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## Roma in Bulgaria: Human Rights and State Policies

In the introductory chapter of his *Report on the Situation of Roma and Sinti in the OSCE Area*, the OSCE High Commissioner on National Minorities stated: "My intention in embarking on this study was and remains principally to raise the awareness of the policy-makers to the particular situation and needs of Roma and Sinti, to focus debate on their conditions and to offer some general recommendations. By doing so, I hope to stimulate concrete action leading to real improvements in the nearest future."<sup>1</sup> The issues dealt with in this article are directly related to the two accents in this statement: *awareness* and *concrete action*. Roma problems in Bulgaria persist because, on the domestic plane, they have long been locked out of the mainstream political and social policy domain. In the past years, following growing concerns about the Roma condition at the international level, a promising political awareness has become evident in Bulgaria too. In speeches and documents, public officials and politicians have declared their resolve for a meaningful policy addressing Roma problems. This new awareness, however, has remained confined to the rhetorical realm, and has not yielded real action.

### *Roma in Bulgarian History*

The earliest historic evidence indicating the presence of Roma on the Balkans is found in the records of Byzantium dating back to the 9th century.<sup>2</sup> According to scholarly research, the approximate period of the first mass settlement of Roma on today's Bulgarian lands dates back to the 13th-14th century.<sup>3</sup> Large numbers of Roma arrived on the Balkans with the Ottoman invaders in the 14th century.

Within the Ottoman Empire, Roma had a specific status. Notwithstanding the official division between the faithful (Muslims) and the *raya* (non-Muslims) in the Ottoman Empire, Roma - both Christians and Muslims - lived as an ethnically determined group. They preserved many of their ethno-cultural traits, for example, their nomadic way of life, traditional occupations, etc. On the other hand, regardless of their religion, for taxation purposes, Roma were treated as *raya*. Many records from this period demonstrate that Roma were considered an inferior group and were subjected to degrading treatment by

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1 Organization for Security and Co-operation in Europe, High Commissioner on National Minorities, Report on the Situation of Roma and Sinti in the OSCE Area, April 2000.

2 Cf. Elena Marushiakova/Vesselin Popov, *Gypsies in the Ottoman Empire*, Hatfield 2001, pp. 12-13.

3 Cf. Elena Marushiakova/Vesselin Popov, *Gypsies (Roma) in Bulgaria*, Frankfurt am Main et al. 1997, pp. 18-19 and 23.

the rest of the population.<sup>4</sup> For example, despite the fact that Roma did not have the status of slaves in the Ottoman Empire, there had been many cases of enslavement of Roma. Unlike the Roma in Western Europe, however, Roma in the Ottoman Empire were never subjected to mass persecutions.<sup>5</sup> Following the establishment of the independent Bulgarian state in 1878, a significant number of Roma remained within its boundaries. In the period 1878-1944, their number varied between two to three per cent of the total population. During this period, Roma started to organize themselves for participation in public life. Already at the turn of the 19th century, the Roma campaigned for the restoration of their civil and political rights. In 1901, the first Roma conference, which convened in the town of Vidin, decided to launch a campaign against the amendments to the Election Law adopted in May 1901, which disenfranchised non-Christian and nomadic Roma.<sup>6</sup> The lack of response to the petition of Roma denouncing the amendments prompted the calling of the first Roma congress in 1905, which adopted a second petition to the National Assembly against the Election Law amendments. These actions taken by the Bulgarian Roma, quite unprecedented for that time, were largely publicized in the international press, and shortly afterwards the National Assembly abolished the discriminatory texts from the Election Law.

During the Second World War, Bulgarian Roma were not deported to German concentration camps, however, in many places in the country, they were kept together with Jews in temporary camps. Roma were denied access to the central parts of Sofia, they were not allowed to use public transportation and were given smaller food rations than the rest of the population; marriages between Bulgarians and Roma were outlawed.<sup>7</sup>

Throughout the communist rule, Roma suffered gross suppression of their identity by infringement of their right to speak their mother tongue in public, the right to associate, and the right to publish and disseminate information in their mother tongue. Comparatively liberal policies in the late 1940s and early 1950s, when the Bulgarian state encouraged Roma organizations, education and culture, gave way in the next five decades to a rigorously pursued policy of assimilation. In 1956, the Communist Party began closing all Roma institutions. In 1958, a decree from the Bulgarian Council of Ministers forced nomadic Roma to settle down. In the 1950s and early 1960s, with the explicit purpose of "Bulgarianizing" people of non-Bulgarian ethnic origin, Bulgarian authorities enforced several regulations obliging ethnic Turks and Roma to change their Turko-Arab names and take on Slavic names. This policy cul-

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4 Cf. Marushiakova/Popov, cited above (Note 2), pp. 46-49.

