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the Elimination
of all Forms of
Racial Discrimination**

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COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Seventy-fourth session

SUMMARY RECORD OF THE 1906th MEETING

Held at the Palais Wilson, Geneva,
on Tuesday, 17 February 2009, at 3 p.m.

Chairperson: Ms. DAH

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The meeting was called to order at 3.15 p.m.

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (continued)

Fifteenth to nineteenth periodic reports of Bulgaria

1. At the invitation of the Chairperson, the members of the delegation of Bulgaria took places at the Committee table.
2. Mr. TEHOV (Bulgaria) said that his country had been a party to the International Convention on the Elimination of All Forms of Racial Discrimination since 1969. Throughout that period successive Governments had been firmly committed to maintaining a constructive and fruitful dialogue with the Committee with a view to providing information and receiving advice. They had made every effort to give full effect to the Convention at the domestic level and contribute to its implementation at the international level. The Bulgarian Constitution contained a specific provision under which all international legal instruments which had been ratified in accordance with constitutionally established procedure and had legal force with respect to Bulgaria, as was the case with the Convention, would be considered part of domestic legislation. Furthermore, in the event of a discrepancy between domestic legislation and the Convention, the latter would have primacy.
3. The consolidated report before the Committee comprised the fifteenth to nineteenth periodic reports. The delay in submitting the reports had been due to the rapidly changing circumstances in his country since the submission of the previous report; his delegation hoped to provide further information during the current debate on the spectacular progress made in Bulgaria on implementation of the Convention since 1997. Democratic changes in Bulgaria since 1989 had resulted in fundamental changes in national laws and administrative practices; laws had been passed by the National Assembly to bring domestic legislation further into line with the international instruments to which Bulgaria was a party. The role of civil society in assisting in implementation of the Convention should not be overlooked.
4. Many of the important comments and suggestions made by the Committee during consideration of Bulgaria's fourteenth periodic report had been reflected in domestic legislation and State practice, as the current report testified. Bulgaria was conscious of its duty to further promote the values enshrined in the Convention.
5. Turning to the questions of the Country Rapporteur, and the request to provide updated and detailed statistical data on the ethnic composition of the population (question 1), he said that, in accordance with national legislation, the National Statistical Institute collected data on ethnic composition, which were provided on a voluntary basis through censuses held every 10 years. The latest official data from the 2001 census were contained in the report before the Committee. The next census was due to be held in 2011, following which updated data on ethnic composition and demographic distribution would be available. He wished to emphasize that the two censuses held since 1989 had conformed to the highest international standards; every individual had had the right to self-identification in full compliance with the recommendations of the Committee.

6. Referring to question 2, he said that, in accordance with article 6 of the Bulgarian Constitution, all citizens were equal before the law, and neither abridgement of rights nor any privileges were admissible. On that basis, the legislature had specified offences prompted by racist or nationalist motives, which were covered by articles 162 and 163 of the Criminal Code. The penalties laid down for offences against national and racial equality showed that the legislature treated them as offences posing a high degree of social danger. Various custodial sentences were established for those offences, as well as public censure; in only one case was provision made for probation as an alternative to deprivation of liberty.
7. The law provided for a situation in which two different offences were committed through a single act. If an offence against national or racial equality was committed simultaneously with another offence, the court would give consideration to the mitigating and aggravating circumstances, as well as the motives for perpetrating the act. If it was established that the motivation for a particular offence was racist, that circumstance must, in all cases, be considered as an aggravating circumstance.
8. Ms. FIKRI (Bulgaria), turning to question 3, said that it was the role of the Commission for Protection against Discrimination to institute proceedings further to complaints concerning discrimination through speech lodged under article 4 (1) of the Protection against Discrimination Act.
9. The Commission had examined 7 cases in 2006, 28 in 2007 and 21 in 2008. In the reporting period, the Commission had delivered decisions on 35 cases, dismissing 18 of the claims. Of the 17 cases in which discrimination on various grounds had been established, the Commission had considered that discrimination was on grounds of ethnicity in 13 of them; in the 4 remaining decisions it had ruled that discrimination was on other grounds.
10. In a significant number of the decisions establishing discrimination on grounds of ethnicity, the Commission had based its decision on article 2 (5) (2) of the Media Code of Ethics, which prohibited specifying ethnicity when it was not relevant to the sense of the information presented by the media, and also on general recommendations XXVII and XXIX adopted by the Committee on the Elimination of Racial Discrimination.
11. The Commission imposed binding administrative measures consistent with the specific nature of each case: typically, it recommended that a perpetrator of hate speech should make an apology and that the operative part of its decision establishing discrimination should be made public. Other measures included: recommending that in future perpetrators should refrain from similar statements and/or from presenting information in a similar manner; not specifying ethnicity in cases where it was not relevant to the sense of the information conveyed by the media; avoiding presenting incidents involving individual members of ethnic communities in a manner condemning their communities as a whole; and drafting and adopting internal regulations and self-control mechanisms by the media in order to prevent discrimination.
12. The Commission imposed binding administrative measures more often because it believed that mandatory recommendations were more effective. They had greater legal force and had longer-lasting educational and preventive effects. A statistical table of the cases brought was contained in the written replies distributed to the Committee.

