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**ADVISORY COMMITTEE ON THE FRAMEWORK CONVENTION FOR THE
PROTECTION OF NATIONAL MINORITIES**

**COMMENTS OF THE GOVERNMENT OF BULGARIA
ON THE THIRD OPINION OF THE ADVISORY COMMITTEE
ON THE IMPLEMENTATION OF THE FRAMEWORK CONVENTION
FOR THE PROTECTION OF NATIONAL MINORITIES BY BULGARIA**

(received on 30 July 2014)

**Comments by the Bulgarian authorities
on the Third Opinion of the Advisory Committee on the Implementation
of the Framework Convention for the Protection of National Minorities in Bulgaria
(doc. ACFC/OP/III(2014)001)**

The Republic of Bulgaria ratified the Framework Convention for the Protection of National Minorities in 1999. Since then, in conformity with its Article 2, the provisions of the Framework Convention have been applied by the Bulgarian authorities in good faith.

The Bulgarian Constitution, as well as relevant domestic legislation and all the international legal instruments in the field of human rights, to which the Republic of Bulgaria is a State Party, including those of the United Nations, the Council of Europe and the European Union, establish the necessary legal and institutional guarantees for the effective realisation in the country of all human rights and fundamental freedoms and for the prevention and protection against any violations thereof.

Bulgaria presented its Third State Report on implementation of the Framework Convention in November 2012. The Third Opinion on Bulgaria (doc. ACFC/OP/III(2014)001) prepared by the Advisory Committee on the Framework Convention for the Protection of National Minorities was received in March 2014.

The Bulgarian authorities have carefully considered the contents of the Third Opinion of the Advisory Committee. The results of this exercise, including observations and additional information concerning certain issues raised by the AC, structured on the basis of article-by-article approach, are summarised in the present document.

Bulgaria would appreciate the possibility of pursuing a constructive dialogue with the Advisory Committee on the Framework Convention. In this regard, avoiding consistent misrepresentation of the positions of the Bulgarian authorities concerning the interpretation and implementation of various provisions of the Convention would facilitate such a dialogue. An acknowledgment on the part of the Advisory Committee of instances of gross factual inaccuracies concerning certain allegations advanced, particularly in the Second Opinion, could also be helpful.

The Bulgarian authorities do note that the Advisory Committee has recognized some achievements in the implementation of the Framework Convention in the country in the period following the second monitoring cycle. Thus, the Opinion rightly points out the strengthened legal and institutional framework for protection against discrimination and for implementing a modern state policy in the field of human rights, including the rights of persons belonging to minority groups.

At the same time, it is regrettable that some other very important contributions and comments of the authorities presented during the Third monitoring cycle were not duly considered by the Advisory Committee. Some of the information presented by the authorities was either only used partially, or even simply disregarded. It should therefore be reiterated that the position of the Bulgarian authorities on those issues is legally and factually substantiated and remains unchanged.

The Bulgarian authorities do not accept the interpretation by the Advisory Committee of certain provisions of the Framework Convention, according to which certain actions, expressly envisaged only as conditional possibilities, are presented as being practically unconditionally applicable in all cases. In this regard it would be expected that recommendations and findings similar to those in paragraphs 34, 35, 54 and 63 of the Third Opinion should be based on concrete, confirmed facts. Any departure from this approach would inevitably undermine the credibility of the advisory opinion as such. In addition, isolated cases of a private nature (such as those described in para. 88) cannot serve as a basis for loose generalizations concerning the overall situation in the country.

The Opinion also contains statements and/or views which in some cases obviously transcend the very scope of the Framework Convention and thus compromise the monitoring process as such.

Furthermore, some of the conclusions proffered by the Advisory Committee are based on information, provided by NGO's selected on the basis of unclear criteria, while neglecting information from other NGO's. In at least one instance information offered by a single newly-created numerically very modest NGO was given priority over the information provided by other NGO's, uniting many more members and supporters and having a longer history of activities. In another instance the AC advances contradictory comments relating to final judgments of the European Court of Human Rights.

It would therefore be recommended that the Advisory Committee make more use of official sources of information, such as the - widely available and very reliable - annual reports of the Ombudsman before the National Assembly. It would also be useful that the AC abstain from attempts to "reopen" cases decided by final judgments by the Strasbourg Court.

A more balanced approach to information and data, provided by the State authorities and non-governmental sources would certainly improve the pertinence and quality of the conclusions and recommendations of the Advisory Committee Opinions.

It is therefore unfortunate that certain observations and conclusions of the Advisory Committee do not conform to these basic requirements. In this context, it would be difficult to surmise that the "concluding remarks contained in Section III" of the Opinion of the Advisory Committee could as such serve as a basis for the Committee of Ministers' possible comments and/or recommendations. It would also be recalled in this regard that, in accordance with articles 24 and 26 of the Framework Convention respectively, the Committee of Ministers of the Council of Europe shall monitor the implementation of this framework Convention by the Contracting Parties. The Committee of Ministers is therefore sovereign in this process to formulate any conclusions and/or recommendations in respect of a State Party to the Framework Convention and is not bound by any observations the Advisory Committee might have. The Advisory Committee merely assists the CM in the evaluation of the measures taken to give effect to the principles set out in this framework Convention by the respective State Party.

With reference to the comments of the AC regarding follow-up, it would be recalled that the National Council for Cooperation on Ethnic and Integration Issues to the Council of Ministers (NCCEII) and the Ministry of Foreign Affairs organized two seminars (November, 2012 and December, 2013) with the participation of representatives from all relevant State authorities, as well as independent institutions and non-governmental organizations.

The Third Opinion of the Advisory Committee on Bulgaria will, however, be subject to further examination by the competent Bulgarian authorities in view of identifying and adopting further relevant measures to address, as appropriate, certain remaining real situations, including in particular addressing various objective socio-economic problems confronting persons belonging to minorities, particularly the Roma.

The substantive observations and suggestions will also be tested against the existing social practice over a longer period of time and the results will be analysed in dialogues with the competent institutions at national and international level.

Article 3 of the Framework Convention

Personal scope of application of the Framework Convention

The Republic of Bulgaria has adopted a genuinely inclusive approach regarding the personal scope of application of the Framework Convention. Based on the Constitution of the Republic of Bulgaria, in connection with the provision of Art.3, paragraph 1 of the Framework Convention, and to the extent that the individual choice of every person regarding her/his belonging to a given ethnic, religious or linguistic minority group or community is linked to the existence of objective criteria, relevant to that person's identity, the principles of the Framework Convention are applicable to all citizens of the Republic of Bulgaria.

As stated previously, Bulgaria strictly adheres to the principle that ethnic identity is a matter of free personal choice for any individual. Self-identification is one indispensable criterion to be considered when defining the personal scope of application of the Framework Convention. By its very nature, though, self-identification is a **subjective** criterion.

It shall be recalled, however, that according to paragraph 35, second sentence, of the Explanatory Report to the Framework Convention: "*The individual's subjective choice is inseparably linked to objective criteria relevant to the person's identity.*" It is evident from this explicit text that the personal scope of application of the Framework Convention is inherently linked to the existence of both subjective and objective criteria **cumulatively**.

Subjective criteria should not be assigned decisive significance, while the objective criteria could not be disregarded practically, especially given the unstable dynamics of the subjective criteria (i.e. different self-identification of the same person in changing circumstances). Consequently, any individual, who may wish to come under the protection flowing specifically from the principles of the Framework Convention must fully satisfy both types of criteria cumulatively in order to qualify for such protection (i.e. a mere wish and/or sentiment could not suffice).

With regard concretely to individuals who identify themselves as Macedonians, the Republic of Bulgaria, as repeatedly stated, adheres to the principle that ethnic identity is a matter of free personal choice. Accordingly, during the 2011 population census, 1609 persons have self-determined themselves as Macedonians. Among them, 411 persons have declared the Bulgarian language as their mother tongue. These facts are included in the official census results which are freely available and do not require any additional specific act of recognition by the state authorities. However, by its very nature self-identification is a subjective criterion and does not in itself suffice to qualify for the protection of the Framework Convention. It should be reiterated, though, that these persons enjoy fully and effectively, without any discrimination, the rights and freedoms guaranteed to all Bulgarian citizens.

With respect to Bulgarian-speaking Muslims in Bulgaria, it will yet again be noted that individuals, who identify themselves as Bulgarian Muslims, as part of the Muslim religious community in Bulgaria, are eligible, without discrimination, for protection under any provision of the Framework Convention which is applicable to religious minority groups.

