



Civil society monitoring report  
on implementation  
of the national Roma integration strategy  
in Bulgaria

*Identifying blind spots  
in Roma inclusion policy*

**Prepared by:**  
Amalipe Center for Interethnic Dialogue and Tolerance  
World without Borders Association  
Gender Alternatives Foundation  
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## LIST OF ABBREVIATIONS

BGN	Bulgarian Lev (currency)
CEICSEM	Centre for Educational Integration of Children and Students from Ethnic Minorities
CPD	Commission for Protection against Discrimination
EAFRD	European Agricultural Fund for Rural Development
ECRI	European Commission against Racism and Intolerance
EEA	European Economic Area
EEA FM	European Economic Area Financial Mechanism
ERDF	European Regional Development Fund
ESF	European Social Fund
ESIF	European Structural and Investment Funds
EU SILC	EU Statistics on Income and Living Conditions
FRA	EU Agency for Fundamental Rights
HRDOP	Human Resources Development Operational Programme
ISCED	International Standard Classification of Education
MEP	Member of European Parliament
MES	Ministry of Education and Science
MH	Ministry of Health
MLSP	Ministry of Labour and Social Policy
MP	Member of Parliament
MRDPW	Ministry of Regional Development and Public Works
NAMRB	National Association of Municipalities in the Republic of Bulgaria
NCCEII	National Council for Cooperation on Ethnic and Integration Issues
NEET	Not in Education, Employment, or Training (young person)
NGO	Non-Governmental Organisation
NRCP	National Roma Contact Point
NRIS	National Roma Integration Strategy
NSI	National Statistical Institute
OSCE	Organization for Security and Co-operation in Europe
RDOP	Regions in Growth Operational Programme
ESGOP	Science and Education for Smart Growth Operational Programme
TSA	Trust for Social Achievement

## EXECUTIVE SUMMARY

The year 2019 has marked a new pick in hate speech against Roma. Politicians and journalists got used to discuss the Roma topic as a means of provoking political and ethnic tension. The overall context was the May 2019 elections of members of the European Parliament and the local government elections in October/November 2019. The anti-Roma concept proposed by the Deputy Prime Minister Karakachanov is an indicative example in this direction. Based on one concrete conflict it leads to the escalation of many others.

Meanwhile, the Ministry of Education has continued the trend of certain positive developments. Some of them reflected the recommendations of the in [RCM's previous two reports](#).<sup>1</sup> We can mark also definite positive development in the field of EU funding in the present period 2014-2020. However, there are concerns how the Roma inclusion will be addressed in the new programming period 2021-2027 in Bulgarian operational programmes.<sup>2</sup>

### Social prejudices and hate speech towards Roma

Roma people are the main target of hate speech in Bulgaria, as perception measured by several sociological surveys indicate. Although, the number of open racism and hate speech by politicians increased after 2014; it remained non-sanctioned, as a result of politization of the judicial system and failure to interpret and prosecute hate speech as such. A sharp increase in the prejudices, measured by social distance scale, is observed for the same period. There is a need of awareness raising campaigns as well as a need of clear change in the legislation, which will permit a proper prosecution of hate speech and hate crimes.

#### *Case study: Gabrovo – from hate speech to hate crimes*

The chapter analyses the new surge in hate speech against Roma and the use of the so-called "Roma topic" as a means of escalating political and ethnic tension in 2019 leading to hate crimes. The behaviour of national politicians and the conversion of anti-Roma speech from exception to a norm by many politicians, including from the so-called systemic parties has led to further escalation of tension and the transformation of criminal conflicts into interethnic clashes. Thus, hate speech led to acts of hatred and a real threat of a more serious interethnic conflict on a national scale.

The anti-Roma protests in Gabrovo in April 2019 are discussed in detail as an example of this process. They have their natural explanation only against the background of the overall escalation of political tension and the anti-Roma attitudes nationwide.

### Gender equality and violence against women

This chapter analyses gender issues in the Roma community in Bulgaria, particularly gender equality and gender-based violence against women such as domestic violence, trafficking in human beings, early marriages. For the purposes of this report, gender-based violence against women refers primarily to domestic violence as defined by the Istanbul Convention;<sup>3</sup> this is because there is little or no data available on other forms of violence against Roma women. It is also important to mention that in Bulgarian legislation there is

<sup>1</sup> The first annual cycle of the Roma Civil Monitor was focused on the horizontal precondition of the Roma inclusion – governance, fight against antigypsyism and anti-discrimination. The second cycle concerned the four key policy fields – education, employment, healthcare and housing. All reports are available at: <https://cps.ceu.edu/roma-civil-monitor-reports>

<sup>2</sup> Kolev, D. *Operational Programmes between Real Needs and Indecisiveness: Look at the New Programming Period*. Available at: [http://www.amalipe.com/files/publications/Operational%20programs\\_en.pdf](http://www.amalipe.com/files/publications/Operational%20programs_en.pdf)

<sup>3</sup> Text of the Convention: <https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/210>

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no legal definition on gender-based violence, while the Law on Protection against Domestic Violence offers gender-neutral terminology. This means that the State does not recognise historically formed power relations between women and men which leads to normalisation of stereotypes and violence against women. By being pushed at the periphery of political and social discourses, Roma women face multiple discrimination and social exclusion based on their ethnicity, gender, socio-economic status and education.

### Secondary segregation in education

The chapter analyses the increase of secondary segregation in education of Roma children. By the secondary segregation, we call a process of transformation of ethnically mixed schools outside Roma neighbourhoods into segregated schools with only Roma students. On the basis of data from researchers and information from the Ministry of Education, the chapter states that every fifth educational institution is fully segregated and more than 17 per cent are mixed but advancing towards secondary segregation. Although the majority of schools and kindergartens with high number of children from vulnerable groups are situated in rural areas, the increase of segregation in education is due to the increase of the number of secondary-segregated schools outside the Roma neighbourhoods in the big urban areas. The deepening of the social distances and the increase of antigypsyism are the main reasons.

The chapter describes certain policy responses to these problems (including soft normative changes and national programme for desegregation financed by the national budget) claiming that they are not enough and should be continued by a comprehensive policy at national and municipal level.

## INTRODUCTION

As explained in the [RCM first report on Bulgaria](#), the National Strategy of the Republic of Bulgaria for Roma Integration (NRIS) was approved by a Decision of the Parliament on 1 March 2012: *“In this way, the NRIS became the first Roma integration document in Bulgaria approved by Parliament, which was an important, positive development (all previous such documents were approved by decisions of the Council of Ministers or a Decree of the Council of Ministers). The overall assessment of Roma NGOs about the NRIS is that it was a step forward: it demonstrated political will for putting Roma integration higher on the agenda of the Bulgarian Government and defined a proper strategic approach and direction for action. At the same time, the Strategy did not propose any change to the institutional infrastructure for Roma integration or to the monitoring and evaluation mechanisms that had proved inefficient in previous years.”*<sup>4</sup>

Bulgarian NRIS did not change fundamentally the Roma integration process although certain positive changes could be observed. Improvements have been observed in the usage of EU funds for Roma inclusion (especially the European Social Fund (ESF) and partly the European Regional Development Fund (ERDF), while the engagement of the European Agricultural Fund for Rural Development (EAFRD) remains problematic) and for education (especially in reducing early school leaving and increasing participation in different levels of education, although segregation remains a problem). Deterioration is obvious in the fields of governance (especially regarding the legitimacy, mandate and resources of the National Roma Contact Point (NRCP) to coordinate the consultative process with civil society) and antigypsyism (with a significant rise in anti-Roma rhetoric, publications and even actions).<sup>5</sup> Deterioration is obvious also in the field of housing. Serious challenges, however, remain in all fields.<sup>6</sup>

For the RCM’s third monitoring cycle, the report covers three topics that are only partly included in the present NRIS, no specific actions have been undertaken or no results have been achieved. One topic relates to the absent of supportive public environment and the rise of antigypsyism which are among the main obstacles before the implementation of any Roma integration policy. In the first chapter, social prejudices and the hate speech towards Roma in Bulgaria are analysed in their development between 2008 and 2018, providing the overall context and its deterioration in the last six years. This is illustrated by a case study on Roma in the political and public discourse in the example of one town of Gabrovo. The study analyses the events occurred in 2019 and negative interlink between racist hate speech and the commitment of hate crimes. In particular, the case demonstrates the influence of instances of hate speech expressed by politicians contribute to create ethnic tensions and appearance of ethnic conflicts even in places with where the Roma population is not of significance, such as in the city of Gabrovo). The third chapter is about gender equality and violence against Roma women. The report provides arguments for incorporating the problems of Roma women, goals and activities for overcoming them in the new NRIS. The fourth chapter is about the increase of segregation in education due to the deepening of the social distances and the increase of antigypsyism.

A wide range of methods was used in the development of this report. The desk review included analysis of existing data from large-sample standard surveys (national and EU ones), specific surveys (such as Open Society Institute surveys on social distances in Bulgaria and others), as well as media and social media publications. More than ten interviews and written communications with the main stakeholders at national and local

<sup>4</sup> *Civil Society Monitoring Report on Bulgaria. Focusing on structural and horizontal preconditions for successful implementation of national Roma integration strategies*, p. 11.

<sup>5</sup> *Ibid*, p. 9

<sup>6</sup> *Idem*.

level were carried out with the relevant politicians, policy makers and officials, local authorities, principals, teachers, civil society representatives, Roma community leaders, community members, researchers and consultants. Field visits were carried out in Gabrovo. The main preliminary conclusions have been discussed during round tables with key stakeholders, organize in seven district towns.

## SOCIAL PREJUDICES AND HATE SPEECH TOWARDS ROMA

### Definition of the problem

There is a myth of the Bulgarian public discourse, which proudly speaks about a “Bulgarian ethnic model” as a euphemism of societal “tolerance” and “non-discrimination”. The usual argument of that myth is a quotation of Adolf-Heinz Beckerle, the ambassador of the Third Reich in Bulgaria: “*Grew up together with Armenians, Greeks and Gypsies, Bulgarians did not find any shortcomings in Jews,*” broadly published in all contemporary Bulgarian historical textbooks. The myth was additionally boosted by the peaceful transition after 1989, in contrast to all ethnic tensions in the Western Balkans and Romania. Of course, the role of the myth is to mute the talk about the deportations of the Jews from North Macedonia and Thrace (administrated by Bulgaria in 1941) on one hand. And on the other hand, to suppress the memory about the so-called “Revival Process”, when in the mid-1980s, about a million people of the Muslim population in the country was forced to change their names or/and to flee to Turkey. Nevertheless, it is a fact that – by the time Roma were war victims in Bosnia and Herzegovina, in North Macedonia, and in Kosovo; and were attacked in Covasna county in Romania – there were several Roma members of the Bulgarian parliament, elected by the ballots of the mainstream parties. There was a common understanding, that Roma people are an integral part of the nation and should be included in the political and social life.

Bulgaria has transposed into its legal framework certain provisions to prosecute hate speech on the basis of race or ethnicity. Already before the accession to the EU, an Antidiscrimination Law was enacted, establishing a Commission on Protection against Discrimination (CPD) in 2004. Since 2008, as EU member, Bulgaria is bound to ensure the correct criminalisation of hate speech in line with the provisions of the Council Framework Decision 2008/913/JHA on combating certain forms and expressions of racism and xenophobia by means of criminal law, which obliges all Member states to criminalise, among other, “the intentional conduct of publicly inciting to violence or hatred directed against a group of persons or a member of such a group defined by reference to race, colour, religion, descent or national or ethnic origin” (Art. 1).<sup>7</sup> Bulgaria transposed such obligation in 2009 through Article 162, paragraph 1 of the Penal code: “*Who, by speech, press or other media, through electronic information systems, or otherwise propagandise or incite discrimination, violence or hatred based on race, nationality or ethnic origin, shall be punished by imprisonment for one to four years, and with a fine of five thousand to ten thousand levs, as well as with public reproach.*” In addition, a chapter “Rule of law and non-discrimination” was introduced in the NRIS in 2012 with an operational goal of “*Ensuring citizens' rights, with an emphasis on women and children, protection of public order, preventing and combating intolerance and hate speech*”.

