

ANNEX 6

Bulgaria Country Report

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1. Introduction

National social fabric

The Bulgarian Roma group is the one characterized by publicly accepted images and concepts containing predominantly negative characteristics. These negative images and concepts inevitably form negative attitude towards the individuals belonging to the Roma group. The consequence is isolation of the Roma in “Gypsy neighborhoods” and avoidance of the everyday-life interaction with them i.e. spatial and social segregation.

According to the latest 2001 Census results (where the ethnic self-identification was voluntary and free) the Roma group in Bulgaria numbers 370,908 persons or 5.57% of the population (see <http://www.nsi.bg/Census/Ethnos.htm>). Numerous experts believe that the actual share of the Roma population in the country is significantly higher than the officially registered one. It is unknown how many of the persons considered to be Roma have self-identified themselves as Turks or Bulgarians. The expert estimates are that the actual number of the Roma is approximately twice bigger than the officially declared in the census. On the one hand, the Bulgarian legislation provides that every citizen is free to self-identify his/her ethnic and religious affiliation. On the other hand, regardless of the way the Roma self-identify themselves (as Turks or Bulgarians) the others (Turks, Bulgarians and members of other ethnic groups) view and identify them as Gypsy/Roma. That is to say that despite the freedom of self-identification, the rest of the population define the Roma as individuals belonging to the same group and therefore the Roma are marked by the publicly affirmed negative image of their group and they become subject of the negative attitudes experienced against them by the Others.

The formation of negative images and concepts about the “Gypsy”, and respectively the formation of negative attitudes towards the Gypsies – as the Roma are traditionally referred to in Bulgaria – have long history. During the communist rule, when the process of the Roma

more or less forcible settlement was completed, the Gypsy became an object of specifically targeted governmental policy. “*Constant initiatives for re-education and improvement of the way-of-life and culture of the Gypsy population*” were developed in order to transform “*the underdeveloped layers of the Gypsy population into conscious builders of the socialism in our Motherland*” (ДА-София, фонд 1591, оп. 1, а.е. 60, л. 4).

The governmental policy varied through the years from explicit “recognition” of the Roma cultural specific features, through absence of any interest in their existence in the peripheries of the settlements, where they lived separated from the rest of the population (until 1958), to clearly formulated on central level and inconsistently conducted locally assimilation activities. Regardless of the way one can define this policy (assimilating, integrating, repressing), it must be assumed that the socialist state and its local authorities had enough power resources for its systematic implementation. The lack of such systematic implementation indicates that the policy met with a significant field resistance.

The activities of the local authorities, carried out in application of the orders of the central government, had to be conducted in environment characterized by resilient negative attitudes towards the Gypsies. A “Confession” about the existence of this influencing factor is hidden in the “gradual” change of the education policy – from total ban of the Gypsy schools to isolation of the Roma pupils and separation from their family environment – and also in the failure of the Gypsy population “dispersion” policy. Data on these can be found in a number of state and Communist Party documents.

A representative sociological survey “*Ethnocultural situation in Bulgaria*” conducted in 1992 categorically displayed that the publicly accepted image of the Roma was extremely negative, that there was great distance between the Roma and the rest of the ethnic groups within the Bulgarian society and that there were very strong trends of avoidance of any contacts with the Roma. Notwithstanding these findings, the issue of the Roma discrimination and inequality were not to be discussed in Bulgaria until 1999 when the government adopted a Framework Program for Equal Treatment of the Roma in the Bulgarian Society. The Framework Program envisaged number of measures, which were later elaborated in different strategies, plans and programs of the separate ministries and the

government itself.¹ In 2005, in relation to the Decade of the Roma inclusion a National Action Plan on the decade of Roma inclusion was adopted.

Despite the governmental documents and the active efforts of many NGOs, the situation of the Roma in Bulgaria remains generally unchanged. Their negative image among the public continues to exist as does the exclusion attitude against them. The fact that any contacts with a Roma individual are to be avoided solely because the corresponding person is of Roma origin can be viewed as a manifestation of discrimination against the Roma *per se*.

The Turks in Bulgaria or the “Bulgarian Turks” are not subject to similar type of attitudes. (According to the 2001 Census the Turks in Bulgaria are 746,664 or 11.22% of the population – see <http://www.nsi.bg/Census/Ethnos.htm>). The publicly accepted image of the Turks does not contain (almost) entirely negative characteristics and these characteristics are not as firm as in the case of the Roma. It is submitted that the image of a Turk would vary in relation with the realized opportunities for interaction with the others (Bulgarians, Roma and members of other minority groups). Interaction is possible; it is not to be totally avoided and is permitted in various forms.

