



European Network Against Racism
Réseau européen contre le racisme

ENAR Shadow Report 2012-2013

ENAR SHADOW REPORT

Racism and related discriminatory practices in employment in Bulgaria

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Racism is a reality in the lives of many ethnic and religious minorities in the EU. However, the extent and manifestations of this reality are often unknown and undocumented, especially in official data sources, meaning that it can be difficult to analyse the situation and to establish solutions to it.

The ENAR Shadow Reports are produced to fill the gaps in the official and academic data, to offer an alternative to that data and to offer an NGO perspective on the realities of racism in the EU and its Member States. NGO reports are, by their nature, based on many sources of data - official, unofficial, academic and experiential. This allows access to information which, while sometimes not backed up by the rigours of academic standards, provides the vital perspective of those that either are or work directly with those affected by racism. It is this that gives NGO reports their added value, complementing academic and official reporting.

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Executive summary

The aim of this report is to contribute with knowledge by providing an insight from the perspective of activists and professionals on the ground working to combat racism and discrimination in Bulgaria, and to be used as an advocacy tool by which to influence policy. Unlike previous Reports, this report takes on a more narrow focus by exploring the situation of racism and discrimination in the field of employment in Bulgaria for the period of March 2012 to March 2013. The Shadow Report draws from a range of sources including statistics and data from the National Statistical Institute; expert data and analyses; specific data and statistics requested by the authors; data and reports from members of ENAR-Bulgaria; reports from NGOs; project reports; annual reports of national and international human rights organisations and state institutions; media publications; personal investigations by the author: interviews with state agencies' experts, representatives of Bulgarian ENAR members, victims of hate crimes, refugees, responses to individuals' questions by government institutions, etc.

The **Introduction** presents an overview of the ethnic and religious minorities in Bulgaria: Roma as the most discriminated minority, Turks as **the largest community among the ethnic and religious minorities**, Muslims, Pomaks or Bulgarian Muslims, migrants, refugees, asylum seekers, undocumented migrants.

The **Labour market and legal framework** provides an overview of the labour market indicators. Unemployment in the country continues to grow and during the first half of 2013, it reached the record level of 13.8%¹; similar values have not been reached since 2003. The most vulnerable groups in the labour market are unemployed Roma and undocumented migrants. The legislative provisions addressing discrimination and equal treatment in employment include the Constitution of the Republic of Bulgaria, the Law on the Protection against Discrimination, Labour Code, etc. and the legislative framework which is compliant with the EU Employment Directive.

Manifestations of racism and structural discrimination in employment give explanations of the data differences and the causal relationship between acts of discrimination and the differences in outcome. Reportedly, discrimination is more predominant in health care and the labour market is the second biggest area where discrimination occurs. . Although Bulgaria has anti-discrimination legislation, there isn't a culture of research on discrimination in the labour market. Complete data in order to assess the extent of discrimination is lacking, including disaggregated data of the different parameters of employment, including payment, working hours, access to education and qualifications, etc. With regard to discrimination in access to employment, while the Roma believe that their ethnic background is the reason for discrimination in access to employment, the majority instead believe that the reason is because Roma have insufficient education and qualifications.

In **Tackling the challenges**, information was collected on the way discrimination and racism in the labour market are being tackled in Bulgaria; specifically regarding the current policies and public and private projects that address the problem of discrimination and racism in the labour market. Good practices of NGOs, syndicates and some of the most significant rulings of Commission for Protection against Discrimination (CPD) in 2012 have been highlighted. Regardless of the strong anti-discrimination legislation, its application by the judiciary is weak.

¹ According to the 2012 Yearbook of the Employment Agency, similar levels of unemployment were measured in 2003 (13.7%). Since 2000, the highest levels of unemployment were measured in 2001 - 19.8% (Employment Agency, Yearbook 2012, <http://www.az.government.bg/> accessed 7 December 2013)

In recent years, NGOs have played an increasingly important role, participating in commissions and inter-institutional groups, proposing specific amendments to anti-discriminatory texts and national strategies for vulnerable groups and their access to employment.

National recommendations to tackle discrimination in employment of Roma:

- Solving the problem of the lack of registration in the national register of the population and the lack of identification documents ;
- Implementation of legal measures and economic mechanisms that would stimulate employers to hire Roma, including through the implementation of mechanisms regarding corporate social responsibility, subsidized employment, etc.;
- Adopting the Law for Equal Rights to Men and Women ;
- Conducting public discussions that would bring changes in the Law on Protection from Discrimination (LPD) which directly concern labour relations and are already implemented in the Labour Code; and discussing the suggestions of the Confederation of Independent Trade Unions (CITU) in this regard.
- Resurgence of the long-term unemployed and economically inactive people through labour mediation – increase of the number of people hired by the National Employment Agency Roma mediators; enlargement and strengthening of the network of labour mediators in Roma communities;
- Encouraging entrepreneurship– by providing trainings to develop and apply projects for small businesses;
- Intensifying the fight against discrimination and racism by conducting campaigns, trainings, informational meetings between members of the CPD and employers, employees and syndicate activists. Special attention should be paid to forms of multiple discrimination;
- Conducting campaign debates, media participation and other forms of intercultural dialogue, stressing the social gains from integrating the Roma;
- Increasing the capacity of the law enforcement organs – judges, prosecutors, police officers, lawyers, etc. regarding the war with hate crime and acts of discrimination, violence and hatred based on race, religion or ethnicity
- Increasing the institutional and public sensitivity and intolerance towards acts of discrimination and hate speech. Measures need to be taken for the prevention of ethnically motivated radicalization, especially at a young age.

National recommendations to tackle discrimination in employment of migrants, refugees and asylum:

- Implementation of a deadline for the registration of submitted applications by asylum seekers;
- Reducing the terms of Article 29, Paragraph 3: “Foreigners have the right to free access to the labour market if the proceedings are not over within one year of the filing of his request for status due to reasons that do not depend on him”.
- Changes in Law for Foreigners regarding undocumented migrants in order to provide them with documents. They continue to be one of the most vulnerable groups in the country. At present, undocumented migrants find themselves in a legal vacuum and are denied some of their basic human rights. It is possible that the situation breaches Bulgaria’s positive obligations under, inter alia, Article 3 of the European Convention on Human Rights.
- Conducting campaigns by the state institutions and NGOs to introduce refugees to their legal rights in finding employment; introducing them to programmes for education, training and starting a job;

- Conducting trainings for employees of the Labour Offices that would familiarize them with the available programmes and services for hiring, education and starting a job;
- Turning the labour exchange for refugees into a good practice;
- Conducting trainings for refugees on how to start their own business, how to obtain bank guarantees and how to apply for credit;
- Enlargement and strengthening of the network of social mediators for the refugees and asylum seekers;
- Training of the municipality officers to increase their awareness of the problems of integration of individuals seeking and receiving asylum;
- Incorporation of good European practices regarding the payment of community service done by individuals who are in the process of gaining refugee or humanitarian status;
- Conducting trainings and informational meetings with members of the CPD and syndicates for the Labour Offices employees and employers themselves to inform them about the provisions in the LPD;
- Campaigns, debates, media publications and other forms of multicultural dialogue with an increased emphasis on what it means to be a refugee and the public gains of integrating migrants and refugees;
- Increasing the capacity of the law enforcement organs – judges, prosecutors, police officers, lawyers, etc. regarding the war with hate crimes and acts of discrimination, violence and hatred based on race, religion or ethnicity
- Increasing the institutional and public sensitivity and intolerance towards acts of discrimination and hate speech. Adopt measures for the prevention of ethnically motivated radicalization, especially at a young age.

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1. Introduction

Racism is a reality in the lives of ethnic and religious minorities in Bulgaria. The extent and manifestations of this fact are often unknown and undocumented, especially with regard to official data sources. As a consequence, it can be difficult to analyse the situation and establish solutions. Even when there is extensive official data, NGOs offer a vital alternative data source which comes directly from the experiences of individuals and communities experiencing racism on a daily basis. The ENAR Shadow Reports have become a major tool for monitoring the situation of racism and xenophobia in EU Member States. Both ENAR's national and European Shadow Reports have proven to be an invaluable documented starting point for strategic and coordinated action, particularly for anti-racist civil society advocacy towards national governments, the European institutions, bodies and the media.