These persons also enjoy fully and effectively, without any discrimination, the rights and freedoms guaranteed to all Bulgarian citizens. There have been no reports indicating the existence of discrimination against the Bulgarian-speaking Muslims. Furthermore, the existing provisions in Bulgaria's legislation, expressly prohibiting discrimination on the basis of religion, are vigorously enforced.

It should be specifically recalled in this regard that in *Resolution CM/ResCMN(2012)2 on the Implementation of the Framework Convention for the Protection of National Minorities by Bulgaria* the Committee of Ministers recognized the inclusive approach of the Bulgarian authorities regarding the personal scope of application of the Framework Convention, while also noting the existence of certain persons identifying themselves as belonging to national minorities, but not satisfying the criteria, who would like to benefit from the protection of the Framework Convention.

Consequently, it would indeed be advisable that the Advisory Committee cease its repetitive attempts to mechanically impose the extension of the personal scope of the Framework Convention in respect of Bulgaria in breach of the relevant provisions.

Population census

The 2011 census of the population and housing was the first census conducted by Bulgaria as a Member State of the European Union, and in the development of census tools in the data processing and in the formation and presentation of the resultant tables, Bulgaria has complied with the current EU regulations concerning census. Census forms and instructions on questions relating to the ethnic and demographic characteristics are based on accepted standards in the UN and the EU on the formulating and approach to the processing of these questions.

As noted in the opinion of the Advisory Committee (AC), Census as principles, standards and technology were discussed within NCCEII. Special attention was paid to the fact that the basic principles in collecting information about the ethnic group, mother tongue and religion are the principle of self-determination and the principle of voluntary responding. It was explained that the approach adopted - the person who is counted to indicate the answer itself, without being limited or directed by enumeration of possibilities, not only does not limit self-determination and voluntariness, on the contrary - it guarantees them. The Census form and the instructions for collecting data on ethnicity, religion and mother tongue were explained.

NCCEII assists to make local contact with Roma organizations to support the process.

Article 4 of the Framework Convention

Legal and institutional protection against discrimination

In the period of 2009-2011 further structural reforms were introduced aimed at increasing the efficiency of the public administration in the field of ethnic and integration issues. Thus, in 2011 it was decided that the consultative and coordination functions on ethnic and integration issues would remain concentrated in the National Council for Cooperation on Ethnic and Integration Issues to the Council of Ministers (NCCEII).

The NCCEII (until April 2011 NCCEDI - the National Council for Cooperation on Ethnic and Demographic Issues) is a coordination and consultative body, assisting the Government in formulating the policy on the integration of minority groups. In accordance with the Rules of Procedure and Organization of NSSEII (RONSSEIV), its most important functions include coordination, control of the implementation and constant monitoring over the implementation of the National Action Plan for the "Decade of Roma Inclusion 2005 – 2015" initiative as part of Action plan of National strategy for Roma integration and also over the commitments of all state institutions according to their functional competences related to the Decade of Roma Inclusion initiative.

The National Strategy of the Republic of Bulgaria for Integration of Roma People (2012-2020) (NSRBIR) was constructed, as noted by the AC, by an interdepartmental working group with the broad and active participation of representatives of Roma NGOs and organizations working in the field of Roma integration. The National Strategy was adopted with a Resolution of the National Assembly of March 1, 2012. Bulgaria is the only country that adopted the Strategy with a Resolution of its supreme legislative body.

The National Strategy is in line with the National Reform Programme of the Republic of Bulgaria (2011-2015), which is prepared in accordance with the approved by the European Council in June 2010 Strategy "Europe 2020" and in accordance with the new tool for better coordination of economic policies within the European Union, the so called "European semester", and the National Action Plan for the "Decade of Roma Inclusion 2005-2015" initiative. The strategy adopts and incorporates in one strategic document the objectives and measures of the strategic documents in the field of Roma integration such as: Strategy for the educational integration of children and students from ethnic groups; Health Strategy for disadvantaged people belonging to ethnic groups, 2005-2015, and the National Programme for improving the living conditions of Roma people in the Republic of Bulgaria for the period 2005-2015.

The operational implementation of the National Strategy is implemented through an Action Plan to 2020 - implemented in two periods - 2012-2014 and 2014-2020. The plan for the first one is the updated National Action Plan under the International initiative "Decade of Roma Inclusion 2005-2015"; The second period covers the next programming period 2014-2020 of the European Union for financial support and through EU instruments by means of the Operational programs.

The Strategy as a national document identifies key priorities, guiding principles and horizontal aspects, objectives and mechanisms for implementation and monitoring. To achieve the Strategy, planning and implementation of measures at regional and municipal level is essential.

The NCCEII Secretariat is the national contact point for the implementation of the National Strategy.

After the adoption of the National Strategy by the National Assembly, broad regional and municipal planning started in accordance with NSRBIR to prepare regional strategy on Roma inclusion and community action plans.

The NCCEII Secretariat (NCCEIIS) coordinates the process of regional planning. A number of meetings were held with mayors, representatives of regional and local administrations in the country, representatives of NGOs, experts from the World Bank and UNICEF. Pilot planning in Sofia Region was conducted. The NCCEII Secretariat prepared Supporting

Guidelines for regional planning, which were provided to the regional and municipal administrations – containing recommendations regarding the framework and the separate elements of the process. Local operational teams were formed, which included representatives of the regional and municipal government, the territorial structures of the state institutions; representatives of local communities and NGOs. Support and coordination of the process was done through field visits to 10 areas where NCCEIIS experts worked together with the teams which prepared the regional strategies and municipal plans.

As a result of this large scale process, in the period 2012-2013, 27 municipal strategies and 220 municipal action plans were prepared and adopted. Currently there are 28 regional strategies that shall be operating until 2020.

Municipal plans are biennial, and are based on an adequate analysis of the needs and specifics of the local communities. The plans are specific and they indicate which of the actions and measures can be implemented with local financial resources and which other ones.

Financing of the measures in the action plan is from the national budget, as well as with EU funds provided through operational programs, or with funds from other donors. When reporting the implementation of their action plans for 2013, the municipalities state that they are actively working on national programs and various projects/schemes under operational programs and other donor programs in the fields of education, health, housing, employment, the information is included in the report on the implementation of NSRI.

In 2014, planning on a national level and local level for the 2014-2020 period began (the second period of the Action Plan), covering the next programming period of the European Union for the financial support provided by the EU instruments.

The NCCEII Secretariat again coordinates the process on national level.

The regional governors, who will coordinate the process on a regional level, were specially invited at a meeting of NCCEII, devoted entirely to the planning of the second period. Regional governors were informed about the existing opportunities to support activities aimed at the integration of Roma people under the Operational Programs "Human Resources Development 2014-2020" and "Science and Education for Smart Growth 2014-2020."

A review of the lessons learned from the first period of planning was done, and recommendations were made for the next period. Again the importance of the participation of representatives of the Roma community and NGOs working in the field of Roma integration at every stage of the process - planning, implementation, monitoring and evaluation, was confirmed. NCCEII and organizations, who left the council in 2013, are currently actively working together in the implementation of the regional planning process. The institutional capacity and methodological support of the advisory body and its secretariat, as well as the local administrative capacity, are combined with the experience that these NGOs have from field work with communities. Representatives of these organizations participated in the meeting and presented the conclusions and recommendations, based on their activities in this area.

Since last year, 6 Bulgarian municipalities have been involved in a joint programme of the European Commission and the Council of Europe ROMED2/ROMACT, which aims to facilitate the increase of the capacity both in local institutions and in the Roma community. Programme Coordinator for Bulgaria is one of the organizations that have left NCCEII. The NCCEII Secretariat promotes the launch of the program and maintains active relations with the relevant bodies within the Council of Europe and the European Commission. Cooperation

is also expressed in the fact that in these 6 municipalities - Varna, Shumen, Sliven, Tundzha, Maglizh, Byala Slatina - pilot action plans to 2020 will be developed.

The meeting put an emphasis on the funding and the need to utilize the funds under the operational programs, to achieve progress in the implementation of the plans.

We should point out that in addition to the national budget, also the European Structural and Investment Funds (ESIF) will support the implementation of regional strategies and municipal action plans for Roma integration in the implementation of the National Strategy of the Republic of Bulgaria for Roma Integration (2012-2020). Support will be provided primarily through the funding of integrated projects with the municipalities and other stakeholders at the local level as beneficiaries. The projects will be designed to improve access to employment, education, quality health and social services and measures to build tolerance for ethnic differences, promoting culture of different ethnic groups and others.

