; convicted: Turks – 17.2 %, and Roma – 24.8 %. This situation demonstrates a disproportionate share of ethnic minority representatives in criminal proceedings in comparison with their share of the total number of Bulgarian population.

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.

2 Persons belonging to national minorities may exercise the rights and enjoy the freedoms flowing from the principles enshrined in the present framework Convention individually as well as in community with others.

Paragraph 1 and 2

- **Narrative:**

The very concept of “national minority” has an uncertain meaning in Bulgaria. The Constitution and the existing legislation do not use this term. Instead it is only talked of "ethnic, cultural, linguistic and religious groups/minorities" in Bulgaria. The official state policy expresses in avoidance to use the term "national minority" both before and after the ratification of the Framework Convention for the Protection of National Minorities. As it is clear from the government report and from the practice the protection of the law and of the Framework Convention, limited as it is, apply to some, but not to all minority groups. Pomaks and Macedonian, for example, are totally excluded from both recognition as "ethnic, cultural, linguistic and/or religious minorities" and as objects of reference as "national minorities". The other minority groups enjoy protection to a different degree.

- **Legal:**

Bulgarian law does not use the term “national minority”.

- **Policy**

Talking about groups that are not assigned any minority status, far less a status of “national minority” (whatever the meaning of this as well as of similar terms is), there

Правосъдие: Международни Стандарти и Положението в България, p.88.

**should be a special mention of at least two of them - the Pomaks and the Macedonians.

As early as the recognition of the FYROM as a state by Bulgaria, the Bulgarian government announced that this act could not lead to recognition of a Macedonian ethnic minority in Bulgaria. The Bulgarian citizens identifying themselves as Macedonians have been subjected to different forms of discrimination and official pressure in their every attempt to demonstrate Macedonian identity, including through formation of cultural and/or political associations. (See sections **Brief review on the country's historical development with regard to minorities** and **Information on the ethnic and demographic status of the country** above as well.)

The other group whose distinct ethnic identification is not recognised is that of the Pomaks. Despite the fact that during the 1992 and the 2001 censuses thousands of them expressed a wish to be considered as a distinct ethnicity in the publication of the final results, they were coupled with Bulgarians in the publication of the final results. There were numerous statements of state officials and it is the predominant trend in the scholarship that they are not an ethnic, but a religious minority composed of Bulgarians who were Islamised during the Ottoman rule. (See sections **Brief review on the country's historical development with regard to minorities** and **Information on the ethnic and demographic status of the country** above as well.)

- **Factual**

There is a lot of evidence of non-recognition of Macedonian and Pomak identity by Bulgarian authorities. None of these groups is mentioned in the government report as a subject of protection. When, in February 2000 UMO "Ilinden" – PIRIN was declared unconstitutional by the Constitutional Court, it explicitly stated that there is no separate Macedonian identity in Bulgaria. During the 2001 census criminal charges were filed (later dropped) against those Macedonian activists who tried to encourage Macedonians to register as Macedonians. Pomaks and Macedonians are not represented in the official government bodies dealing with minorities.

Article 4

1. The Parties undertake to guarantee to persons belonging to national minorities the right of equality before the law and of equal protection of the law. In this respect, any discrimination based on belonging to a national minority shall be prohibited.

2. The Parties undertake to adopt, where necessary, adequate measures in order to promote, in all areas of economic, social, political and cultural life, full and effective equality between persons belonging to a national minority and those belonging to the majority. In this respect, they shall take due account of the specific conditions of the persons belonging to national minorities.

3. The measures adopted in accordance with paragraph 2 shall not be considered to be an act of discrimination.

Paragraph 1 and 2

- **Factual**

Discrimination of ethnic and religious minorities is a serious problem in Bulgarian society. It takes place in almost all spheres of social life and in a variety of contexts. Both local and international human rights monitors have documented many cases of discrimination against ethnic and religious communities.

Discrimination in the exercise of the basic rights and freedoms. Article 11.4 of the Bulgarian Constitution, restricting freedom of association on discriminatory basis in prohibiting political parties based on ethnicity and religion, is repeatedly used in refusing registration of Macedonian, Roma, and Pomak political formations. The constitutionality of the Turkish-based Movement for Rights and Freedoms (MRF) itself had been challenged twice – albeit unsuccessfully - before the Constitutional Court by the Socialists during the initial years of democracy. On several occasions organisations of Macedonians were denied registration and their peaceful assemblies disbanded on discriminatory basis. Juridical person status of several religious groups was revoked and their peaceful assemblies disbanded. (For more details see below under **Article 7**).

Discrimination in Employment: Roma continue to be the primary victims of discrimination in the labour market because of both low qualification and prejudiced stereotypes about them. Until September 2003, when the Anti-Discrimination Act was adopted, there had been no comprehensive piece of legislation aimed at protection from discrimination. However, even after the preparation and adoption of such law it is doubtful as to whether and when effective enforcement of the anti-discrimination provisions would take place. Roma and Muslims (Turks and Pomaks) continue to be underrepresented in local governing administration and law-enforcement institutions even in regions where they form an actual majority.¹⁸

Discrimination in education. Public schools for Roma that are established in segregated neighbourhoods are of very low educational standards and poor material conditions. The implementation of the Framework Program for the Integration of Roma into the Bulgarian Society, an important part of which is desegregation of education for Roma, proves to be going clumsily and unsuccessfully. “Mother tongue” education for minority children at school is non-existent or rudimentary at best. After 1997 the study of “mother tongue” for Romanes-speakers was practically terminated at all schools in Bulgaria. The study of Turkish language at school, as the “mother tongue” of the largest minority group in Bulgaria, is organised in discriminatory manner and highly inadequate.¹⁹

Discrimination in social welfare and other communal services. Since 1990 there have been a number of well-documented cases of refusals of social welfare benefits for Roma families. In the period 1998-1999 there had been a number of Roma riots in several towns in Northwestern Bulgaria against municipal authorities for refusals or

¹⁸For details refer to Article 15 below, as well as **Supplement No.1** (Bulgarian Helsinki Committee, *The Human Rights of Muslims in Bulgaria in Law and Politics since 1878*, under subsections "Participation in Public Life" and "Access to Employment").

¹⁹For details refer to Article 14 below, as well as **Supplement No.1** (Bulgarian Helsinki Committee, *The Human Rights of Muslims in Bulgaria in Law and Politics since 1878*, under subsection "Education and mother tongue". The fact-finding missions took place in the period May-June, 2003).

delays to pay social welfare benefits. Great delays in paying the welfare benefits to Roma, for the majority of which these are the only income, continue to be a reality. A more recent social issue of serious concern related to Roma was the electricity cuts in Romani neighbourhoods for unpaid bills. This continues to be a problem in many settlements throughout Bulgaria by now.

Discrimination in the criminal justice system. Muslims (Turks and Pomaks bearing Musim names) and Roma are over-represented as inmates in the prisons. According to several surveys conducted between 1999 and 2002, they were also over-represented among those who complaint of physical abuse during arrest and preliminary investigation and among those who did not have a lawyer at all stages of criminal proceedings. For these and for purely discriminatory reasons Roma and Muslims (Turks and Pomaks) are also more likely to get harsher sentences compared to Bulgarians for the same offences. (See also **Article 1** above.)

For a comprehensive account of discrimination against Roma see **Supplement No. 2-I**.

Article 5

1. The Parties undertake 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, namely their religion, language, traditions and cultural heritage.

2. Without prejudice to measures taken in pursuance of their general integration policy, the Parties shall refrain from policies or practices aimed at assimilation of persons belonging to national minorities against their will and shall protect these persons from any action aimed at such assimilation.

Paragraph 1 and 2

• State infrastructure

There has never been a state structure with clear and sufficiently large mandate in charge of national minorities' issues able to ensure full and effective implementation of minority rights and freedoms guaranteed under the Bulgarian laws.

Since 1994 there have been bodies set up within the Council of Ministers that were supposed to help promote in practice the conditions necessary for persons belonging to national minorities to maintain and develop their culture, and to preserve the essential elements of their identity. However, all these were more or less formal bodies with an unclear mandate and little powers. The Council of Ministers Resolution 267 of 30 June 1994 established an Interdepartmental Council on Ethnic Affairs at the Council of Ministers with the functions of an advisory body. The respective Council, however, never convened. In 1995 the BSP government set up a National Council on Social and Demographic Issues (Decree 123 dated 14 June 1995), which was also limited to an advisory body. It was supposed to represent ethnic communities, as well as organisations of women, disabled, pensioners, etc.

(*Official Gazette* No. 57 of 23 June 1995). The very title of the body, as well as its functions and policies, precisely reflected the traditional Bulgarian Socialists's regard to ethnic minority issues as a sheer social rather than ethnic problem.

It was in December 1997, when the current National Council on Ethnic and Demographic Issues (NCEDI) was set up by the United Democratic Forces' (UtDF's) government (Decree 449 of 4 December 1997) and was charged of both ethnic minorities and Bulgarians abroad (*Official Gazette* No. 118 of 10 December 1997). The NCEDI's mandate as the sole state organ entrusted with ethnic minority issues is again too limited and not concentrated enough to be effective. According to the Council's tasks, outlined in Article 1 of its Rules and Regulations, it has to “facilitate consultation, co-operation and co-ordination between government bodies and non-governmental organisations with the aim to form and realise a national policy with regard to ethnic and demographic issues and migration”. According to Article 2 (2), the body also “co-ordinates with the state bodies and with the non-governmental organisations concrete measures in execution of accepted international obligations from the Republic of Bulgaria in the sphere of the rights of Bulgarian citizens belonging to minority groups and their integration in society” The NCEDI has been to a certain extent instrumental in mediating between the government and the Roma community in adopting the Framework Program for Equal Participation of Roma in Bulgarian Society, whose effective implementation is questionable as of the moment.

A number of NGOs, including minority NGOs, take part in the work of the Council or actively co-operate with it. There has been, however, no Macedonian or Pomak organisations among them.

- **Factual**

The implementation of the Framework Program for Equal Integration of Roma in Bulgarian Society is very poor. The Action Plan designed by the government in October 2003 in expectation of the next progress report of the EC is a step back from the commitments of the Framework Program as it does not envisage funds for transportation of Roma from the segregated to integrated schools and inadequate funds for legalisation of the Roma neighborhoods.

For more details on the implementation of the Framework Program for Equal Integration of Roma in Bulgarian Society and on the recent government policy towards Roma see **Supplement No. 2-II**.

While the general assimilationist policy towards minorities ceased with the fall of the totalitarian government in 1989, Macedonians and Pomaks continue to be targets of such efforts at present. During the 1992 census Bulgarian citizens who declared Pomak ethnic identity were not officially declared. The policy of treating Pomaks as “Islamised Bulgarians” and to deny their separate ethnic identity continues and the government report is one evidence of this. Discrimination, pressure and denial of identity of Macedonians have, as their major aim, their assimilation.

Article 6

1. The Parties shall encourage a spirit of tolerance and intercultural

dialogue and take effective measures to promote mutual respect and understanding and co-operation among all persons living on their territory, irrespective of those persons' ethnic, cultural, linguistic or religious identity, in particular in the fields of education, culture and the media.

