



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

Focusing on structural and horizontal preconditions
for successful implementation of the strategy

Prepared by:

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**Civil Society Monitoring Report
on Implementation of the
National Roma Integration Strategy
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Although the Roma Civil Monitor pilot project, as part of which the report was prepared, is coordinated by CEU, the report represents the findings of the authors and it does not necessarily reflect the views of CEU. CEU cannot be held responsible for any use which may be made of the information contained therein.

CONTENTS

LIST OF ABBREVIATIONS	6
INTRODUCTION	9
EXECUTIVE SUMMARY	7
GOVERNANCE AND OVERALL POLICY FRAMEWORK	9
Representing the interests of Roma in the Parliament	10
Mainstreaming Roma inclusion across ministries and other national level public authorities.....	12
Mainstreaming Roma inclusion across local authorities	13
Promoting empowerment and participation of Roma	15
Guarantees for the effectiveness of programmes with the largest budgets.....	16
Civil society’s access to funding for Roma inclusion activities	19
Availability of reliable data on the situation of Roma	20
Policies and measures addressing specific needs of Roma women, children and youth.....	21
ANTIDISCRIMINATION.....	23
Implementing the Racial Equality Directive.....	23
Educational and residential segregation.....	25
Forced evictions	28
Discriminatory behaviour by police, misconduct by prosecutors or courts	31
Access to identity papers.....	33
ADDRESSING ANTIGYPSYISM.....	34
Institutional settings for fighting discrimination and addressing antigypsyism	34
Countering hate crime and hate speech against Roma, and antigypsyist rhetoric of politicians, public figures and media	36
Analysing and forming narratives and attitudes towards Roma	39
IMPACT OF MAINSTREAM EDUCATION POLICIES ON ROMA.....	41
Access to quality early childhood education and care services, especially kindergarten.....	41
Promoting integrated education	43
Avoiding early determination of school career (early tracking)	46
Eliminating grade repetition.....	46
Targeting disadvantaged schools.....	47
COMPREHENSIVE LOCAL CASE STUDY – PLODIV	51
RECOMMENDATIONS	56
BIBLIOGRAPHY	60

LIST OF ABBREVIATIONS

BGN	Bulgarian Lev (currency)
BHC	Bulgarian Helsinki Committee
BSP	Bulgarian Socialist Party
CEICSEM	Centre for Educational Integration of Children and Students from Ethnic Minorities
CEM	Council for Electronic Media
CPD	Commission for Protection against Discrimination
EAFRD	European Agricultural Fund for Rural Development
ECRI	European Commission against Racism and Intolerance
ECtHR	European Court for Human Rights
EEA	European Economic Area
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
GERB	Citizens for European Development of Bulgaria (political party)
HRDOP	Human Resources Development Operational Programme
ISCED	International Standard Classification of Education
MEP	Member of European Parliament
MES	Ministry of Education and Science
MLSP	Ministry of Labour and Social Policy
MP	Member of Parliament
MRDPW	Ministry of Regional Development and Public Works
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
PDA	Protection against Discrimination Act
RDOP	Regions in Growth Operational Programme
REF	Roma Education Fund
SESGOP	Science and Education for Smart Growth Operational Programme
TSA	Trust for Social Achievement

EXECUTIVE SUMMARY

As in previous years, the period of 2016-2017 does not mark any significant advances in the implementation of the NRIS. Improvements have been observed in the usage of EU funds for Roma inclusion (especially ESF and partly ERDF funds, 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 of the National Roma Contact Point (NRCP) and the consultative process with civil society) and antigypsyism (with a significant rise in anti-Roma rhetoric, publications and even actions). Serious challenges, however, remain in all fields.

Governance and overall policy framework

The overall political context for Roma integration has encountered controversial developments over the last year. On the one hand, the parliamentary majority established both before and after the general elections in March 2017 and the governing coalition for the past eight months include nationalist parties known for their anti-Roma rhetoric. On the other hand, some current mainstream policies of the current Government have a real opportunity to accelerate Roma integration, especially in the field of education.

The period of 2016-2017 marked the full collapse of the legitimacy of both the NRCP and the National Council for Cooperation on Ethnic and Integration Issues (NCCEII), which have been fully abandoned by the Roma NGOs and cannot implement their consultative and coordination roles. The policy dialogue between the Government and the Roma organisations is not terminated but occurs through other consultative formats (such as the Monitoring Committees of the EU co-funded Operational Programmes) and direct dialogue between NGOs and institutions.

The usage of EU funds for Roma inclusion has increased significantly during this period. Combined with absent or low state budget investment and the crises of the NCCEII, this has gradually converted the use of these funds from technical means to ones that combine policy design and policy implementation.

Antidiscrimination

Bulgaria has a relatively well-developed legislative and institutional framework for protection against discrimination and respecting individual human rights. The Protection against Discrimination Act fully transposes the Racial Equality Directive and, practically speaking, its provisions have been implemented in Bulgaria during the last 10 years through the practice of the Commission for Protection against Discrimination (CPD).

However, certain key problems remain, and a negative trend was even noted during the evaluated period. Leading human rights activists have the impression from the CPD's work that the CPD is doing well with minor cases of discrimination but avoids dealing with more serious cases and with cases involving public authorities. This applies, for example, to cases of demolition of Roma-occupied houses as well as cases of discrimination by police officers, who are protected from prosecution. The regional representatives of the CPD are willing to participate in information events organized by NGOs, but their interaction with NGOs is usually limited to this kind of contact only. There is no anti-discrimination or anti-racism plan at national level.

At the same time, the CPD is sensitive to civil society pressure. Therefore, it is necessary actively seek authoritative NGOs and public actors to supervise its activity, so it can become more determined in combating ethnic discrimination.

Addressing antigypsyism

The growth of antigypsyism is one of the biggest obstacles facing the NRIS implementation.

The evaluated period marked a significant rise in anti-Roma rhetoric (including by high-level politicians), racist publications, and conflicts.

Bulgaria has an institutional and legislative system in place to guarantee and protect human rights according to the requirements of European and international legislation, but there is no effective application of these legal mechanisms. This does not stop the growth of antigypsyism.

There is no significant public investment by public institutions from the state budget in forming positive attitudes towards Roma. There are many encouraging examples from the work of different civil society actors funded by private donors or international programs (financed by European Commission, Fundamental Rights Agency, etc.) The projects and programmes that aim to prevent antigypsyism are also managed mainly by civil society actors.

The only positive tendency that exists in the present programme period is the opportunity to use European structural funds – mainly the ESF, but also the ERDF – for activities fighting antigypsyism. This option is not yet used at present.

Impact of mainstream education policy on Roma

The field of education marks the area of the most significant advance in NRIS implementation. The developments in mainstream education policy and the political attention on ensuring full attendance in pre-school and primary school education (which became a top-priority for the current government) are among the main reasons for the advance of educational integration.

The attendance of Roma children in pre-school education has increased but still is below average. The existence of financial barriers (e.g., kindergarten fees), the lack of an intercultural perspective, and the lack of modern teaching methods that take into account the specifics of Roma children and parents form the most serious challenges regarding their access to quality pre-school education.

A significant advance has been achieved regarding the enrolment of Roma in primary school and reducing the dropout rate. Certain challenges remain, especially in ensuring enrolment into secondary schools (grade 8-12) and developing of education in rural areas.

The period under review revealed significant remaining challenges in promoting ethnically-mixed, inclusive education and desegregation. Persistent challenges also remain obvious in increasing learning results and quality of education. The new model of financing the school system provides hope for better targeting of resources for disadvantaged schools.

Case Studies

The case study tracks the progress in the implementation of the Action Plan of the Municipality of Plovdiv for the Integration of Ethnic Groups and Other Socially Vulnerable Groups. Although the Plan and similar political documents reflect the will of the Municipality to solve the problems of different ethnic groups, the good intentions of the authorities cannot be traced or measured. Due to the fact that there is no mechanism for monitoring the implementation of the municipal plan and that the budget envisaged in it is indicative and mainly relies on project funding, it cannot be estimated what has changed or will change in the life of the population as a result of such policies. This gives reason to state that the Plan was created because of such a document was required, not because its implementation in practice is desired.¹

¹ Similar situation could be found in many other municipalities while there are also positive cases of Municipal Plans and municipalities where municipal involvement and NGO involvement bring results: f.e. Tundja, Pavlikeni, etc.

INTRODUCTION

After a consultation process that took place during the second half of 2011, the Bulgarian Council of Ministers adopted the National Strategy of the Republic of Bulgaria for Roma Integration (NRIS) and its Action Plan on 21 December 2011. Following the request of Roma NGOs, the Strategy was proposed to the Parliament and 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. The added value of the Action Plan was limited by a lack of financial backup for most of its activities and an absence of new activities that would be different from the ones performed at present.

The present report evaluates the NRIS implementation in 2016-2017. A wide range of methods was used in the development of this report. The desk review included analysis of existing data from the census, large-sample standard surveys (national and EU ones), specific surveys, (FRA, Open Society Institute, Ministry of Education, Bulgarian Helsinki Committee, Center Amalipe, Equal Opportunities Foundation and others), sectoral databases in education and anti-discrimination provided by the responsible institutions, as well as media and social media publications. More than 30 interviews and written communications with the main stakeholders were carried out with the relevant politicians, policy makers and officials of line ministries (Ministry of Education, Ministry of Regional Development, Council of Ministers, Commission for Protection against Discrimination), the National Roma Contact Point, Regional Inspectorates of Education, local authorities, principals, teachers, civil society representatives (NGO activists, participants of coordinating structures (such as the Monitoring Committees of the Operational Programmes, etc.), Roma community leaders, community members, researchers and consultants. Information from concrete cases from the field (Plovdiv, Samokov and others) was used as well.

When organising the report's development, the project partners stressed the principles of Roma participation and developing the capacity of Roma organisations to monitor the implementation of public policies and to advocate for a transparent, effective and efficient Roma integration policy. We strived to make the voices of Roma better heard through the report. Since the Roma community is not homogenous in social and ethno-cultural terms, the partners intend rather to coordinate these different voices and to propose possible harmonies on certain key topics rather than to pretend they are unified into one voice only.

The first draft of the paper, its conclusions and recommendations were discussed with Roma and pro-Roma NGOs, Roma city councillors, mediators and teachers on 6 December 2017. This consultative forum also brought together organisations and activists who did not take part in the report's development in order to let them share their positions and make the process as inclusive as possible.

GOVERNANCE AND OVERALL POLICY FRAMEWORK

Representing the interests of Roma in the Parliament

All Roma who have reached the age of 18, are Bulgarian citizens, and have not been placed under any form of individual injunction or imprisonment may vote and be elected. The difficulties encountered by Roma in voting are mainly related to the fact that mainstream political parties neglect actual Roma participation in political life and to the attempts by part of the political elite to control and buy the Roma vote. A beneficial context for this behaviour is the combination of the following:

- Low educational attainment among Roma in Bulgaria (approximately 90% of Roma over the age of 18 have only a lower secondary education [ISCED definition] or less²);
- Disproportionately low Roma participation in the mainstream political parties (mainly at the lowest levels) and a low tendency towards political self-organisation at levels beyond that of municipalities;
- Detachment of the national political debate from the real problems of Bulgarian citizens, especially the problems of the Roma.

All this, in some cases, leads to the electorate's inability to read and understand political messages the way they are formulated at the moment (a problem that is not typical of Roma only) and to a strong alienation from political life. For this reason, the vote in Roma communities becomes highly dependent on local opinion makers: political leaders, NGO activists, pastors and mullahs, businesspeople (i.e., those who employ the people in a neighbourhood), shopkeepers, and money-lenders. In some cases, this leads to proven control of the vote by these opinion-makers. However, it is important to emphasise the dual essence of this vote control. On the one hand it is "commissioned" by political parties and politicians outside the Roma community, while on the other hand, in most cases, it is not directly performed by party activists from outside the Roma community but happens within the Roma communities themselves, with Roma community leaders being tempted by promises of future access to financial resources or power to achieve specific results in a given precinct.³

As an attempt to terminate the practice of buying or controlling votes through so-called "vote tourism", the rule of settlement was introduced in 2014 requiring voters to have lived for the past six months in the respective settlement where they are registered to vote (according to Article 396, paragraph 1 of the Election Code). In practice, this provision affects, on the one hand, all persons with Bulgarian citizenship who have chosen to live and work abroad, such as in Turkey, and on the other hand Roma citizens who are more mobile than others, both in terms of emigration and of domestic migration. A large part of the population of any given segregated area cannot prove six months' settlement in any specific place and is therefore neither physically nor financially capable of travelling to exercise the vote at their place of formal registration. In fact, this provision also affects thousands of Bulgarian citizens living abroad.

Bulgaria has a long tradition of Roma fighting for their electoral and political rights. In fact, organised Roma civic participation began as early as 1905 with a congress initiated

² Census 2011, Vol. 1, book 2, http://statlib.nsi.bg:8181/isisbgstat/ssp/fulltext.asp?content=/FullT/FulltOpen/P_22_2011_T1_KN2.pdf

³ Pamporov, A. 2006 *Romani everyday life in Bulgaria*. Sofia: IMIR; Pamporov, A. 2008 "To buy the votes?" Observing Minority's participation in Elections in Bulgaria in: *Civil society participation in democratic elections* International Seminar Proceedings. p.84-85. Ulaanbaatar: OSF Mongolia.

by Ramadan Ali that aimed to organise Roma protests against the abolition of the voting rights of the Muslim Roma (at that time, the majority of the Roma) and itinerant Roma in 1901. From 1946 to 1989, Roma candidates were regularly elected to the National Assembly and the Central Committee of the Bulgarian Communist Party, although there were cases where, because of their activity and their attempts at pro-Roma policies, some Roma leaders were subsequently forcibly interned in settlements remote from the capital (e.g., Shakir Pashov, Manush Romanov).

At the start of the transition, during the formation of the 7th Great National Assembly (1990-1991), which was to elaborate and adopt the new democratic constitution, three Roma took part: Manush Romanov, Petar Aleksandrov, and Sabi Golemanov. After that, Roma have been seated in almost every National Assembly (see table below). It should be noted, however, that taking into account the official relative proportion of Roma in the population, the Roma ethnic group is strikingly underrepresented even though there are Roma members of the National Assembly.

Number of Roma MPs:

Mandate	Number of Roma MPs	Party affiliation
1990-1991	3	Union of Democratic Powers, Bulgarian Socialist Party (BSP)
1991-1994	none	
1995-1997	2	Bulgarian Socialist Party
1997-2001	2	Union of Democratic Powers; Bulgarian Business Block
2001-2005	2	National Movement Simeon the Second, Bulgarian Socialist Party
2005-2009	1	Bulgarian Socialist Party
2009-2013	1	Evrroma (in coalition with BSP)
2013-2014	none	
2014-2017	2	Movement for Rights and Freedoms
2017-current	none	

Source: Pamporov, 2016, "Political representation of Roma in Bulgaria: State of the Art and Trends". Public lecture given for Dimiter Panitsa Political School and New Road Hajredin⁴

In Bulgaria, the issue of Roma integration has been delegated to the executive authorities through the National Council for Cooperation on Ethnic and Integration Issues (NCCEII). At the National Assembly, only within parliamentary scrutiny are questions raised to the Minister of Interior concerning the ethnic tensions that have occurred (e.g., in Asenovgrad, Garmen, and Katunitsa); to the Minister of Education in connection with "positive discrimination measures" for providing scholarships for Roma secondary students; or to the Minister of Health in the case of incidents with emergency response teams. Sessions have been held in connection with the National Roma Integration Strategy when submitting the bill or for its annual report. Although the Strategy itself was approved by a Decision of the Parliament on 1 March 2012 and required an Annual Monitoring Report about its implementation, the only such plenary session was held on 5 July 2017 to discuss the NRIS Administrative Monitoring Report for 2016.

The debate clearly showed the dissatisfaction with the status of the integration process and the implementation of the Roma integration policies (shared by representatives of all

⁴ Available at URL: <http://project.newroad-hajredin.org/documents.htm>.

parties) as well as the existence of deep prejudices against the Roma among many MPs (mainly from the extreme nationalist spectrum, but also among representatives of the Citizens for European Development of Bulgaria (GERB) party (the biggest right-centrist party) and the Socialist Party).⁵

Currently the United Patriots Coalition in the National Assembly includes three parties with traditional anti-Roma rhetoric and anti-Roma policies. One of the leaders of this coalition, Deputy Prime Minister Valeri Simeonov, defined Roma as: "... arrogant, insolent, and ferocious pongids", and Roma women as "stray bitches" when he was an MP during the 2015-2017 National Assembly.⁶

Another representative of this coalition is MEP Angel Dzhambazki, who systematically, in interviews, blogs, and posts, calls Roma "non-humans".

MP Stanislav Stanilov (from the same coalition) systematically calls Roma "social nomads", which has the connotation of "social system parasites", when speaking on the floor of the legislature.

In 2014, the Patriotic Front's political programme included the following proposals concerning the Roma in Bulgaria:

- The children of ethnic groups with a mother tongue other than Bulgarian must take a language test one year before going to school;
- Separate settlements should be created outside the large settlements, using deserted state wagons;
- Birth limitation: limiting the number of children in Roma families.

In the programmes of the other parties represented in the National Assembly – especially GERB, Bulgarian Socialist Party, and Movement for Rights and Freedom,⁷ there are no such anti-Roma messages and, at least nominally, they adhere to a policy of support for integration and interethnic peace. The programme of the present Bulgarian government (a coalition between the right-centrist party GERB and the United Patriots Coalition) does not include any anti-Roma points.⁸

Mainstreaming Roma inclusion across ministries and other national level public authorities

In the last few years, Roma integration has been implemented through the National Roma Integration Strategy of the Republic of Bulgaria for 2012-2020. The Strategy is a political framework document setting the guidelines for the implementation of Roma social inclusion policy. The strategy covers six main priorities: education, healthcare, housing, employment, rule of law and non-discrimination, culture, and media.

Part "VII. Mechanisms for implementation of the integration policy" of the NRIS re-affirmed the existing institutional framework and division of responsibilities regarding Roma-related policies established within EU and NATO accession. The executive institutions retained their role of managing integration policy in certain fields (for

⁵ For information about the debate, analysis, and a summary of the speeches, please visit: <http://amalipe.com/index.php?nav=projects&id=116&lang=1>.