The important role of the units for monitoring and control was noted. Each regional administration has a separate Unit for Monitoring and Evaluation with clear, specific tasks and responsibilities. The core of the main team the Unit for Monitoring and Evaluation consists of 6-8 people - representatives of the regional government, experts from the local administration, NGOs and others. The participants in the Unit for Monitoring and Evaluation usually work under service or employment contracts in these organizations. Their new responsibilities for coordination and monitoring activities and evaluation of regional planning and execution are regulated with an order from the employer concerned and must be included in the job descriptions.

In terms of monitoring the implementation of the National Strategy, the regional strategies and municipal action plans, we would like to note the following: Under the current system for monitoring and control, information at the municipal, regional and national levels is collected by experts in the relevant departments and is summarized at the NCCEII Secretariat. The progress achieved in 2013 on implementation of the strategy by the responsible institutions has been reported in the Administrative Monitoring Report. Currently the report is presented to the National Assembly for adoption. The reports on areas with adjacent municipalities are also attached to it. Progress has also been reported to the European Commission.

The Secretariat of NCCEII has been defined as a beneficiary for the next programming period under OPHRD for building an improved functional electronic system for monitoring and controlling the implementation of the National Strategy of the Republic of Bulgaria for Roma Integration 2012-2020. It will include information on municipal, regional and national levels within a unified information platform, will perform accumulation, aggregation, data processing, which will improve the process of tracking and analyzing the results, and will contribute to the more effective evaluation of the implementation of integration policies on all levels. Performance measurement is an extremely complex and difficult process that will last years.

We would also like to point out that the objectives of the National Strategy of the Republic of Bulgaria for Roma Integration (2012-2020) is supported by the implementation of projects and programs funded under the Economic Mechanism of the European Economic Area and the Norwegian Financial Mechanism, as well as under the Bulgarian-Swiss Cooperation Programme.

The activities of the Interdepartmental Working Group for resource support of Roma integration with EU funds, is aimed at supporting municipalities in terms of choice of schemes and operations to support the implementation of the action plans. The Interdepartmental Working Group on resource support to Roma integration with EU funds operates under the Commission for Implementation of the National Strategy, which was formed under the National Council for Cooperation on Ethnic and Integration Issues (see comments under Art. 15)

Policies for the integration of Roma people and disadvantaged people from other ethnic groups are an integral part of the national policy for the welfare of the Bulgarian people. The National Strategy is applied in the framework of the overall strategy for combating poverty and social exclusion. The strategic objective is clearly stated – creating conditions for Equal Integration of Roma people and Bulgarian citizens in a vulnerable position from other ethnic groups in the social and economic life by providing equal opportunities and equal access to rights, benefits, goods and services, participation in all public areas and improving the quality of life in accordance with the principles of equality and non-discrimination.

The Advisory Committee notes with interest the activity of the Commission for Protection against Discrimination, which started its second term in 2012.

At the end of 2011 the Commission for Protection against Discrimination was accredited by the International Coordinating Committee and its Subcommittee on Accreditation at the UN High Commissioner for Human Rights with the status "B" as National Authority on Human Rights. The accreditation procedure includes a detailed examination of the compliance of status, functions and independence of the body with the international standards and criteria consistent with Resolution 2005/74 and the Paris Principles, namely, fair, transparent and credible accreditation process, timely information and guidance, strong links with the High Commissioner for Human Rights and regional coordination committees, protection and promotion of all human rights, etc.

The Parliament group representatives introduced ten prospective candidates for filling up the quota for members of the Commission.

In relation to the recommendation for strengthening the selection procedure for members of the Commission, the prospective candidates were present at the application reviewing process. President announced the four nominees he considered beforehand, in accordance with the transparency and publicity policy currently used in the Presidential Administration during the appointment of high governmental positions. All interested representatives of the public and private sector were invited to submit their prospective nominees for member of the Commission by virtue of a Presidential invitation.

The Ministry of Foreign Affairs of Republic of Bulgaria is under the obligation to inform the competent authorities, to adopting adequate measures for implementation of the Convention and fulfilling the international obligation of Bulgaria as regards to providing adequate financial resources. It needs to be stipulated here, that the budget is progressively decreasing on a yearly basis. In 2012 the budget was reduced with 41.13%, whereas the number of complaints is increasing – from 299 in 2009 up to 454 in 2013. The percentage went up by 65%.

Article 5 of the Framework Convention

Legal guarantees and support for the preservation of the culture of persons belonging to national minorities

The Advisory Committee has noted the increasing efforts by the Bulgarian authorities to support initiatives aimed at the protection, preservation and promotion of the cultural identity and the removal of any obstacles in this regard. Enabling the Bulgarian citizens belonging to ethnic groups to maintain and develop their culture, as well as to preserve the essential elements of their identity - religion, language, traditions and cultural heritage, are among the priorities of the integration policy.

The financial support for the preservation of the cultural identity of Bulgarian citizens belonging to ethnic groups continues to be provided through the budget of NCCEII and the Ministry of Culture. Projects for organizing and holding cultural, sports and other activities aimed at the social inclusion of vulnerable groups of the population, are supported with funds from the "Social protection" Fund at the MLSP.

Each year from the budget of the administration at the Council of Ministers funds are allocated to the Secretariat of NCCEII. In recent years, funds in the amount of 60 000 Levs per year to support activities related to the implementation of the National Strategy of the Republic of Bulgaria for Roma Integration (2012-2020) and the Action Plan to it, and the "Decade of Roma Inclusion 2005-2015". Since 2014, at the initiative of the Secretariat of NCCEII, from those 60 000 Levs funds are allocated also for the promotion of initiatives by other ethnic groups, members of NCCEII. For 2014 these funds amount to 6,000 Levs allocated evenly to - Armenians, Armanj, Vlachs, Jews, Karakachans, Turks.

In the period 2011-2014 the NCCEII supported many initiatives: celebration of the International Roma Day at national, regional and local levels; festivals, presenting the art of Roma artistic groups; extracurricular activities that help to improve the intercultural dialogue between children from different ethnic groups; support for issuing printed works and more.

In the field of immovable cultural heritage the Ministry of Culture has taken the following measures:

- on 20.03.2012 a Cooperation Programme in the field of conservation of immovable cultural heritage was signed with the Ministry of Culture and Tourism of the Republic of Turkey. The duration is 2012 - 2016, and affects the activities related to the identification and conservation of immovable cultural heritage on the territory of the two countries, including expeditions to locate the preserved sites, documenting, conservation, restoration, adaptation and maintenance;
- on the territory of the Republic of Bulgaria activities related to the conservation and socialization of eight religious and one civil sites from the Ottoman era were carried out: Mosque "Makbul Ibrahim Pasha" in Razgrad; Mosque "Sherif Halil Pasha" (Tomboul) and complex "Kyulliye" in Shumen; Mosque "Fatih Qanuni" in Kyustendil; Mosque "Banya Basha" in Sofia; Mosque "Sara Hussein Pasha" in Provadia; Mosque "Kursunlu/Mirza Sait Pasha" in Silistra; Mosque "Kursunlu" in Karlovo; Complex Mosque "Ichtiman Gaza Michal (Imaret)" in Sofia; Library "Osman Pazvantoglu Bay" in Vidin;
- A project amounting to 500 000 Levs was implemented for the conservation, restoration, exhibition and socialization of the bath of Suleyman I the

Magnificent in the property of Bourgas mineral baths;

- The Ministry of Culture cooperates with the Organization of Jews in Bulgaria "Shalom" to provide the necessary funds for the conservation, restoration, reconstruction and adaptation of the building of the Vidin Synagogue.

The project, "Conservation, restoration and exhibition of Eski Mosque and creating a museum of religions" in Stara Zagora, was implemented under the Programme "Regional Development", in which the Ministry of Culture was the beneficiary.

In 2011, 2012 and 2013, Drama and Puppet Theatre "Dimitar Dimov" in Kardzhali and Drama Theatre "Anton Strashimirov" in Razgrad received additional funding because they work in specific areas of the country and their production includes performances addressed to the Turkish ethnic group. The total amount is about 400 000 Levs for each of the three fiscal years.

By decree of the Council of Ministers № 45 from March 6, 2014 the theaters in Kardzhali and Razgrad were transformed into Theater - Music Center - Kardzhali and Theater - Music Center - Razgrad, which increases the capabilities of their repertoire, and enriches them both with dramatic and music and dance repertoire.

The Ministry of Culture also supports initiatives to preserve the cultural identity of Turks, Armenians, Jews, Armanj and others.