5 Cf. Donald Kenrick/Grattan Puxon, *The Destiny of Europe's Gypsies*, Chatto 1972, pp. 42-56.

6 Cf. Marushiakova/Popov, cited above (Note 3), pp. 29-30.

7 Cf. Elena Marushiakova/Vesselin Popov, *The Bulgarian Romanies during the Second World War*, in: Donald Kenrick (Ed.), *In the Shadow of the Swastika. The Gypsies during the Second World War*, n.p. (Centre de Recherche Tsiganes and University of Hertfordshire Press) 1999, pp. 89-93.

minated in 1984-1985 when the Bulgarian government carried out the most massive campaign to force changing of non-Slavic names of Bulgarian citizens of Turkish and Roma origin.

### *Roma After the Fall of Communism*

The fall of communism brought the restoration of most of the civil and political rights of Roma. One significant exception was the ban on the formation of political parties along ethnic and religious lines, first introduced in the Law on Political Parties of April 1990 and then reaffirmed by the 1991 Constitution of Bulgaria. In November 1990, this ban was applied to preclude the registration of the first national Roma organization, the Democratic Union Roma, as a political party.

Despite formal equality for all citizens proclaimed by the Constitution, Roma in Bulgaria do not have access to the opportunities enjoyed by the majority. With high levels of anti-Roma sentiments in society, Roma face serious threats to their security. They are targets of violence perpetrated by both officials of the state and non-state actors. Roma are discriminated in employment, education, healthcare, housing and administration of justice. They are vastly underrepresented in the institutions of the state, and the latter are generally unresponsive to their needs and concerns.

The results of the 1992 census<sup>8</sup> in Bulgaria give insight into the position of Roma in society. According to this census the number of Roma in Bulgaria is 313,396 or 3.7 per cent of the total population.<sup>9</sup> It is generally admitted, however, that these official figures grossly underestimate the number of Roma in the country and that the distortion of the real picture is largely due to the intense hostility towards Roma in Bulgarian society. In order to avoid the social stigma, many Roma preferred to identify themselves as either Bulgarians or Turks. According to expert evaluations, a more realistic estimate of the number of Roma amounts to 600,000-800,000, i.e. between 7.2 and 9.6 per cent of the total population.<sup>10</sup>

### *Negative Stereotypes towards Roma*

The census results have been reinforced by a number of surveys of inter-ethnic attitudes, which show deeply rooted and enduring negative prejudices and

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8 In March 2001, a new census of the population was conducted, the results of which are expected to be published by mid 2002. Unlike the previous census, according to the 2001 Census Act, respondents are not obliged to answer questions about ethnicity, religion and mother tongue.

9 Cf. National Institute for Statistics, Results from the Population Census: Demographic Characteristics, vol. 1, Sofia 1994, pp. 194 and 222 (in Bulgarian).

10 Cf. Jean-Pierre Liégeois, Roma, Gypsies, Travelers, n.p. (Council of Europe Press) 1994, p. 34; Ilona Tomova, Gypsies in the Period of Transition, Sofia 1995, p. 13 (in Bulgarian).

social distance towards Roma. Thus, 84 per cent of Bulgarians in 1994, and 84 per cent in 1997 defined Roma as "lazy and irresponsible"; 85 per cent of Bulgarians in 1994, and 84 per cent in 1997 asserted that "Roma cannot be trusted or counted on"; 59 per cent of Bulgarians in 1994, and 68 per cent in 1997 said they mind living with Roma in the same neighbourhood; and 28 per cent in 1994, and 40 per cent in 1997 said they mind living with Roma in the same country.<sup>11</sup> The same surveys reveal that Roma and the other ethnic minorities feel discriminated against in much higher proportions than Bulgarians. A survey from June 1997 shows that 54 per cent of Roma are worried about ethnic or religious discrimination while the respective share of Bulgarians is 35 per cent.

Racial stereotyping of Roma in public space has singled them out as prone to crime, inferior and hindering the progress of the country. The media have contributed a significant share to the process of fostering and reinforcing these attitudes. Where Roma were concerned, hate speech discourse did not have an alternative in the media until the late 1990s. Racist language and de-humanizing images of Roma were proliferated especially in the press. The most common stereotypes fostered daily by the press included: Roma are a criminal group; Roma are lazy and irresponsible; Roma are abusive parents and spouses; and Roma are drug-dealers and prostitutes.<sup>12</sup> A slight improvement in this situation can be observed in the past two to three years. However, the routine practice of publishing accounts of the ethnic origins of the suspects or perpetrators of a crime when they were Roma, remained unchanged. Roma and other minorities also remain targets of racist discourse in the fringe media. Show programmes broadcast by both the National TV and private TV stations occasionally portray Roma as criminals.

