

ANTI-DISCRIMINATION BULLETIN 1/2008

1. POLICY DEVELOPMENTS

Annual Report of the National Council for Cooperation on Ethnic and Demographic Issues

In April, 2008 the Council of Ministers discussed the Annual Report for 2007 of the *Национален съвет за сътрудничество по етническите и демографските въпроси* [National Council for Cooperation on Ethnic and Demographic Issues]. The Council's work in 2007 was organised under several priorities.

Under the priority of strengthening the role of the Council as a body of interinstitutional co-ordination on ethnic and demographic issues, the Council's new Structural Regulation introduced an obligatory procedure for the bodies of the executive to consult the Council when adopting norms or elaborating strategies and programmes on ethnic and demographic issues. In the field of ensuring equal opportunities and treatment for all Bulgarian citizens and preventing racism and xenophobia, the Council exercised control and monitoring over the implementation of the *Национален план за действие за защита от дискриминация* [National Action Plan for Protection against Discrimination]. Under the priority of improvement of access to healthcare and education, housing and employment for minorities, the Council took part in the implementation of a number of EU-funded projects in the field of education, healthcare, housing and employment. Under the task of updating the *Рамкова програма за равноправно интегриране на ромите в българското общество* [Framework Programme for the Integration of Roma in Bulgarian Society], it was decided that a new Framework Programme was actually needed to reflect the new realities and tendencies in the development of the country and to set the main priorities and mechanisms for the implementation, monitoring and assessment of the integration policy. The task for elaborating a new Programme was included in the government's action plans for 2008.

http://www.nccedi.government.bg/upload/docs/Doklad_za_dejnostta_na_NCCEDI_za_2007_final_version_.doc (the text of the report is available in Bulgarian)

National Action Plan on Employment provides for measures to support the Roma community

At the end of January, 2008 the Bulgarian Council of Ministers approved *Национален план за действие по заетостта* [National Action Plan on Employment], which provides for measures to support the Roma Community. The Plan aims at improving the situation, as regards, *inter alia*, the integration of disadvantaged groups, including the Roma. Persons from the Plan's target groups – unemployed individuals up to 29 and over 50 years of age, unemployed persons of no education and/or qualification, inactive persons – are supposed to be included in programmes and measures, taking into account the obstacles for each person's successful inclusion in the labour market. The Action Plan provides for the continuation of all specialised programmes and measures, directed towards the risk groups on the labour market, including the Roma. Roma

mediators are going to be appointed in 45 employment offices.

<http://www.mlsp.government.bg/bg/news/news.asp?newsid=10075&catid=1> (in Bulgarian)

<http://www.mlsp.government.bg/bg/docs/NPDZ/index.htm> (the text of the National Action Plan is available in Bulgarian)

Roma Internship Programme with the Bulgarian National Assembly started for the third time

On 5.03.2008 the third round of the Roma Internship Programme with the Bulgarian Parliament started. The programme is co-organised by the National Democratic Institute – Bulgaria and the Open Society Institute – Bulgaria. Ten people from the whole country were selected out of 70 candidates. The Roma interns are expected to work at the National Assembly once a week during eight weeks. They are particularly interested in the work of the Parliamentary Committees on Education and on Citizens' Complaints and Petitions. The interns will also visit a session of the National Assembly.

http://www.amalipe.com/files/bulletin/160308_newsletter_february_2008_bg_01.pdf

2. LEGAL DEVELOPMENTS AND AWARENESS-RAISING CAMPAIGNS

ILO Convention No. 122 ratified by Bulgaria

In February, 2008 the Council of Ministers approved and in March, 2008 the National Assembly ratified Convention (No. 122) concerning Employment Policy of the International Labour Organisation (ILO).