The aim of this report, therefore, is to contribute with knowledge and to provide insight from activists and professionals on the ground working to combat racism and discrimination in Bulgaria as an advocacy tool by which to influence policy. This report takes on a more narrow focus than previous reports, by exploring the situation of racism and discrimination in the field of employment in Bulgaria for the period of March 2012 to March 2013. The results will be used at national level to influence policy developments and will be further compiled into a European comparative report to influence European policies. With improved statistical and comparative data, the Shadow Reports will have a demonstrable impact for changing policy and bringing about necessary policy reforms.

The Shadow Report of 2012-2013 includes data and analysis of outlook of the labour market and the legal framework; manifestation of racism and structural discrimination in employment: perceptions, incidence, discrimination in access to employment, discrimination in work place and economic sectors; tackling the challenges: public policies, effective remedies – judicial and non-judicial, civil society initiatives, good practices of trade unions, NGOs, employers' organisations and individual employer's initiatives; conclusions and recommendations.

1.1 Definitions

Bulgarian legislation does not provide a definition for ethnic minorities at the national level because it appears to be hard to reach an agreement on the topic. Bulgaria's National Assembly ratified the International Covenant on Civil and Political Rights on July 23 1970, which expressly recognizes the rights of ethnic, religious and linguistic minorities, as per Article 27.²

On May 7, 1999 Bulgaria signed the Framework Convention for the Protection of National Minorities (Strasbourg, 1 February, 1995).³ In Bulgarian legislation there is no distinction between ethnic minorities with or without a migrant background. Obtaining citizenship through naturalization is an extremely long process but those immigrants who manage to become citizens successfully integrate themselves in society.

² International Covenant on Civil and Political Rights, International Covenant on Civil and Political Rights, accessed 7 December 2013.

³ Framework Convention for the Protection of National Minorities, <http://conventions.coe.int/Treaty/en/Treaties/Html/157.htm>, accessed 20 August 2013

1.2 Statistical overview

Statistical data was already provided in the Bulgarian national Shadow Reports for 2010-2011⁴ and for 2011-2012⁵, in accordance with the results of the 2011 Census:⁶

Ethnic structure of the population:

- Bulgarian ethnic group constitutes 5 664 624 people or 84.8% of the population;
- Turkish ethnic group is second - 588 318 people or 8.8%;
- Roma ethnic minority is third in number - 325 343 people with an approximate share of 4.9%;
- As «other ethnic groups», 49 304 people have defined themselves as Russians, Armenians, Vlachs, Greeks, Jewish, Sarakatsani, Macedonians, Romanians, Ukrainians, etc.⁷

In Bulgaria the people who experience the most discrimination are those belonging to an ethnic minority. They are marginalized in society and are especially vulnerable on account of being segregated in Bulgarian society. **Turks are the largest community among the ethnic and religious minorities in Bulgaria.** The Turkish ethnic society is homogeneous and has differences only in the directions of Islam. Some elements of in-group competition exist between Sunni Turks and Aliani/Kizilbasihi/Bektashi.⁸ In Bulgaria there are 546 004 Sunni Muslims, 27 407 Shia Muslims and 3 728 persons have identified themselves only as Muslims.⁹ In fact, the prevailing majority of Bulgarian Turks are secular, while the Muslim tradition is maintained basically by the elderly. Since the Bulgarian liberation in 1878 however, the state policy towards Turks as an ethnic and religious minority has been inconsistent, leading to periods of tensions, state violence against them, violation of their human rights, resulting in the deterioration of the inter-confessional and inter-ethnic relations.¹⁰ Hundreds of thousands of Turks left Bulgaria in the 1980s as a result of the policies of the communist regime.

Pomaks or Bulgarian Muslims are another important religious and cultural community in Bulgaria. The main reason for the absence of accurate data is the lack of homogeneity within the Pomak community. Scholars agree¹¹ that the members of the group are ethnic Bulgarians whose mother tongue is Bulgarian and who profess Islam. Pomaks are devoted to Islam, and are considered traditionalists. They are the most actively practising Muslims in Bulgaria, including the younger generations.¹²

⁴ Shadow Report 2010-2011: Racism and related discriminatory practices in Bulgaria (Brussels: ENAR, 2011) available online at <http://www.enar-eu.org/Page.asp?docid=15814&langue=EN> accessed 18 August 2013

⁵ Shadow Report 2011-2012: Racism and related discriminatory practices in Bulgaria (Brussels: ENAR, 2012) available online at <http://www.enar-eu.org/Page.asp?docid=15814&langue=EN> accessed 18 August 2013

⁶ National Statistics Institute, 2011 Census (final data), available online at www.nsi.bg/EPDOCS/Census2011final.pdf accessed 10 August 2013

⁷ National Statistics Institute, 2011 Census, available online at <http://www.nsi.bg/census2011/pagebg2.php?p2=175&sp2=218> accessed 10 August 2013

⁸ Gramatikova, Nevena, *Unorthodox Islam in Bulgarian Lands. Past and Present*. Gutenberg Publishing - IMIR, Sofia, 2011, (in Bulgarian).

⁹ National Statistics Institute, 2011 Census, available online at <http://www.nsi.bg/census2011/pagebg2.php?p2=175&sp2=218> accessed 10 August 2013

¹⁰ Daskalova, Nadejda., Antonina Zhelyazkova and Violeta Angelova. Challenging racism at work, IMIR, 2012 <http://imir-bg.org/imir/reports/CHALLENGING%20RACISM%20AT%20WORK.pdf> accessed at 16 August 2013

¹¹ Gramatikova, Nevena, *Unorthodox Islam in Bulgarian Lands. Past and Present*. Gutenberg Publishing - IMIR, Sofia, 2011, (in Bulgarian).

¹² Ibid.

With regard to **religious minorities**, Muslims and non-Orthodox Christians are vulnerable to discrimination and harassment in Bulgaria.¹³ The Muslim community has become highly visible and politicized, attracting much media attention. Muslims are particularly vulnerable to multiple discrimination, especially when, for example, the person is also a foreign national. With regard to non-orthodox Christian faiths, in Bulgaria there are registered: 48 945 Catholics, 64 476 Protestants and 1 715 Apostolic Armenians. There are also 706 Jews.¹⁴

The Roma community continues to be the most discriminated minority in Bulgaria. They number 320 761¹⁵ or 4.9% of the entire population. However, experts estimate their numerical strength at 750,000 or 10% of the country's population.¹⁶ Some of them self-identify as Bulgarians, others as Turks, and still others as Roma. Roma are dispersed throughout Bulgaria and the average concentration for the country is 4.9%, but the highest is in the regions of Montana – 12.7% and Sliven - 11.8%.¹⁷ Approximately half (55.4%) of Roma reside in the cities. **The age structure of the Roma population** shows a distinctly manifested tendency - the relative share of the age groups decreases with the increase of the age: children in the age group 0 to 9 years constitute one fifth (20.8%) of all Roma; the groups of 10-19 year-old and 20-29 year-old persons show equal relative shares of 18.3% each, 30-39 age group constitutes 15.2%; 40-49 age group – 11.6%; 50-59 age group - 8,7%; 60-69 age group - 4,9%; 70-79 age group - 1.9%; 80+ age group - 0,4%.¹⁸

Immigrants¹⁹. Bulgaria remains the only country in the EU that lacks comparative annual statistics for migration to the country and a centralized data system.²⁰ Places of origin of immigrants²¹ and the structure of the immigration:

- The greatest and long standing flow of migrants come from Russia and the Ukraine (women are the majority);
- Recent steady flow of EU citizens who are exercising their freedom of movement rights under EU law;
- Over the past 50 years, a tradition of immigration from the Middle East has developed: Syrians, Lebanese, Palestinians, Iraqis, Afghans²², etc. Most of the immigrants from the Middle East and

¹³ Shadow Report 2011-2012: Racism and related discriminatory practices in Bulgaria (Brussels: ENAR, 2012) available online at <http://www.enar-eu.org/Page.asp?docid=15814&langue=EN> accessed 10 August 2013

¹⁴ National Statistics Institute, 2011 Census, available online at <http://www.nsi.bg/census2011/pagebg2.php?p2=175&sp2=218> accessed 10 August 2013

¹⁵ Ibid.