However, several international organisations, such as the Council of Europe, have voiced existing legal gaps in the definition of the hate speech. The recommended adoption of a new provision in the Criminal Code expressly stating that racist motivation for any ordinary offence constitutes an aggravating circumstance. Other important recommendations concerned the inclusion of colour and language in several articles of the Criminal Code, concerning hate speech and hate crime.<sup>8</sup>

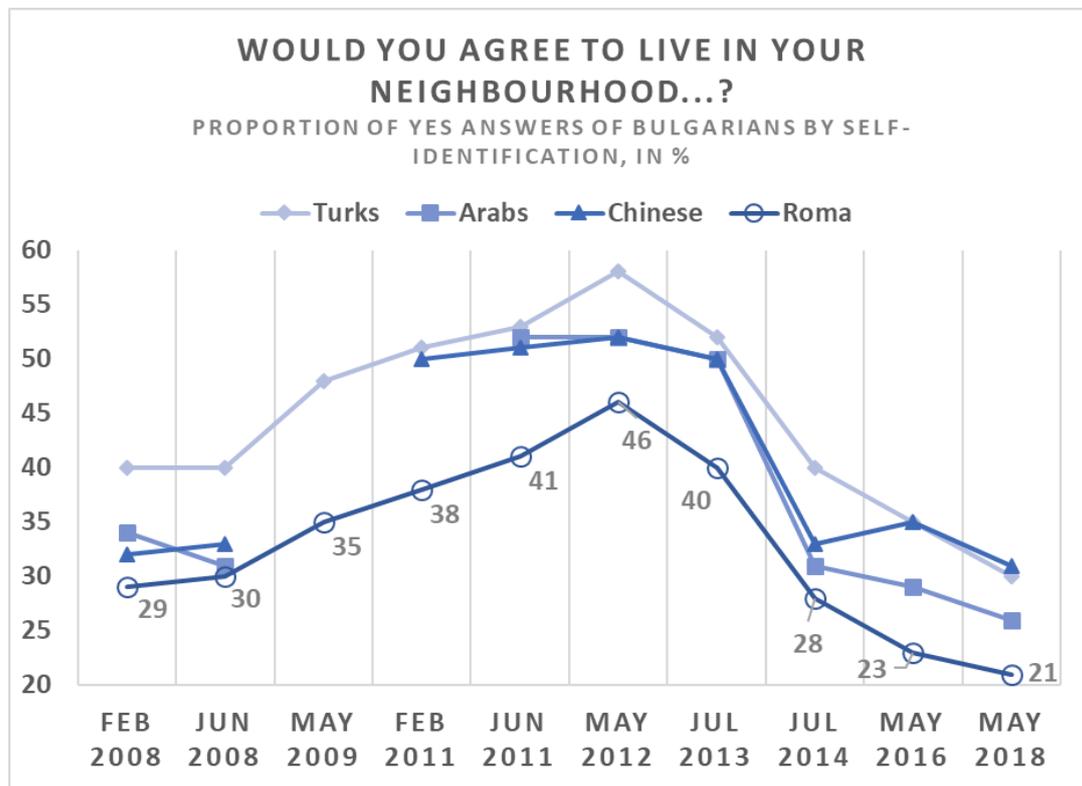
Despite the transposition into national law of the EU acquis on combatting discrimination, hate speech and hate crime, the effective implementation of the laws is deficient and the situation in the ground has not improved since the joining by Bulgaria to the EU (since 2007) or due to including the Decade of Roma inclusion (2005-2015). ECRI has called the

<sup>7</sup> <https://op.europa.eu/en/publication-detail/-/publication/f015ed06-b071-41e1-84f1-622ad4ec1d70>

<sup>8</sup> Council of Europe. 2014. *ECRI Report on Bulgaria*. Council of Europe.

country to improve the enforcement of the existing law: "Bulgaria has several articles in its Criminal Code to prosecute hate speech and other forms of crime motivated by hate on the basis of race or ethnicity as well as on other grounds but prosecution and enforcement does not seem very strong [... therefore] ECRI strongly recommends that the authorities take urgent steps to ensure that anyone who engages in hate speech as defined in [...] the Criminal Code is duly prosecuted and punished."<sup>9</sup>

The social tensions and levels of prejudice against Roma people in Bulgaria has currently achieved the highest levels. Since the accession of Bulgaria to the EU, the Open Society Institute Sofia is measuring the level of ethnic and racial prejudices on a permanent basis by a national representative survey using an adjusted Bogardus scale,<sup>10</sup> applied to the various ethnic minority groups, living in Bulgaria.<sup>11</sup> The social distances measured at the initial survey in 2008 indicated a very low level of acceptance in all items on the scale but until 2013, a positive increase of social acceptance was observed about all items – from marriage to the right to live in Bulgaria.<sup>12</sup> The figure below represents the trend line with regard of the middle item on the scale: agreement to live in the same neighbourhood. Here we would like to make two observations. Firstly, the prejudices towards various groups tend to correlate and changes in the overall intensity of xenophobia affect in a similar manner all minorities. Secondly, Roma people persistently remain more unwelcome in comparison with other minority groups such as the Muslim or people from Asian origin.



Source: OpenData.bg

<sup>9</sup> *Idem*, 39.

<sup>10</sup> The tool development and adjustment are discussed in: Pamporov, A. 2009. *Social distances and ethnic stereotypes about the minorities in Bulgaria*. Sofia: OSIS [in Bulgarian, orig. title: Социални дистанции и етнически стереотипи за малцинствата в България].

<sup>11</sup> The initial study design covers about 24 ethnicities. The number and list of ethnicities vary in the follow-up waves.

<sup>12</sup> All the items are in strong correlation within the survey and over the timespan.

## Background of the problem

Century-long studies on the social prejudices, were further developed, challenged or confirmed under the simultaneous influence of three sources: the social milieu of significant others (caregivers, peers, tutors), the public opinion makers (through the media) and by a direct interaction with members of the given social group. Moreover, some current studies show that a “consensus” (i.e. not contradictory) information is needed in order to achieve any change, both in a positive or in a negative direction.<sup>13</sup>

So, how did it happen? How was it possible to turn a very positive trend into a rapidly negative one? One of the driving forces behind the deterioration of the overall situation concerning public attitudes to minorities, could have been the reaction against the intensified immigration due to the Syrian war, other armed conflicts in Asia and Africa combined with the persisting inflow of persons looking for escape to the most developed part of Europe from bad or worsening ecological, social and economic conditions. The worsening public reaction towards asylum seekers situation, which produced “an explosion of xenophobic hate speech fuelled by certain politicians” was noted in the interim review by ECRI.<sup>14</sup>

Another factor contributing to the rise of intolerance towards Roma is the lack of effective implementation of the national hate speech provisions, particularly as regards the continuous presence of racist rhetoric and hate speech in the Bulgarian public discourse.<sup>15</sup> Of particular relevance has been the lack of criminalisation of the hate speech messages of the leader of the ultra-nationalist party *Attack* Mr. Volen Siderov. In hundred publications and broadcasts, he systematically links Roma with criminals referring to the “Gypsy criminality” and ethicising the domestic crimes.

In addition, several other smaller ultra-nationalist/fascist political parties and groups operate in Bulgaria, including the Internal Macedonian Revolutionary Organisation (VMRO).<sup>16</sup> Its deputy leader and current MEP Mr Angel Dzhambazki, is also notorious for systematically propagating hatred about Roma with about a dozen public posts or interviews calling the Roma people “unhuman” (together with hundred speeches against the “Gypsy ghettos”). While, the speeches of both politicians have been often satirised in the public discourse and considered unacceptable by the mass opinion, there has not been a consistent lack of legal response as regards those instances of hate speech. While several cases were brought before the national courts and bodies by the Bulgarian Helsinki Committee or other human right activists, their outcome did not provide convincing evidence of effective prosecution of hate speech within the existing legal framework: a condemnation and prohibition of such behaviour, without other criminal consequences such as imprisonment for the repeated behaviour. This was the case of Mr Valeri Simeonov, who served for some period as a Deputy Prime Minister in the current Bulgarian government. He was found guilty by a the District Court of his home town of harassment

<sup>13</sup> Stangor, C., Sechrist, G. B., & Jost, J. T. (2001). *Changing Racial Beliefs by Providing Consensus Information*. *Personality and Social Psychology Bulletin*, 27(4), 486-496; Hogan, D. E. & Mallott, M. (2005). *Changing Racial Prejudice Through Diversity Education*. *Journal of College Student Development* 46(2), 115-125. Johns Hopkins University Press

<sup>14</sup> ECRI Secretariat. 2017. *ECRI Conclusions on the Implementation of the Recommendations in Respect of Bulgaria Subject to Interim Follow-Up*. Council of Europe.

<sup>15</sup> See the information contained in the 5<sup>th</sup> monitoring cycle of the Council of Europe ECRI report on Bulgaria as well as its conclusions published in 2017, where ECRI signals the continuous presence of hate speech by politicians and the lack of criminalisation of such instances, and “ECRI strongly recommends that the authorities take urgent steps to ensure that anyone who engages in hate speech as defined in Articles 162 (1) and 164 (1) of the Criminal Code is duly prosecuted and punished..”, page 16, paragraph 39.

<sup>16</sup> The abbreviation historically stays for Internal Macedonian Revolutionary Organisation. There is a currently political formation with the same abbreviation in North Macedonia, both parties sharing the same mythological past from the era before the First World War, but actually (re-)established in the 1990s.

under the law on protection against discrimination made by him as MP.<sup>17</sup> This act had a high symbolic value for the human rights community though it did not constitute a criminal offence and Valeri Simeonov was only ordered by the court to correct and never repeat his demeanour. A recent overview published by the Bulgarian Helsinki Committee concludes that “the jurisprudence under Article 162 paragraph 1 of the Criminal Code<sup>18</sup> is scarce, and in some parts – extremely disturbing”. The report quotes cases when hate speech law was misapplied in the past, i.e. in case of convicting a Roma who distributed campaign materials “with the content not to vote for a certain mayoral candidate, because he was in coalition with the leader of Ataka Political Party who wanted to evict the Gypsies and turn them into soap...”<sup>19</sup>

A lack of effective criminalisation of the frequent instances of hate speech, which remain only as “a public reproach”, normalised the existence of open hatred against Roma in the public discourse and can be engaged in with impunity. A particular crucial case occurred in 2012, when the web page of the Office of the President published a draft version of the National Roma Integration Strategies with a title of the file named with a clear offensive and racist exonym of Roma: “13NationalStrategyIntegrateBraziers.pdf”. The case which raised a high level of repercussion in the public debate took about four years to finalise the trial and ended up with the imposition by the Court of a symbolic administrative fine.

In 2014, the situation throughout Bulgaria became extremely tense with certain politicians, including the Minister of health, Mr. Peter Moskov, sent strong hate speech messages, calling Roma people “cattle, which do not deserve human treatment”.<sup>20</sup> In the following new public scandal and parliamentary debates, Mr Valeri Simeonov, a MP of another far-right formation, National Front for Salvation of Bulgaria (NFSB), used “insolent pongids” to describe the Roma people, and compared the Roma women to “stray bitches”. The same year, Mr Kostadin Kostadinov, a member of the municipal council of Varna city for the NFSB, posted a comment directly using the labelling approaches of the Third Reich: “under-humans”, “parasites”, and “inhuman mob”. In all those cases the investigation made by national prosecutors did not find those instances to amount to hate speech, claiming that the racist expressions were “taken out of the context and without a racist intention” or due to the existing impossibility to criminalise the hate speech instances on the basis of the MP immunity.<sup>21</sup>

In 2017, after the last parliamentary elections in Bulgaria, the deputy prime minister Simeonov was appointed as a chairperson of the National Council for Cooperation on the Ethnic and Integration Issues (NCCEII), that serves also as the Bulgarian national Roma contact point (NRCP). As an act of protest against this governmental decision, most of the Romany civil organisation, also members of the NCCEII, have cancelled their membership. After a year of protests, Simeonov resigned and was replaced by another Deputy Prime Minister Mr Tomislav Donchev. Donchev’s wife got involved in a scandal with a series of insulting anti-Roma posts on the Facebook, which were removed by the social network after a wave of indignation and notifications sent by Roma activists.<sup>22</sup> This incident in which

<sup>17</sup> <https://www.bghelsinki.org/bg/novini/press/single/20171025-press-Budinova-and-Isaev-v-Simeonov/>

<sup>18</sup> The article concerning hate speech.

<sup>19</sup> Kanev, Krassimir & Angelova, Dilyana. 2019. Bias-motivate crimes. Summary. Bulgarian Helsinki Committee.

<sup>20</sup> ECRI has also reported other members of the government at the time using strong racist rhetoric, including the Minister of Interior, affirming that asylum seekers were a burden on society and dangerous (5th monitoring cycle of the Council of Europe ECRI report on Bulgaria, page 15).