13. Mr. TEHOV (Bulgaria), responding to the request for information on the National Plan of Action for Protection against Discrimination for 2007 (question 4), said that its main objective had been to ensure that equal treatment and equal opportunities for all groups in society were incorporated into daily practice. The Plan had been implemented in 2007 in the European Year of Equal Opportunities for All, involving all the relevant public bodies responsible for policymaking and enforcement of equal opportunities, non-discrimination and human rights in their respective priority areas: education, public administration, law enforcement and social partnership. The activities carried out under the Plan had contributed to achieving the objective set, as they had laid down the necessary preconditions for reaffirming equality in daily life. The Plan had been drafted as a continuation of the activities and initiatives carried out under the European Union Action Programme to Combat Discrimination (2001-2006).

14. The main activities under the Plan had included: organization of training and seminars for various groups; introducing a new anti-discrimination panel in education programmes and courses; and courses for Ministry of Interior personnel, including police officers. The Ministry of Education had endorsed specialized teacher-training courses on capacity-building for work in multicultural and multi-ethnic environments and on prevention of discrimination. It had also developed relevant training materials and methodologies. The Ministry of State Administration and Administrative Reform had included a new module in the civil service education programme entitled “Non-discrimination and provision of equal opportunities”. All the activities mentioned had been designed to improve knowledge and understanding of national anti-discrimination legislation and policies and of the Convention, and to build the capacity to prevent and combat discrimination.

15. Further activities implemented under the Plan had been the development of anti-discrimination legislation and effective practice for its implementation by the human rights institutions. The Ministry of the Interior had established a partnership with the Irish police to exchange and develop best practices in police work with vulnerable groups. In December 2007, the Ministry of Justice had issued instructions prohibiting any discriminatory practices that limited or hindered access to courthouses because of a person’s racial or ethnic origin or disability. In the same year, the law on town planning had been amended to solve the problem of unregulated housing construction in areas with so-called compact Roma populations and to ensure adaptation of the architectural environment to the needs of disabled persons. The Ministry of Education had added a clause to the job descriptions of members of its regional inspectorates and to those of principals and teachers requiring non-discrimination and equal opportunities for all regardless of gender, ethnic background, race, religion, disability or sexual orientation. Those activities had contributed to strengthening the capacity for protection against discrimination through the exchange of information on the measures implemented by the various institutions and State authorities.

16. Media representatives had been involved in discussions and round tables, and their participation had been very useful in publicizing the National Plan, its activities, objectives and aims. The National Council for Cooperation on Ethnic and Demographic Questions (NCCEDI) had developed a website providing information on activities carried out under the Plan. In addition, promotional materials had been distributed during seminars and round tables. The Council, in cooperation with the Commission for Protection against Discrimination, had organized six regional information days in various cities.

17. The implementation of the National Plan had therefore achieved results through improving knowledge of the whole range of discrimination issues, strengthening capacity for protection against discrimination, and raising public awareness of the importance of protection against discrimination and the measures taken to protect people from unequal treatment.