¹⁶ Laurinda Luffman, *Ending discrimination against the Roma in Bulgaria and Europe*, <http://www.soschildrensvillages.org.uk/about-our-charity/archive/2012/04/ending-discrimination-against-the-roma-in-bulgaria-and-europe>, 4 April 2102, accessed 11 August 2013

¹⁷ National Statistics Institute, 2011 Census, available online at <http://www.nsi.bg/census2011/pagebg2.php?p2=175&sp2=218> accessed 10 August 2013

¹⁸ *National strategy of Republic of Bulgaria for Roma integration 2012-2020*, <http://www.nccedi.government.bg/page.php?category=35&id=1741>, accessed 10 August 2013

¹⁹ Migration Citizenship Education <http://migrationeducation.de/36.1.html?&rid=206&cHash=7ce3e794147cec3dca31c4bd75272e49> accesses 17 February 2014

²⁰ Krasteva Anna, Ildiko Otova, Evelina Staykova, *Labor immigration in Bulgaria 2004-2009*, (Original title in Bulgarian: *Трудова имиграция в България 2004-2009*), CERMES, 2011, <http://www.cermes.info/upload/docs/Labor Migration 2004 2009 CERMES Occasional papers Bg.pdf>, accessed 10 August 2013

²¹ Ibid.

²² Representatives of those nationalities have different status – some are with immigrant status, others – with refugee, and a third group that has obtained citizenship

Central Asia who live permanently in Bulgaria are between the ages of 25 and 45; most of them are men, while women are less in number;²³

- The African immigrant society is very similar to the Middle Eastern community of migrants.²⁴ Part of the African immigration is a result of the policy of the Bulgarian state, which dates back to the 1960s, of granting scholarships to African students who have left-wing political views. Africans with black complexion are the only group in the host country perceived by the native population to belong to a particular 'race'. In this community there are almost no women;
- Chinese immigration is relatively new and dates back to the fall of Communism in 1989.

Undocumented migrants in Bulgaria include long-term residents in the country who find themselves in a legal vacuum for decades without being able to exercise their fundamental rights. The number of **asylum seekers** in Bulgaria during the first half of 2013 (2 320 submitted applications)²⁵ has increased drastically due to the refugee flow from Syria in comparison to 2012 (1387). The number of people who sought asylum in Bulgaria in July 2013 alone was 441 from 25 countries, including 81 children.²⁶ Refugee and humanitarian status have been granted to 52 persons from 4 countries during the reporting period.²⁷ Only refugees from Syria over the first seven months of 2013 have submitted 885 applications for protection, 225 of which were from children. From 1993 to July 2013, 23,587 people have sought asylum in Bulgaria, and 1,547 of them were granted refugee status and 5,523 humanitarian status.²⁸

Table 1: Top 10 refugee counties of origin (according to the State agency for refugees with the Council of Ministers)²⁹

№	Jan.1 1993 - July 1 2013		2011		2012		Jan 1 2013 - July 31 2013	
	1	Afghanistan	5 862	Iraq	344	Syria	449	Syria
2	Iraq	5 429	Afghanistan	92	Iraq	323	Algeria	341
3	Armenia	1 894	Syria	85	No citizenship	157	No citizenship	229
4.	Syria	1 657	No citizenship	68	Afghanista n	109	Iraq	154
5.	No citizenship	1 305	Somalia	42	Algeria	73	Mali	129
6.	Iran	1 012	Armenia	37	Iran	37	Morocco	73
7.	Algeria	865	Iran	37	Morocco	34	Cameroon	65
8.	Serbia and Montenegro	776	Pakistan	27	Pakistan	27	Ivory Coast	60
9.	Nigeria	531	Algeria	23	Armenia	18	Afghanistan	37
10	Turkey	394	Morocco	20	Cameroon	14	Tunisia	
					Rwanda	14		

²³ Daskalova, Nadejda., Antonina Zhelyazkova and Violeta Angelova, Challenging racism at work, IMIR, 2012 <http://imir-bg.org/imir/reports/CHALLENGING%20RACISM%20AT%20WORK.pdf> accessed at 16 August 2013

²⁴ Arabs are a majority of the immigrants from the Middle East among which there are representatives of other nationalities like Afghans, Kurds, etc.

²⁵ State agency for refugees with the Council of Ministers, <http://www.aref.government.bg/?cat=2>, access 7 December 2013

²⁶ Ibid.

²⁷ State agency for refugees with the Council of Ministers, <http://www.aref.government.bg/?cat=2>

²⁸ Ibid.

²⁹ State agency for refugees with the Council of Ministers, <http://www.aref.government.bg/?cat=2>, access 7 December 2013

We can see that the top 10 refugee counties of origin in 2012 and the first half of 2013 are not the same as the first 10 countries in 2011 and the entire period from 1993 to 2013 (Table 1).

2. The context: labour market and legal framework

2.1. Outlook of the labour market

Economic stagnation, as a result of the financial crisis, has continued to have an impact on Bulgaria's **labour market**. In 2012, a slight but positive economic growth was registered, as well as a lower rate of **decline in employment compared to previous years**.³⁰

- The **economically active people** aged 15-64 were 3 303.9 thousand or 67,1% of the same-age population. In comparison with 2011, the **participation rate** (15-64 years old) went up by 1.2 percentage point;
- The number of **employed people aged 15-64** were 2 894.9 thousands;
- **Employment rate** for the population aged 15-64 was 58,8% (Males: 61,3% and Females: 56,3%) or up by 0,4 percentage point compared to 2011.
- **Employment rate** for the population aged 20-64 was 63,0% (Males: 65,8% and Females: 60,2%). This indicator is included in "Europe 2020" strategy and remaining almost unchangeable compared 2011;
- **Employment rate** for the population aged 55-64 was 45,7% or up by 1,1 percentage point compared to 2011, where the increase is mostly among women;³¹

The country's labour market in 2012 was impacted by two major issues: on the one hand, the minimal economic growth, on account of the slight improvement in the country's economic situation compared to 2011 and, on the other hand, the persistent financial and economic crisis in Europe. Employment fell at a slower rate than in the previous year, while registered **unemployment** went up.³²

- **The number of unemployed people** in 2012 were 410,300 (Male: 241.100 and Female: 169,300);
- **The unemployment rate** was 12,3% or up by 1,1 percentage point compared to 2011. Males: 13,5% or up by 1.2 percentage point compared to 2011 and females: 10,8% or 0,7 percentage point compared to 2011. According to EUROSTAT, the unemployment rate in the country continues to grow in the first half of 2013 and has reached a record level of 13.8%. Similar rates had not been reached since 2003³³;
- **The unemployment rate** of the age group between the ages of 15 and 24 is 28.1%, and for the population aged between 15 and 29 is 20.8%.
- **The long-term unemployed** (for a period of one year or more) were 226.6 thousand or 55.2% of all unemployed.
- **The average long-term unemployment rate** was 6.8% (Males: 7.7% and Females: 5.7%);

³⁰ National Employment Agency, Yearbook 2012, *Yearbook was not published in the website of Employment Agency but it's paper copy was especially given for Shadow Report Bulgaria 2012/2013*, received on 23 August 2013 from Krasya Tomova, expert in NEA

³¹ Ibid.

³² National Employment Agency, Yearbook 2012. Data is from Observation of the Labour Force by NSI in 2012, http://www.nsi.bg/EPDOCS/RabSila2012_DIVD76J.pdf, accessed 22 August 2013

³³ EUROSTAT, <http://epp.eurostat.ec.europa.eu/tgm/table.do?tab=table&init=1&language=en&pcode=tsdec450&tableSelection=1&plugin=1>, accessed 22 August 2013

- **Economically inactive persons** aged between 15 and 64 years old were 1 619.7 thousand. The average **economically inactive rate** was 32.9% (Males: 29.0% and Females: 36.85%);

The economic crisis has had a negative effect on the most vulnerable groups, including migrants and ethnic minorities. The altered macroeconomic situation in the country has resulted in their exclusion from the labour market and consistently very high unemployment levels in their community, or employment in only very low-income jobs. They are less competitive in terms of qualifications, education, social image of their labour status and social capital.³⁴ **Migrants'** access to the labour market is even more restricted due to the fact that they do not know Bulgarian. The most socially excluded group among the migrant groups which has no access whatsoever to the official labour market is the group of **undocumented migrants**. NSI data³⁵ reveal significant differences in the economic activeness of the large ethnic groups in the country. In 2011, 53.5% of all ethnic Bulgarians aged above 15 were **economically active**, compared to 45.4% of the Bulgarian **Turks** and only 38.8% of the **Roma** people. This is despite the fact that Roma, with the youngest population the share of students in the age group above 15 years, is the smallest one.