<sup>21</sup> For example: [https://www.dnevnik.bg/bulgaria/2015/07/04/2565277\\_prokuraturata\\_otkaza\\_da\\_razsledva\\_valeri\\_simeonov\\_za/](https://www.dnevnik.bg/bulgaria/2015/07/04/2565277_prokuraturata_otkaza_da_razsledva_valeri_simeonov_za/)

<sup>22</sup> <https://offnews.bg/obshtestvo/saprugata-na-vitcepremiera-tomislav-donchev-skandalizira-s-rasistki-ko-682071.html>

Mr Donchev was not personally engaged, created some tension with Roma organisations and activists with whom he as chair of NCCEII should cooperate.

Finally, one of the most visible and influential instances of hate speech by a member of the government has been recorded in 2019. Mr. Krasimir Karakachanov, the third Deputy Prime Minister and Minister of Defence (historian by original profession) issued a "*Concept for Solution of the Question of Unsocialised Gypsy Groups*". Some social scientists recognised in this title an allusion for the Third Reich's law on the "final solution of the Jewish question" (*Endlösung der Judenfrage*), but admitted that the comparison did not concern the content of the document but rather its title.<sup>23</sup> Due to the vast international criticism, the title of the document has been changed but to this time there is still a web-page tab labelled "The Gypsy Question" on the portal of his party.<sup>24</sup> Its aim is officially described again on the portal of Karakachanov's party as "stopping gypsisation"; a derogative term, widely quoted and popularised by media, used to describe an alleged threat to the society of being overwhelmed by Roma.<sup>25</sup> After being rebranded a bit for the purpose of public consultation, the Concept appeared on the official government portal of proposed legislation and policy documents under the name "Concept for Changes in the Policy on the Integration of the Gypsy (Roma) Ethnic Group and Measures for their Implementation".<sup>26</sup>

This document published by the government for public consideration contains diverse and hardly compatible ideas, and many administrative-punitive actions that cannot be carried out in a democratic state, such as targeted "voluntary birth control for women from marginalised groups including supply of contraceptives and termination of pregnancy funded by the state budget". Some of the proposed measures, which pose significant threat for violation of human rights, are carefully disguised to appear similar to recognised policy concepts like "family planning" (e.g. in the example above). Another notable example is the idea to "create a mechanism for payment of emergency medical care when persons without health insurance make unjustified calls". Bulgaria is a country with very unequal access to health and a large number of persons below the poverty line without health insurance among whom Roma are heavily overrepresented.<sup>27</sup> For such persons emergency care is the only option to receive some medical care, not being able to afford health insurance or the widely spread out-of-pocket payments for private medical check-ups or hospitalisation. To fully understand the context of this proposed measure, we have to note that Roma are often accused of misusing emergency care and displaying aggressive behaviour against overwhelmed emergency care workers; these accusations are among the powerful generators of hate speech. The list of examples can be very long and would cover a large part of the spectrum of stereotypes, discriminative attitudes and hate speech against Roma, which gives them a powerful populist appeal.<sup>28</sup>

The Concept met with swift and serious resistance by a number of completely different actors: from Roma and human rights organisations to intellectuals and even the rest of

<sup>23</sup> Dichev, Ivailo. ([www.dw.com](http://www.dw.com)), (2019). *Каракачанов и "окончателното решение" на циганския въпрос* | DW | 07.02.2019. DW.COM. Retrieved on 14 April 2020.

<sup>24</sup> BMPO. Retrieved 12 May 2020 (<http://www.vmro.bg/category/tsiganskiyat-vpros/>).

<sup>25</sup> See: <https://dariknews.bg/novini/bylgariia/vmro-nastoiava-za-speshno-priemane-na-koncepciata-sresh-tu-ciganizaciata-2173244>

<sup>26</sup> <http://www.strategy.bg/FileHandler.ashx?fileId=16795>

<sup>27</sup> On Roma's access to healthcare, please, see: Roma Civil Monitor (2019). *Civil society monitoring report on implementation of the national Roma integration strategy in Bulgaria: Assessing the progress in four key areas of the strategy*. Available at : <https://cps.ceu.edu/sites/cps.ceu.edu/files/attachment/basicpage/3034/rcm-civil-society-monitoring-report-2-bulgaria-2018-eprint-fin.pdf>

<sup>28</sup> Detailed analysis see at Kolev, D., *Barrack integration: the Roma concept of Bulgarian DPM Karakachanov*, available at: <http://amalipe.com/index.php?nav=news&id=3436&lang=2>

the nationalist parties in the United Patriots Coalition. Leading Roma and human rights organisations, including *Amalipe*, Bulgarian Helsinki Committee, National Association of Health Mediators, and a number of other organisations signed and submitted to the Council of Ministers a protest statement demanding that the draft concept not be voted on and adopted in any form by the Bulgarian government.<sup>29</sup> The reaction of many media as well as sociologists, political scientists, and intellectuals was negative too.<sup>30</sup> At the same time, Karakachanov received support from another group of intellectuals, including from leading academics and professors,<sup>31</sup> which was deemed by some media a form of “academic racism”.<sup>32</sup>

Since February 2019, the Deputy Prime Minister Karakachanov attempted several times to have the Concept adopted by the Council of Ministers. Nevertheless, the National Council for Cooperation on Ethnic and Integration Issues (NCCEDI), who needs to issue its opinion, in accordance with the rules for drafting documents on integration policy; has never given its agreement to date.<sup>33</sup> Thus, at present, the concept of the Deputy Prime Minister Karakachanov is still not adopted by the Council of Ministers, but its future remains unclear. Indicative is the fact that the ministers of the leading party GERB did not participate in the discussions on this document and, so far, it has not been put to the vote of the government. At the same time, there is no clear distance from it. At the NCCEDI meeting, its Chairman, the Deputy Prime Minister Donchev disputed basic facts on which the concept is based, but, despite its rejection, the Council’s website did not note this fact.<sup>34</sup> This is probably due to the delicate coalition relationship and the fact that Karakachanov’s party is part of the ruling majority. The lack of clear distance by the other institutions is indicative: the national Ombudsman and the President, who are opposed to the current government, have in no way criticised the concept or declared it unacceptable.

Thus, the overall situation around the Concept, its circulation in the public space, and the lack of clear distance on the part of the main institutions, has led to an increase in antigypsyism among part of the majority as well as to the creation of a feeling of insecurity in a large number of Roma in Bulgaria. Some of the underpinnings of the Concept represent an attempt to found a new populist strategy for reshaping pure blaming and stereotyping into an overarching consistent policy having the potential to overturn existing consensus at national political level about the kind of policies which need to be implemented to support Roma inclusion in society. Also, the very fact that it was sent for serious expert consideration by state institutions and published on the government site for public consultations makes it structurally different from occasional speeches in parliament or statements and comments made by politicians on the media.

See below a timetable of instances of hatred broadcasted by the Bulgaria media between 2005 and 2019 by public officials.

<sup>29</sup> Available at: <http://www.amalipe.com/index.php?nav=news&id=3441&lang=1>

<sup>30</sup> Дичев, Ив. *Каракачанов и "окончателното решение" на циганския въпрос*. Available at: <https://www.dw.com/bg/>

<sup>31</sup> <https://www.mediapool.bg/karakachanov-se-obyavi-za-zhertva-na-diskriminatsiya-ot-tsiganite-news288483.html>

<sup>32</sup> <https://www.ploshtadslaveikov.com/akademichen-rasizam-v-podkrepa-na-karakachanov/>

<sup>33</sup> Particular strong resistance to adopt the Concept occurred at the meeting on 25 July 2019, <http://www.amalipe.com/index.php?nav=news&id=3556&lang=1>

<sup>34</sup> <http://nccedi.government.bg/index.php/bg/node/276>

### Timeline of the broadcasted hatred

	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
Volen Siderov (MP)	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
Angel Dzhambazki (Sofia municipal councillor until May 2014; later MEP)						■	■	■	■	■	■	■	■	■	
Kostadin Kostadinov (Varna municipal councillor, leader of a political party, TV host)										■					
Peter Moskov (Minister of Health)										■					
Valeri Simeonov (MP)										■	■				
Krasimir Karakachanov (Minister of Defence)															■
Office of the President								■							

Source: *OpenData.bg*

### Policy answer to the problem

Currently, an effective policy answer to the existing problem of hate speech against Roma is missing. Not only that the hate speech towards Roma goes unpunished, but its use and impunity became an election-winning strategy of the mainstream parties, as it is shown in a current analysis of the political programmes with regard of the last local elections and last EP elections.<sup>35</sup>

The measures taken according to the NRIS action plan specifically in the section dedicated to hate speech envisage capacity building for members of the judiciary on the European Court of Human Rights' functions and practical procedures; as well as training for social workers and policeman on working in multicultural environment and police mediation in cases involving members of ethnic minorities. In some other sections of the NRIS, training for other professionals aiming at the increasing the sensitivity to the specific problems of Roma and work in multicultural environment is also planned. Changing perceptions, concepts and understanding of international human rights legislation among members of the judiciary is important and the practice of the European Court of Human Rights can offer insightful examples including in the treatment of hate speech. At this stage however there is no any evidence of change in the enforcement of hate speech laws, which has been rather weak.

In the period 2014-2018, the Open Society Institute Sofia, measured public attitudes<sup>36</sup> towards hate speech and showed that Roma people were main target of hate speech, together with the LGBTIQ community.<sup>37</sup> In 2018, according to the latest report, gay people were the second minority group most affected by hate speech, following closely the

<sup>35</sup> Pamporov A. (2019). "Clichés, hatred and tacit complicity". In: *Women, Roma integration and Elections*, Sofia: Fridirch Ebert Schtiftung, pp.12-15.

<sup>36</sup> The basic tool of the survey is a self-reported incidence of coming across hate speech in various sources and situations.

<sup>37</sup> Hate speech reports 2014, 2016, 2018. Source: OSIS.BG

Roma.<sup>38</sup> It is to be noted that the recently elected Chief Prosecutor responsible for combating racism is also the subject of an alleged discrimination case at the Administrative Court, initiated by a Roma activist (and not recognised by CPD).<sup>39</sup>

<sup>38</sup> Ivanova, Ivanka. 2018. 'Public Attitudes to Hate Speech in Bulgaria in 2018'. *Osis.Bg*. Retrieved 12 May 2020 (<https://osis.bg/wp-content/uploads/2019/02/2018-Hate-speech-FNG.pdf>).

<sup>39</sup> [https://www.dnevnik.bg/bulgaria/2019/07/24/3942563\\_romski\\_aktivist\\_sudi\\_geshev\\_za\\_kleveta\\_zaradi\\_dumite\\_i/](https://www.dnevnik.bg/bulgaria/2019/07/24/3942563_romski_aktivist_sudi_geshev_za_kleveta_zaradi_dumite_i/)

## CASE STUDY: GABROVO – FROM HATE SPEECH TO HATE CRIMES

The passing 2019 year has marked a new surge in hate speech against Roma and the use of the so-called “Roma topic” as a means of escalating into ethnic tensions and even hate crimes. The overall context was the elections to the European Parliament as well as the local government elections. On the one hand, in all types of elections, especially the local ones, Roma have traditionally been used by nationalist formations to attract votes and to foment local ethnic conflicts.<sup>40</sup> In particular, hate speech against Roma was used by VMRO to consolidate their nationalist vote. Deputy Prime Minister Karakachanov’s involvement in the case in the village of Voyvodinovo, his statements, and the subsequent announcement of the so-called “*Concept against Gypsyisation*” were important steps in the process. On the other hand, making anti-Roma speech not an exception but a norm by many politicians, including the so-called mainstream parties has led to further escalation of tension and the transformation of criminal conflicts into interethnic clashes. Thus, hate speech led to acts of hatred. While a more serious interethnic conflict on a national scale has not materialised, thanks to the response in particular of the responsible institutions, (for example, Ministry of Interior, local police office, etc) a real threat still remains a latent danger. 2019 has marked also a new rise of anti-Roma tensions all over the country and criminal incidents that promptly grew up into ethnic conflict on several places, such as Voyvodinovo, Kuklen, Gabrovo, etc.

### The conflict in Gabrovo

The root cause of the anti-Roma protests in Gabrovo occurred in April 2019 are based on the overall escalation of political tension and the anti-Roma attitudes nationwide.