The intensive repressions against the Turks in Bulgaria, which reached their climax during the forcible change of the names of the Bulgarian citizens of Turkish origin (1984-1985), did not have significant impact on the everyday perceptions and contacts among Bulgarians and Turks. Unlike the Roma, the Turks are not settled in the periphery of the towns and

¹ See for example: “Health strategy concerning people in disadvantaged position, belonging to ethnic minorities, 2005” http://www.nccedi.government.bg/upload/docs/zdravna_strategia_prieta.htm;
 „National Action Plan implementing the Strategy for educational integration of children and students from the ethnic minorities (2004/2005 – 2008/2009 school year)”
http://www.nccedi.government.bg/1_Action%20PlanStrategyBGL.htm
 National Program for improvement of the living conditions of the Roma in Bulgaria 2005-2015
<http://ethnos.bg/index.php?TPL=2&MID=423&SID=423>
 „Action Plan implementing the Framework program for equal integration of Roma in Bulgarian society 2003 - 2004 ” <http://ethnos.bg/index.php?TPL=2&MID=89&SID=276>
 „ Action Plan implementing the Framework program for equal integration of Roma in Bulgarian society 2006 ” http://www.nccedi.government.bg/plan_romi_2006.htm
 „Action Plan 2006-2007 on the implementation of the National Program for improvement of the living conditions of the Roma in Bulgaria ” <http://www.nccedi.government.bg/plan%20deystvie.htm>
 „Strategy for educational integration of children and students from the ethnic minorities. Approved by the Minister of Education and Science on 11 June 2004”
http://www.mon.bg/opencms/export/sites/mon/left_menu/documents/strategies/strategy_integration.pdf

villages. As a rule they are situated in secluded villages and towns. That is to say in Bulgaria exists significant number of small settlements (predominantly in the Northeastern and Southeastern parts of the country) inhabited entirely or mainly by Turks. In some other towns and cities the Turks live in more or less compacted areas but these areas are not considered peripheral/marginal neither by the Turkish inhabitants, nor by the members of other groups. Regardless of the closed character of the Turkish communities – caused by the pressure of the central and local authorities and by the systematically imposed official perception that the Turkish is to be blamed for the failures of the Bulgarian (in which perception Turkish and Ottoman are indivisible and inseparable) - and the consistent preservation of their traditions and customs, the Turks have normal interactions with the Bulgarians as colleagues, neighbors, friends, parents of children visiting the same schools. The official ideology of differentiation and creation of negative stigma for the Turks could and cannot penetrate to the level of the everyday life perceptions, attitudes and relations. For the Bulgarians, the Turkish has its negative features and at the same time the Turk is industrious, skilled, clever, modest and honest. To a significant extent the Bulgarians (and the members of other ethnic groups) would describe the Turks in general as religious fanatics but that would not be true “for the Turkish that I personally know”. This long standing tradition of cohabitation among Bulgarians and Turks pushes the negative attitudes of the Bulgarians against the Turks to another level. For the contemporary Bulgarian the Turkish represents a threat on a group level, as a “political force” that “has started to rule over us – the Bulgarians – once again”, while at personal level the Turk remains a colleague, friend or neighbor.”

A specific case is the group of the Bulgarian Muslims (Pomaks) who are ethnic Bulgarians of Muslim confession. Since the 2001 Census forms had no separate heading for self-identification of Pomaks, there is no official data about their number, but expert estimates place it at around 250,000 people. Their publicly accepted image resembles much more that of the Turks than the one of the Roma. Due to their religious distinction from the majority, women of this community could also be treated as a subject to double discrimination.

The members of the other ethnic and confessional groups in Bulgaria as Jews, Armenians, Catholics etc., (See <http://www.nsi.bg/Census/Ethnos.htm>) are small in number and cannot be viewed as subject to discrimination since they are *de facto* integrated in the Bulgarian society.

The refugees and immigrants issues in Bulgaria are relatively new. The institutions responsible for their accommodation, humanitarian and legal support are newly established or still in process of development, which causes a number of problems in their functioning.

The Gender issues are not subject to significant debate in the Bulgarian society. Usually the discussions heat up in relation with publications related to extreme forms of domestic violence and in cases when the inadequate representation of women in high state institutions is discussed.

1.2 Manifestations of race and gender discrimination in the national context

The ethnic origin is a reason for discriminative acts on the part of public institutions and/or individual citizens. In most of the cases victims of such type of actions are the persons of Roma origin. The most important spheres of manifestations of discrimination are as follows:

- Education – There are still segregated “Roma” schools. There are also the so called “Receiving” schools where the treatment of most of the Roma children allows them to receive educational degree without actually knowing even a minimal part of the education material. In these schools most of the Roma children are also spatially or in another way isolated by the mainstream education process.
- Employment – The relative unemployment among the Roma is 7 to 8 times higher than the unemployment among the rest of the ethnic groups in Bulgaria.² At the

² These are experts’ estimates, since no official information on the ethnic aspect is collected in Bulgaria.

same time it should be noticed that to a great extent this situation is due to the low education and qualification levels of the adult Roma.

