

BULGARIAN HELSINKI COMMITTEE

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

(Adopted by the Committee of Ministers on 30 September 1998
at the 642nd meeting of the Ministers' Deputies)

BULGARIA

September 1999

- Recent general statement on the policy of the State concerning the protection of national minorities;

Upon ratification of the framework Convention for the Protection of National Minorities in February 1999 the Government of Bulgaria made the following declaration: “Confirming its adherence to the values of the Council of Europe and the desire for the integration of Bulgaria into the European structures, committed to the policy of protection of human rights and tolerance to persons belonging to minorities, and their full integration into Bulgarian society, the National Assembly of the Republic of Bulgaria declares that the ratification and implementation of the framework Convention for the Protection of National Minorities do not imply any right to engage in any activity violating the territorial integrity and sovereignty of the unitary Bulgarian State, its internal and international security.”

- The status of international law in the domestic legal order

According to Art. 5, para. 4 of the Bulgarian Constitution 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 those domestic acts which contradict them. With the Decision No. 7/1992 the Constitutional Court ruled that the international treaties that are ratified and have entered into force, but were not published in the *Official Gazette* are not part of the domestic legislation, unless they were ratified before the 1991 Constitution had entered into force and their publication was not necessary. The latter do not have precedence over the domestic legislation under Art. 5, para. 4 of the Constitution, but acquire precedence immediately upon publication.

- Information on the unitary or federal character of the State;

Under Art. 2, Para. 1 of the Constitution Bulgaria is a unitary state; the provision explicitly prohibits the existence of autonomous territories.

- Overview of the relevant historical development of the country

The Bulgarian state was created after the 1878 Russian-Turkish war as *de facto* ethnically based state on the express condition set by the great powers that it would protect minority rights. The Constitution of the Kingdom, in force between 1879-1947 was based on recognition and protection of religious communities. The 1878 Treaty of Berlin however guaranteed the interests of the ethnic Turks, Romanians, Greeks and other ethnic groups living together with Bulgarians. The 1919 Treaty of Neuilly went further in protecting ethnicity together with religion introducing race, ethnicity and language as a basis for equal protection of minorities. In the first years after the Liberation, the curricula of all private schools gave broad opportunities for instruction in the mother tongue. This policy started changing gradually already in the beginning of the century and in the mid 1920s compulsory Bulgarian-language education was introduced for a number of subjects also in minority schools.

The biggest ethnic minorities during the Kingdom were Turks, Greeks and Roma. From the Liberation to World War II the Kingdom of Bulgaria was involved in 4 population exchanges which involved eviction of non-Bulgarian ethnic communities from Bulgaria or “exchange” for Bulgarians from other countries. These population exchanges involved Bulgarian citizens of Turkish, Greek, Romanian and German origin. They significantly reduced the numbers of some minorities (e.g. Greeks and Romanians) on Bulgarian lands. 1912-1913 and 1942 witnessed name changes against the Bulgarian Muslims which were as violent as they were unsuccessful. In the 1940s some Muslim Roma were forced to change their names and convert to Christianity. One of the worst cases of legal abuse in this period was related to anti-Semitic legislation and deportation of Jews from the newly-occupied territories to Nazi death camps; the Jews from the mainland were saved from deportation.

During the communist regime, despite the existence of clearly formulated constitutional and international legal standards, there were cases of gross abuse of human rights. The anti-Semitic laws and acts were revoked immediately after 1944 and the rights and property of Bulgarian Jews were restored. Nonetheless, over 35 000 Bulgarian Jews emigrated to Israel in the period 1948-1953. After World War II several other minorities were either uprooted or substantially reduced through population transfers, including 15 000 Armenians, 2 000 Czechs and Slovaks, 100-200 Serbs.

Under the communist regime, Bulgarian Turks remained the largest minority community in the country despite the three exoduses in 1950-1951, 1969-1978 and 1989. Although supportive to the promotion of ethnic identity of some minorities during its first years of establishment, the communist regime quickly abandoned its “internationalist” policy and already since the 50s started repressing minorities. One of the first signs of repression came after a closed-door plenum of the Communist Party in 1948 after which the government issued two decrees on the procedure of the resettlement of Bulgarian Muslims from all districts along the Bulgarian-Greek border to Northern Bulgaria. In 1958 a Politburo resolution was adopted to merge Turkish and Bulgarian schools, which laid the groundwork for their eventual “bulgarization” in 1984-1985. As a matter of fact, already by mid-70s the schools where Turks were educated were almost completely “bulgarized”. The national periodicals remained bilingual until 1984, after which they were published in Bulgarian only.

Attempts to change the names of the Bulgarian-speaking Muslims started already in the 1960s and were completed by 1973. After that the names and the identity of the Bulgarian Turks were targeted. In 1984-85 the government changed by force the names of more than 850 000 Turks and some Muslim Roma with the explicitly stated aim to “bulgarize” them and started systematic action of suppression of any resistance to the process. Police and special troops were largely used in this action with many killed and still more imprisoned or banished. This resulted in an exodus of some 350 000 Turks to Turkey in 1989, which provoked serious international pressure on the communist regime and contributed significantly to its fall in November 1989. About 100 000 of them later returned.

The communist policies to Roma were just as erratic. After encouraging Roma organisations, press and culture in the late 1940s and early 1950s, after the 1956 party plenum, all Roma institutions were either closed down or radically reformed; the only Roma newspaper started being published in Bulgarian only. A 1958 decree forced nomadic Roma to settle down. A gradual process of name changes of Muslim Roma started already in the 1950s and was finalized in 1984-85 with the name-changing campaign against Bulgarian Turks. Parallel with the onslaught of Roma identity, the communist authorities pursued a “carrot” policy, offering them a series of social benefits, setting privileged admission of young Roma in secondary and higher education establishments, decreeing the elimination of segregated Roma neighbourhoods.

Policies toward Bulgarian citizens with Macedonian self-identity were the most controversial. In the 1940s and 50s, the Communist Party did not oppose and even encouraged the inculcation of Macedonian self-awareness in the Pirin region. In the mid-1950s however this policy was dramatically reversed and the authorities refusing to recognize Macedonian identity not only in Bulgaria, but also in the neighboring Yugoslav Republic of Macedonia. In the censuses Macedonians dropped from 169 544 in 1946 to 9 632 in 1965 to disappear altogether in the later censuses. In the 1960s and 70s there were a number of political trials of people charged with activities based on “Macedonian nationalism.”

The fall of the communist system in Bulgaria was initiated by the removal from power of the then communist party and state leader Todor Zhivkov on November 10, 1989. The first years afterwards saw an effort to restore the ethnic and religious rights of the country’s main minority communities. The President’s Office was a decisive force behind the progress in guaranteeing minority rights. In late 1989 the Bulgarian Communist Party resolved to restore the names of all people forcibly renamed and to amnesty all victims of

judicial and police persecution in connection with the forced name changes. The legal and political obstacles to the establishment of cultural and educational associations, professional organizations, drama companies of minority communities were removed. The Turks, Armenians, Roma, Jews, Karakachani and Vlachs registered their own cultural organisations; the Macedonians, after registering their own T[raditional] M[acedonian] O[rganisation] Ilinden in 1992 and having the registration challenged by the country's Chief Prosecutor, finally managed to register it 1998. In 1999 the United Macedonian Organization – PIRIN was registered as a political party by the Sofia City Court. Its registration was subsequently challenged before the Constitutional Court by a group of MPs. Other Macedonian organizations however faced repeated refusals for registration. Some organisations succeeded in restituting property of their predecessors, and in pursuing cultural activities - including instruction in the mother tongue. Minority cultural organisations started printing their own newspapers and magazines, but the post-1989 governments have not pledged active support for minority publications.

- Demographic situation in the country

The December 1992 census in Bulgaria had three questions inquiring into peoples ethnic group, religion and mother tongue. All these categories were supposed to be determined according to people's self-determination. The results from the census, as officially published by the National Institute of Statistics in 1994 are as follows:

Ethnic group		Religion		Mother tongue	
Bulgarian	7 271 185	Eastern Orthodox	7 274 592	Bulgarian	7 275 717
Turkish	800 052	Catholic	53 074	Turkish	813 639
Roma	313 396	Protestant	21 878	Romanes	310 425
Tatar	4 515	Sunni Muslims	1 026 758	Tatar	7 833
Jewish	3 461	Shi'a Muslims	58 060	Jewish (mainly Ladino)	780
Armenian	13 677	Israelites	2 580	Armenians	9 996
Circassian	573	Armenian-Gregorian	9 672	Gagauz	402
Gagauz	1 478	Other	6 430	Albanian	319
Albanian	3 197	Dunovists	315	Arabic	3 246
Arab	5 438	Undeclared	8 481	English	538
English	1 578			African	2 835
African	718			Vietnamese	1 217
Vietnamese	1 969			Vlach	6 715
Ethnic group		Religion		Mother tongue	
Vlach	5 159			Greek	8 000
Greek	4 930			Kurdish	196
Kurdish	128			German	625
German	879			Polish	1 197
Polish	1 218			Russian	17 608
Russian	17 139			Romanian	5 900
Romanian	2 491			Slovak	596
Slovak	452			Slovenian	192
Slovenian	66			Ukrainian	1 583
Ukrainian	1 864			French	188
Hungarian	343			Czech	467
French	56			Serbo-Croatian	441

Czech	588	Other	7 902
Serbian	418	Undeclared	8 481
Croatian	71		
Bosnian-	36		
Herzegovinian	5		
Karakachan	5 144		
Other	16 288		
Undeclared	8 481		

TOTAL POPULATION ACCORDING TO THE 1992 CENSUS: 8 487 317

These official census results however need to be critically evaluated in a number of aspects the most crucial of which are as follows:

1. Because of the social stigma, some people who are considered Roma by others in the census preferred to declare different identity – mainly Bulgarian and Turkish, but also Vlach. The social consequences of them being considered Roma by the others however are the same as in the case of those who self-identify as Roma. According to expert evaluations the combined figure for the two categories could be somewhere between 600 000 and 800 000. Thus the total number of Bulgarians, Turks and Vlachs should be respectively reduced.
2. The traditional category of Pomaks or Bulgarian-speaking Muslims is not present in the official census data and cannot be detected. In the initial publications of the census results based on a 2% sample 65 546 people were reported to have declared “Bulgarian Muslim” ethnic identity. In fact, this figure was combined from the answers of people who have declared different non-Bulgarian, non-Turkish and non-Roma, but Muslim religious affiliation (e.g. “Ahrians”, “Pomaks” etc.). Another 70 252 people declared Bulgarian ethnic identity, but Muslim Religious identity. Because the mother tongue was determined on the basis of self-determination, some 35 000 Muslims who spoke Bulgarian and lived in the Rhodope mountains were registered as Turkish-speakers while they in fact did not speak Turkish. About 70 000 Bulgarian-speaking Muslims declared Turkish identity. There is also certain number of people who are considered by others as “Pomak” or “of Pomak origin” while in fact in the census they declared Bulgarian ethnic identity and Eastern Orthodoxy as their traditional religion.
3. Bulgarian citizens with Macedonian identity are also not officially present in the census results. There were 10 803 people who declared Macedonian identity but were put in the general category of “others” in the official census results. About 3 000 of them declared Macedonian as their mother tongue but this result was too put into the category of “other”. It has to also be taken into account that the government’s policy towards Macedonians and towards declaring Macedonian identity was very negative both before and during the census. Some people were threatened when they tried to encourage others to declare Macedonian identity. Thus it might be concluded that under the conditions of free self-determination there would be more people declaring Macedonian identity.
4. The census results on religious affiliation were based on the “historical belonging” of people to the denominations which make them biased in favour of the Eastern Orthodox Church because the people who declared “no religion” were usually registered as Eastern Orthodox. Some of the Protestants too were registered as Eastern Orthodox.

By religious affiliation the Turks who are the main minority group are predominantly Sunni Muslims. Part of them are Shi’a Muslims. Bulgarian-speaking Muslims are also predominantly Sunni with some part of them being Shi’a. Roma are divided between Muslims and Christians in more or less equal parts. Bulgarians are the main constituency of the Christian churches with the only exception of Armenian-Gregorian the main constituency of which is Armenians. The religiosity, measured by regular going to church, praying and observance of religious rituals among the Muslims, as well as among the Christian religious minorities in Bulgaria is generally higher than the country’s average.

- Information on the existence of so-called minority-in-minority situations in certain areas

Bulgarians are a minority in a number of municipalities where the Ethnic Turks and the Bulgarian-speaking Muslims are majorities. In only one district however, that of Kurdzhali, the Turkish population constitutes a majority and all other ethnic groups, including Bulgarians, are minorities. Bulgarian-speaking Muslims are concentrated in the Rhodope Mountains in the districts of Smolian (close to 50% of the population), Kurdzhali, Blagoevgrad, Pazardzhik and Plovdiv. Small numbers of them live also in the Northern Bulgaria and have some concentration in several villages of the districts of Lovech and Veliko Turnovo. In several municipalities of the districts of Blagoevgrad and Smolian they constitute majorities while other groups, such as Christian Bulgarians, Turks and Roma are minorities. Roma are a minority throughout the country's districts and municipalities. They are also a minority in the areas densely populated by ethnic Turks and Bulgarian-speaking Muslims in the Southern and North-Eastern parts of the country. (For general information on places of settlement of minorities see under Article 3)

- Basic economic data

POVERTY AND SOCIAL, 1997		Bulgaria		
Population, mid-year (<i>millions</i>)		8.3		
GNP per capita (<i>Atlas method, US\$</i>)		1,140		
GNP (<i>Atlas method, US\$ billions</i>)		9.5		
Average annual growth, 1991-97				
Population (%)		-0.7		
Labor force (%)		-1.9		
Most recent estimate (latest year available, 1991-97)				
Urban population (<i>% of total population</i>)		68		
Life expectancy at birth (<i>years</i>)		71		
Infant mortality (<i>per 1,000 live births</i>)		16		
KEY ECONOMIC RATIOS and LONG-TERM TRENDS		1986	1996	1997
GDP (<i>US\$ billions</i>)		20.3	9.8	10.1
Gross domestic investment/GDP		35.9	8.4	11.8
Exports of goods and services/GDP		40.0	62.9	61.3
Gross domestic savings/GDP		32.4	11.5	17.4
Gross national savings/GDP		32.1	6.6	15.2
Total debt/GDP		29.0	97.6	96.7
(<i>average annual growth</i>)	1976-86	1987-97	1996	1997
GDP	3.3	-3.8	-10.1	-6.9
GNP per capita	3.3	-3.0	-10.3	-5.7

source:
World
Bank
1998

- promotion of awareness among the public and the relevant authorities about the Framework Convention

The framework Convention was published in Bulgarian already before ratification by several private organizations. The effects of the ratification of the Convention as a whole, as well as a number of concrete

provisions were subject to a wide discussion that involved politicians, minority organizations, human rights groups and the media. After ratification, however, the interest in the Convention has diminished.

Appendix **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 requested from the State on its participation in and co-operation with international organisations in respect of the protection of national minorities, including a specification of the relevant international instruments to which it is party (for bilateral relations, see under Article 18). 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.

Bulgaria is a member of the United Nations, the Council of Europe and the Organization of Security and Cooperation in Europe. It has also applied for membership in the European Union and NATO.

Bulgaria is a signatory to a number of significant international human rights treaties that have provisions for prevention of discrimination and protection of minorities. In addition to the framework Convention those include also: The International Covenant on Civil and Political Rights plus its First Optional Protocol, Convention on the Prevention and Punishment of the Crime of Genocide, International Convention on the Elimination of All Forms of Racial Discrimination, Convention on the Rights of the Child, UNESCO Convention against Discrimination in Education, ILO Discrimination (Employment and Occupation) Convention, 1951 Convention relating to the Status of Refugees and its 1967 Protocol, and the European Convention for the Protection of Human Rights and Fundamental Freedoms. Bulgaria also joined the mechanisms for individual complaints under the Civil and Political Rights Covenant, Racial Discrimination Convention and the European Convention on Human Rights.

The principle of the rule of law is recognized in Art. 4 of the Constitution. Art. 6, para. 2 of the Constitution provides that all citizens shall be equal before the law and that there shall be no privileges or restrictions on the ground, among other things of race, nationality ethnic self-identity and religion. There is however a serious problem with the access to justice for poor people 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. This right however cannot be exercised by many people because of poverty and structural problems (including discrimination) in the administration of justice. There is no adequate framework established to ensure the access to justice for those who cannot afford hiring a lawyer in both criminal and civil proceedings. The Code of Criminal Procedure provides for an *ex officio* appointment of a lawyer at all stages of the criminal proceedings only to very limited categories of people. As a result,

according to a survey conducted among prisoners in 1999 54% of them did not have a lawyer during preliminary investigation and 40% of them did not have a lawyer during their trial. Turks and Roma that are themselves disproportionately represented among the prison population, are still more disproportionately represented among those who did not have a lawyer during the different stages of criminal proceedings. 58% of the Turks and 64% of the Roma did not have a lawyer during preliminary investigation and 48% of the Turks and 48% of the Roma did not have a lawyer during trial.

Article 2

The provisions of this framework Convention shall be applied in good faith, in a spirit of understanding and tolerance and in conformity with the principles of good neighbourliness, friendly relations and co-operation between States.

Parties are invited to provide any information they consider relevant.

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:**

please also address the following question:

- Are there any linguistic or ethnic groups, (whether they consist of citizens or of non-citizens living in the country), which are not considered a national minority? If so, please provide information on the different points of view in this respect.

The very concept of “national minority” has an uncertain meaning in Bulgaria and even after ratification of the framework Convention a dispute continues on whether it is at all applicable to the Bulgarian situation. The Constitution and the existing legislation does not use the term. It was however used by some politicians, argued during the debate preceding ratification that the provisions of the framework Convention do not have an object to protect in Bulgaria. Such was the position e.g. of the Ministry of Foreign Affairs in September 1997. Using a provision from the document of the 1991 CSCE meeting in Geneva of the experts on national minorities, the Ministry prepared a draft-declaration upon signature of the framework Convention stating that the “ethnic, cultural, linguistic and religious differences in the composition of the population in the Republic of Bulgaria did not lead to the creation of national minorities.” Others believe that “national minority” should be used to mean “all ethnic, religious and linguistic minorities actually existing in Bulgaria”. A third group believes that “national minority” should be used to designate certain, but not all “minority groups” and used different criteria to exclude a number of them. A silent assumption of the entire debate was and continues to be that the provisions of the framework Convention, if at all, should be applied only to Bulgarian citizens. There also seems to be an agreement, although not explicitly stated, that the provisions of the framework Convention on “national minorities” will be applied to the Bulgarian citizens “whose mother tongue is not Bulgarian.”

- **legal:**

In addition to the information to be provided please address the following questions:

- Is the notion of national minority defined under domestic law or is there an enumeration in law of groups which are recognised as national minorities? If so, where?