2. The Parties undertake to take appropriate measures to protect persons who may be subject to threats or acts of discrimination, hostility or violence as a result of their ethnic, cultural, linguistic or religious identity.

Paragraph 1

(States are requested to provide information on all relations between different ethnic, linguistic, cultural and religious communities, including evidence of inter-community relations and co-operation, as well as on attitudes and the role of civil society, including the role of the media.)

The government promotes tolerance towards some (Turks, Armenians, Jews) but hatred and denial to other (Macedonian) minorities. During the 2003 local elections some local government officials instigated hatred towards Roma and their candidates for local government offices.

With the exception of the press owned by ethnic and religious minorities themselves, there is no mainstream media that has factually contributed to the spirit of understanding and intercultural dialogue. In the cases of some ethnic and religious minorities the media are in fact main promoters of prejudice and suspicion. In particular, targets of hate speech have been Roma, Macedonians and members of the "non-traditional" religions. The mainstream newspapers routinely refer to the ethnic belonging of perpetrators of crime especially if they are Roma or members of some other unpopular minorities. (More of the role of the media see below under **Article 9, paragraphs 1 and 4.**)

Paragraph 2

- **Narrative**

Bulgarian criminal legislation does not presume aggravated circumstances either in law or as a matter of jurisprudence in cases when ordinary crimes are perpetrated out of ethnic or religious hatred. It however envisages criminal responsibility for offences against persons who may be subject to threats or acts of discrimination, hostility or violence as a result of their ethnic, cultural, linguistic or religious identity.

- **Factual**

(In providing information under this heading, please also provide statistics of reported cases and the success-rate in prosecution of acts of discrimination, hostility or violence as a result of persons' ethnic, cultural, linguistic or religious identity.)

Bulgarian Ministry of Interior Act allows for excessive use of firearms by law enforcement officers even for minor offences, in violation of international standards. Roma are often subject to shootings and physical by both law enforcement officials and mobs. For the period 1998-2003 BHC knows of at least 18 cases of shootings by

law enforcement officers (police, prison guards and forest guards), in which people lost their lives. Most of the victims belong to the Roma and the Turkish minority. Hundreds of other cases of shootings resulted in seriously wounding the victims, sometimes leaving them disabled for life. In most of these cases the law enforcement officers were not prosecuted since the investigation found that they have used deadly force according to the law or were acquitted by the courts. At present there are several cases brought before the European Court of Human Rights, which await decisions.

In addition to shootings, Roma are sometimes victims of police and mob violence. The first well-documented pogrom after 1989 took place in June 1992 when the Roma neighbourhood of Pazardzhik was raided by policemen in an action of revenge, many people, including women and sick people were beaten up, houses and property were seriously damaged. The actions of the police were not properly investigated and nobody was brought to justice. Since then raids by police and skinheads in Roma neighbourhoods or against Roma have taken place as often as several times a year and have been basically covered up by the police and prosecutors in the cases when investigations have been undertaken at all. Almost a model case is the case from March 12, 1999, when the Pleven Military Prosecutor's Office terminated the investigation into the case of police raid in the Romani neighbourhood in Mechka in July 1998, when more than 80 policemen entered the neighbourhood and beat up people when looking for stolen property. The cited reasons for the terminated investigation proceedings were impossibility to identify the perpetrators.

In two other cases of mass beatings in Romani neighbourhoods—in Krivodol, March 1998, and in Septemvri, April 1998—preliminary investigations were not even instituted. The Prosecutor's Office, which was repeatedly approached, justified its inaction by saying that the victims had lodged no complaints. It should be noted, however, that even so, the Code of Criminal Procedure does not necessarily require a complaint from victims in order investigation to be initiated.²⁰

Torture and other ill treatment in custody is a serious problem in Bulgaria and was noted by both local and international human rights monitors. Since 1999 the European Court of Human Rights has found two violations against Bulgaria of Art.2 (right to life) of the European Convention of Human Rights in the cases of two Roma men who lost their lives as a result of torture while in police custody. In the case of *Velikova v. Bulgaria*²¹ the Court found a violation of Art.2, holding that there was sufficient proof to conclude that the death of Mr. Tsonchev, the applicant's husband, had been caused during his detention in the police station in Pleven. The Court established a number of flaws in the investigation of the case, related to the inadequate medical certification of the victim and to the conscious omissions of the Prosecutor's Office to collect evidence about the way in which his death had been caused. It also established a violation of Art.13 of the Convention (failure to provide an effective remedy) because of the absence of an adequate investigation into the case by the Bulgarian authorities. The judgement of the court in Strasbourg did not serve as a ground to reopen the criminal investigation in Bulgaria. The persons who killed Mr. Tsonchev, as well as the officials who covered up for them, were not

²⁰ See *id.* *Human Rights in Bulgaria in 1998*, BHC Annual Report, p.2.

²¹ Appl. No.41488/98, Decision from 18 May 2000.

subsequently prosecuted or punished in any way. In the case of *Anguelova v. Bulgaria*²² the Court found a violation of Art.2 of the Convention in a case of a murder in custody of the plaintiff's son. Angel Zabchikov, an ethnic Rom, was killed in January 1996 after being detained in a police station in Razgrad. With this decision the Court also found that the authorities did not provide medical assistance in a timely manner, that they did not fulfill their responsibility to conduct an effective investigation into the death of the detained man, and that the police officers responsible for the crime were not brought to justice. The Court also found violations of Art.3 of the Convention because the government did not provide an acceptable explanation for the wounds inflicted on Mr. Zabchikov's body, of Art.5, because Mr. Zabchikov was illegally detained, and of Art.13, because the state did not provide effective means of identifying and punishing those responsible for Mr. Zabchikov's death. These judgments, clear in their findings as they were, did not serve as a basis for reopening of the criminal investigations and bringing perpetrators to justice.

The above cases were by no means the only ones resulting in deaths of detainees from ethnic minorities. Two more of the recent cases are worth mentioning. On 10 January 2001 Mehmed Myumyun, a 46-year old Turk died in the hands of the police from brutal torture in a hotel in Sofia. He was allegedly confused with a wanted criminal, and died as a result of severe beating by the police on January 10, 2001. Charges were brought up against two police officers responsible for the killing, but the Sofia City Court cleared up both in a session on 5 March 2001. On 18 February 2002, Seval Sebahtin, a Turk from the town of Kurdjali died in police custody after being caught by Border Police officer together with about 20 illegal immigrants. An investigation into the case revealed that the border guards used force and various instruments not only at the time of Sebahtin's arrested, but also used clubs, handcuffs, fists, legs, and the butts of their rifles to beat him up in detention. In February 2002, the Plovdiv's Military Prosecutor's Office initiated investigation proceedings on the case, and brought charges against 7 officers. As yet, there are no convictions on this case too.

The Bulgarian Helsinki Committee systematically monitors torture, inhuman and degrading treatment and punishment for many years and continues to receive credible allegations of torture and other ill-treatment, for the most part during police custody, from a variety of sources – letters from victims, complaints from detainees and prisoners and surveys among samples of prison population on the conditions of detention. BHC is able to verify some of the allegations in the course of its visits to police stations, by reviewing the available documentation, including medical records, and through interviews with defense lawyers, prison administrators and medical doctors.

BHC conducted several consecutive surveys of prison population on their conditions of detention. The shares of positive responses of the prisoners to the question of whether physical force was used against them during police detention and while in police custody were as follows:

	1999	2001	2002
During arrest	51%	49%	31%
Inside the police station	53%	44%	43%

²² Appl. No.38361/97, Decision from 13 June 2002.

The trends reveal a slight decrease in the positive responses between 1999 and 2002 but the share is nevertheless alarmingly high.

As a rule, ethnic minorities and especially Roma are in a greater risk of being ill treated. Thus, according to the 2002 survey the share of Bulgarians who reported ill treatment inside police station was 27% while that of Roma was 77%.

The government report does not provide the required statistics of reported cases and the success-rate in prosecution of acts of discrimination, hostility or violence as a result of persons' ethnic, cultural, linguistic or religious identity. It provided some general statistics, which is itself indicative, in its last report before the UN Committee Against Torture (scheduled for review by CAT for May 2004). The statistics provided by the Ministry of Interior indicate a sharp decline in the number of registered complaints and a strikingly low level of investigations. It appears that in the period 1997-2000 only 29% of the complaints had been investigated and still less, 20% - forwarded to the Military Prosecutor's Office. Of the 48 investigated cases 37, or 77%, had been investigated in 1997 and all the others – subsequently. With such a low investigation and prosecution rates, it's no surprise that complaints also decline in number.

Religious minorities too have become targets of both official and unofficial violence. Jehovah's Witnesses, Mormons, Moonies, Members of Hare Krishna and neo-Protestant evangelicals were beaten up by police and hate gangs, had their houses and places of worship raided and their peaceful gatherings disturbed. Since 1993 they were constantly and repeatedly facing hate speech in the media and by public officials. In 1997 even the Patriarch of the Bulgarian Orthodox Church branded them as "traitors of faith and nation". Cases of police and mob brutality against religious minorities were registered in most places where they have a significant presence, including Sofia, Plovdiv, Varna, Burgas, Kiustendil, Russe, Blagoevgrad, Petrich, Assenovgrad, Veliko Turnovo and Rila. All these actions remained unchallenged by the authorities.

Both mainstream electronic media and the press often instigate ethnic and religious hatred. Several nationalistic newspapers representing both the right and the left fringes of the political spectrum regularly publish hate speech. Throughout 1994-1996 the press were actively publishing slander and thus provoking the public towards actions against some religious minorities. Some of the grievous incidents of physical violence were perpetrated after and as a result of the publication of defamatory articles.

Article 7

The Parties shall ensure respect for the right of every person belonging to a national minority to freedom of peaceful assembly, freedom of association, freedom of expression, and freedom of thought, conscience and religion.

(Under this Article please only provide information on the freedom of assembly and the freedom of association. Information on freedom of thought, conscience and religion may be provided under Article 8 and all information on freedom of

expression may be provided under Article 9.)

- **Factual**

The serious restrictions in Bulgaria on the right to freedom of association and to peaceful assembly have primarily affected unpopular ethnic and religious groups.

A number of minority organisations of Turks, Armenians, Roma, Tatars, Jews, Russians, Vlachs, and Karakachani in Bulgaria were recognised through incorporation as private associations under the Law on the Person and the Family and function freely. This, however, does not refer to organisations based on **Macedonian** identity. In 1990-1991, several courts refused registration of UMO (the United Macedonian Organisation) "Ilinden" for allegedly being directed against the "unity of the nation." In 1993, the Supreme Court invalidated a court registration of the moderate Macedonian culture-based group, Traditional Macedonian Organisation (TMO) "Ilinden" on procedural grounds. TMO was re-registered in 1998 without, however, making its Macedonian identity a specific profile.