87.7% of **economically active persons** are employed. Among the citizens of Turkish origin, 74.3% of the economically active persons are employed. Among the Roma population, only 50.2% of the economically active persons are employed, that is 19.35% of all Roma aged 15 and above.³⁶

There are great social inequalities in the group of **economically inactive persons**. In the relatively smallest group of economically inactive persons – the one of ethnic Bulgarians – the pensioners constitute 68.1%, the students – 14.7%, housewives – 9.8% and 7.3% of this group were defined as "Others". Among the **Bulgarian citizens of Turkish origin**, more than half of the persons above 15 years of age are economically inactive.³⁷ Pensioners constitute 46.4%, students 12.6%, housewives 23.1% and others – 17.9%. Among the **Roma population**, three fifths of the persons above 15 years - 61.2% are economically inactive. The number of people falling out of the labour market is the strongest indicator of social-economic exclusion in Bulgaria since the fall of communism in 1989.

Results of sociological research conducted in 2010 and 2011 by the Open Society Institute in Sofia show that the employment rate fluctuates among the Roma population in Bulgaria. Employment among Roma is lower during the winter and higher in the summer, the average rate of employment for that period is 31%. It should be noted that employment among Roma is notably lower in 2010 – 2011 than during the period of 2007-2008 when the share of employed Roma was 43-50%.³⁸ In reality, the employment of Roma as compared to the rest of the population in 2010-2011, has registered levels comparable to the ones from the first years of the Transition (1990-1991).³⁹

³⁴ National Strategy of the Republic of Bulgaria for Roma Integration 2012-2020, <http://www.nccedi.government.bg/page.php?category=35&id=1741>, accessed 15 August

³⁵ National Statistics Institute, 2011 Census, available online at <http://www.nsi.bg/census2011/pagebg2.php?p2=175&sp2=218> accessed 10 August 2013

³⁶ National Employment Agency, Yearbook 2012

³⁷ Ibid.

³⁸ Civil implementation report on the National Strategy for Roma Integration and the Plan for the Decade of the Roma Inclusion in Bulgaria in 2012, Decade of Roma Inclusion Directorate Foundation, Budapest, 2013, http://osi.bg/downloads/File/2013/BG_civil%20society%20monitoring%20report_BG.pdf, accessed 10 August 2013

³⁹ Pamporov A., 2008: *Characteristics of the Roma employment*, Chapter V – Demographic processes labor force in Bulgaria, Sofia: Bulgarian Academy of Sciences, Center for Population Studies, Ministry of Labor and Social Policy of Bulgaria

According to data of the World Bank (report presented in Brussels in September 2012),⁴⁰ only about 35% of the Roma population in Bulgaria are employed. For **Roma women** in the countries researched for the aforementioned report, unemployment rates are even higher – almost 75%. It was established that the risk of unemployment among Roma is twice as high as among other ethnic groups in society – 81% of Roma are threatened with lack of employment. A total of 6% of Bulgarians and 42% of Roma have stated that they **have gone to bed hungry at least once** in the last month. According to those results, in Bulgaria the Roma are twice as likely to be **exposed to poverty** (80%) as ethnic Bulgarians. Roma in Bulgaria, Romania and Ukraine appear to be the poorest – only 6-8% of them claim to be able to meet unexpected expenses. Research conducted by the Open Society Institute in 2011, studied the dependence of ethnic groups as regards to discrimination – **2/3 of the Roma (63%) claim that at least once in their life they have been refused employment because of their ethnic background** (the average percentage for the country is 9% whereas the average percentage for **the segregated neighbourhoods is 46.5%**).⁴¹ This research concludes that the most important factors for this inequality are the presence of physical disabilities, age or ethnic background.

The seasonal character of Roma employment is easy to explain considering that the two major sectors where Roma find employment are agriculture and construction.⁴² It is important to point out that while the share of Roma employed in agriculture is relatively constant, due to the economic crisis in 2011 and 2012, we observe a decline in Roma employment in construction, partially compensated by a rise in employment in the health care sector and communal services. The research by the Open Society Institute includes detailed data for the structure, seasonal and age employment of the Roma population in 2011.⁴³

As compared to the countries in Western Europe, **migrants in Bulgaria** are still not a noticeable part of society (according to research by the IMIR)⁴⁴. The general profile of an immigrant in Bulgaria⁴⁵ is a self-employed or a small business owner in one of two areas – catering or trade. Those niches employ mostly immigrants from China and the Middle East. It has been reported⁴⁶ that immigrants work not for Bulgarians but rather for other immigrants. Thus, the same source explained that because immigrants are rarely competitive in the labour market, this explains the lower levels of discrimination. It is also common practice that Arab immigrants hire Bulgarian labour force in their stores or restaurants rather than vice versa.⁴⁷ Arab immigrants from the Middle East consist of

⁴⁰ BHC: *Report: Two thirds of the Roma in Central and Eastern Europe are unemployed*, (Original title In Bulgarian: *Доклад: Две трети от ромите в Централна и Източна Европа нямат работа*), <http://www.bghelsinki.org/bg/novini/bg/single/doklad-dve-treti-ot-romite-v-centralna-i-iztochna-evropa-nyamat-rabota/> accessed 20 August 2013

⁴¹ OSI, Brainova Petia, *What denies us and what we deny*, (Original title in Bulgarian: *Кое отрича нас и какво отричаме ние*), *Politiki*, vol..11, 2011, accessed http://politiki.bg/?cy=231&lang=1&a0i=223855&a0m=readInternal&a0p_id=910, accessed 19 August 2013

⁴² *Beyond myths and prejudices: Roma in Bulgaria*, EU INCLUSIVE - Data transfer and exchange of good practices regarding the inclusion of Roma population between Romania, Bulgaria, Italy and Spain, OSI, Sofia, 2012, http://eu-inclusive.eu/sites/default/files/Beyond%20myths%20and%20prejudices-%20Roma%20in%20Bulgaria%20%28sociological%20study%29_1.pdf accessed 21 August 2013

⁴³ *Ibid.*, p. 41-45

⁴⁴ Daskalova, Nadejda., Antonina Zhelyazkova and Violeta Angelova. *Challenging racism at work*, IMIR, 2012 <http://imir.bg.org/imir/reports/CHALLENGING%20RACISM%20AT%20WORK.pdf> accessed at 16 August 2013

⁴⁵ Krasteva Anna, Ildiko Otova, Evelina Staykova, *Labour immigration in Bulgaria 2004-2009*, (Original title in Bulgarian: *Трудова имиграция в България 2004-2009*), CERMES, 2011, http://www.cermes.info/upload/docs/Labor_Migration_2004_2009_CERMES_Occasional_papers_Bg.pdf, accessed 22 August 2013

⁴⁶ Dr. Ibrahim Dogmush, Chair of Association of Palestinians in Bulgaria, Interview, Sofia, 29 August 2013

⁴⁷ *Ibid.*

investors, consultants, experts, managers who find employment with foreign investors, as well as in Bulgarian institutions or large Bulgarian companies. They are mostly connected with the integration of foreign investments.⁴⁸

Turkish and Vietnamese workers⁴⁹ are most involved in the construction industry. Their employment in administration or education is rather an exception and these sectors are typically almost exclusively for Russian immigrants or those from the former Soviet Republics. Interesting new employment sectors are call centers that make good use of the language competence of the immigrants. They hire not only French or English speaking Africans, but also Western Europeans such as Dutch.⁵⁰

According to the Ordinance on the terms and conditions for the issuance, denial and revocation of work permits for foreigners in the Republic of Bulgaria, no permissions are required for citizens of EU member states. Citizens of third countries with permanent residence permission or with similar rights: right to asylum, refugee and humanitarian status; company managers; representatives of foreign companies registered in Bulgaria and other citizens of third countries are not subject to authorization. In 2012, 600 employment permits (a relatively low number as compared to previous years) were issued to citizens from 47 countries (third countries). The largest number of permits were issued to US citizens – 99, followed by China – 67, Macedonia – 65, Turkey – 60, Serbia – 43.⁵¹ Foreigners who are employed are ensured legal working conditions and payment comparable to those of the Bulgarian citizens for the profession in question.

Undocumented migrants are an unofficial welcomed labour force in the Bulgarian market because they receive lower remuneration than Bulgarian employees and employers do not have to pay social security contributions. Such migrants usually work in sectors as construction, tourism, agriculture, catering, retail trade and others where the labour force is insufficient and has a great concentration of informal labour activities. The undocumented migrants do not occupy jobs which are a priority for Bulgarians thus they do not appear as possible competitors in the labour market.