The Roma community in Gabrovo is one of the smallest of the country, both in absolute number as well as a percentage of the total population. Only 343 out of 55,387 Gabrovo citizens declared themselves as Roma in the 2011 population census.<sup>41</sup> There is no Roma neighbourhood or ghetto and there are almost no unemployed Roma in Gabrovo, most Roma working as cleaners or for private entrepreneurs. There are also problematic issues related to the Roma community in Gabrovo (such as crimes performed by some Roma – similarly as by non-Roma), but they are insignificant, and it is difficult to expect to provoke tensions and conflict.<sup>42</sup>

The protests and hate crimes stemmed from a criminal incident on 7 April 2019, in which three youths beat a shopkeeper. The incident was not related to an ethnic bias-motivation: the youths did not commit the crime due to belonging to a different ethnic origin, and the victim did not perceive the crime to be related to the Roma ethnicity. Two days later following the perpetrators’ detention and release after 24 hours, the store owner post on Facebook the story, giving incident high notorious attention in social media. As a reaction of the release, from the first night following the publication, a series of public demonstrations and protests began with a strong anti-Roma focus. During the first night of the protest, five Roma-occupied houses were attacked and destroyed. The second night, two houses where Roma families were living were burned down by the protesters. After

<sup>40</sup> According to Prime Minister Borissov, “if there are elections, ethnic tensions are rising immediately”. See: [https://www.dnevnik.bg/analizi/2019/04/12/3418714\\_gabrovo\\_kak\\_se\\_stigna\\_dotuk/](https://www.dnevnik.bg/analizi/2019/04/12/3418714_gabrovo_kak_se_stigna_dotuk/)

<sup>41</sup> According to the 2011 census, only 343 of the town’s 55,387 inhabitants were identified as Roma. Even if we add some of the 473 people who identified themselves as Turks, this will not change the fact that only one of one hundred people is of Roma origin.

<sup>42</sup> More about the situation in Gabrovo see in the report “Малцинствата в България лесни за омраза” (“Minorities in Bulgaria - Easy to hate”), p. 83-86. Available at: [https://nohate.bghelsinki.org/cms/wp-content/uploads/2020/02/bhc\\_nohategraffiti\\_web.pdf](https://nohate.bghelsinki.org/cms/wp-content/uploads/2020/02/bhc_nohategraffiti_web.pdf)

the initial chaos, the police forces guarded the key spots where Roma community was present to prevent any further pogroms and advised the Roma families who had relatives in nearby towns to temporarily leave Gabrovo. According to the information provided by the local structure of *Amalipe* Centre in Gabrovo, three quarters of the Roma families were not in the town on the third day of the protests. Moreover, since the very first day of the protest, most of the Roma children stopped attending the local school due to the fear of being attacked.<sup>43</sup> The working Roma adults working in the local cleaning services of Gabrovo did not attend their workplace. After some days, in order to ensure that the local cleaning services were performed and prevent the town from being in unsanitary conditions, the police guarded some of the Roma employees to ensure that the cleaning services were carried out in the central part of the town.<sup>44</sup>

## Reactions to the conflict

The lack of response of the government and of the judicial institutions into the protest leading to the destruction of Roma houses, obliging them to temporarily leave their residence, and leaving the local Roma community with an absolute fear of attacks and violence was inadequate and in breach of human rights. Local authorities limited their efforts only to decrease the violent attacks by protesters against Roma and ensuring that no murder will be done,<sup>45</sup> while the investigations of other hate crime incidents were not carried out.

The Deputy Prime Minister Donchev's attempt to calm the situation on the spot was unsuccessful. Despite his popularity in the town – Donchev is a native of Gabrovo and was mayor of the municipality – he failed to influence the protesters. Donchev was criticised by human rights activists, including the Bulgarian Helsinki Committee for "having resorted to the mythology that Roma collectively abuse the system of social benefits".<sup>46</sup>

The municipality began to remove most Roma families from the municipal housing and demolish it (because it was in a dangerous technical condition),<sup>47</sup> but without providing the tenants with substitute accommodation. The official reasoning from the public authorities was based on the lack of payment of the housing rent for years. However, the measure did not look into alternative measures to the eviction, such as alternative manners to collect the payments, particularly in light of the fact that many of the evicted tenants were working for the municipality and were economically capable of affording the payment of the rents. There was an obvious attempt to use the situation for election purposes: opposition activists were at the forefront of the protests. In the end, we can summarize that the politicians practically failed to control the situation.

Some of the families who were evicted from the municipal housing have appealed and will probably address the European Court of Human Rights, if they are unsuccessful in the national judicial system.

A feeling of unprotection remained among the Roma community as well as a feeling bitterness for injustice and not being perceived as equal citizens by public authorities.

<sup>43</sup> <http://www.amalipe.com/index.php?nav=news&id=3474&lang=2>

<sup>44</sup> Deputy Prime Minister Donchev said that a problem had already arisen in the work of the Municipal Enterprise "Public Works", as employees of Roma origin are afraid to take to the streets: <https://dariknews.bg/regioni/gabrovo/romi-napuskat-gabrovo-zaradi-eskalaciata-na-naprezhenie-specializirana-policejska-operaciia-prodyzhava-do-nedelia-2159367>

<sup>45</sup> <https://dariknews.bg/regioni/gabrovo/romi-napuskat-gabrovo-zaradi-eskalaciata-na-naprezhenie-specializirana-policejska-operaciia-prodyzhava-do-nedelia-2159367>

<sup>46</sup> <https://www.dnes.bg/stranata/2019/04/15/v-bhk-trevojni-v-gabrovo-ima-rasistko-nasilie.407637,8>

<sup>47</sup> <https://dariknews.bg/regioni/gabrovo/sybariat-predvidenite-za-premahvane-obshtinski-sgradi-v-gabrovo-2159252>

The international media primarily reflected the burning of the houses and the pogroms over other houses. That was clearly evident from the CNN's coverage,<sup>48</sup> as well as from the coverage of other international media. The names of Gabrovo and Bulgaria were seriously affected internationally.

The conflictual situation began to slow down with the return of Roma children to the kindergartens and schools. It is particularly important to highlight that, despite the serious threat posed by the protests to school attendance, at the end of the school year, there were no dropouts from Roma children who participated in the desegregation local programme. Thus, the Gabrovo model of desegregation can be registered as fully successful and proposed for nationwide implementation.

## Conclusions

In light of the conflict in Gabrovo and the limited response by the public authorities several conclusions can be drawn:

**1. The anti-Roma rhetoric of the protests in Gabrovo reflect the climate of intolerance against the Roma community leading to hate crimes:** The protests were the result of several key factors, from the rise in hate speech against Roma in the public debate to the normalisation of the use of anti-Roma stereotypes and prejudices. It can be said with great certainty that had the perpetrators of the beating been ethnic Bulgarians, there would have been no protests at all, even if the perpetrators had not been detained. For example, in 2019 on the territory of Gabrovo district the police registered 1,099 crimes.<sup>49</sup> This category includes serious crimes such as murder, rape, drug trafficking, documentary fraud and others. None of them led to a similar reaction to the protests.

The main problem of the Gabrovo case, like many other similar cases in which the perpetrators of crimes are from Roma origin, is the ethnicization of the crime. The existing social distances, stereotypes, and prejudices against Roma, reinforced by hate speech of politicians' speeches, lead to the transformation of criminal incidents into stigmatisation of the Roma community, even were the crime has no relation to a bias-motivation. Unfortunately, in recent years it has become common practice by the media and public authorities to link the criminalisation with the Roma-ethnic origin of the perpetrators. Other similar examples can be cited each year: Katunitsa, Garmen, Orlandovtsi, Asenovgrad, Voyvodinovo, etc. The specificity of the Gabrovo case as compared to the previous cases in other local communities is the small Roma community of Gabrovo and a lack of a real problem with their integration, with a low rate of unemployment and a positive school attendance.

Analysing the anti-Roma protests in Europe and Bulgaria after the end of the totalitarian regime, Dr Boyan Zahariev from the Open Society Foundation Sofia, outlined the different characteristics of the first, right-wing wave emerged as early as in the 1990s and the populist type of anti-Roma protests.<sup>50</sup>

The Gabrovo protests are an example of the populist type of anti-Roma speech and its subsequent actions. Most protesters could *not* be identified as extreme nationalists or far right. On the contrary, the populist theses behind the protest were supported by

<sup>48</sup> [https://edition.cnn.com/interactive/2019/05/world/roma-bulgaria-violence-eu-elections-cnnphotos/index.html?fbclid=IwAR3Kv2-X27SVcIYrf3bmBrw1ckGfmCZFWJwCwFRcIDFEQLC4LgAeAEc\\_yII](https://edition.cnn.com/interactive/2019/05/world/roma-bulgaria-violence-eu-elections-cnnphotos/index.html?fbclid=IwAR3Kv2-X27SVcIYrf3bmBrw1ckGfmCZFWJwCwFRcIDFEQLC4LgAeAEc_yII)

<sup>49</sup> [https://www.gabrovonews-bg.cdn.ampproject.org/v/s/www.gabrovonews.bg/analysis/156059/amp/?usqp=mq331AQFKAGwASA%3D&fbclid=IwAR2APd5OSUe1ckYy5HaWUmM2qH\\_xPzEcY1RGjhXitxdbaoo-YNfM-cUxHxA&\\_js\\_v=0.1#aoh=15894511646608&referrer=https%3A%2F%2Fwww.google.com&\\_tf=%D0%9F%D1%82%20%251%24s&\\_ampshare=https%3A%2F%2Fwww.gabrovonews.bg%2Fanalysis%2F156059%2F](https://www.gabrovonews-bg.cdn.ampproject.org/v/s/www.gabrovonews.bg/analysis/156059/amp/?usqp=mq331AQFKAGwASA%3D&fbclid=IwAR2APd5OSUe1ckYy5HaWUmM2qH_xPzEcY1RGjhXitxdbaoo-YNfM-cUxHxA&_js_v=0.1#aoh=15894511646608&referrer=https%3A%2F%2Fwww.google.com&_tf=%D0%9F%D1%82%20%251%24s&_ampshare=https%3A%2F%2Fwww.gabrovonews.bg%2Fanalysis%2F156059%2F)

<sup>50</sup> <https://nohate.bghelsinki.org/stenogrami/stenograma-regionalna-kragla-masa-kardzhali/#panel1>

representatives of the main opposition parties as well as by many other citizens. In the end, they also led to a negative change in the behaviour of the main institutions, as well as to a general deterioration of the interethnic relations in Gabrovo and the environment in which Roma lived, worked, and studied.

## **2. The protests in Gabrovo clearly outlined the main themes shared in many similar cases:**

- *"We want the law to be observed by all."*
- *"It is actually us, the law-abiding citizens, Bulgarian people in our own country and city, who are discriminated against"*: although this thesis sounds absolutely, even with the most cursory objective reading (e.g., no municipal councillor, representative of a municipal administration or any other institution, including the judicial system in Gabrovo, is of Roma origin and therefore it is difficult to think of discrimination against the majority), it was widely shared and liked by the protesters. This was also typical of other such protests.
- *"We do not protest against all Roma, but only against those who do not comply with the law"*: the overwhelming majority of the protesters would not qualify as extreme nationalists or racists. Most citizens at least nominally claimed that the protest was only against the Roma who did not comply with the law.
- *"We have nothing against the Gabrovo Roma, but we do not agree with the arrival of many other Gypsies from other municipalities."*

## **3. Schools and ethnically mixed education systems are the first affected in cases of violence:**

Fear for the safety of children in cases of conflict and threat naturally causes parents to withdraw them from attending school and kindergarten, to protect them from being attacked. A similar process was observed in all cases of anti-Roma protests. Anti-Roma protests caused a large number of Roma children to stop from attending school and kindergarten in desegregated school systems, where educational institutions are ethnically mixed. One of the most serious threats posed by the Gabrovo conflict in April 2019 was the danger of halting the desegregation process that had begun several months earlier.

## **4. School and education are also the first steps to the counter the crisis situation:**

In the Gabrovo case, the Roma parents sent their children back to kindergarten, and, a few days later, to school. From this point of view, the support for ethnically mixed education forms and the process of desegregation is an investment in establishing more tolerant ethnic relationships.

# GENDER EQUALITY AND VIOLENCE AGAINST WOMEN

## Definition of the problem

Roma women in Bulgaria continue to face challenges inside and outside their communities that have detrimental effect on their equal participation in society. Discrimination and social exclusion on the grounds of ethnicity, gender, socio-economic status and education reduce their capacities to claim their rights and place them in an extremely vulnerable situation where poverty and violence intermingle in a closed circle, reproducing the problems over generations.