⁶ http://www.dnevnik.bg/bulgaria/2014/12/17/2440008_dps_e_uzurpiralo_pravoto_da_predstavliava_ciganite_i/.

⁷ This party is associated with the Turkish minority and the Muslims although some of its MPs are ethnic Bulgarians and Christians. Two Roma were also elected from MRF lists in the Parliament 2014-2017.

⁸ http://www.government.bg/fce/001/0211/files/GovPr_2017-2021.pdf.

example, the Ministry of Education is responsible for educational integration, etc.) and the coordinating role of the National Council for Cooperation on Ethnic and Integration Issues (NCCEII) was also re-affirmed. The Strategy also confirmed the role of the NCCEII Secretariat to ensure the activities of the Council in informational, analytical, administrative, and technical terms;⁹ at the same time, the Secretariat was also defined as the National Contact Point for the implementation of the National Strategy.

For each calendar year, the NCCEII Secretariat prepares an administrative monitoring report on the implementation of the NRIS. The information is received from the ministries responsible for the implementation of the planned measures and the 28 regional administrations.¹⁰ They, in turn, collect information from municipalities implementing municipal plans for Roma integration. The major weaknesses of the NCCEII are:

- The structure of the NCCEII and its powers do not allow for the actual implementation of a consultative co-ordination process, with the Council virtually not functioning: it has no managing competences to take decisions; the NGO participation is limited and does not follow clear criteria, etc.;
- The NCCEII Secretariat, which is also the National Contact Point, has a strong need to strengthen its capacity, recruit new human resources, and employ Roma experts with a view to expanding its number and competencies. At present, the entire Secretariat consists of four people, one of whom is the Secretary, performing executive functions as well. None of the staff in the Secretariat is of Roma origin.

Since 2013 the work of the NCCEII has been boycotted by many Roma organisations,¹¹ that left the NCCEII in protest on 8 April 2013¹² after the Council did not respond to several cases of the ethnically-motivated murders of an entire Roma family and several other Roma people. The Roma NGOs demanded a profound institutional change in the NCCEII¹³ and are boycotting its work until their suggestions are not discussed. The main impetus behind the organisations protesting was the impossibility of the NCCEII conducting a permanent dialogue with the organisations, changes to the structure, powers, functions, and number of members of the National Council, etc.¹⁴

In the institutions there are no separate (special) units responsible for Roma integration. In most cases just one or two people from the institution concerned are busy dealing with Roma issues and many others.

Mainstreaming Roma inclusion across local authorities

The NRIS calls for "inclusion of municipalities in implementation of the integration policy". The drivers of Roma integration processes at local level are very diverse. In

⁹ *National Roma Integration Strategy of the Republic of Bulgaria (2012 – 2020)*, p. 23. Available at: http://ec.europa.eu/justice/discrimination/files/roma_bulgaria_strategy_en.pdf.

¹⁰ Administrative Monitoring Report for 2016.

¹¹ 30 Roma organizations complained to Zinaida Zlatanova - <http://btvnovinite.bg/article/bulgaria/politika/30-romski-organizatsii-se-oplakaha-na-zinaida-zlatanova.html>.

¹² <http://www.amalipe.com/index.php?nav=news&id=1549&lang=2>.

¹³ Roma NGO proposal for re-structuring the National Council for Cooperation on Ethnic and Integration Issues, available at: <http://www.amalipe.com/index.php?nav=news&id=1560&lang=2>.

¹⁴ Letter to the NCCEII President Ivaylo Kalfin with proposals for transformation of the NCCEII, available at http://integrobq.org/wp-content/uploads/2016/02/FINAL_%D0%9F%D1%80%D0%B5%D0%B4%D0%BB%D0%BE%D0%B6%D0%B5%D0%BD%D0%B8%D1%8F_%D0%9D%D0%A1%D0%A1%D0%95%D0%98%D0%92_22.02.pdf

some cases, this may be the mayor or deputy mayor; in other cases, the relevant employees of the municipality. In a number of municipalities there are Public Councils or Commissions for Implementation of the Municipal Roma Integration Plan, but their decision-making role is limited.

The NRIS requires "Building the necessary administrative capacity of the municipal administration structures by assigning specific functions to directorates, departments, units or individual experts in charge of Roma integration policy implementation. Appointment of municipal experts on ethnic and integration issues where needed."¹⁵ Nevertheless, according to most Roma activists, the number of Roma experts who work in municipal administrations has sharply decreased during the last five years.¹⁶

In many municipalities there are health mediators appointed who are municipal employees and have a favourable impact on the processes of Roma social inclusion. Education and labour mediators also work at local level, employed by schools or Labour Offices.

A number of Roma have been elected village mayors¹⁷ and around five are vice-mayors of municipalities.¹⁸ In many places the relevant Roma leaders can have a tangible impact on the local government. In addition, at local level, it is important to note the essential role played by the relevant municipal councillors who are Roma as well as the local Roma NGO leaders and Roma activists.

In pursuance of the National Roma Integration Strategy of the Republic of Bulgaria for 2012-2020, the municipalities had to adopt municipal plans for Roma integration in line with the National Strategy and resourced and tailored to the local needs and peculiarities of the Roma communities living on the territory of the respective municipality. By the end of 2016, 194 municipalities had action plans adopted by a decision of the relevant municipal council.¹⁹ In most cases, in order to be able to apply and be eligible for the various funding measures under the Operational Programmes, each municipality had to have an updated municipal plan after 2017 adopted by a decision of the relevant municipal council.

The quality of most Municipal Plans cannot be assessed as high. The activities envisaged in most cases are without planned funding or rely solely on project financing, with the commitment of the municipal budgets being minimal. In many cases, the problems described are not tracked by activities, indicators are missing, etc. However, the very fact that the municipal councils of 194 municipalities approved Municipal Plans should be welcomed. Many Roma organisations (Amalipe, Integro, World Without Borders, New Road, RACO, etc.) took an active part in the preparation of the municipal plans by ensuring the participation of the local communities. The plans of 79 municipalities included specific NGOs as the responsible institution for implementing part of the activities and 60 other municipalities indicated partnerships with NGOs without specifying their names; this shows there is openness at the local level for partnership with the civil sector and the Roma community.

There are certain municipalities in the country that could share successful practices for the social inclusion of Roma. Many of them took part in the Council of Europe and

¹⁵ *National Roma Integration Strategy of the Republic of Bulgaria (2012 – 2020)*, p. 23.

¹⁶ *Discussion with Roma activists*, Sofia, December 6, 2017.

¹⁷ There is no exact statistics about the numbers. The majority of them are elected in villages with predominantly Roma population.

¹⁸ All rural municipalities.

¹⁹ Administrative Monitoring Report for 2016.

European Commission's ROMACT initiative, which aims to increase local engagement. The main challenge facing local Roma inclusion activities is their sustainability. Often, they end when a different mayor is elected.

Promoting empowerment and participation of Roma

In Bulgaria there are almost no Roma in the central administration to work in expert and managerial positions in the ministries, agencies, and committees that are centrally located. The only exception the Commission for the Protection against Discrimination, where there are Roma both at the management and the expert level.

With regard to participation in different working groups, committees, and subcommittees, the representation of the Roma community is well-expressed and structured. In the most important structures, including in the Monitoring Committees of the Human Resources Development Operational Programme 2014-2020 (HRDOP 2014-2020), the Science and Education for Smart Growth Operational Programme 2014-2020 (SESGOP 2014-20), and the Regions in Growth Operational Programme 2014-2020 (RDOP 2014-2020), as well as the various subcommittees of the programmes, there are organisations representing the Roma community, and the partnership between the organisations and the public authorities is effective, well-organised, and coordinated. In these committees the representatives of the Roma organizations have managed to attain important decisions, including Decisions to target relatively large financial resources for Roma integration.

Roma organisations are also represented on the Board of the Centre for the Educational Integration of Children and Students from Ethnic Minorities, the main governmental structure regarding educational integration.

Over the past year the National Contact Point has implemented a project under the T.E.A.M – Together We Achieve More Project, which organized six regional forums covering each of the country's six planned regions. Organisations working for the Roma community and organisations representing the Roma community were invited to the forums, as were representatives of the municipal and regional administrations. According to part of the project team, these were "the first important steps in providing different types of partnership that will make a significant contribution to the process of Roma integration in the future". At the same time, organisations working for the integration of Roma, including many of the participants in the project trainings, evaluated them quite critically. They emphasised that there were no criteria for the selection of the participants, no subsequent feedback on how the interaction between them developed, and that the interaction was not structured and systematised. In fact, the project was reduced to six training sessions; while these were interesting for the participants, who felt comfortable about them, they yielded no results and were not organised with a strategic vision that would lead to something sustainable.

In October 2017 the Council of Ministers proposed the establishment of a permanent Roma Integration Subcommittee to the Partnership Agreement Monitoring Committee. This is in line with one of the main arrangements negotiated at the meeting between several Roma organisations, Prime Minister Borisov, and Deputy Prime Minister Donchev that took place on 17 July 2017. The Subcommittee will be chaired by Deputy Prime Minister Donchev and will include deputy ministers from the main ministries, heads of directorates in key Operational Programmes, and representatives of NGOs. The "Central Coordination Unit" Directorate in the Administration of the Council of Ministers will be its secretariat.²⁰ There is a chance this new structure will re-establish the policy dialogue between the Government and Roma civil society.

²⁰ <http://amalipe.com/index.php?nav=news&id=3100&lang=2>

Guarantees for the effectiveness of programmes with the largest budgets

A great achievement of the Bulgarian Government and the Roma organisations is the directing of relatively large financial resources from the EU co-funded operational programmes for Roma-targeted operations. Apart from the active advocacy of Roma organisations in the preparation of the operational programmes and in the monitoring committees, this was also due to the support of the European Commission as well as to the constructive attitude of the managing authorities. The presence of thematic objective 9ii "Support of socio-economic integration of marginalised communities such as the Roma" in the ESF Regulations as well as in the ESF co-funded operational programs is the other key precondition: overall 142 million EUR are earmarked for this thematic objective under two Bulgarian ESF-funded operational programmes, HRDOP and SESGOP.

The main Roma-targeted measures in the three operational programmes – HRDOP, SESGOP and RGOP – give more opportunities to the municipalities, and there are separate measures under which municipalities are specific beneficiaries, too.

In the current programme period, the operational programmes rely on the use of the integrated approach: i.e., the combination of the different programmes and funds - HRDOP, SESGOP and RGOP - and the combination of the activities under all National Strategy priorities in the fields of education, employment, healthcare, housing, anti-discrimination and equal opportunities, culture, and media. An example in this direction is the operation on "Socio-economic integration of marginalised communities" (funded from the HRDO), "Integrated Measures for Improving the Access to Education" (funded from the SESGOP) and "Social Housing in the Urban Municipalities" financed by the ERDF-funded RGOP. The operation was announced in March 2018, the projects are expected to start in 2019 and thus the operation could not be still evaluated.

Despite significantly increased allocation of the ESIF for Roma inclusion in the current programme period, certain obstacles "at the national level sharply limit the possibility of Roma-targeted operations to achieve sustainable results:

- There is no institution with capacity to carry out systemic Roma integration project: "systemic project" is term used for big project designed to support policy reform in national system. They are implemented by concrete beneficiary – the respective national institution. The absence of strong Roma integration institution makes this possibility impossible;
- The capacity of civil society is not properly used: NGOs are not concrete beneficiaries, they are not granted big projects or global grants although the EEA Grants proved the effectiveness of this practice;
- The participation of non-state actors (for example, NGOs) is sharply limited by the rigid application of the "state aid" principle²¹, by the unfavourable payment regime (small pre-payment and delays);
- Due to both managerial mistakes (irregularities) and political mistakes,²² the payments to the SESGOP from the EU were suspended until an institutional reform is done (implementation of an action plan, including establishment of a

²¹ For example, all operations financed by HRDOP apply *de minimis* although many of them support purely not-economic activities.

²² In July 2016, the minister of education became the head of the SESGOP managing authority, what meant violation of the principle of separation of functions as the ministry is both managing authority and beneficiary.

new SESGOP implementation agency). As result many operations (including Roma targeted ones) were postponed;

- The administrative burden makes the beneficiaries to pay stronger attention to reporting than to the real field work.

There bottlenecks of the effective use of the ESIF for Roma inclusion also at the local level:

- Smaller municipalities (the rural-type municipalities where Roma are over-represented) have limited human resources. In most cases there is only one employee in these municipalities who is also "entrusted with the Roma issues" along with his or her other administrative responsibilities, functions, and tasks. Very often, such employees do not understand and do not know in-depth the problems and specificities of the Roma community, which, in turn, hinders the municipality from being able to plan and design qualitatively and, on the other hand, to make maximum use of the different opportunities under the respective programmes;
- The rural communities need additional expertise to plan and develop projects targeting Roma integration through different funds.

Roma integration has met controversial developments regarding its general political context over the last year. On the one hand, the parliamentary majority built after the general elections in March 2017 and the coalition that has been ruling the country in the past six months include nationalist parties and parties known for their anti-Roma rhetoric such as the National Front for the Salvation of Bulgaria, the Internal Macedonian Revolutionary Organization (IMRO) and, to a lesser extent, the Attack Party. On the other hand, some of the Government's current, mainstream policies have a real opportunity to accelerate Roma integration, and the contribution of Roma organisations to this opportunity is serious. For example, the Government's top priority is the full range of pre-school and primary school education, which is linked both to semi-populist, punitive measures and to real attention and support for the schools teaching Roma students. There is also a willingness of high-ranking officials and current government ministers to hold political talks with the Roma organisations.²³

The consultations involving representatives of the Roma community are mainly conducted through a mainstreaming approach. Roma take part in various bodies, committees and councils not because of their Roma origin, but as professionals in different consultation formats. The only representatives of the Roma community who can participate in a process due to their ethnicity are those attending the meetings of the National Council on Ethnic and Integration Issues, which has not been fully functioning for years and was quit by the Roma organisations both in 2013 and in 2017. The monitoring committees of the core operational programmes and the Partnership Agreement have a group of NGOs working for the integration of minority communities which, after an election procedure, appoints its representatives to the said committees.

In many places, including various media channels, the question of where the money for Roma integration has gone is being asked. The impact and effectiveness of the measures require independent, in-depth research to establish what has been achieved so far as a result of both the mainstream measures and policies and the targeted measures and programmes.

²³ For example, the Roma Integration Network organizations hold systematic advocacy meetings with ministers and other political figures. Leading Roma organizations also met Prime Minister Borisov and agreed on the political steps to speed up Roma integration. Available at: <http://amalipe.com/index.php?nav=news&id=3018&lang=2>.

With regard to labour integration, three types of labour market policies can be distinguished, depending on how the Roma are addressed in them:²⁴

Policies towards the Roma as an ethnic group

These are funded not by the state budget, but predominantly by the ESF co-funded operational programmes and explicitly indicate the Roma as the target group of the activities. For example, during 2007-2013 the Human Resources Development Operational Programme financed seven Roma- or minority-targeted operations with a total budget of approximately 35.26 million EUR.²⁵ This trend continues in the programming period 2014-2020. Bulgaria has earmarked 142 million EUR from ESF for thematic objective 9ii “Support of socio-economic integration of marginalised communities such as the Roma” and has already launched a number of Roma-targeted operations under two ESF-funded OPs:

Operation	Program	Budget EUR (millions)	Beneficiaries	Approved by Monitoring Committee	Announced by Managing Authority
Educational Integration of Students by the Ethnic Minorities	SESG OP	12.78	Schools, municipalities, NGOs	May 2015	September 2015
Support for pre-School Education of Vulnerable Groups	SESG OP	10.23	Kindergartens, municipalities, NGOs	May 2015	September 2015
Adults Education	SESG OP	12.78	Ministry of Education	May 2015	September 2016
Supporting Vulnerable Groups for High Education	SESG OP	1.53	NGOs, schools	October 2015, November 2016	Not announced
Teachers training for work in multi-cultural environment	SESG OP	2.56	Universities, NGOs, schools	October 2015, November 2016	Not announced
Ensuring Access to Quality Education in the Small Living Places	SESG OP	40.91	Local Initiative Groups within CLLD / LEADER	November 2016	April 2017
Integrated Measures for Improving the Access to Education	SESG OP	10.23	Municipalities in partnership with schools / kindergartens and NGOs	June 2016	March 2018
Socio-Economic Integration...	HRD OP	40.91	Municipalities in partnership with employers and NGOs	November 2015	March 2018

In addition, funds are envisaged for social housing in the urban cities within Regions in Growth OP.

²⁴ Pamporov, A.,) “Active labour market policies’ effects on the labour integration of Roma people”. In: *In the Footsteps of the Other* (eds.: M. Yakimova, P. Kabakchieva, et al.), Sofia University, Sofia: Prosveta (2014), pp. 129-153 [in Bulgarian].

²⁵ See them in: *AMALIPE Assessment of the implementation of the National Roma Integration Strategy 2012/2013*, p.p. 23-24. Available at: http://amalipe.com/files/publications/NRIS_2012-2013.pdf

Policies towards the Roma as a vulnerable group

Like the policies directly targeting Roma as an ethnic group, the Ministry of Labour and Social Policy (MLSP) implements four programmes targeting socially vulnerable groups. In this case, Roma are beneficiaries because they represent a significant proportion of the persons in the respective vulnerable group. There is only one programme financed by the state budget and the rest are funded under the HRDOP. Roma fall within the scope of these policies mainly as: 1) unemployed young people up to 29 years of age; 2) inactive persons willing to work, including discouraged persons and unemployed persons up to 29 years old 3) long-term inactive women and 4) unemployed persons without educations, with low educations, and with no professions or qualifications. In practice, some of the Roma applying for these programmes may meet more than one vulnerability criterion.

A common characteristic of the four policies classified in this group is that they have a significantly broader social scope than the policies where Roma are explicitly presented as a target group. On the one hand, this can be seen as an advantage, as unemployed and inactive Roma have a greater opportunity to engage in different programmes and activities. On the other hand, however, there is a significant risk that Roma will not be involved at all (although that is not the case currently) because the decisions about who takes part depends on the personal attitudes and individual judgment of the local staff at the Labour Offices (as there are no specific standards for the implementation of the relevant policies or quotas for the different vulnerable groups). The extended scope of the programmes gives a greater chance to other vulnerable groups on the labour market, too, and the lack of precisely-defined indicators and requirements makes it possible to not involve the most vulnerable groups.