2.2 Legal framework

Legislative provisions addressing discrimination and equal treatment in employment include the following primary and secondary legal sources:

1. The legal framework establishing the principles of equality and prohibition of discrimination based on race, ethnic affiliation, religion and nationality starts with the **Constitution of the Republic of Bulgaria (Article 6, paragraph 2)**;⁵²
2. **Labor Code, Article 8, paragraph 3** that prohibits discrimination in employment relations;⁵³

⁴⁸ Krasteva Anna, Ildiko Otova, Evelina Staykova, *Labour immigration in Bulgaria 2004-2009*, (Original title in Bulgarian: *Трудова имиграция в България 2004-2009*), CERMES, 2011, http://www.cermes.info/upload/docs/Labor_Migration_2004_2009_CERMES_Occasional_papers_Bg.pdf, accessed 22 August 2013

⁴⁹ Ibid.

⁵⁰ Ibid.

⁵¹ Krasya Tomova, expert in National Employment Agency, Sofia, Email interview, 22 August 2013

⁵² Constitution of the Republic of Bulgaria, <http://www.parliament.bg/en/const>, accessed 7 December 2013

⁵³ Labour Code, <http://lex.bg/laws/ldoc/1594373121>, accessed 7 December 2013

3. **Law on Protection from Discrimination (LPD)**⁵⁴ 2004 – Chapters One and Two, Section I. The law defines both direct and indirect discrimination. Section I of Chapter Two “Protection of Discrimination” regulates “Protection in exercising the right to employment”;
4. **Law for Employment Promotion**⁵⁵ (Article 2);
5. **Ordinance on the conditions and procedures for issuance, denial and revocation of work permits for foreigners in Bulgaria**;⁵⁶
6. Guidelines for the implementation of the Ordinance based on the terms and conditions for the issuance, denial and revocation of work permits for foreigners in Bulgaria;
7. Specific instructions to the "Labour" departments for acceptance of documents for the issuance of work permits for foreigners;
8. **Ordinance on the terms and conditions for the posting of workers from Member States or employees of third countries in the Republic of Bulgaria in the provision of services**;⁵⁷
9. **Law on Asylum and Refugees**⁵⁸, Article 20, 2011
10. **Law for the Ombudsman**;⁵⁹
11. Code of Ethics for Civil Servants, June 2004;
12. **Law on the Protection, Rehabilitation and Social Integration of the Disabled**; 1998⁶⁰
13. Strategy to ensure equal opportunities for people with disabilities 2008-2015 and Plan for ensuring equal opportunities for people with disabilities 2010-2011
14. **Bill for pre-school and school education 2012**⁶¹

The transposition of the **EU Directive 2000/78/EC** from November 27, 2000, known as the Employment Directive enabling equal treatment in employment⁶², was provided for by the adoption of the **Law on Protection from Discrimination (LPD)** in 2003. In general, the transposition of the Directive can be considered successful.⁶³ Anti-discrimination legislation was adopted that covers all grounds protected by the Directive – the basic parameters of combating discrimination on the grounds of religion, disability, age, sexual orientation in employment. In Bulgarian legislation, the rules of the Directive apply to all employees of the public (state and regional administrations) and the private sector.

⁵⁴ CPD, <http://www.kzd-nondiscrimination.com/layout/index.php/layout-over-40-positions>, accessed 10 August 2013

⁵⁵ Law for Employment Promotion, <http://www.mlsp.government.bg/bg/law/law/ZNZ.doc>, accessed 7 December 2013

⁵⁶ Ordinance on the conditions and procedures for issuance, denial and revocation of work permits for foreigners in Bulgaria, <http://www.mlsp.government.bg/bg/law/regulation/NURIOORRChRB.RTE>, access 7 December 2013

⁵⁷ Ordinance on the terms and conditions for the posting of workers from Member States or employees of third countries in the Republic of Bulgaria in the provision of services, http://www.mlsp.government.bg/bg/law/regulation/nar_142_020606.doc, access 7 December 2013

⁵⁸ Law on Asylum and Refugees, <http://lex.bg/laws/ldoc/2135453184>, access 7 December 2013

⁵⁹ Law for the Ombudsman, <http://www.ombudsman.bg/regulations/ombudsman-law>, access 7 December 2013

⁶⁰ Law on the Protection, Rehabilitation and Social Integration of the Disabled, <http://www.constcourt.bg/Pages/LegalBasis/default.aspx?VerID=99> access 7 December 2013

⁶¹ Bill for pre-school and school education, <http://hrdc.bg/cgi-bin/e-cms/vis/vis.pl?s=001&p=0179&n=18&g=> access 7 December 2013

⁶² EU Directive 2000/78/EC <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32000L0078:BG:NOT>, accessed 12 August 2013

⁶³ Stanislava Vitanova, Chief Expert, Commission for protection against discrimination, Email interview, 12 August 2013

3. Manifestations of racism and structural discrimination in employment

3.1 Perceptions of discrimination in employment

Labour market discrimination and racism were generally conceived in Bulgarian society during the post-communist period **firstly in relation to the Roma**, as this group was the most frequently rejected and marginalised group in society. After the fall of the Iron Curtain in 1989, the relatively homogeneous structure of the Roma changed. A large part of the most highly educated ‘Bulgarian Gypsies’ became part of the democratisation processes by becoming NGO leaders, activists, journalists and professionals.⁶⁴ Others left the cities and even the country. Many ‘Turkish Gypsies’ (Roma with preferred Turkish identity) started commercial activities or became taxi drivers, and later emigrated and settled in Western Europe and Greece.⁶⁵ The worst situation was for the poorest Roma communities from the inner circles of the ghettos for whom low education, mass unemployment and the absence of social contacts have led them further into social isolation, deep poverty, increased degradation and the desocialisation of the young people. Gradually, the specific features of this most marginalised group started to be investigated and highlighted by journalists, politicians and officials as ‘typically Romani’, which led to increasing the social distance between all groups in society and the strengthening of negative stereotypes and discriminatory behaviour against all Roma subgroups.⁶⁶

There is rather limited data available regarding discrimination in employment in Bulgaria.⁶⁷ The main source of information is from the complaints filed in the Commission for Protection against Discrimination (CPD). Out of the 336 cases filed in 2012, 32 regard violations on ethnic grounds, 14 on discrimination when exercising the right to labour and 7 on violations on the grounds of union identity.⁶⁸

Research of the EUROBAROMETER for 2012⁶⁹ concerning **Bulgarians’ views about equal opportunities in employment** shows that:

- For the question ‘When a company wants to hire someone and has the choice between two candidates with equal skills and qualifications, which of the following criteria may, in your opinion, put one candidate in disadvantage?’ the majority (40%) of the respondents indicated the candidate’s skin colour or ethnic origin (EU27 39%); 17% - expression of religious belief - for example wearing a visible religious symbol (EU27 23%) and 18% - the candidate’s gender - male or female (EU27 22%);
- 40% believe that the economic crisis is contributing to an increase in discrimination on the basis of ethnic origin in the labour market (EU27 52%); religion or beliefs – 14% (EU27 35%); gender 24% (EU27 36%);
- For the question ‘To what extent do you support or oppose the following measures in the workplace to foster diversity?’, 80% supported training on diversity issues for employees and

⁶⁴ Daskalova, Nadejda., Antonina Zhelyazkova and Violeta Angelova. *Challenging racism at work*, IMIR, 2012, pp.8, <http://imir-bg.org/imir/reports/CHALLENGING%20RACISM%20AT%20WORK.pdf> accessed at 7 December 2013

⁶⁵ Ibid.

⁶⁶ Daskalova, Nadejda., Antonina Zhelyazkova and Violeta Angelova. *Challenging racism at work*, IMIR, 2012, pp.8, <http://imir-bg.org/imir/reports/CHALLENGING%20RACISM%20AT%20WORK.pdf> accessed at 16 August 2013

⁶⁷ Shadow Report 2010-2011: *Racism and related discriminatory practices in Bulgaria* (Brussels: ENAR, 2011) available online at <http://www.enar-eu.org/Page.asp?docid=15814&langue=EN> accessed 18 August 2013

⁶⁸ Annual report of CPD 2012, provided by Stanislava Vitanova, Chief Expert, Commission for protection against discrimination

⁶⁹ European Commission, EUROBAROMETER – Discrimination in EU in 2012, http://ec.europa.eu/public_opinion/archives/ebs/ebs_393_fact_bg_en.pdf

employers; 80% supported monitoring recruitment procedures to ensure that candidates from groups at risk of discrimination have the same opportunities as other candidates with similar skills and qualifications; 78% supported monitoring the composition of the work-force to evaluate the representation of the groups at risk of discrimination (EU27 69%).