18. Ms. FIKRI (Bulgaria), responding to the request for information on progress in the Action Plan against Discrimination 2006-2010, said that it had been adopted by the Commission for Protection against Discrimination in 2006. The Action Plan was a strategic document, by comparison with the National Plan, which was a short-term plan. The former mapped the main guidelines, steps and activities to prevent and combat discrimination. Its specific aims were: to develop knowledge of discrimination and motives for discriminatory behaviour; to promote the right to equal treatment and improve the manner in which it was achieved as a way of overcoming moral barriers and behavioural stereotypes; to strengthen the capacity to combat discrimination through the creation of a network of measures to be applied to Bulgarian institutions, authorities and NGOs; to achieve wider national awareness of differences, and to promote recognition, respect and tolerance of them; and to strengthen sensitivity to any occurrence of discrimination.

19. The Action Plan was based on eight priority “pillars” and the activities relating to them had been set out in the annex to the written replies, which had been distributed to the Committee. Her delegation was ready to answer any further questions on those activities. Most short-term activities had been completed in 2007, while the long-term activities were ongoing. One activity to which she wished to draw particular attention was the awareness-raising campaign on the new anti-discrimination legislation, which had been in place since 2007.

20. Mr. TEHOV (Bulgaria), turning to the request for information on the Human Rights Commission that had been set up within the National Police Department (question 5) with the aim of preventing police brutality, said that there were isolated cases of what could be deemed police violence and brutality, not necessarily directed specifically at members of minority groups; one such reported case was currently under investigation. The Human Rights Commission had been set up within the police to address such cases and, in 2003, the Commission had become the Standing Committee on Human Rights and Police Ethics within the Ministry of the Interior.

21. The Standing Committee was chaired by a deputy minister, and a senior police commander was the deputy chairperson. Its principal purpose was the improvement of practices involving respect for human rights, and the assertion and popularization of the standards enshrined in the code of conduct of civil servants in the Ministry of the Interior. One of the Committee’s activities involved the review of legislation with a view to eliminating any provisions conflicting with Bulgaria’s international commitments under human rights treaties. With the amendment of the Bar Act, provision had been made for legal counsel to be financed by the State so that where there were acts of alleged brutality, the victims could avail themselves of the amendment in order to initiate legal proceedings. Work was in progress on a revision of the Health Insurance Act with a view to regulating medical services to persons detained under article 70 of the Ministry of the Interior Act.

22. The Standing Committee also prepared an annual action plan listing activities in several key areas: scrutiny of statutory instruments and proposals for their improvement; measures to assert, in practice, ethical standards of conduct and respect for human rights in everyday police work; work with local commissions; and work with governmental and non-governmental organizations and institutions in the sphere of human rights protection. Principal partners in that activity included the Ombudsman, the Commission for Protection against Discrimination, the Ministry of Justice, and the NCCEDI. Non-governmental sector partners included the Centre for the Study of Democracy, the Open Society Institute - Sofia, the Assistance Centre for Torture Survivors, the Euro-Roma and Bah foundations, the Hanns Seidel Foundation, the Bulgarian Gender Research Foundation and the Nadjia Centre Foundation.

23. The Standing Committee coordinated, analysed and provided methodological guidance on the work of its counterpart regional commissions on human rights and police ethics, which had been set up in every police department.

24. Turning to question 6, he said that all cases of wrongful detention and the use of firearms, physical force and auxiliary means by Ministry of the Interior personnel were investigated. Measures were taken against the perpetrators of such acts and their superiors, and the case records sent to the Prosecutor's Office, which enforced criminal liability. In addition, senior personnel were informed of all allegations of misconduct by Ministry personnel made by members of the public. The public was informed of cases of police brutality. Measures had been taken to tighten discipline, and cases of non-admission of brutality were vigorously pursued. Senior personnel who had tolerated acts of brutality by their staff were held accountable for their lack of control, and steps were taken to eliminate the causes and conditions that had led to the misconduct, including reviews of disciplinary practice in the units concerned. In 2007 and 2008, a total of 144 pretrial proceedings involving police brutality had been brought before the military appellate court against Ministry personnel. Of those, 27 had been referred to military courts with an indictment or an order of release from criminal liability. Six cases had been transferred to the civil prosecutors' offices as it had been established that the acts had not been committed in the course of the police officers' duty. While cases of police brutality were relatively uncommon, reaction to them was prompt and uncompromising. A Ministry study had found that they were attributable to the limited legal awareness of personnel or an excess of authority, combined with lax control on the part of superiors and ineffective measures to tackle non-admission of such acts.