The Constitution of Bulgaria does not use the term “national minority”. Art. 36 (2) uses “citizens whose mother tongue is not Bulgarian” (“ãðàæããì è, çà êîèòî áúëããðñèèèÿò àçèè í à à ì àé÷èí ”); Art. 54 provides for the right of “everyone” to develop his/her own culture “in accordance with his/her ethnic belonging” (“â ñúîòããðñèèèà ñ àòî è÷ãñèàòà ñè ì ðèí àãèããèí ìñò”). The terms used to designate groups of people of common religious belief in Art. 13 (4) are “religious institutions and communities” (“ðãèèèèçí è í áùí ìñòè è èí ñòèòóòèè”); Art. 6 (2) which guarantees the equality before the law and non-discrimination prohibits discrimination on the grounds of “race, nationality, ethnic self-identity, sex, origin, religion, education, opinion, political affiliation, personal or social status or property status” (“ðãñà, í àðí áí ìñò, àòî è÷ãñèà ì ðèí àãèããèí ìñò, ì î è, ì ðè èçîí à, ðãèèèèè, í áðàçí àáí èà, óáããããí èÿ, ì î èèèè÷ãñèà ì ðèí àãèããèí ìñò, èè÷í è í áùãñòããí ì ì î èí çãí èà èèè è ò ùãñòããí ì ñúñòíÿí èà”). The term “national minority” thus is not present also among those grounds for non-discrimination. When in November 1992 the Constitutional Court interpreted the provisions of Art. 6 it ruled with Decision No.14/1992 that there should be no other grounds for non-discrimination, but only those explicitly mentioned in the Constitution (See below under Article 4).

There is no enumeration in the law of groups, which are recognized as national minorities. The terms used by the Constitution are, for the most part, reproduced in the legislation. The relevant legislative acts include:

1. The Law on National Education – Art. 8 (2) provides for the right of students whose mother tongue is not Bulgarian “to study their mother tongue in the municipal schools” (“ãà èçó÷ãããò ñãñÿ ì àé÷èí àçèè â í áùèí ñèèòà ó÷èèèùà”).
2. The Radio and Television Act – Art. 12 (2) provides for the possibility of radio- and TV operators to air programs in languages other than Bulgarian when they are “for Bulgarian citizens whose mother tongue is not Bulgarian” (“çà áúëããðñèèè ðãàæããì è, çà êîèòî áúëããðñèèèèèÿò àçèè í à à ì àé÷èí ”); Art. 49 (1) provides for the possibility of the Bulgarian National Radio and the Bulgarian National Television to air programs “for the Bulgarian citizens whose mother tongue is not Bulgarian” (“çà áúëããðñèèèèè ðãàæããì è, çà êîèòî áúëããðñèèèèèÿò àçèè í à à ì àé÷èí ”).
3. Ordinance No. 3 from 27 June 1997 for Determining the Number of Staff in the System of National Education - Art. 7 (1) provides that teaching staff is paid for electives, “including classes for learning the mother tongue” (“â ò.÷. çà èçó÷ãããì á í à ì àé÷èí àçèè”).
4. Regulations for Applying the National Education Act - Art. 8 (3) provides that students whose mother tongue is not Bulgarian can “study their mother tongue in municipal schools” if there are enough students for one group (“ãà èçó÷ãããò ì àé÷èí èÿ ñè àçèè â í áùèí ñèèòà ó÷èèèùà”). Para. 4 defines mother tongue as the “language which the child uses to communicate with its family” (“àçèèèùò, í à êîèòî äãòãòî í áùóãã à ñãñ àéñòãñîñ ñè”).
5. Decree No. 183 of the Council of Ministers from 5 September 1994 for Studying the Mother Tongue in Municipal Schools in the Republic of Bulgaria - Art. 1 (1) provides that “students whose mother tongue is not Bulgarian” (“ó÷ãí èèèòà, çà êîèòî ì àé÷èí èÿò àçèè í à à áúëããðñèèèè”) can receive instruction in it from the first to the eight grades in municipal schools as a facultative subject; para. 2 determines the amount of classes for study of the mother tongue as four weekly. Art. 2 (1) provides that applications for studying the mother tongue should be deposited with the school headmaster. Art. 4 states that “textbooks for the study of mother tongue are not paid for by the students” (“ó÷ããí èèèòà, ì î êîèòî ñã èçó÷ããã ì àé÷èí àçèè í à ñã çãí èãùãò ì ð ó÷ãí èèèòà”), and Art. 5 provides that “the finances for mother tongue instruction” (“òèí àí ñèðããí àòî ì à í áó÷ãí èãò ì ì ì àé÷èí àçèè”) are supplied by the municipal budgets.
6. Art. 15 (3) of the Law on the Educational Degree, Educational Minimum and the Educational Plan from 27 July 1999 effectively repeals the provision of the Decree No. 183 on mother tongue education as a facultative subject and provides that “into the obligatory elective program should be included also the education of the mother tongue according to Art. 8 (2) of the Law on National Education” (“À

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 islamized during the Ottoman rule.

• **factual:**

In addition to the information to be provided please address the following questions:

- *to which persons in your country have the provisions of the framework Convention been applied ?*
- *please provide information about the numbers and the places of settlement of the persons concerned and indicate how these data are collected.*

There were no changes in any law after the ratification of the framework Convention to indicate some specific approach as a result of the ratification. The provisions of the framework Convention should in theory be applied to all Bulgarian citizens who belong to different ethnic, religious or linguistic minorities no matter how small they are. In fact however it is applied to some (e.g. Turks, Armenians, Jews) and not applied to other (e.g. Tatar, Vlach, Greek) minorities depending on a variety of historical, political and cultural factors such as:

- Existence or non-existence of an external pressure;
- Numerical strength and political power of one or another minority;
- Origin of the minority and its historical presence on the Bulgarian lands;
- Life strategy and the own vision of minority's mode of integration into Bulgarian society.

According to the critically evaluated 1992 census results (see above under **Demographic situation in the country**) Bulgarian Turks are concentrated in the South-Eastern and North-Eastern part of the country and are substantially represented (constitute more than 10% of the population) in the districts of Burgas, Kurdzhali, Russe, Silistra, Dobrich, Turgovishte, Haskovo, Shumen. They have presence also in several other districts.

Roma are scattered throughout the country. The districts in which they constitute more than 5% of the population according to the 1992 census results are: Vidin, Montana, Pazardzhik, Sliven, Stara Zagora, Dobrich, Turgovishte, Shumen.

Most of the Macedonians have been registered during the 1992 census in the district of Blagoevgrad. There the people reported officially as "other" in the census constitute a little bit more than 3% of the population.

Muslims constitute more than 10% of the population according to 1992 census data in the following districts: Blagoevgrad, Burgas, Varna, Kurdzhali, Pazardzhik, Razgrad, Russe, Silistra, Smolian, Dobrich, Turgovishte, Haskovo, Shumen.

Catholics are present with more than 1, 000 believers according to the 1992 census data in the districts of Plovdiv, Pleven, Vratsa, Veliko Turnovo and Sofia-city.

Protestants are present with more than 1, 000 believers in the districts of Sofia-city, Sofia-district, Burgas, Plovdiv, Sliven, Stara Zagora, Haskovo and Yambol.

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.

allowed. (“Í ðe íñúàñòäyâáí á íà ñíöèàéííôí îíäíîí äâáí á íá ñá äííóñèàð äèñèðèì éí àöèy, íðèàèèäâèè èèè íðáí è-áí èy, íñííâáí è íà ðàñà, íáðíáííñò, îíèèðè-áñèà èèè àðí è-áñèà í ðèí ääèäæí íñò, í ðí èçõí ä, í î è, áúçðàñò, ðáèèäèíçí è óááæááí èy è í áúàñòäáí î îí èí æáí èà”).

2. Law on Consumer Protection and Trade Rules (Çàêí í çà çàùèòà í à îíððááèòäèy è çà í ðáàèèòà í à òúðáí àèy)

Art. 34. An unfair commercial is every commercial which:
1. contains elements of discrimination based on sex, race, religion, nationality, political convictions, age, psychical or mental abilities, or such which degrades the human dignity (“ñúáúðæà äèàí áíòè íà äèñèðèì éí àöèy îí îðííøáí èà íà îí è, ðàñà, ðáèèäèy, íàèèíáèííñò, îíèèðè-áñèè óááæááí èy, áúçðàñò, òèçè-áñèè èèè òí ñòááí è ñí íñí áí íñòè èèè èíyðí í àèúðí yâà -í ááøéí òí äí ñòí éí ñòáí”).

3. Labour Code (Êí ääèñ í à ððóäà)

Art. 8 (3) In the exercise of labour rights and duties no discrimination, privileges or restrictions shall be allowed on grounds of ethnicity, origin, sex, race, political and religious convictions, affiliation to trade union and other public organisations and movements, social and property status (“Í ðe íñúàñòäyâáí áòí í à ððóáí àèòà í ðáàà è çàáúèæáí èy íá ñá äííóñèàð í èèàèäà äèñèðèì éí àöèy, íðèàèèäâèè èèè íðáí è-áí èy, íñííâáí è íà íáðíáííñò, í ðí èçõí ä, îí è, ðàñà, îíèèðè-áñèè è ðáèèäèíçí è óááæááí èy, -èáí óááí á à ñèí áèèàéí è è äðóäè í áúàñòäáí è í ðááí èçàòèè è äàèæáí èy, í áúàñòäáí î è í àðáðèàéí î îí èí æáí èà”).

4. National Education Act (Çàêí í çà í áðí áí àòà í ðí ñáàòà)

Art. 4. (1) All citizens shall have the right to education. They shall be entitled to constantly heighten their education and qualifications (“Áðáæááí èòà èì àò í ðááí íà í áðáçí ááí èà. Òà í íâàò äà í íâèøáààò í áí ðáèúñí àòí ñáí àòí í áðáçí ááí èà è èâàèèòèèàöèy”).

Art. 22 (4) Vocational education shall ensure the attainment of professional qualifications in a certain vocation in accordance with the state educational requirements (“Í ðí òáñèíí áèíí òí í áó-áí èà í ñèàóðyâà í ðèáí áèááí á íà èâàèèòèèàöèy îí í ðí òáñèy ñúáèáñí áúðæááí èòà í áðáçí ááòáéí è èçèñèááí èy”).

5. Radio and Television Act (Çàêí í çà ðáàèèòí è òáèáàèçèyòà)

Art. 76 (2) There shall be no advertising based on national, ethnic, religious, racial, sex or other discrimination (“Í á ñá äííóñèà ðáçí ðí ñòðáí yâáí áòí í à ðáèèà è, èí èòí ñá íñí íááí è íà í àèèíí áèí á, áòí è-áñèà, ðáèèäèíçí à, ðàñí áà, í î èí áà èèè äðóäà äèñèðèì éí àöèy”).

6. Refugees’ Act (Çàêí í çà ááæáí òèòà)

Art. 18. No restrictions of the rights and privileges of refugees and asylum seekers in an asylum procedure, based on race, nationality, ethnic belonging, sex, origin, religion, education, convictions or political belonging shall be allowed (“Í á ñá äííóñèàð íðáí è-áí èy íà í ðáààòà èèè íðèàèèäâèè íà ááæáí òèòà è èáí äèáàðèòà á í ðí èçáí äñòáí çà í ðááí ñòááyí á íà ñòàòóò íà ááæáí áò, íñííâáí è íà ðàñà, í áðí áí íñò, àðí è-áñèà í ðèí ääèäæí íñò, îí è, í ðí èçõí ä, ðáèèäèy, í áðáçí ááí èà, óááæááí èy èèè îí èèèðè-áñèà í ðèí ääèäæí íñò”).

7. Code of Criminal Procedure (Í àèàçàðáéí í-í ðí òáñóàèáí èí ääèñ)

Art. 10 (1) All citizens who take part in penal proceedings shall be equal before the law. No privileges or limitations shall be allowed, based on nationality, origin, religion, gender, race, education, social or material status (“Áñè-èè äðáæááí è, èí èòí ó-áñòáóáàò á í àèàçàðáéí í ðí èçáí äñòáí, ñá ðááí è í ðáá çàêí í. Í á ñá äííóñèàð í èèàèèè ðèàèèäâèè è íðáí è-áí èy, íñííâáí è íà í áðí áí íñò, í ðí èçõí ä, ðáèèäèy, îí è, ðàñà, í áðáçí ááí èà, í áúàñòäáí î èèè í àðáðèàéí î îí èí æáí èà”).

(2) A person who uses violence against another or damages his property because of his nationality, race, religion or because of his political convictions, shall be punished by deprivation of liberty for up to three years and by public censure (“Êĭ éôĭ óĭ ĭôðááè ĭ àñèèèà ñðáùó äðóãèãĭ èèè ĭĭáðáãè èĭ ĭòà ĭ ó ĭĭðáãè ĭáãĭ áàòà ĭàðĭáĭĭñò, ðãñà, ðãèèèèÿ èèè ĭĭðáãè ĭáãĭ áèòà ĭĭèèèè-ãñèè óááæãáĭ èÿ, ñã ĭ àèàçãà ñ èèèòããáĭ á ĭò ñãĭ áĭ àã ãĭ ððè ãĭ àèĭ è è ñ ĭáùãñòãáĭ ĭ ĭĭðèòãĭ èã”).

Art. 172. (1) A person who intentionally impedes another to take a job, or compels him to leave a job because of his ethnicity, race, religion, social origin, membership in a political party, organisation, movement or coalition with political objective, or because of his or of his next-of-kin political convictions, shall be punished by deprivation of liberty for up to three years or by a fine of up to thirty thousand Bulgarian levs (“Êĭ éôĭ ñúçĭ àòãèĭĭ ĭĭĭðã-è ĭà ĭÿèĭãĭ áã ĭĭñóúĭ è ĭà ðãáĭòà èèè ãĭ ĭðèĭóãè áã ĭàĭóñĭá ðãáĭòà ĭĭðáãè ĭáãĭ áàòà ĭàðĭáĭĭñò, ðãñà, ðãèèèèÿ, ñĭòèèèãáĭ ĭðĭèçõĭã, -èãĭ óããĭ à èèè ĭá-èãĭ óããĭ á á ĭĭèèèè-ãñèè ĭàððèÿ, ĭðããĭ èçãöèÿ, áãèæãĭ èã èèè èĭàèèèöèÿ ñ ĭĭèèèè-ãñèè óãè èèè ĭĭðáãè ĭáãĭ áèòà èèè ĭà áèèæĭ èòà ĭ ó ĭĭèèèè-ãñèè èèè äðóãè óááæãáĭ èÿ, ñã ĭ àèàçãà ñ èèèòããáĭ á ĭò ñãĭ áĭ àã ãĭ ððè ãĭ àèĭ è èèè ãèĭ áã ãĭ ððèãããñò ðèèÿãè èããã”).

- **state infrastructure**

There is no state body dealing with discrimination on whatever ground in Bulgaria. The provisions of the Constitution, international treaties and ordinary laws are supposed to be enforced through the established courts. The crimes envisaged in both Art. 162 and Art. 172(1) of the Penal Code are “crimes of general nature”, i.e. they are prosecuted by the prosecutors and no private prosecution, as in several other cases, is possible. On April 22 1999 the Council of Ministers took a decision to adopt a Framework Program for Equal Participation of Roma in Bulgarian Society which envisages, among other things also establishment of a special governmental body to deal with ethnic discrimination (see below under Article 4 (2)).

- **policy**

The above provisions of the law are by and large not enforced. No court decision based on them is known to have been delivered so far. According to the official statistics, since 1990 no person has been sentenced under Art.162. Between 1993 and 1997 eight people were sentenced under Art. 172(1) but since it provides for criminal responsibility for discrimination also on grounds other than ethnicity, race and religion, it is not clear whether these convictions were based on the latter.

- **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 on ethnic and religious grounds. They include:

- *Discrimination in the exercise of the basic rights and freedoms.* The Constitution of Bulgaria restricts freedom of association on discriminatory basis in prohibiting political parties based on ethnicity and religion (Art. 11(4) of the Constitution). This ban is included also in the Political Parties Act. This ban was enforced to refuse registration of the Democratic Roma Union and in the petition to the Constitutional Court against UMO “Ilinden” – PIRIN. On several occasions organizations 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 Articles 7).
- *Employment discrimination.* Roma were specifically affected, especially during the first years of democratic transitions. They were first to be fired from their jobs in the state enterprises because of their low qualification, but very often also because of negative ethnic prejudice. They were also excluded from the new forms of organized cultivation of land since the restitution of agricultural land and property were based on the assumption that it goes to its pre-collectivization owners. Roma have not had any land before the communist take-over. Members of some religious groups

branded as “sects” were too discriminated in employment. In 1994-95, during the peak of the “anti-sect” campaign, a number of them were dismissed from their jobs, especially if those were in the educational system.

- *Discrimination in education.* Public schools for the Turks and especially for Roma that are established in segregated neighborhoods are by and large of low educational standards and bad material conditions. Until the mid-90s Roma schools offered special curricula already from the first year stressing on development of technical skills. After 1997 programs for mother-tongue education for Romanes-speakers practically stopped functioning in all the schools of Bulgaria. Until 1999 the mother tongue of ethnic minorities was learned only as an elective subject while for the majority it was obligatory. Some ethnic minorities, such as Vlachs and Karakachani, although they wish, do not study their mother tongue at all.
- *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 1998 and 1999 there were a number of Roma riots in several towns in Northwestern Bulgaria against municipal authorities for refusals or delays to pay social welfare benefits. For the most part, Roma neighborhoods are not regulated and most of the buildings there are considered “illegally built.” Communal services are scarce, if at all existent.
- *Discrimination in medical care.* Since 1990 there have been continuous complaints of Roma for discriminatory treatment in hospitals, including segregation and not offering basic services that are free of charge. Medical facilities in Roma neighborhoods, if they exist at all, are usually in an extremely bad shape and provide services of poor quality.
- *Discrimination in the criminal justice system.* Turks and Roma are over-represented as inmates in the prisons. According to the 1999 survey they are 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 Turks are also more likely to get harsher sentences compared to Bulgarians for the same offenses.

Paragraph 2

- **narrative**

Special measures to promote ethnic equality in economic, social, political and cultural life are not foreign to the Bulgarian society and politics. In the 1950s the communist authorities in Bulgaria adopted a number of decisions encouraging privileged acceptance of Turkish and Roma students all educational institutions. These measures continued throughout the communist period although in different forms. When the names of the Bulgarian Turks were changed by force in the mid-80s the authorities offered a variety of benefits for those who complied.

The new Constitution however, in Art. 6 (2) prohibits privileges and the Constitutional Court interpreted this narrowly (See above under Article 4(1)). This interpretation does not comply with Art. 4 (3) of the framework Convention and with Art. 1 (4) of the International Convention on the Elimination of All Forms of Racial Discrimination. Bulgarian Constitution however has precedence over international law.

Despite this on April 22 1999 the Council of Ministers took a decision to adopt a Framework Program for Equal Participation of Roma in Bulgarian Society. This program envisages establishment of a governmental body to deal with ethnic discrimination with wide powers, including imposing fines on individuals and juridical persons for discrimination on ethnic grounds. It also envisages desegregation of Roma schools, regulation of Roma neighborhoods and legalization of houses, systematic introduction of Romanes in public schools and establishment of a special governmental fund to support businesses hiring minorities. No legislative or other measures however have been taken so far to implement this program.

- **legal**

No legislation exists in Bulgaria aimed at promoting special measures to ensure full and effective equality between persons belonging to a national minority and those belonging to the majority.