Discrimination of **migrants** in the labour market is lower due to the nature of their employment: highly educated migrants are usually hired by foreign companies while those of Chinese or Middle Eastern descent own restaurants or stores.⁷⁰ The access of the **migrants** to the labour market is made harder by the fact that they often do not know Bulgarian. Foreigners who have humanitarian or refugee status tend to prefer working for their fellow-countrymen as this drastically reduces the possibility of discrimination within employment. According to the Employment Agency, the number of migrants who worked in Bulgaria with an unlimited contract was 15 398 in 2009 and 16 264 in 2010, and the number of migrants with a set-term contract was 3 756 in 2009 and 3 367 in 2010. A socially excluded group among migrants, members of which have practically no access to the labour market at all, are **undocumented migrants**. This also holds true for long-term undocumented migrants who have lived in Bulgaria for decades. Another group with barred access to the labour market is that of **asylum seekers**, as they are only allowed to work after one year of residing in Bulgaria.

As mentioned in previous Shadow Reports over the past years, we can observe the discrimination of minorities regarding hate speech by institutions themselves.⁷¹ Political officials, through their public statements, perceive and label Roma as “dirty gypsies”, “lazy gypsies”, etc. and these expressions are categorized as hate speech and have served to inject hostility and the furtherance of the polarization of ethnic minority groups in society.

CASE 1: Violation of the Law for Protection against Discrimination through online media.⁷² The Head of a regional governmental body directly and publicly insulted Roma in an online publication: <http://news.plovdiv24.bg>: “The salt pans require security due to the Roma invasions. The problem is not that the thefts cause serious financial trouble but rather, the Roma think that those mixtures are pure sand and use them to build habitable constructions. One of those constructions already fell and there were injured people.” The Commission for Protection against Discrimination (CPD) concluded that those statements were discriminatory on the grounds of ethnic background and constituted a form of harassment.

Over the past 2-3 years, the government has never condemned the extreme nationalist position, antisemitic rhetoric or the hatred that ATAKA, a Bulgarian nationalist political party, spreads on religious and ethnic grounds.⁷³ Media coverage of the problems faced by ethnic minorities has been shaped by the negative overall attitude towards the Roma minority. The term ‘Media racism’ refers to the presentation by the most popular newspapers of the Roma as criminals: murderers, rapists and muggers, in other words, a threat to society. The majority of publications use hostile speech

⁷⁰ Dr. Ibrahim Dogmush, Chair of Association of Palestinians in Bulgaria, Interview, Sofia, 29 August 2013

⁷¹ Shadow Report 2010-2011: Racism and related discriminatory practices in Bulgaria (Brussels: ENAR, 2011) and Shadow Report 2011-2012: Racism and related discriminatory practices in Bulgaria (Brussels: ENAR, 2012) available online at <http://www.enar-eu.org/Page.asp?docid=15814&langue=EN> accessed 18 August 2013

⁷² CPD, Decision № 178/2012 r. on the case № 264/2010

⁷³ Vaisberg, Tatiana, Bulgarian Helsinki Committee-Obektiv, 189-June2011, *In the company of quiet democrats* (Original title in Bulgarian: *В компанията на тихи демократи*), <http://www.bghelsinki.org/bg/publikacii/obektiv/tatiana-vaksberg/2011-05/kolonkata-na-tatyana-vaksberg-v-kompaniyata-na-tihi-demokrati/> accessed 1 August 2013

towards the Roma, which could be classified as 'hate speech'.⁷⁴ Political parties exploit this negative attitude towards ethnic minorities by using populist rhetoric to win votes.

3.2 Incidence of discrimination in employment

Data of incidence of labour market discrimination and racism are included in the annual report of Commission for Protection against Discrimination (CPD), the annual report of the Bulgarian Helsinki Committee (BHC) and other research. According to national research,⁷⁵ society agrees that the **labour market** does not place everybody equally in the quest for their desired career. Every fifth respondent believes that chances are equal for all. **As the most common reasons for discrimination and unequal treatment, the presence of physical disability, age or ethnic background stand out.** More than half of the respondents believe that those factors are the premise for why there are fewer opportunities for ethnic minorities in the field of employment. Gender and sexual orientation should not be underestimated either when it comes to positions in the labour market. The statement issued by the European Commission on May 21, 2012⁷⁶ applies to Roma in Bulgaria as well: they are victims of racism, discrimination and social exclusion and live in great poverty without any access to health care and decent housing. Numerous Roma women and children become victims of physical violence and human trafficking,⁷⁷ including in the borders of their own communities. Insufficient education and discrimination in the labour market have led to extreme levels of unemployment and inertia among the Roma, as well as their employability for only low quality jobs which require close to no education and no qualifications. This results in a waste of potential that hinders economic growth.⁷⁸ Therefore, the greater integration of Roma is both morally and economically necessary and would require a change in the minds of the larger part of the population, as well as in the minds of the members of the Roma community.

As indicated in previous Shadow Reports on Bulgaria,⁷⁹ the Roma continue to be the most discriminated minority group in Bulgaria and discrimination in employment is manifested in several ways: unwillingness/non-acceptance of the employers to hire Roma; non-acceptance of the colleagues in the workplace; the employers showing discrimination and bias towards the Roma - sometimes it is hidden but reflects on Roma motivation; the attitude of Roma towards employment. There is a need for overcoming attitudes and stereotypes and conscious or unconscious discrimination against the Roma.

⁷⁴ The conclusions from the research 'The image of Roma in major print media in Bulgaria'

⁷⁵ National representative research "Equality - Path to Progress" of OSI, CPD and Ministry of Labor, July 2011". The research is based on social attitudes and personal experience on migration, employment and discrimination. http://politiki.bg/?cy=231&lang=1&a0i=223855&a0m=readInternal&a0p_id=910 accessed 23 August 2013

⁷⁶ Communication of the European Commission on National Strategies for Roma Integration: initial steps on the implementation of the EU framework (Original title in Bulgarian: Съобщение на ЕК „Национални стратегии за интегриране на ромите: първа стъпка в прилагането на Рамката на ЕС), 21 May 2012, Brussels, <http://www.google.bg/url?sa=t.&rct=j&q=&esrc=s&source=web&cd=2&ved=0CDkQFjAB&url=http%3A%2F%2Feur-lex.europa.eu%2FLEXUriServ%2FLEXUriServ.do%3Furi%3DCOM%3A2012%3A0226%3AFIN%3ABG%3ADOC&ei=ISInUvq1MYSsSw-7YGoCg&usq=AFOiCNF6tnzi0BJE-eHignYrj1sa9kSaVg&sig2=MXKQnfRu9eZkW5u720hcOg&bvm=bv.51495398,d.Yms>

⁷⁷ Europol Organised Crime Threat Assessment, 2011 r., pp. 26

⁷⁸ Economic costs of Roma exclusion, World bank, April 2010 r. http://siteresources.worldbank.org/EXTROMA/Resources/Economic_Costs_Roma_Exclusion_Note_Final.pdf, accessed 10 August 2013

⁷⁹ European Network Against Racism, Shadow Report 2011: Racism and discriminatory practices in Bulgaria (Brussels: ENAR, 2012) and Shadow Report 2011: Racism and discriminatory practices in Bulgaria (Brussels: ENAR, 2012), http://www.enar-eu.org/Page_Generale.asp?DocID=15294&la=1&langue=EN accessed 16 August 2013

REVERSE DISCRIMINATION

In the regions with a prevailing Turkish population – Northwestern Bulgaria and the southern parts of Central Bulgaria – a number of cases have been recorded of Turkish employers when presented with candidates with similar qualifications and abilities preferring to hire an employee of Turkish descent than a candidate belonging to the majority population. The Turks themselves confess that there are cases of reverse discrimination in companies owned by Turks.⁸⁰

CASE 1: A Turkish company (Mappa Jengiz) was contracted to construct Luilin Highway near Sofia. It established a practice to hire mostly workers from Turkish descent and to pay them several times higher salaries than to Bulgarian construction workers. **CPD established a violation of the principle of equal payment laid out in Article 14 of the Law on Protection from Discrimination.**⁸¹ **CPD has forwarded the case to the Prosecutor's Office** to begin the criminal proceedings based on the documents provided by the company that clearly show criminal data regarding the permission of arrangements for the employment of foreigners from non-EU member states.