Media news about Roma and the images of Roma are being produced predominantly by non-Roma. Until the end of 1999, Bulgarian National TV did not broadcast Roma programmes nor programmes in Romani, except incidental programmes produced by non-Roma. Currently, there is one Romani programme which is produced by a joint Roma-Bulgarian team. To date, no programme in Romani exists on National Radio. Attempts of Roma organizations to advocate the launching of such programmes were met with resistance by the National Radio administration in 1996-1997.

In addition to the persistent denigration of Roma by the media, public officials in Bulgaria also use hate speech against Roma. In a number of cases of collective violence against Roma in 1993-1994, village mayors spoke before

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11 Cf. Krassimir Kanev, Dynamics of Inter-ethnic Tensions in Bulgaria and the Balkans, in: Balkan Forum 2/1996, pp. 213-252; Krassimir Kanev, Changing Attitudes Towards Ethnicity in Bulgaria and the Balkans 1992-1997, in: Thanasis Sfikas and Christopher Williams (Eds.), Ethnicity and Nationalism in East Central Europe and the Balkans, n.p. 1999.

12 For more information on hate speech against Roma in the media see the following articles: Romophobia in the Media, Focus, newsletter of the Human Rights Project, March-April 1996; Counting the Demons, Obektiv, Newsletter of the Bulgarian Helsinki Committee, February-May 1997; Ethnic and Religious Minorities in the Balkan Mainstream Press, Balkan Neighbours 5/1997.

angry crowds, gathered to punish Roma, and instigated them to become violent against Roma. In a more recent case, in March 2000, Bulgarian villagers, who launched a campaign to expel the Roma from the village, were joined by the mayor of the village who supported their claims.

#### *Protection Against Discrimination in Bulgarian Law*

Bulgarian legislation provides a minimum anti-discriminatory standard through provisions in the Constitution and other laws. The Bulgarian Constitution proclaims the principle of equality regardless of ethnic or racial origin, religious belief, political affiliation, etc.<sup>13</sup> A number of acts regulating different spheres of social life also have general anti-discrimination provisions. These acts include: Social Assistance Act, Law on the Protection of the Child, Labour Code, Penal Code, National Education Act, Code of Criminal Procedure, and some other. In addition, Bulgaria has ratified all major international and European instruments for the protection of human rights and minority rights, among which are the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the UN Convention on the Elimination of All Forms of Racial Discrimination, the European Convention for the Protection of Human Rights and Fundamental Freedoms, the Framework Convention for the Protection of National Minorities and others. They are part of the domestic legislation and supersede legislation stipulating otherwise.

Notwithstanding the existing protections against discrimination in Bulgarian legislation, the principles of equality and non-discrimination have never significantly influenced social life, nor have they been enforced in legal practice. Judgements based on anti-discrimination provisions have not been delivered so far. The Bulgarian state has not enacted comprehensive anti-discrimination legislation.

The very recognition of the phenomenon of discrimination based on ethnicity by Bulgarian authorities is being rendered uncertain by controversial statements in this regard. The *Framework Programme for Equal Integration of Roma in Bulgarian Society*, which was adopted with a decision made by the Council of Ministers on 22 April 1999, explicitly recognizes the existence of discrimination and makes elimination of discrimination "the central political priority of the Bulgarian state".<sup>14</sup> However, in its opinion on the Framework Programme, the Legislative Council of the Ministry of Justice denied the ne-

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13 Cf. Constitution of the Republic of Bulgaria. Official translation in: Council of Europe, *The Rebirth of Democracy: Twelve Constitutions of Central and Eastern Europe*, Strasbourg 1995. Article 6(2) states: "All citizens shall be equal before the law. There shall be no privileges or restriction of rights on the grounds of race, nationality, ethnic self-identity, sex, origin, religion, education, opinion, political affiliation, personal or social status or property status."

14 *Framework Programme for Equal Integration of Roma in Bulgarian Society*, Part II - General Principles (author's translation).

cessity of a specialized governmental body for protection against discrimination, the establishment of which was envisaged by the Framework Programme. The Council argued that the very principle, on which the formation of such a body is founded, is unconstitutional, since this principle envisages that "the Bulgarian nation is a mixture of different ethnic groups. This idea is contrary to the idea embodied in the Constitution about the unity of Bulgaria."<sup>15</sup> Several months after the adoption of the Framework Programme the government disagreed with the conclusion of the United Nations Committee on Economic, Social and Cultural Rights (CESCR) that Roma are subject to discrimination in receiving land as well as in receiving social assistance.<sup>16</sup> Towards the end of 2000, Bulgarian authorities set up a drafting committee representing different government offices with the task to prepare a draft law for protection against ethnic discrimination.<sup>17</sup> Regarding the law, public officials, among them members of the drafting committee, have stated that it is unnecessary given the existing anti-discrimination provisions in other legislation.<sup>18</sup>