The NRIS 2012-2020 recognises the structural inequalities that Roma women face in terms of patriarchal norms, gender inequality and discrimination. It recognises international legal human rights standards and Bulgaria's responsibilities under these documents. However, at municipal levels, these priorities remain unaddressed. The previous two RCM reports on Bulgaria exemplify major reasons why despite positive political actions, Roma (women) continue to be at the periphery of social and institutional interest, including:<sup>51,52</sup>

- Insufficient representation of Roma (women) in leadership positions, policymaking and administration that deprives them of their voice;
- Traditional gender roles that reaffirm stereotypes on Roma women as mothers, relying on social welfare and often normalise gender-based violence and discrimination;
- Lack of access to education that translates into severely diminished employment opportunities, bringing forward the phenomenon of "feminisation of poverty";
- Lack of a functioning system for monitoring and assessment of Roma integration policies;
- Gender-neutral legislation, policies and data that makes impossible to adequately address the needs of Roma women and improving community and institutional response towards their inclusion and empowerment;
- Lack of sustainable state funding for the implementation of the national and municipal Roma integration strategies.

## Data collection

The Bulgarian government has been often reluctant to gather data based on ethnicity. The rationale for this has been generally constitutional provisions (claiming that such ethnic data collection and processing might impose discrimination) and data protection laws (as it concerns sensitive data with serious risk of violation).<sup>53</sup> In general, however, there is a misperception that personal data protection laws prohibit the collection of ethnic data while

<sup>51</sup> Roma Civil Monitor. *Civil society monitoring report on implementation of the national Roma integration strategy in Bulgaria: Focusing on structural and horizontal preconditions for successful implementation of national Roma integration strategies*. 2018. P. 19. Available at: <https://cps.ceu.edu/sites/cps.ceu.edu/files/attachment/basicpage/3034/rcm-civil-society-monitoring-report-1-bulgaria-2017-eprint-fin-2.pdf>

<sup>52</sup> Roma Civil Monitor. *Civil society monitoring report on implementation of the national Roma integration strategy in Bulgaria: Assessing the progress in four key areas of the strategy*. 2019. Available at: <https://cps.ceu.edu/sites/cps.ceu.edu/files/attachment/basicpage/3034/rcm-civil-society-monitoring-report-2-bulgaria-2018-eprint-fin.pdf>

<sup>53</sup> Interview with Ivan Balev, Director of Demographic and Social Statistics Department of National Statistics Institute, <https://www.nsi.bg/bg/content/8526/интервю-на-иван-балеv-директор-на-дирекция-„демографска-и-социална-статистика“-на-нси>

there is still an insufficient awareness of the importance of ethnic monitoring for fighting against discrimination and social exclusion.

In addition, there are no official statistics on the number of domestic violence victims, no imposed State standards for services for victims of domestic violence, and no register on perpetrators of domestic violence. These facts continue to be unaddressed despite that women's NGOs have advocated for years the introduction of these measures for revealing the scale of the problem with violence against women and improving social response and coordination.

### Political background of the problem

In recent years, right-wing parties are gaining power and inclining toward nationalism, xenophobia and racism. The agenda of these populist parties and movements involve concrete steps against the equality of women and men, minorities' rights and human rights in general.<sup>54</sup> And if until 2018 the political and social environment has been characterised by so-called "gender blindness",<sup>55</sup> maintaining the status quo and not helping transform the unequal structure of gender relations, we are now facing a greater challenge – strong anti-feminist bias and political decisions to the detriment of rights already achieved – reproductive and sexual rights, right to abortion, minority rights, incl. LGBT rights, denial and rejection of gender equality in general as a topic on the political agenda and aggressive propaganda of gender stereotypes. Human rights organisations, including women's NGOs and activists, became objects of media attacks, presenting them as potential threats to the national values and sovereignty. Even the judicial system could not defend the rights of the most vulnerable groups; in July 2018, the Constitutional Court announced the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence unconstitutional.<sup>56</sup>

### Policy answer to the problem

#### **National and local policies for Roma women's integration**

While all municipalities recognise in their strategies for Roma inclusion horizontal policies related to gender equality, such as, for example in Burgas: "Encouraging positive actions for overcoming traditional practices in the Roma communities, affecting the rights of women and children",<sup>57</sup> none of them have envisaged concrete steps in their municipal action plans for the implementation of an integrated approach that empowers Roma women. For example, Blagoevgrad's Municipal Strategy has included a clause "Encouragement of gender equality and securing mechanisms for a successful realisation and new social role of the Roma woman"<sup>58</sup> under the priority "Rule of Law and Non-Discrimination". However, in the Action Plan under the same priority, there are no such measures at all. Instead, we read a single goal of "Establishing tolerant interethnic relations" with envisaged two activities: "Education in the spirit of tolerance and non-discrimination in kindergartens and schools" and "Strengthening the activities of the local Commission for Combating Antisocial Manifestations of Minors by involvement of community representatives in the Commission". These activities are replicated across all

<sup>54</sup> *Ibid.*, p. 19

<sup>55</sup> Women's Rights and Right Populism, FES, 2017, p.5, <https://library.fes.de/pdf-files/bueros/sofia/13827.pdf>

<sup>57</sup> Burgas Municipal Strategy for Roma Inclusion, p. 20, [https://nrcpsystem.government.bg/Legal/02\\_Бургас/1\\_%20Бургас\\_Областна%20стратегия.pdf](https://nrcpsystem.government.bg/Legal/02_Бургас/1_%20Бургас_Областна%20стратегия.pdf)

<sup>58</sup> Blagoevgrad Municipal Strategy for Roma Inclusion, [https://nrcpsystem.government.bg/Legal/01\\_Благоевград/1\\_%20Областна%20стратегия%20Благоевград.pdf](https://nrcpsystem.government.bg/Legal/01_Благоевград/1_%20Областна%20стратегия%20Благоевград.pdf)

municipal strategies, with some even lacking a priority “Rule of Law and Non-discrimination”.<sup>59</sup>

Since a working system for monitoring, evaluation and control of the current NRIS and the respective municipal action plans is still being developed,<sup>60</sup> there is no available information on the implementation and success of the municipal action plans.

From the review of all action plans at municipal level, it becomes clear that while stakeholders recognise the vulnerable position of Roma women, no initiatives are reported for prevention and elimination of gender-based violence and for elevating their status in the society. Roma women are explicitly mentioned in relation to their reproductive health across municipal strategies, reciting one another: „Roma community in the municipality does not have good health culture, evident by high mortality rate of 70 years on average. Pregnant women from Roma origin do not visit regularly female consultations, they do not bring their children to children’s consultations, respectively, do not immunise them on a regular basis. This is one of the main reasons for higher mortality rates across Roma population.<sup>61</sup> While improving Roma women’s health status and knowledge is undoubtedly important, it seems that the responsibility for the high mortality rates within Roma community is placed on Roma women. In addition, Roma women are presented as a homogenous group, associated with their roles as mothers and through their reproductive functions which further cements gender stereotypes. Stakeholders need to apply gender-sensitive policies in order to achieve an overall effect in the lives of the ethnic minorities women, and not to put additional institutional pressure on women living on poverty.

### **Gender equality**

In 2016 the Law on Equal Opportunities for Women and Men was adopted. The NGO sector and experts in the field welcomed the long-awaited legislation because for a whole decade several draft laws were introduced. The adopted law regulates the institutional mechanism for equality between women and men but does not contain substantive legal provisions that regulate substantial equality through the introduction of mandatory rules of conduct, procedures for their violation and non-compliance, as well as the procedure for exercising control and imposing sanctions. Moreover, it there is not any budget allocated by the State for its implementation and the law does not propose incentive measures in critical areas of identified inequality.<sup>62</sup>

The National Action Plan on Equality between Women and Men 2019-2020 focuses on the vulnerable position of women, gender disparities and the need to counteract power relations between women and men.<sup>63</sup> While it sets concrete measures for empowering women, it does not explicitly mention Roma or ethnic minorities women in general. There are five priority areas: Increasing women’s participation on the labour market; Closing the gender pay-gap; Encouraging equality between women and men in decision-making processes; Combating gender-based violence and support to victims; Changing gender-based stereotypes.

<sup>59</sup> For example, Razlog Municipal Strategy for Roma Inclusion, [https://nrpcsystem.government.bg/Legal/01\\_Благоевград/Разлог\\_План%202018-2020.pdf](https://nrpcsystem.government.bg/Legal/01_Благоевград/Разлог_План%202018-2020.pdf)

<sup>60</sup> System for monitoring and control of the National Roma Integration Strategy, <https://nrpcsystem.government.bg/Legal/Forms/AllItems.aspx>

<sup>61</sup> Action Plan of Razlog Municipality in Support of Integrational Policies (2018-2020), [https://nrpcsystem.government.bg/Legal/01\\_Благоевград/Разлог\\_План%202018-2020.pdf](https://nrpcsystem.government.bg/Legal/01_Благоевград/Разлог_План%202018-2020.pdf)

<sup>62</sup> Women’s Rights and Right Populism, FES, 2017, p.5, <https://library.fes.de/pdf-files/bueros/sofia/13827.pdf>

<sup>63</sup> National Action Plan on Equality between Women and Men (2019-2020), [https://www.mlsp.government.bg/ckfinder/userfiles/files/Plan\\_Ravnopostavenost\\_2019-2020\(2\).pdf](https://www.mlsp.government.bg/ckfinder/userfiles/files/Plan_Ravnopostavenost_2019-2020(2).pdf)

In 2018, Bulgaria's actions in the field of gender equality were a subject of review under the UN International Covenant on Civil and Political Rights. The Human Rights Committee expressed concerns on the continuous gender pay-gap and lack of work-life balance initiatives. It stressed on the low representation of women in decision-making processes, strongly emphasising lack of representation of Roma women,<sup>64</sup> who along with the general Roma community, continue to "to suffer marginalisation and discrimination, especially in the areas of housing, education, health care and employment".<sup>65</sup>

### **Domestic violence**

Combating domestic violence in Bulgaria is a slow and unsatisfactory process. In 2018, the government pulled down the ratification of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence as a result of the Bulgarian Constitutional Court's decision that it is unconstitutional due to the definition of "gender". It stated that gender as a social construct "relativises the borderline between the two sexes, male and female, as biologically determined".<sup>66</sup> This happened under the pressure of different religious denominations, the majority of the political parties, fake news<sup>67</sup> and protesters supported by ultra-nationalist groups and conservative NGOs.<sup>68</sup> And it turned so that instead the Constitutional Court to promote gender equality, it contributed to cement gender stereotypes, missed a historical chance to advance women's human rights. Since then there is little progress made. While there is no official statistics on domestic violence and femicide in Bulgaria, in 2018 there were at least 35 cases of women killed by a husband/partner or ex-partner.<sup>69</sup> In attempts to diminish social pressure, the ruling party introduced texts on combating domestic violence in the Criminal Code, turning it into a crime of a general nature. However, human rights activists criticise the changes, saying these provisions do not address the nature of the issue.<sup>70</sup> The necessary financial and human resources for implementing measures and programmes for combating types of gender-based violence are insufficient. There is still no solution to the insufficient capacity of crisis centres for survivors of domestic violence, which amount to 26 in number across the country – 18 for children at risk, eight for women and children. In 18 of the 28 municipal districts, there are no shelters for women victims of domestic violence.<sup>71</sup>

Roma women face special challenges when it comes to seeking support in case of domestic violence. The Centre for the Study of Democracy estimated that in 2015, that 70-80 per cent of domestic violence cases went unreported.<sup>72</sup> In the case of Roma women, the rate of non-reporting is as high as 90 per cent due to fear and lack of family or institutional

<sup>64</sup> Concluding observations on the fourth periodic report of Bulgaria, p.5, [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR/C/BGR/CO/4&Lang=En](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR/C/BGR/CO/4&Lang=En)

<sup>65</sup> *Ibid*, p.3

<sup>66</sup> Constitutional Court, Decision No 13/27.07.2018 under Constitutional case No 3/2018, r.<http://constcourt.bg/bg/Acts/GetHtmlContent/f278a156-9d25-412d-a064-6ffd6f997310>

<sup>67</sup> Article „How the Bulgarian Society fell into the "gender" trap", Petar Cholakov, DW, <https://bit.ly/2vC8o2p>; Article "The Word Gender comes from Dzendem" (a citation by Metropolitan Gavrail, implying that both words have the same Indo-European roots, meaning "hell"), <https://frognews.bg/obshtestvo/naroden-glas/mitropolit-gavrail-dumata-djendaridva-djendem.html>

<sup>68</sup> For example, Parents United for Children Association, <https://www.facebook.com/NationalGroupOfParentsUnitedForChildren/> and here: <https://bit.ly/2GxrN6L>

<sup>69</sup> <https://ubita.org/bg> is a website devoted to raising awareness on femicide in Bulgaria.