3.4 Discrimination in access to employment

Policies regulating the labour market are aimed at all citizens, regardless of their ethnic or religious background. Therefore, when an unemployed person registers at the Labour Office, there are no questions regarding his/her ethnicity or religion.⁸² Discrimination in access to employment involves the recruitment and application process. Section one of Chapter two of the Law on Protection from Discrimination regulates the protection of the right to work and includes protection from discrimination when employed and accordingly, protection by the employer in both public and private sectors:

- When announcing a vacant position, the employer is not allowed to place requirements that would discriminate potential employees: gender, race, nationality, ethnic background, etc. and to require information from candidates regarding those traits;
- There is a prohibition on employers hiring employees because they belong to a particular group or race as well as to subject such employees to worse labour conditions: payment, annual vacation days, etc.;
- "Positive discrimination" – there is an obligation on employers when hiring and when necessary to encourage applications by representatives of the less represented ethnic or gender group in a certain profession.

According to national research⁸³, 22% of respondents stated their age, 9% their ethnic background and 9% their gender for whether "there has been a case when [they had been] refused employment mainly because...". Also, 2/3 of the Roma (63%) stated that they had been refused employment because of their ethnicity (the average percentage for the country is 9%, while the average for the inhabitants of the segregated neighbourhoods is 46.5%).

⁸⁰ Daskalova, Nadejda., Antonina Zhelyazkova and Violeta Angelova. *Challenging racism at work*, IMIR, 2012, <http://imir-bg.org/imir/reports/CHALLENGING%20RACISM%20AT%20WORK.pdf> accessed at 16 August 2013

⁸¹ *168 Hours weekly newspaper - Foreign investors are investigated for discrimination*, (Original in Bulgarian: *168 часа - Разследват чужди инвеститори за дискриминация*), <http://www.168chasa.bg/Article.asp?ArticleId=922299> and Decision No100/2011 of CPD

⁸² Press centre of Ministry of labour and social policy, Sofia, Email interview, 5 September 2013

⁸³ National representative research "Equality - Path to Progress" of OSI, CPD and Ministry of Labor, July 2011. The research is based on social attitudes and personal experience on migration, employment and discrimination. http://politiki.bg/?cy=231&lang=1&a0i=223855&a0m=readInternal&a0p_id=910 accessed 23 August 2013

A study by the OSI – EU Inclusive⁸⁴ asked unemployed Roma the following question: “What is the primary reason why you cannot find employment?”. **It is significant to note the difference in the responses between registered and unregistered unemployed Roma.** Compared to the registered unemployed, the share of unregistered unemployed Roma who feel discriminated on the basis of their ethnic background is almost double. 32,3% say that they feel most discriminated during a job interview, 22% by the Labour Office, 20,8% by their supervisors, 12,3% by colleagues and 10,7% at the exchange for temporary employment. In other words, the discrimination in accessing the labour market is second only to discrimination in the health care sector. The same study shows that religion is another ground for discrimination: most discriminated in different situations are the Muslims. Protestants and Muslims suffer the most from discriminatory attitudes (in Bulgaria, Greek Orthodox is the official religion) from medical personnel, 53,5% and 55% respectively feel discriminated. The biggest problem for Muslims is discrimination during job interviews - 47% accordingly.

The National Employment Agency offers mediatory services to help secure employment and training to all job-seekers, including foreigners, who have registered at the Labour Office in Bulgaria in accordance with the international agreements for EU member states.⁸⁵ Through its territorial sections – the Labour Offices (105 all over the country and 165 branches), the National Employment Agency offers its mediatory service to all who seek employment and have been registered. All registered persons have the right of access to the services of the Agency that offer protection against direct or indirect discrimination, privileges or restrictions based on nationality, origin, gender, race, etc. A new program developed for the National Employment Agency has provided training on 83% of its employees. It is expected that by the end of 2015 all employees will be trained in the program “service at one booking-office”.⁸⁶ According to the regulations and technological capacities of the Labour Office, all refugees, during their first meeting with their labour mediator, are supplied with an individual action plan with specific steps.⁸⁷

According to data from the **International Center for Minorities and Cultural Interactions, discriminatory practices have been outlined with regard to the working place, including practices which have discriminated on ethnic grounds.**⁸⁸ The study covers three sectors: construction, textile and tobacco. The study also outlines the behaviour of employers who are inclined to discriminate when hiring and often would reject Roma because of their lack of qualifications and labour discipline. According to **Bulgarians**, access to employment depends on one’s qualifications. The different attitudes towards those who perform low-paying jobs is not based on ethnic discrimination but rather on inequality of opportunity. **Turks** stated that when starting a new job they have never had problems. Even the ones who were exiled to Turkey after 1989 and later returned were hired back at their old jobs without any obstructions. Younger Turks relied on their professional qualifications. Bulgarian employers consider Turks to be hard-working employees. **Roma** state that they only have access to professional development in the construction sector. In the textile and tobacco sectors, 82% of the Roma say that they have difficulties finding a job. According to them, employers do not

⁸⁴ *Beyond myths and prejudices: Roma in Bulgaria*, EU INCLUSIVE - Data transfer and exchange of good practices regarding the inclusion of Roma population between Romania, Bulgaria, Italy and Spain, OSI, Sofia, 2012, http://eu-inclusive.eu/sites/default/files/Beyond%20myths%20and%20prejudices-%20Roma%20in%20Bulgaria%20%28sociological%20study%29_1.pdf accessed 21 August 2013

⁸⁵ Ministry of finance, Europe 2020: *National programme for reforms*, Sofia 2013, http://www.nccedi.government.bg/upload/docs/National_Reform_Programme_of_Bulgaria_2013.pdf_1_.pdf , accessed 11 August 2013

⁸⁶ Ibid.

⁸⁷ Kancho Kantardgiiski, Chief Expert in National Employment Agency, Email interview, 21 August 2013

⁸⁸ Daskalova, Nadejda., Antonina Zhelyazkova and Violeta Angelova. *Challenging racism at work*, IMIR, 2012, <http://imir.bg.org/imir/reports/CHALLENGING%20RACISM%20AT%20WORK.pdf> accessed at 16 August 2013

hire them because of their ethnic background and the lack of qualification is just an excuse. They tell numerous cases of discrimination.

3.5 Discrimination in the workplace

There are a number of cases of violation of the principle of equal treatment that leads to the discrimination of persons from minority ethnic groups in the workplace.⁸⁹ The principles of equality before the law require that persons in similar positions be treated the same way and be given equal opportunities. Regarding the place of discrimination, a national inquiry⁹⁰ places the workplace (23%) second only to the street. Roma claim to be most affected (33.8%), Bulgarians (working in companies owned by foreigners – 21,8%) and Turks (12,4%).

In a study by the Open Society Institute,⁹¹ respondents were asked “Have you felt negative attitude from colleagues in the workplace caused by your ethnic background, age, religion, sexual orientation?”. The most common answers were age (17%), **ethnic background (11%)** and gender (8.5%), **where age and ethnicity duplicate their decisive role as factors for inequality in the labour market as well.** When asked about **standing for their right in the labour market and protection from discrimination, supported by action, almost 60% of the respondents said that they have never been in a situation where they were required to take any action.** Every fourth person said that they had never had to take any action and did not plan on doing so. About 11% replied positively and the majority of them (8.4%) complained that their efforts to stand for their rights were unsuccessful.

According to another sociological study conducted by the Open Society Institute, a number of Bulgarians surveyed demonstrated racist attitudes to all people with different skin colour such as Africans or Asians.⁹² When defining attitudes in the workplace, the study determines that besides citizens of EU member states, among the most accepted nationalities for high management positions are Russian and Japanese people. The least desired people for top management level positions are black people of African descent – only 31.8% of the respondents agreed to have a Black person on their company’s management team. The same percentage would agree to have a Black person as their supervisor or colleague (32.7% and 46% respectively). However, 63.5% of the respondents wouldn’t mind having a Black person work as a maintenance personnel in their company. Almost 60% would agree to have a superior position than a Black person. Almost the same percentages have been recorded when the questions referred to Roma or Chinese people.