Article 6 of the Framework Convention

Tolerance and intercultural dialogue

The Bulgarian state has created conditions and supports the preservation of cultural diversity and the multicultural dialogue between communities in the country.

NCCEII as an advisory and coordinating body assists in the cooperation and coordination between public authorities and civil society organizations for the development of intercultural dialogue, the inter-ethnic relations and the protection of human rights.

Regarding the case in Katunica, NCCEII issued a statement in connection with the intolerance and hate speech on ethnic grounds, in which it expressed strong concern about the intolerance and hate speech which the Bulgarian society faced then. It strongly opposed any attempts to give an ethnic character to the events and their use for political purposes. The Council called on the institutions of the executive power, local authorities and local government, NGOs and citizens to implement and enforce the law and to combat all forms of intolerance and acts of hate speech, and to protect them from, above all, students and young people.

Resolving problems through dialogue and mutual understanding within the law is a fundamental approach in the work of the organization, of which different ethnic communities are members. In 2013, when the activities of the Council was reassessed and actions were taken to optimize its operations, members of the organization - representatives of organizations of different ethnic communities, supported the current need of more focused activities and resources by the Council and the Secretariat on the implementation of policy goals for Roma integration. This does not mean that the Council ignores those issues that stand before the other ethnic groups, too. The Secretariat of NCCEII provided information (from the Ministry of Education and Science and the Ministry of Culture) to the members of the Council about current opportunities to support the educational integration of children and

students from Turkish and smaller ethnic groups, as well as about ongoing opportunities for supporting cultural events and activities for preserving the cultural identity of Turkish and smaller ethnic groups. Such information will be provided periodically.

The traditional activity of the Council in support of the development of intercultural dialogue is the initiating and support for events and forums, with the participation of representatives of institutions and civil society, who are dedicated to ethnic tolerance and understanding.

On the occasion of the International Roma Day on 8 April 2014, the National Council for Cooperation on Ethnic and Integration Issues organized a Roundtable on the Rule of Law and Non-Discrimination. The event was under the patronage of Deputy Prime Minister and Minister of Justice, President of NCCEII Zinaida Zlatanova. The discussion was attended by the Chairman of the Parliamentary Committee on "Human rights and citizens' complaints", MPs, the President and Vice-President of the CPD, the chairman of the Bulgarian Helsinki Committee, the Director of the Centre for Educational Integration of children and school children from Ethnic Minorities (CEICSEM), NGO representatives. Many ambassadors responded to the invitation and attended the Round Table. The achievements and challenges of continuing and intensifying the fight against racism and discrimination, the formation of the public understanding of the general benefits from the inclusion of Roma people, increasing public knowledge of the history, culture and traditions of Roma people. The day was also marked by a commemorative memorial service for the Roma victims of the Holocaust and a procession to the monument of the Unknown Soldier. Together with an Initiative Committee of NGOs the show "An unforgettable night ..." was organized, and was recreated by renowned artists - director, writer, actors of Roma origin, representing scenes from the life and culture of Roma people.

At the initiative of the National Council for Cooperation on Ethnic and Integration Issues at the end of 2013 a seminar was held to improve the performance and coordination between the authorities working on human rights, anti-discrimination, rule of law and integration - involving MPs from the parliamentary committee on "Human rights and citizens' complaints", the Commission for Protection against Discrimination, the "Human Rights" Directorate at the Ministry of Foreign Affairs.

In 2013, the NCCEII funded the trip of the Bulgarian group to Krakow and Auschwitz, Poland, to attend events within the "Tern Ype - European Youth initiative commemorating the Roma genocide "See and Do not Forget". A representative of the Secretariat of NCCEII also took part in the events.

Project BG051P0001-7.0.02-004-C0001 "Learning in Tolerance" implemented by the Centre for Educational Integration of Children and School Children from Ethnic Minorities (CEICSEM) at the Ministry of Education and Science (MES) in partnership with the Danish Institute for Human Rights, is implemented with the financial support of the Operational Programme "Human Resources Development", co-financed by the European Social Fund of the European Union. The overall objective of the project is to create a more tolerant school environment that will lead to appropriate social and psychological climate and improved access to quality education. The approach is - improving the qualifications of headmasters, teachers, school counselors, school psychologists, the managements and the experts of the Regional Education Inspectorates and others.

Since 2010, for the third consecutive year, the programme "Sports for people with disabilities and children at risk" of the Ministry of Youth and Sports is being implemented. Its objectives

are to create conditions and opportunities for the participation of children with disabilities and children at risk in free sports activities in order to improve the quality of life, the physical and mental capacity, the opportunity for personal fulfillment and prevention against negative social phenomena, against intolerance and violence, for social integration, adaptation and fulfilling realization in public life.

Through inclusion in sports the formation and development of social skills, ability to work in teams, tolerance, solidarity, moral and volitional qualities, leadership skills, respect for the principles of "Fair Play" are achieved. Active media policy is performed for the promotion of the benefits of sports and physical activity as the basis of a healthy lifestyle for children at risk. Direct beneficiaries are sports organizations holding sports licenses and sports clubs members of licensed sports federations. The benefits from the implementation of the projects are visible for the included children at risk, people with disabilities, non-governmental organizations and organizations of people with disabilities.

In 2011 projects of 16 sports organizations were funded. Activities have been conducted in 12 different sports by 26 sports professionals, and 666 participants from the target groups were covered, and 2505 classes were held. The funds granted in the direction were 78 000.00 Levs /seventy-eight thousand Levs/.

In 2012, projects of 22 sports organizations from 20 cities in the country were funded. Activities were conducted in 16 different sports by 26 sports professionals and 706 participants from the target groups were covered. 2505 classes were held. The funds provided were 91 572.00 Levs /ninety-one thousand five hundred and seventy two Levs/.

In 2013 projects of 24 sports organizations from 22 cities in the country were funded, in 28 different sports, and over 9000 representatives of the target groups were covered.

As an upgrade and supplement to the 2011 programme, every year under the programme "Development of sports for students" the project "Bulgarian Sports Federation for Children Deprived of Parental Care" (BSFCDPC) is funded, with scope of activity: Organization of National Sports calendar in five sports, divided into four zones of the country and two national championships for children from institutions such as: Homes for persons deprived of parental care (HPDPC), Homes for educating children deprived of parental care (HECDPC), Social educational pedagogical units (SEPU) and Correctional-educational boarding schools (CEBS). The main objective is to create conditions and opportunities for the participation of children and youth at risk in sports competition activities with the aim of building self-confidence, personal fulfillment and social integration through sports.

Following the recommendation for more intensive training of the police and the prosecution and the judiciary at all levels, in order to ensure the correct application of anti-discrimination legislation, we would like to inform the Advisory Committee that such sessions are held, and in particular: According to the programme of the National Institute of Justice (NIJ) and the intra-departmental programme of the Prosecutor's Office of the Republic of Bulgaria, trainings on topics related to improving the qualification and specialization of prosecutors are conducted regularly in order to improve the effectiveness of investigating crimes based on discrimination. At present, the NIJ has taken actions to conclude an agreement with the Office of Democratic Institutions and Human Rights of the OSCE, in which prosecutors and police investigators are the target group for the training based on a manual specifically designed to investigate hate crimes.

The MoI conducts professional training at the workplace of police officers on issues relating to human rights and police ethics.

The training is carried out by personnel who have received special training for trainers in a particular subject area. Various topics are discussed to enhance the qualification of police officers to work in a multicultural environment, and some of them are "Specifics of the work of police officers and concrete actions in the implementation of their competences in areas with predominantly Roma population"; "Crisis management to restore public order "; "Developing skills to work with representatives of the Roma community"; "Cooperation in servicing areas with predominantly Roma population"; "Ethical conduct in dealing with the public"; "History, customs, traditions and religious beliefs of different ethnic groups, especially the Roma population"; "Problems of Roma people in the social sphere"; "Police actions in case of group violations of public order and other serious illegal acts in neighborhoods with compact Roma population"; "Respect for Human Rights and the Code of Conduct when working with Roma people"; "Behavior when communicating with citizens' /in particular - Roma society/; "Identifying the problems of public order and security in the local Roma community"; "International Convention on the Elimination of all forms of discrimination"; "Discrimination - basic concepts, social dimensions of discrimination" and others.

In 2012, 949 training sessions were conducted and 32,283 employees were trained. In 2013, the number of trainings was 1020, the employees trained were 33,704.