25. Police brutality was specifically prohibited by domestic legislation, which detailed all the operational procedures to be followed in order to guarantee full respect for human rights when police officers made arrests. Civil society organizations also played an active role in preventing police brutality. Moreover, following an amendment to the Code of Criminal Procedure in December 2008, Ministry of the Interior personnel and national security staff were no longer tried by military courts.

26. In reply to question 7, he said that all Bulgarian citizens enjoyed legal guarantees and had the opportunity to vote and be elected to central and local government without discrimination, including on the basis of race or ethnicity. Bulgarian legislation prohibited the collection of data

on citizens' racial or ethnic origin, political, religious or philosophical convictions or membership of political parties, religious associations or trade unions without their express consent.

27. Candidates for entry to the civil service were evaluated on their professional merits. Domestic legislation prevented any discrimination, privileges or restrictions based on race, nationality or ethnicity. Unofficial data on police officers of Roma origin did exist, and special measures had been taken to encourage members of the Roma population to join the police force. The Ministry of the Interior, however, made no reference to Roma police officers.

28. Replying to question 8, he said that all legislation regarding education was based on the principle of non-discrimination and that there was no discrimination against children in schools on the basis of ethnic background. Previously, all children had been required to attend their local schools, which had naturally resulted in a high percentage of Roma children in schools in areas with a high Roma population. The system had been changed in order to ensure that all children attended mixed schools, irrespective of their ethnic background. Some 900,000 Roma children were currently studying in the education system. About 27,500 of them attended 63 schools of different types in the larger Roma neighbourhoods in cities. Over 16,000 Roma children attended 262 schools outside Roma neighbourhoods.

29. Turning to question 9, he said that in 2000 the Constitutional Court had ruled that the OMO Ilinden - PIRIN party should be banned on the grounds that it was unconstitutional, as its manifesto contained secessionist goals. The European Court of Human Rights had ruled that the Bulgarian Court had acted in accordance with legislation and had pursued a legitimate goal, but that the action taken had been disproportionate to the real risk to national security represented by that small party. The Court had made no reference to the automatic registration of that organization, as had erroneously been reported by several sources. The organization was at liberty to register at any time, on condition that it complied with the regulations stipulated for the registration of all political parties.

30. In 2007, the Supreme Court of Cassation had ruled that the "National Turkish Unification" organization did not comply with article 44 (2) of the Constitution, since the founders of that organization had rejected the Bulgarian model of peaceful ethnic coexistence. The decision had been taken in an attempt to prevent confrontation on the grounds of ethnicity or religion.

31. In reply to question 10, he said that some 68 organizations and 18 private individuals had instituted a civil action against the Ataka party leader, Volen Siderov. That action had been divided into several separate proceedings assigned to different panels, each specialized in the relevant area of discrimination. In four proceedings, the respective panels had dismissed the actions brought as unfounded. In one case brought by a woman of Armenian origin, the court had held that particular statements by Mr. Siderov constituted harassment and incitement to discrimination, and had ordered him to stop making such statements. In another case, the Sofia City Court had found Mr. Siderov guilty of creating a hostile and dangerous environment for Bulgarian citizens of Turkish origin. It should be noted that the Ataka party would not have been registered as a political party had its manifesto contained any hint of racial or ethnic discrimination. All the complaints had been directed against Mr. Siderov, whose views were not shared by all members of the party.

32. Replying to question 11, regarding the application of articles 108 and 108 (a) of the Criminal Code, he said that in 2002 to 2003 no pretrial proceedings had been instituted and no prosecutorial acts submitted to the courts. In 2004, six pretrial proceedings had been brought under article 108. In 2005, five pretrial proceedings had been brought under that article, including two new proceedings. Further information was available in the State party's written replies to the list of issues.