### *The Reality of Everyday Life: Human Rights Violations against Roma*

All pervading anti-Roma attitudes have a detrimental impact on the status of Roma in society. The Roma experience in the post-communist years is marked by exclusion from social and political life and systematic violations of their human rights. As it was emphasized by the High Commissioner on National Minorities "(d)iscrimination is a defining feature of the Romani experience".<sup>19</sup> After the review of the latest reports by the government of Bulgaria from 23 April 1997, the United Nations Committee on the Elimination of Racial Discrimination (CERD) noted the following areas of concern: *de facto* discrimination of Roma in the enjoyment of both their civil and political, as well as of their economic, social and cultural rights; failure of the government to effectively counter racial violence against Roma perpetrated by racist groups and by law enforcement officers; the constitutional ban to form parties on ethnic, racial and religious basis.<sup>20</sup>

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15 Opinion of the Legislative Council of the Ministry of Justice on the Framework Programme from 19 January 1999 (author's translation).

16 Cf. Replies by the Government of Bulgaria to the List of Issues: Bulgaria. 09/07/99 (CESCR), paras. 4.1, 4.3. and 4.4. United Nations High Commissioner on Human Rights, Committee on Economic, Social and Cultural Rights, 21st session, Geneva, 15 November - 1 December 1999.

17 By the adoption of the Framework Programme for Equal Integration of Roma in Bulgarian Society in April 1999, the Bulgarian government committed itself to draft an anti-discrimination law within one year of the Programme's adoption, i.e. by April 2000.

18 Discussions held during the conference "Recent Mechanisms and Principles for Protection against Discrimination on Ethnic Basis and the Bulgarian Legislation", Sofia, 22-23 February 2001.

19 High Commissioner on National Minorities, cited above (Note 1), p. 23.

20 Cf. Concluding Observations of the Committee on the Elimination of Racial Discrimination: Bulgaria, 23/04/97, CERD/C/304/Add.29.

Roma in Bulgaria are targets of racially motivated violence committed by both state and non-state actors.

Police brutality stands out as one of the most egregious forms of violence against Roma in Bulgaria. Endemic practices of torture and ill-treatment of Roma are commonly racially motivated. When the Council of Europe's monitoring on Bulgaria was closed in January 2000, the Parliamentary Assembly of the Council of Europe indicated, as an outstanding concern, the "continuing cases of police brutality, particularly towards Roma".<sup>21</sup> In its progress report on Bulgaria for 2000, the European Commission also noted that "a number of human rights organisations have made critical reports in the period since the last report about police violence which provide cause for concern. These indicate that violence against Roma is higher than against other Bulgarians and that when complaints are made against law enforcement officials alleged to have been involved in brutal treatment, very few result in trials."<sup>22</sup>

In the period 1992-2001, both domestic and international human rights organizations documented and reported a widespread pattern of police abuse against Roma.<sup>23</sup> For the period between 1992 and 1998, at least 14 Roma men died in police custody, or as a result of the use of firearms by law enforcement officers.<sup>24</sup> By December 2000, law enforcement officials or private security guards had killed at least another seven Roma.<sup>25</sup>

After 1990, police carried out a number of punitive raids on Roma neighbourhoods. During these raids Roma, including children, women and elderly, were beaten up and their property was destroyed.

In addition to the violent attacks by state actors, private groups also committed assaults on Roma individuals and Roma neighbourhoods, beat and abused people and destroyed property. Human rights monitors documented at least

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21 Resolution 1211 (2000) of the Parliamentary Assembly of the Council of Europe, at: <http://stars.coe.fr/ta/ta00/eres1211.htm>.

22 European Commission, 2000 Regular Report from the Commission on Bulgaria's Progress Towards Accession, 8 November 2000, at: [http://europa.eu.int/comm/enlargement/dwn/report\\_11\\_00/pdf/en/bg\\_en.pdf](http://europa.eu.int/comm/enlargement/dwn/report_11_00/pdf/en/bg_en.pdf)

23 For more information see especially: Amnesty International, Bulgaria: Tsvetelin Petrov: a 16-year old Roma boy, severely burned in police detention, August 2000; Amnesty International, Bulgaria: The shooting of Atanas Djambazov, a 14 year old Roma boy, August 2000; European Roma Rights Center, Profession: Prisoner. Roma in Detention in Bulgaria, December 1997; Amnesty International, Reported Ill-Treatment of Roma in the Montana Region, September 1997; Amnesty International, Bulgaria: Shootings, Deaths in Custody, Torture and Ill-Treatment, June 1996; Dimitrina Petrova, Violations of the Rights of Gypsies in Bulgaria, Report of the Human Rights Project, Sofia 1994; Human Rights Watch/Helsinki, Bulgaria: Increasing Violence against Roma in Bulgaria, November 1994; Amnesty International, Bulgaria: Turning a Blind Eye to Racism, September 1994; Amnesty International, Bulgaria: Torture and Ill-Treatment of Roma, May 1993; Human Rights Watch/Helsinki, Bulgaria: Police Violence Against Gypsies, April 1993; Helsinki Watch, Destroying Ethnic Identity: The Gypsies of Bulgaria, June 1991; Human Rights Project, Annual Report 1999, Annual Report 1998, Annual Report 1997.

