



european network against racism

ENAR Shadow Report 2008

ENAR SHADOW REPORT 2008

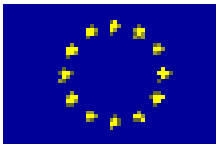
Racism in Bulgaria

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Racism is a reality in the lives of many ethnic and religious minorities in the EU. However, the extent and manifestations of this reality are often unknown and undocumented, especially in official data sources, meaning that it can be difficult to analyse the situation and to establish solutions to it. Even where there is extensive official data, NGOs offer a vital alternative data source that comes directly from experiences of those individuals and communities experiencing racism on a daily basis.

The ENAR Shadow Reports are produced to fill the gaps in the official and academic data, to offer an alternative to that data and to offer an NGO perspective on the realities of racism with the EU and its Member States. NGO reports are, by their nature, based on many sources of data, official, unofficial, academic and experiential. This allows access to information which, while sometimes not backed up by the rigours of academic standards, provides the vital perspective of those that either are or work directly with those affected by the racism that is the subject of the research. It is this that gives NGO reports their added value, complementing academic and official reporting.

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I. Executive summary

The present report contains facts and conclusions on the situation in Bulgaria with respect to the negative social phenomena of racism and xenophobia, and their implications on Bulgarian society.

The Bulgarian reality today puts several vulnerable groups in a position to suffer from racially and/or xenophobic motivated crimes, violence and severe discrimination amounting to harassment. These groups include minorities such as the Roma, Turks, Jews, Pomaks¹, etc., as well as immigrants of all types, but particularly immigrants of African, Middle Eastern and Asian origin.

The most flagrant manifestations of racism and xenophobia include violence in the form of physical attacks, destruction or desecration of property, harassment, hate speech, and exclusion and discrimination in various sectors – healthcare, employment, education, access to services in the private sector, access to public services, etc. Multiple examples of manifestations of racism and xenophobia are perpetrated by individuals and state authorities. This includes police violence, hate speech, harassment, and discrimination in access to public services, including healthcare, education etc.

The political situation in Bulgaria did not change in 2008. The extreme nationalist party ATAKA maintained partially its public support and influence on the Bulgarian political and social life with its propaganda.

Numerous court cases in the realm of racism and discrimination were issued, but still the national courts remain a slow machine that is not preferred by discrimination victim.

A positive development was observed in the Commission for Protection against Discrimination. The effectiveness and the capacity of this state body were significantly increased.

Bulgaria, being a border of the EU maintained its existing restrictive measures and human rights violations towards foreigners, making the situation as bad as prior to accession. The state still has no adopted immigration policy which makes the work in the field extremely difficult.

After the adoption of the anti-discrimination bill, the national legislation and its implementation by the authorities remained completely inadequate in fighting the contemporary forms of racism and xenophobia. The fight with this negative social phenomenon will remain uneven until legislative reforms are introduced.

¹ Pomaks are a specific Bulgarian minority group. Practically they are Muslims with Bulgarian ethnical background, information can be found here

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III. Introduction

Throughout 2008, the country was still governed² by the coalition government composed of the Bulgarian Socialist Party (BSP)³, the National Movement of Simeon the Second (NMSS) that was renamed in October to National Movement for Stability and Prosperity (NMSP)⁴ and the Movement for Rights and Freedoms (MRF)⁵. The coalition was established after parliamentary elections that were held on 25 June 2005.

As previously indicated in ENAR's Shadow report 2007⁶, the area of ethnic minority rights and rights of immigrants was problematic and remained in a difficult position during 2008. The wave of organised nationalism in Bulgarian society that started shortly before the parliamentary elections in 2005 made the position much harder. The main political force that exploits this is the Bulgarian extremist nationalist party ATAKA.

As in 2007, no practical steps were undertaken during 2008 on minority protection of ethnic minorities in Bulgaria. The situation remained unchanged from the previous year regarding the effectiveness of the judicial system when dealing with cases of discrimination. The condition of being unable to deal with discrimination and racism has been typical for most of the authorities and institutions. It is worth mentioning that cases of institutional discrimination continued to appear.

This report only covers events that occurred in the year of 2008. The structure of the report includes several parts. In the first part are identified the communities, vulnerable to racism. A major part of the report is dedicated to the manifestations of discrimination and racism in the everyday life. An attempt to explain the Bulgarian legal and political context is made in the third major part of the report. The last part of the report puts forward a number of national recommendations that could solve most of the discrimination problems in the state.

² See European Network Against Racism, Shadow Report 2007: Racism in Bulgaria (Brussels: ENAR, 2008) available online at <http://cms.horus.be/files/99935/MediaArchive/national/Bulgaria%20-%20SR%202007.pdf>, accessed 28 May 2009

³ The political party's platforms can be viewed on their website – <http://www.bsp.bg>

⁴ The political party's platforms can be viewed on their website – <http://www.ndsv.bg>

⁵ The political party's platforms can be viewed on their website – <http://www.dps.bg>

⁶ See European Network Against Racism, Shadow Report 2007: Racism in Bulgaria (Brussels: ENAR, 2008) available online at <http://cms.horus.be/files/99935/MediaArchive/national/Bulgaria%20-%20SR%202007.pdf>, accessed 28 May 2009

IV. Communities vulnerable to racism

The population of Bulgaria is extremely diverse. Despite the relevantly small population of nearly 8 million⁷ people, Bulgaria has over 15 different ethnic communities. The biggest group are Bulgarians⁸, followed by Turks and Roma⁹.

Most of the experts consider that the real number of Roma in Bulgaria is more than double the official number – between 600,000 and 700,000¹⁰. This difference is due to a large number of Roma who identify themselves as Bulgarians or Turks. An additional reason for inaccurate numbers is that many Roma do not live at the addresses where they are officially registered, but have migrated to other towns or villages without officially changing their residence and are therefore hard to interview during census. The Roma group, undisputedly is the most vulnerable to racism¹¹. They suffer severe discrimination in almost every aspect of every day life.

The fourth comparatively large ethno-religious group that suffer discrimination are Bulgarian Muslims or Pomaks (also Torbeshi, Ahryani, Apovci, Babechani, Zhupani). Since the establishment of an independent Bulgarian State in 1878 the issue of the Pomak identity has been controversial. The popular belief, shared by many intellectuals, politicians and the dominant part of the population, is that Pomaks are not a separate ethnic group. The only difference between Pomaks and other Bulgarians is religion. For the last 50 years, much political, scientific and quasi-scientific effort has been made to “prove” that Pomaks cannot be separated from the Bulgarian national body. These efforts were especially determined under the Communist rule. One of the best examples for these efforts is the book “On the Past of the Bulgarian Mohammedans in the Rhodopes,” published in 1958 by the Bulgarian Academy of Sciences. The book reflected the cultural policy, which viewed Pomaks as “lesser” Bulgarians – inseparable part of the Bulgarian family-nation, but blemished with another faith i.e. the Muslim religion.

The academic discourse portraying the Pomaks as “brothers who have lost their way” has frequently transformed into violent campaigns of forced assimilation during which Pomaks were forced to abandon their religion, customs and even their names. As a result, even today, the Pomak community is still very divided and uncertain regarding their identity. As there is no official data, their real

⁷ Data from the national census, held in 2001 by the National Statistics Institute, the results can be seen here <http://www.nsi.bg/Census/Census.htm>, accessed on 19 June 2009

⁸ 83.9% according to an official census, that was held in 2001; <http://www.nsi.bg/Census/Census.htm>

⁹ Ibid

¹⁰ A detailed study of the Roma minority is published on <http://www.neogen.ro/group/39146/view-posts/1858> accessed on 8th of July 2009

¹¹ Shkodrova A., “Minorities Report”, Vagabond Magazine 13 (2007), http://www.vagabond.bg/index.php?page=live&sub=37&open_news=628, accessed on 19 June 2009

number could only be suggested. An indicator about their approximate number can be found in the census data¹², which shows that around 130,000 people belonging to the Bulgarian ethnic group are Muslims by religion. Some experts believe their real number is much higher. In 1989 an unofficial estimate was made by the Ministry of Interior and the results were that there were 270,000 Pomaks in Bulgaria. However, there is no explanation about how the Ministry came up with the number in the first place.