<sup>70</sup> Report on Human Rights in Bulgaria (2018), Bulgarian Helsinki Committee, p. 121, [https://www.bghelsinki.org/media/uploads/annual\\_reports/annual-bhc-report-2018-issn-2367-6930-bg.pdf](https://www.bghelsinki.org/media/uploads/annual_reports/annual-bhc-report-2018-issn-2367-6930-bg.pdf)

<sup>71</sup> Belezchnik – Advocacy document by the National Network for Children, [http://nmd.bg/wp-content/uploads/2019/04/Belezchnik2019\\_web\\_low\\_res.pdf](http://nmd.bg/wp-content/uploads/2019/04/Belezchnik2019_web_low_res.pdf)

<sup>72</sup> United States Department of State, "Country Report on Human Rights Practices for 2016-Bulgaria", accessed September 25, 2017, <http://www.refworld.org/docid/58ec8a64a.html>

support.<sup>73</sup> In August 2019, the Gender Alternatives Foundation's team implemented a needs assessment among Roma women on living conditions, with focus on domestic violence.<sup>74</sup> This happened during the six Info Days Meetings on Human Rights with the Roma community living in the segregated Roma neighbourhood Stolipinovo in Plovdiv. A total number of 69 people participated, 51 women and 18 men. During the Info Days none of the participants came with a domestic violence issue. With time, however, a considerable number of female participants admitted having been subjected to domestic violence. As a result of the violence they faced, their socio-economic situation is extremely poor.<sup>75</sup>

The conclusions that experts could draw from their experience with Roma women could be summarised as follows:<sup>76</sup>

- Roma women experiencing domestic violence face more difficulties (compared to women from the majority society) due to poverty, social exclusion and lack of social services in the areas where they live;
- Many Roma women do not recognise the types of domestic and gender-based violence, they do not have the capacity to stand up for their rights, which puts them in a stalemate;
- Roma women report significantly less violence than non-Roma women;
- Instead of reporting domestic violence to the responsible institutions, Roma women work to solve their problems with the help of their parents or relatives acting as mediators; this is because Roma women have more trust in their family members than in state institutions, as the latter often overlook the problem;
- Most Roma women are generally reluctant to initiate court cases against domestic violence due to lack of support, financial resources and fear;
- Despite the fact that the Plovdiv region is leading in number of cases filed under the Law on Protection against Domestic Violence for years, the judicial authorities do not impose a measure for abusers to attend specialised programmes for domestic violence perpetrators available in the city;
- The civic sector has a key role to play in providing information and access to services, as well as introducing new human rights practices.

Similar observations are made by experts who implemented the JUSTROM and JUSTROM2 Programmes<sup>77</sup> in Veliko Tarnovo and Plovdiv in the period February 2017 to March 2019. The two legal clinics consulted more than 900 women on issues related to social security, children's rights, family issues, and gender-based violence. The JUSTROM experts shared the following difficulties encountered when working with Roma women during the legal consultations:<sup>78</sup>

1. In cases of marriages: there were cases where the marriage was not officially ended because Roma communities may not consider marriage as having legal consequences. The team had cases where the married couple separated without an official divorce. The women in these cases started new intimate relationships with children being born as a result of them. In such cases, the husband is legally considered the father of the

<sup>73</sup> *Ibid.*

<sup>74</sup> Project "Knowledge for Change", funded by the Bulgarian Fund for Women

<sup>75</sup> Report "A State of Impasse – Roma Women in the Periphery of Public and Political Interest (BG)", [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR/C/BGR/CO/4&Lang=En](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR/C/BGR/CO/4&Lang=En)

<sup>76</sup> *Ibid.*

<sup>77</sup> <https://pjp-eu.coe.int/en/web/access-of-roma-and-traveller-women-to-justice/home?desktop=true>

<sup>78</sup> Shared during common work under the JUSTROM programmes in Veliko Tarnovo and Plovdiv with Dilyana Giteva, National Coordinator, Milena Kadieva – lawyer Plovdiv Legal Clinic, Teodora Krumova and Ventsislav Foti – Veliko Tarnovo legal clinic.

child born out of the official marriage. As a consequence, couples often miss the legal deadlines to determine the biological father of the child. Also, it is hard for them to initiate an official divorce if they want to form another family and have children from other relationships.

2. In cases of domestic violence: many women share that they are abused but they do not have the capacity to initiate cases against their perpetrators. Roma women who turn to institutions and crisis centres have difficulty obtaining support or services for survivors of domestic violence. Often, they do not have personal identity documents or speak little Bulgarian, which prevents them from arguing and defending their position. Other reasons include lack of understanding of domestic violence as such; lack of supporting environment; lack of financial means; also, illiteracy is a huge problem. Their chances to start an independent life within the community are small as it is a conservative society that still considers that women are best realised as housewives and mothers. Also, in the majority of cases, children are greatly affected.
3. Municipal housing: they often have to apply for municipal housing, but State representatives send them to different places and institutions to gather documentation. Clients' Bulgarian is poor, and they get confused a lot in understanding the requirements. In addition, they are required to pay fees for each document that has to be gathered, and often they cannot afford it. This is a cause for them to give up.
4. Social services: a large part of the JUSTROM clients are entitled to types of social welfare support. However, they do not receive it because the social workers discriminate them by not giving them information on deadlines, requirements, and supporting documentation. Clients are scared by social workers and prefer not to seek their rights on the grounds that they might lose the little that they already have. In addition, they do not have financial means to pay to a lawyer who can defend their rights.

### Counteracting Child Marriage

A UNICEF report summarises that over the last 15 years, the educational level of Roma girls has increased, including among children who have been married.<sup>79</sup> The number of child marriages and early births in absolute value and as a percentage of all marriages and births in the country is decreasing. The results of a research by *Amalipe* Centre in Roma neighbourhoods shows that the average age of starting cohabitation for women living in the segregated neighbourhoods is 17 years and five months, while for men this age is 20 years and one month.<sup>80</sup> Because statistics vary due to the fact that institutions "calculate" in different ways,<sup>81</sup> experts recommend to focus on the phenomenon of early motherhood.<sup>82</sup> In particular, the number of underage girls who gave birth before turning 16 is declining. In 2013, 2,705 girls under the age of 18 had given birth, 790 of which were under 16. In 2016 their number was 298, while in 2017, their number was only 269.<sup>83</sup>

The UN Committee on Children's rights recommends Bulgaria to introduce changes in the Family Code that ban all exceptions that allow marriage of persons under the 18 years of

<sup>79</sup> Research on Social Norms that Prevent Roma Girls' Access to Education, 2016, <https://www.unicef.org/bulgaria/media/1861/file/Report%20on%20social%20norms%20which%20prevent%20Roma%20girls%20from%20access%20to%20education-full-report-BG.pdf>

<sup>80</sup> Prevention of Early Marriages, *Amalipe* Center for Interethnic Dialogue, 2011

<sup>81</sup> Article "Lost in Statistics or how the topic of 'Early Roma Births' is being abused", <https://nmd.bg/изгубени-в-статистиките-или-как-се-зло/>

<sup>82</sup> Talk with Deyan Kolev, Director of *Amalipe* Centre for Interethnic Dialogue

<sup>83</sup> Article "Lost in Statistics or how the topic of 'Early Roma Births' is being abused", <https://nmd.bg/изгубени-в-статистиките-или-как-се-зло/>

age. Currently, the age of consent for having sexual relations is 14 years. Also, according to the current regulation, "by exception, if important reasons require so, a person over the age of sixteen may marry with the permission of the district judge".<sup>84</sup> Still in 2018, that recommendation remains unfulfilled with 651 marriages of persons under the age of 18, 619 of which are of girls (or 95 per cent).<sup>85</sup> And this is only part of the overall picture as often no official civil marriage takes place and the actual number of underage persons living on partnership terms remains unknown. Child marriage is a serious violation of human rights, greatly affecting girls' rights to sexual freedom, bodily integrity, access to education, informed decisions, non-discrimination and freedom from violence.

These facts call for policy measures that encourage Roma families and communities to support marriage that take place later in life allowing young people more time for education – a responsibility of the state to provide for everyone. Such measures, which could include positive action to overcome disadvantage, for example scholarship provisions, should ensure better educational and employment opportunities to empower Roma women within their own communities to reduce their vulnerability by promoting their opportunities and social mobility.<sup>86</sup> Roma women should be involved in a meaningful and effective way in the design, implementation of such measures within their communities.

### **Equal access to public healthcare**

Healthcare is a main priority area in the NRIS. Securing equal access to quality health services and preventive programmes are among main goals. As the previous RCM reports on Bulgaria point out, the NRIS and its respective action plans do not provide adequate contextual description due to its limited use of relevant data, and they do not take into account good practices from previous programmes for Roma inclusion. Moreover, there is lack of awareness and/or no intention on the part of the government to tackle crucial Roma integration issues. For example, "genetic diseases" are described as one of the primary factors determining Roma health status. This assertion could be considered discriminatory because it has been made without providing any supporting evidence.<sup>87</sup>

An example of structural discrimination could be observed through a complaint issued by *European Roma Rights Centre (ERRC) v. Bulgaria* to the European Committee of Social Rights under the European Social Charter.<sup>88</sup> The complaint holds that "Bulgaria has not taken sufficient action to end racially segregated maternity wards, resulting in inferior and abusive treatment of Roma women in maternity care, as well as the disparate impact of lack of health insurance on Roma women". Despite that the complaint was partially dismissed by the Committee, interviews with Roma women confirm that there is segregation and ill treatment in the maternity wards, saying that "Roma women are only placed with Bulgarians if the 'Roma rooms' on the ward are full".<sup>89</sup>

<sup>84</sup> Bulgarian Helsinki Committee Report on Human Rights, 2018, p. 127, [https://www.bghelsinki.org/media/uploads/annual\\_reports/annual-bhc-report-2018-issn-2367-6930-bg.pdf](https://www.bghelsinki.org/media/uploads/annual_reports/annual-bhc-report-2018-issn-2367-6930-bg.pdf)

<sup>85</sup> National Statistics Institute, <https://www.nsi.bg/bg/content/3037/склучени-бракове-по-области-и-възраст-на-встъпилите-в-брак-лица>

<sup>86</sup> Second EU Minorities and Discrimination Survey – Roma women in nine EU Member states, FRA, [https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2019-eu-minorities-survey-roma-women\\_en.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2019-eu-minorities-survey-roma-women_en.pdf)

<sup>87</sup> Civil society monitoring report on implementation of the national Roma integration strategy in Bulgaria, p.32, <https://cps.ceu.edu/sites/cps.ceu.edu/files/attachment/basicpage/3034/rcm-civil-society-monitoring-report-2-bulgaria-2018-eprint-fin.pdf>

<sup>88</sup> European Roma Rights Centre (ERRC) v. Bulgaria, Complaint No. 151/2017, [https://hudoc.esc.coe.int/eng/#{"ESCDcIdentifier":\["cc-151-2017-dmerits-en"\]}](https://hudoc.esc.coe.int/eng/#{)

<sup>89</sup> 'Roma Segregated' in Bulgarian Maternity Wards, <https://balkaninsight.com/2017/12/18/roma-segregated-in-bulgarian-maternity-wards-12-17-2017/>

### **Trafficking in human beings**

While there is no recent national social science research on the topic, an EU Report reveals that Bulgaria remains one of the primary source countries of human trafficking in the EU and is among the top five countries with the highest convictions for trafficking in human beings for the period 2015-2016.<sup>90</sup> While other EU countries provide statistics on convictions by gender and age, such are missing in the case of Bulgaria. According to a 2019 US government report,<sup>91</sup> Bulgaria does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. While the report acknowledges the State's efforts to allocating more funding for victim services and participating in more international investigations, it points out that the government is lagging behind – authorities investigated and prosecuted fewer trafficking cases. Courts continued to issue suspended sentences for most convicted traffickers. Officials' lack of knowledge of trafficking indicators hindered effective victim identification. Corruption in law enforcement and the judiciary continued to hinder progress, and investigations into complicit officials rarely led to prison sentences. The Bulgarian Helsinki Committee's 2018 report reveals that the victims of sexual exploitation's profile are predominantly young women from ethnic minorities, with low education and facing difficult economic situations,<sup>92</sup> while the US government report clarifies that the victims are Bulgarians of Turkish ethnicity and Roma women and girls, some as young as 13 years old.<sup>93</sup>