Two decisions refusing UMO "Ilinden" juridical person status were passed during 1999. On April 28 the Sofia Appellate Court dismissed a UMO "Ilinden" complaint against a decision of a Blagoevgrad court from 2 November 1998, which had turned down their motion for registration. In its motives, the Appellate Court argued that registration could not be given on grounds that the organisation's statute was not signed up, (without clarifying in what manner it had to be signed up) and that a provision from the statute was saying that "Macedonian individuals" could be members of UMO "Ilinden". The same provision allowed access to membership of "individuals with another national belonging" in the organisation, but that fact was not taken into account by the Appellate Court. On 12 October 1999 the Supreme Court of Cassation reaffirmed the Appellate Court's decision, entirely accepting its motives. UMO "Ilinden" filed a complaint to the ECHR and is waiting its decision.

In 1998 a splinter group of UMO "Ilinden" was registered as a political party in Sofia under the name UMO "Ilinden" - PIRIN, but nowhere in its Statute was indicated the Macedonian character of the formation. On 29 February 2000, the Constitutional Court ruled UMO "Ilinden" - PIRIN unconstitutional. The Court held that the party is a threat to Bulgaria's national security with its "separatist" activities, in violation of Article 44, paragraph 2 of the Bulgarian Constitution. The Constitutional Court examined the UMO "Ilinden"'s case on the motion of a group of BSP MPs from 1999, which were supported by a number of state institutions, among which the Interior Ministry, the Ministry of Justice and the Chief Prosecutor's Office. Through its decision, the Constitutional Court reaffirmed the traditional denial of existence of Macedonian ethnic minority in Bulgaria. Based on that Court's decision, the Sofia City Court issued an order deleting UMO "Ilinden" from the political parties' register on 13 July 2000, thus effectively banning it.

The Constitutional Court's decision was appealed before the European Court of Human Rights in Strasbourg.

On 2 October 2001, the European Court announced its decision on the case of *Stankov and UMO-Ilinden v. Bulgaria* finding a violation of Article 11 of the European Convention on Human Rights (ECNH), where the Bulgarian State was breaching the right of Bulgarian Macedonians to assemble. Bulgaria was sentenced to pay compensation and to cover all legal expenses in addition to being sharply criticised for its repressive attitude towards the Macedonian minority. In spite of the decision, however, the Bulgarian authorities continue to demonstrate intolerance - albeit not so aggressive as in previous years²³ - towards all public displays of Macedonian identity. On 21-22 April 2002, two groups of Macedonian activists were allowed to commemorate the anniversary of the death of Yane Sandanski at Rozhen Monastery. Still the second celebration faced the provocations of the police and government agents. Angel Trenchev - a participant in the festivities - was arrested and threatened with a fine. Similarly, on 12 September 2002 in Blagoevgrad UMO "Ilinden" activists were allowed access to the monument of Gotse Delchev in order to commemorate the anniversary of the massacre of 400 Macedonians by Bulgarian government agents in 1924. Meanwhile, however, the police were taking photographs, which were later used to threaten the participants in the celebration.

Besides Bulgarian Macedonians, members of unpopular religious groups, generally stigmatised in Bulgarian society as “sects”, have also been restricted in their right to association and peaceful assembly. The peak of state's intolerance for the "non-traditional" faiths was in 1995 marked by police beatings, harassment and arrests of believers, raids in private places of gatherings, dismissals from work for membership in them, and others.

The amendments to the Law on Persons and the Family from 1994, designed to attain some of the new religious movements, envisaged re-registration of all religious associations with the permission of the government. Only 23 out of 62 registration- and re-registration applications under Article 133A²⁴ were approved; the remaining 39 - mainly Protestant-, two Muslim and one Christian-Orthodox organisation - were denied registration. In 1998, Jehovah's Witnesses - who were among those, denied registration - received official recognition as a result of an amicable agreement with government. The amicable agreement ended the suit, which Jehovah's Witnesses pursued against Bulgaria before the European Commission of Human Rights in Strasbourg in the period 1995-97.

Municipal authorities and the police have prohibited and disbanded tens of meetings of religious groups. On several occasions local authorities have fined Jehovah's

23 The period 1991-1993 was characterised by mass police beatings of participants in commemorations organised by the UMO “Ilinden” at the grave of Yane Sandanski - one of the legendary Macedonian heroes -and in the Samuilova Krepost locality, near Petrich. This practice subsided after 1994, although the annual UMO “Ilinden”-organised gatherings have been banned every year since 1991 (with a single exception in 1995), with police called to disperse the gatherings by force. Peaceful gatherings organised by the UMO “Ilinden” have been also regularly banned by either mayors or district prosecutor's offices.

24 Article 133A of the Law on the Persons and the Family (now repealed) stated that "non-profit legal entities which perform activities connected with religious faith or dealing with religion and religious education, should be registered according to the conditions here mentioned, after the approval of the Council of Ministers."

Witnesses for assembling and preaching inside their own homes. Even groups officially recognised as religious denominations have had serious problems with some local authorities when deciding to hold open-air meetings. The Society for Krishna Consciousness has been hindered from holding open-air celebrations as well, with the motivation that there was “accumulated negative attitude” towards the society. Similar cases have occurred with the Church of Seventh-Day Adventists. A number of municipalities adopted local ordinances restricting the activities unpopular religious groups such as Jehovah’s Witnesses, Moonies, Evangelicals, and members of the White Brotherhood.

On many occasions the so-called “non-traditional” denominations were denied use of premises, which they had rented from the municipal councils. The police and other authorities’ harassment against the activities of some recognised, but unpopular religious communities, especially on local level, is a problem as of the moment.

It was the intimidating 1949 Denominations Act—which had been changed substantially except for some repealed provisions by two Constitutional Court’s decisions in 1992 and 1998—that had governed the religious affairs in Bulgaria up until December 29, 2002, when the new Law on Religious Denominations entered into force. The new Law solved some of the problems occurring under the 1949 one, but it contained a number of restrictive and discriminatory provisions as well. (Details for the Law see under **Article 8** below).

Article 8

The Parties undertake to recognise that every person belonging to a national minority has the right to manifest his or her religion or belief and to establish religious institutions, organisations and associations.

Interference in the internal affairs of the religious communities is an old and persistent problem in Bulgaria that had already resulted into several decisions of the European Court of Human Rights. The case of *Hasan and Chaush v. Bulgaria* from 26 October 2000 concerns a refusal of the BSP government in February 1995 to register the leadership of Muslim believers led by Mr. Fikri Hasan as Chief Mufti. The Court found Bulgaria in violation of Art.9 of the Convention for the state authorities’ failure to remain neutral in the exercise of their powers while dealing with the registration of the Muslim religious denomination. This was treated by the Court as arbitrary interference by the government in the Muslim community’s religious affairs. The Court additionally ruled that the legally established procedure for the registration of denominations and their leadership did not include guarantees against arbitrary interference by public authorities, and had not met the required standards for clarity and foreseeability.

Hasan and Chaush case is just one and probably not the most dramatic event in the Bulgarian government’s history of abuse of religious communities. BHC encloses a detailed account of this history in **Supplement 3-1**. What needs to be added to this supplement is the recent practice of expulsion of Muslim preachers from the country as “threats to national security”.

One such case is that of Daruish al-Nashif, a 32-year-old stateless person and a father of two children, born in Bulgaria and Bulgarian citizens. On 5 July 1999 he was expelled from Bulgaria for "having endangered the security or the interests of the Bulgarian State with his actions." The said actions expressed in his organising the teaching of Islam to underage children in the town of Smolyan; taking part in an "illegal" Islamic seminar in Narechenski Bani (August, 1997) - brutally dispersed by the police; and trying to organise an Islamic teaching centre in Smolyan in 1995. Daruish al-Nashif was expelled on the grounds of Art.40(1) in conjunction with Art.10 (11.1) of the Act for residence of aliens in Republic of Bulgaria. The respective provisions precluded judicial review of expulsion orders motivated by national security considerations. His case was submitted to the European Court of Human Rights, which announced its decision on June 20, 2002. The Court found Bulgaria in violation of Art.13 of the European Convention for not providing for judicial control over expulsion of aliens under the Foreigners Act. In addition, the Court found that Mr. Al Nashif's expulsion from Bulgaria had been based on a legal regime that did not contain guarantees against arbitrariness, and therefore, that legal regime was found to be "illegal". More than a year after the European Court's ruling in *Al Nashif v. Bulgaria*, Bulgaria's government has not yet brought up the Foreigners Act in conformity with the respective decision.

In the same year another Muslim preacher - Abdullah Mohammed - was expelled from Bulgaria, again, under the formal pretext of endangering national security as well. In fact, Mr. Mohammed's expulsion was intended to restrict the teaching—even a completely conventional and peaceful one—of Islam in Bulgaria. His Foundation, Taiba, had been in the focus of the police's and media's attention for nearly two years, and finally was conveniently dissolved on allegations of serving as a cover of "Islamic fundamentalism". The libel "Islamic fundamentalism" has been attached to a wide range of Muslim beliefs and practices - which are in fact inseparable part of the standard profession of Islam and have nothing in common with any fundamentalism - and broadly disseminated by media in a way as to result in strong anti-Muslim prejudice in Bulgaria.

In January 2000, a group of six Islamic preachers - Ahmadis - branded "sectarians", were caught in the region of Shoumen and expelled from Bulgaria on the grounds that they preached without permission by either Turkey's or Bulgaria's Directorates of Religious Affairs. The Bulgarian authorities claimed that the absence of such permit violated Articles 22 and 23 of the 1949 Denomination Act, which paradoxically turned to have been already repealed by virtue of the Constitutional Court's Decision No.5 of June 5, 1992. Thus, the act of expulsion of the six Muslim preachers on the basis of provisions already deprived of legal force constituted a gross abuse of power and a show of open religious discrimination.

In May and June 2000, a new group of three Muslims were forced out of the country. One of them was Ahmad Mussa, a Palestinian living in Bulgaria for over 15 years, married to a Bulgarian, and a father of three children born in Bulgarian and Bulgarian citizens. Mr. Mussa and the other two were again expelled on the grounds of threatening the national security, which is not liable to appeal under the Bulgarian law. Mussa's case is currently pending decision before the European Court of Human Rights in Strasbourg.

The pressure on Muslim preachers eased somewhat after the ECHR judgment on *Al Nashif v. Bulgaria*. The problems with religious freedom however were not given a break. In December 2002 the Bulgarian Parliament passed a new Religious Denominations Law. Since the time before its adoption, the law has been subject to severe criticism by both the political opposition and public interest groups because of the number of restrictive clauses in it. The law was hastily passed on voting by MPs only from the National Movement of Simeon II (NMSS) and the Bulgarian Socialist Party (BSP), and, thus, any chance for the opposition and the civil society to publicly debate over the law was obstructed. In spite of the Article 4's assurance that faiths are equal in status; separated from the state; and fully free of state interference in their inner organisation, the Orthodox Christianity was established as "the traditional religion" in Bulgaria (Preamble and Art.10 (1)), and was granted a status of legal entity with the force of law (Art.10 (2)). By virtue of Articles 14 and 15, all other religious denominations are treated discriminatorily *vis-à-vis* the Bulgarian Orthodox Church through being obligated to undertake a judicial procedure in order to acquire legal personality. Moreover, they must register with the Sofia Municipal Court, empowered by law to grant legal personality, including upon "an expert opinion" by the Council of Minister's Directorate of Religious Affairs, which may be requested by the Court (Art.16). This clause severely breaches the discrimination prohibition in both the Bulgarian Constitution and international law. Because the Court--which is in a position to grant and revoke a registration of any other religious denomination--cannot revoke the registration of the Orthodox Church that is registered by the authority of law itself.