Convention No. 122 is one of the priority conventions of ILO, according to which each Member should 'declare and pursue, as a major goal, an active policy designed to promote full, productive and freely chosen employment' [Art. 1 (1)]. The aim of the policy shall be, *inter alia*, 'freedom of choice of employment and the fullest possible opportunity for each worker to qualify for, and to use his skills and endowments in, a job for which he is well suited, irrespective of race, colour, sex, religion, political opinion, national extraction or social origin' [Art.1 (2) (c)]. The policy should also take 'due account of the stage and level of economic development and the mutual relationships between employment objectives and other economic and social objectives, and shall be pursued by methods that are appropriate to national conditions and practices' [Art. 1 (3)].

<http://www.mlsp.government.bg/bg/news/news.asp?newsid=10130&catid=1> (in Bulgarian)

http://www.unhchr.ch/html/menu3/b/k_ilo122.htm

Small business management and entrepreneurship course for Roma women

A one-month module of a small business management and entrepreneurship course, providing specialised knowledge and practical skills to educated unemployed Roma women, took place between 10.01.2008 and 14.02.2008. The course was organised by the *Министерство на труда и социалната политика* [Ministry of Labour and Social Policy] and was supposed to help Roma women start and develop their own small business. The course subjects included computer skills, writing skills, balance between parenthood and work. The training aimed at providing equal opportunities and ensuring competitiveness for the trainees on the labour market. During the module all trainees developed their own business plans and used individual coaching services. The course continued by a second module, which started on 18.02.2008.

<http://www.mlsp.government.bg/bg/news/news.asp?newsid=10015&catid=1> (in Bulgarian)

<http://www.mlsp.government.bg/bg/news/news.asp?newsid=10115&catid=1> (in Bulgarian)

A specialised job fair for the Roma community in Samokov

The Ministry of Labour and Social Policy reports on 3.04.2008 about the opening of the first specialised job fair for the Roma community in Samokov.

The Deputy Minister of Labour and Social Policy announced the expectation that the unemployment rate in Bulgaria for 2008 should fall under 7 per cent and praised the initiative as proof of the good partnership among the Ministry, the local authorities, the employers and the NGOs in Bulgaria in the support for the unemployed, regardless of their ethnicity or religion.

Over 300 job seekers took part in the opening. 18 employers from the region announced 147 vacancies in the fields of construction, tourism, etc.

<http://www.mlsp.government.bg/bg/news/news.asp?newsid=10217&catid=1> (in Bulgarian)

3. RESEARCH

Report on the state of interethnic relations and intercultural dialogue

In March, 2008 the Дирекция „Етнически и демографски въпроси” на Министерския съвет [Ethnic and Demographic Issues Directorate of the Council of Ministers] published „Доклад за състоянието на междуетническите отношения и интеркултурния диалог, противодействието на проявите на расизъм и ксенофобия и развитието на демографските процеси в Република България” [Report on the State of Interethnic Relations and Intercultural Dialogue, the Countering of the Acts of Racism and Xenophobia and the Development of Demographic Processes in the Republic of Bulgaria]. In its part on interethnic relations, which is an adapted version of an analysis of the *Център за социални практики* [Centre for Social Practices] and GfK – Bulgaria, the report elaborates upon the fundamental sources of interethnic tensions at the beginning of 21st century. It reviews the legal framework on inclusion of minorities on UN, Council of Europe, EU and OSCE level and the commitments and policies of Bulgarian governments in this sphere, as well as their effectiveness. The sentiments in society, the attitude of political parties and the reflections in the media, concerning minorities, are also explored. The report reaches the conclusion that there are no sufficient results of the state and supra-state Roma integration policies in Bulgaria and proposes a system of monitoring of potential tensions and conflicts into several directions: monitoring, presenting indirect indicators for the risks, direct monitoring and systematising monitoring. A test survey on intolerance is also briefly presented.

http://www.nccedi.government.bg/upload/docs/DEDI_2paper_2008.pdf (in Bulgarian)