Mainstream programs with significant impact on Roma

This type of programme and project does not include Roma or vulnerable groups but targets society as a whole and strongly depend on the local context. In some cases, especially when the programs target NEETs, long-term unemployed, etc. – Roma comprise a significant share of people in a given target group in terms of a specific activity. In this way, an indirect effect of reducing Roma unemployment in a given municipality can be achieved by implementing these policies. They are usually related to reducing unemployment, increasing the qualifications of the unemployed, and creating conditions for the sustainable employment of the workforce in the municipalities and the settlements.

Civil society's access to funding for Roma inclusion activities

The Bulgarian state budget does not support civil society activities for Roma inclusion. The state budget provides almost 6 million EUR (11.6 BGN) for 24 NGOs such as the Bulgarian Red Cross, representative organisations of people with disabilities, etc.²⁶ No organisation working for Roma inclusion is among them.

Civil society could obtain funding for its Roma integration activities through the ESF co-financed Operational Programmes, the EEA/Norwegian financial mechanism, and partly from Swiss Contribution. One of the main advocacy claims of Roma NGO representatives in the monitoring committees of the ESF co-financed operational programmes is to have Roma or minority integration targeted measures be distributed through open calls for proposals. This claim has the support of EC representatives and the respective managing authorities. As a result, NGOs could be beneficiaries, and partnership with an NGO is a requirement if the main beneficiary is not an NGO.

²⁶ *State Budget Act 2018*, p.87. Available at: <https://www.minfin.bg/upload/35447/Proekt-ZDBRB-2018.pdf>.

At the same time, this type of financing is encountering certain limitations. The size of the grants provided to NGOs is usually limited – in most cases it does not exceed 200,000 EUR. HRDOP applies the *de minimis* regime to the non-economic activities for Roma integration, which limits the participation of the most active organisations (since they easily exceed expenditures of the 200,000 EUR considered maximum *de minimis* support within three consecutive years). Support for civil society activities for Roma inclusion is available within the ESF co-financed operational programmes but not within the ERDF and EAFRD ones.

Availability of reliable data on the situation of Roma

Bulgaria has a Personal Data Protection Act, a Statistics Act, and Population and Housing Census Acts are being adopted in due course. With the adoption of these acts, the collecting, processing, storing, and presenting of anonymized ethnic data is to be consistent with the highest international standards, and it is guaranteed that the rights of the individuals concerned, and their privacy will not be endangered.

In the 2011 census identity issues concerning ethnic characteristics were represented by three items: ethnic self-identity, mother tongue, and religious affiliation. There was no multiple identity option.

For the fieldwork of the census, in most Roma neighbourhoods, fieldwork specialists were trained from the local communities. There was also an option for the data to be provided through the Internet.

In the 2011 census 10% of respondents did not declare their ethnicity. The National Statistical Institute (NSI) has not come up with a position on this result (in 1992 and 2001, the share of those who did not identify themselves was below 1%), which calls into question the correctness of the data collected on an ethnic basis.

In the major international studies about Bulgaria there are usually three items of ethnic identity followed (self-identity, religion, mother tongue). In the panel surveys the informed consent method is usually used, according to which the households are researched when their ethnic identity is already known. The list of surveys includes (but is not limited to): European Union Statistics on Income and Living Conditions (EU-SILC), European Value Survey (EVS), European Social Survey (ESS), Generation and Gender Survey (GGS), Survey of Health, Ageing and Retirement in Europe (SHARE), etc.

The data from the representative sociological surveys listed above, cannot give precise figures but can give an adequate picture of the proportion of Roma according to their self-identification and the share of residents of medium and large segregated residential areas.

On the other hand, information about the persons belonging to the Roma group (which, as mentioned above, is the special subject of multiple labour policies), is collected in the Labour Offices upon filing a personally-signed declaration. However, the data are not relevant as far as unemployed persons are concerned, and in some cases of long-term unemployment there are representatives of other ethnic groups who declare Roma identity in order to cheat the system and gain access to programmes. At the same time, because they fear discrimination on the labour market, many unemployed Roma refuse to self-identify as such.²⁷

²⁷ Pamporov, A. "Active labour market policies' effects on the labour integration of Roma people". In: *In the Footsteps of the Other* (eds.: M. Yakimova, P. Kabakchieva, et al.), Sofia University, Sofia: Prosveta (2014), pp. 129-153 [in Bulgarian]; Messing, V., B.A. Beremenyi, L. Kurekova, A. Pamporov and F. Pop, 2013 "From benefits to brooms", NEUJOBS working paper No.19.3.

The Centre for Educational Integration of Children and Students from Ethnic Minorities (CEICSEM) in all funded projects collects personally-signed declarations of ethnicity for the purposes of reporting on the participants. The same is done within SESGOP: the beneficiaries collect participants' inquiry filled by students and their parents that includes question on ethnic self-identification. The information is proceeded by the Managing Authority for reporting on Roma participants of the projects.

Policies and measures addressing specific needs of Roma women, children and youth

According to various researchers there are over 28 different Roma groups in Bulgaria. In general, the Roma communities can be divided into three types: modern, traditional, and conservative. The problems of Roma women are different in each of these three groups. For example, in the traditional and conservative Roma families, there are still early marriages and subordinate treatment of women, although there is a tendency for this to be gradually overcome²⁸ while in the modern Roma groups these patriarchal habits have been terminated. Most media and institutions in the field of child protection and social assistance lack an understanding of these differences. They usually consider the patriarchal habits of the most conservative groups as typical for all Roma, or even as an "essential part of Roma identity" and use this as an "excuse" for not reacting to situations.²⁹ The lack of a properly tailored approach is one of the main reasons for the inefficiency of the modest activities directed at Romani women and youth.

In socioeconomic terms, Roma women in Bulgaria face a disadvantaged situation compared to non-Roma women and to Roma men. They encounter double discrimination as Roma and as women. This applies fully to the women from conservative and traditional groups. At the same time, with the advance of modernisation, Romani women are advancing in their education and social realization, although they continue to face certain external barriers (such as anti-Roma discrimination, lower pay, etc.). Romani women from modernised families or groups participate on an equal basis with Roma men in the various processes of Roma integration (including consultations, working groups, various forums, sessions, etc.). This does not apply to the traditional or especially to the conservative Roma groups

The specific problems of Romani women are not targeted by specific measures or programmes. The only exception was Measure 2 "Awareness raising activities with special focus on Roma and other vulnerable groups" from Programme BG 12 "Domestic and Gender Based Violence" financed within the Norwegian Financial Mechanism 2009-2014.³⁰ This small measure of 240,000 EUR financed small-scale projects (from 15,000 to 50,000 EUR) through a call for proposals.

The main measures at national level that target Roma children and youth are in the field of education and are explained in Chapter 4 below. Most are financed by the Science and Education for Smart Growth OP, while some are financed by the state budget through the Centre for Educational Integration. It is important that Roma children and students benefit not only through targeted measures but also through certain mainstream ones.

Roma young people can participate and be included in the main programmes (*Youth Employment, Education and Employment for Young People, and Active*) which target all

²⁸ Amalipe, *Preventing Early Marriages*, Plovdiv 2011, p.p. 91 - 101. Available at <http://amalipe.com/files/publications/ranni%20brakove%20last.pdf>.

²⁹ Inquiry with social workers from 104 municipalities. In: Amalipe, *Preventing Early Marriages*, Plovdiv (2011), pp 27-30.

³⁰ <https://eeagrants.org/programme/view/BG12/PA29>

young people in need. There are no targeted programmes addressing the specific problems faced by Roma young people.

We can conclude that:

1. The present Roma integration approach of institutions and private donors is inefficient and ineffective because it imposes certain social problems that characterise some Roma families and sub-groups as representative of all Roma and mixes socioeconomic problems with ethno-cultural ones. The approach pre-defines a "top-down" implementation of policies, which locally opens the door to the inefficient use of funds and boosts stereotypes about Roma as both "problematic people" and a "privileged group".

Although certain common problems do exist (such as prejudices, discrimination, negative stereotyping, etc.), we must first recognise that "Roma people" is an umbrella term³¹ and that the Roma are not a homogeneous community, but a set of diverse groups based on mother tongue, religious beliefs, daily lifestyle, coping strategies, etc. It is not relevant for both the Government and the EU institutions to keep offering unified public policies for all Roma groups. In addition, the target of public policies should be identified problems, not an ethnic community. For example, instead of fighting school dropout by targeting "Roma and minority children like Roma", we need diverse programs combating dropout due to a lack of regional infrastructure, or to a residence-based cluster of low-income families, or to traditional cultural practices, etc.

2. With regard to the political (non-)participation of Roma there is a lack of consensus among Roma activists and social scientists alike. It is not clear what would be better: A single Roma party, mainstream parties with Roma on the ballots, or coalitions between Roma parties and mainstream parties. There is no consensus about majoritarian-proportional voting or about the minority quotas in the Parliament and local councils, etc.

³¹http://ec.europa.eu/justice/discrimination/roma/index_en.htm and <http://fra.europa.eu/en/theme/roma>.

ANTIDISCRIMINATION

Implementing the Racial Equality Directive

The Protection against Discrimination Act (PDA) fully transposes the Racial Equality Directive and in practice its provisions have been implemented in Bulgaria during the last 10 years through the Commission for Protection against Discrimination (CPD).

The CPD is accredited as a National Human Rights Body under the United Nations Paris Principles. It also serves the function of a national hate crimes contact point at the Office for Democratic Institutions and Human Rights of the Organization for Security and Co-operation in Europe. The CPD accepts complaints and reports from citizens of different social and economic status, representatives of ethnic minorities, people professing different religions and faiths, people with different sexual orientations, etc. The law allows protection on the basis of 19 protected characteristics (*gender, race, nationality, ethnicity, human genome, citizenship, origin, religion or faith, education, beliefs, disability, age, sexual orientation... or any other characteristics established by law or an international treaty to which Bulgaria is a party*).³²

In the specialised proceedings before the Commission no record is kept of the complainants' ethnicity, which makes it difficult to present and process statistical data for a particular ethnic group. It has been assumed that practices related to representatives of the Roma community are considered an indication of the ethnic characteristics of Roma origin.^{33, 34}

Under the PDA, upon judgment for discrimination committed, the offender, i.e. the defendant, depending on the severity of the act and the form of discrimination, may be subject to coercive administrative measures and administrative penal provisions. For example, under Article 78 paragraph 1, a person who has committed discrimination under the PDA shall be punished by a fine of 250 BGN (128 EUR) to 2,000 BGN (1,022 EUR) unless he or she has been subjected to a more severe punishment. Regarding multiple such acts performed by the same persons, i.e., cases of the same perpetrators - natural persons or legal entities - repeating this behaviour, fines may be imposed on the grounds of Article 81, respectively, proprietary sanctions, in double the amount initially imposed. After a confirmed judgement is issued by the CPD, the injured party who has complained may also, by separate claim to the courts, demand financial compensation for non-pecuniary damage at his/her discretion. A review of the practice of the CPD and the case law shows that no cases of perpetrators sanctioned for repeated discriminatory acts have been found to date.

The cases filed with the CPD between 2005 and 2010 on the basis of ethnicity were more numerous than complaints related to other protected characteristics, but after 2010 they occupied fourth or fifth place. The CPD statistics show that 13% of the case files concern "ethnic" discrimination. The subjects of the proceedings have been equal access by Roma to education and health services as well as complaints related to access to employment and the right to work.

In recent years, regional representatives have been stepping up their co-operation with organisations aimed at improving the socioeconomic inclusion of Roma and have been actively taking part in the meetings of the Regional Councils on Ethnic and Integration

³² Protection against Discrimination Act, Art. 4(1)

³³ Information for the needs of Roma Civil Monitor pilot project, provided by the CPD.

³⁴ APPLICATIONS N1. N2 in "How to initiate the creation of a case at the CPD?", Sofia, 2015. Available at: <http://www.kzd-nondiscrimination.com/layout/images/stories/materials/narachnik/nary4nikbq.pdf>.

Issues. In 2016 the CPD, in partnership with the Roma Integro Association, issued a manual detailing the mechanism for referring cases of discrimination and hate speech to the Commission, the Prosecutor's Office, and the CEM (Council for Electronic Media).

In recent years the CPD, both alone and in partnership projects, has organised information campaigns, seminars, and training on the prevention of racial discrimination for employees of local and national authorities, the judiciary, magistrates, jurists, lawyers, and citizens. Cases of multiple discrimination against Roma are not just related to their ethnic origin but also to the protected characteristics of *educational attainment, religion, gender, and others*; they are subject to consideration by a specialised, five-member expanded panel.³⁵

However, the impressions and opinions of leading human rights activists about the CPD's work are not so positive. Civic activists consider the CPD to be doing well with minor cases of discrimination but to avoid dealing with more serious cases and cases involving the public authorities. The Commissioners almost never launched investigation from their own initiative in some obvious cases of discrimination toward Roma. "(The few cases initiated by the CPD concerned, for instance, in some known cases of police violence.)

The CPD is considered by interviewed expert, President of the Bulgarian Helsinki committee Kr. Kanev, as not active enough in cases involving the demolition of Roma-occupied houses as well as cases of discrimination involving police officers (who are protected not just by the CPD as a matter of tradition).³⁶ The regional representatives of the CPD are willing to participate in information events organised by NGOs, but their interaction with NGOs is usually limited to this only. However, it was confirmed by NGO activists that the CPD tries to be open to citizens and NGOs.³⁷ This includes activities such as initiatives held jointly with NGOs such as the "International Day of Tolerance" on 16 November and "International Human Rights Days" on 10 December.

We cannot claim that there is a well-established practice among the Roma community of complaining or reporting cases of discrimination in labour or other contexts (as well as of violence and hate speech). Rather, the Roma are not informed about the work of the institutions that deal with such issues. The lack of necessary knowledge about the powers wielded by these institutions and their functions also impedes Roma activity to protect their human rights. Rather, people are convinced that there is just one aspect to the truth and that it will always be seen to be on the side of the stronger (the majority). The level of mistrust in the judiciary and the law enforcement system, as well as in the equality bodies, is high.

However, the European Commission against Racism and Intolerance (ECRI) has criticized Bulgaria for implementing its recommendations only in part. ECRI recommended that the Bulgarian CPD publish information about discrimination in all the languages used in the country and disseminate it widely. Booklets about the PDA are only available in Bulgarian. There is no practice in Bulgaria of publishing any documents in Romanes or other languages except Bulgarian (and English in some cases).

At state level there is no system for supporting and assisting Roma to file complaints and ask for legal aid. This is an obvious gap with regard to the lower educational attainments of many Roma (and Turks) as well as the language barrier. The only existing possibility

³⁵ Information for the needs of Roma Civil Monitor pilot project, provided by the CPD.

³⁶ An interview of Krassimir Kanev-Chair of the Bulgarian Helsinki committee, done for the report, 07.09.2017.

³⁷ <http://integrobq.org/категории/публикации/проучвания-анализи-и-доклади/>; "How to initiate formation on case in CPD ?", Sofia, 2015 <http://www.kzd-nondiscrimination.com/layout/images/stories/materials/narachnik/nary4nikbg.pdf>.

for this at present is within the JUSTROM project of the Council of Europe and European Commission.³⁸ In Bulgaria this project is being implemented with great success in two (of 28) districts, namely, Plovdiv and Veliko Turnovo, supporting around 1,000 Roma (predominantly Roma women) with consultations, support with filing complaints, and other professional help provided by lawyers, community mediators and coordinators.³⁹ In addition, some NGOs, like the Bulgarian Helsinki Committee and the Equal Opportunities Foundation, also provide limited possibilities for such support within their projects.

Of course, there is another possibility for protection against discrimination apart from the CPD, the judicial system. For example, the administrative courts hear claims for damages caused by equality officials, while for other cases the district courts are competent – for example, this year the case was much publicised of the conviction of the famous journalist Martin Karbovski of committing persecution as a form of discrimination against human rights activist R. Stoyanov.

Based on the above, we can conclude that the CPD is sensitive to civic pressure, and therefore it is necessary that authoritative NGOs actively encourage it to be more determined in its activity against ethnic discrimination. There is no anti-discrimination or anti-racism plan at national level. (There is also no official reporting on racist and hate related crime or other incidents).

We must also mention that the decisions of the CPD are not as powerful as the decisions of the Criminal Court (when Article 162 of the Penal Code is applied⁴⁰).

Educational and residential segregation

The sphere of education is probably the one which, compared to other spheres, involves ethnic or racial discrimination to the least extent. There are practically no complaints made to the CPD about discrimination by either parents or students. This does not mean there is no discrimination at all, but rather a lack of activity in this sphere combined with the less level of discrimination. According to the FRA and the 2016 Education and Training Monitor for Bulgaria, 26% of Roma children receive education in segregated circumstances. Furthermore, 50% of the students in special schools are Roma.⁴¹ Many Roma parents are motivated to enrol their children in special schools, which provide the pupils with food or clothing.⁴² At the same time we, however, observe an increase of the share of Roma children attending special schools – recent reports indicate that less than 10% of all Roma pupils are enrolled in special education.⁴³ Despite this trend, Roma pupils remain segregated in the educational system: the FRA survey from 2016 indicated that 60% of Roma students receive education in schools where all or most students are Roma.⁴⁴ The creation of separate classes based on ethnicity is prohibited by law, but monitoring remains challenging as no data about ethnicity are collected.

³⁸ <http://pjp-eu.coe.int/en/web/access-of-roma-and-traveller-women-t-o-justice/about-justrom>.

³⁹ Interview with DG, coordinators for JUSTROM in Bulgaria on October 17.

⁴⁰ This article refers to incitement to hatred and discrimination as well as violence (resulting in minor injury or no injury) against people or property on grounds of race, ethnicity and nationality.