- Healthcare – The access to medical care is problematic as a result of poor financial status and the significant number of Roma without healthcare insurance. As a consequence the average life expectancy for the Roma is approximately ten years lower than that for the individuals of Bulgarian origin (See the Healthcare strategy for disadvantaged persons, belonging to ethnic minorities - http://www.ncedi.government.bg/zdravna%20strategia_prieta.htm).
- Housing conditions – Most of the Roma households live in conditions, which do not meet the average national standards. The so called “Roma neighborhoods” do not have the standard infrastructure, some of them are deprived of water supply system and/or sewer system, and/or power supply system. The improvement of the living conditions of the Roma is problematic. On the one hand, most of the Roma are in poor financial condition, and on the other hand, there is fear of leaving the “Roma neighborhoods” as the negative attitude of the others is notorious.
- Police treatment – There are cases of unnecessary police violence against persons of Roma origin and of unfounded arrests of such persons.
- Unprovoked violence – There are some rare cases of violent behavior against Roma individuals on the part of proclaimed or informal groups with nationalist orientation or skinheads.
- Media – In spite of the relative improvement of the presentation of the Roma, the media still publish or broadcast predominantly negative images of the Roma. It is also customary for the media to emphasize that the perpetrators of serious crimes against the personal integrity are members of the Roma ethnic group.

There are no reasons a discriminatory treatment of Turks and Bulgarian Muslims to be expected. Actually, it is probable that a perception of a discriminatory attitude can be found among Bulgarians unsatisfied by the treatment they have received on behalf of Turks or Pomaks representing certain local authorities. The Bulgarians consider themselves discriminated by Turks and Pomaks in areas where one of these two groups has majority and dominates the political life there. On the other hand, since part of the Turks and

Bulgarian Muslims live in small and hardly accessible settlements, they are in fact deprived of access or have problems with the access to adequate healthcare and education.

Women rarely consider the attitude towards them as discrimination on sexual or gender grounds, even in cases where for a neutral observer a given action can be considered discriminatory (e.g. all other conditions being equal, the employer prefers man instead of woman since the latter probably will have maternity leave or will be more frequently using sickness leave in order to take care of her children). In a similar way, it is submitted that the attitude towards the women within the Roma, Turkish and Bulgarian-Muslim communities, could not be viewed as discriminatory, although for the outside viewer the female persons in these communities are definitely unequal with regard to the male ones. As a rule women do not consider their lower social status within the community as restriction of their rights but as a tradition and culturally specific feature of the respective community. The possibility Roma or Turkish woman to address judicial institutions or human rights protection organizations with a complaint against male persons from her own community is insignificant.

The refugees and immigrants in Bulgaria experience serious difficulties with their adaptation and integration in the Bulgarian society. Discriminatory attitude against them cannot be ruled out.

2. Country's anti-discrimination legal framework

2.1 In the wider context

2.1.1 International instruments

As a member of the United Nations Organization Bulgaria is party to the most important international instruments dealing with the anti-discrimination.

First, Bulgaria has signed what is considered to be International Charter of Human Rights, which includes the following instruments:

1. Universal Declaration of Human Rights
2. International Covenant on Civil and Political Rights (ICCPR)
 - First Optional Protocol to ICCPR
 - Second Optional Protocol to ICCPR
3. International Covenant on Economic, Social and Cultural Rights (ICESCR)

Both covenants were ratified in 1970 and published in the official *State Gazette* in 1976. The First Optional Protocol to ICCPR was ratified in 1991 and published in 1992, while the respective dates for the Second Optional Protocol to ICCPR are 1999 and 2000.

Other significant international treaties Bulgaria is party to are:

- International Convention on the Elimination of All Forms of Racial Discrimination of 1965 (ratified in 1966 and published in 1992).
- International Convention on the Elimination of All Forms of Discrimination against Women of 1979 (ratified in 1982 and not published in *State Gazette*).
- Convention on the Political Rights of Women of 1952 (ratified in 1954 and not published in *State Gazette*).
- Convention against Discrimination in Education of 1960 (ratified in 1962 and not published in *State Gazette*).

In addition to the instrument enumerated above, Bulgaria is also party to the basic anti-discrimination conventions of the International Labour Organization (ILO), namely:

- The Convention concerning Equal Remuneration for Men and Women Workers for Work of Equal Value - Equal Remuneration Convention, 1951 (No. 100) (ratified in 1955 and published in 1997)
- The Convention concerning Discrimination in Respect of Employment and Occupation - Discrimination (Employment and Occupation) Convention, 1958 (No. 111) (ratified in 1960 and published in 1997)

- The Convention concerning Equal Opportunities and Equal Treatment for Men and Women Workers: Workers with Family Responsibilities - Workers with Family Responsibilities Convention, 1981 (No. 156) (ratified and published in 2007)

2.1.2 European instruments

Bulgaria is party to the basic anti-discrimination conventions adopted within the Council of Europe framework. The Convention for the Protection of Human Rights and Fundamental Freedoms was ratified and published in *State Gazette* in 1992. In 1999 the same happened with the Framework Convention for the Protection of National Minorities and with the European Social Charter (Revised) in the year 2000.

On the other hand Bulgaria has not signed the European Charter for Regional or Minority Languages and Protocol No 12 to the Convention for the Protection of Human Rights, the latter envisaging general prohibition of discrimination.