The other ethnic communities are, in general small. The only groups that number more than 10,000 people are the Russians, Armenians and Vlachs. All other minorities are less than 5,000¹³. Most of the people that are part of small minorities are integrated into Bulgarian society. In numerous cases they have abandoned their mother tongue for Bulgarian language. Almost all of them, however, actively preserved their culture and traditions through the organization of various cultural societies and publication of newspapers, journals and books. As a rule, they are not politically organized, with one notable exception – the Macedonian community¹⁴.

The third minority group, whose numbers are highly disputed, range from the official 5,071 to 200,000, as claimed by some Macedonian nationalists¹⁵. Some experts estimate that there are between 15,000 and 25,000 people with Macedonian self-awareness in Bulgaria. Historically, the policies of the Bulgarian state regarding its citizens with Macedonian self-identity have been highly controversial. During the 1940s and 1950s, the Communist Party encouraged the inculcation of Macedonian self-awareness¹⁶ in the Pirin region. This policy was dramatically reversed in the 1950s. The official position of the Bulgarian state became the complete opposite – total denial of the existence of the Macedonian nation and language, not only in Bulgaria, but also in the neighboring Yugoslav Republic of Macedonia. Some parts of the Bulgarian population are still having difficulties in overcoming this understanding even today. The change of the Bulgarian policy regarding the Macedonian minority was reflected in the censuses where the number of Macedonians miraculously dropped from 187,789 in 1956 to 9,632 in 1965 to disappear altogether in the later censuses.

Religious minorities in Bulgaria also suffer discrimination and harassment. Muslims are subject to hate speech and Islamophobia though perhaps not as severe as in Western Europe. Victims are not only Turks, but also immigrants from Africa and Asia, as well as the Pomaks.

¹² Ibid

¹³ Ibid

¹⁴ A list of the Bulgarian parties can be seen in Bulgarian here: <http://bgpolitika.hit.bg/>, accessed on 19 June 2009

¹⁵ The positions of the Macedonian Movement Party can be seen here <http://www.vmro.org/>, accessed on 19 June 2009

¹⁶ This is a Bulgarian phenomenon – people with Bulgarian ethnical and cultural background accept themselves as Macedonians.

Religious tolerance is not one of the characteristics of Bulgarian society.

Like in 2007, hate speech against different beliefs occurred in 2008¹⁷. The focus was again on the so called sects: Krishna followers, the Jehovah's Witnesses, etc¹⁸.

The prejudice and mistreatment against people with different sexual orientation in Bulgarian society continues to exist. Similarly to the situation in 2007¹⁹, in 2008 numerous harassment cases were reported²⁰. The situation deteriorated due to the low levels of activism in protecting the LGBT²¹ community against discrimination.

¹⁷ No official information was ever published on this matter. The information is from the two institutions that suffer the hate speech – Krishna followers and the Jehovah's Witnesses.

¹⁸ See European Network Against Racism, Shadow Report 2007: Racism in Bulgaria (Brussels: ENAR, 2008) available online at <http://cms.horus.be/files/99935/MediaArchive/national/Bulgaria%20-%20SR%202007.pdf>, accessed 28 May 2009

¹⁹ Ibid

²⁰ DNEVNIK newspaper, '60 people were arrested for breach of public order during the gay-parade' (original in Bulgarian: "Около 60 задържани за нарушаване на общественя ред по време на гей парада"), available online at: http://www.dnevnik.bg/bulgaria/2008/06/28/519826_okolo_60_zadurjani_za_narushavane_na_obshtestvenii_a/ accessed on 30 May 2009

²¹ LGBT stands for Lesbian, Gay, Bi- and Transsexual

V. Manifestations of racism and religious discrimination

V. i Employment

In the area of employment, virtually all Roma people suffer severe discrimination in their access to the labour market²². This is partly due to lack of education or training and partly due to prejudice. Very few Roma work for governmental institutions and all of those who do work for the government are only recent cases, mostly due to the EU accession process.

There are no reliable statistics on the unemployment rates amongst ethnic minorities. The lack of a data collecting system on the social aspects of employment and the lack of public statistical information were addressed in the cases before the European Committee of Social Rights under the revised European Social Charter. Some of the governmental data are double-checked by NGOs, like the Friedrich Ebert Stiftung that commissioned a research to social experts.

The Bulgarian-speaking Muslims have access to the labour market, but not on conditions equal to the Bulgarians and Turks. They are usually given unskilled or manual jobs, even if they are well-paid in some cases. The situation with the Turkish minority is similar, although not as harsh. However, very little research has been carried out on this issue.

LGBT and members of the Macedonian minority usually avoid identifying themselves as such due to fear of discrimination in the workplace. Often members of these two minorities are being mocked and/or discriminated. Their belonging to one of these two specific groups often leads to intolerant attitude from the employers.

²² See European Network Against Racism, Shadow Report 2007: Racism in Bulgaria (Brussels: ENAR, 2008) available online at <http://cms.horus.be/files/99935/MediaArchive/national/Bulgaria%20-%20SR%202007.pdf>, accessed 28 May 2009

V. ii Housing

When talking about discrimination in the area of housing it should be noted that the main minority group in Bulgaria that suffers from such discrimination is the Roma community. The violations of Roma housing rights decreased after 2006²³. The situation however is still not very good. Roma are being discriminated in various ways regarding their housing rights – they are often refused renting rights by the owners of the properties that are to be rented, they could be declined the right to buy a property (although not that often).

The local authorities made a consistent policy out of the denial of any support for poor Roma families in the process of arranging regularisation of the ghetto houses. Even more – there are multiple cases of violating the property rights of Roma people. The cases of violating the legal rights of the tenants are quite often being violated in a dramatic way.

An example of this practice is the denial of the property rights of 15 Roma families in the city of Plovdiv and in the city of Bourgas in May 2008²⁴. The two municipalities have ordered to suspend the power and water supply to 15 buildings that were the object of investigation of the local offices of the Department of the National Constructional Control (DNCC).

Example of Good NGO Practice

Following the power and water suspension, two NGOs – ‘Equal Opportunities Association’ and ‘Centre for the right of home’ submitted a complaint to the UN Human Rights Council. The council came with a decision in favour of the Roma people.

In the Bulgarian reality, Roma communities generally live in segregated formal and informal settlements which are usually situated far away from the majority-occupied areas of town. The suffered discrimination prevents Roma from integrating into the majority population and dramatically exacerbates their marginalisation. The informal nature of the housing occupied by some members of the Roma community is put forth by Bulgarian authorities so it could justify their failure to assist Romani residents and, at times, to harass them and/or to subject them to invasive practices incompatible with the international human rights standards to which Bulgaria has voluntarily agreed to be legally bound.

²³ Ibid

²⁴ Dnevnik newspaper, ‘Roma organizations submit a signal to the UN’ (original in Bulgarian: ‘Ромски организации се оплакват от България в ООН’), 07 August 2008, http://www.dnevnik.bg/bulgaria/2008/08/07/535141_romski_organizacii_se_oplakvat_ot_bulgariia_v_oon/, accessed 29 May 2009

Romani residents of segregated housing settlements, both officially recognised and informally can not afford legal protection that other residents of formal housing can enjoy. The result comes and they usually suffer frequent abuses of their fundamental rights, including abusive police raids, forced evictions and arbitrary destruction of their property. In many cases, persons residing in such housing do not have access in practise to public services²⁵ such as the provision of electricity, heating and potable water, paved roads, street lighting and other infrastructure, and are excluded from a range of public services including removal of sewage and solid waste, public transport and access to quality schooling in close proximity.

Currently in Bulgaria, a large number of Roma live segregated from non-Roma in areas known as “mahalas” or “ghettos”. Mahalas are usually found in the outskirts of larger cities. Officially, the Fakulteta Romani mahala in Sofia is home to approximately 16,000 Roma. Unofficial sources state that the number of residents is closer to 45,000²⁶. One result of such segregation is that the Fakulteta Romani mahala area lacks adequate streets to accommodate buses necessary to transport children to school, resulting in a lack of access to education for thousands of Romani children²⁷.