⁴¹ <http://www.osf.bg/cyeds/downloads/RomaGuide2.pdf>

⁴² <http://romaeducation.com/bg/roma-in-bulgaria-bg/roma-community-education/110-roma-children-and-schools>

⁴³ http://politiki.bg/?cy=47&lang=1&a0i=222759&a0m=readInternal&a0p_id=103

⁴⁴ The difference here between different surveys pointing to different figures about the percentage of Roma children who study in segregated classrooms 26 % in one survey compared to 60 % in another – reflects a difference in methodology. Certain surveys just record Roma children in segregated urban schools where their percentage is around 25 – 30 %. Other surveys also record village schools with predominantly Roma students. As will be explained in chapter 4, the situation in the segregated urban schools is rather different

A significant success in the work of the Ministry of Education and Science (MES) is the full restriction of the practice of healthy children from disadvantaged families (exclusively of Roma origin) being referred to auxiliary schools for social reasons.⁴⁵ In this direction, the MES has undertaken comprehensive, straightforward activities since 2005 that have coincided with efforts for de-institutionalisation of children with disabilities and of children from impoverished families so that they reside in communities and not institutions.

The situation regarding the policy of desegregation is not as positive. According to the MES there are about 3,000 children who have been taken out of the segregated schools and transferred to ethnically-mixed schools, while nongovernmental organisations supported by the Roma Education Fund (REF) put the figure at 3,500. This clearly demonstrates the symbolic pace of the desegregation process, which had been declared as a priority.⁴⁶ There are, however, many unresolved issues of various kinds. Despite the ban on the formation of segregated classes in ethnically-mixed schools introduced in the new Pre-school Education Act, this practice continues – as the above-mentioned surveys demonstrate. The number of secondary segregated schools is permanently increasing because of so-called “white flight” and there is no adequate reaction by the MES and the local authorities, etc. More information is included in Chapter 4.

The implementation of the policies for desegregation is stagnating because of certain factors. One is the lack of public support: many types of targeted support for Roma students, especially if they are not well-framed or communicated, could encounter resistance.

Reactions against the Scholarship Programme for Roma

The Scholarship Programme for Roma secondary school students is a project of the Centre for Educational Integration, the MES and REF providing some 700 Roma gymnasium students with receive scholarships of 30 EUR per month and mentorship. Following the example of Macedonia and other countries with access quotas for to secondary and higher education, the programme was framed in ethnic terms: it required self-declaration as Roma, which limited the participation of Roma with preferred Bulgarian, Turkish or Romanian identity, as well as the participation of other people who live in poor and segregated conditions. In addition, the programme was presented to the mainstream media in an unconvincing way.

This provoked the strongly negative reaction not only of extreme nationalists, pro-nationalist NGOs, and non-Roma parents but also of the influential Union of Bulgarian Teachers⁴⁷ (which is usually pro-Roma), the Union of Students,⁴⁸ and other mainstream organisations. Even the Evroroma party reacted negatively to the programme.

In order to prevent the MES from withdrawing the programme, many Roma organisations signed a letter to the Minister of Education⁴⁹ and organised simultaneous events all over the country in support of it.⁵⁰ Finally, the MES continued the programme

from that of the village schools. Considering the rural schools “segregated” would be a methodological and political mistake.

⁴⁵ СТРАТЕГИЯ ЗА ОБРАЗОВАТЕЛНА ИНТЕГРАЦИЯ НА ДЕЦА И УЧЕНИЦИ ОТ ЕТНИЧЕСКИТЕ МАЛЦИНСТВА (2015-2020). [Strategy for Educational Integration of Minorities 2015-2020]

⁴⁶ *Ibid.*

⁴⁷ The biggest teachers’ trade-union. Available at: <http://www.sbug.info/sbug.php?page=1&lang=bg>.

⁴⁸ <https://offnews.bg/obshtestvo/uchenitci-stipendiite-za-romi-sa-krajna-diskriminatsia-kam-nas-638688.html>.

⁴⁹ <http://amalipe.com/index.php?nav=news&id=2773&lang=2>.

⁵⁰ <http://amalipe.com/index.php?nav=news&id=2779&lang=2>.

but announced that funds from the MES will cover only the teachers' honoraria, while the scholarships will be paid from REF funds.

This case shows again how delicate the balance between "positive discrimination" and equality of all students can be and that affirmative action continues to be perceived as discrimination against the majority.

Another factor is the absence of consensus about the activities that a desegregation project should include. For example, according to an assessment done by the Bulgarian National Audit Office, practices aimed at desegregation have been ineffective.⁵¹ The current legal and regulatory framework is not comprehensive and there are no conditions for good coordination between directorates, secondary budget expenditure units, municipalities and structures working on educational integration issues. This prevents the integration and synergy of efforts into a comprehensive, integrated approach toward the effectiveness and sustainability of results. There is no provision for the collection of data on the ethnic origin of the children and students (collection of data on Roma participants of the CEICSEM projects alone is not sufficient to track the development in the segregation in the educational system; yet demonstrates that ethnic data collection is feasible).

Generally speaking, the problems consist in public policy (of the MES), not in the programme designed by municipalities, schools and NGOs. The introduction of delegated school budgets (based on per-capita financing) in the education system has practically cut off the possibility of appointing additional non-teaching staff, and the recruitment process in schools could not develop to a degree that would allow schools to apply the individualized approach to this work that is dreamed of by many Bulgarians. A major shortcoming of many desegregation projects is the lack of activities in segregated schools; the explanation given for this is that money should not be "poured" into schools where the quality of education is allegedly questionable. This approach leads to the additional marginalisation of the most vulnerable, segregated schools.

A third factor is the lack of political commitment for desegregation at local level.

We can conclude that in rural areas, schools are often "mixed", with a predominant percentage of Roma children. The only possible strategy in such cases is one based on work to improve the quality of education in the existing schools with a focus on intercultural education, as well as stimulation of common extracurricular activities with schools that are predominantly ethnic Bulgarian. Desegregation by transporting Roma children elsewhere by bus cannot be applied everywhere.

There is a need for a permanent support programme for schools that integrate Roma students. It should include, on one hand, a much higher quality of teaching and, on the other hand, well-provided extracurricular activities with an integrative character that not only contribute to raising children's interest in school and science, but also enormously enrich their social experience. Finally, there is a need for another national strategy that is not aimed at minorities and disadvantaged people, but at the majority so they can grow in terms of human tolerance, overcoming the stereotypes and prejudices towards the "Other" that are so typical for most human societies.

⁵¹ Bulgarian National Audit Office, *Performance audit on educational integration of the children and students from ethnic minorities*, 2016. Available at: <http://www.bulnao.government.bg/en/articles/performance-audit-on-educational-integration-of-the-children-and-students-from-ethnic-minorities-1769>.

Forced evictions

According to experts, at least one quarter of all houses in segregated Roma neighbourhoods were built illegally (Roma in Bulgaria, 2008). According to the NSI data from the latest housing census in Bulgaria, ethnic

Bulgarians had an average of 23.2 square meters of living space per person, while Roma had only 10.6 square meters, and almost half of the Roma-inhabited houses had no sewage system

Under the Operational Programmes (the Regional Development OP 2007-2013 and the Growing Regions OP 2014-2020) for the provision of modern social housing for vulnerable, minority, and socially disadvantaged groups and other disadvantaged groups, 334 individual social houses were built in four municipalities: a good start, but obviously just "a drop in the ocean". Implementation of this project encountered many obstacles. In some cities there was public opposition to the very idea of building houses for the Roma, and two big municipalities (Varna and Burgas) were pressured by ultranationalists to cancel their plans. Another seven or eight procedures target not just Roma, but all target groups identified as in need of social housing. For the current programme period, more than 21 urban municipalities have plans to build social houses in their Integrated Urban Reconstruction and Development Plans, but the operation has not begun, yet, with the exception of the city of Blagoevgrad, where 202 social apartments were already under construction. One of the probable reasons of delay in implementation are local inhabitants' protests against construction of "Roma houses", which occurred in some places.

Currently, local authorities are hardly taking action to legalise houses in Roma neighbourhoods, although some of these do already meet the official requirements. This exacerbates the problem of legalisation in the Roma ghettos, where skipping a number of procedures has led to chaos in housing regulation. On the other hand, even the basic possibilities offered by the legislation remain unused by the Roma minority for two reasons: 1) lack of knowledge of the procedures and of legal culture and 2) the complexity of the procedures. The problem is compounded by the unpreparedness of many administrations to work with the Roma community. Only a few Roma have taken advantage of the possibility to legalize their dwellings due to the complexity of the procedures.

The amendments to the Spatial Development Act adopted in October 2012 have been insufficiently used. According to the expert Daniela Mihaylova, "This problem lies with the head of the municipalities' managements, but in fact such decisions must start from the legislative changes. Mayors and municipalities need to get much more support."⁵²

Nevertheless, local government is not powerless. A great deal depends on the political will and purposefulness of mayors and councils - from the regulation of the neighbourhoods to the provision of suitable land. Examples are the initiatives in Kyustendil, Dupnitsa and Peshtera, where - with the financial and personnel support of the Trust for Social Achievement (TSA) - there have been good steps taken to solve the problem of legalising buildings in the large Roma neighbourhoods. It is no coincidence that the TSA has just received the annual Global Award from the Global Forum on

⁵² Разрушаването на незаконни жилища в ромските махали: Устойчиво решение за ромска интеграция или проблем на дискриминация на ромите в България? (Demolition of illegal housing in Roma neighborhoods: Sustainable solution for Roma integration or a problem of discrimination of Roma in Bulgaria?) Sofia, 2017.

Settlements (Urban Planning - Winning All), which it implements in three municipalities.⁵³

When we speak about the legislative changes that are necessary, such amendments must allow the legalisation of structurally-resilient residential buildings (just houses) and differentiate rules for the treatment of illegally-built residential and non-residential buildings.

Possible ethnic discrimination in some cases of the demolition of illegal houses

In "Demolition of Illegal Houses in Roma Neighbourhoods: Sustainable Decision on Roma Integration or Problem of Discrimination against Roma in Bulgaria?",⁵⁴ a detailed study, the authors Mihaylova and Kashamov claim that:

1. Demolishing the only homes of Roma families may be considered ethnic discrimination and a violation of their rights: it affects Roma families particularly adversely and disproportionately, which is in breach of the Racial Equality Directive with regard to indirect discrimination. Proof of this is that, according to the data collected from 61% of municipalities in Bulgaria, 89% (of demolition orders concerning residential buildings issued by local administrations refer to the only homes of Roma (399 of 444). The administrative practices applied during the demolition of the Roma families' only homes are in violation of the international laws adopted by Bulgaria to protection against discrimination.⁵⁵
2. The authors assume that anti-Roma sentiment and actions by the non-Roma public often become major drivers activating local governments to demolish such houses in Roma neighbourhoods.

In many of the cases specified, the evictions of Roma families intensify around the time of local elections under pressure from anti-Roma protests and the demands of various political groups and citizens.

The demolition of houses in detached neighbourhoods and eviction of their inhabitants not only do not contribute to a lasting solution to the problems with the housing situation of the Roma population, they exacerbate them. In the absence of alternative accommodation, the affected families remain living with their relatives in the same neighbourhoods and later build new, illegal, residential buildings. The demolition of Roma houses intensifies interethnic tensions, provokes anti-Roma sentiment, and creates total distrust in institutions among the Roma affected.

Unfortunately, study of the case-law on this matter shows that the courts do not treat the removal of buildings used for housing differently from any other illegal buildings.

There is no doubt that the current National Housing Strategy (of 2004) is inadequate. The Ministry of Regional Development and Public Works (MRDPW) has commissioned the elaboration of a new national housing strategy as well as a model of a residential system that meets today's realities. The MRDPW recently invited organisations from the Roma Integration Network to join the working group for the elaboration of the new Strategy. Nevertheless, this invitation was made at quite a late stage in the process.

⁵³ See: *You'll Never Guess Who Received the United Nations' Award for Sustainable Urban Planning...* Available at: <http://www.us4bq.org/news/trust-for-social-achievement-un-prize/>.

⁵⁴ Demolition of Illegal Housing in Roma Neighbourhoods: Sustainable Solution for Roma Integration or a Problem of Discrimination against Roma in Bulgaria? (Sofia: 2017), p. 50. Available at: <https://www.equalopportunities.eu/en/reports/146-roma-evictions-and-demolition-of-roma-houses-en.html>.

⁵⁵ *Ibid.*

Residential segregation

In the study by Margarita Ilieva, *Comparative Analysis of EU Countries*, it is concluded that: "There are models of residential segregation and discrimination against Roma in Bulgaria. The majority of Roma live in ghettos in harsh conditions and non-standard dwellings, with very limited access to basic infrastructure or basic services such as public transport, garbage collection and, for some, even water supply.⁵⁶ The housing situation of the Roma is an obvious case of discrimination. In many places, the local authorities have for decades ignored their housing and infrastructure needs without investing in the development of Roma-populated residential areas."

The most typical cases in which the unresolved legal situation of dwellings creates problems are as follows:⁵⁷

- Purchase of land informally (not following legal procedures): the owners do not have the necessary documents to prove their ownership to other persons or to the authorities;
- A significant number of landowners whose properties are zoned carry out construction for residential purposes without following the legal procedures, which renders the buildings illegal and therefore candidates for demolition;
- A significant number of cases where the buildings were built on land not owned by the builders (either privately-owned or state-owned land), which exposes the residents to the risk of being evicted and the building to being demolished without compensation;
- A significant number of people living in municipally-owned dwellings who do not pay rent regularly.

Weak legal status not only involves risks of removal, but also prevents the use of public services such as all utilities, registration of ownership, possible transactions involving the buildings, etc.

The MRDPW is the lead institution responsible for the implementation of the housing conditions priority under the National Roma Integration Strategy. In this priority, there are 10 objectives aimed at solving some aspects of the residential construction and infrastructure problems in detached Roma neighbourhoods, such as:

- Deconcentrating of compact Roma neighbourhoods by designating new territories for houses;
- Zoning of residential areas by elaborating cadastral maps and cadastral registers, where they are missing;
- Improvement of technical infrastructure, new social housing.

However, the monitoring reports on the implementation of the National Roma Integration Strategy document a lack of significant progress in meeting the targets set, especially on the third priority, i.e., improving housing conditions. This is noted both in the evaluation reports of the European Commission and in the alternative monitoring reports developed by NGOs, according to which the progress of the NRIS on this priority is the weakest. There are good results mainly in pilot projects about building social housing in a few municipalities, like Vidin, Devnya, Lulin-Sofia, Dupnica

⁵⁶ Ilieva, Margarita, *Comparative Analysis of EU Countries* (Sofia, 2017).

⁵⁷ *Op. cit.* note 43, p.17-18.

The goal of the forthcoming amending of legislation with respect to the legalisation of illegal dwellings was correctly set, but there are no clear responsibilities or specific timeframe for this to happen. The strategy envisages the provision of adequate alternative accommodation in cases of Roma families being evicted from the homes inhabited by them illegally, but there is no clarity as to how to proceed in cases where municipalities have no public housing available.

Besides the emblematic, well-known cases in the village of Garmen and the Maksuda area in Varna, there are many other examples of Roma families' only homes being demolished (in Meden Rudnik, Burgas, Maglizh, and Sofia).

At present in Bulgaria there are only rules for the removal of illegal buildings, but there are no rules for the protection of those affected to protect their basic right to adequate housing. The removal of mainly Roma-inhabited houses is not preceded by any discussion of possible reasonable alternatives, and the affected families are not offered adequate alternative accommodation. This has serious consequences for the families affected. They cannot register at a new permanent address as they are homeless, which deprives them of access to certain public services (however, not having impact on children's access to schooling).

However, protection of the homeless by lawyers and human rights activists is often effective. An example:

The ECtHR ordered that Bulgaria not demolish a Roma-inhabited house in Plovdiv and announced it would handle the case with priority

(Press Release, 13 September 2017)

By letter dated 12.09.2017 the European Court of Human Rights (ECtHR) has issued interim measures to protect a Roma family with a three-month-old child. The family was represented by lawyer Margarita Ilieva (Bulgarian Helsinki Committee, BHC). The measures obliged the Bulgarian authorities not to destroy the home in the Arman Mahala in Plovdiv. The ECtHR announced that it would prioritize the case filed on behalf of six families due to the scheduled demolition of their only homes, ordered by the authorities.

By letter, the Bulgarian authorities have committed to the ECtHR that they would not destroy the homes of the six complainants until "adequate alternative accommodation was provided". Contrary to what the Government promised, however, the municipal authorities in Plovdiv informed one of the six complainants that they would destroy his home without offering shelter to him.

After being notified of this by the BHC, the ECtHR issued interim measures to protect the complainant by forbidding the Government to destroy his home until 15 September 2017.

Access to clean water and sewerage is related to the larger housing topic. In fact, such service is an indispensable part of the whole housing topic and forms part of the state's obligation to provide infrastructure. There is an unexplained passivity by the state in this regard when it comes to Roma-populated neighbourhoods. Nearly half of Roma homes are without sewerage and access to clean water is not provided to their homes to a sufficient degree either.⁵⁸

Discriminatory behaviour by police, misconduct by prosecutors or courts

Unfortunately, cases of unjustified police violence against citizens (not just Roma, but particularly characteristic in regard to Roma) in the past few years have not diminished

⁵⁸ *Op. cit.* note 48, p.22.

but seem to have somewhat increased. However, there is no general statistical information available about crimes committed by police officers.

Researchers note that according to the Ministry of the Interior, 1,146 complaints of such crimes have been filed over a 15-year period, with prosecutions initiated being 475 for unlawful detention, 483 for personal injuries, and 188 for forced interrogation. Nearly 80% of complaints were found to be justified. These criminal proceedings result in reduced penalties (fines and suspended sentences). There is, in fact, no effective mechanism for protecting victims of police violence due to the lack of data, the low rate of success of cases, and the reduced penalties.⁵⁹ Since 2012 the only special institution for monitoring police activity in Bulgaria is the National Preventive Mechanism, which is being implemented by the Ombudsman, who is authorised to carry out its activities under the UN Convention against torture and other cruel inhuman or degrading treatment or punishment. However, according to the latest report of the Torture Prevention Committee, the National Preventive Mechanism has managed to conduct very few visits because of its limited budget. Almost all of the interviewees who spoke with a Torture Prevention Committee delegation explained that they never received any information about their rights after being detained by the police, were not allowed to notify a third person about their detention, and so on. The delegation also received many complaints that medical examinations of detainees at the police stations are cursory and do not involve an actual physical examination.

It is well known that no statistical data are collected about the ethnic origin of crime victims in Bulgaria. However, from many empirical observations it is almost certain that the percentage of police violence against Roma and police failure to uphold the rights of detained Roma is higher than average. The media also report a number of cases in which police abuse their power: among the most recent are the complaints from Sliven in May this year (by Roma residents of the Nadezhda neighbourhood), from the village of Kamenar in August 2017, from Ruse in December 2016, and many others.