Legal status of the international and European instruments within the Bulgarian legal framework

The status of the instruments enumerated above is determined by the fact if they are ratified by a legislative statute and if they are officially published in *State Gazette*. According to Art. 5 (4) of the Bulgarian Constitution:

Any international treaty, which has been ratified according to a procedure established by the Constitution, which has been promulgated, and which has entered into force for the Republic of Bulgaria, shall be part of the domestic law of the land. Any such treaty shall take priority over any conflicting standards of domestic legislation.

This provision was interpreted by the Bulgarian Constitutional Court in Decision No 7 of 1992 (Case No 6/92). The Court ruled that any international treaty, agreement etc., which has been ratified and not published in *State Gazette* (even in case it is in force) is not part of the national legal system except in cases where the corresponding instrument has been ratified before the adoption of the present Constitution in times where publication has not

been considered mandatory. But even in that case such instruments do not have priority over the domestic legislation.

The consequences of that decision can be far reaching. Thus, it is doubtful whether a court in Bulgaria would be willing to apply the Convention on the Elimination of All Forms of Discrimination against Women for instance, in cases where the national legislation is in contradiction with its provisions.

At the same time, the Constitutional Court stated that the absence of publication or even ratification does not free the State and its bodies from the duty to include the signed treaties in the domestic law and to ensure the implementation of their provisions.

In line with that interpretation the Supreme Administrative Court for instance stroke down a provision of Council of Ministers Ordinance No 90/2000 on the ground that *inter alia* it was contradictory to Art. 10, letter “d” of the Convention on the Elimination of All Forms of Discrimination against Women (Decision No 7622/2003, Case No 5063/2003).

EU Law

Primary legislation

As a member-state of the European Union Bulgaria has the duty to observe the anti-discrimination provisions in the founding treaties. The Lisbon amendments were ratified by the Bulgarian Parliament in March 2008.

Secondary legislation

The Protection Against Discrimination Act (PADA) entered into force in 2004 and thus transposed into the Bulgarian legislation Directives 76/207/EEC, 2002/73/EC, 2000/43/EC, 2000/78/EC, 2004/113/EC, 97/80/EC, 75/117/EEC.

The last of the enumerated directives is also implemented by the provisions of the Bulgarian Labour Code (as amended).

On its turn_Council Directive 86/378/EEC is introduced in the Bulgarian legislation by amendments to the provisions of the Social Security Code, which amendments entered into force in the beginning of 2007.

No transposition of Directive 2006/54/EC up to this moment.

With a Council of Ministers Decision in 2002 Bulgaria officially joined the Programme relating to the Community framework strategy on gender equality (2001-2005) and the Community action programme to combat discrimination (2001 to 2006).

2.2 The Bulgarian national anti-discrimination framework

Legislation

After the democratic changes in 1989, the anti-discrimination principle has been well established in the Bulgarian legislation. It is enshrined in numerous acts starting with the 1991 Constitution and its Art. 6. In addition to that the Constitution expressly declares equality between spouses in Art. 46, and special protection for the female-mother Art. 47(2).

A significant number of anti discrimination provisions exist in the Bulgarian legislation:

- Labour Code (Art.8)
- Social Security Code (Art.231)
- Penal Code (e.g. Art. 162 – 163)
- Civil Procedure Code (Art. 9)
- Criminal Procedure Code (Art.11)
- Employment Promotion Act (Art. 2)
- Civil Servants Act (Art. 7)
- Denominations Act (Art.4)
- High Education Act (Art.4)
- Public Education Act (Art.4)
- Radio and Television Act (Art. 10 and Art. 76)
- Asylum and Refugees Act (Art. 20)

- Child Protection Act (Art.10)
- Tax – Insurance Procedure Code (§2)
- Administrative Procedure Code (Art.8) etc.³

Naturally the basic statute is the Protection against Discrimination Act (PADA), in force since 2004.

On the other hand, it should be noted that equality and anti-discrimination in Bulgaria is treated legislatively in general terms without special attention being paid to gender issues. A Draft Gender Equality Act has been subject to discussion for several years but its adoption has been delayed. One of the reasons for that is the fact that arguably institutions could have problems to differentiate the spheres of application of the Draft and the effective PADA, which do pay special attention to the gender issues.

Important case law

There are a number of significant court decisions dealing with discrimination and ethnic or gender issues in Bulgaria:

As example one could mention the Constitutional Court decisions on the interpretation of Art. 6 of the Constitution, and on the constitutionality of the Turkish movement for Rights and Freedoms, and the Macedonian *OMO-Ilinden*. The Supreme Administrative Court has dealt with discrimination claims as well as for instance in the above mentioned Decision No 7622/2003, or in its Decision No 11820/2002 in Case No 7035/2002 (the veil case).

Policy

The official policy of the country is entirely devoted to protection and promotion of ethnic and gender equality. There are a number of institutions responsible for that. Apart from the courts, which have the duty to implement the anti-discrimination legislation, an important body is also the Commission for Protection against Discrimination, established under

³ The Bulgarian legislation is accessible on <http://www.lex.bg/laws/tree.php?what=code> (in Bulgarian).

PADA in 2005. On 1 January 2004 the Ombudsman Act entered into force as well (see also below - 3. National specialized bodies and support organizations.)