Furthermore, in spite of declaring "infeasible" any "state intervention in the religious denominations' inner organisation" (Art.4 (2)), the state preserves its powers through the law to interfere precisely in the denominations' internal structure by virtue of Article 15 (2). The respective Article proclaims "inadmissible" the existence of "more than one" religious denomination with the same "name and quarters." This way, the state authorities leave open the door for intervention in any given denomination's affairs any time an undesirable schism is threatening the denomination. Such was the case with the two biggest religious communities in the country—the Orthodox and Muslim ones. The respective provision was included in the new Religious Denominations Law in spite of its contravention to the established standards in the case *Hasan and Chaush v. Bulgaria*. The law establishes a special system of sanctions, applicable only towards religious denominations. It also establishes a special government office – Directorate of Religious Affairs, which has almost as broad powers under the new law as it had under the totalitarian 1949 Act. First of all, the Directorate has the function of overseeing the limitations imposed by the law. Second, it is empowered to request courts to initiate proceedings against a religious denomination for the purposes of depriving it of legal personality. Third, the Directorate may also "advise" the Sofia Municipal Court to register or not to register a particular religious community. Fourth, the Directorate can exercise "policing functions" through its authority to: allow or prohibit foreign religious activists from entering Bulgaria; to check citizens' or entities' signals of their rights being violated by the acts of third persons or entities in exercise of their religious right. Thus, "the result is that the role of the Directorate seems to have taken the form of a type of religious police force, ever vigilant to the activities of potentially dangerous

people”.²⁵ The Law creates conditions for official exercise of witch-hunting of undesired faiths, legal exercise of discrimination against religious denominations *vis-à-vis* Orthodoxy, and possibility of state control over communities’ religious affairs. In fact the new law leaves unresolved some of the basic defects of the earlier law, namely, the opportunity for broad government’s interference into the affairs of the religious denominations and conditions for discrimination against smaller and unpopular denominations. It also has numerous other restrictive and discriminatory provisions, some of which (but not all) were criticised by the experts of the Parliamentary Assembly of the Council of Europe in their spring 2003 opinion. BHC encloses a supplement with its own analysis of the law, as well as an English-language translation of the Religious Denominations Law itself (See **Supplement No.3-II**).

Article 9

1. The Parties undertake to recognise that the right to freedom of expression of every person belonging to a national minority includes freedom to hold opinions and to receive and impart information and ideas in the minority language, without interference by public authorities and regardless of frontiers. The Parties shall ensure, within the framework of their legal systems, that persons belonging to a national minority are not discriminated against in their access to the media.

2. Paragraph 1 shall not prevent Parties from requiring the licensing, without discrimination and based on objective criteria, of sound radio and television broadcasting, or cinema enterprises.

3. The Parties shall not hinder the creation and the use of printed media by persons belonging to national minorities. In the legal framework of sound radio and television broadcasting, they shall ensure, as far as possible, and taking into account the provisions of paragraph 1, that persons belonging to national minorities are granted the possibility of creating and using their own media.

4. In the framework of their legal systems, the Parties shall adopt adequate measures in order to facilitate access to the media for persons belonging to national minorities and in order to promote tolerance and permit cultural pluralism.

Paragraphs 1 and 4

- **Factual**

Historically Bulgarian media have contributed little to the promotion of "a spirit of tolerance and intercultural dialogue" and to the fostering of "mutual respect and understanding and co-operation among all persons living" in Bulgaria.²⁶ Some of them have frequently served as sources of prejudice and as means of dissemination

²⁵ *Human Rights in Bulgaria in 2002*, BHC Annual Report, p.11 (at: <http://www.bghelsinki.org/frames-reports.htm>).

²⁶ Article 6 (1) of the Framework Convention for the Protection of National Minorities.

and affirmation of prejudice against certain minority communities. Of all ethnic minorities in Bulgaria, Roma, Macedonians and Muslims (Turks and Pomaks) have been the least adequately and the most negatively represented by media.

Media coverage of Muslim- and Roma-related issues²⁷: According to a research conducted by the BHC in 2002, only 0.95% (*Monitor* newspaper) to 1.62% (*Trud* and *24 Chasa* newspapers) of the space of the central (national) press is devoted to minority-related issues, which constitute a very “miserable” quantity in fact.²⁸ The summary conclusion of the study as to the press coverage of the two biggest minorities in Bulgaria - the Turks and Roma - turns to be the following: the newspapers’ attention in respect to the first, is concentrated on political events (i.e. the Turkish minority participation in the political process in Bulgaria through the MRF, which is a serious political force in the country), and in respect to the later—on their criminal records and social destitution. Both matters of media concentration are mostly negative and bias-burdened. Another deformation in the media coverage of minority issues is the fact that the print media - within the limited space devoted to this - focus exclusively on the two dominant minorities, Turks and Roma, as well as on some other, smaller minorities such as Jews, Armenians, and Macedonians, almost totally excluding others, such as the Pomak Muslims. The Pomak Muslims are effectively called “the invisible community”²⁹, which perfectly well reflects their status in media coverage, as well as their place in the public discourse at all. The Pomak Muslims’ existence is touchily reminded about only when/if someone ventures to challenge their “established” ethnic-Bulgarian origin, calling them Turks or else.³⁰ Last, but not least “defect” of both central and regional press coverage of minority matters, is the tendency to politicise or sensationalise all that is related to minorities (example: Gypsy crimes), which often results in lack of deep reflection and analysis of the minority conditions.

Although several provisions of the Law on Radio and Television provide for the right of ethnic communities to disseminate information on their mother tongues (Articles 6 (3); 12 (2); 49 (1), etc.), this opportunity in fact is very limited. This is apparent from the Government's Report on the Framework Convention itself. For example, Channel I of the Bulgarian National Television broadcasts a news emission in Turkish language only 10 minutes per day since 2000, and there is no such at all in Romanes. The private *Darik Radio* has a program in Turkish, which is, however, disseminated only in the Kurdjali reion, where is the highest concentration of ethnic Turkish population. The private cable TV - *7 Dni* (*Seven Days*) has a weakly broadcast in Turkish called “Belyat Gulub” (“White Pigeon”). There are also two private cable TVs situated in

27 See also: *The Human Rights of Muslims in Bulgaria in Law and Politics since 1878*, under subsection "Access to Media", Bulgarian Helsinki Committee, Sofia: 2003 (**Supplement No.1**). The fact-finding missions for the report took place in the period May-June, 2003.

28 *Ethnic Minorities in the Press (Етническите Малцинства в Печата)*, Bulgarian Helsinki Committee, Sofia: 2002, p.8-9.

29 *Their Voices (Техните Гласове)*, Centre for Social Practices, Sofia: 2002, p.25.

30 There was a case with the Deputy Regional Governor of Pazardjik, Molla Ahmed, who spoke on a meeting in village of Kornitsa on 29 March 2003, calling upon the Pomak Muslim population to insist on studying the Turkish as their mother tongue. That transformed into a great political scandal, which brought into light old nationalistic fears of Turkey’s anti-Bulgarian propaganda and “planned” cessation of the Western Rhodopes – settled by Pomak Muslims - from Bulgaria.

Vidin and Razgrad, which broadcast in Romanes and Turkish respectively.

The number of mass media, which conduct programs in Bulgarian language about Roma and Muslims is not big either. The Bulgarian National Radio emits informational-musical programs only for the regions with compact Turkish population; the cable TV *7 Dni* has two 30-minutes broadcasts per month for Roma; as well as the yearly greetings addressed to minorities via the radio or TV on special religious holidays occasions. This could hardly be called sufficient in quantity regarding the fact that, according to the State Report, there are more than 180 private radio stations and about 80 cable and air TVs operating on the territory of Bulgaria. Neither of them has any significant contribution to bettering of the *media – minorities* interaction.

As far as print media are concerned, the situation in terms of quantity and adequacy of ethnic minorities' reflection is slightly better in them, as the greater part of these editions are minority-owned.

Another study conducted by the Bulgarian Helsinki Committee in 2000 on the *Ethnic Press in Bulgaria*³¹ shows that the best integrated ethnic minorities in the country are the smallest ones such as Armenians and Jews. On the contrary, the biggest minorities such as Turks, Pomak Muslims, and Roma are the least integrated. A number of factors contribute to this, but most of all the inadequate amount and quality of media coverage of matters concerning Roma, Turks and Pomaks. The study reveals the following paradox: there is one Jewish newspaper for two Jews per month, while there is one Romani newspaper for ten Roma per year. The situation with the Turkish minority is nearly the same as with Roma and that with the Pomak Muslims is incomparably worse.

The same study shows that minorities' press issues are primarily sponsored by Bulgaria-based NGOs and/or foreign donors. More than half of the financial resources for the ethnic Turkish press in Bulgaria come from abroad, primarily from Turkey and almost 100% of the financial support of the Romani printing media comes from Bulgarian non-governmental organisations. State subsidies for minority press are either insignificant or completely lacking. The technical equipment of the ethnic Turkish printing media is very poor. For example, *Kaynak* magazine - with circulation of 2,000 - and *Rights and Freedoms* newspaper - with circulation 7,000 - dispose(d)³² of one typing machine and one computer, respectively. This becomes particularly conspicuous on the front of the Jewish newspaper *Evreyski Vesti (Jewish News)* (with circulation of 1,500 copies) and the Armenian newspaper *Erevan* (circulating 1,100 copies) dispose of 1 computer/5 typing machines and 2 computers/2 Xerox machines/2 typing machines respectively. In addition, both surveyed Turkish press organs *Kaynak* magazine and *Rights and Freedoms* newspaper are written and issued by persons working on voluntary basis, i.e. without being paid at all (a total of 40 people for the magazine and one person for the newspaper), while there are 3 paid

31 *Ethnic Press in Bulgaria (Етническа Преса в България)*, Bulgarian Helsinki Committee, Sofia: 2000.

32 The *Rights and Freedoms* newspaper no longer exists.

editors and 4 paid authors working for the *Evreyski Vesti* newspaper (no unpaid staff at all), for example.

A sample of 10 persons from each of the Turkish, Roma and Macedonian minorities were surveyed as well on a number of questions related to discrimination of ethnic minorities in the press. Although such a limited number of people cannot provide a fully objective reflection of the situation, it still registers the predominant opinion of the above minority communities. To the question, which media most impartially and amicably cover minority issues, 50% of the Macedonians responded - none - and the majority of Turks and Roma pointed at their own editions - the *Rights and Freedoms* (for the Turks) and *Drom Dromendar* (for the Roma) newspapers - to be most trustworthy. The state-owned national TV Channel I was defined as the least objective print media by the representatives of the three ethnic groups - Turks, Roma and Macedonians.