The 2017 Human Rights Report by the US State Department also noted that social intolerance towards the Roma minority remains one of Bulgaria's most urgent human rights issues. Other reports on human rights issues in Bulgaria document cases of police violence, severe conditions in prisons, and postponements and delays by the judiciary.

The observations of authoritative human rights organizations such as the BHC are also alarming. The average data from interviewed prisoners reported the unjustified use of force during detention in about 22-24% of cases.

On the other hand, many measures have been taken by the Ministry of the Interior to address the problem. The 2015-2020 National Action Plan includes a "Rule of Law" priority, a key objective of which is to increase the qualifications of police officers to work in multi-ethnic environments while respecting human rights standards. In 2016, 1,016 trainings were carried out in workplaces, with 21,486 police officers trained. Under the Norwegian Financial Mechanism, employees were trained to work in a multi-ethnic environment, conditions in detention facilities were improved, and special attention was paid to the vulnerable groups among prisoners.⁶⁰

Very often, complaints against police violence are initiated by the victim, who acts as a private complainant. According to the interviewed professionals, it is unlikely in such cases that prosecution of violence committed by police officers will be initiated at all, and

⁵⁹ Koukova, S., Regulatory and Practical Challenges to Effective Investigation of Police Violence (2016).

⁶⁰ Administrative Monitoring Report for 2016 on the Implementation of the National Roma Integration Strategy of the Republic of Bulgaria (2012-2020), p. 77.

the police officers' testimonies in such proceedings will carry more weight than that of the victim. (See also the chapter on Antigypsyism.)

Cases of police brutality resulting in minor bodily injuries are controversial because many end up being sentenced with fines ranging from BGN 500 to 1,200⁶¹; other convictions for more serious charges result in suspended sentences of 1.5 to three years.

Access to identity papers

The amendments to the Civil Registration Act adopted five years ago have raised problems for the Roma population, as in many Roma-inhabited areas the establishment of property rights, the legality of buildings, and the possession of the necessary documents establishing residency are issues. Roma, in many cases, have no documents of property ownership, which makes it impossible for them to submit such to the offices of the unified system of civil registration and administrative service of the population.⁶²

Some Roma cannot obtain identity cards because they do not have a legal, permanent address.

This is a typical instance of indirect discrimination. The peculiarities of the socioeconomic situation of Roma make them particularly vulnerable to the adverse effects of the enacted provisions.

⁶¹ The rate of EUR is fixed to 1,9558 BGN.

⁶² Единна система за гражданска регистрация и административно обслужване на населениет, ЕСГРАОН.

ADDRESSING ANTIGYPSYISM

Undoubtedly the most serious regression in the field of human rights in 2016 and 2017 was the intensification of public incitement to hatred, the violent discriminatory acts, and the public debate in Bulgaria about the problems of integration of minorities and in particular of Roma. The spread of racist incitement by social networks and the media, including on television channels with high ratings, the use of highly offensive speech against Roma, and the organisation of various public manifestations by racist groups - anti-Roma rallies and protests around Roma neighbourhoods - happened on an unprecedented scale.

Since the beginning of 2016 we have witnessed cases of civilians taking matters into their own hands through vigilantism that has received extensive media coverage and considerable public support. The cases involving Dinko Valev and Petar Nizamov Perata, who caught refugees at the border "to protect the country", are significant. The Government's response to such cases is inadequate and populist and is more focused on generating support and approval from nationalist circles than it is on protecting rights. The court releases the perpetrators of such vigilantism on bail or acquits them for lack of evidence despite the photos and video footage of their exploits posted on social networks.

The inhumane, grossly humiliating behaviour by Dinko Valev of Yambol, who has been personally congratulated by Prime Minister Boyko Borisov, and by Petar Nizamov Perata has happened against the background of increasingly-frequent events in recent years such as:

- The arson against properties belonging to Kiril Rashkov (aka Tsar Kiro) in the village of Katunitsa, municipality of Plovdiv;
- The demolition of Roma houses in Batalova Vodenitsa, Serdika residential area, City of Sofia;
- The demolition of Roma houses in the village of Garmen, municipality of Blagoevgrad;
- The demolition of block No. 20 in the town of Yambol: undertaken by Municipality of Yambol;
- The ethnic conflict from June – July 2017 in Asenovgrad described below;
- The Roma boy from the village of Ovchepoltsi, municipality of Pazardzhik, who was beaten because he said all people are equal.

The above-mentioned facts show that the state is not undertaking proper measures to suppress, in a timely fashion, these attempts to engage in xenophobic speech and actions to the utmost. Society is increasingly using anti-Roma speech, even at the highest institutional level, through representatives of the Bulgarian Parliament, the Council of Ministers (Valeri Simeonov), the MEP Angel Dzhambazki, and other would-be politicians. All sorts of abusive language have been used against the Roma community.

Institutional settings for fighting discrimination and addressing antigypsyism

The Bulgarian NRIS recognizes the existence of intolerance, hate speech, prejudices and stereotypes towards Roma and states measures for overcoming these, but without considering antigypsyism a root cause of Roma exclusion. The Strategy does not include the term "antigypsyism" but references "manifestations of intolerance and hate speech". The latter are not described in "Part II – Current status of the Roma community". At the

same time, concrete tasks for countering these phenomena are envisaged in NRIS Priority 5 "Rule of law and non-discrimination" – tasks 4, 7 and 8.⁶³

The existing national mechanisms for fighting discrimination (including antigypsyism) include:

- the Criminal Code, in which such acts are criminalised;
- the Protection against Discrimination Act - through a procedure before the Commission for the Protection against Discrimination and/or a judicial procedure for protection against discrimination;
- the Ombudsman, who has wide powers to refer cases to the judicial authorities to protect victims.

It is important to explain that these legislative acts and institutions are not established with the main aim of coping with antigypsyism, which falls within their responsibilities as a form of discrimination or as a motive of crimes and human rights abuses.

The structure that should monitor this and alert state institutions to it is the structure of the Social Defender or Ombudsman. Until now, this structure has not seriously engaged in overcoming anti-Roma rhetoric and actions. Not for nothing did the former Ombudsman of the Republic of Bulgaria, Konstantin Penchev, says: "Once again, I draw the attention of the competent state authorities charged with investigating acts of xenophobia and racism to the fact that they need to be particularly rigorous. They should not automatically reduce such acts to the formal features of 'hooliganism', as has been the case in previous, similar cases, but recognize and investigate the possible presence of 'hate crime'." The new Ombudswoman, Maya Manolova, has also expressed readiness to work on overcoming anti-Roma discrimination.⁶⁴ Nevertheless, until now the institution has been rather passive on these issues.

Besides the Ombudsman, the Prosecutor's Office is the resource for the exercise of state power that is mandated to consider on its own initiative, investigate, and punish all instances of action or inaction aimed at the deliberate incitement of targeted xenophobia and hatred, and it should do so.

At the local or regional level there are external structures of the Commission for the Protection against Discrimination that can be addressed by citizens in cases of discrimination and intolerant behaviour.

There are no targeted programmes for equal employment of Roma or Roma experts and specialists in the local and state administration and other institutions. The state's explanation is as follows:

1. This would create artificial inequalities for other minority communities (whatever the minority community concept includes) or, in short, privileges for the Roma community;
2. There is not enough professionally-trained staff;
3. The labour market is free and anybody can decide whether to apply for a particular job or position in an administration.⁶⁵

The reasons pointed out by the Roma activists are quite different:

⁶³ *National Roma Integration Strategy of the Republic of Bulgaria (2012-2020)*, p 16 - 17.

⁶⁴ *Opening ceremony of the Fifth National Meeting of School Parliaments - School of tolerance*, Available at: <http://amalipe.com/index.php?nav=news&id=3132&lang=2>

⁶⁵ Interview with S.S., a state expert from the Council of Ministers' administration.

1. Deeply rooted prejudices towards representatives of the Roma community regardless of their educational level and professional qualities;
2. Overt discrimination at all institutional levels;
3. Extremely high public intolerance and hatred for programmes aimed primarily at giving an equal start to and affirmative action for the Roma.⁶⁶

It is noteworthy that when the new Commission for Protection against Discrimination was established in 2017, despite the significant and unprecedented public support of the whole society for the appointment to the CPD of a representative from the Roma community both by means of the civilian quota in the elections and through appointment by the presidential institution, the President of the Republic of Bulgaria, for his part, chose not to nominate a representative of the Roma community to the CPD. Nevertheless, it is worth mentioning that, from the National Assembly quota, self-identifying Roma people were elected chair and deputy chair of the CPD panel. They were party members, respectively, of the Citizens for the European Development of Bulgaria (GERB) party and the Bulgarian Socialist Party.

With regard to the process of representing Roma in local-level institutions, it can be said that the trend outlined in the state institutions is being continued. More and more municipalities ignore the option to appoint Roma to municipal administrations, and the network of regional experts on ethnic issues, in particular Roma experts, is almost lacking in representation now. It is noteworthy that many municipalities with traditionally well-intentioned attitudes towards the process of the integration of the Roma community and its achieved results have begun to ignore the topic of Roma integration, influenced by the regressive tendencies on the protection of human rights and guided by the negative attitudes of Bulgarian society towards Roma.

Countering hate crime and hate speech against Roma, and antigypsyist rhetoric of politicians, public figures and media

In recent years Bulgarian society has faced a steadily-increasing level of aggression and deepening discriminatory attitudes, periodically manifested in various forms of physical violence, including xenophobia and racism, and based on widespread hate speech. This creates a favourable environment for different types of hate crimes (like the case of Ovchepoltzi) or even ethnic conflicts (like the case of Asenovgrad).

The case of Asenovgrad

In June and July 2017 the town of Assenovgrad became a site of conflict between Roma and Bulgarians that had the “potential” to increase its scope to national-level tension. What happened was a repetition of scenarios from the last two years in the villages of Garmen and Radnevo (and at some other places earlier). In all of these locations, trivial criminal incidents such as fights between Bulgarians and Roma provoked local protests that triggered a response from the entire state machine; in the village of Garmen, this led to the demolition of the entire Roma neighbourhood. The Prosecutor-General of the Republic of Bulgaria actively responded to many of these cases and said the case in Assenovgrad should not be used for political purposes and the Roma community should not be threatened with repression.

It is indicative that the interference of players not local to Assenovgrad – football fan clubs, skinheads and others⁶⁷ coming to “support the Bulgarians suffering from Gypsy torture” escalated the conflict sharply. Deputy Prime Minister Valeri Simeonov

⁶⁶ Discussion with Roma NGOs and city councillors on December 6, 2017.

⁶⁷ Information about the anti-Roma protests in Assenovgrad see at: <http://bnr.bg/post/100848607/nad-5-hiladi-dushi-uchastvaha-v-porednia-protest-sershtu-romite-v-asenovgrad>.

additionally aggravated the situation, as he met with and supported only the ethnic Bulgarians.⁶⁸ The local authorities tried to moderate the conflict by organising round-tables, but these also excluded representatives of the Roma community.⁶⁹

The case of Ovchepoltzi

In April 2017 there was an emblematic case of a 17-year-old Roma boy from the village of Ovchepoltzi, municipality of Pazardzhik, who became a victim of racist harassment. Bulgarian-origin citizen Angel Kaleev was accused as the perpetrator. The case gained popularity after Kaleev himself recorded his actions and uploaded the video onto his profile on the Facebook social network. The video shows Kaleev abusing the Roma youth and humiliating him after the youth said that he and Kaleev were equal. The Pazardzhik District Prosecutor's Office announced that Kaleev had been accused of causing mild bodily harm motivated by hooliganism and xenophobia. The Bulgarian Helsinki Committee (BHC) officially objected to this legal qualification of the crime. In July 2017 the Pazardzhik District Court sentenced Angel Kaleev after an agreement was reached between him and the prosecution to 11 months of imprisonment, suspended for a probationary period of three years.

There is no clear, adequate official response in cases where Roma are abused because of their origin. A number of cases have been documented in which ethnic Bulgarians have beaten Roma, and this happens on a daily basis. Such was the case in Pazardzhik with Ramiz Dzhilil, who was beaten by assailants shouting that they were beating him because he was Roma; a similar case was that of beaten Roma construction workers in the town of Asenovgrad, who were considered "provocateurs" by the police. This is just a small part of the provocations the Roma community is subjected to, but there is no adequate reaction from the state institutions, as they believe such incidents are "domestic" disputes not based on ethnic hatred.

Bulgarian authorities do not investigate hate crimes in an effective, timely way - they are often not even registered as having happened. Bulgaria continues to be on the list of countries who do not keep records of hate crimes despite the norms established under Article 162 and Article 163 of the Criminal Code and despite the recommendations of the Organization for Security and Co-operation in Europe (OSCE) and the Council of Europe about the necessity of effective convictions for such crimes, none such are registered.

The regression in the field of human rights protection has strengthened, deepened, and even increased manifestations of vigilantism. The Roma community does not enjoy collective rights, but a large part of Bulgarian society and the media want the consequences and responsibility for individual offences committed by individual Bulgarian Roma people to be shared by the entire Roma community. Of course, this is contrary to law and justice in general. However, where a crime is committed by an ethnic Bulgarian, the public discourse is quite different, and the ethnic origin of the perpetrator is not even mentioned. Despite the non-existence of statistics or official terminology in the normative framework of the provisory authorities about the ethnicity of perpetrators, undefined concepts such as "Roma crime", "Gypsy vandalism", "Roma domestic crime", etc. are in permanent use by the authorities. There have been many cases where, in the reports by the district offices of the Ministry of Interior, the information for a certain period about the same kinds of crimes committed by persons of other ethnic origins is presented with a description of the Roma offenders' origins specifically, information that is then quoted. The information so provided by the judiciary

⁶⁸ Information about the interference of Valeri Simeonov see at: <http://bnr.bg/plovdiv/post/100860384/vs>.

⁶⁹ Information about the Round table see at: <http://bnr.bg/plovdiv/post/100866165/nacionalna-kragla-masa-po-etnicheskite-problemi-v-asenovgrad>; <http://amalipe.com/index.php?nav=news&id=3040&lang=1>.

and law enforcement authorities inevitably creates negative attitudes and deepens the stereotypes held by Bulgarian society in respect of Roma.

The lack of differentiation by the authorities among various motivations and those crimes based on racism and xenophobia leads to ineffective investigations and, respectively, to accusations of "hooliganism" (rioting). This leads to broken, ineffective law enforcement in practice. These institutions are more careful that their activities do not run counter to the current attitudes of Bulgarian society, influenced by national-populist movements and political subjects, than they are to impartially, effectively enforce the law.

Taking into account the above-mentioned facts and data, it should be noted that antigypsyism, as a concept, is neither distinguished nor understood as involving a process of its own; it is often equated with the processes of discrimination and institutional racism or, rather, as a simple process of not accepting the Roma. Officials, judges, and prosecutors in Bulgaria are not familiar with the characteristics of antigypsyism, nor are they familiar with the main characteristics of the Roma communities. Certain trainings on this are organised within projects financed by the EEA/Norwegian financial mechanism and other programmes, but they reach few participants and usually are short-term.

Hate speech against Roma has also marked a huge increase during the last several years. When it comes to the alarmingly-growing intolerance of those who are "different", Roma are the main target of racism and hatred in 92% of cases, according to a nationally representative study by the Open Society Institute done in May 2016.⁷⁰ Muslims, Turks, homosexuals, and foreigners are the next most frequent targets of hate speech in Bulgaria. Over the last two years, the proportion of respondents who have heard statements of disapproval, hatred or aggression against Muslims has grown almost fourfold: from 10.6% in 2014 to 39 % at present.⁷¹ Television continues to be the most influential media associated with the spread of hate speech. Interactions in stores, pubs, public transport and the workplace play a big role in this respect as well. In the traditional media there is a growing approval for the use of expressions that contain extreme nationalism and hate speech against Roma and migrants, according to the study.⁷² The conclusions show that half of respondents said they would approve of a law requiring the state to protect the representatives of minority social groups from hate speech, with 59 % saying they believe prosecutors should prosecute journalists and politicians who show disapproval of, hatred of or aggression toward representatives of minority groups. Two-thirds approve of criminal prosecution against aggressive nationalism. The propensity to report such crimes, however, remains rather low: only 23 % of respondents said they would personally report such an incident to the police.

Simultaneously with this tendency, another dangerous trend is obvious: many politicians (not only from ultra-nationalist parties but even from the so-called "reformists and democrats") openly use hate speech towards Roma. It is striking that the state constantly seeks ways to downplay, justify, and rename opinions involving extremely discriminatory, xenophobic content expressed in the public domain. Abusing the notion of freedom of speech by instituting clear xenophobia and ethnic intolerance bordering on obvious hatred is not uncommon. The following facts confirm these conclusions, which are drawn from the inconsistent, contradictory practices of the courts, the prosecutor's offices, the Office of the Ombudsman, and the Commission for the Protection against Discrimination in the process of applying the relevant legislation.

⁷⁰ Open Society Institute, *Survey of Public Attitudes towards Hate Speech May 2016*, available at: <http://opendata.osi.bg/en/opendata.php?q=44&s=4&c=55&i=836&t=2&sel=3>

⁷¹ *Ibid*, <http://opendata.osi.bg/en/opendata.php?q=44&s=4&c=55&i=832&t=2&sel=7>

⁷² *Ibid*, <http://opendata.osi.bg/en/opendata.php?q=44&s=4&c=55&i=835&t=2&sel=4>

In general, the prosecution continues to show apathy toward prosecuting hate crimes, and examples of the opposite approach are extremely rare.

Cases of hate speech used by high-level politicians

The Bulgarian Helsinki Committee's legal programme initiated proceedings alleging harassment and incitement to discrimination under the Protection against Discrimination Act on behalf of two Roma complainants against Valeri Simeonov, an MP from an ultranationalist party. The case was based on Simeonov's statement in the National Assembly on 17 December 2014, in which he, among other things, denounced Romani women who give birth to what he termed "many children" by calling them "women with the instincts of street bitches." By a decision in October 2017 the District Court of the City of Burgas has found that these words constitute harassment within the meaning of the Protection Against Discrimination Act, as "they lead to violation of the dignity of the person and the creation of a hostile, degrading, humiliating and offensive environment, and anyone with a Roma ethnicity may be affected by them; and it is not necessary for the statement to refer to the entire Roma community in order to be perceived as prejudicial to the dignity of an individual representative of the Roma community". The Deputy Prime Minister Simonov was sentenced "to stop the violation, and to refrain from further violations in the future". The judgment is still at the first instance and can be appealed. It is noteworthy that the case was referred to the Sofia City Prosecutor's Office, which declined to initiate proceedings because Simeonov had not been stripped of his immunity.