After the adoption of the Framework program for equal integration of Roma in Bulgarian society in 1999, the official state policy with regard to the Roma is defined as « Roma integration ». Since 2000, different ministries have adopted numerous strategic and program documents to implement this policy in various spheres (see footnote 1.) Some institutions have developed specific programs targeting the Roma (e.g. National Program on Education and Qualification of the Roma of the Employment Agency.⁴

The adopted by the central government plans and strategies are followed by minority/Roma integration programs developed on regional and municipal level. The actions envisaged in these documents are conducted mainly with the financial support of the pre- accession funds and other funding programs. Many NGOs work on projects to realize the actions envisaged in the official documents.

On 18 January 2007 the Council of Ministers adopted a National Action Plan for Protection from Discrimination. The introductory part of the document directly relates the Action Plan with the accession of Bulgaria to the EU and with its commitment to the EU policy for equal treatment and fight against discrimination.⁵

Social context

Since the Roma integration policy and the strategies, plans and programmes for its implementation are rather a result of the EU recommendations directed to Bulgaria,⁶ and not a consequence of public discourse and consensus, the reaction of the public to this policy is more negative than positive. The non-Roma see the actions related to the implementation of the Roma integration policy as unnecessary expenditures to support the “lazy and uneducated/ and deprived of culture” Roma, who cannot live on their own. i.e.

⁴ See www.az.government.bg/Projects/Prog/Roma/Frame_Roma.htm

⁵ See <http://www.ncedi.government.bg/AP2007%20finalEVA.pdf>

⁶ See e.g.. http://ec.europa.eu/bulgaria/index_bg.htm; http://ec.europa.eu/bulgaria/press_corner/news/250208-eureport1_bg.htm; http://ec.europa.eu/bulgaria/press_corner/press_releases/idealistic-goals_bg.htm

the Roma have been granted privileges by the state. The Roma themselves consider the state efforts as insufficient and the allocation of funds as inadequate, as far as the funds are invested in activities and not distributed as social welfare payments to poor and unemployed Roma. Both viewpoints have their justification to a certain extent. When the implemented policy for integration appears ill founded, all actions and funds dedicated to it look as unjustified provision of privileges to the Roma. At the same time, when the social situation of the Roma and the conditions in the Roma ghettos do not change, the actions and the funds appear insufficient.⁷

Claims filed before the Commission for Protection against Discrimination:

In 2005 The First Panel of the Commission, which deals with cases related to ethnic and racial belonging, received 38 claims. The Second Panel, which deals with cases related to gender, human genome and protection of the right to work, received 11 claims in 2005.

According to the 2006 Report for the period under review 389 claims were filed before the Commission for Protection against Discrimination. The number of the claims that was found inadmissible was 169, and 220 cases were opened for review. The number of the cases that were assigned to the First Panel was 48, while 42 two cases were assigned to the Second Panel. All of the cases before the First Panel dealt with ethnic discrimination while only 3 of the cases before the Second Panel were related to discrimination on the grounds of gender.

In addition to that, the Commission for Protection against Discrimination opened 7 cases for discrimination on the grounds of citizenship

The report for 2007 shows significant increase in the number of complaints received by the Commission 649 (an increase with 66.8% from the previous year). On the other hand the number of the opened cases remained practically the same – 215. There is no data on the number of the cases distributed to the separate panels but it deserves to be mentioned that 44 of the cases dealt with multiple discrimination.

⁷ See e.g. “Report on the situation of the interethnic relations and intercultural dialogue, counteractions against manifestations of racism and xenophobia, and development of demographic processes in the Republic of Bulgaria” (31 March 2008 r.) (<http://www.nccedi.government.bg/page.php?category=87&id=767>).

3. National specialized bodies and support organizations

Official institutions working in the field of gender and ethnic equality are:

The established in 2006 Sub-Committee on Women's Right and Equality of Sexes to the Parliamentary Committee on Human Rights and Denominations. Draft Gender Equality Act has been entered for discussion in the Parliament.

The National Council on Equality between Men and Women established with a Council of Ministers Decree No 313/2004. It is responsible for development of a national policy in its spheres of competence. The activities of the National Council on Equality between Women and Men are set out in its annual Action Plans, which focus on updating the Ministries' priorities, according to the main priorities of the Government.

Other tasks are related to raising the public awareness on gender issues, training in the field of protection of human rights and equal opportunities for women and men and the methods for achievement of gender equality for different target groups including human resource managers and experts and civil servants from the central and local administrations, responsible for implementation of gender equality policy. Special emphasis is put on the implementation of gender mainstreaming in policy making in all sectors.

The state policy should guarantee prevention and elimination of gender-based discrimination, equal access to the labour market and economic activities, appropriate measures for reconciliation of work and family life. Education and health care, especially reproductive health, are areas of special concern as well as combating domestic violence and trafficking in human beings.

