

ПОСТОЯННО ПРЕДСТАВИТЕЛСТВО НА
РЕПУБЛИКА БЪЛГАРИЯ ПРИ СЛУЖБАТА НА ООН И
ДРУГИТЕ МЕЖДУНАРОДНИ ОРГАНИЗАЦИИ В ЖЕНЕВА



MISSION PERMANENTE DE
LA REPUBLIQUE DE BULGARIE AUPRES DE L'ONU ET
LES AUTRES ORGANISATIONS INTERNATIONALES A GENEVE

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The Permanent Mission of the Republic of Bulgaria to the United Nations Office and other International Organizations in Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights and, referring to the latter's Note Verbale dated January 17th, 2008, has the honour to transmit the responses of the Bulgarian Government to the questionnaire in connection with the preparation of the Durban Review Conference.

The Permanent Mission of the Republic of Bulgaria avails itself of this opportunity to renew to the Office of the United Nations High Commissioner for Human Rights the assurances of its highest consideration. B



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19 MARS 2008

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Republic of Bulgaria

RESPONSES TO THE QUESTIONNAIRE IN CONNECTION WITH THE PREPARATION OF THE DURBAN REVIEW CONFERENCE

1. Can you assess the implementation of the Durban Declaration and Programme of Action in your country?

The Republic of Bulgaria firmly adheres to the fundamental principle that all women and men are born free and equal in dignity and rights. This is one of the basic concepts enshrined in the Bulgarian Constitution of 1991.

Guided by this principle, Bulgaria participated actively in the negotiations at the Durban World Conference in 2001 and supported its final document.

Since then its efforts have been focused on the implementation of the agreed principles and operational recommendations of the Durban DPA. This is a continuing process embracing not only legislation, but also the judicial system and administrative practices.

Notably, Bulgaria has adopted new laws strengthening safeguards in conformity with the International Convention on the Elimination of All Forms of Racial Discrimination and other relevant international human rights instruments. Special attention has been accorded to the recommendations contained in the Durban DPA.

Bulgaria is fully committed to combating racism, racial discrimination, xenophobia and related intolerance. Along with the initiatives within the European Union, we have worked for the implementation of the Durban DPA on the basis of our own programmes on the national level.

The Government established as one of its priorities the achievement of sustainable integration of minority groups in society by including their representatives fully in the economic, social, political and cultural life in Bulgaria, while also pursuing a policy aimed at preserving ethnic, religious and cultural identities. This is intended to be attained by involving representatives of minority groups in the decision-taking process, in the preparation and implementation of national and local development strategies, particularly those concerning ethnic communities.

In pursuing its policy of equal integration of persons belonging to minorities, the Council of Ministers has approved various strategies and plans, which have been successfully implemented and/or are in the process of implementation, e.g.:

- A short-term strategy to implement the state policy on equal integration of Roma in the Bulgarian national culture (2000-2001);
- A strategy for integration in education of children and pupils from ethnic minorities;
- A health strategy for persons belonging to minorities who are in a vulnerable social situation;
- A Framework Programme for Equal Integration of Roma in Bulgarian Society (1999);
- A Plan of Action for the implementation of the Framework Programme for Equal Integration of Roma in Bulgarian Society, 2003-2004;
- A Plan of Action for the implementation of the Decade for Roma Inclusion;

- A Strategy for Educational Integration of Children and Pupils from Ethnic Minorities (2004);
- A Health Strategy for Persons Belonging to Ethnic Minorities in Vulnerable Situation, as well as plans of action for the period from 2005 to 2007;
- A National Programme for Improving Housing Conditions (as part of the National Housing Strategy);
- A Plan of Action for the implementation of the National Housing Programme (2006);
- A Plan of Action of the Framework Programme for Equal Integration of Roma in Bulgarian Society, 2006;

In 2006, the National Assembly adopted a National Programme for Development of Junior and Senior High School and Pre-School Education (2006-2015). Among its basic aspects is the introduction of special measures for children whose mother tongue is not Bulgarian.

Bulgaria is committed to continuing implementation of all necessary measures at the national level aimed at the elimination of racial discrimination and any other discrimination.

2. Can you assess contemporary manifestations of racism, racial discrimination, xenophobia and related intolerance as well as initiatives in this regard with a view to eliminating them in your country?