- **state infrastructure**

No special governmental body exists in Bulgaria to deal with promoting special measures to ensure full and effective equality between persons belonging to a national minority and those belonging to the majority.

- **policy**

See above for the adoption on April 22 1999 of the Framework Program for Equal Participation of Roma in Bulgarian Society.

- **factual**

There is no practice of adopting special measures to ensure full and effective equality between persons belonging to a national minority and those belonging to majority in Bulgaria.

Paragraph 3

- **narrative**

See above Article 4 (2) under narrative.

- **legal**

See above Article 4 (2) under legal.

- **state infrastructure**

See above Article 4 (2) under state infrastructure.

- **policy**

See above Article 4 (2) under policy.

- **factual**

See above Article 4 (2) under factual.

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

- **narrative**

The conditions necessary for persons belonging to national minorities to maintain and develop their culture, and to preserve the essential elements of their identity are laid down in the Constitution and legislation. They ensure a certain amount of minimum legal guarantees. Since 1994 there have been also special governmental bodies established to ensure these conditions in practice (See below).

- **legal**

In providing information under this heading please address the following questions:

- is there a State religion in your country? If so, where is this laid down in law ?

There is no state religion in Bulgaria. Art. 13 (3) of the Constitution provides that the Eastern Orthodox Church is the “traditional religion” in Bulgaria (“*Òðàäèöëîííà ðäèèèèÿ â Ðäï óáèèèèà Áúèäàðèÿ à èçòì ÷íí ðàâîñèàâí îòî àâðî èçí í àâàâ èà*”). This however is not supposed to mean anything more than a mere declaration.

- is there an enumeration in law of recognised religions ?

There is no enumeration in law of recognised religions.

- are there one or more official languages in your country? If so, where is this laid down in law?

Bulgarian is the official language of Bulgaria. This is laid down in Art. 3 of the Constitution (“*Î òèöèèèè èÿð àçèè â ðäï óáèèèèàðà à áúèäàðèèèÿð*”).

- **state infrastructure**

Since 1994 there have always been bodies within the Council of Ministers that were supposed to help promoting 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. All these were more or less formal bodies with an unclear mandate and little powers. With the Council of Ministers Resolution 267 dated 30 June 1994 an Interdepartmental Council on Ethnic Affairs at the Council of Ministers was established as an advisory body. This council however never convened. The BSP government set up a National Council on Social and Demographic Issues (Decree 123 dated 14 June 1995) also mainly as an advisory body. It was supposed to represent the ethnic communities, as well as organizations of women, the disabled, pensioners, etc. (*Official Gazette* No. 57 of 23 June 1995). The very title and, to a large extent, the functions and policies of this body, reflected the traditional approach of Bulgarian Socialists to ethnic minority issues, which were regarded as a social rather than ethnic problem. In December 1997, the United Democratic Forces (UtDF) government established (Decree 449 dated 4 December 1997) a National Council on Ethnic and Demographic Issues (NCEDI), in charge of both ethnic minorities and Bulgarians abroad (*Official Gazette* No. 118 of 10 December 1997). According to its goals, stated in Art. 1 of its Rules and Regulations it has to “facilitate consultation, cooperation and coordination between government bodies and non-governmental organizations with the aim to form and realize a national policy with regard to ethnic and demographic issues and migration”. According to Art. 2 (2) the National Council also “coordinates with the state bodies and with the non-governmental organizations 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” (See below under Article 5 (2) for the structure of the NCEDI). The NCEDI was to a certain extent instrumental in mediating between the government and the Roma communities in adopting the Framework Program for Equal Participation of Roma in Bulgarian Society (See above).

- **policy**

In providing information under this heading please also address the following question:

- what is the policy of promotion of the conditions necessary for persons belonging to national minorities to maintain and develop their culture and how does it relate to the policy of the State in the field of culture in general?

The government policy is mainly of not obstructing, within the constitutional and legislative framework, of the efforts of some of the minorities to maintain and develop their culture and to suppress the efforts of others (e.g. Macedonians) to do so. The government also tolerates the activities of local and international donors to support the efforts of some minorities. Some municipal authorities (mainly dominated by the

Movement for Rights and Freedoms) offer modest financial support for some cultural events of minorities. Only on very few occasions the central government had offered modest support for some minority events.

- **factual**

Some minorities organize by themselves celebrations of important events related to their culture. These include festivals, religious holidays, trips within Bulgaria and abroad, etc. On very few occasions the local and the central governments contributed modest support for some minority cultural events. Others, for lack of resources or because of indifference, do not do that. A third category consists of people (e.g. Macedonians) whose efforts to celebrate cultural events are actively obstructed by the government (See under Article 7).

Paragraph 2

- **narrative**

Bulgaria has a history of repressive anti-minority politics disguised under the cover of “integration” (See above under **Overview of the relevant historical development of the country**). This was in fact the keyword during the name-changing campaign in the 1980s, as well as during the previous forced changes of names and religion. During the debate on the new Constitution, the issue of assimilation through “integration” came up on a number of occasions in the context of a search for constitutional guarantees against repetition of these practices. The provision of Art. 29 (1) is supposed to provide such a guarantee (See below for the text). This provision was introduced as an addition to the general provision prohibiting torture on the insistence of several members of the Grand National Assembly, many of whom belonged to minorities.

Despite this constitutional provision the place of minorities in Bulgarian society has been discussed and relevant legislative and policy documents have been introduced based on the concept of “integration” of minorities into Bulgarian society. The Rules and Regulations for the Structure and Regulation of the Work of the National Council on Ethnic and Demographic Issues (See above under Article 5 (1)) envisage that the NCEDI develops measures to integrate minorities in Bulgarian society (See below the relevant legislative texts). The Framework Program for Equal Participation of Roma in Bulgarian Society (see above under Article 4 (2)) also envisages integration of Roma in Bulgarian society and explicitly states: “Real and actual integration is only possible among communities with equal rights, otherwise it turns into assimilation...In order for an integration program to be successful, it will have to necessarily envisage emancipation.”

- **legal**

In providing information under this heading please also address the following question:

- if there is legislation explicitly pertaining to a "general integration policy", please provide details.

Article 29 (1) of the Constitution of Bulgaria reads: “No one shall be subjected to torture or to cruel, inhuman or degrading treatment, or to forcible assimilation.” (“Í èêîé íà ì îæà äà áúää îîæääáí íà ì ú=áíèà, íà æãñîîêî, áàç=íâà=íî èèè óíèæääàùî îòíîøáíèà, èàèòî è íà íàñèññòááíà àñèì èèàöèÿ.”).

Article 2 (2) of the Rules and Regulations for the Structure and Regulation of the Work of the National Council on Ethnic and Demographic Issues: “The National Council...coordinates with the state bodies and with the non-governmental organizations 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.” (“Í äöèîí àëí èÿò ñúáàò...êîîðäèéèðà ñ äúðæääí èòà îðääí è è ñ íáíðääèðäèññòááíèèòà îðääí èçàöèè èîíèðäòíè ìäèè â èçíúèíáíèà íà îîàòè

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 offenses 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 (See below relevant provisions of the Penal Code). Under communism in the context of the assimilation policies these provisions were enforced occasionally to prosecute members of minority groups for peaceful expression of their identity. Since 1990 some ethnic and religious minorities have been subjected to systematic threats and violence perpetrated by both government officials and private citizens. However none of these provisions have ever been enforced after 1990 and the official statistics does not have any data on offenders sentenced effectively for such crimes.

In addition to the penal sanctions the Radio and Television Act prohibits instigation of ethnic and religious hatred by electronic media (see below the relevant provisions) and envisages administrative sanctions for non-compliance. The latter include fines but also dismissals of the directors of the national radio and TV. None of these however have ever been applied in Bulgaria.

• legal

1. Penal Code (Í àèàçàòàèái êîääêñ)

Art. 162. (1) A person who propagates or abets to racial or national hostility or hatred or to racial discrimination shall be punished by deprivation of liberty for up to three years and by public censure. (“Êîéòî ìðîîîâÿääà èèè ìîääóáèè èúî ðàñîàà èèè íàòèîíàèíà àðàæää èèè ìîðàçà, èèè èúî ðàñîàà àèñèðèè èíàòèÿ, ñà íàèàçàà ñ èèøàààíà ìò ñàíàíàà àî òðè àíàèíè è è ñ íàìàñòààí ì ìðèèàí èà.”).

(2) A person who uses violence against another or damages his property because of his nationality, race, religion or because of his political convictions, shall be punished by deprivation of liberty for up to three years and by public censure. (“Êîéòî óíîððààè íàñèèèà ñðàìó àðóàèè èèè ìîàðàè èì ìòà ì ó ìîðàèè í ààí ààòà í àðí àí ìò, ðàñà, ðàèèàèÿ èèè ìîðàèè í ààí àèòà ìîèèè-àñèè óáàæàí èÿ, ñà í àèàçàà ñ èèøàààíà ìò ñàíàíàà àî òðè àíàèíè è è ñ íàìàñòààí ì ìðèèàí èà.”).

(3) A person who forms or leads an organization or group which has set itself the objective of committing acts under the preceding paragraphs, shall be punished by deprivation of liberty for one to six years and by public censure. (“Êîéòî ìàðàçóàà èèè ðúèí àí àè ìðààí èçàòèÿ èèè àðóíà, èìÿòî ñè ìîòààÿ çà óàè èçàúðøààí àòî ìà ààÿí èà ìî ìðààòîàí èòà àèèíàè, ñà í àèàçàà ñ èèøàààíà ìò ñàíàíàà ìò ààí à àî øàñò àíàèíè è è ñ íàìàñòààí ì ìðèèàí èà.”).

(4) A person who is a member of such organization or group shall be punished by deprivation of liberty for up to three years and by public censure. (“Êîéòî -èàí óàà à òàèàà ìðààí èçàòèÿ èèè àðóíà, ñà í àèàçàà ñ èèøàààíà ìò ñàíàíàà àî òðè àíàèíè è è ñ íàìàñòààí ì ìðèèàí èà.”).

(5) For the crimes under the preceding paragraphs the court may also rule compulsory domicile. (“Çà ìðàñòúí èàí èÿòà ìî ìðààòîàí èòà àèèíàè ñúàúò ì ìæà àà ìîòàí ìàè è çààúèæèòàèí ì çàñàèààí à.”)

Art. 163 (1) The persons who take part in a crowd rallied to attack groups of the population, individual citizens or their property in connection with their national or racial affiliation, shall be punished:

1. the abettors and leaders – by deprivation of liberty for up to five years;

2. all others – by deprivation of liberty for up to one year or by corrective labor.

(“Èèòàòà, êîéòî ó-àñòóóààò à óúèíà, ñúàðàíà çà ìàí àààí èà ìà àðóíè ìò ìàñàèàí èàòî, ìòààèí è àðàæààí è èèè òàóíè èì ìòè àúà àðúçàà ñ íàòèîíàèíàòà èèè ðàñîààòà èì ìðèèàèèàèí ìò ñà í àèàçààò:

1. ìîääóàèòàèèòà è ìðààí àèòàèèòà - ñ èèøàààíà ìò ñàíàíàà àî ìò àíàèíè è;

2. àñè-èè àðóàè - ñ èèøàààíà ìò ñàíàíàà àî ààí à àíàèíà èèè ñ ìîòàèòàèàí òðóà.”)

(2) If the crowd or some of the participants are armed, the punishment shall be:

1. for the abettors and leaders – deprivation of liberty for one to six years;
2. for all others – deprivation of liberty for up to three years

(“Àêî òúëî àòà èèè í ýêî è î ò ó-àñòì èòèòà ñà áúî ðúæáí è, í àèàçàí èàòî à:

1. çà í î ááòáèòàèèòà è î ðáááí àèòàèèòà - èèøáááí à î ò ñáí áí àà î ò ááí à áî øáñò áî àèí è;
2. çà áñè-èè äðóàè - èèøáááí à î ò ñáí áí àà áî òðè áî àèí è.”)

(3) If an assault has been made which has resulted in severe bodily injury or death, the abettors and leaders shall be punished by deprivation of liberty for three to fifteen years, and all others – by deprivation of liberty for up to five years, if they are not liable to more severe punishment.

(“Àêî à èçáúðøáí î íáí áááí èà è î ò í ááí à í î ñèááááèà òæèèà òæèáí à í î áðááà èèè ñî ùðò, í î ááòáèòàèèòà è î ðáááí àèòàèèòà ñà í àèàçàò ñ èèøáááí à î ò ñáí áí àà î ò òðè áî í áòí ááááñò áî àèí è, à áñè-èè î ñòáí àèè - ñ èèøáááí à î ò ñáí áí àà áî í áò áî àèí è, èí áàòî í à í î áèáèàòò í à í î òàæèí í àèàçàí èà.”)

Art. 164. A person who propagates religious hatred on religious basis by speech, through the press, action or in another way, shall be punished by deprivation of liberty for up to three years or by corrective labor. (“Èí èòî î ðí î í áýááà î ò ðàçà í à ðàèèáèí çí à î ñí î áà ÷ðàç ñèí áí, í á-àò, ááéñòáèà èèè í î äðóá í à-èí, ñà í àèàçàà ñ èèøáááí à î ò ñáí áí àà áî òðè áî àèí è èèè ñ î í î ðááèòàèáí òðóá.”).

Art. 165. (1) A person who, by force or threat hinders the citizens from freely practicing their faith or from performing their religious rituals and services, which do not violate the laws of the country, the public order and morality, shall be punished by deprivation of liberty for up to one year. (“Èí èòî ñúñ ñèèà èèè çàí èàøááí à î ðà-è í à áðáæááí èòà ñáí áí áí î áà èçí î áýááàò ñáí ýòà áýðà èèè áà èçáúðøááò ðàèèáèí çí èòà ñè í áðááè è ñèóæáè, ñ èí èòî í à ñà í áðóøáááò çàèí í èòà í à ñòðáí àòà, í ááááòááí èý ðáá è áí áðèòà í ðááè, ñà í àèàçàà ñ èèøáááí à î ò ñáí áí àà áî ááí à áî àèí à”).

(2) The same punishment shall also be imposed upon a person who in the same way compels another to take part in religious rituals and services. (“Ñúòî òî í àèàçàí èà ñà í àèááà è í à í í çè, èí èòî î í ñúòèý í à-èí î ðèí óáè äðóáèáí áà ó-áñòáóáà á ðàèèáèí çí è í áðááè è ñèóæáè.”).

(3) For the acts under Article 163, committed against groups of the population, individual citizens or their property, in connection with their religious affiliation, the punishments provided therein shall be applied. (“Çà ááýí èýòà î î ÷è. 163, èçáúðøáí è î ðí òèà áðóí è î ò í áñáèáí èàòî, î òááèí è áðáæááí è èèè òáðí è èí î è áúá áðúçèà ñ ðàèèáèí çí àòà èí î ðèí áèéáèí î ñò, ñà í ðèèáááò î ðáááèááí èòà á í ááí í àèàçàí èý.”).

2. Radio and Television Act (Çàèí í çà ðááèí òî è òàèááèçèýòà)

Art. 10 establishes as one of the principles of the radio and TV broadcasting “preventing of broadcasts instigating intolerance between citizens” (“í ááí î òñèáí à í à í ðáááááí èý, áí óøáááòè è í áòúðí èí î ñò í áæáó áðáæááí èòà”).

Art. 17. (2) Radio and TV operators are obliged to prevent production and distribution of broadcasts in violation of Art. 10 and broadcasts instigating national, political, ethnic, religious and racial hatred... (“Ðàèè- è òàèááèçèí í í èòà í î áðááòî ðè ñà áèúæí è áà í à áí î òñèáò ñúçááááí à èèè î ðááí ñòááýí à çà ðàçí ðí ñòðáí áí èà í à î ðáááááí èý á í áðóøáí èà í à î ðèí òèè èòà í à ÷è. 10 è î ðáááááí èý, áí óøáááòè è í áòèí í àèí à, í î èèòè-áñèà, áòí è-áñèà, ðàèèáèí çí à è ðáñí áà í áòúðí èí î ñò...”).

Art. 122 envisages a possibility for revocation of the license in case of a systematic violation of Art. 10 of the Radio and Television Act.

Art. 126 (1) envisages a fine of between 2 to 15 million leva (2 to 15 thousand DM) for violation of Art. 17 of the Radio and Television Act.

- **state infrastructure**

Bulgarian penal legislation considers the above crimes “crimes of general character”, i.e. crimes that can only be prosecuted by public prosecutor. Prosecutors have the sole authority to instigate criminal proceedings and, until the amendments of the Penal Code from August 1999 they had also the sole authority to stop or terminate them. Since August 1999 termination of criminal proceedings is within the exclusive powers of the courts.

Revocation of the licenses and imposition of fines under the Radio and Television Act is within the powers of the National Council for Radio and Television. Its decisions are subject to judicial review.

- **policy**

The above provisions of the Penal Code have not been enforced since 1990. Very few criminal proceedings have been instigated since then for other crimes committed against people from ethnic and religious minorities where there is evidence of discriminatory motives. A number of offenses, including heavy crimes perpetrated by officials against members of ethnic and religious minorities were covered up by police and the prosecutors which created an atmosphere of impunity.

No administrative sanctions were imposed by the National Council for Radio and Television despite the fact that a number of radio and TV operators were instigating, some systematically, ethnic and religious hatred.

- **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.

Roma are often subject to physical violence by both law enforcement officials and mobs. The first well-documented pogrom after 1989 took place in June 1992 when the Roma neighborhood 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 in Roma neighborhoods have taken place as often as twice or three times a year and were basically covered up by police and prosecutors in the rare cases when they undertook investigations. This almost model case was recently reproduced on March 12 when the Pleven Military Prosecutor's Office terminated the investigation into the recent case of July 1998 police raid in the Roma neighborhood in Mechka when more than 80 policemen entered the neighborhood and beat up people when looking for stolen property. The cited reasons were impossibility to identify the perpetrators. Similar raids by police in Roma neighborhoods have taken place during the recent years in Haskovo, Sofia, Septemvri, Krivodol and Filipovtsi. Roma neighborhoods have been targets of mob violence, which too was condoned by authorities. Racist mob raids in Roma neighborhoods took place during recent years in Pleven, Dupnitsa, Cherganovo, Dolno Belotintsi, Morozovo, and Hadzhi Dimitrovo.

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 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 continued to publish slander and to provoke 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.

- **narrative**

Freedom of peaceful assembly and freedom of association are among the most serious problems with ethnic and religious minorities in Bulgaria. The problems have both legislative and political aspects and have already been subject to discussion among local and international human rights monitors.

The Bulgarian Constitution guarantees freedom of assembly and of association. These guarantees are enforced through a number of laws providing for a procedure to establish political parties, private associations and to hold outdoor meetings. They are also enforced by the criminal law by envisaging sanctions for unlawful restrictions of freedom of assembly and association. The Constitution however itself restricts freedom of association for ethnic and religious minorities unreasonably and on discriminatory basis by prohibiting political parties on ethnic and religious basis. A potentially restrictive effect could have the constitutional provision restricting freedom of association on the basis of the “unity of the nation” The prohibition of political parties on ethnic or religious basis is reproduced in the Political Parties Act. It became a ground to refuse registration of some and to challenge the constitutionality of other political parties. The ban is enforced also through criminal law – the Penal Code envisages criminal sanctions for forming of a political party on religious basis.