It is considered that to ensure the efficiency of all measures and actions, it is necessary that regular impact assessment, monitoring and control of the implementation of gender equality policies should be done. For that purpose should be identified gender equality indicators

relevant to the indicators of EUROSTAT, which will be incorporated in a gender disaggregated data base.⁸

National Ombudsman – Every person (Bulgarian citizen or foreigner) may send an application to the Ombudsman containing complaints related to actions of state and municipal bodies, administrative offices, persons supplying public services, administration of the judiciary (e.g. cases pending for many years). The Ombudsman cannot represent individuals and file court cases on their behalf. The ombudsman has the power to make proposals and recommendations for reinstatement of the violated rights and freedoms before the respective authorities and to mediate between the discriminating party and the individuals whose rights have been violated. (<http://www.sofiaombudsman.bg/index.php>

Local ombudsman type institutions in Bulgaria have been established for the first time in late 1998. Due to the lack of legislation, since 2003 local ombudsmen have operated in the framework of pilot projects based on special agreements between civil society organizations and local authorities. In 2003, with the adoption of the amendments to the Local Self-Government and Local Administration Act, municipal councils have been entitled to elect public mediators (article 21a). Based on this legal framework since the beginning of 2004 a new process of establishing municipal public mediators has started. According to the data available there are public mediators in 13 out of 264 municipalities in Bulgaria.

- The National Council of Cooperation on Ethnic and Demographic Issues (NCCEDI) to the Council of Ministers (1997). The Council is consultative and coordinating body, assisting the Council of Ministers in development and implementation of state policy on ethnic and demographic issues. Representatives of different ministries and NGOs participate in the work of NCCEDI.

- Ethnic and Demographic Issues Directorate (EDID) to the Council of Ministers. The Directorate has a department dealing with ethnic identity and integration, demographic development and another one specialized in Roma integration. One of the basic tasks of the Directorate is to coordinate and monitor the implementation of the

⁸ <http://www.mlsp.government.bg/equal/equalen/Overview.asp>

Framework Program on the equal integration of the Roma in the Bulgarian society, and other programs having as objective equal treatment of individuals in disadvantaged position, who belong to ethnic minorities. The Directorate also works with experts on ethnic and demographic issues appointed in the Regional and municipal administrations.

- Thirty EDI experts work in 27 (out of 28) regional administrations. The number for the municipalities is 190. Twenty seven regions have Regional Councils on Ethnic and Demographic Issues. The majority of the municipalities have Municipal Councils on Ethnic and Demographic Issues and have developed plans or programs for integration of ethnic minorities/Roma.⁹

- The Directorate on Demographic Policy, Social Investment and Equal Opportunities, which includes a Equal Opportunities department, within the Ministry of Labour and Social Policy. There is also a Consultative Commission on Equal Opportunities between Men and Women and Among the Disadvantaged Groups and the Labour Market, which is directly subordinated to the Minister of Labour and Social Policy.

The double discrimination issue is not clearly defined in Bulgaria and still it is among the objectives of some NGOs as part of their plans and researches dealing mainly with the women of Roma origin.

Roma NGOs:

- *Romani Bacht Foundation* (<http://www.rominfo.bg/>) (1997, Sofia)¹⁰ The foundation concentrates its activities on legal education and advise, and also legal litigation in cases of violation of basic human rights or discrimination. Some of the projects are partially related to the double discrimination issue – basically those dealing with the protection of the Roma rights and the desegregation of the Roma in the sphere of education.

- *Roma – Lom Foundation* (<http://www.roma-lom.org/index.php?lang=bg>) (1996, Lom) The basic task of the organization is the emancipation of the disadvantaged groups in Northeastern Bulgaria with a special emphasis on the development of the Roma

⁹ See. <http://www.nccedi.government.bg/>

¹⁰ Year and place of registration.

community. *Roma – Lom* has programs for women in disadvantaged position, lonely mothers and victims of violence support groups.

- *Regional Roma Union Association* (1999, Burgas) has the following priorities: improvement of the educational level of the Roma community; employment promotion; social care services.

- *The United Roma Union* (established 1992, registered 1994, Sofia) unifies the existing Roma organizations with the objective to support and foster the efforts of all Bulgarian citizens, who work in favor of the rights, traditions and culture of all ethnoses.

- *Interethnic Dialogue and Tolerance Center “Amalipe”*

(<http://www.geocities.com/amalipe2002/>) (2001, Veliko Tarnovo) *Amalipe* functions on local and national level with the objective to form policies targeting the Roma community. One of the basic objectives is promotion of equal opportunities for the Roma women and enhancement of their role in the social and political life.

- *National Roma Center “Sveti Georgi”* (2003, Sofia) includes representatives of Roma and Bulgarian civic organizations, as well as informal leaders of the Sofia Roma neighborhoods. The primary objective is emancipation and real, equal presence of the Roma in the society. The Center has a Female Club where women can exchange information and ideas about their problems, support each other and stimulate their initiative.

- *Roma Program to the Open Society Institute – Sofia*

(<http://www.osf.bg/?cy=10&lang=1&program=5&action=0>) The Program is dedicated to the integration of the Roma and improvement of the educational opportunities. A potential respondent is the Program coordinator Ms Kameliya Dimitrova.