The image of Muslim (Turks and Pomaks) and Roma in the press: Turks, Roma and Pomaks are the most unfavourable represented minorities by the media. According to a study conducted by the Centre for Social Practices (CSP)³³, the prevalent emotions in the attitude towards the **Turks** are fear from and suspicion to their (political) intentions, although they are simultaneously respected for their "diligence, unity and determination."³⁴ Theories about Turkey's ambitions for Bulgarian territories are still broadly shared among ethnic Bulgarians, and accordingly covered by media. Thus, not only negativism towards the Turkish minority increases, but also the possibility for building substantive equality among Bulgarian citizens reduces, as the nationalism grows high. There is hardly a day, in which some Bulgarian newspaper or a mass media does not refer to "Turkish yoke", "Ottoman bestiality" (and now "Islamic fundamentalism" and/or "Muslim terrorism" added to them), etc. Moreover, these terms continued to be used in literature and history textbooks used by ethnic Turkish and Pomak children, but the state education institutions does not appear to be bothered by the question of how such myths influence children's psychic. In spite of all, however, the Turks consider themselves well-integrated (or at least, better integrated than the Pomaks and Roma) into the Bulgarian society.

According to the SCP's study **Roma** are the most rejected community in the country and the media have particularly important contribution to that. The "traditional" epithets used by both media and majority population in Bulgaria as a name of reference to Roma remain "dirty, ignorant, bad-mannered, impudent, thievish, lazy, liars", etc. The only positive characteristic seemed to be associated with Roma is that they are musical, gay and carefree people.³⁵ Due to this, Roma sink to occupy the lowest and most marginal strata of society. However, they paradoxically turn to be the most tolerant, amicable, and receptive ethnic community in Bulgaria, but the fact that they have no adequate opportunity to talk for themselves through media, only deteriorates the situation.

33 Centre for Social Practices, *Their Voices (Техните Гласове)*, Sofia: 2002.

34 Ibid, p.19.

35 Ibid, p.22.

The **Pomak** Muslims--“the invisible community”--are a third group in Bulgaria, whose media coverage is far from flattering, and what is more, media are very often a (voluntarily) tribune from which they are “informed” about who they are, and/or who they must be. However, they are denied the opportunity to voice who they think to be through media. The lack of stable and shared sense of self-identity among that population is broadly exploited as a means to effectively impose an identity upon it, which is a serious curtailment of the Pomaks' basic human rights. Thus, they “must” be either Turks or ethnic Bulgarians, “Turkicised” during the years of “the Ottoman yoke.” Many of the Pomak Muslims, in fact, are more comfortable to identify themselves as Turks, because, first, they feel culturally-related to the Turks, and second—because they do not feel compelled to accept “the fact” that they are Turks. At the same time, the trend in the Bulgarian public discourse maintained by media as of today dominates the view that the Pomak Muslims are “Turkicised Bulgarians”, and what is more, it is considered “an established fact”, which they have to accept. This “fact”, however, has one very frustrating consequence grossly belittled by media - being “Turkicised Bulgarians”, Pomaks are stigmatised as "apostates" and "traitors of the faith", who have waved their right to respect.³⁶ Thus, most of the Pomak Muslims reject the theory of being Bulgarians, and instead identify themselves as either Turks, or “others”—again, particularly due to the unfavourable public discourse conducted by the media about them. There is a particular part of Pomaks that identify themselves as ethnic Bulgarians, but that does not mean that this way they feel sheltered from negative attitudes mediated by the media.

Both the press and the electronic media are usually hostile to any expression of **Macedonian** ethnic identity. Macedonians usually receive negative coverage in the media. There is a privately published newspaper produced in Macedonian and Bulgarian but there has never been any question of Macedonian language broadcasts in the electronic media.

Article 10

1. The Parties undertake to recognise that every person belonging to a national minority has the right to use freely and without interference his or her minority language, in private and in public, orally and in writing.

2. In areas inhabited by persons belonging to national minorities traditionally or in substantial numbers, if those persons so request and where such a request corresponds to a real need, the Parties shall endeavour to ensure, as far as possible, the conditions which would make it possible to use the minority language in relations between those persons and the administrative authorities.

3. The Parties undertake to guarantee the right of every person belonging to a national minority to be informed promptly, in a language which he or she understands, of the reasons for his or her arrest, and of the nature and cause of any accusation against him or her, and to defend himself or herself in this language, if

³⁶ Ibid, p.26.

necessary with the free assistance of an interpreter.

Paragraph 1 and 2

- **Narrative**

There is no legal provision prohibiting the use of minority languages before the administrative authorities. In the oral communication Turkish is often used between administrative authorities and members of the Turkish minority where municipalities have ethnic Turkish officials. All written documents, however, are produced in Bulgarian as a matter of custom and because the subsequent court procedures must be carried on in Bulgarian.

- **Legal**

No legal provisions regulate the use of minority language before administrative authorities.

- **State infrastructure**

No special governmental bodies exist to deal with the use of minority language before administrative authorities.

- **Policy**

There is a nationalistic cultural pressure resulting in anxiety among minorities to use their language before administrative authorities. Apart from this, however, there has not been any governmental action, statement or other trace of policy to that effect.

- **Factual**

The communication between minority members and local authorities, (courts, municipal/district authorities, including police) in settlements with predominantly minority (Turkish) population is normally enabled by representatives of that minority community who work in the said institutions. Such persons unofficially act as “interpreters” in case of necessity to ease the communication between minority persons who do not have sufficient command in Bulgarian language and the administration. What is bothering is not the fact that the above is an established practice, but that people are not aware of their right to have free interpreter provided in case there is no one to help them in the communication with local authorities. Thus, legal provisions protecting the right to free use of minority language remain unknown and unimplemented.

The issue is particularly acute when it comes to the relationship police - minority members, because the old, totalitarian image of the policeman as an officer to be feared from/avoided rather than to be trusted, still persists among minority members. Considering the fact that very few minority representatives are employed within the law-enforcement institutions, the negative image of the police officer persists and strengthens. Police – minorities relation continues to be thus problematic and one of the reasons for this is the lack of adequate communication, because of the unavailability of interpreter for those not having sufficient knowledge in the official language.

Paragraph 3

- **Factual**

There is no legal obligation of law enforcement officials to inform a person belonging to a national minority of the reasons for his or her arrest and of the nature and cause of any accusation against him or her in a language, which he or she understands. Thus, this provision of the Framework Convention and the similar provision of Art.5.2 of the European Convention on Human Rights are not enforced. A significant number of people belonging to some minorities (mostly Turks and Roma) have a very poor command of the Bulgarian language or do not know it altogether. Some of these people become defendants. Because of the presumption of authorities that every Bulgarian citizen must know Bulgarian and because of the budgetary restraints for the judiciary, interpreters for these people are appointed in only very rare cases. It should be added, that many of these people participate in the criminal proceedings also without a lawyer. Thus, often they are questioned, asked to sign protocols and take part in the court proceedings with a very poor understanding of the reasons for their arrest, and of the nature and cause of any accusation against them.

Article 11

1. The Parties undertake to recognise that every person belonging to a national minority has the right to use his or her surname (patronym) and first names in the minority language and the right to official recognition of them, according to modalities provided for in their legal system.

2. The Parties undertake to recognise that every person belonging to a national minority has the right to display in his or her minority language signs, inscriptions and other information of a private nature visible to the public.

3. In areas traditionally inhabited by substantial numbers of persons belonging to a national minority, the Parties shall endeavour, in the framework of their legal system, including, where appropriate, agreements with other States, and taking into account their specific conditions, to display traditional local names, street names and other topographical indications intended for the public also in the minority language when there is a sufficient demand for such indications.

Paragraph 2 and 3

Displaying traditional local names, street names and other topographical indications intended for the public in the minority languages has been a problem in Bulgaria for the Turkish minority, but potentially also for other groups. The procedure and requirements for naming and renaming of objects is established by Decree 1315 from 1975, which is still in force. According to this procedure the names of objects with a national significance (mountains, rivers, forests, lakes, islands, national parks, big dams, etc.) are given by the President of the Republic and the names of objects with a “local significance” (streets, gardens, schools, neighbourhoods, etc.) are given by the

Municipal Councils. Both groups of objects however must meet certain requirements one of which is that their names must “reflect the wealth and beauty of the Bulgarian language” as provided for by Article 4 of Decree 1315. This provision has been used on a number of occasions to block municipal decisions for renaming of local objects in the regions populated by ethnic Turks (see below).

One of the main motives - albeit unofficial - of the Videnov’s cabinet (1994-1996) to refuse to sign up the Framework Convention for the Protection of National Minorities was finding it infeasible to provide for the use of minority language (notably Turkish) in contacts with the state administration, and/or to admit names of streets, places and other spots in a language other than Bulgarian.

Since then nothing has changed in the policy regarding the display of inscriptions in a minority language - notably Turkish – even in areas compactly inhabited by minority population. Any attempt to do so in the best case has been sharply criticised and has been immediately counter-reacted. The judiciary has been frequently affirming the reality of political intolerance for the public display (in the minority language) traditional local names, street names and other topographical indications by its verdicts since the democratic changes in Bulgaria. Thus, the constitutionally guaranteed right to use one’s minority language not only has not been enforced by courts as it should have been, but, on the contrary, was denied in many of its aspects. Thus, in the summer of 1993, the MRF-dominated Momchilgrad Municipal Council, acting completely within its jurisdiction under the law, undertook to give other, Turkish language- and culture-related names to several streets in the town. The counter-reaction of the Haskovo District Governor was immediate in challenging the Council’s decision in court, apparently certain in his victory. In September 1993, the Kurdjali District Court did invalidate the Municipal Council’s decision relying on a 1975 Decree No.1315, which required that names “reflect the richness and beauty of the Bulgarian language.”³⁷ The same was done a year later (in July 1994) by the Haskovo District Court, which invalidated the decision of the Kirkovo Municipal Council. The Council had given Turkish names to 16 quarters in the Fotinovo region earlier in the year.³⁸

As of today, even in settlements with almost 100% ethnic Turkish population (the village of Samuil, Razgrad District, for example) not a single street, or whatever other spot within the settlement’s borders bears Turkish-related name, let alone have a name-plate, direction plate, or any other inscription in Turkish (not to mention Romanes) put on a public place. Only sites located outside settlements and historically known with Turkish-related names, had been registered by the same name in the process of land-denationalisation that started after the 1989 in Bulgaria.³⁹

Regional and municipal authorities in mixed district claim that there is no sufficient demand by people to display inscriptions in Turkish language or to rename streets and/or sites in the minority language. However, there is still strong political

37 See *Human Rights in Bulgaria in 1993*, Bulgarian Helsinki Committee's Annual Report, p.2.

38 See *Human Rights in Bulgaria in 1994*, Bulgarian Helsinki Committee's Annual Report, p.2.

39 See **Supplement No.1** (Bulgarian Helsinki Committee, *The Human Rights of Muslims in Bulgaria in Law and Politics since 1878*, under subsection "Right to use one’s minority language before administrative authorities". The fact-finding missions took place in the period May-June, 2003).

intolerance for such acts.

Article 12

1. The Parties shall, where appropriate, take measures in the fields of education and research to foster knowledge of the culture, history, language and religion of their national minorities and of the majority.

2. In this context the Parties shall inter alia provide adequate opportunities for teacher training and access to textbooks, and facilitate contacts among students and teachers of different communities.