The courts applied the existing legislation on incorporation of private association in a discriminatory way and denied registration to some organizations of ethnic minorities. Law-enforcement officials and the courts applied the existing legislation on freedom of assembly in a discriminatory manner to effectively block public and private meetings of some ethnic and religious minorities.

And, last but not least, some religious minorities, after being specifically targeted through a special amendment of the Law on Persons and the Family in 1994, had their right to freedom of association seriously severed (See more on this under Article 8).

- **legal**

1. The Constitution (ЕІІ ñòèòóöèÿ)

Art. 43. (1) Citizens shall have the right to peaceful and unarmed assembly for meetings and demonstrations. (“Ăđăæăăî èòà èì àò ìđăâî äà ñă ñúáèđàò ì èđîî è áăç îđúæèà íà ñúáđăî èÿ è ì àí èôăñòàöèè.”).

(2) The procedure for the organising and holding of meetings and demonstrations shall be established by law. (“Đaáuò çà íđđái èçèđái á è íđíááæái á íà núáđái èý è íái èOañòàöèè ñá ííđááæý núñ çàèíí.”).

(3) No notice to the municipal authorities shall be required for meetings held indoors. (“Çà núáđái èý íà çàèðèòí íà ñá èçèñèàà ðàçðàøái èà.”).

Art. 44. (1) Citizens shall be free to associate. (“Ăđàæääí èòà ì íãò ñâí áí áí í äà ñá ñăđóæääò.”).

(2) No organisation shall act to the detriment of the country's sovereignty and national integrity, or the unity of the nation, nor shall it incite racial, national, ethnic or religious enmity or an encroachment on the rights and freedoms of citizens; no organisation shall establish clandestine or paramilitary structures or shall seek to attain its aims through violence. (“Çááđái ýáàò ñá íđđái èçàöèè, ÷èýòí ááéííñò á í ãñí ÷ái à ñđàùó ñóááđái èòàòà, òàðèòí ðèàéí àòà öýèíñò íà ñòđái àòà è ááéí ñòái òí íà í àöèýòà, èúí ðaçí àèáái á íà ðãñí àà, í àöèíí àéí à, àóí è÷-añèà èèè ðàèèèèíçí à áđàæää, èúí í áđóøáái á íà íđááòà è ñâí áí àèòà íà áđàæääí èòà, èàèòí è íđđái èçàöèè, èíèòí ñúçáááò òàéí è èèè áí áí èçèđái è ñòðóéòòè èèè ñá ñòđái ýò àà ííñòèái àò òàèèòà ñè ÷ðaç í àñèèèà.”).

(3) The law shall establish which organisations shall be subject to registration, the procedure for their termination, and their relationships with the state. (“Çàèííúò ííđááæý íđđái èçàöèèòà, èíèòí ííàèææò íà ðáàèñòðàöèý, ðááà çà öýòííòí íđáèðàòýáái á, èàèòí è áçàèíííòííøái èýòà èí ñ áúðæääòà.”).

Art. 11. (4) There shall be no political parties on ethnic, racial or religious lines, nor parties, which seek the violent seizure of state power. (“Í à ì íãò àà ñá í áđàçóáà ííèèè÷-añèè í áđòèè íà àóí è÷-añèà, ðãñí àà èèè ááđñèà íñííàà, èàèòí è í áđòèè, èíèòí ñè ííñòàâyò çà òàè í àñèèñòáái í çàçai àí á íà áúðæääí àòà àèãñò.”).

2. The Penal Code (Í àèàçàòàéái èíááèñ)

Art. 166. A person who forms a political organization on religious basis or who by speech, through the press, action or in another way, uses the church or religion for propaganda against the rule of the people or its undertakings, shall be punished by deprivation of liberty for up to three years, if he is not subject to more severe punishment, and the court may also rule compulsory domicile. (“Èíèòí í áđàçóáà ííèèè÷-añèà íđđái èçàöèý íà ðàèèèèíçí à íñííàà èèè èíèòí ÷ðaç ñèíáí, í á÷-àò, ááèñòàèà èèè íí áđòá íà÷éí èçííèçóáà óúðèáàòà èèè ðàèèèèèèòà çà íđííáái àà íđíòèà í áđíái àòà àèãñò èèè í áéí èòà í áđíí ðèýðèý, ñá í àèàçàà ñ èèøááái á íò ñâí áí àà áí òðè áí àéí è, àèí íà ííàèææè íà íí-òáæèí í àèàçai èà, èàòí ñúáúò ì íæá àà ííñòái í àè è çááúèæèòàéíí çãñáèái á.”)

3. Political Parties Act (Çàèíí çà ííèèè÷-añèèòà í áđòèè)

Art. 3. (2). There cannot be a political party (“Í à ì íæá àà ñá í áđàçóáà ííèèè÷-añèà í áđòèý”):

1. directed against the sovereignty and the territorial integrity of the country, unity of the nation, rights and freedoms of citizens (“í ãñí ÷ái à íđíòèà ñóááđái èòàòà èèè òàðèòí ðèàéí àòà öýèíñò íà ñòđái àòà è ááéí ñòái òí íà í àöèýòà, íđááòà è ñâí áí àèòà íà áđàæääí èòà”);
2. the goals of which contradict the Constitution and the laws of the country (“òàèèòà íà èíýòí íđíòèái ðá÷-àò íà Èíí ñòèòóöèýòà è çàèíí èòà íà ñòđái àòà”);
3. on ethnic or religious basis or for instigation of racial, ethnic, national, religious hatred (“íà ááđñèà èèè àóí è÷-añèà íñííàà èèè çà ðaçí àèáái á íà ðãñí àà, í àöèíí àéí à, àóí è÷-añèà è ðàèèèèèèíçí à áđàæää”).

See under Article 8 for the text and comment on Art. 133A of the Law on Persons and the Family.

- state infrastructure

A number of institutions and bodies in Bulgaria enforce the provisions of the Constitution and the laws on freedom of association and assembly. These include the courts, the municipal mayors, the prosecutors, and the police.

- **policy**

The constitutional and legislative provisions prohibiting political parties on ethnic or religious basis was enforced only against some ethnic minorities, but not against mainstream parties based on or calling itself “Christian Democratic.” They would normally be enforced against a minority party having the name of the minority in its title or aiming at protection of some minority interest, but not against a party that has in its name “Bulgarian” (as many parties do) or aims at protection the specific interest of Bulgarians as an ethnic group (as some parties do).

Restrictions on freedom of association for some ethnic and religious minorities are applied in a discriminatory way and sometimes even without any legal basis, sometimes even in flagrant contradiction of the existing laws. This is the case also with the restrictions of the freedom of assembly for these minorities.

Art. 166 of the Penal Code are not enforced. No one is known to have been charged or sentenced under this article after 1990.

- **factual**

During the last years the serious restrictions on the right to freedom of association and to peaceful assembly affected mainly unpopular ethnic and religious groups.

Freedom of association - A number of minority organizations in Bulgaria were recognized through incorporation as private associations under the Law on the Person and the Family and function freely. These include cultural organisations of Turks, Armenians, Roma, Tatars, Jews, Russians, Vlachs, and Karakachani. In 1990-1991, however, several courts refused registration of UMO (United Macedonian Organisation) Ilinden, an organization of Macedonians, for allegedly being directed against the “unity of the nation.” A 1993 Supreme Court decision invalidated the court registration of the moderate Macedonian culture-based group, Traditional Macedonian Organisation (TMO) Ilinden on procedural grounds. The organisation was again registered in 1998, but without making its Macedonian identity a specific profile. In 1998 a splinter group of UMO Ilinden was registered as a political party in Sofia under the name UMO Ilinden - PIRIN but, again, it did not mention its Macedonian character in its statute. There are three small *de facto* Roma parties none of which is self-proclaimed Roma. There are also several small *de facto* Turkish parties also not proclaiming themselves as such.

The provision of the Political Parties Act prohibiting parties based on ethnicity was enforced in 1990 to refuse registration as a political party of the Democratic Roma Union. In 1992 Art. 11 (4) of the Constitution became a basis for challenging the constitutionality of the Movement for Rights and Freedoms (MRF) before the Constitutional Court, the political party composed predominantly of ethnic Turks. The challenge was unsuccessful as the decision to declare unconstitutionality of the MRF did not gather the requisite amount of votes (nor did the decision to declare it constitutional), but it did not prevent the possibility for further challenges. In 1999 a group of MPs used again Art. 11 (4) to challenge the constitutionality of UMO Ilinden – PIRIN. The case is pending before the court.

The statute governing religious affairs remains the 1949 Denominations Act, which provides for mandatory registration of the religions, with a special Directorate of Religious Affairs appointed to review registration applications, and for religious associations – the Law on Persons and the Family. The latter was amended in 1994 (for more information on Article 133 A, please see under Art. 8). The amendments

were specifically designed to attain some of the new religious movements. They envisaged re-registration of all religious associations with the permission of the government. Only 23 out of 62 registration and re-registration applications under Art. 133A were approved; the remaining 39 - mainly with Protestant registration, 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 conducted against Bulgaria before the European Commission of Human Rights in Strasbourg during 1995-97.

Freedom of peaceful assembly - From all ethnic groups, Bulgarian citizens with Macedonian self-identification have been most restricted in their right to peaceful assembly. 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. Other peaceful gatherings organised by the UMO "Ilinden" have also been regularly banned, either by mayors or the district prosecutor's office.

On one occasion, in 1996 members of the UMO "Ilinden" were arrested and detained in the town of Sandanski in order to hinder the holding of a congress in the nearby town of Blagoevgrad. The District Prosecutor's Office banned the congress, and the local university authorities refused the use of the hall that had been rented in advance. In another case, the city of Plovdiv mayor banned a presentation of the book, "The History of Macedonia - an Apology of the Macedonian Spirit," while nationalists threw several Macedonians gathered for the event, out of the premises rented for the occasion.

The right of religious groups to assemble in order to profess their religion has also been limited. Municipal authorities and police prohibited and disbanded tens of meetings of unpopular religious groups such as Jehovah's Witnesses, Moonies, and Evangelicals. On at least one occasion a city mayor fined Jehovah's Witnesses for assembling and preaching inside their own homes. Even groups officially recognised as religious denominations had serious problems with some local authorities when deciding to hold open-air events. The Society for Krishna Consciousness has been hindered from holding an open-air celebration with the motivation that there was "accumulated negative attitude" towards the society. A similar case occurred with the Church of Seventh-Day Adventists. A number of municipalities adopted local ordinances restricting the activities of some religious groups on their territory. On many occasions the so called "non-traditional" for the country denominations were denied use of premises which they had rented from the municipal councils. There have also been cases of dissolving peaceful indoor meetings of religious communities.

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.

• narrative

Bulgaria has a number of religious communities of a different type and size (See above under **Demographic situation in the country**). The Eastern Orthodox Church is the "traditional" church of the Bulgarians. It was a preserver of the Bulgarian identity during five centuries of the Ottoman rule, and, as in the other Balkan countries, it was the key element around which the Bulgarian national revival fermented during 18th and 19th centuries. As a separate institution, it was formed by a decree of the Ottoman Sultan as an ethnically based religious community. After the liberation from the Ottomans as a

result of the Russian-Turkish War in 1878 the Bulgarian Orthodox Church took part in the formation of Bulgarian statehood and was instrumental in the propaganda of the “national idea” among Bulgarians abroad. It held the status of “dominant” church in Bulgaria and was privileged in a number of ways compared to the other denominations. After the Second World War the Orthodox Church was deprived of its dominant status. The clergy suffered some repression from the communist government that came to power. Many of the clergy were accused of collaborating with the previous regime, and were consequently punished. The government was successful in suppressing the church in a variety of ways and effectively forced it into only low-profile activities.

The Muslim community is composed of four groups – Turks, Bulgarian-Speaking Muslims, Muslim Roma and Tatars. The Muslims have always been under the government’s control and suffered discrimination, which was especially severe during the last years of the communist regime when the names of 850 000 Muslims were changed by force. Shi’a Muslims, although a relatively big community, have never been recognized separately and officially have always been under the umbrella of the Sunnis.

The Catholics and Protestants, although religious minorities, are traditional communities, who were present in Bulgaria during the Ottoman rule. Both groups are composed mostly from ethnic Bulgarians. During the first years of communism they suffered severe persecution when most of their clergy were executed after show-trials and were forced to almost symbolic existence subsequently.

Different religious communities before the Second World War had different relations to the state and were recognized and incorporated in different ways. Most of them had judicial powers over personal status and in some cases (e.g. the Muslim courts) - also on distribution of property after divorce. This was abolished soon after the war. The communist government confiscated much of the property of all religious communities.

- **legal**

The 1991 Constitution of Bulgaria proclaims religious freedom (Art. 13.1 – “The practising of any religion shall be unrestricted” (“ÅãĊĭ ěĉĭ ĩãããĭ ěÿòà ñà ñâĭ áĭ äĭ ě.”) and Art. 37.1 – “The freedom of conscience, the freedom of thought and the choice of religion and of religious or atheistic views shall be inviolable. The state shall assist the maintenance of tolerance and respect among the believers from different denominations, and among believers and non-believers.” (“Ñâĭ áĭ äàòà ĩà ñúããñòà, ñâĭ áĭ äàòà ĩà ĩ ěñúěà ě ěĉáĭĊúò ĩà äãĊĭěĉĭĩãããĭěà ě ĩà Ċãěěãěĭĉĭě ěěě àòãěñě+ĭě äúĉãěãě ñà ĩáĭ àěúĊĭ ěĭ ě. ÁúĊãããòà ñúããěñòàà ĉà ĩĩããúĊãĭ á ĩà òúĊĭ ěĭ ĩñò ě óãããĭ ěà ĩ äããó äÿĊããúěěà ĩò Ċãĉěě+ĭěòà äãĊĭěĉĭĩãããĭ ěÿ, ěàěòĭ ě ĩ äããó äÿĊããúěě ě ĩ äãÿĊããúěě”). It provides for the separation of the religious institutions from the state (Art. 13.2 – “Religious institutions shall be separate from the state.” (“Ċãěěãěĭĉĭěòà ěĭ ñòěòóòěě ñà ĩòããěãĭ ě ĩò äúĊãããòà.”)) and obliges the state to encourage the maintenance of tolerance and respect between the churches, as well as between believers and non-believers (Art.37.1 “The state shall assist the maintenance of tolerance and respect among the believers from different denominations, and among believers and non-believers.” (“ÁúĊãããòà ñúããěñòàà ĉà ĩĩããúĊãĭ á ĩà òúĊĭ ěĭ ĩñò ě óãããĭ ěà ĩ äããó äÿĊããúěěà ĩò Ċãĉěě+ĭěòà äãĊĭěĉĭĩãããĭ ěÿ, ěàěòĭ ě ĩ äããó äÿĊããúěě ě ĩ äãÿĊããúěě”). It also provides for restrictions of freedom of conscience and religion, some of which are rather vague, others are in clear contradiction with international law. Thus it prohibits the use of religion for political purposes (Art.13.4 “Religious institutions and communities, and religious beliefs shall not be used to political ends.” (“Ċãěěãěĭĉĭěòà ĩáúĭ ĩñòě ě ěĭ ñòěòóòěě, ěàěòĭ ě äãĊĭěěòà óãããěãĭ ěÿ ĩà ĩĩãò äà ñà ěĉĭĩěĉãò ĉà ĩĩěěòě+ãñěě òãěě.”)) and formation of political parties along religious lines (Art. 11.4 – see above under Art. 7). It also provides for restrictions of manifestations of the freedom of conscience and religion. Most of these restrictions are the same as in the international law, i.e. public order, health and morals, rights and freedoms of others, with the notable exception of “national security” (Art. 37.2 – “The freedom of conscience and religion shall not be practiced to the detriment of

national security, public order, public health and morals, or of the rights and freedoms of others.” (“Националната сигурност, обществен ред, обществено здраве и морал, или на правата и свободите на другите.”). “National security” arguments were invoked on a number of occasions to restrict religious freedom and to impose the supervision of the national Security Service on the activities of some groups. In addition to that the Constitution establishes the Eastern Orthodox Church as the “traditional religion” of Bulgaria (×. 13 (3) “Одбавата на националната сигурност, обществен ред, обществено здраве и морал, или на правата и свободите на другите.”). Although this was initially meant to be nothing more than a mere declaration, there have been repeated subsequent attempts to make this provision a ground for legislative privileges of the Orthodox Church.

The main law that is supposed to specify the relationships between the church and the state in Bulgaria and to provide guarantees for religious freedom is still the 1949 Denominations Act. The act is extremely prohibitive. Art. 23 prohibits all religious denominations with centers abroad from establishing missions, religious orders or charitable organizations in Bulgaria. Art. 20 prohibits activities relating to children and young people. Art. 10 prohibits foreigners from holding ecclesiastical positions in Bulgarian churches. Art. 14 gives the Council of Ministers full power over the existence and programming of religious schools. The act establishes a Directorate for Religious Affairs as a special office of the Council of Ministers. The Head of the Directorate has lots of responsibilities: to appoint religious officers abroad (Art. 9); to supervise the communications and documents of all churches, and to stop their publication or distribution (Art. 15); to grant preliminary permission to every church wishing to maintain relations with organizations based abroad (Art. 22); to allow or deny denominations' receipt of donations from abroad (Art. 24). A special provision (Art. 12) gives the Head of the Directorate the right to dismiss religious officers, if they "are breaking the laws, the public order and the good morals, or are working against the democratic structures of the state" (“Единственото лице на директората има право да уволни религиозни служители, ако те нарушават законите, обществен ред и добрите нрави, или работят против демократичните структури на държавата”).

Some of these provisions of the Denominations Act were invalidated with the Decision No. 5 from 1992 of the Constitutional Court. In its binding interpretation of Art. 13 and Art. 37 of the Constitution regarding the Denominations Act, the Constitutional Court ruled against infringing upon the right for a free choice of religion and included the right of association as a basic right of religious belief. It also ruled that the limitations mentioned in Art.37, para. 2 of the Constitution should be interpreted in accordance with the limitations imposed by the international treaties to which Bulgaria is a party. The right of the state to interfere in the activities of the religious communities is limited to monitoring their political activities (Art.13, para. 4 of the Constitution), activities directed against the national security, the public order, and the rights and freedoms of other citizens (Art.37, para. 2 of the Constitution). The court also ruled that a number of provisions of the Denominations Act, including Art. 12, are unconstitutional, but this should be established by law-enforcement officials on a case-by-case basis.

In 1994 the parliament passed Art. 133A of the Law on the Persons and the Family which states 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." (“Непозвънати правни лица, които извършват дейности, свързани с религиозна вяра или с религия и религиозно образование, трябва да се регистрират в съответствие с условията, посочени тук, след одобрението на Съвета на министрите.”).

In 1998 the parliament passed The Alternative Service Act. This law, although a significant step in guaranteeing the right of freedom of religion, contains a number of shortcomings. The Act creates a discriminatory regime for those who might opt to make use of the possibility to substitute their military obligations with alternative civilian service. Art. 15 provides for a twice longer duration of alternative service over regular military service and restricts the right to alternative service by a system of annual

quotas, determined by the Council of Ministers (Art. 6). Art. 29, para. 2 forbids people doing alternative service to “conduct religious or atheistic propaganda.”