Bulgarian Helsinki Committee (BHC) (<http://www.bghelsinki.org/>) (1992) is organization protecting and promoting the rights of minorities as vulnerable groups, it pays special attention to the ethnic and religious minorities, to the disadvantaged individuals, children, women and detainees. The basic objectives of BHC are promotion of respect and protection of the human rights, introduction of legislative amendments bringing Bulgarian law in compliance with the international standards, enhancement of the public debate on human rights protection issues.

The BHC Initiative Equal Opportunities for Women (<http://ravni.bghelsinki.org/>) has a task to increase the public awareness on the discrimination against women in Bulgaria, to provide information on the litigation opportunities for defence with the objective to accomplish full equality between men and women. BHC has also published the results of a survey on workplace discrimination against women in CEE and former Soviet states, carried out under the ILO project. BHC also collects anti-discrimination case law of the Bulgarian courts and the Commission for Protection against Discrimination (CPAD) in order to assess its compliance with the European and international standards and thus to assist the work of the Bulgarian judges and members of CPAD.

The Bulgarian NGOs working in the field of gender equality focus their activities on information campaigns, on increase of public awareness with regard to the domestic violence, equal access to work, trafficking in women, unemployment, poverty etc. These NGOs could be divided in two groups. The first one includes organizations having as their basic priority strengthening of the commitment of the civil society to the gender issues. They search for legislative measures to optimize the social practice and also conduct research and projects in these spheres. The second group consists mainly of NGOs, which practically assist women who have become victims of violence.

Organizations belonging to the first group:

- *Gender Project in Bulgaria Foundation* (http://www.gender-bg.org/bg/news_bg.html), (1994) started as an Advocacy Group, working to increase the awareness of the Bulgarian society with regard to the equality of sexes and to the fact that the rights of the female person are inalienable part of the human rights. The foundation organizes information and education campaigns; training seminars on the issues of home violence; it works in the sphere of hidden discrimination against women belonging to ethnic groups, gender equality; gender education in schools and universities; develops and participates in projects for establishing of national mechanism for equal opportunities for men and women and its presentation before the public; clarification of the role of the media in overcoming the violence against women; it conducts sociological and political researches. Prospective

respondents could be the Director of *Gender Project in Bulgaria* Stanimira Hadzhimitova and Kalinka Slivkova – responsible for the *Ethnos* and *Women in Economics* Programs.

- *ZHAR Foundation (Female Alliance for Development)* (<http://www.women-bg.org/>) (1996) was established by thirteen NGOs leaders working in the field of human rights, equality of sexes, ecology, and civil society development. The organization specializes in informational, consultative, communication and training activities for a wide range of civic organizations. In 2000 ZHAR initiated the creation of National Equal Opportunities Network. One of our respondents could be Daliela Eldarova – lawyer and founder of ZHAR.

- *Bulgarian Center for Gender Research Foundation* (<http://www.bgrf.org/bg/>) (1998). The organization analyses and prepares draft legislation, it conducts campaigns and lobbyist activities for legislative amendments, it works in networks and with professional lawyers, providing the relation between the necessity of changes in the social practices and proposals for legislative amendments. Our respondents could be Genoveva Tisheva - executive director and Teodora Tsanovska - legal adviser.

- *The Center for Women Studies and Politics Foundation* (<http://www.cwsp.bg/htmls/home.php>) (2003) became an NGO inheriting the Women Problems Program of the Open Society Institute - Sofia. The priorities of the Center are the coordination and technical assistance for the female organizations in the country, international cooperation, research and projects. Only for the period 1998- 2002 more than 150 projects were financed in spheres as unemployment among women, inequality on labor market, home violence, trafficking in women, equal participation of women in social and political life, reproductive health, education of women belonging to minorities, lobbying for legislative amendments, guarantees for the protection of the rights of women. Our prospective respondents: Dr. Veselina Todorova, Tatyana Kmetova - executive director, Magdalena Delinesheva - program manager.

- *Gender Education Research and Technology Foundation* (<http://www.gert.ngo-bg.org/en>) (2003), concentrates its activities on prevention of trafficking and sexual exploitation of children. Some of their projects are related to strengthening of the public confidence and requirements towards the judicial system through improvement of the knowledge of the

young people for the work of the courts (2005) and assistance of the work of the courts applying the PADA (2004). A respondent could be Mariya Gencheva – lawyer.

- *Bulgarian Fund for Women* (<http://www.bgfundforwomen.org/>) (2004) The financial difficulties experienced by the Bulgarian NGOs, which led to reorientation of the international donors to other parts of the world, created the idea for a local fund to take care of collecting finances and distributing them through programs targeting female problems. The *Bulgarian Fund for Women* was founded by the Board of Trustees of the *Gender Project in Bulgaria Foundation*. The President of the Fund Stanimira Hadzhimitova could be one of the respondents under the project. The *Bulgarian Fund for Women* could be viewed as an organization displaying the reorientation of the NGOs towards solving some practical issues. Organizations that have explicit practical orientation (the second group) are:

- Association Animus Foundation (<http://www.animusassociation.org/>) (1994), which has as an objective support of victims of violence. The Association plans and establishes consultative centres providing expert assistance to victims of violence. It also promotes the development of projects, and educational and training programs. Our respondents could be the executive directors Mariya Chomarova and Nadezhda Stoycheva.