The Iztok Romani settlement in the central Bulgarian city of Pazardzhik accomodates around 30,000 Roma. In rural areas, many Roma live on the outskirts of villages. In some places, the segregation of Roma from the rest of the community has been enforced in urban and/or rural settings by the construction of physical barriers, such as metal or concrete fences, surrounding their neighbourhoods. Two-meter high fences constructed at the expense of the respective municipalities surround all the Sheker Romani mahala in Plovdiv, as well as in Romani neighbourhoods in Kazanlak and Kiustendil. Regardless of whether they exist in an urban or a rural setting, segregated Romani mahalas or ghettos are characterised by markedly substandard conditions and the majority of residents do not enjoy legal security of tenure. Residents of such neighbourhoods have limited access to social benefits, employment or quality education. Public services such as trash collection or public transportation is also limited in such areas. Therefore the segregation and the violation of the housing rights of the Roma population leads to their mistreatment regarding multiple areas of day-to-day life²⁸.

The Stolipinovo Romani neighbourhood in the central Bulgarian city of Plovdiv gives home to approximately 40,000 Roma. According to some experts 95 % of

²⁵ See below section V.vii Access to goods and services in the public and private sector

²⁶ BIRN, 'The Roma Population is isolated from the increased workforce hunger' (Original title in Bulgarian: 'Ромите са изолирани от бума на заетостта') <http://www.birn.eu.com/bg/113/10/5823/> accessed on 19 June 2009

²⁷ See below section V.iii Education

²⁸ See below section V.vii Access to goods and services in the public and private sector

the residents of the neighbourhood live without legal security of tenure²⁹. In the 1970s, the Bulgarian government built several blocks of apartments in the area. Today they stand in a terrible condition as the government does not maintain the buildings. The people who live on the top floors do not have water because of problems with water pressure in the buildings. Despite the numerous complaints sent to the Water Company, no actions have reportedly been taken to restore water in the flats. Four segregated schools exist in the settlement, which are also cut off from electricity supply during this time, rendering education nearly impossible.

The cases of forced evictions of Roma are not rare in Bulgaria. This comes as a direct consequence of the lack of legal security of tenure, including the minimum degree of security of tenure required by international human rights law, and has resulted in the homelessness of many members of the Roma community³⁰ in Bulgaria.

V.iii Education

As reflected in the ENAR's Shadow Reports for Bulgaria for 2006³¹ and 2007³² ethnic segregation in access to education is a basic problem for many minority groups, but especially for Roma people.

This is an issue linked to territorial segregation. Generally, there are no schools or at least no good schools in small and remote areas inhabited by minorities. The reason for this situation could be linked with the prejudice of the authorities, as well as the total lack of regional policy regarding education. The Ministry of Education has adopted the practice of closing schools in small and remote villages that have been labelled as 'economically ineffective'. Territorial segregation disproportionately affects not only Roma, but also Turks and Muslims. It affects also Bulgarians in these regions, forcing families to move to bigger towns or cities³³. However, Roma, Turks and Muslims often do not have that choice, since their limited access to the labour market limits their mobility.

²⁹ Written Comments of the Centre on Housing Rights and Evictions (COHRE) and the Equal Opportunities Association, which can be seen here http://www2.ohchr.org/english/bodies/cerd/docs/ngos/COHRE_EOA_Bulgaria74.pdf accessed on 19 June 2009

³⁰ No statistics are available regarding of the exact number of homeless Roma in Bulgaria

³¹ See European Network Against Racism, Shadow Report 2006: Racism in Bulgaria (Brussels: ENAR, 2007) available online at http://cms.horus.be/files/99935/MediaArchive/national/Bulgaria_2006.pdf accessed 28 May 2009

³² See European Network Against Racism, Shadow Report 2007: Racism in Bulgaria (Brussels: ENAR, 2008) available online at <http://cms.horus.be/files/99935/MediaArchive/national/Bulgaria%20-%20SR%202007.pdf>, accessed 28 May 2009

³³ No real official data is available, due to the lack of official census for the last 8 years – the last one was held in 2001

There is also territorial segregation in the city neighbourhoods as 'special schools' are situated in Roma neighbourhoods (ghettos)³⁴, where the quality of education and training is poor or at least unequal. This often includes training to cultivate skills for manual work or other kinds of low-paid and non-intellectual work.

Another kind of educational segregation is based on the type of education and the type of schools. Many Roma children are put in boarding schools for delinquent children or in remedial schools, despite the fact that they clearly do not fit the criteria for such schools. In these institutions, you will often find orphaned children or children of very poor parents, who are convinced that such places are better for their children, since they provide a roof and catering for the students. In such cases the children are neither minor criminals nor children with intellectual disabilities, but being placed in such schools they do not receive quality education appropriate to their abilities. In all those four types of schools the quality of education is poor. The Regional Departments for Education Inspection do not apply equal criteria for inspection as in the 'normal' schools. If they did a lot of schools would have to be closed and a lot of problems would come on the surface.

The country has more than 3,300 schools³⁵ and the number of the segregated 'Roma schools' amounts to more than 550. Roma children suffer discrimination and racism at school. It has been observed that these phenomena are factors, among others, that cause students and their parents to lose the motivation to integrate and participate in school.

As a general rule, the segregated Roma schools do not offer a qualitative education. The low quality of education offered in these elementary schools, combined with the multiple examples of direct discrimination leads to shocking results. According to some experts and statistics, there are about 100,000 Roma students in Bulgaria and 16 % of them fall out of the educational system before the age of 16³⁶. The Bulgarian Constitution states that education up to ninth grade (aprox 16 years) is obligatory for all Bulgarian citizens. Thus, the facts lead to the conclusion that segregation and the lack of interest of the authorities – both local and governmental deprives 16,000 Bulgarian citizens of one of their constitutional rights. After the eighth grade, every year the number of Roma students that fall out varies between 6,000 and 7,000 per year.

As a result of this scary tendency, only 0,3 % of Roma population have received a higher education. This percentage corresponds to the exact number of 443

³⁴ See section V. ii Housing, page 9, paragraph 3

³⁵ The information is taken from the statistics of the Ministry of Education <http://www.minedu.government.bg/opencms/opencms/> accessed on 19 June 2009

³⁶ Dnes.bg, '16 % of the Roma children fall out before they reach the ninth grade' (original title in Bulgarian: '16 % от ромските деца отпадат до 9-ти клас'), <http://www.dnes.bg/article.php?id=68588>, accessed on 29 May 2009

Roma people who have higher education³⁷. This tendency can be observed only with Roma people. It could be stated that the real number could be higher as members of the Roma minority could not identified themselves as such. Most of the other minorities are quite well integrated when it comes to education.

V. iv Health

The situation of the Roma minority in Bulgaria regarding health care remained much worse than for any other minority. The troubles come as a result of the multiple and frequent health risks that come along with the poverty most of the Roma live in. An addition to this is the stressful and unfriendly attitude of the Bulgarian healthcare system regarding people with limited financial means.

When talking about the manifestations of racism and discrimination in respect of health one topic could not be missed. The prevention and treatment of epidemic diseases is dramatically low. This situation is not new for Bulgaria – it has been reflected in the ENAR Shadow reports for 2006³⁸ and 2007³⁹ but unfortunately nothing has been changed.

In 2007, the ERRC⁴⁰ filed a collective complaint alleging systematic and mass violations of Art. 11 and Art. 13, related to Art. E of the revised European Social Charter. It was supported by an enormous amount of factual data about individual examples and strategic gaps in the system⁴¹. The complaint was admitted and the decision on the merits was expected in late 2008. The decision, however, came in 2009 and it found that Bulgaria was in violation of the European Social Charter by failing to meet its obligations to ensure that Roma have adequate access to health care⁴².

The worst examples of discrimination against Roma in access to healthcare services undoubtedly are connected with the denial of emergency medical care. As indicated in the ENAR Shadow reports from previous years, the ambulances systematically refuse to answer calls from Roma segregated areas or from

³⁷ Dimitrov, Samuil, 'Only 443 Roma people have higher education' (original title in Bulgarian: Само 443 рому умат висше образование), <http://www.segabg.com/online/new/articlenew.asp?issueid=2949§ionid=2&id=0000404> accessed on 29 May 2009

³⁸ See European Network Against Racism, Shadow Report 2006: Racism in Bulgaria (Brussels: ENAR, 2007) available online at http://cms.horus.be/files/99935/MediaArchive/national/Bulgaria_2006.pdf accessed 28 May 2009

³⁹ See European Network Against Racism, Shadow Report 2007: Racism in Bulgaria (Brussels: ENAR, 2008) available online at <http://cms.horus.be/files/99935/MediaArchive/national/Bulgaria%20-%20SR%202007.pdf>, accessed 28 May 2009

⁴⁰ European Roma Rights Center

⁴¹ Collective Complaint No. 46 of 2007, ERRC v. Bulgaria.