Pursuant to the Partnership Agreement between the EC and the Ministry of Interior, in 2012 started the implementation of the project HOME/2010/ISEC/FP/C2/4000001454 "European police and human rights" under the specific programme of the European Commission "Prevention of and Fight against Crime" (ISEC 2010), which officially ended in February 2013. The project was implemented in partnership between the General Directorate "National Police" - Ministry of Interior, the Police Academy, the Institute of Psychology at the MoI, the Commission for Protection against Discrimination, the Bulgarian Helsinki Committee, the Center for Study of Democracy, the Belgian Federal Police, the German Police /Baden - Württemberg/ and the Polish police.

Innovation within the project is the development and application of modern methodology for adult education in order to multiply the training in human rights, with a focus on anti-discrimination attitude. The method is flexible, which allows on the basis of periodic summaries from the police practice to conduct thematic trainings, with the ability to update the training modules. An interactive and interdisciplinary approach is offered, situational modular training - on cases from the police practice.

The added value of the project at European level is in the developed methodology and teaching materials (handbook for trainers and guide for learners) for training on human rights with a focus on a non-discriminatory attitude that will be multiplied as a European practice in other Member States through the CEPOL network. The project aims to supplement the Common Curriculum "Police Ethics and Prevention of Corruption" prepared by CEPOL. The results of the project were presented to representatives of the Triple Presidencies of the EU, to partner organizations, CEPOL and FRA.

The training of police officers in combating hate crimes is also covered in-depth. In pursuance of the Memorandum of Understanding between the Ministry of Interior and the Office for Democratic Institutions and Human Rights /ODIHR/ at OSCE from 2012, the

Ministry of Interior implemented the project "Education against hate crimes for the executive power" (EAHCEP).

At first training of trainers was conducted in two stages, which included a total of 50 employees of the Sofia Police Directorate, the Regional Directorates of the Ministry of Interior, and other structures of the Ministry of Interior. The training covered issues related to hate crimes (Article 162 of the Penal Code): what is a hate crime, definition and legislation on hate crimes, study of the diversity and the impact of hate crimes and the role of the police, response and investigation, cases. The profile of the participants was investigating police officers, criminal or security police. Each participant was provided with a Manual for trainers on the topic in Bulgarian.

In the next programme phase (April 2012) the Bulgarian trainers held the first training on site, while at the same time evaluation of the training was made, as well as the need to further adapt the programme. Subsequently, the training was conducted in each structure, Regional Directorate of the Ministry of Interior and the Sofia Police Directorate. In the first place the staff was made aware of the term "hate crime", and of the special criminal rules, which are described in Art.162, Art.163 and Article 164 of the Penal Code (PC). The investigating officers were made aware of the changes in the PC of 27.05.2011 and especially in art. 116, paragraph 1, item 11 and Art. 131, paragraph 1, item 12 of the Penal Code, where as a qualifying circumstance "... racist and xenophobic motives ..." is added.

The training specifically points out why hate crimes are so dangerous and what negative consequences might result from their neglect /examples and case studies/. According to the instructions in Modules 1-6 of the Training Manual, in the form of discussions employees are made aware of the public opinion, the variety and diversity in society, the impact of hate crimes, and the role of the police to prevent them.

The training encompasses all modules of the Manual, as well as free discussions relating to the main difficulties in detecting and investigating specific crimes motivated by hate.

By the end of the programme (December 2013) all police officers across the country were trained - investigative police officers, criminal and security police officers.

Upon completion of the project an external consultant made an overall evaluation of the implementation and effectiveness of the project. The report stated that Bulgaria was the first country in which EAHCEP was conducted in its entirety. Compliance of EAHCEP to the needs of partner institutions and civil society at the time of implementation of the programme is assessed as very high.

The Police Academy is very active both in the initial training and in conducting subsequent cascade trainings on hate crimes. The MoI Academy has incorporated key concepts from OSPOIV in its standard curriculum. As key factors for the success of the initiative the membership in the Council of Europe (1992) and the European Union (2007) and the related processes of harmonization of the national legislation with the laws and standards of the Council of Europe and the EU, are indicated. Other circumstances which have contributed to the implementation of EAHCEP are the five-year Programme for Cooperation between the police forces of Bulgaria and the Netherlands, and the eighteen month European project on Police Ethics. The Code of Ethics of police officers is an additional component that should work to prevent illegal acts; this also applies to hate crimes. All these elements are considered an important contribution to the achievement of the expected long-term results from EAHCEP.

Hate speech

In relation to the concern expressed in the opinion of the AC, in 2013 in Sofia about the increased incidence of assaults and physical violence against refugees, asylum seekers and persons belonging to national minorities, the Supreme Court of Cassation stated that in 2013 a total of 80 pre-trial proceedings were formed and held in the inventory of the Sofia District Prosecutor's Office and the City Prosecutor's Office - Sofia for crimes with victims who explicitly identify themselves in terms of ethnicity.

With regards to the recommendations of the AC racist motivation to be explicitly stated in the Penal Code as aggravating circumstances, it should be taken into account that, under the provisions of Art. 56 of the Penal Code, in order certain circumstances to be defined as mitigating or aggravating circumstances, they shouldn't be reflected in the formulation of the offense. The matter is decided by the case law. According to the established case-law, racist motivation is considered as an aggravating circumstance and is taken into account in the individualization of punishment (see for example Verdict № 275 of 19.07.2012 issued by the Regional Court in Plovdiv under general criminal case № 7660/2011).

Regarding specific examples of several attacks committed in Sofia against Malian and Syrian citizens, and against a man of Turkish origin, who fell into a coma, we could present to the attention of the Advisory Committee more specific information about the actions undertaken by the relevant authorities:

In connection with the attack on 03.11.2013 on "Pirotska" Street against Georgi Dimitrov Dimitrov - Metin ("man of Turkish origin who fell into a coma" - item 74), pre-trial proceedings № 363/2013 have been formed in the inventory of the Sofia Police Directorate, prosecutor's file № 10578/2013 in the inventory of Sofia City Prosecutor's Office against three identified perpetrators, /for an offense under Art. 116, para. 1, item 11, in connection with Art. 115, Art. 20, para. 1, Art. 18, para. 1 of the Penal Code (an attempt to murder by hooligan, racist or xenophobic motives). The three defendants were placed in custody, and clarification of the charges and completing the investigation are pending. Pre-trial proceedings are also held regarding the aforementioned case of an attack against a minor Syrian citizen (prosecution file № 39137/2013 in the inventory of Sofia City Prosecutor's Office). Discriminatory motives for the offense were reported, and it was classified as a crime under Art. 131, para. 1, item 12, in connection with Art. 130, para. 1 of the Penal Code (causing trivial bodily injury by racist or xenophobic motives).

In the case of the attack against Mali citizen near the mosque in Sofia, the act was considered under Art. 198, para. 1 of the Penal Code (robbery), given the realized objective and subjective features of this crime. At this time pre-trial proceedings № 38169/2013 in the inventory of Sofia City Prosecutor's Office are stopped as the perpetrator of the crime hasn't been identified.

In connection with the recommendations made for directing the attention of the competent authorities towards the differentiation of crimes by racist or xenophobic motive from similar criminal compositions and to conduct an effective investigation, the Committee should be assured that in cases of assault and physical violence against refugees or person belonging to national minorities the following specialized provisions are applied: Art. 116, para. 1, item 11, in connection with Art. 115, Art. 18, para. 1 of the Penal Code (attempted murder by racist or xenophobic motives) and Art. 131, para. 1, item 12 of the Penal Code (causing injury by racist or xenophobic motives). The pre-trial proceedings authorities have taken adequate steps for the

correct identification of hate crimes and for studying the discriminatory motives and inducements for the acts.

Article 7 of the Framework Convention

Freedom of Peaceful Assembly, Freedom of Association

In paras. 78 to 83 of its Third Opinion the AC again proffers comments on certain aspects of the legal framework governing the freedom of peaceful assembly and association in Bulgaria.

In this regard it would be reiterated that freedom of assembly and association are fully guaranteed by the Constitution and relevant legislation in Bulgaria to all citizens without discrimination, in full conformity with the country's international legal obligations. Article 43 (1) of the Constitution provides that citizens shall have right to peaceful and unarmed assembly for meetings and manifestations. Article 44 (1) of the Constitution provides that citizens shall have the right to freedom of association. Relevant practice is in full conformity with these provisions. Thus, any restriction placed on the exercise of this right are in strict compliance with Art. 22.2 of the International Covenant on Civil and Political Rights and with Art. 11.2 of the European Convention for Protection of Human Rights and Fundamental Freedoms.