Bulgaria has always maintained that all forms of discrimination are equally unacceptable and all forms of discrimination must be addressed by the international community. Measures taken to combat racism and discrimination apply to all potential victims. All victims should receive the same treatment and the same protection against racism and discrimination.

In this context, the Durban DPA provides the international community with a universal and broadly consensual strategy to combat racism, racial discrimination, xenophobia and related intolerance.

3. Please identify concrete measures and initiatives for combating and eliminating all manifestations of racism, racial discrimination, xenophobia and related intolerance in order to foster the effective implementation of the Durban Declaration and Programme of Action

The Constitution of the Republic of Bulgaria reaffirms the human values of freedom, peace, humanism, equality, justice and tolerance. The Constitution also proclaims respect for, and observance of equality of the individual. The constitutional principle that all citizens are equal before the law has been incorporated in a number of laws.

The Constitution explicitly - in the most categorical manner - prohibits discrimination on the grounds of race, nationality, ethnic self-identification, sex, origin, religion, education, opinion, political affiliation, marital or social status or property status. This principle has been also incorporated in all spheres of domestic legislation, e.g. the Labour Code, the Law on Higher Education, the Law on National Education, the Law on reforms in the judiciary, the Law on the Ministry of the Interior, the Law on educational levels, general educational minimum and curricula, the Law on child protection, the Law on protection and development of culture, the Law on social assistance, Law on consumer protection and trade rights, the Law on refugees and asylum, the Law on civil service, the Law on protection during unemployment and encouraging employment, the Law on professional education and training,

the Law on radio and television, the Law on population census, housing and agricultural farms in the Republic of Bulgaria, the Law on encouraging employment, the Law on protection of personal data, the Law on execution of punishments, the Penal Code and Criminal Procedure Code, the Tax Procedure Code (Equal Application), etc. Many of the above-mentioned laws contain provisions related not only to direct, but also to indirect discrimination, the latter introduced mainly subsequent to the Durban World Conference.

A major development after the Durban Conference was the **Law on Protection Against Discrimination**, adopted by the National Assembly on 16 September 2003, which entered into force on 1 January 2004 (amended in 2004 and 2006). The law further strengthened the existing Bulgarian anti-discrimination legislation particularly by providing enhanced protection to all physical persons and juridical entities on Bulgarian territory that may become an object of discrimination.

This law provides protection against all forms of discrimination, and contributes to its prevention. Its aim is to ensure in practice that every person receives the same equal treatment before the law; that equality in treatment and opportunities to participate in public life is guaranteed; that effective protection against discrimination is provided to everybody and in all cases and circumstances.

The law explicitly bans any direct or indirect discrimination on grounds of sex, race, nationality, human genome, citizenship, origin, religion or belief, education, convictions, political affiliation, personal or public status, disability, age, sexual orientation, marital status, property status or on any other grounds, established by the law or by international treaties ratified by the Republic of Bulgaria. The law prohibits both direct and indirect discrimination. It explicitly stipulates that harassment on the grounds referred to in Article 4, paragraph 1, as well as sexual harassment, incitement to discrimination, persecution and racial segregation, erecting and maintaining an architectural environment with a view to hamper the access to public places for disabled persons, shall constitute discrimination.

Commission for Protection against Discrimination (CPD) - created in April 2005 under the Law for Protection against Discrimination with a main objective “to prevent discrimination, to protect against discrimination and to ensure equal opportunities”.

The Commission is a specialized body empowered to give effect to the Law, to impose sanctions and to issue mandatory prescriptions for changes wherever acts of discrimination have been committed. The Commission’s aim is to implement one of the basic principles of the Constitution of the Republic of Bulgaria, namely, equality before the law for all Bulgarian citizens.

The Commission has three relatively autonomous sub-commissions: on ethnic and racial equality, on equal opportunities between men and women, and on the other indicators.

The Commission is authorized to receive and investigate complaints on grounds of discrimination, and to act *ex officio* in identifying cases of discrimination, imposing mandatory pecuniary and material sanctions, and enforcing compulsory administrative measures.

The Commission also provides assistance to victims of discrimination. The latter are entitled to seek special anti-discrimination court action to secure that discrimination practices against them are discontinued, and to receive compensations for the violation of their rights.

In 2006, the Commission for Protection against Discrimination received and analyzed 389 complaints and signals. 220 files contained complaints and signals about discrimination 48 of them on “ethnic and racial” grounds.