Annual report on human rights in Bulgaria of the Bulgarian Helsinki Committee

In March, 2008 *Български хелзинкски комитет (БХК)* [Bulgarian Helsinki Committee (BHC)] published its annual report „Правата на човека в България през 2007 г.” [Human Rights in Bulgaria in 2007]. It has an extensive section on protection against discrimination, which reviews the 2007 case-law on discrimination and, *inter alia*, speaks about its overall strengths and weaknesses. The report notes the narrow interpretation by some judges of the material scope of the *Закон за защита от дискриминация* [Law on Protection against Discrimination], which often led to interpreting the exemplary list of prohibited acts under the Law as exhaustive. According to the report, little understanding was sometimes shown of the concept of indirect discrimination and in some cases judges refused to admit as evidence reports of renowned international organisations. There was also allegedly narrow interpretation of the right of non-for-profit legal persons to bring discrimination claims on behalf of victims of discrimination. The narrow interpretation also affected the issues of shifting the burden of proof in anti-discrimination cases. On the positive side, the report, *inter alia*, found that courts consistently saw the Law on Protection against Discrimination as a special law as to the general laws, regulating the spheres of life, where discrimination may occur, which would mean that it would

supersede the norms in the general laws, which were in contradiction with it.

<http://www.bghelsinki.org/index.php?module=resources&lg=en&id=631#9>

Presentation of the Annual Report on the Implementation of Policies, Directed at Roma Integration in Bulgaria for 2006

On 1.02.2008 the *Център Амалипе* [Amalipe Centre] presented „Годишен доклад за реализация на политиките, насочени към ромска интеграция в България 2006 г.” [Annual Report on the Implementation of Policies, Directed at Roma Integration in Bulgaria - 2006]. Members of European and Bulgarian Parliament and representatives of the executive took part in the presentation. The report, which is a result of a research, performed by the Amalipe Centre in 17 municipalities in different regions of Bulgaria, reached several conclusions. Firstly, Roma integration was allegedly not directed by the so called ‘Roma strategies’ of the Bulgarian government and the Ministries, not having ‘Roma strategies’, were often much more active in the field than those, having such. Secondly, 2006 marked significant decrease in the integration efforts on the part of most institutions, especially the Ministry of Education and Science. Thirdly, 2006 did not show the existence of serious political will for a change in the scheme of Roma integration from previous years, including no additional financing from the state budget and no inclusion of additional human resources. The emphasis on the desegregation of Roma schools shifted to decreasing the number of Roma children, dropping out of school, and the strategies for educational integration of children from ethnic minorities remained only nominal. There were also problems in the process of improvement of the housing of Roma. Finally, in spite of some efforts, registered on the part of the institutions, in 2006 there was a lack of a systematic approach towards the work with the Roma community.

http://www.amalipe.com/files/bulletin/120208_newsletter_01.2008.pdf

4. Official / unofficial statistical data

Annual Report of the Commission for the Protection against Discrimination

In March, 2008 the *Комисия за защита от дискриминация* [Commission for the Protection against Discrimination] presented its Annual Report for 2007. According to the report (not divided by grounds of discrimination), in 2007 the Commission received and processed 649 complaints and signals, which is an increase by 66.8 per cent, compared with the situation in 2006. The Commission adopted 94 decisions, 42 of which were appealed before the *Върховен административен съд* [Supreme Administrative Court]. The report also presents a survey, done among 443 people in the period 23.03.2007-15.12.2007, which aims at exploring the understanding of Bulgarian society of the concept of discrimination, finding out whether discrimination practices exist in Bulgaria and what risk groups they mostly occur in. The survey asks, *inter alia*, whether the respondents have ever felt being subject of discrimination and, if yes, on what grounds. Out of all respondents, 5.4 per cent have felt discriminated on racial or ethnic grounds, out of which 7 per cent are women and 4.9 per cent are men.

http://www.kzd-nondiscrimination.com/images/stories/pdf/annual_report_07.pdf (the text of the report is available in Bulgarian)