It would also be recalled in this regard that the question of compliance of the Framework Convention for the Protection of National Minorities with the Constitution of Bulgaria was examined by the Constitutional Court prior to its ratification by the National Assembly. In its Judgement № 2 of 18.02.1998 the Constitutional Court established that the Convention, in full, complied with the Constitution of the Republic of Bulgaria.

More concretely, the Constitutional Court established that freedom of association, as guaranteed by the relevant provision of the Framework Convention does not differ in content from the constitutional right as provided by Art. 44(1) of the Constitution and is applicable to all persons irrespective of any ethnic, religious or linguistic distinctions among them.

The Constitutional Court also definitely clarified the content and the scope of the provision of Art.11(4) of the Constitution in two Judgements (№ 4 of 21.04.1992 & № 1 of 29.02.2000) resolving that the aim of this constitutional provision is not to establish a prohibition directed against a particular category (categories) of individuals of distinct ethnicity, race or religion". Thus, only political parties organized "on ethnic, racial or religious lines" and "parties which seek the violent usurpation of state power" are prohibited under Art.11(4) of the Constitution. Referring to "ethnic", the restriction is applicable only to parties, the statutes of which would stipulate that their membership is open only to a particular ethnic group/groups.

This consistent interpretation, provided by the Constitutional Court, was a prerequisite for the ratification of the Framework Convention by the Bulgarian parliament.

Consequently, subject solely to the relevant provisions of the law, which are in strict conformity with Bulgaria's international legal obligations, all citizens in Bulgaria, whether belonging to a "minority" or a "majority", enjoy equal rights fully and effectively, including with respect to the freedom of peaceful assembly and association.

In view of the above, and of the relevant findings of the European Court of Human Rights, (referred to by the AC), it would be more than clear that any suggestion by the Advisory Committee of the alleged existence of "serious problems of compatibility" of the relevant

legislation in Bulgaria “with Article 7 of the Framework Convention” would be clearly ungrounded.

Article 8 of the Framework Convention

The right to manifest religion or belief

In Bulgaria the Constitution and the legislation in place explicitly prohibit discrimination on the grounds of religion or belief, and the State provides assistance aimed at promoting tolerance and respect among followers of different religions, as well as between believers and non-believers.

Furthermore, the implementation of the Confessions Act has clearly demonstrated that its provisions are fully in line with Article 9 of the European Convention on Human Rights.

Article 9 of the Framework Convention

Broadcasting for minorities/broadcasting in minority languages

We would like to repeat that in Bulgaria there are no legal restrictions on the access of persons belonging to any ethnic, religious or linguistic minorities to the media. Similarly, all persons, regardless of their ethnic self-identification, can create and use their own mass media in accordance with the provisions of the Law on Radio and Television.

Article 12 of the Law on Radio and Television states that "Programs are broadcast in the official language, in accordance with the Constitution of the Republic of Bulgaria."

Exceptions for programs and broadcasts, which may be in another language, are described in par. 2, and item 2 refers to broadcasts intended for Bulgarian citizens whose mother tongue is not Bulgarian.

Furthermore, national interests and universal cultural values of all Bulgarian citizens regardless of their ethnicity in the programme policy, are regulated in Art. 6, para. 3 for the public media service providers, and the national public providers BNT and BNR assist the development and promotion of the culture and language of citizens in accordance with their ethnicity (6, para 3, item 2), promote the mutual understanding and tolerance in human relations (Art. 6, para. 3, item 7).

In this regard we would like to mention specifically that:

- Besides the 10-minute daily information programs in Turkish which are broadcast by BNT, Radio Bulgaria - Department "Programes in Turkish" at Direction "Programs in Balkan languages and Russian" broadcasts every day at MW for Northeastern and Southern Bulgaria two hour recorded programs and one hour live in Turkish, for the community in our country. These programs are published - audio and text, also on the website bnr.bg. These programs - both broadcast and published on the Internet and Facebook, enjoy huge interest by listeners and users in the country and abroad, as evidenced by the hundreds of letters, phone calls and e-mails that editors receive each day.
- TV "SKAT" airs a one-hour Sunday show "Chshae shukarie" hosted by the Roma Najden Rangelov. The editions of the show are dedicated to Roma issues, with the participation of representatives of the community with whom

current issues are discussed.

- In the talk show "TV Forum" on TV "SKAT" the problems of the Roma community are often discussed and experts on ethnic issues are invited.
- again on TV "SKAT" - until 2013 the show "Exiles forlorn..." was broadcast, devoted to issues from the history of the Armenians and the current state of the Armenian community in the country;
- More than 15 years "Hristo Botev" programme of the BNR has been broadcasting the "Known and unknown". Under the motto "Unity in Diversity" every day from 15.30 to 16.45 the cultural interactions among ethnic groups, minority groups and other communities (people with disabilities, LGBT) are discussed, where the core value is to achieve a tolerant coexistence. In the programme specific cases related to personal lives are narrated.

It should also be noted that one of the areas of support provided to non-profit organizations, with the resources of NCCEIIS mentioned above in the comments under Art. 5, is the support in issuing of printed materials, audio and video products, periodicals - printed or electronic media. In recent years, including 2014, the issuing of the magazine "Etnodialog" is supported, where materials with a cultural, historical, informational orientation are published for Armanj, Armenians, Karakachans, Turks, Roma and other ethnic groups.

In 2014 the following were supported with funds from the NCCEIIS:

- two shows in the production broadcast on BNT 1 "Small stories from the world of Roma" - through the "Roma World" foundation;
- a broadcast on "Astra" Radio to promote the culture and traditions of the Roma ethnic group, celebrating April 8, 2014 through the foundation "Romano Drom Pleven";
- campaign "The voice of Roma people", talks on Roma issues involving diplomats, politicians and media to celebrate the International Day of Roma people through the Foundation "Rominterne - Right to Life";
- publishing the book "The Gypsies/Roma in Bulgaria - gender relations "(Regional Association of the craftsmen "Tehnitari", Stara Zagora);
- Publishing an issue of the magazine "Orpheus Lyre" on the topic of Roma Inclusion (Academy for European Culture "Orpheus Lyre").

In 2014 the possibility to fund initiatives is restored, including publications of organizations of the Turkish and the numerically smaller ethnic groups - members of NCCEIIS.

With funds from the budget of the Secretariat of the National Council the development (conceptual and substantive) of the individual elements of the Communication Plan is funded - information materials presenting the activities of NCCEIIS, information events and communications with the media. By the end of 2013 in the implementation of this plan activities under the priority Health of the National Strategy were carried out: National meeting: "Health and vaccine prevention"; Meeting with Roma students in medicine.

Article 10 of the Framework Convention

Use of minority languages in relations with administrative authorities

According to the Explanatory Report to the Framework Convention, the provision of Art. 10, paragraph 2 leaves Parties "a wide measure of discretion".

Furthermore, this is a fundamental concept applicable to the Framework Convention in general as stated in Paragraph 11 of the Explanatory Report, which clearly stipulates that these provisions “which will not be directly applicable” and “leave the States concerned a measure of discretion in the implementation of the objectives which they have undertaken to achieve, thus enabling them to take particular circumstances into account”.

Indeed, Article 10, paragraph 2 of the Framework Convention states that there should be “**a real need**”, on the basis of which the Parties should “**endeavour to ensure, as far as possible, the conditions which could make it possible**” to use a minority language in relations with the administrative authorities.

Consequently, the intent of the States Parties was that there would not – and could not - be one single form of “conformity” with the “conditions” of Article 10.2 of the Framework Convention.

It follows that it is the prerogative solely of the States Parties, within the “wide measure of discretion”, to determine the parameters of implementation of the provision in accordance with their particular circumstances.

In the case of Bulgaria these circumstances are clearly defined in the Constitution of the Republic of Bulgaria, which stipulates that “Bulgarian shall be the official language of the Republic” (Article 3) and that “The study and use of the Bulgarian language shall be a right and an obligation of every Bulgarian citizen. Citizens whose mother tongue is not Bulgarian shall have the right to study and use their own language alongside the study of the Bulgarian language. The situations in which only the official language shall be used shall be established by law” (Article 36, paragraphs 1, 2 & 3). Therefore, the present situation in Bulgaria concerning Article 10, paragraph 2 of the Framework Convention remains in conformity with its relevant undertakings.

Article 11 of the Framework Convention

Bilingual topographical indications and other inscriptions

It will be recalled that according to the provision of Article 11, paragraph 3 of the Framework Convention, the Parties should “*endeavour, in the framework of their legal systems ... and taking into account their specific conditions*”, to display traditional local names, etc. also in a minority language.