For anti-discrimination and penal legislation see above under Articles 4 and 6.

- **state infrastructure**

The Council of Ministers or a Deputy Prime-Minister are the governmental institution that recognizes and incorporates churches. They are also empowered by the Denominations Act to give permissions to churches to open religious schools.

The Directorate for Religious Affairs - the governmental institution exercising administrative control over religious denominations - is appointed as a special office at the Council of Ministers. The Head of the Directorate is responsible for: appointing religious officers abroad; reviewing the communications and documents of the religious denominations; granting preliminary permission to every religious denomination which wants to maintain relations with organizations based abroad; allowing or denying denominations' receipt of donations from abroad. A special provision gives the Head of the Directorate for Religious Affairs the right to dismiss any religious officers, if he finds that the latter "are breaking the laws, the public order and the good morals, or are working against the democratic structures of the state."

A Special Commission functions at the Council of Ministers to evaluate the registration of religious groups and "to supervise the activities of the religious denominations." The Commission, without having any kind of regulations for its work, started conducting closed meetings for hearing of the requests for registration and re-registration of religious organizations, submitted before May 21, 1994.

In addition to these a number of other institutions in Bulgaria deal with different aspects of religious freedom and church-state relations. These include: police, prosecutors, courts, and local municipal councils and mayors.

- **policy**

In providing information under this heading, please also address the following question: if there are there any religious institutions, organisations or associations that enjoy financial or other forms of direct or indirect support from the State, please provide details.

There has been no substantial change of the legislative framework guaranteeing religious freedom and church-state relationships in Bulgaria after the fall of communism. Despite this, during the first years after the fall of communism a number of religious communities were recognized as both churches and private associations and were allowed to function freely. The process of restoration of confiscated church property started already since the beginning. Since 1992 religious freedom was restricted in a variety of ways. These include: government interference in the internal affairs of religious communities; deprivation of some new religions of a juridical person status; police and mob violence towards some groups branded as “sects”; restrictions of freedom of assembly of some unpopular groups, and imprisonment of conscientious objectors to compulsory military service. (See below).

The state supports financially two denominations - the Bulgarian Orthodox Church and the Muslims - although with small subsidies and not regularly. No other denomination enjoys direct or indirect financial support from the government.

- **factual**

The communist system in Bulgaria started dismantling in November 1989. During the first years of democratic development the restrictive provisions of the Denominations Act were not applied. Most of the churches recognized so far, including some traditional groups, were registered during 1990-1992. A

number of new churches, mostly Protestant, mushroomed and were incorporated as private associations to avoid administrative control and/or because of dissatisfaction with the old leaders. Confiscated church property began to gradually be restored to the traditional communities.

The government first used the restrictive provisions of the Denominations Act in 1992, when for purely political reasons it removed much of the leadership of the Bulgarian Orthodox Church and the Muslim Denomination from office. In June 1992, after being seized by the President and a group of MPs, the Constitutional Court reviewed the Denominations Act. In Decision No. 5/1992 the Court declared the infringement into the internal affairs of religious communities unconstitutional. It cited seven Articles of the Act as unconstitutional, including Art. 12 which gave the government the right to discharge priests from office. However, it also left the government the right to recognize (or refuse to recognize) religious leaderships. This decision blocked the efforts to interfere in the internal affairs of the churches to some extent: Article 12 has not been subsequently applied. The interference in the internal affairs of the groups, however, continued. Most governments used its powers to recognize leaderships of the churches for their own political ends. The courts did not interfere on the theory that the law gives the government "free discretion."

After the initial democratic euphoria following the fall of communism, some backlash followed. Ex-communist and other parties voiced revisionist policies. Beginning in 1993, a public defamation campaign against "non-traditional" churches began. In most cases the main targets were Protestant groups, including churches registered under the Denominations Act and established in Bulgaria for centuries. The trend developed initially in only a few newspapers but gradually spread to all media. The word "sect" was used to denote all that is not "traditional." At the same time the groups were implicated in all kinds of crimes or sins - kidnapping, instigation to suicide, brainwashing, perverted sex, drug abuse.

The government responded quickly. The major blow to religious freedom was the Amendment of the Law for Persons and the Family, which was adopted in February 1994. This law affected many of the religions, which had registered in the courts as non-profit organizations, rather than as denominations with the Directorate for Religious Affairs. Article 133A of the Amendment stated that "juridical persons with non-profit purposes, performing activities connected with religious faith or dealing with religion or religious education, should be registered according to the conditions here mentioned, after the approval of the Council of Ministers." The law required all already registered juridical persons to re-register with the courts within a three-month period, after the approval of the Council of Ministers. A special transitory provision of the law required that those groups that lost their juridical person status must also stop their activities.

More than 40 groups were refused permission from the government to re-register. They lost their juridical person status and had to hide or join recognized churches to continue their activities. Some sued, but most were reluctant. For the most part courts again applied their theory of "free discretion" and refused to reverse the decisions. Only the Jehovah's Witnesses filed a complaint to the European Commission of Human Rights in Strasbourg and in 1997 concluded a "friendly settlement" with the government and were recognized as a church.

Deprivation of the juridical person status of organizations and prohibition of their activities led to series of diverse discriminatory practices against individuals and groups during even the most discrete exercise of their right to freedom of religion. Victims of these practices were not only members of groups that did not receive re-registration but also members of officially recognized churches. For the most part these victims were Protestants, but other groups such as Hare Krishna, Moonies and non-traditional Muslims were affected. In several cities municipal councils passed ordinances restricting the activities of religious organizations. Many municipalities even denied registration to churches that had registration with the central government, forcing local church branches to shut their doors. In 1994 municipal authorities

started to systematically deny access to halls or other premises that were used by religious groups for services and ceremonies. On a number of occasions peaceful assemblies of religious groups were disrupted, their organizers fined and religious materials confiscated. Proselytizing groups, such as Jehovah's Witnesses and Mormons, suffered unabated communal violence and police brutality. Employers, especially institutions of public education, inquired into the religious affiliation of their employees and fired or otherwise discriminated a number of employees when they were found to belong to certain "unwanted" groups. The National Security Service (secret police) created a special task force for surveillance of "suspect" religions, which helped other authorities in their restrictive and discriminatory activities.

Although the 1991 Constitution required a law to be passed within three years that would allow an alternative to compulsory military service for Bulgarian men whose beliefs do not allow them to serve in the military, no law was passed for seven years. During this period several Jehovah's Witnesses were prosecuted and two were imprisoned for refusing to go to the army. The law that was passed in October 1998 provides for an alternative service that is punitive in length - twice longer than the military service. It also specifies an annual quota for conscientious objectors and does not permit them to work in non-governmental organizations. Conscientious objectors may switch from alternative to regular military service, but not vice versa.

With the non-communist United Democratic Forces coming to power in 1997 the pressure on religious communities was somewhat eased. The 1949 law is, however, still in force and the several drafts introduced in the Parliament to replace it are not much better. Individual discrimination towards members of religious communities, although not as acute as several years ago, continues to take place.

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.

Paragraph 1

• narrative

Freedom of expression is guaranteed in Art. 39, 40 and 41 of the Bulgarian Constitution. However, the restrictions in the Constitution are stronger than the restrictions in the European Convention for the Protection of Human Rights. Art. 39 and 40 allow the restriction of the right of anyone to express an opinion; these regulations can be used to stop or confiscate printed matter or another information medium. This can happen when this right is used to the detriment of the rights and reputation of other persons, or to incite animosity or violence. Art. 41, para. 2 of the Constitution guarantees the right of citizens to obtain

information from the state institutions on any issues of legitimate interest. However, there is no law in Bulgaria that requires the state institutions to provide information to citizens or organisations upon request and to establish an infrastructure for this.

At the beginning of June 1996, upon the request of the president of the republic, the Constitutional Court adopted a decision which offered a binding interpretation of the Constitution with respect to the provisions that guarantee freedom of expression and the right to information. The Court ruled that the ban on publishing and broadcasting, as well as the confiscation of printed matter “shall be allowed only through an act of the judicial authorities.”

Constitutional provisions are specified by the Radio and Television Act; by the general defamation provisions of the Penal Code; by the specific provisions envisaging criminal liability on certain cases of racial, ethnic and religious discrimination, incitement to racial, ethnic and religious hatred and mob violence in the Penal Code (See under Art. 4 above); by the general power of the Prosecutor’s Office of “review of legality” and through tort actions in civil cases.

The main law regulating licensing and the rules of operation of radio and TV operators is the Radio and Television Act. It provides that the national media should encourage the culture and language of individuals in accordance with their ethnic belonging. Art. 49, para. 1 provides that the national media can produce broadcasts intended for the Bulgarian citizens whose mother tongue is not Bulgarian, including in their language. Furthermore, the law provides that the broadcasts shall be in another language, different from Bulgarian, when they are intended for Bulgarian citizens whose mother tongue is different from Bulgarian. Art. 90 (1) of the law prohibits sponsorship of radio and TV broadcasts from religious organizations along with political organizations. No other groups are mentioned in this provision.

Printed media, including those of minorities, are incorporated as corporate bodies under the general regime of the commercial law. Confiscation of printed materials is possible in the context of criminal prosecution by a warrant of the prosecutor and by a warrant of the prosecutor to stop or prevent non-criminal offenses within his/her general powers of “review of legality” given by the Constitution and the Judiciary Act.

A number of minority organizations publish newspapers and magazines in their minority language or in Bulgarian. Some have access to electronic media or to satellite broadcasts in their language.

The main problems relating to freedom of expression of national minorities in Bulgaria during the last years have been the confiscation of publications of unpopular ethnic and religious groups. This is a serious problem of law and policy that has not been dealt with adequately so far by both governmental bodies and international organizations monitoring the compliance of Bulgaria with international law.

- **legal**

1. The Constitution (Êî í ñòèòóöèÿ)

Art. 39. (1) Everyone shall be entitled to express an opinion or to publicise it through words, written or oral, sound or image, or in any other way. (“Âñàèè èì à ì ðàâî àà èçðàçÿàà ì íáíéá è àà âî ðàçì ðîñòàí ÿàà ÷ðàç ñèî âî - ì èñî áí î èèè òñòì î, ÷ðàç çàòé, èçì áðàæàí à èèè î î äðóã í à÷-éí”).

(2) This right shall not be used to the detriment of the rights and reputation of others, or for the incitement of a forcible change of the constitutionally established order, the perpetration of a crime, or the incitement of enmity or violence against anyone. (“Òîàà ì ðàâî í à ì îæà àà ñà èçì î èççàà çà í àèóðí ÿàá à í à ì ðàààðà è àí áðî îè èì à í à äðóãèâî è çà ì ðèçì áàààí à èúì í àñèèñòàá à ì ðî ì ÿí à í à èî í ñòèòóöèè í í òñòàí í ááí èÿ ðàà, èúì èçáúðòàá à í à ì ðàñòóí èáí èÿ, èúì ðàçì àèàá à í à àðàæàà èèè èúì í àñèèèà í àà èè÷ í ñòà”).

Art. 40. (1) The press and the other mass information media shall be free and shall not be subjected to censorship. (“Í á-àòúò è äðóãèòà ñðããñòàà çà ì àñíàà èí Òíðì àöèÿ ñà ñãíáíáí è è í à í î äëãæàò í à óáí çóðà”).

(2) An injunction on or a confiscation of printed matter or another information medium shall be allowed only through an act of the judicial authorities in the case of an encroachment on public decency or incitement of a forcible change of the constitutionally established order, the perpetration of a crime, or the incitement of violence against anyone. An injunction suspension shall lose force if not followed by a confiscation within 24 hours. (“Ñí èðáí àòí è êíí Òèñèàöèÿòà í à í á-àòíí èçãáí èà èèè í à äðóã í î ñèòáè í à èí Òíðì àöèÿ ñà äíí òñèàò ñàì í áúç ìñííáà í à àèò í à ñúããáí àòà áéãñò, êíããòí ñà í à èúðíÿàò äíáðèòà íðããè èèè ñà ñúãúðæàò íðèçèàè çà íãñèññòãáíà íðííÿíà í à êíí ñòèóóèíííí òñòáííááí èÿ ðãã, çà èçãúðøãáíà í à íðãñóúí èáí èà èèè çà íãñèèèà íãã èè-í î ñòà. Àêí á ñðí ê ìò 24 ÷ããà í à í î ñèãããã êíí Òèñèàöèÿ, ñí èðáí àòí í ðãóñòáííáÿà àãéñòáèàòí ñè”).

Art. 41. (1) Everyone shall be entitled to seek, obtain and disseminate information. This right shall not be exercised to the detriment of the rights and reputation of others, or to the detriment of national security, public order, public health and morality. (“Ãñãèè èí à íðããí äà óúðñè, ííèó-ããà è ðàçí ðí ñòðáí ÿàà èí Òíðì àöèÿ. Í ñúçããñòãÿãáí àòí í à òíããà íðããí í à ì í æã äà áúããà íãñí-áí í ñðãúò íðãããòà è áíáðíòí èí à í à äðóãèòà äðãããáí è, èàèòí è ñðãúò í à öèííáèí àòà ñèãóðííñò, í á çããñòãáí èÿ ðãã, í äðí áí í òí çãðããã è í íðãèà”).

(2) Citizens shall be entitled to obtain information from state bodies and agencies on any matter of legitimate interest to them which is not a state or official secret and does not affect the rights of others. (“Ãðãæãáí èòà èí àò íðããí í à èí Òíðì àöèÿ ìò áúðæããáí íðããí èèè ó-ðãæãáí èà í î áúí ðí ñè, êíèòí íðããñòããèÿããò çà òÿò çãèííáí èí òãðãñ, àêí èí Òíðì àöèÿòà í à á áúðæããáí à èèè äðóãã çãúèòáí à ìò çãèííà òàéí à èèè í à çãñÿãã ÷óæãè íðããã”).

2. Radio and Television Act (Çãèíí çà ðããèíòí è òãããèçèÿòà)

Art. 12, para. 2 – (1) The programs of the radio and TV operators are broadcast into the official Bulgarian language according to the Constitution of the Republic of Bulgaria. (“Í ðíãðáí èòà í à ðããèí- è òãããèçèííí èòà í î äðãòí ðè ñà èçèú-ããò í à í Òèèèèè èÿ àçèè, ñúãèãñí í Êíí ñòèóóèÿòà í à ðãí óãèèèà Áúèããðèÿ”).

(2) The programs of the radio and TV operators are broadcasted into other languages when (“Í ðíãðáí èòà í à ðããèí- è òãããèçèííí èòà í î äðãòí ðè ñà èçèú-ããò í à äðóã àçèè, êíããòí”):

2. They are for the Bulgarian citizen whose mother tongue is not Bulgarian. (“ñà íðããí àçí à-áí è çà áúèããðñèèè äðãæãáí è, çà êíèòí áúèããðñèèèèè àçèè í à á à è-èí”).

Art. 49 (1) Bulgarian National Radio and Bulgarian National Television produce national and regional programs; broadcasts for other countries, including for Bulgarians abroad; broadcasts for Bulgarian citizens whose mother tongue is not Bulgarian. (“Áúèããðñèíòí í à öèííáèíí ðããèí è Áúèããðñèàòà í à öèííáèíà òãããèçèÿ ñúçããããò í à öèííáèíè è è ðããèííáèíè è ðíãðáí è; íðãããããáí èÿ çà ÷óæãèí à, àèèþ-èòãèí í çà áúèããðèòà çãã ððáí èòà; íðãããããáí èÿ, íðããí àçí à-áí è çà áúèããðñèèèèè äðãæãáí è, çà êíèòí áúèããðñèèèèè àçèè í à á à è-èí, àèèþ-èòãèí í è í à òãí èÿ àçèè”).

Art. 90 (1) Political parties and organizations, as well as religious organizations cannot be sponsors of broadcasts. (“Í á í íããò äà áúããò ñííííí ðè í à íðãããããáí èÿ ííèèè-ãñèè í äðèè è íðããí èçãòèè, èàèòí è ðãèèãèíçí è íðããí èçãòèè”).

See also the anti-discriminatory provisions and the provisions of the Penal Code under Article 4 above.

- state infrastructure

The Radio and Television Act stipulates the election of a National Council for Radio and Television (NCRT) - established on purely political principles and dominated invariably by the parliamentary majority. It consists of 9 members - five elected by parliament and four appointed by the president; there is no possibility for participation of interested public groups. The Council, besides enjoying the right to select and dismiss the leadership of the public media, has a wide range of additional powers and rights: to exercise continuous control over the activities of the public media, to give out licenses for broadcasting activities, to impose fines for non-compliance with the Radio and Television Act etc.

In addition to the NCRT several other institutions deal with freedom of expression and information generally. These include police, prosecutors, and courts.

- **policy**

The general policy of the government is to tolerate publications and broadcasts of most minorities. It does not offer any subsidies apart from the Turkish-language programs in the National Radio for the Turkish minority that are prepared with the resources of the National Radio. With regard to some unpopular ethnic and religious minorities the policy for a number of years was to suppress any expression of their identity, including through publications (See below). Recently this policy was somewhat eased.

- **factual**

There are no broadcasts on minority languages on the national TV. The National Radio only broadcasts in Turkish twice a day for half an hour and only in the regions populated by Turks. The Turkish minority however can take and does take the Turkish-language radio and satellite programs aired from Turkey and from other European countries. Several private FM radios air local programs in Bulgarian for Roma. The Russian minority can take Russian-language TV satellite programs aired from Russia. The Church of the Seventh Day Adventists owns a FM radio in Plovdiv. No other radio or TV operators owned by minorities exist.

Minority press after 1989 include:

Armenian periodic press

Erevan, in Armenian, publication of the "Erevan" Association of Armenian Cultural and Educational Organisations. Weekly political, cultural and informational newspaper. Published since October 1944.

Shield, in Armenian and Bulgarian, published by the "Hamazcain" Armenian Union for Education and Culture. Weekly political newspaper. Published since October 1991.

Armenians, in Bulgarian, private publication. Monthly political and historical newspaper. Published since November 1991.

Jewish periodic press

Jewish News, in Bulgarian, publication of the Jewish National Front, the Central Parish of the Jews in Bulgaria, the Organisation of the Jews in Bulgaria "Shalom," the Association of the Cultural and Educational Organisations of the Jews in Bulgaria. Published: 1944 - present.

Barberan, in Bulgarian, publication of the restored organisation "Ashomer Azair." Published: 1993 - present.

Russian periodic press

Bjelaya Volna, in Russian, newspaper of the Union of Russian White Emigrants and Their Descendants in Bulgaria. Published since 1994 - present.

Roma periodic press

Roma, in Bulgarian, publication of the Roma Democratic Union. Published: November 1990 - 1991.

Roma, in Bulgarian, private publication. Published: March 1991 (single issue).

Voice of God, published by Roma and Turkish Christian groups in Bulgaria, Published: August 1991 - 1996.

The Gypsies, in Bulgarian, independent newspaper. Published: May 1992 - ?May 1993.

The Roma, in Bulgarian, magazine of the Roma Democratic Union - Sliven. Published: 1992, 1993.

Roma Friend, in Bulgarian, special page for the Roma in the *Capital City* weekly. Published: 1994.

Roma Heart, in Bulgarian, monthly publication of the International Centre for Minority Studies and Intercultural Relations. Published since September 1994; since 1996 with a special children's section. Ceased publication in 1998.