⁴² European Roma Right Center, *European Committee Rules Bulgaria is Violating the Right to Health Care for Roma People*, <http://www.errc.org/cikk.php?cikk=3028> accessed on 29 May 2009

ordinary neighbourhoods where the Roma live. In other cases they arrive always late.

In 2008 this abuse of Roma healthcare rights led to the death of a 51-year old Roma, named Anka Vesselinova, resident of the Fakulteta Romani mahala in Sofia. She had an accident in her garden and an Ambulance had been called. The period of time between the emergency call and the arrival of the medical team was estimated to be more than two hours. In that time multiple calls had been made by the relatives of the sufferer but the call-operator kept telling them that their case was not so urgent and that they would have to wait until a medical team was vacant. Anka Vesselinova passed away later in the hospital.

The situation was not left unpunished and a trial was launched. The respondent – the Urgent Medical Care service - showed complete negligence regarding the case. None of the summoned witnesses did not show at several of the hearings, including the director of the service and the call-operator that took the calls and qualified the case as a minor one⁴³.

Other groups that face severe problems regarding their access to the healthcare system are Bulgarian emigrants living abroad and foreigners in the country. Both of these groups suffer the complete formalistic approach of the Bulgarian healthcare authorities.

V. v Policing and racial profiling

The use of police force, combined with racial profiling led to serious consequences in Bulgaria. There are multiple cases of unjustified use of police force. Some of the cases mentioned in previous Shadow Reports had further developed in 2008. The general comment for this development is that most of the proceedings have been terminated.

Case 1⁴⁴: Kiril Stoyanov was shot and killed by a police officer in Plovdiv in 2004. This happened in highly suspicious circumstances. The Plovdiv regional court held that there had been no wrongdoing. The verdict was appealed.

A similar murder occurred in the city of Samokov in the same year – 2004. Boris Mihaylov was shot in unclear circumstances.

⁴³ Sega, 'Urgent Medical Care service is distracted regarding a discrimination case' (original title in Bulgarian: "Бърза помощ" се разсейва по дело за дискриминация'), <http://www.segabg.com/online/article.asp?issueid=3008§ionid=2&id=0000502> accessed on 29 May 2009

⁴⁴ Ibid

Unfortunately no further progress was achieved in 2008 regarding the investigation of these murders committed by police officers. The two victims - Kiril Stoyanov from Plovdiv and Boris Mihaylov from Samokov were both of Romani origin. Regarding Boris Mihaylov, an application has been lodged with the European Court of Human Rights in Strasbourg. Regarding Kiril Stoyanov, the domestic remedies are still in the process of being exhausted.

Case 2⁴⁵: On 21 August 2006 in the village of Elhovo, near Stara Zagora, Marko Bonchev, of Romani origin, died after having been detained by the police for three days. The prosecution office terminated both the proceedings against the police officers and against the medical personnel for denial of medical care. No charges were brought before a court. The court confirmed the termination of the proceedings against the medical staff. The termination of the proceedings against the police officers was still being reviewed by the court in the end of 2007.

In 2008 the investigation of the death of Marko Bonchev was finally terminated. On the 1st of January 2008, the Plovdiv Regional Military Prosecutor's Office had initiated criminal proceedings to investigate the circumstances in which the death occurred. Finally, on the 27th of October, the court held that the police officers that were involved into the detention of Mr. Bonchev were not guilty for his death. Therefore they were all cleared of all charges⁴⁶.

Racial profiling is a major issue with the Bulgarian police. Police officers often stop and check Romani people, just because of their appearance or background⁴⁷. The year of 2008, however, showed a development in this area. According to statistics, 22 %⁴⁸ of the members of the Turkish minority in Bulgaria have been stopped by the police in the last 12 months. It is curious that only 2 % from the minority group believe that their ethnic background and profile played a role when being stopped.

This statistic comes to show that the Police is on the right track. The situation, however, is still not very good. Members of Roma ethnic minority still suffer severe racial profiling when being stopped or detained by police forces.

The positive development could be linked with the relevantly new program of the police schools. The training of police officers includes courses like 'Human Rights and the work of the Police', 'The role of the Police regarding the protection of Human Rights', 'Protection from Discrimination', 'Relevant decisions of the EUHRC regarding the work of the Police'. Hopefully this will really improve the quality of the police work in the area of human rights.

⁴⁵ Ibid

⁴⁶ Bulgarian Helsinki Committee, Human Rights in Bulgaria 2008

⁴⁷ "I Can Stop and Search Whoever I Want", Police Stops of Ethnic Minorities in Bulgaria, Hungary, and Spain, Open Society Justice Initiative, 2007.

⁴⁸ European Union Fundamental Rights Agency (FRA), Data in Focus Report: Muslims, available online at http://fra.europa.eu/fraWebsite/attachments/EU-MIDIS_MUSLIMS_EN.pdf, accessed 29 May 2009

However, it will be necessary to adopt a strict control system in order to achieve really good results. The fact that the relevant matter is studied by future police officers is not enough. Without an effective control mechanism this will stay without any results.

V.vi Racist violence and crime

The year of 2008 offered many examples of racist violence and crimes. The sports industry in the country contained many racist incidents that were mainly verbal, with nevertheless a number of physical incidents.

Case 1: The first situation was connected with a football game between the teams of Botev Plovdiv and Levski Sofia held in August 2008. During the game, the fans of Botev Plovdiv raised posters with racist and fascist content and multiple insults about some of the players of the opposing team⁴⁹. After the game no actions were undertaken by the Disciplinary Commission of the Bulgarian Football Union (BFU). Therefore, an external organization intervened. The 'Football against Racism in Europe' (FARE) organization had to send a special note to the BFU and UEFA in order to follow the rules. The BFU quickly placed an insignificant fine. This was, however, noted by UEFA, which had to send a recommendation for a fine of 37, 500 BGN⁵⁰ and to take three points off from the teams involved. This was done exactly as recommended.

The case had an unexpected development. The fined team appealed the sanction and the Appellative Commission of the BFU overruled the whole sanction due to a procedural issue⁵¹. Thus, the team was left unsanctioned, despite the UEFA's rule and specific recommendations.

Case 2: This was not the only case, when obvious violent actions were left without consequences. Another shocking example was the football match between Slavia Sofia and CSKA Sofia. The problem here was between the players. A Bulgarian player of Slavia – Blagoi Georgiev and the Cameroonian player of CSKA – Daniel Becono had a physical fight immediately after the end of the game. The conflict was triggered by a racist insult aimed at the Cameroonian player. This is another case where no actions followed the clear racist violence.

⁴⁹ Dnevnik newspaper, 'The Bulgarian Football Union punishes Botev Plovdiv for racism, under European pressure' (original title in Bulgarian: 'БФС наказва Ботев (ПД) за расизъм под натиск от Европа'), http://www.dnevnik.bg/sport/2008/09/17/551822_bfs_nakaza_botev_pd_za_rasizum_pod_natisk_ot_evropa/, accessed on 29 May 2009

⁵⁰ Ibid

⁵¹ Dnevnik newspaper, 'Botev Plovdiv regained the three points, taken for racism after an appeal' (original title in Bulgarian: 'Ботев (ПД) си върна трите точки за расизъм след обжалване'), http://www.dnevnik.bg/sport/2008/09/25/555195_botev_plovdiv_si_vurna_trite_tochki_za_rasizum_sled/, accessed on 30 May 2009

As both of the teams do not wish to enter into the investigating procedure, none of them will press charges. The players are silenced and the case will be left without consequences⁵².

Cases like these create the false feeling that insults and conflicts, grounded on racist statements will be left without any consequences. Therefore, this practice is really dangerous. This openly encourages other racist posters and further deeper problems in this area.