33. Turning to question 12, he said that the composition and functioning of the Council for Electronic Media were regulated by the Radio and Television Act. Article 20 of that Act provided that the Council was an independent specialized body that regulated radio and television broadcasting activities. It registered or granted broadcast licences and supervised compliance with the Act by radio and television broadcasters. It was guided at all times by the public interest, aiming to protect the freedom and plurality of speech and information, and the independence of radio and television broadcasters. The Act contained specific provisions prohibiting incitement or discrimination on ethnic or racial grounds. The Council had sanctioned the television channel "Skat" in 2003, 2005, 2007 and 2008. A public discussion on hostile speech and hate language in the electronic media had been held at the national press club in January 2009; it had been attended by members of Parliament and representatives of NGOs and the electronic media.

34. In reply to question 13, he said that his Government was fully aware that, in the past, some economically disadvantaged families had been advised to send their children to special schools in order to benefit from free school meals and other social services. That practice had been stopped and steps taken to ensure that the Roma children concerned were placed in appropriate schools. In order to tighten the controls over entry into special schools, an expert commission had been established by the Ministry of Education and Science. Of the children concerned, 150 would remain in special schools in 2009, while 168 would be integrated into mainstream education. Currently, some 7,000 students with special educational needs were integrated into the mainstream system, with support from specialist staff.

35. Turning to question 14, he said that the Centre for Educational Integration of Children and Pupils from Ethnic Minorities had been established in January 2005 to implement the Government's Strategy for Educational Integration of Children and Pupils from Ethnic Minorities, formulated in 2004, which was aimed at meeting the special needs of children from minorities. By the end of 2009 some 5,500 minority children would be enrolled in appropriate schools and at least 300 teachers would have been trained to work in a multicultural environment.

36. In 2009, another programme, aimed specifically at the integration of Roma children into the education system, would be launched, and the city of Sofia would likewise continue its efforts to provide Roma children with quality education. Additional activities planned for 2009 included: implementation of the National Action Plan for Implementation of the Strategy for Educational Integration of Children and Students from Ethnic Minorities 2004/05-2008/09, a new action plan for 2010-2015, honouring commitments on ethnic and demographic issues, continued integration of minority children and building a database on children of migrants attending Bulgarian schools.

37. With regard to question 15, he explained that registration of religious communities was the responsibility of the Sofia City Court. The Ahmadi Muslim organization had been denied registration (a decision upheld on appeal by the Supreme Court of Cassation) in accordance with the Denominations Act because of the lack of clarity regarding that organization's specific religious beliefs in its statutes, making it impossible to justify its recognition as separate and different within Islam. As to question 16 on registration of Orthodox organizations other than the Bulgarian Orthodox Church, he said that such organizations could be registered on condition that they operated under a different name; there were three such organizations.

38. In connection with question 17 on the denial of housing to Roma in Sofia, he stressed that the city of Sofia was working to implement programmes to ensure adequate housing for residents, including the Roma. Concerning the eviction of Roma from the Batalova Vodenitsa neighbourhood of Sofia, he said that eviction was always a measure of last resort, and always carried out with full respect for the letter of the law. Nevertheless, following the granting of interim measures in that case by the European Court of Human Rights, eviction had been suspended and the authorities were working to find alternative measures with a view to resolving the situation.

39. Turning to the complaints regarding health care and social assistance made by the European Roma Rights Centre to the European Committee of Social Rights, referred to in question 18, he said that the parties had presented their cases. His Government had described to that Committee the steps it was taking to achieve a resolution.

40. Ms. MILESHKOVA (Bulgaria), in response to question 19, said that the independence of the Commission for Protection against Discrimination was fully guaranteed by law and in practice. The Law on Protection against Discrimination declared the Commission to be an independent authority for the prevention of discrimination and the promotion of equality of opportunity, responsible for implementation of the Law. It was adequately funded and managed its own budget, which had doubled between 2006 and 2009. The Commission had nine members, at least four of whom must be jurists. Five members were elected by the National Assembly, including the Chairperson and Deputy Chairperson, and four were appointed by the President of the Republic for a period of five years. There must be balanced representation of men and women and minorities; currently five members were women and four were from ethnic and religious groups.