24 Cf. European Roma Rights Center, Written Comments of the European Roma Rights Center on the case of *Assenov and others v. Bulgaria*, 29 April 1998, para. 6, available at: [http://www.errc.org/publications/litigation/eu\\_sc\\_assenov.pdf](http://www.errc.org/publications/litigation/eu_sc_assenov.pdf).

25 Cases of arbitrary use of firearms by the police officers against Roma are described in the Annual Reports for 1998 and 1999 of the Human Rights Project; see also reports of the Bulgarian Helsinki Committee, available at: [www.bghelsinki.org](http://www.bghelsinki.org).

five such raids of private groups in Roma neighbourhoods between 1992 and 2000. Skinhead attacks on Roma, although not as widespread as in other countries of Europe, occur not infrequently and in a variety of contexts. At least four Roma lost their lives as a result of such attacks, between 1994 and 1999, in addition to many others who were physically abused.<sup>26</sup>

### *The Response of the State to Violence against Roma*

Violence against Roma is compounded by a pattern of impunity for the perpetrators. None of the mass punitive raids by police in the Roma neighbourhoods were adequately investigated and no one was punished either as an organizer or as a perpetrator. Law enforcement officials were rarely prosecuted for ill-treatment of Roma and only very rarely brought before the courts. When law enforcement officials were punished, the punishments were usually not commensurate with the gravity of the crimes. In one recent case, a police officer, who was found guilty of the killing of a Roma man in June 1998, won an appeal and received a suspended sentence of two years and four months, after the court of first instance had originally sentenced him to 15 years of imprisonment.<sup>27</sup>

In 1998 and in 2000, the European Court of Human Rights in Strasbourg condemned Bulgaria on two cases involving Roma victims, *Assenov v. Bulgaria* and *Velikova v. Bulgaria*. The Court found Bulgaria in breach of the European Convention on Human Rights, for failing to adequately investigate and offer effective remedy to official violence.

In many cases Roma, who had been victims of civilian violence, were confronted with indifference on part of the law enforcement and judicial authorities. Police and prosecution authorities have repeatedly failed to protect Roma in cases of mob violence, by either not responding to the calls for action, or by failing to bring perpetrators to justice. The provisions of the Penal Code (Article 162)<sup>28</sup> envisaging criminal responsibility for racially or ethnically motivated crimes are not enforced. No court decision based on Article 162 is known to have been delivered so far. Following a police raid in the Roma neighbourhood in the village of Mechka from July 1998 when dozens of innocent people were beaten up and their property was destroyed, Roma

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26 For a detailed description of two recent cases, see European Roma Rights Center, Racial Discrimination and Violence against Roma in Europe, ERRC statement submitted to the 57th Session of the United Nations Committee on the Elimination of Racial Discrimination, available at: <http://errc.org/publications/legal/index.shtml>.

27 More information on this and other similar cases is obtainable through the archives of the Human Rights Project, Sofia.

28 Article 162 stipulates: "(1) A person who propagates or abets to racial or national hostility or hatred or to racial discrimination shall be punished by deprivation of liberty for up to three years and by public censure. (2) A person who uses violence against another or damages his property because of his nationality, race, and religion or because of his political convictions shall be punished by deprivation of liberty for up to three years and by public censure." (Author's translation).



received threats of violent attacks from their Bulgarian fellow villagers. Several Roma then filed a complaint with the District Prosecutor of Pleven and demanded that criminal proceedings be initiated under Article 162. The District Prosecutor turned down the complaint with the argument that the complainants mixed up the terms "nationality and race" with "ethnos and ethnic", i.e. that the crime envisaged by Article 162 does not apply to ethnic groups.<sup>29</sup> Two years later, in March 2000, when the Bulgarian villagers from the same village launched a campaign to expel the whole Roma community, and effectively prevented Roma from access to the local shops and restaurants, the Prosecutor's office again failed to open criminal proceedings for the instigation to racial hatred. One of the main concerns of the United Nations Committee on the Elimination of Racial Discrimination, expressed upon its review of the Bulgarian report in April 1997, was the low prosecution rate of racist violence. Thus, the CERD concluded that it seems that "such crimes against ethnic minorities are not considered to pose a significant danger to public order".<sup>30</sup>

### *Discrimination against Roma*

Violence against Roma went alongside unrelenting discrimination in all spheres of social life.