V.vii Access to goods and services in the public and private sector

As reflected in previous years, discrimination in access to goods and services in the public and private sector remained problematic, though on a much lower scale compared to previous years. The numerous litigation efforts initiated by NGOs in recent years finally had some impact. The violations of the anti-discrimination legislation are not as massive and drastic compared to the last decade. Still, there are numerous cases of discrimination especially regarding the Roma.

Most of the minority groups (except the Roma) are well integrated into the social life of the country. The public and the private sectors are opened to them but still they face problems. There is no official data regarding the limited access of these groups. However, it is a well known fact that if a person does not speak Bulgarian language it would be a mission impossible to solve a bureaucratic problem. The civil service clerks usually do not know (or do not want to use) English language and work only in Bulgarian. This creates problems in front of those, who do not speak Bulgarian. Apart from that segment of the minorities, nearly all of them do not face problems regarding the access to the public sector. Regarding the private sector – banks, restaurants, bars, discos etc. problems rarely occur. Still, the so called 'Face control' in some discos could deny access to members of some minorities. Unfortunately no public information is available on this matter. Therefore the public accepts that this is not a real problem. This, however is a problem for the Roma, who are often denied access to discos⁵³.

There are multiple examples of ethnic discrimination regarding Roma people. Some of them have reached the Commission for Protection against Discrimination (CPD).

⁵² Dnevnik newspaper, 'The racist conflict Bokano-Georgiev will be left without consequences' (original title in Bulgarian: 'Расисткият конфликт Бокано-Георгиев ще остане без последици',) http://www.dnevnik.bg/sport/2008/09/15/550808_rasistkiat_konflikt_bekono_-_georgiev_shte_ostane_bez/, accessed on 30 May 2009

⁵³ No official data has ever been published on this matter

Case 1: An example of such discrimination occurred on the 24th of August 2008. The Applicant⁵⁴, her sister and her nephew went to a public swimming pool (similar to an Aquapark). The cashier and the security did not let them in because of a private party organized by the popular fast-food chain "McDonalds". The CPD ascertained that such a party was not carried out at that time. The CPD found that the Applicant was discriminated on the grounds of ethnic background⁵⁵. It is really comforting to say that in this situation the Commission made a right decision that was to show other companies that discriminating would have consequences. The idea is a good one however the problem lies with the sanction, settled by the CPD. The Commission set two fines – the security man had to pay 500 BGN (approx. 260 €) and the Aquapark was entitled to pay a fine of 1,000 BGN (approx. 510 €⁵⁶) which is merely a symbolic sum. These sanctions will not be able to show the other companies that exist in Bulgaria, that discriminating on any grounds is a serious breach of the legal norms and the morality.

Case 2: Another example of discrimination in the area of services and goods occurred in relation to the Electricity service in the segregated Roma areas. After a client of the electricity distributor CEZ Distribution Bulgaria Ltd misses all payment deadlines, his electricity service is being terminated. In order to be re-connected to the system, a client needs to pay a special fee of 40 BGN (approx 20 €). The members of the Roma community in the Iztok Romani mahala in the city of Kyustendil, however, have to pay a higher fee⁵⁷ for that – 47,44 BGN (approx. 24 €). The higher tax is based on the meters in the Roma-inhabited area that are located at 10 meters height. This is a typical example of discrimination in offering services, because it was a decision of CEZ where to place the meters – it has not been consulted with the clients in that area. The taxes should be equal for all clients, with no reference to social or ethnic background and/or place of living.

The year of 2008 continued to give more and more examples on ethnic profiling and discrimination on multiple grounds. As already stated, the most vulnerable community to this form of discrimination is still the Roma community.

⁵⁴ The name of the Applicant is kept confidential and the it has been in an encoded version in the documentation in the case

⁵⁵ Commission for Protection Against Discrimination, Annual Report for 2008, http://www.kzd- nondiscrimination.com/images/stories/pdf/annual%20report_2008.pdf accessed on 29 May 2009

⁵⁶ According to the statutory fixed rate 1 € equals 1,955 BGN

⁵⁷ Dnes.bg, 'Roma people sue CEZ for discrimination' (original title in Bulgarian: Рому съдят ЧЕЗ за дискриминация), <http://www.dnes.bg/article.php?id=61165>, accessed on 29 May 2009

V. viii Media, including the internet

Just like 2007⁵⁸ gross violations of the Radio and Television Act occurred yet again. The national media regulatory body - the Council of the Electronic Media (CEM), failed to address these issues in any way. During 2008 the CEM was preoccupied with supporting the biggest commercial media in their efforts to monopolise the market and did not pay any attention to the public interest of sanctioning hate speech.

Following the situation in 2007⁵⁹ hate speech was still spread mainly through two channels: the *Ataka* newspaper and the SKAT TV, both of which are propaganda tools of the extreme nationalist party, Ataka. The *Ataka* newspaper continued to spread lies and misconceptions towards minority groups, including Roma, Jews, religious groups, immigrants, etc. The SKAT TV channel has been monitored by NGOs for numerous anti-Semitic and anti-minority messages delivered on a daily basis. Some TV presenters on this TV channel employ gestures, mimics and other non-verbal means of communication reminiscent of Nazi orators in the past.

Perfect examples of racist statements in the media are Kalin Roumenovs' articles in the Novinar newspaper. Kalin Roumenov is a Bulgarian journalist that was awarded one of the most prestigious awards for young writers - 'Chernorizets Hrabar'. His articles contain multiple abusive and severe racist comments regarding the Roma minority in Bulgaria. His texts are mainly vulgar. Several international organizations protested at the end of August against the granting of the award to a racist journalist⁶⁰. On the 10th of September 2008, representatives of the WAZ media group, owner of the largest dailies, joined the protest. Several days later the Publishers' Union and the Chernorizets Hrabar Academy, which acts as a jury, revoked the award. This reaction was a strong step in the direction of imposing intolerance of the racist articles that use hate speech.

Example of NGO Good Practice

Foundation 'Interethnic Initiative for Human Rights' was the main moving force that fought for the deprivation of the Chernorizets Hrabar Award. It organized multiple petitions in favour of the deprivation, lobbied and sent protests to most of

⁵⁸ European Network Against Racism, Shadow Report 2007: Racism in Bulgaria (Brussels: ENAR, 2008) available online at

<http://cms.horus.be/files/99935/MediaArchive/national/Bulgaria%20-%20SR%202007.pdf>, accessed 28 May 2009

⁵⁹ Ibid

⁶⁰ See "International Journalist Organization Condemns Granting of Award to Bulgarian Racist", available at:

<http://www.wiesenthal.com/site/apps/s/content.asp?c=lsKWLbPJLnF&b=4442915&ct=6270969> accessed 29 May 2009

the institutions in Bulgaria, including the President, the Council of Ministers and the National Assembly. No reaction followed these campaigns, so letters were sent to the institutions of the EU and to the central office of the WAZ media group. This was crucial and led to multiple reactions from the EU. This provoked the same Bulgarian institutions, which refused to act, to deprive the award.

In November 2006, the mayor of the Ovcha Kupel district in Sofia, on the occasion of the plans of the municipality to provide housing to Roma population, stated:

The cows in Ovcha Kupel will be far less disturbing than a Roma residential district there... A Roma district like this is ten times more dangerous to be close to residential areas than a dumping ground⁶¹.

Example of NGO Good Practice

The Foundation 'Interethnic Initiative for Human Rights' played a major role in this situation. The organization submitted a complaint to the CPD. The decision has been delayed for more than a year. Finally it came out in July 2008. The Commission ruled that the mayor had to make a public apology and pay a fine of 1,000 BGN (approx 510 €)⁶².

Another example of hate speech in the media is the news feed of the Bulgarian National Television (BNT) from the 24th of February 2007. The 'top news' of the day was announced as 'Gypsies exploit a Bulgarian'. The material was about a family that took a homeless disabled person to help in the household for a small remuneration. It turned out that this was a fraud and the disabled person was kept for almost ten years practically as a slave. The newsroom, however, made the story more interesting and stressed that the family was a 'gypsy family'. This has been repeated multiple times in different forms – 'Gypsies exploited a 57-year old disabled man', 'the man tried to escape but gypsies bet him so that he could obey', 'the gypsies blackmailed a disabled man'. The insulting terms of 'gypsy' and 'gypsies' have been intentionally used multiple times in the coverage.