3. The Parties undertake to promote equal opportunities for access to education at all levels for persons belonging to national minorities.

Paragraph 1, 2 and 3

• Narrative

There is no tradition and no practice of fostering knowledge of the culture, history, language and religion of the national minorities in Bulgaria. The academic scholarship is focused on the Bulgarian history and culture, which is very much centred around the culture, values and political history of the ethnic Bulgarians. History and culture of the European nations is studied and known much more than history and culture of the ethnic and religious minorities of Bulgaria. While with very few exceptions all minority members know the Bulgarian language and history, there are almost no Bulgarians who speak minority languages, including those of them that are living in areas with predominant minority population. Courses on minorities' culture, history, language and religion are taught at some universities in Bulgaria and at several research institutions some research on the matter has been done, however, all remains rudimentary and highly inadequate in both quality and quantity. For the most part these initiatives developed with the support of international donors and non-governmental organisations.

There is also a problem with the content of history and/or literature textbooks, which are still at use in schools, particularly as regards the Turkish minority. In the introductory text of a media-related minority study of the Centre for Social Practices in Sofia from 2002 it is noted that “there is hardly a day, in which some Bulgarian newspaper does not refer to the five-hundred year Turkish yoke, the Turkish bestiality or their barbarian [Islamic] customs.” However, “the officials – goes on the quotation - from the Ministry of Education have never been bothered by the question how myths like these are projected on children’s psychic of Turkish and Bulgarian-Muslim background, who are obligated to use text-books [with such content at school].”⁴⁰

40 *Their Voices (Техните Гласове)*, Centre for Social Practices ed., Sofia: 2002, p.6. Refer also to Articles 9 and 14.

Many textbooks have been produced in Bulgaria for all levels of education. The Ministry of Education is in charge of approving those that are suitable for use in the educational system up to and including secondary school level, but not university/college level. Some of the textbooks, (prepared and/or funded by non-governmental organisations), which include adequate knowledge of the culture, history, language and religion of minorities, are approved by the Ministry, but none of them is mandatory for use. Most of the time such textbooks are only used as supplementary materials in classes, and whether and how to use them is left to the teacher's discretion.⁴¹

The Framework Program for Equal Integration of Roma in Bulgarian Society provides for desegregation of the Roma neighbourhood schools as a way to promote equal opportunities for access to education of Roma children. The Ministry of Education has recently spoken in favor and adopted several documents endorsing desegregation, no concrete measures to implement this policy have been undertaken so far. The Action Plan for the implementation of the Framework Program does not envisage funds for transportation of the Roma children to the integrated schools.

See **Supplement No.4** for a detailed account of the history of segregated Roma education and an evaluation of the recent desegregation efforts.

Article 14

1. The Parties undertake to recognise that every person belonging to a national minority has the right to learn his or her minority language.

2. In areas inhabited by persons belonging to national minorities traditionally or in substantial numbers, if there is sufficient demand, the Parties shall endeavour to ensure, as far as possible and within the framework of their education systems, that persons belonging to those minorities have adequate opportunities for being taught the minority language or for receiving instruction in this language.

3. Paragraph 2 of this article shall be implemented without prejudice to the learning of the official language or the teaching in this language.

Paragraphs 1 and 2⁴²

Since the start of democratic changes in Bulgaria there have always been certain problems related to the study and use of a mother tongue, particularly as concerns the larger minorities in Bulgaria, the Turks and Roma. However, while the Turkish as a

41 For further details see **Supplement No.1** (Bulgarian Helsinki Committee, *The Human Rights of Muslims in Bulgaria in Law and Politics since 1878*, under subsection "Education and mother tongue". The fact-finding missions took place in the period May-June, 2003).

42 Based on the report *The Human Rights of Muslims in Bulgaria in Law and Politics since 1878*, under subsection "Education and mother tongue", Bulgarian Helsinki Committee, Sofia: 2003 (**Supplement No.1**). The fact-finding missions for the report took place in the period May-June, 2003.

mother tongue has been studied at school – to a large extent due to the ethnic Turks' wish to do that – the Romanes is absent from the school curricula. Absent are also several other minority languages and for some of them, like the Macedonian, there has never been even a question of inclusion into the public school curricula.

The problems with the study of Turkish language as a mother tongue in the initial years of democracy did not stem so much from state reluctance to provide such training, but from the practical lack of qualified cadres. Thus, in May 1993, Kyasim Memish—an expert in the Ministry of Education, Science and Culture—reported that about 17,000 out of 92,166 students in total, who had submitted applications to study Turkish as a mother tongue for the 1992/1993 school year, could not be enrolled in Turkish language classes. That was so, because of lack of enough and qualified teachers, on one hand, and on the other--because of lack of enough children to meet the required number to form a class.

To the expressed wish by Turkish minority members, in 1996, to have the teaching of Turkish at school improved and included in the regular school curricula⁴³, as well as to have some of the school courses offered in Turkish, the Education Minister responded with threats. The old “revival process” activist, Ilcho Dimitrov, openly declared: “Turkish schools will not be allowed to exist in Bulgaria, this should be clear to them ([the Turks]). If they want Turkish schools, they are free to go to Turkey.”

In 1997 the serious problems in respect to minorities’ study and use of mother tongue continued to exist and even deepened. For example, the request of Turkish community leaders to incorporate the study of Turkish language in the regular school curricula, as well as to permit the instruction of some school subjects in Turkish for the upcoming 1997/1998 school year, was thoroughly ignored.

Legal framework for the study of minority (Turkish) language as a mother tongue⁴⁴: The study of minority language as a mother tongue in Bulgaria is provided for by law. After the fall of Communist regime in November 1989, a new Constitution was adopted in 1991 to correspond to the reality of emerging democracy in the country. Paragraph 2 of Art.36 of the Constitution stipulates: “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.” By virtue of this provision, the use of a mother tongue by minority groups is protected by the Supreme Law of the Nation--the Constitution.

The National Education Act of 1991—amended in 1996, and amended and supplemented in 1998—guaranteed to “students, whose mother tongue is not Bulgarian”, the right to study their mother language from grades 1st to 8th of primary and secondary

43 At that time, and until recently, Turkish language was studied only as an extra-curricular subject, and was taught by low-qualified teachers.

44 For further details refer to **Supplement No.1** (Bulgarian Helsinki Committee, *The Human Rights of Muslims in Bulgaria in Law and Politics since 1878*, under subsection "Education and mother tongue". The fact-finding missions took place in the period May-June, 2003).

school, “under the protection and supervision of the state” (Art.8.2).

Decree No.232 of the Council of Ministers (CM) of December 1991 introduced the study of Turkish at a level of “municipal schools”. Thus, Turkish minority students could study their mother tongue up to four hours per week, but only on a “freely selectable” basis, meaning that Turkish language classes would not be considered a part of the ordinary school curriculum and would not influence the students’ records. On the basis of this decree the Ministry engaged its responsibility to issue instruction, on which the teaching of mother tongue would be based.

Decree No.183 of the CM of September 5, 1994, cancelled the application of the previous decree, but preserved the study of Turkish language up to 4 hours per week on a “freely selectable” basis.⁴⁵ The document established that a student wishing to study a mother tongue has to submit a written request to the school’s principal, signed by the student or a parent/guardian if the student is under-age (Art.2 (2)). The decree stipulated that the funding of mother tongue classes was to be secured by the municipal budget (Art.5). Art.3 of the decree ordered the organisation of pre-school Bulgarian language courses for minority children who did not speak the official language.

By virtue of Instruction No.4 of the Ministry of Education and Science (MES) of October 27, 1994, the study of Turkish as a mother tongue for grades 1st to 8th became based on model curricula, approved by the Ministry in question.

With the adoption of the Law on Educational Degree, Educational Minimum, and Educational Plan in July 1999⁴⁶, as amended in 2002⁴⁷, the instruction of mother tongue and Religion in municipal schools, was made “obligatory selectable”, i.e. part of the ordinary school curriculum, and included in the students’ records (Art.15 § 3). This positive legal development was a direct result from Bulgaria’s ratification of the Framework Convention on the Protection of National Minorities in February 1998, which bound Bulgaria to respect a number of minority rights, the right to study and use one’s mother tongue among which. This provision was enforced in practice in 2002/2003 school year, when the instruction of Turkish as a mother tongue in municipal schools were made “obligatory selectable”, but not the study of Religion as Art.15 (3) stipulated.

With the law in discussion, the right to use and develop ones’ mother tongue—as part of the minorities’ right to maintain their own culture (additionally protected by Art.27

45 *Official Gazette* No.73 of 9 September 1994.

46 *Official Gazette* No.67 of 27 July 1999.

47 *Official Gazette* No.95 of 2002.

of the International Covenant on Civil and Political Rights (ICCPR), which Bulgaria ratified on December 10, 1991) entered into a new, more advanced stage of minority rights protection—at least formally. The law established more centralised system of state funding of Turkish language classes (the previous funding being channelled through the municipal governments created conditions for abuse of power on local level), whereby the state became directly responsible for appointing more qualified teaching staff, as well as exerted direct supervision over the proper use of funds. For the first time through this law, the study of mother tongue was extended to cover high school education level as well, not only on primary and secondary school level (i.e. from 1st to 8th grade). The law envisaged gradual introduction of Turkish language study for students on high school level for the academic 2002-2003.

The study of Turkish language as a mother tongue on “obligatory selectable” basis in both primary/secondary and high school is regulated by Ordinance No.6 of May 28, 2001 of the MES.⁴⁸ The study of Turkish language on a “obligatory selectable” basis since the 2002/2003 school year, is organised as follows: 1st grade—3 classes per week; 2nd, 3rd, and 4th grades—2 classes per week; 5th to 8th grades—3 classes per week. Whether the number of mother tongue classes is adequate or not, is disputable. On the basis of this, the fact that the “obligatory selectable” time per week in the school curricula must be shared by mother tongue, foreign languages and choreography (Art.6. (2)), further degenerates the status of mother tongue classes. Thus, the above number of mother tongue classes per week remains unstable, and could be reduced to a vanishing point if a minority child wants to study a foreign language and/or choreography in addition to his/her mother tongue. A minority student wishing to study English, French, Spanish or German, for example, or wishing to take choreography classes, can do this at the expense of his/her mother tongue classes, which will decrease proportionately to the number of foreign language and/or choreography classes added. Thus, for example, a child that wants to study English language twice a week (for the sake of adequacy), will have only one mother tongue class weekly in 1st grade; none—in 2nd to 4th grades; and one—in 5th to 8th grades (the chart attached). In such situation, the minority student faces the ridiculous dilemma of whether to study his/her mother tongue, or English—both necessary, important and equally desired. The thus established normative status of Turkish as-a-mother-tongue instructions by virtue of Art.6 (2) of Ordinance No.6 turns to be discriminatory in effect.

The status of mother tongue classes as an “obligatory selectable” subject on high school level is even lower as compared to that on primary and secondary school level. The allocated weekly time for “obligatory selectable” classes is shared between mother tongue and 8 other “educational areas”⁴⁹ (Art.12 of Ordinance No.6). The “obligatory selectable” weekly time on high school level is distributed as follows: 5 classes—9th grade; 12 classes—10th grade; 22 classes—11th grade; and 26 classes—12th grade (table supplement). Thus, in the best case, i.e. with the highest number of mother tongue classes per week—26, in 12th grade, mother tongue classes will be no

48 *Official Gazette* No.57 of 15 June 2001.