41. Mr. TEHOV (Bulgaria), in response to questions 20 and 21, said that 15 cases under the Protection against Discrimination Act had been brought before the regional courts in 2007; 3 had been successful, 4 had been dismissed, and 6 had been terminated. In addition, seven complaints involving alleged discrimination or intolerance on the part of the authorities had been registered with the Ombudsman between May 2005 and December 2008. Those cases involved such issues as property rights, housing, education, attitudes of State employees and labour rights. The Ombudsman had investigated and found that the actions of the authorities had not amounted to discriminatory treatment.

42. Turning to question 22, he said that the National Institute of Justice provided specialized training to judges, prosecutors and investigating magistrates in its annual training programmes.

The Ministry of the Interior provided training on human rights and minority issues in its basic four-year training course and also its upgrading and retraining courses. Community policing courses included respect for the rights of minorities and vulnerable groups. Police ethics and professional ethics were taught at the Academy of the Ministry of the Interior and during upgrading and retraining.

43. Lastly, in response to question 23 on the promotion of tolerance, he noted the role played by the National Council for Cooperation on Ethnic and Demographic Questions (NCCEDI) in formulating policies relating to ethnic and demographic issues. The Council had, for example, established a working group that included representatives of the Administration, civil society and the Roma community to draft a Framework Programme for the Integration of Roma in Bulgarian Society, define target groups and provide for funding mechanisms for its implementation.

44. In 2008 the Council, in cooperation with the Commission for Protection against Discrimination, had organized five regional conferences and one national conference in the context of a project to increase public awareness of the issue of discrimination. The Government had also funded projects aimed at preserving the culture of the Roma, Turkish and other minorities. The Commission for Protection against Discrimination and the Ombudsman were playing increasingly active roles. In addition, in 2008 the Council of Ministers had adopted a National Strategy on Migration and Integration (2008-2015).

45. Mr. de GOUTTES, Country Rapporteur, recalled that Bulgaria had been admitted to the European Union on 1 January 2007 and was required by the terms of its membership to undertake judicial reform and combat corruption, including organized corruption. Reports on progress made were published every six months by the European Commission. With regard to the issue of corruption, he noted that there had been allegations in the press of collusion on the part of certain authorities, and also of impunity. He therefore welcomed the establishment of a Standing Committee on Human Rights and Police Ethics to address problems in the police and judiciary. He requested more information on measures to prevent corruption, as well as on measures adopted in response to the recommendations and concerns of the European Commission in its reports.

46. He urged the State party to increase public awareness of the Committee's complaints procedure pursuant to article 14 of the Convention. He noted that Bulgaria was a party to numerous international and regional human rights instruments and welcomed the fact that the Constitution gave international treaties precedence over domestic legislation. In that regard, he wondered whether the provisions of the Convention had in fact been invoked before the courts in cases where domestic legislation was not in accordance with the Convention.

47. Other positive aspects included guarantees of equality and non-discrimination in the Constitution and domestic legislation (report, paras. 21-25), constitutional recognition of ethnic, religious and linguistic diversity (para. 27) and criminalization of racial discrimination under the Criminal Code (paras. 184-195). Furthermore, a number of institutions were working to combat racial and ethnic discrimination, and numerous measures had been adopted to integrate minorities and meet their social, linguistic and educational needs.

48. Turning to implementation of article 2 of the Convention, he noted the legislation relating to racial discrimination listed in the report (paras. 85 and 86), in particular: the Law on Protection against Discrimination of 16 September 2003, which had been drafted in collaboration with NGOs and prohibited any discrimination, with regard especially to race, origin or nationality; the law on reforms in the judiciary; and other laws including the Criminal Code and the Code of Criminal Procedure.

49. He requested more information, however, on concrete examples of the implementation of anti-discrimination measures in practice. He expressed concern that, pursuant to the Law on Protection against Discrimination, differences in treatment based, for example, on the requirements of certain professions did not necessarily constitute discrimination. That was a rather ambiguous derogation from the absolute prohibition of racial discrimination, and he requested the delegation to provide clarification on its interpretation and consequences.