⁶¹ Dnevnik newspaper, '150 Roma families are temporarily accommodated in the Ovcha Kupel area' (Original title in Bulgarian: Настаняват временно 150 ромски семейства в кв. Овча Купел), http://www.dnevnik.bg/bulgaria/2006/11/14/293774_nastaniavat_vremenno_150_romski_semeistva_v_kvov_cha/, accessed on 29 May 2009

⁶² Commission for Protection of Discrimination, *Annual Report for 2008*, available online http://www.kzd-nondiscrimination.com/images/stories/pdf/annual%20report_2008.pdf accessed on 29 May 2009

Example of NGO Good Practice

Another example of a good NGO practice were the actions undertaken by the 'Roma Information Agency – Defacto' which submitted a complaint to the CPD. The decision of the Commission came out in July 2008⁶³. It ruled that in this situation the Bulgarian National Television discriminated the Roma community and intentionally used hate speech so that it could provoke public reaction against the whole Roma community.

⁶³ Ibid

VI. Political and legal context

In 2008, Bulgaria continued to be governed by the coalition government composed of the Bulgarian Socialist Party (BSP), the National Movement of Simeon the Second (NMSS) and the Movement for Rights and Freedoms (MRF). The nationalists perceive the latter as 'the Turkish party'; while in practice it does not protect the minority rights of its Turkish voters, nor of any other minority. The coalition was formed after the parliamentary elections held on 25 June 2005.

The last parliamentary elections in Bulgaria were held in June 2005. The results formed the Bulgarian political society in an interesting matter. Following the massive extreme nationalist campaign, the far-right party ATAKA received 8.9 percent of the seats in the Parliament. This party uses two main media – SKAT TV and the ATAKA newspaper. They publish and broadcast false, misleading and abusive articles and materials regarding many minorities, including the Roma, the Turkish minority, the Jewish minority etc. The hate speech is a main instrument in this propaganda. Many people were attracted by the main slogan of the party – 'Bulgaria for the Bulgarians'. The attitude of the party, however, soon began to repel some of its followers. The parliamentary group of the party began to shrink – some of the MPs were expelled from the party while others resigned from the party. One of the expelled was banished due to pedophilia investigation. Later, this MP was convicted and sentenced for this. Thus, he was banished from the parliament after a special vote, made by the members of the Parliament⁶⁴. Most of the other cases involved huge political scandals. It is curious that in the beginning of the parliament's mandate ATAKA had 21 MPs and in the end of it ATAKA only had 11⁶⁵.

The general conclusion about the nationalist party ATAKA is that its popularity amongst Bulgarians has been shattered. While in 2005, ATAKA enjoyed the approval and backup of 21 %⁶⁶ of the population in end of 2008 the political party received approx 11 %⁶⁷.

The Roma minority is poorly represented in the governing structures of the state, despite of the fact that Political Party "Roma" is one of the members of the

⁶⁴ Dnevnik, 'After sentenced for pedophilia, Kuzov was removed from the Parliament' (original title in Bulgarian: 'След присъдата за педофилия, Кузов беше изгонен от парламента'), http://www.dnevnik.bg/bulgaria/2009/02/26/681538_sled_prisudata_za_pedofilia_kuzov_beshe_izgonen_ot/ accessed on 30 May 2009

⁶⁵ Dnevnik, 'ATAKA' (original title in Bulgarian: 'ATAKA') http://www.dnevnik.bg/izbori/2009/partii/2009/04/11/717161_ataka/ accessed on 30 May 2009

⁶⁶ Alfa Research, 'Assessment of the Popularity of the Main Political Parties in Bulgaria 2005-2006' (original title in Bulgarian: 'Оценка на дейността на основните политически партии 2005-2006') <http://www.aresearch.org/parties/915.html> accessed on 30 May 2009

⁶⁷ Alfa Research, 'Assessment of the Popularity of the Main Political Parties in Bulgaria 2008-2009' (original title in Bulgarian: 'Оценка за дейността на основните политически партии 2008 - 2009'), <http://www.aresearch.org/parties.html> accessed on 30 May 2009

Coalition for Bulgaria, which is currently in the governing coalition. Party “Roma” does not have much say in the work of the government, and has one single representative in the Parliament – its leader Toma Tomov.

Another Roma party, Movement for an Equal Public Model – DROM, is nominally represented in the Parliament, as it is one of six parties comprising the right-wing coalition United Democratic Forces. While UDF⁶⁸ used to be the strongest political force in the 1990s, its 2005 election results were extremely poor and as a consequence, none of DROM’s candidates (who were rarely placed near the top of coalition’s candidate lists) managed to enter the National Assembly.

Another party representing the Roma minority is the Euroroma party. Unfortunately, on the last parliamentary elections, held in 2005, they received 1,25 %⁶⁹ of the votes and did not enter the Parliament.

In addition to Toma Tomov, there are two more, “hidden” representatives of the Roma minority in the Parliament. Both of them are members of the MRF⁷⁰, but as many others from the ethno-religious community of Muslim Roma, they self-identify as Turks. In the last local election there was a significant increase in the number of civic parties, running with minority candidates in municipalities with ethnically diverse population. However, in most cases the motivation for these decisions was not so much the genuine desire of parties to diversify their own ranks and provide more political space to the minority representatives, as was their desire to use minority candidates to try to fight the overwhelming dominance of the Movement for Rights and Freedoms in the predominantly Muslim populated areas of Bulgaria.

Regarding the legal context in Bulgaria, it should be noted that the statute that regulates the area of discrimination is the Protection of Discrimination law. It was adopted in 2003 but was legally enforced from the 1st of January 2004. In 2008 the law was amended with one addition⁷¹. The new article states that discrimination on the grounds of age will not be considered, if the state sets a maximal age for financial support for doctorate researchers. This means that the discriminatory policy of the state regarding the doctorate researches is formally legalised. Up to that moment, the discrimination, based on age could be challenged.

The sections regulating discrimination on grounds of ethnic background, religion, sex etc have not been changed.

⁶⁸ United Democratic Forces

⁶⁹ The results of the elections can be seen here: <http://www.2005izbori.org/results/index.html> accessed on 30 May 2009

⁷⁰ Movement for Rights and Freedoms

⁷¹ The current version of the statute can be seen here: <http://lex.bg/bg/laws/ldoc/2135472223> accessed on 30 May 2009

VI. i Anti discrimination

Bulgaria is one of the few European countries, which has adopted antidiscrimination legislation⁷², which not only satisfies the standards set by the EU Directives, but even exceeds them. The anti-discrimination statute, adopted in 2004 covers all forms of discrimination and provides a non-exhaustive list of criteria for discrimination. The Law outlaws all forms of unequal treatment based on any grounds⁷³.

The Bulgarian country had been a party to the International Convention on the Elimination of All Forms of Racial Discrimination since 1969. Throughout that period successive Governments had been firmly committed to maintaining a constructive and fruitful dialogue with the Committee of Elimination of Racial Discrimination and Discrimination with a view to providing information and receiving advice. They had made every effort to give full effect to the Convention at the domestic level and contribute to its implementation at the international level.

The Bulgarian Constitution contained a specific provision under which all international legal instruments which had been ratified in accordance with constitutionally established procedure and had legal force with respect to Bulgaria, as was the case with the Convention, would be considered part of domestic legislation. Furthermore, in the event of a discrepancy between domestic legislation and the Convention, the latter would have primacy.

As far as the practical implementation and the domestic procedures are concerned, the situation unfortunately is still not so good. The regulation provides two options for people who suffer from discrimination: a civil suit before the national courts or a complaint before the CPD⁷⁴, whose rulings can be appealed before the Supreme Administrative Court.