Another emblematic case indicative of ineffective justice is the public statement by Health Minister Dr. Petar Moskov, who in relation to a violent incident with emergency responder teams referred indirectly to Roma as "beasts that should be treated as beasts". Neither the Commission against Discrimination nor the Administrative Court found his statements constituted discrimination referring to the difference between hate speech, offence and discrimination.⁷³

Analysing and forming narratives and attitudes towards Roma

Chapter 5 of the NRIS, "Rule of Law and Non-Discrimination", states as its operational objective "Guaranteeing citizens' rights, with an emphasis on the rights of women and children, protecting public order, preventing and combating any manifestations of intolerance and hate speech." One of the tasks set is "Increasing institutional and public sensitivity to and intolerance of discrimination and hate speech. Adopting priority measures to prevent ethnically-motivated radicalisation, particularly among young people."⁷⁴ Beside this, there is no significant public investment from the side of public institutions and the state budget in forming positive narratives and attitudes towards Roma. There are many positive examples from the work of different civil society actors.

The main surveys and studies of anti-Roma stereotypes and attitudes in Bulgaria are done on an annual basis by the Open Society Institute⁷⁵. Other NGOs – like Amalipe, Integro and others – as well as experts also carry out research financed by EC programmes.⁷⁶

⁷³ Descriptions of many other cases can be found at: <http://amalipe.com/index.php?nav=projects&id=117&lang=2>.

⁷⁴ *National Roma Integration Strategy of the Republic of Bulgaria (2012 – 2020)*, p. 24-25.

⁷⁵ The OSI surveys on hate speech and social distances are available at: <http://www.opendata.bg/opendata.php?q=4>.

⁷⁶ Like the Rights, Equality and Citizenship programme, Daphne, and other Brussels-managed programmes.

The projects and programmes that aim to prevent antigypsyism are also managed mainly by civil society actors. The only exceptions are certain trainings of policemen, teachers and other professionals for work in multicultural environments. For example, in the monitoring report on the implementation of the National Roma Integration Strategy adopted for 2016, a number of measures were reported to have been taken to improve the training of police officers, in particular: "Human Rights and Skills for Working with Representatives of Roma Communities"; "Identifying Problems of Public Order and Security Issues in Local Roma Communities"; "Work of police officers with minority groups in the society"; "Traditions, lifestyle, and culture of Roma communities", and others.

During 2016, 1,016 on-the-job trainings were carried out for 21,486 police officers at the Sofia Directorate of the Ministry of Interior, the Regional Directorates of the Ministry of Interior, and the Gendarmerie Directorate at the National Police Directorate General. There are also many implemented projects aimed at curbing all forms of ethnically-motivated violence.

The outcomes and impact of these trainings have not been evaluated so far. Nevertheless, it is difficult to expect that such small-scale activities could provoke profound change, although they are necessary.

A strongly positive tendency that exists in the present programme period is the use of European structural funds – mainly ESF but also ERDF – for activities about antigypsyism. For example, the big integrated operation that combines funds from the Human Resources Development OP, the Science and Education for Smart Growth OP and the Regions in Growth OP for municipal Roma integration projects provide possibilities for campaigns and activities that would counter antigypsyism. They are included in the special priority axis "Overcoming negative stereotypes and developing local communities"⁷⁷ of the call that provides an opportunity for every project to contain such activities. The Annual Work Plan of the Science and Education for Smart Growth OP for 2018 envisages a new operation on "Increasing capacity of pedagogical specialists to work in a multicultural environment". It will support the practical training of 2,000 pedagogical specialists for work in a multicultural environment. The operation will be implemented as a competitive selection procedure for projects that will be open to schools, universities and NGOs.⁷⁸

Since the projects within these operations have not been started, it is difficult to assess their impact. Nevertheless, the trend of using EU funds to counter antigypsyism is strongly positive, as is the requirement for activities creating a supportive public environment in every municipal Roma integration project.

⁷⁷ The announcement of the first integrated operation could be seen at:

<http://www.eufunds.bg/index.php/bg/novini/item/16071-pokana-za-nabirane-na-kontzeptzii-za-priobshstavane-na-uyazvimi-po-op-razvitie-na-choveshkite-resursi-i-op-nauka-i-obrazovanie-za-inteligen-rastezh>; <http://amalipe.com/index.php?nav=news&id=2785&lang=2>

⁷⁸ <http://sf.mon.bg/?qo=news&p=detail&newsId=506>;
<http://amalipe.com/index.php?nav=news&id=3149&lang=2>

IMPACT OF MAINSTREAM EDUCATION POLICIES ON ROMA

The implementation of policies for the educational integration of Roma in Bulgaria over the past two years has been implemented in a new environment regulating mainstream education in Bulgaria. The Pre-school and School Education Act⁷⁹, approved by the National Assembly on 30 September 2015, is in force since 1 August 2016. It aims to fundamentally reform the Bulgarian educational system, which will have a positive impact on the education of children and students from ethnic minorities.

In essence, the new Education Act provides wording that will support educational integration policies for the first time. This wording was adopted after proactive advocacy by Roma and pro-Roma organisations begun in 2010.⁸⁰ Many of the basic wordings in the new law will also impact the education of Roma children – in negative or positive way, e.g., through the new educational structure, the possibility of forming “unified schools”, home schooling (which can push Roma children into private student status, i.e. outside integrated school settings), etc.

The analysis below examines how educational integration policies have been implemented in the context of this new law and what changes have resulted.

Access to quality early childhood education and care services, especially kindergarten

The Pre-school and School Education Act states that “Pre-primary education is compulsory from the school year in which the child turns five” (Article 8, para. 1). In this respect, the new law reiterates the old one, which since 2010 had required compulsory pre-school education for five and six-year-olds. The ongoing political debate is in favour of the inclusion of four-year-olds in compulsory pre-school education, but such a decision has not yet been taken.

Despite the foreseen requirement, the real national attendance of pre-primary education is low and has even slightly worsened in the past three years. According to the National Statistical Institute, the net enrolment rate in pre-primary education in 2016/2017 is down to 79.4%, i.e., every fifth Bulgarian child is not enrolled. The trend is downward since 2013/2014, as follows:

	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17
Pre-school education (ISCED-0)	81.5	82.1	83.6	82.9	81.0	79.4

Source: National Statistical Institute, Group net coefficients by degrees of education according to ISCED 2011

These data are not reported on an ethnic basis and apply to all children in the relevant age group. Numerous studies indicate that the range of Roma children in pre-primary education is at least twice as low as the national average: e.g., the survey “The Situation of Roma in 11 Member States” by FRA and UNDP undertaken in 2011 shows that only 45% of Roma children in Bulgaria aged between four and six attend a kindergarten.⁸¹ In 2016 EUMIDIS2 survey shows an increase which is still significantly below the national rate: 66% of Roma children between 4 and compulsory primary education age attend kindergarten. A survey by the World Bank, “Supporting Disadvantaged Children to Enter

⁷⁹ http://lll.mon.bg/uploaded_files/ZAKON_za_preducilisnoto_i_ucilisnoto_obrazovanie_EN.pdf

⁸⁰ The advocacy campaign was organized by the Amalipe Centre, supported by dozens of NGOs, about 500 schools and more than 12,000 citizens.

⁸¹ <http://fra.europa.eu/en/publication/2012/situation-roma-11-eu-member-states-survey-results-glance>

Kindergarten", undertaken in 240 settlements in 2016 registered similar figures: 68% of Roma children attending kindergarten.⁸²

The existence of financial barriers, e.g., fees and such, can be identified as one of the main reasons for the lower enrolment in pre-school education by children from the Roma community and other vulnerable groups. Municipalities that establish kindergartens have the legal right to collect such fees and the majority of them do so. According to information from the Ministry of Education, only 5% of municipalities, e.g., 13 municipalities, do not collect any fees. Twelve other municipalities collect fees for children aged two to four, but not for children at the compulsory pre-school age of five or six. Over 90% of municipalities collect monthly fees (from 5 to 35 EUR) for all children in kindergartens.⁸³ This is a serious obstacle to some poorer families. The implementation of the "Springboard for School Readiness", a research project by the Trust for Social Achievement, shows that the percentage of Roma children attending kindergarten would increase significantly if the fees would be abolished - nearly half of the missing Roma children would enrol in kindergarten in that case, but the additional introduction of financial incentives, the so-called "conditional cash transfer", does not significantly increase attendance by those enrolled.⁸⁴ The implementation of the "Local Engagement for Roma Inclusion" project of the EU Fundamental Rights Agency in Pavlikeni municipality shows that the abolition of fees, combined with community work with families and local communities, yields about 95% enrolment by Roma children in compulsory pre-school groups⁸⁵.

Certain types of fines/other enforcement for parents whose children do not attend compulsory kindergarten or school education exist at present. The most common one is to stop the so-called "child benefits": a lump sum benefit of approximately 18 EUR per a child provided by the state budget to the families. Another one is a fine that the municipal mayor could execute to parents who do not ensure enrollment in compulsory education. Nevertheless, they are seldom enforced especially regarding the kindergarten's age.

At present the state budget co-finances the education of children in kindergartens through the "Education" function in activities delegated to the municipalities, and the municipalities further fund and manage the kindergartens, while the parents pay the fees mentioned above. The standards by which the state finances the activities delegated by it to the municipalities for 2017 were determined by Council of Ministers Decision No. 920/02.11.2016. According to that, the municipalities receive between around 15 EUR per month for a child of compulsory preparatory age (five or six) included in a preparatory whole-day group in kindergarten compared to other children the kindergartens (age two through four). However, according to Ministry of Education and Science (MES) data, 123 municipalities do not reduce the fees for five and six-year-olds in any form, 56 municipalities reduce these fees by up to equivalent of 10 EUR and only in two municipalities is the price is reduced by approximately 14 EUR.⁸⁶

⁸² The survey is not national but is representative of 236 locations where the "Springboard for School Readiness" programme of the Trust for Social Achievement is implemented. Infographics are available at: <http://www.worldbank.org/en/news/infographic/2017/06/15/supporting-disadvantaged-children-to-enter-kindergarten>.

⁸³ MES information provided for the purposes of this report.

⁸⁴ <http://www.worldbank.org/en/news/infographic/2017/06/15/supporting-disadvantaged-children-to-enter-kindergarten>

⁸⁵ <http://fra.europa.eu/en/project/2015/local-engagement-roma-inclusion-leri-multi-annual-roma-programme>

⁸⁶ MES information provided for the purposes of this report. More detailed information in: Kolev, Deyan, *How free is pre-school education?* Available at: <http://amalipe.com/index.php?nav=news&id=3105&lang=2>.

The lack of kindergartens is also an obstacle to the higher enrolment of Roma children, but only in some urban municipalities and Roma districts. This is partly compensated for by providing free transport (e.g., Burgas Municipality provides transport for children from the "Pobeda" district to kindergartens in neighbouring districts) or by opening preparatory classes in schools in the respective districts. The preparatory classes at primary schools offer only half-day trainings that are not enough for the preparation of some children. In addition, the new Education Act introduced the term "centralized kindergarten" to which free transport is provided from villages where there is no kindergarten.

The lack of an intercultural perspective and modern teaching methods that take the specifics of Roma children and parents into account forms another serious challenge regarding access to quality pre-school education by Roma. Almost no teachers have even a limited knowledge of basic Romani or Turkish words, although many Roma and Turkish children do not speak Bulgarian. The curriculum is centred only on the culture and traditions of ethnic Bulgarians. Roma parents are seldom involved in the work of the kindergartens. In this regard, pre-school education is significantly underdeveloped compared to primary school education, which has incorporated intercultural practices. Since removing the financial and other barriers to physically accessing pre-school education could result in half of children not enrolled subsequently enrolling (as explained above), the key to attracting the other half is introducing culturally-sensitive, attractive kindergartens that are friendly to children and parents.

Promoting integrated education

More than 60% of Roma students are currently trained in educational settings only with other Roma students or with majority of Roma children, by the 2016 EUMIDIS2 survey. In many cases this is a question of education in rural schools where ethnic Bulgarian children are missing for demographic reasons: in essence, most of the schools in small settlements are attended only by children of ethnic Roma, ethnic Turkish and Muslim Bulgarians. At the same time, the existence of segregated schools in big cities and smaller towns is an objective fact. Fifteen years ago, Yosif Nunev, a researcher and expert at the MES, published information about 68 "primary-segregated schools" located in Roma districts where all students are Roma. With the process of desegregation, i.e., the enrolment of children from Roma ghettos into ethnically-mixed schools, dozens of schools (there are no statistics on the exact number) that originally educated primarily ethnic Bulgarians have become "secondary segregated Roma schools" because the ethnic Bulgarian children have been enrolled in other schools 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, segregated high schools or vocational high schools educating primarily Roma usually reported their low educational attainment. Another common form of Roma 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. Although Art. 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 and this practice has not even decreased.⁸⁷

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 drop-out rate is high, and the number of continuing students in

⁸⁷ Interview with YN, former expert in MES

secondary schools and universities is negligible. It is indicative that in the grouping of all schools into seven sets according to the level of access to education and educational quality that was carried out by the MES in 2016,⁸⁸ almost all the segregated "Roma schools" were categorised as belonging to the most-troubled (first and second) groups. Moreover, all the schools in the district towns included in Group 1 are segregated "Roma schools".

The desegregation of urban "Roma schools" has been one of the main goals of the Roma movement since the 1990s. It was also highlighted as a priority in several political documents of the Bulgarian Government, including the Strategy for the Educational Integration of Children and Students from Ethnic Minorities⁸⁹ and the National Strategy of the Republic of Bulgaria for Roma Integration.⁹⁰ 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, para. 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, para. 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 para. 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 ("Gypsy") 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 "Gypsy classes" is very low.

These provisions do not particularly apply to the so-called rural schools and kindergartens where, for demographic reasons, children from only one ethnicity are educated. They do not apply to segregated schools in cities that also teach students only from one ethnicity. Unfortunately, the MPs did not accept wording prohibiting segregated schools in settlements with students from different ethnic groups despite the advocacy of Roma and pro-Roma organisations on this issue.⁹¹

Desegregation is one of the main priorities in the activities of the Centre for Educational Integration of Children and Students from Ethnic Minorities (CEICSEM), an MES structure established in 2005 to raise and allocate funds for the implementation of the Strategy for Educational Integration. The CEICSEM annually announces a competition for projects for educational integration, one of the priorities being desegregation.⁹²

Integrated education in a multicultural environment is a main priority of the investment priority called "Socio-economic Integration of Marginalised Communities Like the Roma" in the Science and Education for Smart Growth Operational Programme, for which 195

⁸⁸ 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, that groups the schools.

⁸⁹ 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>

⁹⁰ 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

⁹¹ 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>

⁹² More information about the Centre see at: <http://coiduem.mon.bg/>

million BGN (100 million EUR) has been allocated. In 2016 the first approved projects of municipalities, NGOs, schools and kindergartens funded by the priority began.

Notwithstanding this, the progress on the actual implementation of the desegregation policy is minimal and, in some respects, there are serious deficiencies. Although anti-segregation wording in the new Education Act are in force for the second school year, NGOs are signalling that the practice of forming segregated classes and groups continues. The MES and its regional structures have not taken any measures for the purposeful implementation of the anti-segregation wording of the law as well as the analogous wording in the Intercultural Education Standard. School and kindergarten principals who have continued to promote segregated classes and groups have not been sanctioned.

In connection with the creation of unified schools offering instruction from first through 10th grade - an opportunity provided by the Pre-school and School Education Act as a means to increase the scope of secondary education in rural areas - the MES has not allowed many segregated urban schools to become unified ones offering education through 10th grade. To do so would increase the time spent by students in segregated environments (i.e., instead of just grades one through seven, they would be segregated for grades one through 10). The main stance defended by Roma organisations on this issue was that the MES should help turn more rural schools into unified ones but not allow this option for primary schools in big cities.⁹³ Although the MES initially was about to do the opposite, after active advocacy by Amalipe and dozens of schools, the Minister of Education allowed the transformation of 55 primary schools into unified ones, 48 of which were located in villages.⁹⁴ It can be estimated that four segregated urban schools were re-established as unified schools, a move that will keep their pupils in a segregated environment for 10 years now rather than just seven.

The increasing school segregation in Samokov

The case of turning the segregated *Neofit Rilski Elementary School* school in Samokov into a unified school (i.e., a school offering first through 10th grade instruction) is indicative of these issues. Two "Roma schools" currently operate in the city. One is a primary school and teaches students up to 4th grade. After graduation, some of the students continue in ethnically-mixed schools, while others attend the Neofit Rilski school, where only Roma students are enrolled. In March 2017 the Municipal Council of Samokov decided to merge both schools and turn them into the Neofit Rilski Unified School which will teach up to the 10th grade. NGOs (Savore Foundation, Amalipe Centre, Equal Opportunities Initiative), parents, and even the primary school teachers reacted negatively to this idea, as this solution reinforces segregation in Samokov and increases the years pupils will be educated in a segregated environment. However, the MES approved the decision of the Municipal Council.⁹⁵ An appeal was filed before the Supreme Administrative Court by teachers and the Savore Foundation, which had a suspensive effect. However, in violation of the law, the MES approved the admission of students in the 8th and even the 9th grade to the school despite no final judgment having been made by the court. The status of the school is still unclear.

The case described indicates inconsistency in the implementation of the desegregation policy and integrated education not only by the MES but also by the local government.

⁹³ Center Amalipe, *Important questions and answers about the creation of the unified schools*. Available at: <http://amalipe.com/index.php?nav=news&id=2858&lang=2>.

⁹⁴ Information about the unified schools approved in 2017 see at: <http://amalipe.com/index.php?nav=news&id=3015&lang=2>

⁹⁵ According to the law, the municipalities, which establish almost all schools, propose to open, close or transform schools and the Minister of Education affirms or rejects their proposal.