49 As defined by Art.10 of the Law on Educational Degree, Educational Minimum, and Educational Plan of July 1999 (in the main text) these “educational areas” are: Bulgarian language and literature; foreign languages; mathematics, computer science, and information technologies; social sciences, civic education, and religion (amendment added in 2002); natural sciences and ecology; arts; lifestyle and technologies; and sports.

more than 2 per week, provided that a student takes at most 2 classes from each of the other 8 “educational areas” per week. However, if the student intends to apply to university, and because of that wishes to have more classes in the subject of interest (i.e. history, foreign language, mathematics, Bulgarian language and literature, etc.), that would be at the expense of the mother tongue classes, or a course from any other “educational area”. Still, it must be noted that two mother tongue classes per week are possible under the optimal time of 26 hours in 12th grade.

However, what happens when the total number of “obligatory selectable” classes per week is 22, 12 and/or 5 per week? The lower the time allocation is the minimal the number of mother tongue classes per week for minority students are. The chances for studying Turkish or Romanes as a mother tongue in 9th grade of high school is almost non-existent, unless the student is resolved to ignore all other areas of interest in order to have an adequate number of mother tongue classes in any of the grades on high school level. This seems infeasible against the background of the claim that there is a wide-spread propaganda among minority students and parents not to study their mother tongue as it would undermine students’ abilities to learn the official language, and hence would obstacle their successful integration into society.⁵⁰ Thus, both parents and children are influenced, and students end up enrolling in some other courses in spite of feeling the need/wish to study the mother tongue, which is quite obviously an effective natural catalyst in the process of children’s⁵¹ successful absorbing of the official language and all other subjects, which are taught in Bulgarian.

Other problems related to the study of minority (Turkish) language at school⁵²: According to official statistics of the Ministry of Education, Turkish as a mother tongue has been studied in 20 districts the 2000/2001-school year and onward, primarily in the districts of Southeastern and Northeastern Bulgaria, where the Turkish minority is concentrated. In 2001/2002 the instruction in Turkish had been organised in 520 municipal schools in the country, with 34,860 minority students enrolled in them. The total number of Turkish language teachers had been 703, more than 95 % of which were qualified to teach Turkish, i.e. were holders of a Bachelor’s or a Master’s degree in Turkish philology, (or Turkish/Bulgarian, Russian/Turkish philology, see bellow), and were competent to teach in high schools.

By 2002/2003 school year, Turkish is still taught in 20 districts, but the number of schools, whose curricula include study of Turkish has dropped to 420, with a total of 31,349 students enrolled, and 1,761 out of them are 1st-grade children, which study Turkish on an “obligatory selectable” basis. Correspondingly, the total number of

50 This claim was generally made equally by Turkish language teachers, parents, children, experts, and other ordinary people before BHC monitors during visits to regions with compact Turkish population in May-June 2003.

51 Particularly of primary school children living in villages who very often cannot speak proper Bulgarian at the time they start to go to school, simply because they have spoken only Turkish at home. As one of the teachers at the Kaolinovo’s open lesson said (see bellow), Turkish language classes appear as an excellent mediator between minority children and the school, in which they use Bulgarian—a language which they often do not know well in pre-school age.

52 For further details refer to **Supplement No.1** (Bulgarian Helsinki Committee, *The Human Rights of Muslims in Bulgaria in Law and Politics since 1878*, under subsection "Education and mother tongue". The fact-finding missions took place in the period May-June, 2003).

Turkish language teachers decreased from 703 to 588, of whom 162-not qualified to teach.

There is no shortage of qualified teaching staff, and what is more, many holders of Bachelor's and/or Master's degree in Turkish philology are unemployed or work outside the field.

Another basic problems along with the legal inadequacy of the study of mother tongue at school is the utter shortage of textbooks, not to mention textbooks with outdated content. It was the introduction of Turkish language study in schools in 1992 that generated the need of textbooks and other school materials for the wishing to study Turkish as a mother tongue students. For these purposes a primar (ABC book) for grades 1st to 4th and a chrestomathy for grades 4th to 8th were hastily prepared in 1991 to put the start of Turkish language training with. During the next two years--1992 and 1993, some new supplementary materials were prepared and issued with the financial assistance of the Turkish embassy in Bulgaria, namely a grammar book and a reader for grades 1st to 8th of primary and secondary school. Since then neither new textbooks have been prepared and issued as has been repeatedly promised by the MES, nor have been the initial textbooks—although with already inadequate content—re-published in spite of the numerous complaints by Turkish language teachers and experts on mother tongue for the scarcity of textbooks, and the poor condition of the remaining in use.⁵³

With the introduction of Turkish language as one of the “obligatory selectable” courses (i.e. a course that is part of the regular school curriculum, and counts towards students' GPA) in primary and secondary school for the 2002/2003 school year, the Ministry of Education had planned to form a working group of experts, whose task would be to prepare textbook(s) “with a new content”. Yet, no such new textbook(s) and related materials are available as of today.

Turkish language instructions at school are based on curricula prepared by the Turkish language teachers themselves, which curricula are subject to approval by the MES. A unified program on the study of minority (Turkish) language as mother tongue is missing, which is considered as disadvantage by the Turkish language teachers and experts. Moreover, it is deemed that a unified program is essential for the effectiveness of the process of minority (Turkish) language teaching and learning at school and the responsibility for its preparation lies with the Ministry of Education and Science.

In summary, there is a lack of comprehensive government's support for organising an effective study of mother tongue by minority children at school, which renders all

53 On an open lesson on May 14, 2003, in the municipal village of Kaolinovo (North-East Bulgaria) for Turkish language teachers from the region--visited by the BHC monitors--the teaches shared that the only textbook of Turkish language, which they dispose of for use is a one issued in 1992. The respective edition was meant for maximum three-year use, but it continues to be used for over 10 years now. According to all the present on the lesson teachers, there are hardly three textbooks on average per class, and even these are in destitute conditions—without covers, missing pages, pages torn on many places, outdated content, etc. One of the teachers (of ethnic Bulgarian background, and a school principal) stated: “There is no point to teach Turkish to a child that has no textbook”, and concluded that similar situation is as desperate as working “on the verge of an abyss”.

normative guarantees—which are in all events inadequate—for the study and use of mother tongue meaningless. In addition, the combination of mother tongue with other basic courses⁵⁴ as possible options among which a student can choose to fill up the number of classes assigned to the section: “obligatory selectable”, undermines the position of the mother tongue classes as their number per week is contingent upon the number of other classes taken. Thus, minority students on all education levels are effectively barred from the opportunity to enrol in necessary/desired courses, and still have sufficient number of classes per week in their mother tongue.

In addition, one of the most frequent reason accounted for by Turkish minority members and language experts for the decreasing number of Turkish language classes - especially in the initial stage of school level (primary school) - is the broad propaganda among minority students and parents to limit to minimum the number of mother tongue classes, because it would drug back students’ development and their ability to use the official language. The reality shows that in most cases that propaganda works.

Article 15

The Parties shall create the conditions necessary for the effective participation of persons belonging to national minorities in cultural, social and economic life and in public affairs, in particular those affecting them.

(In providing information please address the areas of cultural life, social and economic life and public affairs separately. Particularly information on institutional arrangements for participation in decision-making processes should be included (as the case may be, consultative councils, parliamentary arrangements and territorial or cultural autonomy). Please also indicate whether under certain conditions non-citizens have voting rights, and, if so, under which conditions.)

● Participation in public affairs

Minorities' participation in public and political life in Bulgaria is limited and in some cases obstructed (e.g. Pomaks, Roma, Macedonians). The U.S. State Department in points out in its latest annual reports on the human rights practices in Bulgaria that ethnic minorities in the country, and particularly the largest ones (Turks, Pomaks, and Roma) are underrepresented in both central and local state governments.⁵⁵

The involvement of the Turks - as the biggest minority in Bulgaria - in the central and local government in Bulgaria is the most active, but still not always adequate, including in the regions where they constitute a majority. The Turkish-Muslim participation in Bulgaria's public life has become possible through the Movement for Rights and Freedoms (MRF), which, although with fast-growing ethnic Bulgarian membership, remains ethnically-dominated. With the 24 parliamentary seats won in the 1991 election, the MRF managed to secure its, more or less, active participation in

54 Recall Ordinance No.6’s provisions uniting mother tongue, foreign languages, and choreography as possible options assigned to the “obligatory selectable” weekly time in the school curricula in primary and secondary school, and mother tongue and 8 other “education areas”—in high school, again, on an “obligatory selectable” basis.

55 See also U.S. State Department, *2001 and 2002 Annual Reports on Human Rights Practices: Bulgaria*, under sections on National/Racial/Ethnic Minorities).

the country's political life, as a result of which Bulgaria's human rights records markedly improved, especially as regards the rights of the biggest ethnic and religious minority in Bulgaria—the Turks. A significant number of the MRF members were elected in the local administrative bodies as well—more than 1,000 municipal counsellors, 27 municipal mayors, and 650 town and village mayors. Kurdjali, the main city in the District most densely populated by ethnic Turks, elected a Turkish minority mayor in 1991/92.⁵⁶ This was a great success for MRF considering the fact that the party had just survived two challenges of its constitutionality before the Constitutional Court initiated by BSP Members of Parliament.

The current government is a coalition between the National Movement for Simeon the Second (NMSII, a political party led by the former Bulgarian monarch Simeon Sax-Coburg-Gotha) and the MRF after the June 2001 Parliamentary elections. Thus, through the Movement for Rights and Freedoms (MRF), the Bulgarian Turks, along with other Muslims (Pomaks and Muslim Roma) were able to partake more actively in the Bulgarian political life once more.

Participation in local government⁵⁷: As constituting the biggest percentage of the MRF's electorate, the Turkish minority takes an active part in both state's central and regional government through its representatives elected with the mandate of MRF. However, even in districts such as Shumen, Razgrad and Kurdjali, where Turks are a majority, there is great disproportionality between the share of minority's participation in local government and their share in the total population of these districts. Of course, no rule on proportionality exists that requires to be applied (at least not a formal one), but in regions where more than 50% (or close to 50%) of the population is from the ethnic minority, it should be expected that the percentage of minority's participation in public life of the respective region has to be - at least - close to proportional. As a rule, however, the minority's population is underrepresented in both local state administrative- (either regional or municipal) and law-enforcement institutions (courts of law, police, etc.).

Thus, for example, the 40%-minority population in Shoumen District⁵⁸ is represented by only 4 persons working in the Shoumen district administration - 3 ethnic Turks and one Rom (an expert on Romani issues). This constitutes 12.5% of the total district administrative staff – 32 persons, which is far below the figure of 40% minority population and 35% Turkish-Muslim population living on the territory of Shoumen District.

Of the 100 persons working in the Shoumen municipal administration, only one is ethnic Turk, (a member of MRF, who is Director of Administrative Department),

⁵⁶ *Human Rights in Bulgaria after the October 1991 Elections*, Bulgarian Helsinki Committee, Annual Report, p.1.