Drom Dromendar, in Bulgarian, independent monthly newspaper. Published since September 1995.

Society and Country, in Bulgarian, monthly newspaper of the "Roma" Independent Democratic Union - Varna. Published since September 1995.

Roma Word, in Bulgarian, published by the Ministry of Culture, *Shumenska Zarya* newspaper, "Dobri Voinikov" library, the City of Shumen Writer's Association. Published: October 1996 (single issue).

Zhitan, in Bulgarian, independent monthly magazine. Published 1998 - present.

Inside, in Bulgarian and - certain parts - in Romanes, monthly independent publication. Published since 1999.

Romani Dai, in Bulgarian, independent magazine. Published since 1999.

Romano Objectivo, (since 1998 - *Obektiv*), in Romanes, publication of the Bulgarian Helsinki Committee. Published annually, digest of Bulgarian-language counterpart. Published since 1996.

Turkish periodic press (1989-1999)

Muslims, in Turkish, publication of the Chief Mufti's Office in Bulgaria. Published twice monthly: since 26 April 1990 - present. Also published as a separate publication in Bulgarian.

Light (Isik) – weekly newspaper in Turkish and Bulgarian, 1990-1992.

Rights and Freedoms, in Turkish, publication of the Movement for Rights and Freedoms (after 1998 – by the Institute for Integration Studies). Weekly for politics and culture. Published: December 1990 - March 1996 - October 1997. Also published as a separate publication in Bulgarian.

Trust (Goven), in Turkish and Bulgarian. Independent cultural and informational weekly. Published: April 1992 - April 1996.

Little Cricket (Jur-Jur Shturche), in Turkish and Bulgarian. Children's newspaper. Published: 1992 - 1996.

Filiz, in Turkish, publication of the Movement for Rights and Freedoms. Children's weekly. Published: 1992 - March 1996, independent since December 1996 - present.

Ballon, in Turkish. Monthly children's magazine. Published since May 1994 - present.

Hope, in Turkish, publication of the Balkan Foundation for Education and Culture. Education and culture monthly. Published since June 1995 - present.

Kainak [Izvor] - publication of the Turkish Cultural Centre in Bulgaria, monthly magazine. Published since 1999.

Aromanian periodic press

Timpul Armanli, in Bulgarian and Aromanian, monthly bulletin for Aromanian language and culture published by the Association of the Aromanians in Bulgaria. Published since 1997.

Vlakh periodic press

Timpul, in Bulgarian and Romanian, published by the Association of the Vlaks in Bulgaria. Published since 1993.

Macedonian periodic press

Only one newspaper of the Macedonians is published monthly, *Narodna Volia*. It is published in Bulgarian, but has a two-page annex *Pirinski Plamen*, in Macedonian. It was initially started as a publication of the Macedonian emigrants-anarchists, but later it broadened its ideological scope. The UMO Ilinden

newspapers *Skornuvane* (*Awakening*) and *Nezavisima Makedoniya* (*Independent Macedonia*) were published during 1992-1994, but stopped coming out, mainly due to lack of finances.

Periodic press of some religious minorities

Christian Thought – a monthly newspaper of the Seventh-Day Adventists, published in Bulgarian.

Christian Newspaper – a monthly newspaper of the Bulgarian Church of God, published in Bulgarian.

Blagovestitel – a monthly newspaper of the Pentecostal Alliance, published in Bulgarian.

Zornitsa – a monthly newspaper of the Congregational Church, published in Bulgarian

Vitania – a monthly magazine of the Baptist Church, published in Bulgarian

Christian Hope – a quarterly newsletter of the Lutheran Church, published in Bulgarian.

Watchtower – a monthly magazine of the Jehovah's Witnesses, published in Bulgarian.

The practice of arbitrary and unfounded confiscation of publications and materials of unpopular ethnic and religious minorities has been widespread over the last years. Victims of such acts have been members of the Unification Church, Jehovah's Witnesses, Muslims and some other smaller religious communities, but also Bulgarian citizens with Macedonian self-identification. On numerous occasions police officers have confiscated publications in flagrant violation of the freedom of expression, as well as of the freedom of thought, conscience, religion and belief. With respect to Jehovah's Witnesses, such acts of confiscation by the police became a routine in 1994-1997. On different occasions police officers have broken up peaceful assemblies, confiscated books, booklets and cassettes with religious content; conducted searches in the homes of members of Jehovah's Witnesses, accompanied by seizure of publications professing their doctrines; issues of the *Watchtower* magazine and other materials have been confiscated at custom's due to their "religious sectarian content." Other groups were also victims of such acts. At the end of December, 1998 the police declared that it had seized a large quantity of "sectarian Muslim literature" and that preachers of fundamentalist Muslim sects had been repatriated. On April 14, 1993 police confiscated the third issue of *Skornuvane* (*Awakening*), newspaper published by the United Macedonian Organization "Ilinden" from the editor's office. No search warrant was presented during the action, not even verbal justification as to the motives were given. This was the first newspaper confiscated since the beginning of the democratic process in Bulgaria. Another confiscation from the printing house of a Macedonian newspaper, *Narodna Volya*, took place in September 1997. A month later police searched again the printing house and the materials for the next issue were seized. In January 1997 police confiscated near Smolian copies of the "Pomak Encyclopedia" of Petro Teoharidi, a book published in Greece, which promotes the idea of the specific ethnic and linguistic identity of the Pomaks.

Paragraph 2

• narrative

Licensing of radio and TV operators is within the powers of the National Council of Radio and Television and of a special commission appointed by the government. The licensing procedure however did not bring so far any concerns related to minority rights.

• legal

Radio and Television Act (Çàêî í çà ðàäèî òî è òàëääèçèÿòà)

Art. 32, para. 1 (9) – The National Council for Radio and Television...takes decisions for issuing, amendments and termination of licenses for radio and TV activities. It suggests to the State Committee on Telecommunications a project for license for radio and TV activities. ("Í àöèî í àëí èÿò ñúââð çà ðàäèî è òàëääèçèÿ...âçàì à ðàøáí èÿ í î èçääâáí á, èçì áí áí èà è ï ðàèðàòÿâáí á í à èèöáí çèÿ çà ðàäèî - è òàëääèçèî í í à äàéí î ñò. Í ðàäèääá í à Äúðæääí àòà êî ï èñèÿ í î äàèáèî ñúí áúáí èÿ í ðí àèò çà èèöáí çèÿ çà ðàäèî - è òàëääèçèî í í à äàéí î ñò.")

• state infrastructure

The State bodies offering licenses are the National Council for Radio and Television and the State Committee on Telecommunications.

- **policy**

There has not been any evidence of any policy with regard to licensing of minority radio and TV operators.

- **factual**

There are not any significant facts to report under this heading.

Paragraph 3

See under paragraph 1 of the present article.

Paragraph 4

- **narrative**

All minorities are underrepresented in the media. The typical occasion when a minority appears on the national radio and TV would be the important religious holidays. On such occasions the religious leaders of some minorities (Muslims, Armenians and Jews) deliver addresses to the believers. The officially registered churches, i.e. only those registered under the Denominations Act, are given this right under Art. 53 (1) of the Radio and Television Act (See below). Some minorities however are non-existent and others are covered only in an offensive way (e.g. Macedonians and some religious minorities). Broadcasts inciting ethnic and religious hatred are prohibited on the radio and TV (See below) and could be punished by fines imposed by the National Council for Radio and Television. No such provisions exist for the printed media apart from the criminal liability for instigation of ethnic and religious hatred, envisaged by the Penal Code that are however not enforced (See above under Article 6). Incitement to ethnic and religious hatred is rarer on the radio and TV compared to the printed media. The mainstream press regularly reports the ethnic identity of the perpetrators of a crime if they are Roma. There are newspapers whose editorial policy is nationalistic and they regularly publish offensive articles towards Turks, Roma and Macedonians. Anti-Semitic publications and broadcasts are rare, but they too take place, even in the National TV.

- **legal**

Radio and Television Act (Çàêî í çà ðàäèî òî è òäëääèçèçèÿà)

Art. 7.2 – The Bulgarian National Radio (BNR) and the Bulgarian national Television (BNT) are national public radio and TV operators which...encourage development and popularization of the Bulgarian culture and Bulgarian language as well as the culture and the language of citizens in accord with their ethnic belonging. (“Áúëääðñêîðî íàöèííàëíî ðàäèî (ÁÍ Ð) è Áúëääðñêàà íàöèííàëíà òäëääèçèçèÿ (ÁÍ Õ) ñà íàöèííàëíà íáùàñòàáí ðàäèîííáäàðîð, ñúíòààðîíí íàöèííàëíà íáùàñòàáí òäëääèçèçèÿ ííáäàòîð, êîòî...ñúääéñòàà çà ðàçàèðèàò è ïíîöèÿðçèçèðàò íà áúëääðñêàà èóèòðà è áúëääðñêèÿ àçè, êàòî è íà èóèòðàà è àçèà íà äðàæàíèà à ñúíòààðòàèà ñàòî è-àñêàà è ïðè àäèàëíî.”).

Art. 17. (2) Radio and TV operators are obliged to prevent production and distribution of broadcasts in violation of Art. 10 and broadcasts instigating national, political, ethnic, religious and racial hatred... (“Ðàäèî- è òäëääèçèçèÿ ííèàòòè ñà äéúàè àà íà àííîñêàò ñúçààáí à èè è ðàáíñòàáí à çà ðàçèðòíððàíàíèà íà ïðàààáí èÿ à íàðòàíèà íà ïðèòèèèèà íà ÷è. 10 è ïðàààáí èÿ, áíðóàààùè íàöèííàëíà, ïíèèèè-àñêà, àòî è-àñêà, ðàèèèèçèà è ðàñíà íàòòè è ïò....”).

Art. 53. (1) Bulgarian National Radio and the Bulgarian National Television can offer program time for addresses to believers and for broadcasting important religious ceremonies upon request from (“Áúëääðñêîðî íàöèííàëíî ðàäèî è Áúëääðñêàà íàöèííàëíà òäëääèçèçèÿ ïíàò àà ààààò

īđīāđàī íī āđàī á çà îáđúùáíèá êúī âýđââùèòá è çà îđâââââíá íà çíà-èì è đâèèèèíçí è òâđàī îíèè îí èñèàí á îò”):

1. The Bulgarian Orthodox Church (“Áúéââđñèàòà î đââî ñèââí à óúđéââ”);
2. Other officially registered denominations. (“ăđóâè î ôèèèèèèí î đââèñòđèđàí è âăđî èçî î ââââí èÿ.”).

See also above on the criminal liability under Article 6.

- **state infrastructure**

Enforcement of the above provisions of the Radio and Television Act is within the powers of the National Council for Radio and Television. The prosecutors seek criminal liability under the relevant provisions of the Penal Code.

- **policy**

None of the above provisions have been enforced so far. No prosecution has taken place under the relevant provisions of the Penal Code (See above under Article 6).

- **factual**

See above under narrative.

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 necessary with the free assistance of an interpreter.

Paragraph 1

- **narrative**

During the last years of communism and especially during the name-changing campaign and its aftermath in the 80s the use of minority language in both public and private were prohibited. These prohibitions were regulated by local decrees or by police and local authorities without legal basis. After the fall of communism and with the returning of the names of all renamed, these prohibitions were lifted. Parents were given a possibility to freely choose the name of their children. At present there are no legal prohibitions for people belonging to national minorities to use freely and without interference his or her minority language, in private and in public, orally and in writing.

- **legal**

There are no legal provisions in Bulgaria regulating the use of minority language in private. The use of minority language in public is possible only in situations where the use of Bulgarian is not obligatory. Following are provisions of some acts regulating the use of Bulgarian in public (for others see below):

1. Judiciary Act (Çàêî í çà ñúääáí àòà àèàñò)

Art. 105 (1) Bulgarian is the language used in courts. (“Ñúääáí èÿò àçèê á áúéääðñèèÿò.”)

(2) The court shall appoint an interpreter when an individual participating in the court proceedings does not speak or understand Bulgarian. In criminal proceedings of a general nature the expenses for interpreting shall be covered by the court. (“Êîääòî ó-àñòí èè â ì ðî öáñà í à àèääáá áúéääðñèè àçèê, ñúáúò í àçí à-àà ì ðáâî àà-. Ðàçí î ñèèòà çà ì ðáâî àà-à ì î í àèàçàòáèí è ääèà îò í áù òàðàèòàð ñà çà ñî àòèà í à ñúää.”).

2. Code of Civil Procedure (Ãðàæääí ñèî -î ðî öáñòáèáí êî ääèñ)

In specifying the above provisions of the Judiciary Act the Code of Civil Procedure has a number of provisions specifying the obligatory use of Bulgarian. Thus Art. 5 provides:

Art. 5. The language in the court is Bulgarian. When persons who do not know Bulgarian participate in the proceedings, the court appoints an interpreter with the help of whom these persons take part in the proceedings and the actions of the court are explained to them. (“Ñúääáí èÿò àçèê á áúéääðñèèÿò. Êîääòî â ääèîî ó-àñòáòáò èèòà, êîèòî í à çí àÿò áúéääðñèè, ñúáúò í àçí à-àà ì ðáâî àà-, ñ î î î ùòà í à êîáîî òàçè èèòà èçáúðòáò ñúáî î ðî èçáî äñòááí èòà ääèñòáèÿ è èì ñà í áÿñí ÿàò ääèñòáèÿòà í à ñúää.”).

Art. 98 (1) provides that the action must be written in Bulgarian. Art. 147 requires that documents presented before the court in any foreign languages must have a Bulgarian translation. Art. 478 provides for an appointment of an interpreter in the proceedings before a notary.

3. Code of Criminal Procedure (Í àèàçàòáèí î -î ðî öáñòáèáí êî ääèñ)

Art. 11. (1) Criminal proceedings are carried out in Bulgarian. (“Í àèàçàòáèí î ðî ì ðî èçáî äñòááí ñà âî àè í à áúéääðñèè àçèê.”).

(2) Persons who do not know Bulgarian, can use their native language or other language. In these cases an interpreter is appointed. (“Ëèòáòà, êîèòî í à àèääáÿò áúéääðñèè àçèê, ì î äàò äà ñà î î èçòáòò îò ðî áî èÿ ñè èèè îò äðòá àçèê. Á òàçè ñèó-àè ñà í àçí à-àà ì ðáâî àà-.”).

See also under paragraph 3.

4. Law on the Supreme Administrative Court

In specifying the above provisions of the Judiciary Act the Law on the Supreme Administrative Court has several provisions specifying the obligatory use of Bulgarian. Thus Art. 17 and Art. 35 requires that all complaints and protests are written in Bulgarian.

5. Law on the Execution of Sentences (Çàêî í çà èçí úéí áí èà í à í àèàçàí èÿòà)

Art. 33. (1) In accordance with the norms pertaining to the respective regime of detention, detainees shall have the right to:

b) visits. The conversation during visits shall be conducted in Bulgarian. When the detainee or his/her visitors do not speak Bulgarian, the administration shall appoint an interpreter at their own expense. (“Ëèòáí èòà îò ñâî áí äà ñúí áðàçí î ñ òñòáí î ááí èòà çà ñúí òáòòí èÿ ðáæèì í î ðî è èì àò î ðáâî í à: á) ñàèæääí èÿ. Ðàçáî áî ðúò î î áðàì à í à ñàèæääí èÿòà ñà î ðî ááæää í à áúéääðñèè àçèê. Êîääòî î ñúääáí èÿò èèè î î ñàòèòáèèòà ì ó í à àèääáÿò áúéääðñèè àçèê, äâì èì èñòðáòèÿòà î ñèáòðÿàà çà òÿòí à ñî àòèà ì ðáâî àà-.”).

6. Political Parties Act (Çàêî í çà î î èèòè-áñèèòà ì àðòèè)

Art. 11. (1) The criminal proceedings shall be conducted in Bulgarian. (“Í àêàòàéí î ô ï ðî èçâî ãñòâî ñà âî àè í à áúëãðñêè àçèè”).

(2) Individuals who do not speak or understand Bulgarian can use their mother tongue or another language. In such cases, an interpreter shall be appointed. (“Ëèòòà, êî èòî í à âèàããòòò áúëãðñêè àçèè, î îãò àà ñà î îèçòàòò îò ðî îí èÿ ñè èèè îò äðòà àçèè. Â òàçè ñèò-àè ñà í àçí à-ààà ï ðàâî àà÷”).

Questioning of the accused with an interpreter (“Ðàçí èò í à î áâèí ÿì èÿ ñ î ðàâî àà÷ è òúèè î áí èè”)

Art. 90. (1) When the accused cannot speak Bulgarian an interpreter should be appointed. (“Ëî ààòî î áâèí ÿì èÿò í à âèàããòòò áúëãðñêè àçèè, í àçí à-ààà ñà ï ðàâî àà÷”).

- **state infrastructure**

Depending on the phase of the criminal procedure interpreters are appointed by the police, investigators and judges.

- **policy**

The authorities normally appoint interpreters only for foreign citizens. They presume knowledge of Bulgarian in all cases when defendants are Bulgarian citizens even when they obviously do not know it.

- **factual**

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 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 1

- **narrative**

Bulgarian citizens belonging to minorities can use their surnames (patronyms) and first names according to the tradition of their minority culture and these names are officially recognized. For three years between 1990 and 1993 all citizens whose names were changed by force under communism were given a possibility to have their previous names back. Parents were able to change the names of their children too. The procedure for this return of the names as provided for in the Act on the Names of Bulgarian Citizens from November 1990 was simple – the interested parties had to file a request to the municipal officials and this administrative procedure was supposed to work for three years. The law envisaged a three-year period for restoring the names of all renamed. It also does not provide for restoration of the names of those who are dead. After 1993 the procedure was changed by a court procedure which is slower, more bureaucratic and time-consuming. In 1999 the Act on the Names of Bulgarian Citizens was repealed by the Law on the Civil Registration. Although the law maintains the provisions that explicitly give minorities that suffered name changes to restore their original names under the court procedure, it makes very difficult for Bulgarian citizens to have their names changed outside of this context. The law provides for a limited number of narrow hypotheses some of which are also vague that make voluntary name-changes for those who did not suffer forcible name changes in the past very difficult.

- **legal**

Please also address the following question: Does domestic legislation provide for the possibility for the individual to maintain or to change his or her surname (patronym) and/or first names, or to revert to a former surname (patronym) and/or first names. If so, under which conditions?