In December 1999, the Committee on Economic, Social and Cultural Rights deplored "discrimination against the Roma minority in many aspects of life, including education, work, social benefits and access to land"<sup>31</sup> in its Concluding Observation, pending the submission of Bulgaria's third periodic report under the International Covenant on Economic, Social and Cultural Rights (ICESCR). In its two reports on Bulgaria, published in 1997 and 2000 respectively, the European Commission against Racism and Intolerance (ECRI) noted the "particularly underprivileged situation of the Roma" as "meriting particular attention"<sup>32</sup> in terms of discrimination in all spheres of social life.

Roma were affected disparately by the negative social consequences of the transition to a market economy in Bulgaria after 1989. The 1998 report of the rapporteurs of the Parliamentary Assembly of the Council of Europe, Mr. David Atkinson and Mr. Henning Gjellerod, suggests that 80 to 90 per cent of the Roma population is unemployed.<sup>33</sup>

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29 Cf. Human Rights Project, Annual Report 1998, p. 8.

30 Concluding Observations of the Committee on the Elimination of Racial Discrimination, cited above (Note 20), para. 9.

31 Concluding Observations of the Committee on Economic, Social and Cultural Rights: Bulgaria, 08/12/99. E/C.12/1/Add.37, para. 11.

32 European Commission against Racism and Intolerance (98) 46, Introduction; cf. ECRI (2000) 3, especially paras. 31-46.

33 Cf. Parliamentary Assembly of the Council of Europe, Honouring of Obligations and Commitments by Bulgaria, Information Report from 7 July 1998, AS/Mon (1998) 37,

Among other factors, discrimination of Roma in employment has significantly preconditioned this disparity. Evidence exists that Roma were not only the first to lose their jobs when state industries were closed, but also were refused jobs when their ethnic background became known to employers. According to a 1994 survey, 36.6 per cent of surveyed Roma indicated ethnic discrimination as a reason for the high unemployment among them.<sup>34</sup>

The social condition of Roma, under the circumstances of long-term unemployment, is further aggravated by the enforcement of the Regulations for the Application of the Social Assistance Act from November 1998, which limit the period of social welfare benefits for the unemployed to a maximum of three years. This regulation, which on the surface appears neutral, has in fact a discriminatory impact on Roma who constitute a large part of Bulgaria's long-term unemployed.

A recent study on Roma access to social protection, health care and housing, conducted in Bulgaria, Romania and Macedonia, reveals the disparate effect of legislation on Roma in these areas, as well as a variety of discriminatory practices applied to Roma by public authorities.<sup>35</sup> For example, many poor Roma are excluded from the health insurance system and therefore from medical care, despite the existence of non-contributory health insurance for the socially disadvantaged. Since a large number of poor Roma do not appear in the registers for the unemployed and are not eligible for social support, they are consequently excluded from the health insurance system as well.<sup>36</sup>

Exclusion of Roma in Bulgaria is perpetuated by discrimination in education. According to the 1992 census, the general level of education of Roma is much lower than the country's average. Roma with high school diplomas constituted 4.9 per cent of the Roma population older than 6 years, and those with university diplomas constituted only 0.1 per cent of the same population. The respective shares for Bulgarians were 36.5 and 8.9 per cent.<sup>37</sup>

Such a poor level of education of Roma has resulted from several decades of denial of equal education opportunities to Roma. Fundamental to this inequality is the segregation of Roma children in the educational system. The prevailing part of Roma children attend segregated schools; school authorities often effectively preclude Roma children from enrolment into mixed schools, and in the mixed schools where Roma children are enrolled, they are often relegated to segregated classes. Already in the 1940s-1950s the authorities started building schools for the Roma in the segregated Roma neighbourhoods. While in the first years of their functioning these schools had a positive impact on Romani education, over the years, the educational

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p. 20. This figure is also cited in the Second Country Report of ECRI from 18 June 1999, cited above (Note 32), para. 43.

34 Cf. Tomova, cited above (Note 10), p. 72.

35 For more information on Roma access to social protection, health care and housing see Ina Zoon, *On the Margins: Roma and Public Services in Romania, Bulgaria, and Macedonia*, New York (Open Society Institute) 2001.

36 Cf. *ibid.*, pp. 92-93.

37 Cf. National Institute for Statistics, cited above (Note 9), p. 303.

standards have eroded. In the 1970s, the schools in the Roma neighbourhoods were officially called "schools for children with inferior social status and culture" and some of these schools had special curriculae with an emphasis on vocational training at the expense of academic subjects. The *de facto* segregated schools in the Roma neighbourhoods continued to exist after the fall of communism. The special curriculae were abolished in 1992-1993, but the educational environment in these schools did not change, and they continue to offer low quality education.