⁵⁷ For further details refer to **Supplement No.1** (Bulgarian Helsinki Committee, *The Human Rights of Muslims in Bulgaria in Law and Politics since 1878*, under subsection "Participation in public life". The fact-finding missions took place in the period May-June, 2003. The text therefore does not take into account the results of the October-November, 2003 local elections.

⁵⁸ 204,378 total population in Shoumen Region: 123,084 of them – ethnic Bulgarians (or 60%); 59,551 – ethnic Turks (or 29%); 16,457 – Roma (8%); and a total of 72,544 – Muslims (35%). Note that the calculations are made on the basis of the last 2001 census' data (at: <http://www.nsi.bg/Census/Census-i.htm>).

although that more than 13% (about 13,000 people) of the Municipality's total population – 104,000 people – are ethnic Turks.

One of the municipalities in Shoumen District with most prevalent ethnic Turkish population is Gara Hitrino. The Municipality consists of 21 settlements, where more than 85% of the population is ethnic Turkish, 3% ethnic Bulgarians, and 12% others, including Roma. The 21 settlements are managed by 4 mayoralties, all of whom are ethnic Turkish. Of the 23-member municipal personnel in Gara Hitrino, 15 are ethnic Turks and 8 are ethnic Bulgarians. Together with the staff of the 4 mayor's offices, the total number of personnel grows to 73, of which 50 are ethnic Turks and 23 – ethnic Bulgarians. Thus, the juxtaposition of the ratio of 68% ethnic Turkish- and 31% ethnic Bulgarian staff-representation and the ratio of 85% ethnic Turkish- and 3% ethnic Bulgarian population in the Municipality constructs a reality of very disproportional minority participation in the government of a municipality where more than 85% of the population is a minority one. Constituting only 3% of the total Municipality's population, ethnic Bulgarians occupy 31% of the local state administrative posts, completely excluding of participation other smaller minorities such as Roma, or others, which form the remaining 12%.

The above tendency of disproportional representation of Turkish Muslims in local state administrative government is even more expressed in Razgrad and Kurdjali districts, where the majority of population is Turkish and other minority. 47% of Razgrad District's population is Turkish and 44% - is ethnic Bulgarian. The total number of Muslim population (according to the 2001 census) living on the territory of the District is higher – 54%, due to Roma and other Muslims settled there.⁵⁹ Only 9 out of 37 persons working in the district administration in Razgrad are ethnic Turks, including the District Governor and only 9 are the persons representing minorities in the Razgrad municipal personnel, enumerating 98 officials, among which Deputy Mayor, Secretary, 3 Department Directors, and Experts.

Thus, 47% and 54% respectively of the total population in Razgrad District are ethnic Turkish and Muslims, but only 9% of the Razgrad municipal staff and roughly 25% of the 20 mayoralties' personnel (there are 20 mayoralties in Razgrad District) in the District belong to ethnic minorities (Roma or other Muslims). Thus, in a district with a majority of Turkish-Muslim population, only about 25% of the local government's personnel is ethnic-minority represented (excluding law-enforcement organs), which hardly constitutes a real opportunity for minorities (Muslim minorities) to adequately participate in local public affairs, even in areas where they form an actual majority.

Kurdjali District is the most densely populated with ethnic Turks in Bulgaria. 61% its population is ethnic Turkish, 34% ethnic Bulgarian, and 0.8% Romani population.⁶⁰ However, the total Muslim population in the District - Turks, Pomaks and Roma - is 69.63%.⁶¹ In spite of this high percentage, however, only 9 officials out of 39 working

59 According to the 2001 census, the total population in Razgrad Region is 152,417, of which 67,069 ethnic Bulgarians (or 44%); 71,963 – ethnic Turks (or 47%); 8,733 – Roma (or 7%); and a total of 81,835 – Muslims (or 54%).

60 The 2001 census data account for 164,019 total population in Kurdjali Region: 55,939 of them ethnic Bulgarians (34%); 101,116 – ethnic Turks (61%); 1,264 – Roma (0.8%); and 114,217 – Muslims (69%)

61 The 5 percent difference between 69% Muslims and 34% ethnic Bulgarians explains with the fact

in the District administration of Kurdjali, are of ethnic minority background (basically Turkish), including Deputy District Governor, Director of Directorate, and 7 Experts.

Involvement in law-enforcement institutions' work⁶²: If minorities' (notably the Turks, Pomaks and Roma) participation in local governments is *inadequate*, their involvement in the state law-enforcement institutions, is almost *non-existent*. The Turkish-Muslim-Roma representation in law-enforcement institution in Shoumen, Razgrad, and Kurdjali Districts is insignificant as concerns both the number of persons involved in working there and the rank they occupy.

Of about 800 persons working in the Shoumen District Directorate of Internal Affairs (RDIA) - half of which operating in RDIA's police department - only 33 are ethnic Turks (31 sergeants and 2 higher-ranked officers); 4 are Pomak Muslims (3 sergeants and 1 higher-ranked officer); and 4 are Roma (all sergeants). This constitutes a total of 41 minority members working in RDIA-Shoumen, which barely forms 5% of the total personnel. Thus, the approximate 5% minority representation in RDIA-Shoumen (including those working on the police department) should be juxtaposed to the 40% minority (35% ethnic Turkish) population in the District to factually confirm the thesis of minorities' underrepresentation in the law-enforcement institutions - notably police - in Bulgaria.

Of the 5 police officers appointed to serve the needs of Gara Hitrino Municipality (Shoumen District) - where 85% of the population is ethnic Turkish and 3%-ethnic Bulgarian - only one is ethnic Turk (the sole representative of minority groups at all), sergeant in rank.

The other important law-enforcement institution in Bulgaria, where the minority participation is very weak, is the court of law. Of about the 40 persons working in the Shoumen District Court, there is only one investigator of ethnic Turkish origin and two lawyers – ethnic Turks, working with (*with*, not *in*) the Court, which constitutes only 2.5% (without the two lawyers) of the total Court's personnel.

Of the 40 to 50 police officers in the town of Razgrad⁶³, hardly 4 are minority members (ethnic Turks) – 3 sergeants and one higher-ranked officer (position not specified). Based on these highly non-representative data (a BHC researcher received no access to more specific information), the estimate is that about 8-10% of the active police personnel in Razgrad is from ethnic minorities. This percentage, however, could not be extended to reflect the situation in Razgrad District on the whole. Not knowing the total number of RDIA's personnel (which should number at least several hundreds), it is not possible to come up with a truly representative percentage of

that the Pomak Muslims in Kurdjali Region are registered as ethnic Bulgarians professing Islam.

62 For further details refer to **Supplement No.1** (Bulgarian Helsinki Committee, *The Human Rights of Muslims in Bulgaria in Law and Politics since 1878*, under subsection "Participation in public life". The fact-finding missions took place in the period May-June, 2003).

63 Note that that this information concerns neither the RDIA-Razgrad's total staff, nor the staff of the RDIA's police department, which together should enumerate at least several hundreds. The given figures obviously concern only the approximate number of policemen that are active on the territory of the town of Razgrad. Note also that top officials from RDIA-Razgrad, interviewed by a researcher of the Bulgarian Helsinki Committee, refused to provide any information about the number of RDIA's total personnel or the number of minority members from the personnel.

Muslims' (and minorities' at all) involvement in the Razgrad police. In the best case the percentage estimated in regional scale would be equal to 8-10 %, however, the real figure should be expected to lie well below 8-10 %. This thesis is indirectly implicated even by the fact that only a single ethnic minority member is a part of the regular staff of the Razgrad District Court – a recently appointed Prosecutor (an ethnic Turk), as well as one lawyer (also Turk), working with the Court. The above calculations and assumptions refer to a district, where 54% of the population is Turkish-Muslim, and even admitting the 8 –10 % participation for realistic, it is far from high enough to constitute an adequate minority participation in the Bulgarian law-enforcement institutions.

The reality of minorities' underrepresentation (particularly of big minorities) in the work of the vitally important law-enforcement institutions of the state is further emphasised by the situation in Samuil Municipality, where more than 80% of the population is ethnic Turkish. Only 3 of the 20 police officers acting on the territory of the Municipality are ethnic Turks (or minority representatives at all), which forms the strikingly discrepant ratio of 15% participation/representation to over 80% minority population share.

Opportunely, the thus far delineated tendency of Muslim minorities' underrepresentation in law-enforcement organs shifts to more optimistic direction as regards the situation in RDIA- Kurdjali (Kurdjali being the region with the largest concentration of ethnic Turkish population in Bulgaria). RDIA-Kurdjali appears to be the only institution of this kind, where an ethnic Turk has been appointed Head of District Police Department, Major Raif Mustafa. As of 26 June 26 2003, RDIA-Kardjali disposed of 63 ethnic minority officers, 4 of whom were Roma (1 higher-rank officer and 3 sergeants) and 59 – Muslims (Turks and Pomaks, 13 higher-rank officers and 49 sergeants). For the first time, officers of ethnic minority background had been appointed to the Economic Police Department (one ethnic Turk), to the Traffic Police Department (one ethnic Turk), and to the Criminal Police Department (one Rom, a higher-rank officer). The percentage of Turkish-Muslim participation in RDIA-Kurdjali reached 13% (for all: Turks, Pomaks, and Roma) against 61% ethnic Turkish- and 69% Muslim (Turks, Pomaks, and Roma) population living in the District. 22% of the minority RDIA's personnel were higher-rank officers. Although the estimated percentages in this case cannot claim proportionality as well, it is at least the more adequate as compared to the situation country-wide.

As of June 2003, in the police department, serving the needs of Momchilgrad and Djebel municipalities (Kurdjali District), work 60 persons, 10 of which are ethnic Turks (1 higher-rank officer and 9 sergeants). Again, considering the fact that about 80% and 98% respectively of the population in Momchilgrad and Djebel municipalities is ethnic (Turkish and Pomak), the figure of 16.6% ethnic minority representation in the regional police is not high enough, but it is significantly higher than the percentage estimated for both Shoumen and Razgrad districts as investigated areas.

SUPPLEMENTS:

1. **Supplement No.1** – [*The Human Rights of Muslims in Bulgaria in Law and Politics since 1878*](#), Report of the Bulgarian Helsinki Committee, Sofia, November 2003.
2. **Supplement No.2**
 - I – [*Monitoring the EU Accession Process: Minority Protection in Bulgaria*](#), OSI, Budapest, 2001.
 - II – [*Monitoring the EU Accession Process: Minority Protection, Vol. I: An Assessment of Selected Policies in Candidate States: Minority Protection in Bulgaria*](#), OSI, Budapest, 2002.
3. **Supplement No.3**
 - I – Emil Cohen, Krassimir Kanev, *Religious Freedom in Bulgaria*, Journal of Ecumenical Studies, 36:1-2, Winter-Spring 1999.
 - II – Krassimir Kanev, *The New Bulgarian Religious Law: Restrictive and Discriminatory*, ECMI Yearbook, 2003.
4. **Supplement No.4** – *The First Steps: An Evaluation of the Nongovernmental Desegregation Projects in Six Bulgarian Cities*, OSI, Budapest, 2003.