<sup>90</sup> Data Collection on Trafficking in Human Beings in the EU, p. 100, [https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-security/20181204\\_data-collection-study.pdf](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-security/20181204_data-collection-study.pdf)

<sup>91</sup> "Trafficking in Persons", US Government Report, June 2019, chapter "Bulgaria" (p.112-113), <https://www.state.gov/wp-content/uploads/2019/06/2019-Trafficking-in-Persons-Report.pdf>

<sup>92</sup> Bulgarian Helsinki Committee Report on Human Rights, 2018, p. 127, [https://www.bghelsinki.org/media/uploads/annual\\_reports/annual-bhc-report-2018-issn-2367-6930-bg.pdf](https://www.bghelsinki.org/media/uploads/annual_reports/annual-bhc-report-2018-issn-2367-6930-bg.pdf)

<sup>93</sup> "Trafficking in Persons", US Government Report, June 2019, chapter "Bulgaria" (p.112-113), <https://www.state.gov/wp-content/uploads/2019/06/2019-Trafficking-in-Persons-Report.pdf>

## SECONDARY SEGREGATION IN EDUCATION

### Definition of the problem

“Secondary segregation” in education is a process of transformation of ethnically mixed schools outside Roma neighbourhoods into segregated schools with only Roma students. The process of secondary segregation has started in parallel with the spontaneous or purposeful desegregation of schools in the Roma neighbourhoods: Bulgarian parents have stopped their children from attending ethnically mixed schools, although the latter were located in neighbourhoods with ethnic Bulgarians. In this way due to the “white flight”, schools located outside the Roma neighbourhoods quickly transformed into schools educating mainly Roma students (especially in primary classes). At the same time the Bulgarian students living near the school would be enrolled in more distant schools with almost no Roma students. As a result, today in big cities and even in small towns, we have both “primarily segregated Roma schools” situated in the Roma neighbourhoods and “secondarily segregated” or schools in the process of segregation outside Roma neighbourhoods. In the same cities, “ethnically-clean Bulgarian schools” have been clearly outlined. This pejorative term is not officially used, but it reflects the vision of their principals, as well as the vision of many of the parents who enrol their children there. They refuse to enrol Roma children, which is part of their strategy of attracting “élite” parents and students. This problem is recognised by official documents of the Ministry of Education, such is the Strategy for Educational Integration of Children and Students from Ethnic Minorities (“... the process of closing segregated kindergarten and schools was stopped and its positive outcomes were minimalised at high degree by the secondary segregation that followed in most of the cases”<sup>94</sup>) and others. Proxy indicator for it is the fact that around one quarter of educational institutions educate children from families with predominantly university education and secondary education: children from families with primary and lower education are less than two percent in them. There are also ethnically mixed schools, where Roma and Bulgarian children sit at one desk. But they find themselves between Scylla and Charybdis – on one hand, the threat of becoming “secondary-segregated” or on the other hand, “ethnically-clean” Bulgarian schools.

Another common form of Roma secondary segregation is their separation into “Roma classes” or “Roma groups” in ethnically-mixed schools and kindergartens, including in separate buildings (located close to the Roma neighbourhood and attended only by Roma) of the same school. This latter form of segregation was outlawed by the new Public Education Act but still exists, nonetheless.

### Background and cause of the problem

More than 60 per cent of Roma are currently educated just with other Roma or mostly with Roma, according to the 2016 EU MIDIS II survey. In many cases this is a question of education in rural schools, where ethnic Bulgarian children are missing for demographic reasons: most of the schools in small settlements are attended only by children of Roma, Turks or Muslim Bulgarians. At the same time, the existence of segregated schools in big cities and smaller towns is an objective fact. In 2005, Yosif Nunev, a researcher and expert at the Ministry of Education and Science (MES), published information about 40 primarily segregated schools located in Roma neighbourhoods where all students are Roma. Around twenty eight other schools listed by Nunev were secondarily segregated schools situated close to the Roma neighbourhoods.<sup>95</sup> With the desegregation process, i.e., the enrolment

<sup>94</sup> Strategy for the Educational Integration of Children and Students from Ethnic Minorities, p. 8.

<sup>95</sup> Nunev, Yosiph, *Romite i procesat na desegregatzia v obrazovaniето [Roma and the process of desegregation in education]*, p. 63-64. Available at: <http://www.amalipe.com/files/publications/desegregation.pdf>

of children from Roma ghettos into ethnically-mixed schools, dozens of schools that originally educated primarily ethnic Bulgarians have become secondarily segregated Roma schools because the ethnic Bulgarian children have been enrolled into other schools with fewer non-ethnic Bulgarians by their parents. No preventive activities were undertaken by the respective municipalities and the MES to stop this “white flight” and secondary segregation.

In recent years, with the increasing percentage of Roma youths training in secondary education, a big number of secondary segregated high schools or vocational high schools educating primarily Roma appeared.<sup>96</sup> The decreasing share of ethnic Bulgarians in the villages combined with the increasing level of anti-Roma stereotypes led to “white flight” in the many rural schools especially schools situated close to the big cities like Sliven, Yambul, etc.

The MES ceased to collect information about the ethnic composition of the schools in 2010 after that data collection was scandalised in the Parliament. Nevertheless, since 2017, all schools and kindergartens are expected to submit information about parents’ educational status through the National Information System of Pre-school and School Education.<sup>97</sup> Although ethnic information is not being collected, the picture of the parental educational status per school coincides to a relatively high degree with parents’ ethnicities. The information from 2017 reveals a quite disturbing picture of educational segregation in pre-school and primary education:

- In every fifth educational institution (748 schools and kindergartens out of 3,371 that have submitted information), between 80 and 100 per cent of parents have less than a secondary education. Most of these schools, especially the urban ones, can be qualified as segregated because they do not reflect the educational status of the population in the respective city or town. Almost all of the primary segregated Roma schools from the big Roma neighbourhood could be found in this category.
- 17.71 per cent (or 597) institutions are mixed, but with advancing secondary segregation;
- only one-third (or 1,123) of the schools and kindergartens are mixed without serious threat of secondary segregation, since the share of less-educated parents is between 10 and 30 per cent, like the national figures;
- every fourth school or kindergarten (26.79 per cent, or 903) is attended by children of highly educated parents (the so-called “élite” schools and kindergartens); Roma children are quite an exception to the rule in such facilities.

Huge majority of the institutions with concentration of vulnerable groups is situated in the villages. As explained above, this situation is relatively natural since most of the citizens of villages and rural areas are Roma and Turks so we cannot define these schools and kindergartens as segregated. At the same time in many urban cities and in smaller towns the number of segregated schools and schools in the process of secondary segregation is permanently increasing. The table below presents a picture about the situation in 2017:

<b>educational institution</b>	<b>between 80 and 100% parents with low education</b>	<b>between 30 and 80% parents with low education</b>
overall	748	597
in district cities	74	51
in smaller towns	70	46
in villages	604	500

<sup>96</sup> Although gender-sensitive statistics on this topic are not available, the Roma scholarship programme for secondary students shows that there has been a significant advance in accelerating the participation of Roma girls in secondary education.

<sup>97</sup> <http://safeschool.mon.bg/>

We cannot state all of these schools are attended by Roma students; according to the last population census Turkish minority also has a relatively low educational status and some groups of ethnic Bulgarians, too. Nevertheless, the picture of segregation on the basis of education almost fully coincide with the ethnic segregation in education.

Analysing the course for educational segregation of Roma children we have to take into account two combinations of factors:

1. The housing segregation of Roma in big or smaller Roma neighbourhoods combined with the willingness of most of the parents to educate the children closer to their living places lead to appearance of primary segregated Roma schools. The communist regime strongly contributed for it building schools in the Roma neighbourhoods. In addition, during this period it was obligatory children to attend the closest school to their living places.
2. The right of parents to choose freely the school for their children (introduced in 1991 and confirmed also by the present Public Education Act) combined with the anti-Roma stereotypes and the rise of antigypsyism leads to secondary segregation.

As explained in the [RCM's second report on Bulgaria](#), segregated "Roma schools" in Bulgaria educate children according to the same curriculum and standards as other schools, but the educational quality in most of them is significantly lower, the dropout rate is high, and the number of continuing students in secondary schools and universities is negligible.<sup>98</sup> In the last two years certain improvement is achieved regarding reducing the dropout rates and enrolment in secondary schools. Nevertheless, the quality of education in the segregated schools remains significantly lower compared to the other schools. There is no system for measuring the quality of School education in Bulgaria; the National Assessment and Accreditation Agency is just established but overall assessment of all schools in Bulgaria is still not done. Nevertheless, we can use as proxy source of information the grouping of all schools into seven sets according to access to education levels and quality of education that was used by the MES in 2016 and 2017.<sup>99</sup> Almost all the segregated "Roma schools" were categorised as belonging to the most troubled (first and second) groups. Here we can find almost all of the primary segregated schools, most of the secondary segregated ones and many schools in process of secondary segregation. "Roma schools" could be found also in the middle level performing categories (3 and 4): secondary segregated schools outside Roma neighbourhoods and schools in the process of secondary segregation. Only two primary segregated schools in the Roma neighbourhoods are included here. Schools that educate Roma children are included also in the categories of the best performing schools (5, 6, 7): for example, 62 schools from the Network of Centre *Amalipe* are in this category. Most of them are ethnically mixed schools or rural village schools.

<sup>98</sup> Roma Civil Monitor. *Civil society monitoring report on implementation of the national Roma integration strategy in Bulgaria. Assessing the progress in four key policy areas of the strategy*, 2019, p. 56.

<sup>99</sup> The grouping for the project „Your Hour“ financed by the Science and Education for Smart Growth Operational Programme was made according to 15 indicators. See: Order of Minister of Education RD 09-1072/10.08.2016, which groups the schools.

Below we provide a table about the schools with concentration of students from vulnerable groups in Sofia:

Schools with concentration of students from vulnerable groups	School performance according to MES data for <i>Your Lessons</i> project		
	Low performing categories	Middle level performing categories	Best performing categories
Segregated schools (80-100%) in Roma neighbourhoods	2	0	0
Secondary segregated schools outside Roma neighbourhood	11	2	0
Schools in process of secondary segregation	3	3	0

## Policy answer to the problem

Desegregating urban “Roma schools” has been a main goal of the Roma movement in Bulgaria since the 1990s. It was also highlighted as a priority in several political documents from the Bulgarian government – Framework Programme for Equal Integration of Roma in Bulgarian Society in 1999, the Strategy for the Educational Integration of Children and Students from Ethnic Minorities<sup>100</sup> and the NRIS.<sup>101</sup> Nevertheless, they recognise mainly the problem with primary segregated schools situated in the big Roma neighbourhoods. For example, the NRIS sets a specific goal “Ensuring the right to equal access to quality education, including by integrating Roma children and students in ethnically mixed kindergartens and schools” and does not mention the secondary segregation as a problem. Only the Strategy for Educational Integration of Children and Students from Ethnic Minorities in 2015 pays attention to the secondary segregation. It sets specific target 9 “Incorporating in the municipal plans for integration of ethnic minorities of targeted measures for overcoming the secondary segregation...” within the strategic goal 1. “Socialization of children and students from ethnic minorities”.<sup>102</sup>

During the preparation of the present Public Education Act a coalition of Roma and pro-Roma organisations led by *Amalipe* undertook advocacy activities for incorporating ban for segregated classes, for segregated schools and introduction of State standard for intercultural education. Thanks to the advocacy of Roma organisations, the Pre-School and School Education Act, in force since 1 August 2016, prohibits ethnic segregation at the school level. Article 99, paragraph 4 stipulates that “when pupils of a different ethnic background are enrolled into the same class, they are not allowed to be divided into different classes based on their ethnicity”. Paragraph 6 of the same article prescribes this requirement for ethnically mixed vocational schools. The law also prohibits segregation at the kindergarten-level. Article 62, paragraph 4 stipulates that “when children of different ethnic backgrounds of the same age are enrolled in kindergarten, they are not allowed to be divided into groups under paragraph 1 based on their ethnicity”.