The Commission adopted a long-term Plan of Action against Discrimination 2006-2010. The Plan of Action includes the following priorities:

- Conducting studies and analyzes of the different forms and manifestations of discrimination;
- Carrying out information campaign to explain the implementation of the anti-discrimination legislation;
- Establishing a data-base to assist the anti-discrimination law-enforcement;
- Entering into partnership with non-governmental organizations, law-enforcement institutions and state bodies;
- Setting up a stable long-term practice for effective application of the anti-discrimination law;
- Conducting thematic monitoring.

National Council for Cooperation on Ethnic and Demographic Issues (NCCEDI)

The National Council on Ethnic and Demographic Issues (NCEDI) was set up as a state-and-public body by the Council of Ministers of the Republic of Bulgaria in 1997. In December 2004 the NCEDI was reorganized into the National Council for Cooperation on Ethnic and Demographic Issues (NCCEDI). Its main aim is to assist the Council of Ministers in planning and carrying out the state policy on ethnic and demographic questions.

In December 2006 the Council was further strengthened with a view to improving the conditions for effective coordination of the state policy on ethnic and demographic questions, and for consultations with non-governmental organizations. The NCCEDI composition was enlarged to include a number of ministries which had not been represented in it before. There is also a new compulsory requirement for the executive branch bodies to conduct consultations within the NCCEDI prior to the adoption of any new legislation.

The NCCEDI composition includes representatives of 13 ministries at the level of deputy ministers (Labour and Social Policy, Economy and Energy, Regional Development and Urban-Planning, Defense, Home Affairs, Finances, Foreign Affairs, Justice, Agriculture, Education and Sciences, Health, Cultural, Environment and Water Resources), 6 state agencies (Bulgarians Living Abroad, Child Protection, Youth and Sport, Religions, Refugees, Employment and Social Care), the National Statistical Institute Director, two of the Bulgarian Academy of Sciences directors, 28 non-governmental organizations of persons from different ethnic communities.

One of the main strategic priorities of the NCCEDI is ensuring the conditions for equal treatment of all citizens of the Republic of Bulgaria and the prevention of any discrimination on grounds of ethnic origin.

NCCEDI also drafts strategic documents and proposes measures for the implementation of national and international programmes for protection against discrimination and for cohesion of society.” Thus, a National Plan of Action for Protection against Discrimination for 2007,

proposed by the NCCEDI was adopted by the Government. The Plan includes the following aims and priorities for 2007:

- General - to turn the equal treatment and opportunities for all society groups into a daily practice.
- Specific - three specific aims related to combating discrimination by means of informing people of their rights and obligations, and changing their behavior:
 1. To improve knowledge of discrimination and the motives of such behavior;
 2. To strengthen the capacity of combating discrimination by encouraging an exchange of information about measures taken by various institutions, state authorities, local government, and assessing their effectiveness;
 3. To make society more aware of the imperative to combat all forms and manifestations of discrimination, and of the steps taken to protect people from unequal treatment.

Among the main priorities of the Plan are: Education; Further development of the anti-discrimination legislation and the effective practices in applying it by the judiciary and law-enforcement authorities; Media coverage; Information and education campaigns and thematic debates; National data-base; Thematic monitoring;

The activities of all state organs implementing the Plan are aimed at:

First, prevention of discrimination on whatever grounds in any walk of public life. Crucial roles in this respect are played by the Commission for Protection against Discrimination, the national Ombudsman, the courts of law, the National Assembly with its legislative and control functions.

Second, overcoming the consequences of acts of discrimination; taking effective steps in respect of certain groups of citizens who are disproportionately affected as a result of the transition to a market economy.

Third, effectively ensuring the equality between the rights of the Bulgarian citizens, granted to them by the Constitution and laws, and the opportunities for all to avail themselves of these rights.

The results of the implementation of Plan of Action for Protection against Discrimination for 2007 were very positive.

The government encourages the study of cultures, history, languages and religions of minorities in the Republic of Bulgaria.

Issues pertaining to racial discrimination are included in senior high school curricula as part of general educational subjects. They are studied in all colleges and universities, focusing particularly on the International Convention on the Elimination of All Forms of Racial Discrimination. Information media also regularly comment and discuss these issues.