It would be further recalled that according to the Explanatory Report to the Framework Convention, the provision of Art. 11, paragraph 3 provides **only** for such “possibility”, but does not give rise to a direct obligation.

For reasons already clarified in the comments regarding Article 10.2 of the Framework Convention above, the “conformity” with its Article 11.3 in different States Parties could not be expected to take identical forms because it is determined “in the framework of their (respective) legal systems” and “specific conditions”.

Consequently, the present situation in Bulgaria concerning Article 11, paragraph 3 of the Framework Convention also remains in conformity with her relevant undertakings.

Article 12 of the Framework Convention

Intercultural dimension of education

The existing regulation in the pre-school education and preparation and school education establishes conditions for equal access to education of all children and students, regardless of their ethnicity. The requirements supporting the activities related to the educational process for children and students, for whom the Bulgarian language is not a mother tongue (Art. 4, Art. 8, Art. 9 of the National Education Act, Art. 8, paragraph 3, paragraph 4 of the Rules for Application of the National Education Act and others) are legally regulated. Guarantees are provided for preventing the discriminatory attitude towards children and students, which includes the ones from the ethnic groups. The National Education Act (NEA) measures are mapped out against the manifestations of discrimination. Article 4, paragraph 2 of the NEA states: “Restrictions or privileges based on race, nationality, sex, ethnic and social origin, religion and social status shall not be tolerated”.

An amendment to the National Education Act effective as of the 2010/2011 academic year triggered a stage-by-stage introduction of the compulsory two-year pre-school preparation of children prior to first school class. According to Art. 20, paragraph 1 of the NEA (enforced as of 05.10.2010), “Pre-school preparation of children two years prior to their entering the first school class is compulsory, however, not earlier than the year when the child is 5-year-old“. Its introduction is aimed at an equal start of each child, by so contributing to an earlier socialization and to a development of skills needed when entering the first school class. This measure is also a precaution given the reduction reported in the numbers of school students that are not covered by the school system or are leaving schools. The introduction of such compulsory preparation for school two years prior to entering the first school class significantly increased the numbers of children covered by the pre-school education and preparation, which includes those of Roma origin.

The curriculum for the obligatory preparatory group includes a children preparation module for children, for whom the Bulgarian language is not a mother tongue. Also, individual mother tongue learning plans are applied.

As of the 2010/2011 academic year, the gradual introduction of all-day academic scheduling was initiated, with the children from the 1st to the 4th class inclusive being already encompassed in the 2013/2014 academic year. Under such arrangement, the compulsory academic hours are combined with some forms of self-paced training, activities according to interest and leisure time.

The stage-by-stage introduction of all-day academic scheduling is an essential tool to compensate the educational inequality when the quality of education of children of Roma origin is concerned and to prevent their dropping out from the educational system.

In the 2011/2012 academic year and the 2012/2013 academic year, the Ministry of Education and Science continues to implement national secondary education development programmes, part of which are focused on prevention and restricting premature school leaving.

Under the National Programme “School: territory of school students”, the “Support of all-day training of school students in initial stage“ module is being implemented. This module enables the inclusion of school students, which includes those of Roma origin, in various activities within the framework of all-day training form. Children, for whom the Bulgarian language is not a mother tongue, studying all day in Bulgarian language environment are inspired to better assimilate it, which is a guarantee for better educational levels, for enhancing their

communication skills and efficient communication amongst school students from various ethnic backgrounds. For 2013 project activities with funding under the model have been approved for 87 schools with a total amount of 800 000 Levs.

The National Programme “Optimization of school network” creates conditions to guarantee the access to education commensurable in its quality to each child and student and to the development of network of schools meeting the interests and skills of children and students. Apart from all measures specified heretofore, in terms of prevention of dropping out from school and reduction in the rate of children prematurely leaving the educational system, the Ministry of Education and Science also undertook the following measures.

- As of 2011, each regional education inspectorate should inter alia implement its own absence decrease oriented measures.
- As of 2012, the National Programme “No absences at school” has been implemented. Under the “No absence” measures, the schools which are implementing their own school programmes for the reduction of the number of absences amongst school students, of those having prematurely left school, and for the reintegration of the school students who have dropped out from the educational system, are being assisted.
- With the purpose of improving the discipline at school and reducing the cases of aggression and in relation to the Co-ordination Mechanism for interaction in the work in the cases of children who are victims, or for interaction in crisis intervention dated 15.03.2010, in 2011, by Order No. RD 09-1084/01.08.2011, the National Mobile Group for Psychological Support was established, the members whereof carry out interventions in critical situation and support the schools in drawing up care for children at risk programmes, especially in the areas where there are no relevant specialists.
- The school students in the schools join activities according to interest in various extracurricular and extra-school activities. As school students are included (including those of Roma origin) in the activities under the project BG051PO001-4.2.05-0001 “School for self-fulfillment and preparation toward European horizons “USPEH” (Eng.: “SUCCESS”), conditions are created to give a meaning to their spare time. This is particularly important for school students at risk of dropping out and/or manifestations of aggression and/or violence. Furthermore, their participation in extracurricular activities and extra-school activities leads to enhancing of school students motivation to participate in the educational process, according to their interests and needs. During the academic year 2011/2012 149,888 students have been included in various forms of extracurricular activities funded under the project. 12,238 groups have been formed in 1307 schools. In the academic year 2012/2013 177,696 students have been included in various forms of extracurricular activities. 15,042 groups in 1303 schools have been formed. During the academic year 2013-2014 189,930 students are included and 16,283 groups have formed in 1304 schools.

The number of students participating in the extracurricular activities in the second year of the project has increased by 15, 65%.

The National Programme "Care for each student" includes four modules whose main purpose is to stimulate the interest of young people to improve their education.

The Social Inclusion Project (World Bank /executive agency MLSP) consists of investments in a number of interventions for integrated development in early childhood, the aim of the programme is to increase the school readiness of children from marginalized background and children with disabilities so that help to equalize the starting conditions of children entering primary school and prevent early dropping out of mainstream primary schools and involvement in special schools for children with learning difficulties and disabilities.

Creating conditions for equality and adaptation of children and students of Roma origin in the educational environment is a priority for the Ministry of Education and Science, the regional education inspectorates and the Municipalities. For this purpose, the following measures are taken:

- Carrying out joint control together with non-profit legal entities on the enrolment in the special schools for preventing the children without impairments there.
- Carrying out control on the enrolment in kindergartens and schools for preventing the groups and parallel classes separated by ethnic origin.
- Specialized activity of the school psychologists and pedagogical advisors to facilitate mutual adaptation of the Roma and the other children and students to the new educational environment.
- Carrying out activities in the kindergartens and schools aimed at building positive attitudes toward the educational integration of Roma children.
- Conducting seminars and other forms of training of parents to overcome the negative stereotypes and building tolerant interrelations.

The rules of the kindergartens, schools and servicing units and the job descriptions of pedagogical specialists and non-pedagogical personnel include provision and clauses intended to guarantee tolerant attitude towards children from the ethnic communities and to boost more favorable school environment.

The schools and kindergartens, where children and students of various ethnic origins are trained, shall elaborate and adopt at a teacher's council a programme for educational integration in conformity with the updated Strategy for educational integration of children and students from the ethnic groups.

The central and protected schools shall ensure access to education to Bulgarian children and students, inter alia children and students of Roma origin.

Using funds from the Operational Programme „Human Resources Development 2007 – 2013”, activities are financed under the schemes addressing the groups at risk of dropping out:

- BG051PO001-3.1.06 “Enhancing the quality of education in the central schools by introducing all-day academic day scheduling”. For the academic year 2013/2014 in central schools 4383 groups have been created with 102,169 students.
- BG051PO001-4.1.03 “Integration of children and students from the ethnic minorities in the educational system”.
- BG051PO001-4.1.05 „Educational integration of children and students from the ethnic minorities”;
- BG051PO001-4.1.06 „ Reintegration of school leavers in the educational system”.

Ordinance No. 33 of the Council of Ministers/15.02.2013 concerning the terms and conditions for school students receiving scholarships after graduating from the primary education level, establishes an opportunity to set up academic policies to encourage school students to improve their grades and to help the access to education and to prevent school students from dropping out.

As a result of the measures undertaken to prevent students from dropping out and the early leaving the educational system, the number of early school leavers has dropped: from 6 680 in the 2009/2010 academic year to 2302 early school leavers in the 2011/2012 academic year and to 2122 early school leavers in 2012/2013 academic year. Data refers to students under 16 years old.