Domestic legislation provides for the possibility to maintain or change a surname or name in the Law on the Civil Registration. Art. 19 (1) provides that the “change of the name, surname and family name can be done when the name is demeaning, insulting, socially unacceptable and in the cases when other important reasons deem the change necessary” (“Ī đī ì ýí àòà í à ñî áñòàáí î, áàùéí î èèè òàì èéí î èì à ñà äî ì óñèà î ò ñúàà áúç î ñî í àà í à ì èñî áí à ì î éàà í à çàéí òàđàñóàáí èý, éí ààòî òî á î ñî èààùî, î ì î çí đýààùî èèè î áùàñòàáí î í äí ðèàì èèâî, èàèòî è â ñëó-àèòà, èî ààòî ààæí è î áñòî ýòàèñòàà í àèèàòò òî àà.”). The procedure for the change of the name is set forth in para. 2 and in the Code of Civil Procedure. The request is heard by the District Court, which takes a decision validating the name change. The Law on the Civil Registration provides in Art. 19 (3) that this procedure can be used also by “the Bulgarian citizens whose names were changed by force” (“áúéààđñèèòà äđàæàáí è, í à èî èòî òàçè èì áí à ñà áèèè ì ðèí óàèòàéí î ì đî ì áí áí è”). The same procedure can be used also by “Bulgarian citizens born after the names of their parents or the name of one of their parents were changed by force” (“áúéààđñèèòà äđàæàáí è, đî ááí è ñèàà èàòî èì áí àòà í à òàòí èòà đî äèòàèè èèè í à ààéí î ò òýò ñà áèèè ì ðèí óàèòàéí î ì đî ì áí áí è” – Art. 19 (4)), as well as by the parents of underage children to change the names of their kids if the parents themselves had their names forcibly changed (Art. 19 (5)).

- **state infrastructure**

The name changes in all cases at present have to go through the court and can only get official recognition through a court decision.

- **policy**

The policy of the government is to recognize and to facilitate remedying of the forcible name changes in the past. The law and the jurisprudence however hamper the name changes in contexts other than that.

- **factual**

For three years after the adoption in 1990 of the Act on the Names of Bulgarian Citizens all Turks, Bulgarian-speaking Muslims and Roma who wanted to have their names and the names of their children restored, succeeded in restoring them under the administrative procedure. Very few Turks, but a significant number of Bulgarian-speaking Muslims and Roma kept their Bulgarian names. The process of restoration continued after 1993, but at a much slower pace.

Paragraph 2

- **narrative**

There has not been any problem with displaying inscriptions and other information of a private nature visible to the public in minority languages. The Commerce Act allows this for inscriptions of the name of the company in whatever language (see below) and other laws do not prohibit this for other purposes.

- **legal**

Commerce Act (Óúďăî âñêè çàêî í)

Art. 7 (3) The company name shall be written in Bulgarian. It can additionally be written in a foreign language. (“Óúďăî âăóúò èçì êñââ ôèďî àà ñè çăăüëæèòăéí î í à áúëââďñêè àçèê. Ôî é î îæà ää ý èçì êñââ äî î úéí èòăéí î è í à òæä àçèê.”).

- **state infrastructure**

The company name is registered in the courts.

- **policy**

There has not been any statement of any governmental institution indicating whatever point of view on this. There have not been cases of government interference in the rare occasions when this right was exercised.

- **factual**

Since Bulgarian remains the main medium of communication not only for the majority of the Bulgarian citizens but also for the minorities, such inscriptions are a very rare practice. They appear in some minority newspapers and occasionally also in commercial advertisement.

Paragraph 3

- **narrative**

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, neighborhoods, 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 Art. 4 of Decree 1315. This provision was used on a number of occasions to block municipal decisions for renaming of local objects in the regions populated by ethnic Turks (see below).

- **legal**

Decree 1315 on Naming (Óêàç 1315 çà í àèì áí î ââí èyòà)

Art. 4. The names must reflect the wealth and beauty of the Bulgarian language, to be sonorous, understandable, easy to pronounce and short, to promote a feeling of dignity and pride in the builders of the advanced socialist society. (“Í àèì áí î ââí èyòà òďyáââ ää îòďaçyââð áí âàðñòâî òî è êďâñî òàòà í à

áúëääðñêëÿ áçèè, äà ñà áéääî çâó-í è, ðàçàèðààì è, ëãñí è çà ì ðí èçí àñÿí á è êðàðèè, äà äí óøääàò -óâñòâî í à äî ñòí éí ñòâî è äî ðâî ñò ó ñòðí èòàèèòà í à ðàçàèðòîî ñî òèàèèñòè-âñèî í á Ùâñòâî.”).

- **state infrastructure**

The President of the Republic gives names of “national significance”. The Municipal Councils give names of “local significance”. Both types of decisions are subject to judicial review. District governors can stop decisions of Municipal Councils when they contradict the law. His/her decisions are also subject to judicial review.

- **policy**

The policy of the government is to discourage displaying traditional local names, street names and other topographical indications intended for the public in minority languages or named with names important for minorities.

- **factual**

In the summer of 1993, the Movement for Rights and Freedoms-dominated Momchilgrad Municipal Council decided to rename several streets in the town and give them names related to the culture of the Turkish community: Jambali, Mehmed Habil and Miumiun Ahat. In doing so, the Municipal Council acted completely within its jurisdiction. The Haskovo District Governor, however, immediately challenged this decision in court. In September the same year the Kurdjali District Court invalidated the Municipal Council decision on the grounds of Decree 1315 (see above).

In July 1994 again at the request of the Haskovo District Prosecutor, the Kurdjali District prosecutor invalidated the Turkish names (Aktash, Cabiller, etc.) of 16 settlements in the Fotinovo mayoralty, which had been appointed by a decision of the Kirkovo Municipal Council at the beginning of the year.

In July 1995 the Haskovo District Governor continued the practice of his predecessor forbidding a decision to rename streets with Turkish names to enter into force. Such a decision was reached by the Municipal Council in the Mineralni Bani, by virtue of which 3 streets in the Karamantsi village were renamed using Turkish names: Stara Planina became Djamiyska and Gabaach, Svetlina became Assar, and Iskar - Olu Dere. The motives given by the District Governor point out again at Decree 1315.

In June 1996 the Municipal Council of Momchilgrad decided to rename one street from “9 Septemvri” to “Mastanli” the latter being the Turkish name of the town. This decision was again invalidated by the District Governor on the basis of Decree 1315. No further efforts were made by the Momchilgrad Municipal Council to give Turkish names to streets or other objects.

After 1997 however no cases of invalidating decisions of municipal councils on the basis of Decree 1315 took place. In one case in 1997 the Municipal Council of Kurdzhali was successful to rename one street with a Turkish name – “Putiat za Enchets” was renamed to “Yumer Liutvi.”

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

- **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 still framed by the XIX century romantic vision of Bulgarian history and culture, which is very much centered around the culture, values and political history of the 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 all educated people from minorities know Bulgarian, there are very few Bulgarians who speak minority languages. Yet, at several universities in Bulgaria courses on the culture, history, language and religion of Bulgaria's minorities are taught and at several research institutions some research on these subjects has been done. For the most part these initiatives developed with the support of several international donors.

- **legal**

Art. 15.1 of the National Education Act provides that the educational institutions should create conditions for the “formation of a free, moral and active personality, respecting the laws, rights of the others, their culture, language and religion.” (“*èçãðàæäá í à ñâíâíâíà, ì îðàëíà è èíèöèàðèâíà èè-í îñò, óââæâââùà çàêî í èòà, ì ðàâàðà í à äðóâèòà, òÿõí àòà éóèðððà, àçèè è ðäèèèèè*”).

- **state infrastructure**

Ministry of Education and its regional inspectorates are the institutions that provide the criteria and control all educational institutions in Bulgaria but especially elementary, middle and high schools. Universities and other institutions of high education have a substantial degree of autonomy.

- **policy**

The government tolerates programs fostering knowledge of the culture, history, language and religion of the national minorities, but does not impose requirements to that effect and does not finance such programs.

- **factual**

Programs fostering knowledge of the culture, history, language and religion of the national minorities exist at different departments of Sofia University, Plovdiv University, New Bulgarian University and Shumen University. They also exist at the teacher training institutes and in the religious schools of the Muslims. Some of the minority languages are taught in the Balkan College in Sofia. Several textbooks and other teaching materials were produced through private initiatives for the elementary, middle and the high schools but they are all for elective classes and are used in a very limited number of urban schools.

Paragraph 2

See also Article 6 paragraph 1.

- **narrative**

There are very few teachers belonging to the biggest ethnic minorities in Bulgaria – Turks and Roma. They, as a rule and by custom, teach in the schools that are predominantly minority and are subject to training organized by the Ministry of Education the general conditions. No special training organized by the state is available for the teachers belonging to minorities. For the most part, teachers in the schools with predominantly minority students are Bulgarians. They too are subject to training organized by the Ministry of Education under the general conditions. Some NGOs organize teacher training courses for both minority teachers and teachers working in minority schools, but not on systematic basis.

There are lots of textbooks produced in Bulgaria for all levels of education. The Ministry of Education must approve those that are suitable for use in the educational system up to, but not including, the

university education. Some of the high school textbooks approved by the Ministry include knowledge of the culture, history, language and religion of minorities. Non of them is however mandatory and it is up to the teacher to use them or not. There is no data on whether and to what extent these textbooks are used.

The Bulgarian teachers in minority schools are in daily contact with minority students. The teachers of Roma and Turkish background however are in contact predominantly with Roma and Turkish students. Apart from a limited number of village schools that are mixed, the contact between Roma/Turkish students and Bulgarian students is very limited.

- **legal**

There are no legal provisions envisaging obligations of the state to provide adequate opportunities for teacher training and access to textbooks, and facilitate contacts among students and teachers of different communities.

- **state infrastructure**

There is no special government institution empowered to provision of adequate opportunities for teacher training and access to textbooks, and facilitating contacts among students and teachers of different communities.

- **policy**

There were no governmental statements expressing any particular governmental policy in this regard.

- **factual**

See above under narrative.

Paragraph 3

- **narrative**

The education of the main ethnic and religious minorities in Bulgaria has always been worse than that of the majority. This was a problem already before the Second World War and continued to be so also afterwards. The communist governments had for many years a special policy of promoting educational opportunities for Turks, Pomaks and Roma through organizing special forms of pre-school education and through establishing minority and regional quotas for students from these communities. This policy of the communist government was linked to its assimilationist efforts. It was also combined with the establishment of “special schools” for Roma. There the programs stressed already from the first years on acquiring of technical skills thus preparing Roma kids for low qualified jobs. This communist policy was abandoned soon after the fall of communism by first abandoning any affirmative action and by abolition of the “special schools”.

- **legal**

Apart from the anti-discrimination provisions in the Constitution and in the Law on National Education, no other provisions exist ensuring equal opportunities for access to education at all levels for persons belonging to national minorities in Bulgaria.

- **state infrastructure**

There is no special governmental structure caring to ensure equal opportunities for access to education at all levels for persons belonging to national minorities.

- **policy**

The only document indicating government policy is the Framework Program for Equal Participation of Roma in Bulgarian Society. In the sphere of education it envisages desegregation of the Roma schools (i.e. schools in the Roma neighborhoods), abolition of the remnants of “special schools,” combating racism in

the classroom, introduction of Romanes on a large scale in the public schools and promotion of university education for Roma. None of this has been implemented so far. No such programs exist for other minorities.

- **factual**

Turks and Roma do not have equal opportunities for access to education at all levels. Both communities live predominantly either in separate neighborhoods or in separate villages. The elementary and the primary schools there and especially in the Roma neighborhoods offer poor educational opportunities, much worse than the country's average. These schools do not prepare students adequately for the institutions of high education. This is the main reason why Turks and Roma are underrepresented in these institutions.

Article 13

1 Within the framework of their education systems, the Parties shall recognise that persons belonging to a national minority have the right to set up and to manage their own private educational and training establishments.

2 The exercise of this right shall not entail any financial obligation for the Parties.

Paragraph 1

- **narrative**

Private minority schools exist in Bulgaria only as religious schools, some of which have the license to issue diplomas for general high school education. There are lots of private foreign language schools but no secular private minority schools exist although the law does not prohibit their establishment (see below). Some private colleges and universities offer education of the culture and the language of some national minorities. Establishment of private minority schools in Bulgaria is a matter of both overcoming nationalistic prejudices and finding sufficient material support, which at present is not available.

- **legal**

According to Art. 10 of the Law on National Education schools and kindergartens in Bulgaria are state, municipal and private (“äüðæàâí è, î áùèí ñèè è -ãñòí è”). The law and the rules and regulations for its application establish a procedure for opening and oversight of private schools. The latter includes:

1. Submission of an application to the Minister of Education together with a number of documents ensuring that the state educational, sanitary, medical and infrastructural standards will be met;
2. Appointment of an expert commission to review the application;
3. Issuing of a ministerial order to open the school which is published in the Official Gazette;
4. Constant oversight by the regional bodies of the Ministry of Education on whether the legal and educational requirements are met;
5. Appointment of a special ministerial representative to every private school to review the final graduation exams.

According to Art. 12 (1) of the Law on National Education private schools and kindergartens with foreign participation could only be opened as joint ventures with Bulgarian physical or juridical persons. Opening of foreign schools and kindergartens is only possible on a basis of international agreements (Art. 12 (2)).

Special cases of private schools under the Law on the National Education are the religious schools that are two types: those that only serve spiritual and administrative purposes of a denomination and those that offer general education in addition to that. Both are opened by a ministerial order. The former must supply

fewer documents upon application while the latter must prove that they meet the same criteria as the private schools in general.

In addition to these the Denominations Act allows opening of denominational private schools with a ministerial order. The act does not provide for any standards that are to be met but refers to regulations that are to be issued by the government.

None of the provisions of the Law on National Education specifically exclude minorities from opening their own private schools.

- **state infrastructure**

Ministry of Education is the responsible government agency licensing and overseeing all private schools in Bulgaria.

The Council of Ministers, a Deputy Prime Minister or the Minister of Education have to agree for the opening of a denominational school.

- **policy**

The policy of the government is to tolerate the existing private denominational schools. It does not encourage and does not support opening of secular private schools for the national minorities.

- **factual**

Secular private schools of the ethnic and linguistic minorities do not exist. The Muslims have three private high schools that also have licenses to offer regular high school diplomas – in Shumen, Russe and Momchilgrad. The subjects studied in these schools have to meet state educational high school standards. In addition to that they study several additional subjects – Holy Koran, interpretations of the Koran, History of Islam, Arab language, Islamic law (of the Hanafite *maz'ab*), ethics and others. There is a private High Islamic Institute in Sofia that only has a license to prepare religious leaders.

In July 1999 the Minister of Education issued an order opening a “High Evangelical Theological Institute” in Sofia. It was licensed as a religious institution. So far it managed to consolidate the religious schools of several Protestant denominations and is in a process of consolidating others.

Catholics have no private schools.

Paragraph 2

- **narrative**

State provides annual subsidies for the Bulgarian Orthodox Church and for the Muslim Denomination. 1/10 of the state subsidy for the Muslims goes to their educational establishments.

- **legal**

There are no provisions in any law obliging the state to provide financial support for private educational and training establishments of minorities.

- **state infrastructure**

The state subsidy that goes to the Muslim religious establishments is distributed through the Directorate for Religious Affairs.

- **policy**

The government only supports the biggest denominational private schools through the support that it offers to denominations.

- **factual**

See above under narrative.

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.

Paragraph 1

- **narrative**

The right of every person in Bulgaria, belonging to a national minority to learn his or her mother tongue is guaranteed by the Constitution and by several laws and decrees (see below). Since 1990 guaranteeing of this right was confronted, sometimes dramatically, with prejudices of the general public and of some politicians. The process went through several stages. Until 1999 it was organized for the students from 1 to 8 grade as a “facultative subject” in the municipal schools, i.e. in the most widespread schools where most of the children of both the majority and the minorities study. As a “facultative subject” it was organized as extracurricular activity four classes a week for a minimum of 13 students. Since 1999 it became an “obligatory elective subject”, i.e. it was included in the ordinary curriculum and is offered four classes a week if there are at least 8 students who had chosen to study their mother tongue. This standard is rather low and the high threshold (of 8 and until several months ago – of 13 students) does not allow this right to be exercised on a regular basis especially by some small and poorly organized ethnic groups (see below under factual). In September 1999, legislative amendments extended the study of the mother tongue also to the 9 - 12 grades (in comparison to 1 - 8 grades stipulated in Decree No. 183, see below).

- **legal**

1. Art. 36 (2) of the Constitution: “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.” (“Ãðàæààí à èòà, çà èî èòî áúëääðñèëÿò àçèè í à à ì à è÷:èí, èì àò ì ðàâî ì àðàâ ñúñ çàáúëæèðàèí îòî èçó÷:àààí à í à áúëääðñèëÿ àçèè àà èçó÷:àààò è ì ì èççàò ñâî ÿ àçèè.”).
2. Art. 8(2) of the Law on National Education: “Students whose mother tongue is not Bulgarian alongside with the compulsory study of the Bulgarian language have the right to study their mother tongue in the municipal schools under the protection and control of the state.” (“Ó÷:áí èèèðà, çà èî èòî áúëääðñèëÿò àçèè í à à ì à è÷:èí, îñââí çàáúëæèðàèí îòî èçó÷:àààí à í à áúëääðñèè èçèè èì àò ì ðàâî àà èçó÷:àààò ñâîÿ ì à è÷:èí àçèè â ì áúëèíñèèðà ó÷:èèèòà ì ðè çàòèèà è èí îððèè ì ð ñòðàí à í à áúðæàààðà.”).
3. Regulations for Applying the National Education Act - Art. 8 (3) provides that students whose mother tongue is not Bulgarian can “study their mother tongue in municipal schools” if there are enough students for one group (“àà èçó÷:àààò ì à è÷:èí èÿ ñè àçèè â ì áúëèíñèèðà ó÷:èèèòà”). Para. 4 defines mother tongue as the “language which the child uses to communicate with its family” (“àçèèòò, í à èî èòî ààðàðî ì áúòòàâ â ñâì àèñòâîòî ñè”).
4. Ordinance No. 3 from 27 June 1997 for Determining the Number of Staff in the System of National Education - Art. 7 (1) provides that teaching staff is paid for electives, “including classes for learning the mother tongue” (“â ò.÷. çà èçó÷:àààí à í à ì à è÷:èí àçèè”).