4. How would your Government assess the effectiveness of the existing Durban Follow-up Mechanism and other relevant UN Mechanisms dealing with the issue of racism, racial discrimination, xenophobia and related intolerance in order to enhance them?

Bulgaria considers the existing Durban Follow-up Mechanism and other relevant UN mechanisms dealing with the issues of racism, racial discrimination, xenophobia and related intolerance as more than adequate (SR on racism, the WG of the 5 eminent experts, the WG

of experts on people of African descent, the Intergovernmental WG on the follow-up to the DDPA, the 5 experts on complimentary standards, the ad hoc Committee on complimentary standards, the new WG to be established after the next PREPCOM). There is even a clear risk of overlap and duplication among these mechanisms.

Therefore, in the process of preparation for the Durban Review Conference it would be very useful to conduct an evaluation of the work done by all the mechanisms created in the aftermath of Durban or closely related to the issue would be dealt with by the Review Conference. The proliferation of mechanisms dedicated to racism and racial discrimination can be detrimental to our common goal of combating these phenomena. The Durban Review Conference provides a good opportunity to decide on the rationalization and streamlining of these mechanisms with a view to enhancing their effectiveness.

In this context, it would also be emphasized that the DDPA is a sufficient basis for further actions. The focus of the Review Conference should be on reviewing the implementation of the Durban DPA, the sharing of good practices and identifying where the DDPA may not have been sufficiently well implemented. This would be a strong contribution to a more coordinated and effective implementation of the DDPA and would serve to reaffirm the unity of the international community behind this common strategy.

5. What are the steps taken by your Government to ratify and/or implement the International Convention of the Elimination of All Forms of Racial Discrimination and give proper consideration of the recommendations of the Committee on the Elimination of Racial Discrimination?

Bulgaria ratified the International Convention on the Elimination of All Forms of Racial Discrimination already in 1966.

The Bulgarian authorities have always given proper consideration of the recommendations of the Committee on the Elimination of Racial Discrimination.

In 2007 Bulgaria presented its nineteenth periodic report in accordance with article 9 of the International Convention on the Elimination of All Forms of Racial Discrimination.

6. Please identify and share good practices achieved in the fight against racism, racial discrimination, xenophobia and related intolerance in your country?

The Commission for Protection against Discrimination (see above) has established itself as an effective and independent body for prevention, control and protection against discrimination.

Since 2006, the effectiveness of the work of the Commission was further enhanced with regular sessions being organized in various towns in the country, and training and awareness-raising seminars conducted. The Commission also sponsored several surveys on issues related to protection against discrimination.

As a result, in 2006 and 2007 a progressive increase in the number of protection from discrimination proceedings before the Commission was recorded, as compared with 2005.

The Bulgarian State Agency for Youth and Sports (SAYS) is implementing a programme named "Holidays and Sports", through which children and pupils are involved in sports and, at the same time, it creates opportunities for children and pupils from minorities to join their peers in sports activities. In 2006, out of 180,000 pupils involved in activities under this programme..

SAYS is the coordinating body of the European Youth Campaign for Diversity, Human Rights and Participation *All different – All equal*, which is held in 46 countries at the initiative of the Council of Europe with the support of the European Commission and the European Youth Forum. The main goal of the campaign is related to the involvement of young people from various ethnic, religious, social and other backgrounds in combating instances of intolerance and discrimination. The following events took place within the framework of the campaign: European Youth Meeting to launch the campaign in Sofia in August 2006; Youth Event in Sofia in September 2006; seminars in 18 regional centers on the issues of civil society and human rights and education for equality and tolerance, with the National Youth Conference *All different – All equal* marking the end of the series of training sessions.

Within the Ministry of Interior, particularly its specialized body, the National Police Department (NPD), special attention is being accorded to the prevention of manifestations of racism, xenophobia, anti-Semitism and police brutality. Measures include training of police personnel, and general control and verification of complaints by citizens and signals by media and non-governmental organizations. Since 1999, over 20 training courses have been held focusing on protection of human rights in police work.

Both state-owned and private electronic media (radio stations and television networks) in Bulgaria produce and broadcast numerous, mainly weekly, programmes for minority cultural groups.

The Council on Electronic Media (CEM) included programmes for minorities in the procedures for issuing licenses. CEM encourages broadcasts and programmes in mother tongue, particularly in regions with mixed population.