Municipalities are establishers of primary schools and the decision to close or transform schools is initiated by them. Generally, not only is there no public support for such a solution, but on the contrary, many ethnic Bulgarian parents prefer their children not to study in a classroom with Roma children.⁹⁶ Local government usually takes these attitudes into consideration and does not initiate steps to support integrated education in a multicultural environment. The possible pressure in this direction by the MES, and especially a normative or legal constraint on the number of years that a student may be educated in a mono-ethnic environment (i.e. schools attended by Roma pupils only, which are consequences of demographic development or practice of enrolling Roma and non-Roma children in different schools; the antidiscrimination law is not effective in tackling these situations, as it prohibits only education in ethnically segregated classes in schools with both Roma and non-Roma pupils) are the factors that can “unlock” the closed circle of segregation, but they are not available in the law at this time.

Avoiding early determination of school career (early tracking)

Tracking of students in Bulgaria occurs on a massive scale after 7th or 8th grade. This early age was further reduced by the new education law, which removed the eighth grade from being considered part of primary school and provided an opportunity for the High Schools of Mathematics and Natural Sciences to begin at eighth grade.

One of the innovations of the Pre-school and School Education Act that remains strongly challenged by many teachers is the ban on quantitative assessments and repetition of lower primary grades. In the debates preceding the adoption of the law, a wide range of organisations working in the field of education supported these changes and provided sufficient arguments for them.

One of the serious debates during the drafting was about the possibility for early admission (from the 5th grade) into specialised high schools. A kind of clash is underway between advocates of so-called “elitist education”, according to whom early profiling is a chance for children to be better educated, and the advocates of integrated education, who defend the thesis that profiling prior to the acquisition of a basic education is unjustified by children's psychological characteristics and detrimental to the overall development of the education system because it strengthens segregation.⁹⁷ Nearly 7,000 parents initiated a petition to extend early admission to Language and Humanities- High Schools, and more than 12,000 supported a petition by the Amalipe Centre's petition and 300 schools in which one of the main requests was to prevent early admission. In the end, the National Assembly adopted a “semi-solution”, which continues the *status quo* – it allows early admission to High Schools of Mathematics and Natural Sciences, but not to Language and Humanities High Schools. Given the small number of High Schools of Mathematics and Natural Sciences and their limited early admissions, this option does not currently enhance educational segregation or threaten the quality of education in the primary schools.

Eliminating grade repetition

Repeating grades is not a serious problem in Bulgaria, as only about 1% of students fail to pass upper-primary grades. However, the existence of serious knowledge deficits among a large number of students is a fact that has been registered in many ways. For example, functional literacy deficits in the fields of Mathematics, Reading and Natural

⁹⁶ This attitude is sustainable, as the annual sociological surveys of the Open Society Institute - Sofia show.

⁹⁷ The “Capital” newspaper organized a virtual debate on the subject, which made it possible to articulate these theses. Its results could be seen in BG at: https://www.capital.bg/interaktiv/debati/53_da_ima_li_ranen_priem_za_ezikovite_i_matematicheskite/2470238_za_ranen_priem_v_ezikovite_i_matematicheskite_gimnazii/

Sciences (share of 15-year-olds at level 2 and lower according to the international PISA survey) for Bulgaria are the highest in the EU: reading 39.4% (EU average 17.8%); mathematics 43.8% (EU average 22.1%); natural sciences 36.9% (EU average 16.6%). Interestingly, the other authoritative international survey that records the literacy rate of the TIMSS graduates (i.e., the lower age group) in 2016 shows scores for Bulgaria that are above average: 524 points (Mathematics) and 536 points (Natural Sciences) compared to an average of 500 points in 49 countries.⁹⁸ In other words, there is a serious drop in attainment at the lower secondary level. The external evaluation the MES organizes annually in the 4th and 7th grades also reports a high percentage of "Fail 2" (the worst school mark) recipients - between one-third and one-quarter of those evaluated.⁹⁹ The MES does not publish information about students' performance disaggregated by ethnicity. Only information on school performance and the concentration of students with learning difficulties is available. In July 2016 the MES grouped the schools in the country into seven categories according to the concentration of students with learning difficulties. The grouping was made in accordance with 15 indicators for the needs of the project "Your Hour", funded by the Science and Education for Smart Growth Operational Programme.

Currently the support for pupils earning lower marks is primarily implemented through supplementary activities funded by the Science and Education for Smart Growth Operational Programme or the national budget. The largest of these is the project "Your Hour", financed with 140 million BGN (almost 72 million EUR) by the Science and Education for Smart Growth Operational Programme.¹⁰⁰ Within the programme, schools receive funding for two types of extracurricular activities: for overcoming learning difficulties and for developing students' skills and interests, and the higher the concentration of students with learning difficulties, the greater the funding. Since the project "Your Hour" started in September 2016 and is currently running it is still too early to analyse its effects. Nevertheless, it is a highly positive fact that the project is running even in the most disadvantaged schools and reaching thousands of children with difficulties.

Better teacher training is an important prerequisite for improving the quality of education. Currently, the MES stimulates higher qualifications primarily through operations funded by the European Social Fund. The Monitoring Committee of the Science and Education for Smart Growth Operational Programme has approved two qualification operations, one of which is for education in a multicultural environment, but neither have been launched yet. In addition, in the delegated school budgets there are funds for qualification of 1% under paragraph 1, i. e. from the "Salaries fund". These are allocated by the principal to improve qualifications. In addition, 3.5% of salary funds are used for differentiated salaries, where higher qualifications play a leading role.

An important innovation introduced by the Pre-school and School Education Act is the possibility for NGOs to obtain licensing as training organisations and for the training provided by NGOs to be recognised as qualification improvement (Articles 230-245). This will allow for the creation of a competitive market for better quality and practice-oriented training.

Targeting disadvantaged schools

Two groups of schools in Bulgaria can be identified as "vulnerable":

⁹⁸ Information provided by the Ministry of Education and Science.

⁹⁹ Article about the results from test exams see at: http://www.dnevnik.bg/bulgaria/2017/06/08/2985461_rezultatite_ot_maturite_na_4_i_7_klas_tazi_godina_sa/

¹⁰⁰ <http://tvoiatchas.mon.bg/>

- Schools in small settlements: We use the concept of “small settlements” as meaning villages and towns where there is just one school or no functioning school. Since the introduction of the funding system according to the number of students in 2007 and 2008, more than 700 schools were closed due to a budget shortage, and the remaining 792 schools are the only ones in their given location¹⁰¹ and have a relatively low budget. Most of these schools teach predominantly Roma or Turkish students;
- Schools with a predominant percentage of Roma students: in the majority of cases, the quality of education in them is lower.

The Pre-school and School Education Act and its subsequent reforms have a bi-directional impact on vulnerable schools. The new law poses serious challenges to education in small settlements while offering certain “compensatory mechanisms” and even development opportunities (though to a lesser extent).

The most serious challenge is posed by one of the most important changes introduced by the law: the new educational structure. According to the new structure, the 8th grade is no longer considered primary education, but secondary education, with primary education being offered in two stages: elementary (I-IV grade) and lower secondary (V-VII grade). Secondary education will also be in two stages: VIII-X grade, and XI-XII grade. In essence, this change makes it possible for children to stop attending school one year earlier than before, without violating the law.¹⁰² At present, about 10% of primary school graduates do not continue to high school. With the new law, many of them will stay in school one year less.¹⁰³ The change will also lead to changes in the school network. Probably some of the smaller primary schools will be closed because the eighth grade will not be offered. For the rest of the schools it will become more difficult for them to form the norms for teachers of lower secondary school because the change will lead to the need for teachers to teach two or more subjects, which in many cases will further deteriorate the quality of education and lead to student outflow and premature school closure. It is still too early to say how many of the primary schools will not be able to overcome this challenge, but it is very likely that there will be a second mass closure of rural schools caused by this change to the education system.

At the same time, the law provides “protective” mechanisms to compensate in part for the losses that will be caused by the transfer of the eighth grade to secondary schools. Additional financial support will be given to protected schools where the state will directly finance smaller classes. The Pre-school and School Education Act also provides an important opportunity not only to preserve but also to develop the school network and education in small settlements through the creation of the so-called “Unified Schools”, where pupils from the first to tenth grade will be educated. They will also be able to acquire the first degree of vocational qualification from such schools, i.e., the rural schools can become real educational centres that provide a wide range of opportunities for the students: vocational qualifications, internships, motivation to continue to the upper secondary school, etc. Thus, modern Unified Schools will be a driver for the development of rural education by enhancing educational quality nationwide. This was an important success of the advocacy campaign by Roma NGOs in the process of drafting the law.

The creation of the first Unified Schools in 2017 involved serious difficulties. Although the municipalities are leading the process, the MES initially blocked it, disseminating

¹⁰¹ The number is for the 2016/2017 school year.

¹⁰² Although the Constitution requires obligatory schooling up to the age of 16, the Public Education Act’s requirement is for obtaining the primary education.

¹⁰³ Information from the MES.

exemplary criteria for such schools which encouraged schools with many students, i.e., urban segregated schools to transform into Unified Schools and discouraging rural ones from doing so. Certain professional gymnasiums, especially ones with few students and with predominantly Roma students, also had a negative reaction because they feared losing students. Some intellectuals also expressed concerns that the Unified Schools will preserve segregation and will have low levels of education when they are in small settlements.¹⁰⁴ Nevertheless, the Unified Schools have proved their efficiency in ensuring enrolment into secondary education. The data of the MES from all the primary schools shows that around 6.33% of students who obtained a primary education diploma in June 2017 did not continue to secondary education in September 2017 although they are still of compulsory school age. In some rural schools more than 60-80 % of students do not continue their education. From the Unified Schools only 2.3 % of students are not continuing to secondary education. Some are continuing at their respective Unified School while others are continuing in different gymnasiums.¹⁰⁵

Although many rural schools have predominantly Roma students, like the segregated urban "Roma" schools, the situation in both types of disadvantaged schools differs in certain important characteristics. The village schools usually educate all children from the respective village, while middle-class Roma parents remove their children from segregated urban schools. The rural schools are under-financed while the urban segregated ones are among the schools with the biggest budgets. As a result, both types of disadvantaged schools differ in their readiness to apply educational innovations. For example, more than 30 village schools with a high percentage of Roma students were recognized as "innovative schools" by the MES while only one segregated urban school managed to achieve that recognition in 2017. The status of "innovative school" allows for a certain flexibility of the school to change its curriculum, teaching methods and tools.

Fieldwork experience shows that introducing innovative teaching and intercultural education could improve the situation in both types of disadvantaged schools, but this happens in different degrees. There is enough evidence to demonstrate that village "Roma" schools that enrol all school-age children improve the quality of education significantly and provide plenty of possibilities for their students. Thus, they become real educational centres comparable with mainstream schools elsewhere.

¹⁰⁴ The concept that education provided in rural settings is low-quality is widely shared but not fully supported by empirical data. For example, the grouping of all schools into seven groups done by the Ministry of Education for the project "Your Hour" shows that the majority of schools in the most "problematic" groups (1 and 2) are urban ones. The number of rural schools in the most-struggling category (1) is twice as low as the number of rural schools in the "best" group (7). Although the overall situation with education in rural areas is the most difficult, innovative teaching methods and proper management can significantly improve the quality of education.

¹⁰⁵ Data provided by MES. For more information, see: Kolev, Deyan and Krumova, Teodora, *The students who do not continue their secondary education: how many, where, why and how*. Available at: <http://amalipe.com/index.php?nav=news&id=3154&lang=2>

The "Every Student Will be a Winner" model

For example, 247 schools all over Bulgaria apply the comprehensive model of "Every Student Will be a Winner" which combines introducing intercultural education, activating students, empowering parents and training teachers.¹⁰⁶ More than 55% of these schools are rural "Roma schools". An independent evaluation done by two sociological agencies shows that in these schools there is a significant decrease in dropout over the intervention period of three to five years while in the control group (similar schools not included in the programme) the dropout rate doubled during the same period.¹⁰⁷

The majority of these schools are in the "upper" groups (4-7) of the grouping done by the MES for the needs of the "Your Hour" project, indicating the relatively high quality of their education and the access they provide to education.

On the other hand, fieldwork experience shows that in the segregated urban schools, similar interventions can alleviate certain problems but do not fundamentally change how the respective school functions.

Up until the end of 2017 there were no serious systemic financial incentives available for vulnerable schools or for teachers teaching pupils from vulnerable groups. Overall, educational reform has increased the gap between the "élite" and the "vulnerable" schools and intensified the vulnerability of these weaker schools. The stated political intention of the current Minister of Education Krassimir Valchev is to correct this error by reforming the system of "delegated budgets" so that schools teaching pupils from families with low educational attainment receive more money and teachers teaching in rural areas receive bonuses.¹⁰⁸

The first steps to make this change were undertaken with the adoption of the Budget 2018 Act.¹⁰⁹ It amends the Pre-School and School Education Act in the sections that define the "delegated school budgets". The new system starting from 2018 will significantly increase the budgets of schools with fewer students. Rural municipalities, especially those situated in remote regions, will also receive budget increases. Additional amounts will be provided for work in schools with concentrations of students whose parents are not very educated. It is still very early to evaluate how these new elements will be applied and what results they will yield.¹¹⁰

¹⁰⁶ <http://www.romaeducation.com/bg/>

¹⁰⁷ Proxima Consult Ltd., Global Metrix Ltd., *Independent Impact Assessment of the Project "Every Student Will Be a Winner", Implemented by the Center For Interethnic Dialogue and Tolerance "Amalipe" and Funded by the Trust for Social Achievement*, p. 5. Available at: http://amalipe.com/files/publications/Amalipe_TSA_evaluation_sum2.pdf

¹⁰⁸ Interview of Minister Valchev by Focus Radio. Available at: <https://www.mon.bg/?qo=press&p=detail&newsId=2810>

¹⁰⁹ <http://dv.parliament.bg/DVWeb/showMaterialDV.jsp?idMat=120521>

¹¹⁰ For more information about the reform of the delegated school budgets see: Kolev, Deyan, *The new in the delegated school budgets since 2018*. Available in BGN at: http://amalipe.com/files/publications/Delegiranite_budgeti.pdf

COMPREHENSIVE LOCAL CASE STUDY – PLODIV

Summary

This report tracks the progress in implementing the Municipality of Plovdiv's Action Plan for the Integration of Ethnic Groups and Other Socially Vulnerable Groups in the period 2015-2020. It analyses these municipal policies in both historical and current perspective in order to understand the impact of such policies on vulnerable groups of people living there.

Presenting the local context

The Municipality of Plovdiv, the second-largest city in Bulgaria with a population of close to 350,000, is located in Southern Central Bulgaria. The city is a strategically important industrial, commercial, scientific, cultural, and transport-communication centre in the Balkans. Plovdiv is one of the most well developed economic centres in Bulgaria. The region produces about 7.7% of the country's gross domestic product according to data from 2015.¹¹¹ All this, along with the development of other sectors, has resulted in low unemployment: 3% in Plovdiv and below 6% in the region.¹¹²

According to the census of 2011, over 90% of Plovdiv residents responded to the optional ethnicity question, with 82.2% identifying themselves as people of Bulgarian ethnicity, 4.7% of Turkish ethnicity, 2.8% of Roma ethnicity. The data showed that almost 10% of Plovdiv residents identified their mother tongue as other than Bulgarian. We should emphasise that, according to observers, most of those who identified themselves as "Turks" were from the Turkish-speaking *millet* Roma group.¹¹³ This coincides with much historical evidence.¹¹⁴

About a third (31%) of Roma in Plovdiv District live on the territory of Plovdiv municipality: 9,348 people, mainly concentrated in the Stolipinovo residential area, which is the largest residential area on the Balkan Peninsula inhabited mainly by representatives of different ethnic minority groups.¹¹⁵ From the official data we get the impression that in the whole region of Plovdiv there are around 70,000 Roma and Turks; local Roma leaders and mediators consider the Roma population even higher.¹¹⁶ Roma and Turks live in the four separate neighbourhoods.¹¹⁷

Analysis of current local situation and policies

The Municipal Action Plan for Integration of Ethnic and Other Socially Vulnerable Groups in the Municipality of Plovdiv (2015-2020) was adopted by Resolution No.

¹¹¹ National Statistical Institute - <http://www.nsi.bg/bg/content/11420/%D0%BE%D0%B1%D0%BB%D0%B0%D1%81%D1%82-%D0%BF%D0%BB%D0%BE%D0%B2%D0%B4%D0%B8%D0%B2> .

¹¹² Plovdiv 24 newspaper, "Unemployment in Plovdiv collapsed to 3%, hunger for workers", available at <https://www.plovdiv24.bg/novini/plovdiv/Bezroboticata-v-Plovdiv-se-srina-do-3-glad-za-kadri-717281> n

¹¹³ Interview with A. K. – intellectual, K. H. – parent, H. H. – journalist.

¹¹⁴ Stoyanova, Plamena, *Tziganite v godinite na socializma (The Gypsies during the Socialist Period)*, (Sofia: 2017), pp 60-98.

¹¹⁵ Roma Integration Strategy of the Region of Plovdiv (2012-2020), Plovdiv 2013, p. 4.

¹¹⁶ Darik News "80,000 Roma living in Plovdiv?", available at <http://dariknews.bg/regioni/plovdiv/80-hil.-romi-zhiveqt-v-plovdiv-1543356>

¹¹⁷ According to Roma mediators communicating with NGOs. Interview with AK, local Roma activists, on 6 September 2017.

239/26.05.2016 of the Municipal Council and reflects the Plovdiv Municipality's will to solve the problems of different ethnic groups and other socially vulnerable groups. However, no up-to-date public information is available to reflect on the progress of the local authorities to empower ethnic minorities in connection with the implementation of the Municipal Action Plan. The document is not publicly available on the website of Plovdiv Municipality, just the resolution for an update adopted by the Municipal Council can be seen there. When reviewing the contents of the Municipal Action Plan, we can see that there is certain funding for some activities and an absence of such funding others. It is important to note that the funding envisaged in the Municipal Action Plan is not guaranteed.