These norms are the first of their kind ever provided in an act of such a high level in Bulgaria. In practical terms, they mean a ban on the existing vicious practice in ethnically-mixed schools and kindergartens of forming mono-ethnic (“Roma”) classes and groups, as a result of which children from different ethnic groups do not actually communicate with each other in school, and the quality of education in the so-called “Roma classes” is very low. Unfortunately, the Parliament did not accept wording prohibiting segregated schools in settlements with students from different ethnic groups despite the advocacy of Roma

<sup>100</sup> Approved by the Minister of Education in 2004 and updated in 2010 and 2015. Available at: <https://www.mon.bg/?go=page&pageId=74&subpageId=143>

<sup>101</sup> Approved by a decision of the National Assembly of 1 March 2012. Available at: [http://ec.europa.eu/justice/discrimination/files/roma\\_bulgaria\\_strategy\\_en.pdf](http://ec.europa.eu/justice/discrimination/files/roma_bulgaria_strategy_en.pdf)

<sup>102</sup> *Strategy for the Educational Integration of Children and Students from Ethnic Minorities*, p. 13.

and pro-Roma organisations on this issue.<sup>103</sup> There was not enough political will among MPs from different political parties for banning the segregated schools with the arguments that this should be municipal policies based on the specific context in every municipality.

Although Article 99 of the Pre-School and School Education Act that bans segregated classes is in force since 2016, the MES and its regional branches have not undertaken action for enforcing it. As explained in the [RCM's second report](#), "there is no data how the anti-segregation provisions in the law are respected. Certain advances can be observed: for example, in 2018 the MES did not grant the status of "innovative school" to applicants who proposed the "innovation" of creating a "special curriculum" for their Roma children, and the provisions of the new Public Education Act were the argument for the refusal to recognize such an "innovation".<sup>104</sup>

The distribution of students in the different classes is within the responsibilities of the school principal. The MES and the Regional Inspectorates of Education have the responsibility to oversee the overall implementation of the Public Education Act by school principals. This includes also monitoring the obligation for avoiding class segregation.

According to Roma activists the MES usually reacts to cases of segregated classes when they are submitted by NGOs but does not undertake its own pro-active investigations.<sup>105</sup> At the same time, there are cases when the MES and especially its regional structures react in a controversial way. For example, school principal in the town of Samokov reported that her school is ethnically mixed but it is on permanent menace for becoming secondary segregated school because many new Roma parents want to enrol their children in the school and if this happens Bulgarian children will become a minority and their parents will remove them. The Regional Inspectorate of Education did not help the principal but get the opposite – she was punished.<sup>106</sup>

Among the positive developments in the policy of the MES in the last two years, it would be stressed:

1. In March 2018, the MES changed Order 10 in a way to support desegregation and avoiding secondary segregation. Since 2016, certain municipalities, especially the biggest cities (Sofia, Plovdiv and Burgas) have introduced preference/obligation children to attend the closest school. This obligation has threatened the desegregation efforts. In order to avoid this menace, the MES has allowed school principals to enrol up to ten per cent more students who come from Roma neighbourhoods and want to study in schools outside Roma neighbourhoods. In this way, desegregation of Roma from big urban neighbourhoods could be done without the menace of secondary segregation. This has been the case in Sofia, for example. Due to this change the desegregation processes initiated and implemented by Sofia municipality was further supported and there were no steps back;

2. In 2019, the MES introduced for first time National Programme for Desegregation financed by the State budget.<sup>107</sup> In order to avoid secondary segregation, the programme requires children to be enrolled in schools with small concentration of children from vulnerable groups. Unfortunately, only six municipalities applied within the programme

<sup>103</sup> For more information and analysis of anti-segregation texts in the new Education Act, see: <http://amalipe.com/index.php?nav=news&id=2689&lang=2>

<sup>104</sup> Roma Civil Monitor. *Civil society monitoring report on implementation of the national Roma integration strategy in Bulgaria. Assessing the progress in four key policy areas of the strategy*, 2019, p. 56.

<sup>105</sup> Focus group with Roma NGOs.

<sup>106</sup> Interview with school principal.

<sup>107</sup> <http://coiduem.mon.bg/2019/04/25/%d0%bd%d0%b0%bd1%86%d0%b8%d0%be%d0%bd%d0%b0%d0%bb%d0%bd%d0%b0-%d0%bf%d1%80%d0%be%d0%b3%d1%80%d0%b0%d0%bc%d0%b0-%d0%bf%d0%be%d0%b4%d0%bf%d0%be%d0%bc%d0%b0%d0%b3%d0%b0%d0%bd%d0%b5-%d0%bd%d0%b0-%d0%be/>

that could be explained with the local elections. The national programme on will continue in the next years. This programme was one of the suggestions of *Amalipe* and organisations from the Roma Integration Network. It is not properly designed but still it is a positive first step for engaging the State budget.<sup>108</sup>

<sup>108</sup> More information see at: <http://amalipe.com/index.php?nav=news&id=3530&lang=2>

## RECOMMENDATIONS

### Social prejudice and hate speech towards Roma

#### **To the Council of Ministers:**

1. Bulgaria should ensure compliance with EU and international standards against hate speech, improve legal procedures, data collection, identification and monitoring and adequate investigation of hate speech and hate crime.
2. Victim support mechanisms must be in place to ensure support to victims of hate speech and crime, including free legal aid.

#### **To the Parliament:**

3. The Criminal Code's Article 162 that recognises the hate speech as a crime should be duly enforced – currently, in many cases, neither the Commission Against Discrimination nor the prosecutor's office recognise pure cases of dehumanisation, ethicising the crimes, as well as clearly offensive labels (such as a "Braziers").
4. There are decisions of the European Court of Human Rights acknowledging that the freedom of speech should not be exercised when it affects one's dignity or promotes or disseminates hate or racist speech. The Bulgarian legislators do not respect that and there should be a definitive legislative improvement in the penal code in that respect.

#### **To the Prosecutor's Office and Commission for Protection from Discrimination:**

5. There is a need of training to police, prosecutors and judges to recognise the hate crimes as such (and not as hooliganism as they are often labelled with concern with Neo-Nazi attacks) and prosecute accordingly.

#### **To the Council for Electronic Media:**

6. There is a need of awareness raising of the media that hate speech or incitement to violence or hatred are a human rights violation and contrary to the Audio-visual Media Services Directive 2010/13/EU. There is a need of more efficient media supervision, as the current work of Council on Electronic Media is not efficient.
7. Public officials and politicians, as well as the media should assume their collective responsibility to promote societies that are tolerant and inclusive.

### Case study: Gabrovo – from hate speech to hate crimes

#### **To the Council of Ministers:**

8. Not to approve the Karakachanov's "Roma concept", which violate human rights, criminalises and victimise Roma. Any form of approval will be a strong negative sign to the Roma community, civil society organisations and international human rights community and democratic principles. It will mark a negative change in the Roma integration policy. Bulgarian government should re-confirm the main approach of the present NRIS instead of changing it.
9. To prepare the new NRIS in a very inclusive way involving Roma community, civil society and all responsible institutions on an equal footing. The model of preparing the present NRIS – involving all stakeholders including civil society from the very beginning – was very successful and should be repeated. The new NRIS should preserve the strengths of the present one and to further develop them for approval by the Parliament. It should include targets for social inclusion; overcoming discrimination and antigypsyism; empowerment of the Roma community;

encouraging interculturalism and creating favourable public environment. The funds needed for NRIS implementation should be ensured by the State budget and EU funds.

10. To prepare and implement a communication strategy in order to increase awareness of the broader public about the importance of Roma integration and its benefits. It should contain measures for decreasing the anti-Roma rhetoric of politicians and journalists among others.
11. To undertake preventive measures for avoiding ethnic tensions and conflicts as well as to react promptly, efficiently and without bias in case of existing one.

**To the Prosecutor's Office and Commission for Protection from Discrimination:**

12. To undertake timely, effective and unbiased measures against the hate speech of politicians and journalists among others.
13. To ensure adequate and fair investigation and prosecution of hate speech and hate crime without political interference or bias. Ensure that victims have access to effective remedies and protection.
14. To ensure alignment and implementation of the Bulgarian legislation on hate speech and hate crime with EU and international standards on hate speech and fundamental rights.

## Gender equality and violence against women

**To the Parliament and Council of Ministers:**

15. To adopt a definition of gender-based violence in the Bulgarian legislation in order to better address survivors' needs and introduce prevention strategies;
16. To introduce the principle of gender mainstreaming in all priority areas that recognise and prioritise the vulnerable situation of Roma women in the future NRIS and Action Plans. Such measures should be designed and implemented with the involvement of representatives of Roma communities, especially Roma women, at national and local levels.
17. To assess Roma women's access to justice and the impact of the international, national and local strategies on gender equality; define the necessary gender equality indicators for the NRIS, to monitor and evaluate the impact of relevant actions, policies and programmes, and to assess the tendencies regarding the situation and relative status of Roma women and men, in different fields of life.
18. To adopt a Strategy for Counteracting Child Poverty, allowing for an analysis of the mechanisms for intergenerational poverty and planning a complex of measures for support of Roma children and their families in all fields – employment, integrated social services, education and health. Counteracting child poverty to be a priority reinforced in the post-2020 NRIS.

**To the Ministry of Justice:**

19. To promote the formulation and/or modification of free legal aid programmes to facilitate access to justice for Roma women that would allow them to freely articulate and enjoy their rights.
20. To introduce sustainable long-term State funding for projects and programmes for combating domestic violence (and other types of gender-based violence), including programmes and services for women and children victims of domestic violence, like increasing the number and capacity of crisis shelters across Bulgaria.

### **To the Ministry of Health**

21. Broaden the range of healthcare services that are available and accessible for uninsured women; these services should be of high-quality, respecting parents' right to fully informed consent, the rules of confidentiality, the principles of dignity, sensitivity, and equal treatment, with special attention to the health needs and rights of women belonging to vulnerable and disadvantaged social groups.

### **To the Ministry of Labour and Social Policy:**

22. To develop and introduce capacity-building training programmes for the representatives of social and health services, for the police and NGOs in order to improve coordination and the response mechanism regarding cases of domestic and sexual violence.
23. To develop and implement, among others, vocational training programmes and mentoring programmes, and organise job fairs, with the involvement of Employment Bureaus at municipal levels, aimed at increasing the employment of Roma women, and counteracting the feminisation of poverty.

### **To the Ministry of Youth and Science:**

24. The Bulgarian government should increase its efforts to systematically promote education on sexual and reproductive health rights and to target adolescent girls and boys, with special attention to the prevention of early pregnancies; and to provide adequate family planning counselling services and access to affordable methods of contraception.
25. To introduce prevention and awareness-raising programmes for young people, with the aim of countering gender-based violence, discrimination and hate speech in and out of schools.

### **To the National Statistical Institute:**

26. Data and statistics disaggregated by gender and ethnicity are urgently needed for tailoring relevant approaches and better policies aimed at empowering Roma women.

## **Secondary segregation in education**

### **To the Ministry of Education and Science:**

27. To support inclusive, ethnically mixed education, prevention of secondary segregation and the desegregation of „Roma“ schools through:
  - purposefully organising the implementation of the anti-segregation texts in the Pre-School and School Education Act, including by imposing penalties for principals who do not comply with those articles;
  - paying specific attention to and implementing measures for avoiding secondary segregation;
  - directing the necessary financial resources at local level for implementing local desegregation policies.
28. To change the State standard for civic, health, environmental and intercultural education by limiting the number of years a child can be educated in a mono-ethnic environment (in settlements with ethnically mixed population), introducing obligation for avoiding/overcoming secondary segregation and expanding opportunities for studying intercultural education, including in the child's mother tongue.
29. To continue the national programme for supporting desegregation and change it in a way to include public awareness activities and participation of local communities and NGOs.

**To the Parliament:**

30. To introduce legislative changes:

- To restrict segregated education in schools with students from one ethnicity located in multi-ethnic settlements.
- To introduce obligation for avoiding/overcoming secondary segregation. This obligation should include a mechanism to oblige municipalities to react and take sharp measures to cease such processes

**To municipalities:**

31. To implement in cooperation with the local communities and NGOs systematic, comprehensive actions at municipal level for Roma educational integration that includes, inter alia:

- supporting systematically and purposefully the schools that integrate Roma students, including through additional components under the delegated budget formula.
- implementing initiatives aimed at desegregation at municipal level, including closure or transformation of segregated "Roma schools", prevention of segregation and integration of Roma students into ethnically mixed schools.

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