50. Various bodies were responsible for combating ethnic discrimination; three merited special attention. The Commission for Protection against Discrimination played an especially important role because it could receive complaints, impose sanctions and recommend reforms. He requested more information, however, on its independence, the resources available to it and its effectiveness. With regard to the Ombudsman, he asked how many complaints of discrimination on the part of the Administration he had dealt with and whether his status as an appointee of the National Assembly guaranteed his independence. He welcomed the fact that the NCCEDI comprised a commission for the integration of the Roma which included representatives from NGOs working to promote the rights of the Roma.

51. As to the issue of the integration of minorities in general, he wondered how the State party defined “national minority” given that the Constitution did not mention the existence of such minorities in Bulgaria. He welcomed the numerous programmes focusing on the Roma, including the Framework Programme for Equal Integration of Roma in Bulgarian Society, the National Plan of Action for the further implementation of the Framework Programme and the National Plan of Action for the Decade for Roma Inclusion.

52. He expressed concern at reports of police brutality against persons belonging to ethnic minorities, particularly Roma, which continued to be received from many sources, and at the serious incidents of July 1998 in the village of Mechka. In that regard, he welcomed the establishment of a specialized Human Rights Commission within the National Police Department aimed at preventing police brutality. He asked for more information on the functioning and membership of that Commission, on the results achieved, and on the methodology used by the Ministry of the Interior to process complaints about the police. He welcomed the amendment to the Criminal Code, and asked why there had been no prosecutions in connection with the incidents in Mechka.

53. Turning to article 4 of the Convention, he said that while the legislation in the area of racial discrimination described in paragraphs 184-195 of the report appeared to be comprehensive and in line with the requirements of article 4, it was less clear how the legislation was implemented in practice. He asked for information and statistics on the number of pretrial judicial investigations of “crimes against the rights of citizens”, including crimes against national and

racial equality, and on their outcomes. He asked whether the State party intended to amend its legislation with a view to considering racial motives as an aggravating circumstance in proceedings relating to serious crimes. It would also be useful to have more information about the enforcement of article 53 of the Criminal Code on confiscation of xenophobic and racist printed matter, in view of the dissemination of allegedly anti-Semitic and anti-Muslim material in the newspaper of the Ataka political party, and the 2004 publication of Emil Antonov's book "The Foundations of National Socialism", based on anti-Semitic ideology.

54. In its previous concluding observations, the Committee had expressed concern about article 11 (4) of the Bulgarian Constitution, which stipulated that there should be no political parties based on ethnic origin, race or religion. In that connection, in 2005 and 2006 the European Court of Human Rights had once more found against Bulgaria in cases involving freedom of assembly violations against the OMO Ilinden PIRIN party, which represented the Macedonian minority in Bulgaria. He hoped that, to preclude further complaints, Bulgaria would bring its legislation into line with the Convention, instead of simply paying compensation as it had done to date. He asked for more information about the refusal by the Supreme Court of Cassation, in 2007, to register the "National Turkish Unification" organization.

55. Paragraph 196 of the periodic report asserted that there were no organized movements or organizations in Bulgaria disseminating and spreading racist, anti-Semitic or xenophobic ideas. However, the report itself, in paragraphs 196, 203 and 205, contained examples of the dissemination of such ideas, and complaints had been lodged against the Ataka political party for racial, religious and sexual discrimination. He would like to know the Government's views on those incidents, and whether they had resulted in any legal proceedings.

56. Referring to article 5 of the Convention, he welcomed the steps taken to improve the integration of Roma children in mainstream schools but said that some problems remained, including the considerable number of physically and psychologically healthy Roma pupils enrolled in special schools for pupils with physical or mental disabilities, and the "Roma" schools that resulted from the tendency of Roma to concentrate in separate neighbourhoods. He asked how the difficult problem of fully integrating Roma children in the education system, while at the same time preserving their linguistic and cultural identity, would be resolved.