5. Decree No. 183 of the Council of Ministers from 5 September 1994 for Studying the Mother Tongue in Municipal Schools in the Republic of Bulgaria - Art. 1 (1) provides that “students whose mother tongue is not Bulgarian” (“ó-áí èöèòà, çà êî èòî ì àé-èí èÿò àçèè íà á áúëääðñèè”) can receive instruction in it from the first to the eight grades in municipal schools as a facultative subject; para. 2 determines the amount of classes for study of the mother tongue as four weekly. Art. 2 (1) provides that applications for studying the mother tongue should be deposited with the school headmaster. Art. 4 states that “textbooks for the study of mother tongue are not paid for by the students” (“ó-ááí èöèòà, ìî êî èòî ñà èçó-àâà ì àé-èí àçèè íà ñà çàï èàùàò ìò ó-áí èöèòà”), and Art. 5 provides that “the finances for mother tongue instruction” (“òèí àí ñèðàì àòî ìà í áó-áí èàòî ìî ì àé-èí àçèè”) are supplied by the municipal budgets.
6. Ordinance No. 4 of the Ministry of Education from 2 September 1999 on the Educational Minimum and the Educational Plan - Art. 12 provides that the “The study periods for the obligatory elective subjects shall be distributed among the subjects from the cultural-educational field and mother tongue; for each of these subjects, up to 72 school periods annually shall be given for the 9 - 10 grade, and up to 108 school periods annually for the 11 - 12 grade.” (“ó-ááí èòà ÷-ññîâà çà çàúüæèòàèí ì èçàèðààì à ì î-ááí òî-âèà ñà ðàçð ðàáàèÿò ì àæàò ó-ááí èòà ì ðààì àòè ìò èóèòóðí î-í áðàçî-áàòàèí èòà ì àé-èí àçèè, èàòî çà ññàèè ìò òÿò ì î-áàò àà ñà áàáàò àí 72 ó-ááí è ÷-ññà ññ àè-øí î-í à IX è X èè-ññ è àí 108 ó-ááí è ÷-ññà à XI è XII èè-ññ”).
7. Art. 15 (3) of the Law on the Educational Degree, Educational Minimum and the Educational Plan from 27 July 1999 effectively repeals the provision of the Decree No. 183 on mother tongue education as a facultative subject and provides that “into the obligatory elective program should be included also the education of the mother tongue according to Art. 8 (2) of the Law on National Education” (“À çàúüæèòàèí ì èçàèðààì àòà ì î-ááí òî-âèà ñà àèèþ-àà è èçó-àâàí àòî ìà ì àé-èí èÿ àçèè ññúëèññ ì ÷-è. 8, àè. 2 ìò Çàèí î-í çà ì àðí-áí àòà ì ðí ññàòà.”).
8. Art. 20 of the Ordinance No. 5 of the Minister of Science and Education from May 30, 1994 provides that there should be at least 8 students to form a class for obligatory elective subject.
9. Art. 4 of the Instruction No.4/27 October 1994 as amended on 8 June 1998 – “The student declares his/her wish to study mother tongue once in the beginning of the school year in which he/she wants to start its learning. The declaration is signed by the student or his/her parent or legal guardian and is forwarded to the school Director by September 15.” (“Ó-áí èéúò ááí ì èðàòî ì çàÿâÿàà æàèáí èàòî ñè çà èçó-àâàí à ìà ì àé-èí èÿ àçèè à ì à-àèí òî ìà ó-ááí àòà àí-àèí à, ìò èíÿòî èñèà àà çàí-ì-í à ì-ááí àí-òî èçó-àâàí à. Çàÿ-àèáí èàòî ñà ì î-ááí èññà ìò ó-ááí èèè ì-ááí àèÿ ðí-àèòàè èèè ì-áñòî èí èè è ñà ì î-ááàà àí-àèðàèò ðà ìà ì-èè-è-àòò à ñðí è àí 15 ññà òàì àðè.”).

- **state infrastructure**

Ministry of Education and its regional inspectorates are the responsible government institutions ensuring the enforcement of the laws and regulation on the mother tongue education.

- **policy**

The government tolerates and organizes the mother tongue education of some national minorities (Turks, Armenians and Jews) does not make sufficient efforts to organize it for others (e.g. Roma), does not make any efforts in the case of some (e.g. Vlachs and Karakachani) and rejects the very idea of mother tongue education in the case of Macedonians.

- **factual**

About 40 000 Bulgarian Turks studied Turkish as their mother tongue during 1998-99 school year. Some 1250 students studied Armenian as a mother tongue in two public schools – in Sofia and in Plovdiv. Some 900 students studied Hebrew as a mother tongue in one public school in Sofia although Hebrew is not the mother tongue of any Bulgarian Jew. None of the other national minorities study their mother tongue in any public school although some (e.g. Vlachs, Karakachans and Macedonians) expressed their wish to

study their mother tongues. The mother tongue education for Roma in fact deteriorated as four years ago there were about 1000 Roma students who studied Romanes as their mother tongue. At present there are none.

There are two institutes for high education that offer teacher training for Turkish-language teachers – in Shumen and in Kurdzhali. In the Ministry of Education there are four expert appointed to organize the mother tongue education – in Turkish, Romanes, Hebrew and Armenian.

Paragraph 2

See above under paragraph 1.

Paragraph 3

• narrative

According to Art. 8 of the Law on National Education, Bulgarian is the official language in educational establishments and all Bulgarian schools have to ensure its learning (para. 1). The latter is obligatory (para. 2) and is part of the state educational requirements that all Bulgarian schools (both public and private with Bulgarian participation) have to meet (Art. 16, para.4). According to the law one of the three graduation exams that students of all Bulgarian schools have to pass is in Bulgarian language and literature (Art. 24 (2)). The only schools that are exempt from these requirements and where learning of Bulgarian language is not obligatory are the foreign schools. According to Art.19 (5) of the Rules and Regulations for the Application of the Law on National Education the latter are not obliged to submit a declaration that they will meet the state educational criteria.

• legal

National Education Act (Çàêî í çà í àðî áî àòà ì ðî ñâàòà)

Art. 8. (1) ...The school education must ensure conditions for learning of the literary Bulgarian language. (“Ó÷èùèúî ìòî ì áó÷áí èà ì ñèãòðÿàà òñèâèÿ çà òñâèÿâàí àòî ì à èí èæîáí èÿ áúèãòðèè è çèè.”)

(2) Students whose mother tongue is not Bulgarian alongside with the compulsory study of the Bulgarian language have the right to study their mother tongue in the municipal schools under the protection and control of the state. (“Ó÷áí èòèòà, çà èí èòî áúèãòðèè èÿ è çèè ì á à ì àé÷è, ì ñâáí çàúèæèòà èí ìòî è çó÷ààí à ì à áúèãòðèè è çèè è ì àò ì ðââî àà è çó÷ààò ñâèÿ ì àé÷è è çèè à ì áúèè ñèèòà ó÷èùèà ì ðè çàúèòà è èí ìòî è ìò ñòðáí à ì à áúèãòðèè.”).

Art. 16 – The state educational requirements are relevant to:

4. learning of the literary Bulgarian language (“òñâèÿâàí àòî ì à èí èæîáí èÿ áúèãòðèè è çèè”).

Art. 24. (2) – State graduation exams are three and are determined by the education plan, one of them being on the Bulgarian language and literature (“Áúèãòðèè èòà çðáèí ñòî è èçì èòè ñà ððè è ñâ ì ì ðââèÿò ñ ò÷ááí èÿ ì èàí, èàòî àæèè èÿò ìò òÿò à ì ì áúèãòðèè è çèè è èèòàðòòòà”).

• state infrastructure

Ministry of Education and its regional inspectorates are the governmental institutions responsible to ensuring education of the Bulgarian language.

• policy

The policy of the government, as has been the case throughout Bulgarian history, is to ensure learning of the Bulgarian language in all Bulgarian schools, including in those where national minorities receive their education.

- **factual**

Bulgarian language is studied in all Bulgarian public and private schools and in all mixed (Bulgarian and foreign) schools. In these schools every year students pass state graduation exams, one of which is in Bulgarian language and literature.

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.

- **narrative**

Cultural life: The participation of minorities in Bulgarian cultural life is generally poor. Jewish, Armenian, Turkish and Roma artists take part in the mainstream cultural life but the ethnic culture of these communities is not part of the mainstream. None of the governments was able to create conditions necessary for the effective participation of persons belonging to national minorities in country's cultural life.

Social and economic life: Social status and economic situation of different minorities varies. Economically some are better off, others – worse off than the country's average. The biggest minorities – Turks, Roma and Bulgarian-speaking Muslims are socially and economically at the bottom of society. Poverty in some Roma communities is extreme. In terms of social and economic status Roma are the poorest and the most neglected part of Bulgarian society. None of the governments so far was able to create conditions for improving social and economic status of any of the country's national minorities.

Public affairs: Only the Turks and to a lesser extent – the Bulgarian-speaking Muslims have a possibility, within the constitutional and legal framework, to take part in public affairs and in the decision-making affecting their life. There are a number of Turkish MPs, elected through the Movement for Rights and Freedoms and one elected through the United Democratic Forces. The Turks and the Bulgarian-speaking Muslims through elected representatives (including mayors) dominate several municipalities. Roma, although a significant part of the voters, have almost symbolic representation mainly at the municipal level, and only one MP elected through the United Democratic Forces. Minorities have almost symbolic presence in the police, military and the judiciary. Some Roma intellectuals take part as consultants in the National Council of Ethnic and Demographic Issues but this body does not have any decision-making powers (See above under Article 5).

- **legal**

No law provides for creating conditions necessary for the effective participation of persons belonging to national minorities in cultural, social and economic life and in public affairs.

- **state infrastructure**

The National Council on Ethnic and Demographic Issues is the consultative body established in the government to advise on minority policy in general. It has however no decision-making power and its involvement in the government policy designed to create the conditions necessary for the effective participation of persons belonging to national minorities in cultural, social and economic life and in public affairs was so far more than modest.

- **policy**

The policy of all government was one of neglect. Only recently the government adopted the Framework Program for Equal Participation of Roma in Bulgarian Society which envisages measures to create conditions necessary for the effective participation of persons belonging to national minorities in cultural, social and economic life and in public affairs (see above under Articles 4 and 5). Almost nothing from this program is so far however implemented.

- **factual**

See above under narrative.

Article 16

The Parties shall refrain from measures which alter the proportions of the population in areas inhabited by persons belonging to national minorities and are aimed at restricting the rights and freedoms flowing from the principles enshrined in the present framework Convention.

Under this article please provide information on any changes that have been made in recent years to municipal and regional and/or administrative borders as well as any changes in competence of local or regional authorities that have been implemented.

- **narrative**

Lots of changes were made after 1989 of the municipal borders. In 1999 an entirely new district structure was adopted. None of these changes however affected rights and freedoms flowing from the principles enshrined in the framework Convention.

- **legal**

According to Art. 135 (1) of the Constitution “the territory of the Republic of Bulgaria is divided into municipalities and districts”. (òàðèòì ðèÿòà í à Ðàì óáèèèà Áúèääðèÿ ñà äàèè í à î áùèí è è î áèãñòè). Art. 135 (2) provides that other units can also be created by law.

The Law on the Administrative and Territorial Division of Bulgaria provides for the creation of regions (ðàéí í è) and mayoralities (èì àòñòâà) sub-units of the municipalities. Art.6 of the law provides that the territory of Bulgaria is divided into 28 districts. Their borders and administrative centers are created by a presidential decree on suggestion by the Council of Ministers. Art. 9 of the law establishes the order for creation of municipalities. The procedure starts with a petition of at least 25% of the members of the prospective municipality. The Municipal Council of the existing municipality and the District Governor check the whether the conditions for the creation of a municipality as provided for by Articles 7 and 8 of the law are met. Then the Municipal Council schedules a referendum. If the majority of the prospective members of the municipality voted for its creation, then the District Governor writes a report to the Council of Ministers. The latter suggests to the President to issue a decree for the creation of the municipality. According to Art.10 of the law regions are created in the cities of more than 300 000 inhabitants and can be created in cities with more than 100 000 inhabitants if the Municipal Councils decide so. In both cases they are created by Municipal Council decisions. Mayoralties are created by the Municipal Council decisions on demand by certain number of inhabitants.

- **state infrastructure**

The President, the Council of Ministers, the Municipal Councils, the District Governors and the Ministry of the Regional Development and Welfare are the governmental institutions responsible for any change of municipal and district borders in Bulgaria.

- **policy**

There are repeated demands of pro-Bulgarian nationalistic politicians in the biggest municipality under the control of the Movement for Rights of Freedoms, that of Kurdzhali, for changing its borders so that they

separate Turks from Bulgarians. None of these motions was successful so far. The government has not expressed any wish to change borders of districts or municipalities along ethnic or religious lines.

- **factual**

See above under narrative.

Article 17

1 The Parties undertake not to interfere with the right of persons belonging to national minorities to establish and maintain free and peaceful contacts across frontiers with persons lawfully staying in other States, in particular those with whom they share an ethnic, cultural, linguistic or religious identity, or a common cultural heritage.

2 The Parties undertake not to interfere with the right of persons belonging to national minorities to participate in the activities of non-governmental organisations, both at the national and international levels.

Paragraph 1

- **narrative**

Most of the people from minorities can travel freely to other States with whom they share an ethnic, cultural, linguistic or religious identity, or a common cultural heritage. No obstacles are created from the Bulgarian authorities and travels take place frequently. The only exception is the case with the Macedonians. Until 1998 passports of activists of UMO "Ilinden", a Macedonian group, were illegally confiscated by police on a number of occasions to prevent them traveling to Macedonia. Their visits to Macedonia, when successful, are sometimes subject to hostile comments in the media and by officials. This policy was somewhat eased recently. During 1994-1999 members of some evangelical groups were also prevented in their contacts across frontiers. The government denied permission to visit to a number of religious leaders well known abroad and expelled several visitors, among them Muslims and Protestants.

- **legal**

No law exists allowing the government to interfere with the right of persons belonging to national minorities to establish and maintain free and peaceful contacts across frontiers with persons lawfully staying in other States, in particular those with whom they share an ethnic, cultural, linguistic or religious identity, or a common cultural heritage.

- **state infrastructure**

There is no special governmental body responsible to facilitating the contacts of members of national minorities with people abroad.

- **policy**

The government does not restrict the contacts across frontiers of people from ethnic and religious minorities with the exception of Macedonians and members of some religious minorities. The tough policy in the past in this regard was somewhat eased recently.

- **factual**

See above under narrative.

Paragraph 2

- **narrative**

There are lots of non-governmental minority organizations in Bulgaria. Generally the right of members of national minorities to take part in their activities is not restricted. There are however some exceptions. The

Macedonians are not allowed to register an organization that claims to be Macedonian and the authorities interfere, sometimes by using illegal force, in the activities of some groups (See above under Article 7). The government also restricted the activities of some religious groups and prevented their members to take part in their activities (See above under Article 8). By confiscating passports of some members of the Macedonian minority the government prevented them to taking part in the activities of non-governmental organizations abroad.

- **legal**

No legal provisions exist allowing the government to interfere in the right of members of national minorities to participate in the activities of non-governmental organizations, both at the national and international levels.

- **state infrastructure**

There is no governmental structure empowered specially to interfere in the right of the members of national minorities to participate in the activities of non-governmental organizations, both at the national and international levels

- **policy**

The policy of the government is not to interfere in the non-governmental activities of the biggest minorities and to interfere in the non-governmental activities of Macedonians. In the past the government interfered in the non-governmental activities of some unpopular religious minorities although this pressure was somewhat eased recently.

- **factual**

See above under narrative.

Article 18

1 The Parties shall endeavour to conclude, where necessary, bilateral and multilateral agreements with other States, in particular neighbouring States, in order to ensure the protection of persons belonging to the national minorities concerned.

2 Where relevant, the Parties shall take measures to encourage transfrontier co-operation.

Paragraph 1

- **narrative**

Bulgaria, just as most of the other countries in the Balkans, had a long tradition of ensuring the protection of national minorities as well as any other arrangement of minority issues (e.g. population transfers, emigration etc.) through bilateral treaties with neighboring countries. This was particularly true for the period of the late 19-th and first half of the 20-th century. This practice was partially abandoned already after the Second World War although some agreements were concluded with Turkey for migration of Bulgarian Turks. During the last years of communism the refusal to arrange minority issues through bilateral agreements with neighboring countries became a firm and consistent policy, especially in the context of the name-changing campaign. The inertia of this policy still prevails. There is only one agreement concluded between Bulgaria and a neighboring country that indirectly affects the situation of the Turkish minority – the intergovernmental agreement from December 4, 1997 (See below under legal).

- **legal**

Agreement between the government of the Republic of Bulgaria and the government of the Turkish Republic for cooperation in the sphere of culture, education and science

Art. 2. The contracting Parties shall cooperate in the establishment of departments in their universities for mutual research and education into the language and literature of the other country, for organizing

conferences and courses, for encouraging and facilitating research in this respect. (“ĀīāīāāđÿÛèòà ñā ñòðàí è ñúāāēñòāāò çà íñí íāāāáí àòí í à èààāðè á óí èāāđñèòāòèòà ñè çà āçàèì í í èçó-āāáí á í à āçèèà è èèòāðāòóðāòà í à äðóāāòà ñòðàí à, çà í ðāáí èçèðáí àòí í à éí í Òaðáí òèè, éóðñí āā çà í íāí í í āāáí àòí è óèāñí ÿāáí àòí í à èçñèāāāáí èÿòà á òàçè í āñí èà.”).

Art. 4. The contracting parties encourage contacts between their scientific and educational institutions. They shall facilitate the exchange of scientists, lecturers from high schools and universities, educators, methodists and students for exchange of experience, lectures, professional practice etc. (“ĀīāīāāđÿÛèòà ñā ñòðàí è íāñúð-āāāò éí í òàèèòèòà í áæáó ñāí èòà í áó-í è è í áðàçí āāòāéí è éí ñòèòóòèè. Óā ñúāāēñòāāò çà ðàçí ÿí àòà í à í áó-í è ðāáí òí èòè, í ðāí í āāāòāèè í ò ñðāáí èòà è āēñøè ó-āáí è çāāāāáí èÿ, í āāāāí çè, í àòí āēñòè, ñòóāáí òè è ó-áí èòè çà í áí ÿí à í à í í èò, èçí āñÿ í á í à èāèòèè, í ðí òāñèí í āéí à í ðàèèòèè è è ä.”).

Art. 9. The contracting parties encourage the cooperation in theater, music, opera, ballet, etc., through facilitating the organization of mutual initiatives and visits in these fields. (“ĀīāīāāđÿÛèòà ñā ñòðàí è íāñúð-āāāò ñúòðóáí è-āñòāí òí á í áéāñòà í à òāàóúðà, í óçèèàòà, í í áðàòà, áāèàòà è ò.í., èàòí í í āí í í āāāò í ðāáí èçèðáí àòí í à āçàèì í è éí èèèàèèè è í í ñā Ûáí èÿ á òàçè í áéāñòè.”).

Art. 10. The contracting parties encourage organizing in each country of artistic, craft and folk exhibitions from the other party (“ĀīāīāāđÿÛèòà ñā ñòðàí è í í í Ûðÿāàò í ðāáí èçèðáí àòí āúá āñÿèà í ò òÿò í à òóáí āēñòāáí è, çáí ÿò-èéñèè è òí èèèí ðí è èçèí æáé í ò äðóāāòà ñòðàí à.”).

Art. 13. The contracting parties encourage the cooperation in the field of literature by facilitating the exchange of writers, critics, editors and publications and the translation of their own literature into the language of the other party. (“ĀīāīāāđÿÛèòà ñā ñòðàí è í í í Ûðÿāàò ñúòðóáí è-āñòāí òí á í áéāñòà í à èèòāðāòóðāòà, èàòí çà òàçè óāè ñúāāēñòāāò çà í áéāè-āāáí á í áí áí à í à èèòāðāòí ðè, í èñāòāèè, èçāàòāèè è èçāáí èÿ è í ðāāāæāáí àòí í à ñāí è èèòāðāòóðí è í ðí èçāāāáí èÿ í à āçèèà í à äðóāāòà ñòðàí à.”).

Art. 14. The contracting parties encourage the cooperation in the field of the folklore. (“ĀīāīāāđÿÛèòà ñā ñòðàí è í í í Ûðÿāàò ñúòðóáí è-āñòāí òí á í áéāñòà í à Òí èèèí ðā.”).

- **state infrastructure**

The Ministry of Education is the responsible governmental institution for the enforcement of the above agreement.

- **policy**

The government is very cautious in concluding bilateral agreements envisaging the protection of persons belonging to the national minorities.

- **factual**

See above under narrative

Paragraph 2

No special measures have been taken by the government in the field of transfrontier cooperation that affects national minorities.