In 2013, with the participation of representatives of State and municipal institutions and civil organizations, a draft was drawn up of a Strategy for reduction of the share of early school leavers (2013 – 2020), where policies and key measures are laid down concerning the prevention and intervention against premature school leaving, and to compensate the effect of early school leaving. The implementation of the strategy will contribute to the reduction in the share of early school leavers to achieve the national goal, and namely, until 2020 under 11%, reduction in the social exclusion, enhancing the quality of work force and the well-being of citizens. The policies and key measures to prevent premature school leaving, as laid down in the Strategy include the provision of access to education and improving the quality of education for the children and students of vulnerable ethnic communities.

For the integration of children and students from the ethnic groups, which includes the children of Roma origin, the educational system undertakes preventive, interventional and compensatory measures.

Implementation of reintegration projects for school leavers. The objective of this operation lies in the reintegration of early school leavers who have dropped out of the educational system and prevention of their repeated dropping out by diagnosing the main reasons for dropping out, by drawing up flexible mechanisms for reintegration, motivating the students who dropped out early to return to school and to establish an adaptive receptive environment at school.

Implementation of project “A New Chance of Success“ – Liquidation of illiteracy among adults – training of illiterate and barely literate persons over 16 years. A main target of the project is through liquidation of illiteracy and forming key competences to facilitate the further access of illiterate and barely literate people to general education and vocational training standards leading further to their more competitive participation on the labour market.

Under the Operational Programme "Human Resources Development" schemes were implemented to finance projects involving children from ethnic minorities (Roma and Turkish origin, etc.) as a specific target group. The projects: "Creation of favorable multicultural environment for practical implementation of intercultural Education and Training", „Integration of children and students from ethnic groups in the educational system“, „Reintegration of dropouts in the educational system" and "Educational integration of children and students from ethnic minorities" support the integration, reduction of the number of early school leavers and inclusion in the educational system of not covered children from ethnic communities. In the period 2007 - 2012, according to data provided by the General Directorate "Structural funds and international educational programs" MES in the above

programs have achieved the following results: 6664 are integrating Roma children; 29,294 Roma children attend programs for intercultural education; 22,572 Roma children completed a program for intercultural education; 316 teachers have been trained to work in a multicultural environment; 1409 parents participated in activities for the integration of children and students from ethnic minorities in the educational system. Within the projects awareness campaigns were carried out among children from vulnerable ethnic communities and their parents about the need and benefits of education. Reported data show that the level of satisfaction among them is very high - over 88% among students and 64% among parents.

As a result of the supported projects by the Centre for Educational Integration of Children and Pupils from Ethnic Groups - 1000 children and students from ethnic groups are integrated into the educational system (kindergartens and schools) and 300 educational professionals are trained to work in multicultural environment. 63 project activities remain with a focus on the inclusion of Roma parents and raise their awareness for the benefits of their children to attend school.

Article 14 of the Framework Convention

Minority language teaching

According to Art. 36, par. 2 of the Constitution of the Republic of Bulgaria citizens for whom the Bulgarian language is not their mother tongue have the right, alongside the compulsory study of the Bulgarian language, to learn and use their own language. In the sphere of school education this option is regulated by art. 8, par. 2 of the Public Education Act, which states that students, for whom the Bulgarian language is not their mother tongue, besides the compulsory study of Bulgarian language, have the right to study their mother tongue in municipal schools under the protection and control of the state. Also according to Art. 15, par. 3 of the Level of Education, General Education Minimum and Curriculum Act, students have the statutory possibility to study their mother tongue in the mandatory-optional training classes. In this regard it should be noted that, unlike the study of Bulgarian language which the Constitution establishes as a right and obligation of every Bulgarian citizen, studying the mother tongue is a possibility that a certain category of students could benefit from at their own desire. This possibility is guaranteed by the laws governing social relations in the public education system, and also applies at present. In this connection it is necessary to bear in mind that neither the Constitution nor the international instruments to which Bulgaria is a party, do not contain recommendations for the introduction of an obligation to study their mother tongue. This regulation is from 1991 and a change in that right is not foreseen. Turkish may be, and is studied as a mother tongue in mandatory-optional and optional training classes. Turkish may be studied as a foreign language in mandatory, mandatory-optional and optional training classes.

The report below (as of March 5, 2014), provided by the Ministry of Education and Science, regarding the study of mother tongues in the education system during the academic year 2013-2014, confirms the opinion expressed.

Number of students who have studied mother tongues during the school year 2013/2014:

- Arabic language studied as an Optional training/Mother Tongue (OT/MT) - total number of students studying the subject - 24.
- Armenian language studied as mandatory-optional training/Mother Tongue (MOT/MT) - total number of students studying the subject – 71.

- Armenian language, studied as OT/MT - total number of students studying the subject - 99. Total number of students studying Armenian -170.
- Greek language, studied as OT/MT –total number of students studying the subject – 26.
- Greek language, studied as MOT/MT –total number of students studying the subject – 3936.
- Turkish language, studied as OT/MT –total number of students studying the subject – 5280.
- Total number of students studying Turkish language – 9216.

Article 15 of the Framework Convention

Participation in decision-making processes

It will be recalled that in Republic of Bulgaria the right of all citizens, irrespective of their ethnic origin, religion and language, to partake in the decision-making processes and mechanisms is fully guaranteed.

There are no “obstacles” in the Bulgarian legislation to the effective participation of citizens, who identified themselves as belonging to ethnic minorities, including Roma, in the process of elaboration, adoption and implementation of respective decisions.

To emphasize the importance attributed to achieving progress in the integration of Roma people and to respond to requests made by a group of Roma NGOs (at the beginning of 2013) for changes in the structural and organizational framework for implementation of the policy for Roma integration, by Decree № 276 of the Council of Ministers of December 6th 2013, a special body at NCCEII was set up - Commission for the implementation of the National Strategy of the Republic of Bulgaria for Roma Integration 2012-2020.

The Commission aims to:

1. plan resourced and integrated interventions to implement the policy of Roma integration as defined in the National Strategy of the Republic of Bulgaria for Roma Integration (2012 - 2020), based on goals and priorities at the level of basic policies, health, education, social policy and housing;
2. support, discuss and monitor the implementation of the measures and deliverables on the priorities of the National Strategy of the Republic of Bulgaria for Roma Integration (2012 - 2020);
3. initiate and propose changes in the legal framework supporting the National Strategy of the Republic of Bulgaria for Roma Integration (2012-2020).

Chairman of the Commission is the Secretary of NCCEII. Members are leaders of structures in institutions with commitments to the implementation of the representatives of the strategy and Roma NGOs, and representatives of NGOs working in this area - members of the NCCEII. The Commission designated six coordinators - representatives of NGOs - for each of the priorities of the strategy, who will work in cooperation with the relevant institutions.

An Interministerial working group for resource support Roma integration with EU funds operates at the Commission. The group includes representatives of the managing authorities of the operational programs, representatives of institutions and NGOs. In this way, members of the civil society have direct access to the information and are able to monitor and control the implementation of the measures.

With regard to the National Council for Cooperation on Ethnic and Integration Issues - with the same Council of Ministers decree changes were made to the Rules of Organization and Operation of the Council in order to optimize its operation, taking also into account the proposals made by civil society organizations that were discussed in a working group with representatives of institutions and representatives nominated by non-governmental organizations members of the council during the period April to May 2013.

Clearly set out are the functions of the the Secretariat of the NCCEII as a coordinating structure of the activities of the administrative structures at the national level in the enunciation, implementation, monitoring and evaluation of integration policy. The Secretariat is the national contact point for implementing the National Strategy of the Republic of Bulgaria for Roma Integration 2012-2020.

Another step was taken to strengthen the institutional coordination, which is one of the important factors for successful implementation of integration policy - besides members of the Council who are representatives of the highest political level, each institution has designated representative/s of expert level for operational daily work and contacts.

Coordination at regional and municipal level is very good - the Secretariat of the National Council is working closely with regional and municipal authorities and experts, including on regional planning (see also comments under Article 4). There are 28 Regional Councils for Cooperation on Ethnic and Integration Issues, and there are Municipal Councils for Cooperation on Ethnic and Integration Issues in most municipalities.

At present, the cooperation between NCCEII and the organizations that left the Council in early 2013, has been restored, and they cooperate, especially with regard to the preparation of action plans for municipalities for the period 2014-2020 (see comments under Art. 4).

Sofia, July 2014