For the implementation of almost all the activities a certain source of funding does exist, such as the budget of Municipality of Plovdiv, grants from the National Council for Cooperation on Ethnic and Integration Issues (NCCEII), ministries, the World Bank or the 2014-2020 ESIF. The deadlines for implementing various activities are either for the whole period 2015 - 2020, or annual, or deadlines set by calls for funding. Only for the activity of "Establishing Men's and Children's Football Teams in the Stolipinovo Neighbourhood" was the deadline in 2016. No such club has been created yet.

The quantitative and qualitative indicators envisaged by the plan do not include exact figures or quality measurements. When attempting to review the NCCEII's commitments, strategic documents, and progress with regard to the implementation of the National Strategy and its connection with the Municipal Action Plan, the website is not working.

The Municipal Action Plan for Integration of Ethnic and Other Socially Vulnerable Groups in the Municipality of Plovdiv is mainly used as an argument in preparation and applying for projects from funding bodies. We were told that the municipality could not apply for funding under project procedures if the financing activities envisaged did not appear in the Municipal Action Plan.

In order to achieve real change in the life of the ethnic minorities in the various neighbourhoods, there is a need for systematic state funding that is not dependent on project initiatives and is not bound by the deadlines set by European programmes. This opinion is shared by a representative of the municipality. Solutions to basic issues facing the ethnic groups should be funded by the national and municipal budgets, while capacity-building activities and needs should be funded under European programmes and projects. The plan as it is now indicating that the greater part of funding is expected from sources other than the Plovdiv Municipality. Basic issues to be addressed are for, example, illiteracy, improvement of health status through access to health care services, promotion of gender equality, fighting unemployment, etc.

An example of the lack of change in Roma neighbourhoods is the fact that, since 2014, Plovdiv has been designated a European Capital of Culture. Roma are listed as a priority in Plovdiv's application to be a 2019 European Capital of Culture. So far, however, it is obvious from face-to-face conversations with residents of the Roma neighbourhood that no one there has heard of the #Together concept of the Plovdiv 2019 Municipal Foundation or of any other activities related to this. This is also clear from a video report revealing that "Stolipinovo is totally ignorant about what exactly 'Plovdiv the European Capital of Culture' is.

Fighting local cases of discrimination

The Gender Alternatives Foundation works actively with ethnic minority citizens, together with a team of eight lawyers, to prevent discrimination and protect human rights. Foundation experts say that direct discrimination is not predominant locally. At the consultative centre, the foundation mainly receives reports of Roma citizens not given access to public places, mainly public pools. The reasons given for refusing access are that the pools are full or that they are only for hotel guests although the people not admitted had friends there who were admitted. Despite the readiness of the team to

initiate free legal procedures before the Commission for the Protection against Discrimination, the victim of this treatment felt reservations about doing so.

As for hidden cases of discrimination, they are common and are both individual and institutional. They are mainly based on ethnicity, social status, and gender. Foundation experts have been working on cases involving the Water Supply and Sewerage and Electricity Supply Companies, which initiate massive legal procedures against Roma citizens for debts, including expired ones. The companies seek payment from illiterate citizens who are unaware of what they are agreeing to or exactly what they are signing.

There is no hate speech on the part of local politicians. As for graffiti, there are swastikas painted at many places around the city. There are also stickers that incite hate speech and anti-Roma sentiment.¹¹⁸

Roma related news is a frequent subject in the local media. It is noteworthy that in crime reporting, where Roma are framed as "the bad guys", they are most often referred to as "Gypsies" (цигани). Examples of online media headlines are: "Exclusive: Gypsies attacked and committed an outrage on a Plovdiv taxi driver!",¹¹⁹ "Gypsies with metal pipes attacked a couple near Plovdiv",¹²⁰ "The fight among gypsies in Sheker Neighbourhood in Plovdiv over naked pictures of someone's daughter-in-law on Facebook".¹²¹ In other news stories where Roma are the victims of the events reported, they are referred to as "Roma" (Роми): "Roma complain that they were not given access to a pool in Kyuchuka! Effendi: This is a great discrimination",¹²² "Skinheads attacked a group of Roma in the centre of the city",¹²³ "Roma from Plovdiv are going to protest because of the dirty environment they live in (VIDEO)".¹²⁴

Educational policies

Access to kindergarten in general is difficult for Roma children due to the fees and criteria for enrolment. In addition, the number of places in many preschools is limited and their policy is to give priority to the children of working parents or parents registered with the Labour Office. Therefore, most Roma children are excluded from this type of education and face several barriers: firstly, there are monthly payments and no free transport for children from Roma neighbourhoods to kindergarten, and secondly, in the schools where the majority of children are from minority groups and develop in a bilingual environment, integrated education has not yet been introduced¹²⁵. The Pre-

¹¹⁸ Death Metal Verses, Blog.bg, available at [://deathmetalverses.blog.bg/lifestyle/2017/10/10/quot-vratovryzki-quot-za-romi-neonacistki-stikeri-ot-plovdiv.1571652](http://deathmetalverses.blog.bg/lifestyle/2017/10/10/quot-vratovryzki-quot-za-romi-neonacistki-stikeri-ot-plovdiv.1571652)

¹¹⁹ Plovdiv 24 (online newspaper): - <https://www.plovdiv24.bg/novini/plovdiv/Ekskluzivno-Cigani-napadnaha-i-izdevatelstvaha-nad-plovdivski-taksidzhiya-744034>

¹²⁰ Fakti.bg: <https://fakti.bg/krimi/257982-cigani-s-metalni-trabi-napadnaha-dvoika-krai-plovdiv>

¹²¹ Trud.bg / Plovdiv, <https://trud.bg/%D1%86%D0%B8%D0%B3%D0%B0%D0%BD%D0%B8-%D1%81%D0%B5-%D0%BC%D0%BB%D0%B0%D1%82%D0%B8%D1%85%D0%B0-%D0%B2-%D1%88%D0%B5%D0%BA%D0%B5%D1%80-%D0%BC%D0%B0%D1%85%D0%B0%D0%BB%D0%B0-%D0%B2-%D0%BF%D0%BB%D0%BE%D0%B2/>

¹²² Plovdiv 24 (online newspaper), <http://www.plovdiv24.bg/novini/plovdiv/Romi-se-zhalvat-che-ne-sa-gi-pusnali-v-basein-v-Kyuchuka-Efendi-Tova-e-qolyama-diskriminaciya-742328>

¹²³ Maritsa newspaper, <http://www.marica.bg/%D1%81%D0%BA%D0%B8%D0%BD%D0%B0%D1%80%D0%B8-%D0%BD%D0%B0%D0%BF%D0%B0%D0%B4%D0%BD%D0%B0%D1%85%D0%B0-%D0%B3%D1%80%D1%83%D0%BF%D0%B0-%D1%80%D0%BE%D0%BC%D0%B8-%D0%BD%D0%B0-%D1%86%D0%B5%D0%BD%D1%82%D1%8A%D1%80%D0%B0-news761258.html>

¹²⁴ Blitz.bg / Plovdiv, http://www.blitz.bg/blits-tv/romi-ot-plovdiv-gotvyat-protesti-bilo-im-mrsno-video_news534371.html

¹²⁵ Municipal Strategy for the Development of Social Services in the Municipality of Plovdiv (2011-2015), p.

School and School Education Act stipulates that pre-school education is compulsory. However, that does not mean that parents do not pay for this service. In preparatory classes in schools there are no payments, but the curriculum is half day and only 4% of 5 and 6 years olds are attending such classes in schools. The parents of the rest 94.5% of children in the kindergartens do pay fees that are no different from the fees for 2 and 3 year old children.¹²⁶ Finally, in Plovdiv, there are seven schools on the territory of the four neighbourhoods with a predominantly ethnic minority population. According to the classification of the schools that the MES made for the needs of the "Your Hour" Project, these schools were classified as "risky" (with the most risky schools belonging to group 1 and the risk factors decreasing down to group 7) based on the dropping out of school degrees: Vocational High School of Leather and Textile "Dr. Ivan Bogorov" (1), Dimcho Debelyanov Primary School (2), Pencho Slaveykov Primary School (2), Kiril Nektariev Elementary School (5), Nayden Gerov High School (3) Yordan Yovkov Primary School (2), and Panayot Volov Primary School (2)¹²⁷. There are more than 3,000 ethnic minority children studying there in an environment of segregation. From talks with stakeholders, the municipality does not seem to pursue a consistent desegregation policy. In comparison to other schools outside Roma populated neighbourhoods in Plovdiv, 17 schools are ranked with score 7, 25 receive score 6, 13 schools score 5, three schools score 4, one school score 3 and three schools score 2.

On the other hand, the municipality's policy on the inclusion of children in the education system includes 6 teams of teachers, pedagogical counsellors and psychologists, social workers, representatives of the police, Child Protection, and the Regional Health Inspectorate, to visit the children subject to compulsory education, including pre-school education. A municipal educational expert explains that they also impose fines on parents: "Iztochen residential area is the only one imposing fines on the families who do not regularly send their children to school. The sanctions are between 50 and 200 BGN (or 25 and 100 EUR). Should a parent need to receive an official service or document proving they have paid their taxes, the fine would be seen there if it were unpaid. In our opinion, using fines as a method to "motivate" parents to send their children to school will only have a negative effect on vulnerable families, exposing them to further risks of poverty and social isolation.

From the media, we also understand that the Regional Education Office has developed a system in which each child at risk will have a personal electronic profile. Yordan Yovkov Primary School is among the eight schools included in the Innovative Schools Project. The Municipality of Plovdiv hopes, within the five-year project framework, to introduce innovative practices in at least 60% of the municipal schools and to have trained teachers who will share with their colleagues the best practices used for motivating students to apply themselves.

Target policies for women and children

The target policies for children set out in the Municipal Action Plan are focused on the priorities of Education, Health, Employment and Social Inclusion, and Culture, Sports and Media. The target policies for women are focused on the Health priority. It is noteworthy that the Municipal Action Plan does not have a gender-sensitive approach. It does not offer gender policies to empower and promote Roma or other socially vulnerable groups of women in their development. This should be a priority given that Roma women are often placed in multiple discrimination situations both by their community and by the society as a whole. This omission also reflects the local municipal leaders' mind-sets,

¹²⁶ MediaPool News Outlet - <http://www.mediapool.bg/kolko-bezplatno-e-zadalzhitelnoto-preduchilishtno-obrazovanie-news270919.html>

¹²⁷ The classification is done by Ministry of Education on the basis of 15 indicators that reflect access to and quality of education

who see Roma women mainly in their position as “mothers” and their problems as mostly related to their reproductive health.

Conclusions

Although the Plovdiv Municipality Plan for the Integration of Roma and Other Socially Vulnerable Groups and similar political documents reflect local will to solve the problems of different ethnic groups, the authorities’ good intentions cannot be traced or measured in terms of outcomes. Due to the fact that there is no mechanism for monitoring the implementation of the plan and that the budget envisaged in it is indicative and mainly relies on project funding, what has changed or will change in the life of the population as a result of such policies cannot be assessed. This gives us reason to believe that the plan was created because of the necessity to present such a document to potential funders, not because it will be implemented in practice.

RECOMMENDATIONS

Governance and Overall Policy Framework

To the Council of Ministers and other central institutions

- *Regarding the general Roma integration approach: Beyond labelling – better targeting plus mainstreaming*

The diversification of public measures is needed based on community needs assessments in relation to both the regional and local contexts on the one hand, and the daily culture of endogamous Roma subgroups on the other: this is the way to achieve better targeting. In order to achieve real mainstreaming, public policies should not be aimed at “Roma integration” but should be focused on concrete problems of exclusion. Public policy targets should be problems, not an ethnic community. The current recommendation is about changing the philosophy of policy-making: better targeting and real mainstreaming; respecting the challenges involved with ethno-cultural aspects (language and culture, for example), but not using ethnic labels for poverty and segregation.

- *Regarding the administrative and consultative framework: Profound reform is needed*

In 2013 a huge number of Roma organisations proposed a new administrative and consultative framework for Roma integration. It includes establishing a structure with managing competences (a state agency or other structure) and forming a new Consultative Council with genuine participation by Roma NGOs. These suggestions have not been discussed with the Government institutions. We recommend that discussion about a new administrative and consultative framework for Roma integration begin with these proposals.

- *Regarding Roma professional participation: It is necessary to go beyond mediation*

Programmes that support training and appointing Roma professionals in the main professional fields should be promoted by the main state institutions: teachers, medical doctors, social and employment care workers, police, etc.

To Roma organizations and leaders

- *Regarding the political participation: Consensus format is needed*

A consensus conference about Roma political participation could take place as a model of participatory empowerment with the participation of Roma leaders, social scientists, and MPs. Since this is an empowerment measure, it should be organised as a citizen’s panel, probably by a consortium of Roma NGOs (for participation) and an academic institution or think-tank (for know-how).

Anti-discrimination

To the Commission for Protection from Discrimination

- proactively initiate investigations of anti-discrimination cases,
- initiate preparation of a national anti-discrimination or anti-racism action plan with involvement of key stakeholders – such as the main Government institutions, NGOs and others – should take part both in the preparation and implementation of the national plan.

To the Ministry of Education

- effectively coordinate institutions on the national and local levels, in fight against the school segregation;
- initiate consensus conference or another consultative format about implementing the policy for educational desegregation including the key stakeholders – municipalities, schools, Ministry of Education, Roma NGOs;
- develop differentiated strategies and measures for desegregation in urban and rural areas, including prevention of the “white flight”.

To the Parliament

- adopt legislative changes for the legalization of buildings with a sustainable construction for residential purposes that are an owner’s only housing, and differentiation of the rules for handling illegally-constructed buildings for residential and non-residential purposes;

To the Council of Ministers

- impose a national moratorium on the execution of demolition of housing that is the sole residence of its inhabitants and propose legislative changes facilitating legalisation of informal dwellings;
- propose legislative changes for incorporating into Bulgarian legislation the international legal protection against forced demolitions of and/or evictions from a person’s sole residence;
- monitor possible discriminatory actions of local governments in demolishing Roma’s houses;
- support municipalities in settlement of informal settlements.

To municipalities

- not execute and stop issuing new demolition orders related to housing that is the sole residence of its inhabitants,
- legalise Roma’s houses, which meet the legal and technical criteria for legalisation,
- stop new illegal construction in detached neighbourhoods in cooperation with NGOs to ensure Roma community understanding and participation.

Addressing antigypsyism

To the Prosecutor’s Office, the CPD, the Electronic Media Council and other institutions:

- Increase the capacity (the employees available and their training) of the Prosecutor’s Office, the CPD, the Electronic Media Council and other institutions to recognize and react effectively to all forms of antigypsyism. Promote diversity in public administration bodies, including by appointing Roma to be an integral part of the process.
- It is particularly important to develop an effective National Communications Strategy to change negative attitudes towards Roma, with a specific action plan for each of the policy priority areas, including the housing policy, with financial resources allocated as well as clear indicators of success to monitor. This could be done by the CPD or another institution.

- Special investment by the side of public institutions and the state budget into forming positive narratives and attitudes towards Roma is necessary. It should include elements like:
 - projects and programmes that aim at preventing antigypsyism;
 - training of field workers (teachers, social and medical workers, police, etc.) for effective work in the Roma community;
 - Campaigns against racism and antigypsyism.

To the Managing Authorities

- Further expanding the tendency to use European funds for activities fighting antigypsyism: not only the ESF and ERDF co-funded Operational Programmes, but also the Rural Areas Development Programme.

Impact of mainstream education policy on Roma

To the Ministry of Education and Science

- Increase the enrolment of Roma children in early childhood education and care through activities that include but are not limited to:
 - eliminating all types of fees in compulsory pre-school at kindergartens by providing additional resources to the “education” function for the activities delegated to the municipalities and introducing a ban on charging fees for compulsory education of pre-school age children;
 - introducing the full-day organisation of pre-school classes at schools;
 - encouraging the introduction of intercultural education and modern teaching methods that take into account the specifics of Roma children and parents in all kindergartens.
- To support inclusive, ethnically-mixed education and the desegregation of “Roma” schools through activities that include but are not limited to:
 - Purposefully organising the implementation of the anti-segregation wording in the Pre-school and School Education Act, including by preventing the formation of new segregated classes and groups as well as levying penalties for principals who do not comply with those articles;
 - Changing the 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) and expanding opportunities for studying intercultural education, including in the child’s mother tongue;
 - Directing the necessary financial resources at local level for implementing local desegregation policies.
- To further develop the necessary mechanisms for early school-leaving prevention, increase enrolment into quality secondary education and develop education in rural areas under the new educational structure, including by supporting the transformation of primary schools from rural areas into Unified Schools, integrating Roma pupils into “innovative schools”, etc.
- To reform the financing system for education in primary and secondary schools (including delegated school budgets) in a way that targets larger financial resources to schools integrating Roma pupils and to schools that are the only ones in a settlement.

To the National Assembly

- to make pre-school education compulsory and free of charge from age four;

- To restrict segregated education in schools with students from one ethnicity located in multi-ethnic settlements.

To the municipalities

- Implement – in cooperation with Roma parents and NGOs – systematic, comprehensive action at municipal level for Roma educational integration that includes, inter alia:
 - eliminating fees for kindergartens or reducing financial barriers to pre-school education;
 - 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.

Comprehensive local case study – Plovdiv

- The national authorities should ensure sustainable funding to address the Roma minority's basic problems, and any project funding should be used to upgrade and develop skills, qualities, and knowledge.
- Local municipal leaders’ mind-set reflects their philosophy of financing, namely, that the integration of Roma communities relies heavily on project funding that cannot be guaranteed. When preparing a municipal plan for the integration of minority groups, the budget should be divided into two parts: guaranteed state funding for basic problems and project funding for capacity building and development activities.
- The plan should include a gender-sensitive approach (gender policies) in order to adequately reflect the problems of Roma women such as gender equality, early marriages, gendered school dropout, political and civil empowerment, and combating gender-based discrimination and violence.
- Initiating activities for exchanges of experience with civil and State actors in the Roma integration field with other EU countries such as Spain, which reportedly has the most advanced policies for Roma and Roma women in particular; this is also of great importance in breaking down stereotypes and negative attitudes.
- A critical aspect for the quality and success of Roma integration policies would be updating local statistics, preparing clear quantitative and qualitative indicators (example: the number of men, women and children who have benefitted from a particular programme or service, the level of satisfaction of the beneficiaries with a particular support programme or educational initiative, etc.) and promoting standardised monitoring mechanisms that also involve NGOs.

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