Another form of segregation of Roma in education is the channelling of Roma children to "special schools". Currently, Roma children are overrepresented in all "special schools" of Bulgaria - orphanages, schools for the mentally retarded, and schools for delinquent children. More than one half of the pupils at these schools are Roma and some of them end up in these schools as a result of purely social reasons and racial bias interfering with the decisions of the competent bodies. Tracking Roma children to the special schools for the mentally retarded is often the result of manipulation of poor Roma parents by school authorities who emphasize the benefits of the social support provided by the state in these schools. Pressure from the majority population to get rid of the Roma in mixed schools is also a factor influencing this process.

Where Roma children are part of the regular schools, incidences of humiliating treatment by schoolteachers and physical abuse by both the school staff and the non-Romani children are not rare.

#### *Roma in Public Affairs*

Discrimination of Roma largely contributes to their exclusion from participation in public affairs. Roma have always been grossly underrepresented in national office. It was not before the local elections in October 1999 that Roma political parties took part in the election process. Two of them - the Free Bulgaria Party and the Bulgarian Future Party - were successful and had respectively 102 and four local officials (municipal councillors and mayors) elected.

Since 1989, each National Assembly has had one or two Roma Members of Parliament elected on the tickets of mainstream parties. This practice, however, has proven to be a dead-end road for the representation of Roma in parliamentary politics. It not only accounts for severe underrepresentation of Roma, but also makes the Roma-cause contingent on the policies of the majority parties, generally indifferent, if not hostile, to the aspirations of Roma.

There are two dominating characteristics of Roma participation in public services: Their number is disproportionately low and their functions are symbolic. As public employees, the few Roma involved in various structures of the central and local governments are lower level officials. With one exception - the appointment in March 2001 of a Roma woman to the position of

Secretary of the governmental National Council on Ethnic and Demographic Issues - no Roma are employed as top-level officials in Bulgarian institutions. After the adoption of the Framework Programme for Equal Integration of Roma in April 1999, 24 Roma were employed as experts in the District Government Offices throughout the country. Their functions and powers, however, were not determined. Many of these people do not even have formal job descriptions.

### *Policy Towards Roma*

Policy towards Roma, understood as a coherent and comprehensive approach to the problems of Roma, has been absent from the agendas of all governments since 1989. The fact that Roma issues have never been considered with due responsibility is demonstrated by the institutions with a mandate to deal with these issues. All governmental bodies, which were set up at different periods after 1989 to address minority issues, including Roma issues, had an unclear mandate and no decision-making powers. Roma were not represented in these bodies. For example, the Interdepartmental Council on Ethnic Affairs at the Council of Ministers, which existed for one year between 1994-1995, never convened during this period. Bulgarian authorities traditionally defined Roma problems as socio-economic and downplayed the ethnic dimension of these problems. This concept was reflected in the establishment in June 1995 of an advisory body representing the ethnic communities, the organizations of women, the disabled, pensioners, etc. The title of this body, National Council on Social and Demographic Issues, as well as its target groups, unambiguously classified the problems of the ethnic minorities as social problems. This body was replaced by the National Council on Ethnic and Demographic Issues (NCEDI) established in December 1997 by the government of the United Democratic Forces (UtDF). The link between ethnic and demographic issues in the title of this institution, apart from the racist overtones it has, displays the continuing tendency of interpreting minority issues through the paradigm of social issues. The NCEDI, which is currently the only governmental institution dealing with both ethnic minorities and Bulgarians abroad, has only consultative and co-ordinating functions.<sup>38</sup> Roma organizations, which can be associated members of the NCEDI, are supposed to participate in the discussions with the regular members - representatives of vari-

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38 The National Council on Ethnic and Demographic Issues (NCEDI) was established by Decree 449 of Bulgarian Council of Ministers from 4 December 1997. According to its goals, stated in Article 1 of its Rules and Regulations, the NCEDI has to "facilitate consultation, co-operation and co-ordination between government bodies and non-governmental organizations with the aim to form and realize a national policy with regard to ethnic and demographic issues and migration". According to Article 2 (2) the NCEDI is empowered to "co-ordinate with the state bodies and with the non-governmental organizations concrete measures in execution of accepted international obligations from the Republic of Bulgaria in the sphere of the rights of Bulgarian citizens belonging to minority groups and their integration in society" (author's translation).

ous ministries. In general, the NCEDI rarely convened, except for a short period at the end of 1998 and the beginning of 1999, and it did not have a single meeting in 2000.