The court jurisprudence continued to develop in 2008. Just like in 2007, the courts issued multiple judiciary acts (decisions and rulings) on cases of discrimination of different types, including disability (physical and mental), gender, ethnic origin, age, sexual orientation, social status, religion, political convictions, personal status (including domicile), etc. Even though there were some really exceptionally just and reasonable decisions, the case law is still very diverse and non-homogeneous, plagued by many deficiencies and errors of

⁷² European Network Against Racism, Shadow Report 2007: Racism in Bulgaria (Brussels: ENAR, 2008) available online at <http://cms.horus.be/files/99935/MediaArchive/national/Bulgaria%20-%20SR%202007.pdf>, accessed 28 May 2009

⁷³ A full version of the statute can be seen here: can be seen here: <http://lex.bg/bg/laws/ldoc/2135472223> accessed on 30 May 2009

⁷⁴ Commission for Protection against Discrimination

growth. Despite all of this, the year of 2008 brought several major successes in the fight against discrimination in Bulgaria. The Sofia City Court ruled against the right-winged politic Volen Siderov in the case for hate speech. This was a hard decision taken despite the public and political pressure, incited by the political party ATAKA. The national courts also made a significant decision in the area of discrimination based on sexual orientation. Sofia City court made a ruling against the Prosecutor's office for discrimination of a bisexual female prisoner, whom was denied release only because of her sexual orientation. The case came out in early 2009 but the case was investigated in 2008.

Despite the successes of the national courts, one of the main disadvantages of the court proceedings, however, is that they are very slow. This often turns out to be an argument for the victims of discrimination to ignore the breach of their rights.

The second option for the discriminated ones is to file a complaint in the Commission for Protection against Discrimination. Unlike the courts, the CPD works much faster and efficiently. Unfortunately, its practice still is non-homogeneous. Still in 2008, the CPD made a lot of significant decisions and proved to be a fully working anti-discrimination body. The year of 2008 brought 268 decisions of the CPD⁷⁵, while only 107 were made in 2007⁷⁶. These figures show that the CPD is improving its effectiveness and is building its capacity.

There are multiple decisions of the CPD in 2008 that are worth mentioning. Some of them have already been quoted. The CPD finally made a decision regarding the mayor of the Ovcha Kupel quarter. In 2006 he compared the Roma people to cows in a live interview for a national radio station. The CPD ruled that this was discrimination and hate speech. It was a good and just decision that ended a two-year saga.

Another case regarding hate speech was the case against the BNT⁷⁷. A special coverage was released as 'top news' and contained multiple insulting statements. The CPD ruled that the described interview⁷⁸ intentionally stressed that the wrongdoers in the specific case were from Roma origin. It would be an extremely rare exception if a member of another minority (Turkish, Jewish, Macedonian etc) commits a crime and media attention is drawn to his origin. This is only common practice for Roma people. This on one hand provokes ethnic tension regarding the Roma minority, and on the other creates an insulting, hostile and threatening environment and attitude against nearly all members of the Roma community. This is not acceptable and therefore the CPD issued a just and reasonable decision against BNT.

⁷⁵ Commission for Protection of Discrimination, *Annual Report for 2008*, available online http://www.kzd-nondiscrimination.com/images/stories/pdf/annual%20report_2008.pdf accessed on 29 May 2009

⁷⁶ Ibid

⁷⁷ Bulgarian National Television

⁷⁸ See page 20, paragraph 2 of this report

A significant decision was made regarding the swimming pool (aqua park) 'Leda' in Sofia, which denied access to a Roma family⁷⁹. The applicant was not admitted to the pool, because of a fictional private party, organized by 'McDonalds'. It was proved that no private party was organized on that day and the CPD confirmed that this was direct discrimination on the grounds of ethnic background. The decision was a key message that access to services cannot be denied on the grounds of ethnic background and breaches of this rule will be sanctioned.

A ruling was made against the Tokuda Hospital in Sofia⁸⁰. The medical facility discriminated on the grounds of nationality. There were two price lists – for Bulgarian citizens and for non-Bulgarian citizens. It is ascertained that the prices paid by foreign citizens were several times higher than those claimed from Bulgarian citizens. After the Applicant complained in the hospital, he was informed that this was the policy of the hospital. The legal department of the facility explained that they were aware that it was discrimination, but that it was the policy, set by the CEO. The CPD unsurprisingly ruled against this practice. Multiple recommendations have been made to the Tokuda hospital, and if not met further sanctions will come⁸¹.

Finally, it should also be noted that the Bulgarian State took part in the United Nations World Conference Against Racism, held in the city of Durban.

VI. ii Migration and integration

In 2008⁸² the Bulgarian authorities still have no real policy on the integration or social inclusion of immigrant communities. The fact that neither politicians, nor governmental experts have ever put any effort in analysing facts and trends was changed (formally) when the Ministry of Labour and Social Policy adopted a National Strategy regarding migration and integration⁸³. The strategy is formal and the results are quite vague. However, this is an important positive step in the field. Up to this moment, governmental resources have never been invested in drafting a strategy in this field. This was so, due to the fact, that this has never been a significant problem in the officials opinion. None of the political parties has ever put this matter in their programs or strategies. Therefore, the problem was left unsolved by all governments after the fall of the Communist regime.

⁷⁹ See page 17, paragraph 5 of this report

⁸⁰ Commission for Protection of Discrimination, *Annual Report for 2008*, available online http://www.kzd-nondiscrimination.com/images/stories/pdf/annual%20report_2008.pdf accessed on 29 May 2009

⁸¹ Ibid

⁸² See European Network Against Racism, *Shadow Report 2006: Racism in Bulgaria* (Brussels: ENAR, 2007) available online at http://cms.horus.be/files/99935/MediaArchive/national/Bulgaria_2006.pdf accessed 28 May 2009

⁸³ The text of the Strategy can be seen here <http://www.mlsp.government.bg/bg/docs/Strategia.doc> accessed on 20 July 2009

The only authority who has showed interest in immigration matters is the police. EU accession in 2007 led to multiple amendments to the legislation on the status of foreigners. Still, the main (and only) authority that drafted the legislative proposals remained the police. As none of the other governmental bodies showed interest in this matter the adopted amendments were those proposed by the police. The police drafts, as expected, were orientated towards restrictions and facilitating easier control of foreigners in the country.

The only opportunity for reforms in the field of migrants was the increasing demands of business for labour force. The country lacks labour force in almost all sections of the economy. The Business industry, having real interest in low-cost labour force carried out some lobbying. However, nothing changed in 2008 at the governmental or legislative level. The main problem that has marked both 2007⁸⁴ and 2008 was that the legislation on the entry and status of foreigners continued to remain one of the most restrictive in Europe. The restrictions that stand in front of non-EU citizens made their living quite hard. The endless bureaucratic work is almost impossible to deal with especially when you are not familiar with the language.

A positive change was the creation of a State Agency for Refugees. The body formally existed as a part of the Ministry of the Interior. The complete lack of policy towards integration or social inclusion could be overcome by active measures taken by this new body, but this is still a mirage. The official Report for 2008 of this new Agency shows that for almost 12 months this body investigated eight cases⁸⁵. The effectiveness of this structure should be dramatically improved in order to work properly.

The 11 Common Basic Principles on Integration were discussed but no practical steps have been undertaken in the process of implementation.

VI.iii Criminal justice

VI. iii. i Racism as a crime

In 2008 neither racism nor racially motivated crimes were again criminalised. The only relevant text, found in the Penal Code is article 162⁸⁶. The relevant article criminalises Nazi propaganda and instigation of racial hatred. The Parliament did not find it necessary to amend the Penal code in order to incriminate racism and racially motivated crimes to be taken into account when in the process of

⁸⁴ Ibid

⁸⁵ The annual report of the State Agency for Refugees can be seen here http://www.aref.government.bg/docs/otchet_inspektorat_2008.doc accessed on 20 July 2009

⁸⁶ Full text of the Penal Code can be seen here: <http://lex.bg/bg/laws/ldoc/1589654529> accessed on 30 May 2009

determining sanctions. This was not done, although there is a real social necessity, and although racial violence is common in some cities and that there is racial motivation behind many crimes.

Additionally the practice in which NGOs put a lot of effort in developing case law on the penal codes continued. In 2008 this was with limited success. In addition, the investigation authorities are not willing to use the already existing texts in the Penal Code against perpetrators of racially motivated crimes. This is a common practice that needs to be corrected. An incrimination of racism and racially motivated crimes would solve most of the existing problems.