- Centre Nadya Foundation (<http://www.centrenadja.hit.bg/index.html>) (1995) has experts in different spheres who support and assist women – victims of violence. It has branches in Ruse, Targovishte, Sandanski, Kyustendil and Stara Zagora. A potential respondent is Dr. Rosanka Venelinova.

4. Description of key data sources useful to the study

All of the enumerated in part 3 organizations could be sources of data useful for the study. Most of them have significant experience in development and implementation of projects. The data base of the conducted researches and the published literature could be used for the project (see the literature list enclosed below). The team members in the organizations and the experts they work with have vast experience and could be respondents for the project.

The NGOs activities will help to define the direction of work under the Genderace project and to situate the place of the double discrimination issue.

It should be added that a number of local female Roma organizations exists in Bulgaria¹¹. Most of them execute concrete tasks related to the improvement of the situation of the Roma women. These organizations could be sources of data to the extent they encounter the double discrimination in their work despite not qualifying it as such.

5. Review of National literature

Despite the existing factual data displaying the discriminatory attitude against the Roma and the traditional underestimation of the women (predominantly within the Roma and Turkish community but also in the Bulgarian society as a whole), it should be emphasized that there is no actual public debate on these issues. The results produced by studies on Roma and gender issues do not have effect on the public and cannot attract public interest. As a rule the discriminatory treatment of the Roma is not identified as such and is perceived as an attitude caused by their low educational and cultural level, i.e. a wide spread conviction exists that the Roma following their own traditions and refusing to observe the general rules of the Bulgarian society are the ones to be blamed for the exclusion attitude of the others against them.

The underestimating attitude towards women is considered an inevitable remnant of the status of women in the patriarchal society and/or a normal consequence of the fact that the woman is a mother and a wife i.e. she is relatively closed in the environment of the family. The sporadic displays of public attention to the domestic violence view the phenomenon as an individual act of aggression, and not as an extreme example of the existing and widely spread underestimating attitude towards women.

The conducted studies on the two themes attract the interest of social scholars and of representatives of the stakeholders NGOs. These studies are usually sponsored by foreign entities.

¹¹ Data on these organizations is available on www.ethnos.bg.

Some of these researches and studies are:

- Бакалова, М. 2004. *Ролята на електронните медии за интеграцията на малцинствата*. София: „Отворено общество”.
- Георгиев, Ж., И. Томова, Кр. Кънев, М. Грекова. 1992. *Етнокултурната ситуация в България*. София: Архив на „Международен център по проблемите на малцинствата и културните взаимодействия”.
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- Ensuring Minority Access to Health Profile (Sociological Survey – Bulgaria)* (Ref: BG 0006.08/LCR) 2003.
- Етническите малцинства в печата.* 2002. София: БХК.
- Етническата преса в България.* 2000. София: БХК.
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6. Conclusion

The basic anti-discrimination international and European instruments are ratified and in force for Bulgaria. In spite some discrepancies between the Bulgarian and European legislation, it is submitted that Bulgaria provides the necessary anti-discrimination framework. The Commission for Protection against Discrimination has been working for several years now. Nevertheless, it is well known that legal framework is a necessary prerequisite for combating discrimination and at the same time not enough per se. That is especially true when discrimination is manifested not in the acts of institutions but in the acts of separate individuals.

On the one hand, the Bulgarian citizens, and especially those of Roma origin, do not have the necessary anti-discrimination reflexes. On the other hand, the discriminatory actions on personal/individual level are hard to be proved. Part of the Bulgarian Roma feel that they are victims of discriminatory treatment and are even able to articulate that, but they do not have the necessary resources to bring the matter before a court, neither the belief that a claim before the court would lead to a decision in their favor. On the other hand, some NGOs actively assist Roma citizens who consider themselves victims of discrimination, which type of activities have enhanced after the adoption of PADA.

As already mentioned, women belonging to minorities do not consider themselves subjected to discrimination although for the outside observer the men in their communities treat them in a way that apparently restrict their rights and/or infringe their dignity. As far as women in general are concerned, their inequality is usually manifested by extreme cases of domestic violence, but such cases are considered intimate and their display outside the family is restricted. Moreover, these cases are actually extreme display of an attitude towards women, which is generally considered as being normal.

For the above reasons, the debate on the Roma/gender discrimination remains restricted among the social scholars and the NGO activists, while the concrete cases of discriminatory treatment rarely reach the existing to combat it institutions and courts. The basic agents in the field of anti-discrimination are the Bulgarian Helsinki Committee, some female human rights protection organizations and several “Roma” organizations.

There has not been a public debate on discrimination and discriminatory attitudes, mainly as a result of the widely spread negative feelings against the Roma, due to which they are not considered as possible target of discrimination; and also as a result of the lack of awareness of the unequal treatment of women, which treatment is accepted as a natural consequence of their inalienable obligations to the family and their physiologically and biologically specific features.

The GENDERACE Team is responsible for the content of the report which does not necessarily reflect the view of the Commission, nor can the Commission accept responsibility for the accuracy or completeness of information it contains.