One notable exception to the overall pattern of neglect of the Roma issues was the adoption of the Framework Programme for Equal Integration of Roma in Bulgarian Society by the government of the UtDF in April 1999. The adoption of the Framework Programme was a serious political commitment on part of the Bulgarian government. This document proclaims the elimination of discrimination against Roma as one of the main political priorities of the Bulgarian state. It envisages the enactment of legislation for protection against ethnic discrimination and establishment of a specialized state body for prevention of discrimination with broad powers, including the investigation of discriminatory acts and imposition of sanctions on juridical and private persons. By adopting the Framework Programme the Bulgarian government also committed itself to implementing a comprehensive policy for equal opportunities for Roma, including desegregation of the Roma schools, establishment of a government fund for support of businesses, which offer employment to Roma, regulation and legalization of Roma dwellings, introduction of instructions in Romani in public schools, etc.

The campaign for the elaboration and adoption of the Framework Programme was also the first instance of Roma participation in policy-making. The idea for the drafting of a comprehensive policy document originated at the grassroots level of Roma organizations in Bulgaria. The elaboration of the Framework Programme involved about 70 Roma organizations. Following a nationwide campaign launched by them, the Framework Programme became an official document of the government.

The political will demonstrated by the government with the endorsement of a policy document formulated by the Roma, however, was exhausted with its adoption. By April 2001, two years after the adoption of the Framework Programme, no concrete actions for its implementation had been made, and the government had not allocated funds for the fulfilment of the Programme's tasks either.

#### *Conclusion: Roma Activism*

In the decade of building democratic institutions and civil society in Bulgaria, Roma have vigorously sought their recognition as an equal and integral part of society. While the state has remained overwhelmingly distanced from the process of finding solutions to the myriad of problems facing Roma, Roma non-governmental organizations and individuals have counteracted inactivity at the official level by consolidating their efforts and undertaking actions in various fields. Starting from 1990, Roma in Bulgaria established a number of organizations focusing on human rights advocacy, protection of the social and economic rights of Roma, and the promotion of Roma culture and media.

Roma NGOs created a network for monitoring Roma rights and providing legal aid to victims of human rights abuse. Their efforts account for the large publicity that the issues of violence and discrimination against Roma gained at the domestic and the international level, and contributed to challenging the widespread impunity for human rights violations against Roma. Roma organizations undertook to mediate between Roma communities and the local authorities, and to help facilitate Roma access to social services in a variety of ways. The first appearance of Roma in the electronic media in 1996 was accomplished as a result of negotiations between Roma organizations and radio stations throughout the country.

In the period 1998-1999, a national campaign involving over 70 Roma organizations led to the adoption of the Framework Programme for Equal Integration of Roma in Bulgarian Society by the government of the United Democratic Forces. The Framework Programme took shape as a result of a nation-wide consultative process, initiated by the Sofia-based Roma rights advocacy organization, the Human Rights Project, in early 1998. In October 1998, representatives of major Roma organizations gathered at a round table in Sofia, endorsed the document and demanded that the government adopt it as a major document defining its future policy towards Roma. Following the round table, a working group representing Roma organizations in the country undertook to negotiate the adoption of the Framework Programme with the Bulgarian government. Over the following six months, Roma representatives and representatives of the governmental National Council on Ethnic and Demographic Issues debated the fundamental principles of government policies pertaining to Roma. Despite serious controversies, concentrated mainly over the issue of recognition of discrimination against Roma, at the end of March 1999, it became evident that the government would endorse the Roma-supported document. The most successful Roma rights advocacy campaign in Bulgaria was concluded on 7 April by an agreement between the Roma community and the government that was followed by a Decision of the Council of Ministers from 22 April 1999, endorsing the Framework Programme.

One year after the adoption of the Framework Programme, notwithstanding its commitment to develop a long-term strategy for removal of the segregated Roma schools in the Roma areas and undertake decisive measures to ensure free admission of Roma children to "normal schools", the government failed to address these issues. The prospects for a change in the state of Roma education came with the action of a Roma non-governmental organization. In mid-2000, the Vidin-based *Drom* Foundation started a campaign for the integration of Roma children into the mainstream educational system. The goal of this campaign was to eliminate the continued segregation of Roma children into an all-Roma school, which offers inferior education, and to ensure that the children have access to mixed schools in the town of Vidin. Thus, in September 2000, around 300 Roma children from the Roma neighbourhood

in Vidin began the new school year by being bussed to the six regular mixed schools in the town.

All these achievements of Roma organizations would not have been made possible without the support and the active involvement of a small circle of liberally minded non-Roma individuals in Bulgaria and the international community. Roma organizations benefited from the political and moral authority and the concern for Roma problems of such organizations as the Council of Europe, the Organization for Security and Co-operation in Europe, and the European Union.

The work of Roma organizations and the activities of the international community, however, cannot substitute the responsibilities of the state. Long-lasting departure of the state from its duties regarding Roma has led to the present condition, and it will take political will and concerted efforts on the part of the state to redress Roma for the denial of equal opportunities.