57. The four priorities of the National Plan of Action for the Decade for Roma Inclusion (2005-2015) were education, health care, employment and improving housing conditions, but scant information had been provided in the latter three areas. He asked what measures had been taken to reduce the Roma unemployment rate, which many sources estimated at between 70 and 90 per cent, and to implement the resolution of the Committee of Ministers of the Council of Europe, which concluded that the situation concerning the inadequate housing of Roma families in Bulgaria constituted a violation of the European Social Charter. He also wished to know what had been done to reduce the segregation of Roma in ghettos, slums or "mahalas", and what follow-up there had been to the interim measures granted by the European Court of Human Rights on 8 July 2008 ordering a halt to the possible eviction of Roma inhabitants in the Batalova Vodenitsa neighbourhood of Sofia and requiring the Government to provide alternative accommodation for vulnerable groups such as children, and elderly and disabled persons.

58. He would welcome information regarding the status of the complaint submitted in October 2007 by the European Roma Rights Centre to the European Committee on Social Rights, accusing the Government of failing to eliminate the disparity in health insurance and access to medical assistance between Roma and other vulnerable groups and the majority population, and also regarding the March 2008 complaint about discrimination against Roma in the provision of social assistance.

59. With regard to the protection of civil, civic and political rights, he would like further information on the representation of minority groups, particularly Roma, Macedonians and Pomaks, in the National Assembly, public departments and the police, and on what policy was followed to prevent discrimination in recruitment. He would welcome comments on reports of restrictions on non-European foreign nationals with regard to land ownership and the exercise of political rights, and reports of discrimination against refugees in the areas of employment, health care, social services and municipal housing. He asked what concrete measures had been taken by the Council for Electronic Media to monitor compliance of private and public operators with the Radio and Television Act, and asked for information on follow-up to the decision of Sofia appellate court in which it had denied registration of the Ahmadi Muslim organization.

60. Turning to article 6 of the Convention, he said that the State party's subsequent periodic report should include information on complaints of acts of racial discrimination, including information on related legal proceedings and court decisions. With regard to article 7, it would be useful to have a preliminary assessment of the impact of the programme implemented by the National Institute of Justice in 2008 to promote training in human rights and inter-ethnic and interracial harmony for persons working in the justice system, and of the impact of recent measures taken by the NCCEDI to strengthen tolerance, harmony and friendship between racial and ethnic groups and to combat xenophobic trends in Bulgaria.

61. Mr. LINDGREN ALVES noted from paragraph 15 of the report that the Constitution proclaimed the preservation of the national and State unity of Bulgaria as an inalienable obligation. He assumed that was the rationale behind the legislation stipulating that there should be no political parties based on ethnic origin, race or religion. However, he would be interested to hear to what extent the delegation considered its domestic legislation to be compatible with European practice.

62. In his view, the issue concerning the OMO Ilinden PIRIN party was a political one in which the Committee should not become involved; in his experience, the "Macedonian minority" did not consider themselves to be a minority at all. The Ataka political party had been elected to parliament in 2005 when in fact he had still been living in Bulgaria. While the party had indeed taken an ultra-nationalistic stance, he did not recall Ataka as having been specifically anti-Semitic. He asked whether it was true that in the most recent elections Ataka had won more than 20 per cent of the vote, and whether, in the delegation's view, that signalled the birth of anti-Semitism in Bulgaria.

63. Mr. DIACONU welcomed the establishment of the important Commission for Protection against Discrimination, which was empowered to give effect to the law, impose sanctions and order administrative bodies to take remedial action. He drew attention to the fact that "ethnic self-identification" had not been systematically included in all domestic legislation as one of the

grounds of discrimination. It was therefore necessary to standardize the terminology used in the various instruments. He endorsed Mr. de Gouttes' comments on the freedom of assembly violations committed against the OMO Ilinden PIRIN party. He asked whether the national minorities in Bulgaria were recognized as such in accordance with the Council of Europe's 1995 Framework Convention for the Protection of National Minorities, and to what extent they were represented in Bulgarian executive, legislative and judicial institutions.

64. Mr. SICILIANOS said that he would welcome information on the status of implementation of the European Union directive of 29 June 2000 giving effect to the principle of equal treatment irrespective of a person's racial or ethnic origin. He would also be interested to hear an assessment of the practical results achieved under the National Plan of Action for the Decade for Roma Inclusion.

The meeting rose at 6 p.m.