VI.iii.ii Counter terrorism

As indicated in previous ENAR Shadow reports (for 2006⁸⁷ and 2007⁸⁸) Bulgarian authorities applied no significant counter terrorism measures. This situation did not change in 2008. What is still visible is that the migration authorities put more pressure on immigrant communities in order to demonstrate some activity in front of the media and in this way – influence the public opinion. In this way the public would accept that the governmental structures work properly. In reality, this did not and will not lead to any success in combating terrorism. This will rather increase the problems in the migration field.

VI.iii.iii Racial profiling

Racial profiling of ethnic minorities has been a major problem in 2008. This is an old problem for the Bulgarian police, but the situation is getting better. As already stated⁸⁹ 2 % of the members of the Turkish minority believe that their ethnic profile played a role when being stopped by the police. Members of the Roma minority, however, say the same thing. People are often stopped by police officers just because of their Romani origin⁹⁰.

The Bulgarian police officers often engage in ethnic profiling when they use ethnic or racial stereotypes as a basis for suspicion in directing law enforcement activity. This practice is of particular concern in police-initiated stops. In that situation, based on the racial profile are initiated identity checks that may lead to

⁸⁷ See European Network Against Racism, Shadow Report 2006: Racism in Bulgaria (Brussels: ENAR, 2007) available online at

http://cms.horus.be/files/99935/MediaArchive/national/Bulgaria_2006.pdf accessed 28 May 2009

⁸⁸ European Network Against Racism, Shadow Report 2007: Racism in Bulgaria (Brussels: ENAR, 2008) available online at

<http://cms.horus.be/files/99935/MediaArchive/national/Bulgaria%20-%20SR%202007.pdf>, accessed 28 May 2009

⁸⁹ See page 15, paragraph 3 of this report

⁹⁰ "I Can Stop and Search Whoever I Want", Police Stops of Ethnic Minorities in Bulgaria, Hungary, and Spain, Open Society Justice Initiative, 2007

a search. The Bulgarian Police collects no information on ethnicity and police stop-and-search practices. The lack of statistical information is a serious problem. Without certain information on the extent of ethnic profiling and data on patterns of law enforcement practice, it would be quite difficult to develop strategies that address the impact of profiling on police relations with minority communities.

Therefore racial profiling in police activities cannot be solved without a major change in the organization of the Bulgarian Police. Some of the police officers located in the smaller or segregated areas believe to be untouchable and often undertake unjustified actions against Roma. In order to solve this problem the way of collecting information from the police units should also be changed so that objective data could be used when arresting, pressing charges and convicting⁹¹.

VI. iv Social inclusion

The year of 2008 did not bring a new consistent strategy for social inclusion of most of the discriminated minorities in Bulgaria, including the Roma minority. Just like in 2007⁹², the authorities applied just a few formal measures, which were completely sporadic, with the obvious purpose of pretending to implement actual reforms that were to be reported to the European Commission.

After becoming a member of the European Union, Bulgaria virtually stopped introducing any reforms without actual substance before the European Commission.

The National Action Plan on social inclusion, adopted for the 2006-2008 period has set a high standard that was to be reached. Unfortunately, this could not be done. The problems, identified by the Ministry of Labor and Social Policy are mainly connected with the lack of public information, round tables, discussions and forums. None of the crucial problems are discussed in the reports⁹³.

As already mentioned⁹⁴ a few formal documents on Roma integration were adopted by the authorities but no practical steps were taken to overcome these problems. The Bulgarian government shows complete lack of interest regarding the real and effective social inclusion of minorities.

⁹¹ Ibid

⁹² European Network Against Racism, Shadow Report 2007: Racism in Bulgaria (Brussels: ENAR, 2008) available online at <http://cms.horus.be/files/99935/MediaArchive/national/Bulgaria%20-%20SR%202007.pdf>, accessed 28 May 2009

⁹³ The Ministry for Labor and Social Policy has published most of its plans, strategies and reports here <http://www.mfsp.government.bg/bg/index.asp> accessed on 20 July 2009

⁹⁴ Paragraph IV, page 30 of this report

Regarding the inclusion of immigrants, it should be mentioned that the authorities in Bulgaria do not have a real strategy or general concept of migration policy. This leads to a complete lack of any policy towards integration or social inclusion of the immigrant communities.

VII. National recommendations

VII.i General

- The governments and especially the NGOs should take measures to overcome the prejudice and hatred against minorities and immigrants.
- The effectiveness of the authorities, dealing with racism should be increased by reorganizing the relevant institutions (Police, the Ministry for Labor and Social Policy) and creating an effective, working monitoring system.
- A lot of work needs to be done by NGOs, the Government, the Football Teams and the Local authorities in order to overcome the dramatically widespread racism and racist violence in sports, but mainly in football.
- The segregation in the educational system is still not left in the past. Special attention should be paid to this problem.
- The sanctions for breaches of the discrimination rules should be increased.

VII.ii Anti discrimination

- A reform in the healthcare system should be carried out, in order to overcome the primary discrimination of people from Romani origin.
- More cases should be brought before the courts (or the CPD) in order to achieve highly developed case law.
- The court procedure should be accelerated, so that the victims' trust in the Judicial system would not be shattered.

VII.iii Migration and integration

- A national migration policy or at least a concept strategy on immigration should be accepted by the Government.
- The asylum procedure needs to be legislatively amended in order to become fair and justified
- The Immigration legislation should be reformed in order to face the new economic challenges.

VII.iv Criminal justice

VII.iv.i Racism as a crime

- The Parliament needs to amend the Penal Code so that racism is criminalized and that racially motivated crimes are treated with higher sanctions

VII.iv.ii Counter terrorism

- Governmental authorities should aim to combat the real threats of terrorism and stop the harassment of immigrants. Therefore nearly all of the counter-terrorism legislation (very few articles) should be re-drafted and amended.

VII.iv.iii Racial profiling

- A major reform in the organization of the Bulgarian Police and in the way of collecting information from the police units would be needed in order to solve the racial profiling.

VII.v Social inclusion

- A consistent strategy for social inclusion of minorities in Bulgaria should be accepted.
- The Bulgarian state in the face of the Government has to undertake practical steps for the social inclusion of the minorities in the state.

VIII. Conclusion

The year of 2008 did not offer a significant development in the field of anti-racism and anti-discrimination. The government did not accept new general policies regarding the minorities in Bulgaria and no practical steps were undertaken in that realm.

Civil society pressure on governmental policies is still weak. No pressure comes from the EU institutions and without it, positive development is not likely to occur.

The Commission for Protection against Discrimination showed some real progress. The number of the rulings for 2008 was more than two times bigger than the 2007 number. The Commission proved that it has capacity to take real, just and reasonable decisions. Several long lasting cases were solved during 2008.

However, no development was observed in the field of the criminal law. No criminal proceeding ended in convictions against perpetrators of racially motivated crimes. The penal code remains inadequate in addressing racism as a crime and racist motivation of crimes. Despite the several amendments made in 2008 no changes were observed in that realm.

It should be noted that the country, just like the rest of the world entered into a dramatic financial crisis in the year of 2008. This however did not make the minorities' situation worse. The level of discrimination and racism was not increased.

More efforts are necessary by both the Government and the NGOs in addressing the barriers to education of disadvantaged groups, in particular of the Roma community. Policy development in this area is necessary, as well as in the areas of immigration, asylum, social inclusion and integration.

The NGO response in the face of the racial and xenophobic propaganda was weak. More efforts and specific initiatives are necessary especially aimed at working with youth.

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X. Annex 1: List of abbreviations and terminology

BSP – Bulgarian Socialist Party

CEM – Council of the Electronic Media

CPD – Commission for Protection against Discrimination

DNCC - Department of the National Constructional Control

ECHR – European Convention for Protection of Human Rights and Fundamental Freedoms

ERRC – European Roma Rights Centre

EU – European Union

EUMAP – EU Monitoring and Advocacy Program

IMRO – Internal Macedonian Revolutionary Organisation

LGBT – Lesbian, gay, bi- and transsexual

MRF – Movement for Rights and Freedoms

NGO – Non-governmental organisation

NMSS – National Movement of Simeon the Second

NMSP – National Movement for Stability and Prosperity

SRA – State Refugee Agency



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