CASE 1: An assistant teacher had worked in a kindergarten for 8 years and since her first and last names are Bulgarian-sounding, none of her colleagues knew she was of Turkish descent. The people she worked with learnt about her background by accident and ever since, the attitude of the school principal changed. Due to health issues, the teacher was given an extra 6 days paid absence and thus sought the help of the syndicates. This action provoked demeaning attitudes from the principal in every aspect of their work and even called her a “dirty gypsy” and a “dirty Turkish woman”. In this

⁸⁹ Annual report 2012 of CPD provided by Stanislava Vitanova, Chief Expert, Commission for protection against discrimination

⁹⁰ Ibid

⁹¹ OSI, Brainova Petia, *What denies us and what we deny - discriminatory processes, attitudes and experience*, (Original title in Bulgarian: *Кое отрича нас и какво отричаме ние – Дискриминационни процеси-нагласи и опит*), Politiki, vol.11, 2011, http://politiki.bg/?cy=231&lang=1&a0i=223855&a0m=readInternal&a0p_id=910

⁹² OSI, Pamporov A., *Social distances for some ethnic groups and national minorities*, (Original title in Bulgarian: *Социални дистанции към някои етнически групи и национални малцинства*), Politiki, vol. 11, 2008, http://politiki.bg/?cy=126&lang=1&a0i=223223&a0m=readInternal&a0p_id=421 accessed 22 August 2013

case, the CPD ruled that discrimination on the basis of **ethnic background** in the form of **harassment** took place and it was intentional. The principal of the kindergarten was fined with 350 BGN (175EUR). The CPD sent references to the Mayor of the municipality where the school is situated and to the Minister of Education to widely distribute the text of the decision among principals and teachers in order to prevent similar cases of discrimination of employees of different ethnic background.⁹³

CASE 2: Violation of the right to employment based on discrimination on ethnic grounds.⁹⁴ The petitioner received a notice for the termination of his working contract, while the same notices were given to two of his colleagues. Later, all three employees had been fired. The two colleagues received the compensations provided for in the Labour Code. However, the petitioner did not receive compensation, but was also denied payment for the shifts he worked and was not issued any documentation that would allow him to receive unemployment benefits. According to the petitioner, this was based on his ethnic background. The CPS ruled that the dismissal constituted direct discrimination on the basis of ethnic background. The CPD fined the employer twice of 250 BGN (125 EUR).⁹⁵

CASE 3: A Black football player from Sudan signed a contract with a club in Sofia. His relations with the management of the club, the coaches and other players were friendly, lacking any trace of racism. The management of the team decided to hire another coach who was prejudiced towards dark-skinned players. He did everything in his power to treat the footballer unfairly and eventually, the footballer was dismissed without reason.⁹⁶ The interviewee pointed out that this is considered to be a regular practice in Bulgarian football clubs. When officially hiring a foreign football player, a club is obligated to pay them a higher salary than to a Bulgarian player. Thus, clubs prefer to pay for a played or won game than to sign an official contract. These cases are rarely regulated because most foreign football players do not know Bulgarian and are therefore not familiar with the Bulgarian legislation.⁹⁷

CASE 4: A refugee from Egypt, who fled the country because he was persecuted for his Christian faith, had worked illegally in a restaurant with Bulgarian employers. He worked 18 hours per day and was paid for food, half of the rent of a small room and a minimal wage. When one year passed, he was informed that he now had the right to seek legal employment. He received his permission note from the State Agency for Refugees. However his wage did not increase and he is afraid to petition CPD because he may lose his job.⁹⁸

A study of the International Center for Minorities and Cultural Interaction points out discriminatory practices in the workplace.⁹⁹ For example, regarding **additional qualifications** in the construction and textile sectors, the Roma who are unhappy with the few possibilities for gaining additional qualifications are 68,8%. The lack of qualification programs however affects workers from all observed sectors. Regarding the **salaries**, 82% of Roma working in the construction and textile sectors complain that they have been hired at lower-wage positions and 38,6% complain of receiving less payment as compared to Bulgarians who perform the same job. For these differences in

⁹³ CPD, Decision No 234/2012 according to the case No 253/2010

⁹⁴ CPD, Decision No100/2012 case No246/2010

⁹⁵ Ibid.

⁹⁶ Muyiwa Kolawole, footballer from Nigeria, Interview, Sofia, 5 August 2013

⁹⁷ Ibid.

⁹⁸ Hosam, refugee from Egypt, Interview, Sofia, 3 August 2013

⁹⁹ Daskalova, Nadejda., Antonina Zhelyazkova and Violeta Angelova. *Challenging racism at work*, IMIR, 2012 <http://imir.bg.org/imir/reports/CHALLENGING%20RACISM%20AT%20WORK.pdf> accessed at 16 August 2013

treatment, the Roma believe can be attributed to their ethnic background. However, Bulgarians interviewed believe the differences are attributable to the lower qualifications the Roma have. Regarding lay-offs, both Bulgarians and Turks who work in the sectors of textile and tobacco, unanimously believe that when **lay-offs are necessary, they are done not on ethnic principle but rather on the basis of productivity evaluation and professional qualities. Roma in the construction sector share that there is also a greater possibility for them to get fired than a person from another ethnic group (67,9%)**. Regarding the index “**relations with the employer**”, Turks, Bulgarians, Muslims and Roma from the sectors of textile and tobacco are unanimous in holding the belief that they have great relations with their employees and have not noticed any different attitude based on their ethnic background. Roma employed in the construction sector believe that their employers have a negative attitude because of their ethnic background as compared to the attitude towards employees in other sectors (44.4%). **Sociological results show that in the working process there is a dose of mutual ethnic distrust. Bulgarian workers have a negative attitude towards possible supervisors of Roma, Turkish or any foreign ethnic background. Turks appreciate Bulgarian employers but not Roma. Bulgarian employers have a negative stereotype for the Roma employees (25%) and foreigners; Turkish employers – towards Roma and foreigners; Roma employers – towards Roma and foreigners and are a lot less prejudiced towards Turks and Bulgarians.** Regarding their **relations with colleagues**, the study shows very good relations among employees from different ethnic groups. All respondents state that in their relationships with their co-workers they would describe them with terms such as: equality, support, understanding, mutual help, mutual respect, tolerance. According to the study, ethnic conflicts in the work environment are minimal, but working problems do exist. On the other hand, the sociological nature of discrimination undeniably affects minorities. Their suffering emanates from the minimal wages they receive (28,3%), the harsh labour environment (18,6%) and the difficult access to work (17,7%).

Discrimination in the workplace. The respondents from all three sectors stated that there are no specific manifestations of discrimination in the workplace and claim that they have never faced such problems. On the contrary, they have perfect relations with their colleagues and conflicts are rare. **Only isolated cases of discrimination or insults against the Roma were pointed out but those were in bars or around town or in society in general.**

Discriminatory attitudes are experienced by **Muslims** whose main problems with regard to employment and education are related to their manner of dressing and visible religious symbols.

4. Tackling the challenges

4.1 Public policies

Policies and public programs that aim at reducing current discrimination in employment are connected to the reduction of unemployment and the measures for facilitating access to the labour market for Roma and migrants as part of their integration:

National Employment Agency (NEA) while implementing the National Action Plan on the international initiative **Decade of Roma Inclusion 2005-2015** and **National Strategy for Roma Integration 2012-2020**:

- In 2012, the total number of people of Roma descent registered in the Directorates of the National Employment Agency and included in activities for increasing their competitiveness on the labour market and ensuring employment was 21 663;

- In individual and group forms of professional orientation have included 6 004 people;
- Employment was found for 11 478 people including their integration in different employment programs;
- **National Programme 'From Social Assistance to Employment' (NP FSAE) secures temporary employment mostly to Roma.** In general, it is aimed at long term unemployed people. During the year (2012) in the NP FSAE were included 21 437 unemployed people, representing 61.2% of all persons covered by all programs. Almost half of them (47,5%) were women; 30,5% were unemployed aged over 50; 29,3% were long-term unemployed and 15,95 were young people aged up to 29.¹⁰⁰
- **National Program 'Activate inactive persons'** aims at achieving active involvement in the labour market for **inactive and discouraged persons**, mostly from the Roma community. In 2012, 30 new mediators have been hired and as of the end of the year, 68 Labour Offices employed 82 mediators, 55 of which women. As a result of the program, 10 646 inactive persons registered as unemployed at the Labour Offices (out of whom 2 218 people have started training or were placed at work, incl. under programs and measures).¹⁰¹
- **Employment mediation services:** The National Employment Agency provides mediation services also to **foreign nationals** registered at the Labour Offices. By Dec 31, 2012 their number was 1 086 coming from 35 countries, mostly from Russia-768 and Ukraine-151. Since the beginning of last year 389 persons have started work, 284 of which through the mediation of the Labour Offices. In trainings were included 32 persons.
- **Specialized labour exchanges** for the Roma communities – 2 in Petrich and Sadovo with 350 participants seeking employment and 15 employers with 119 vacancies. 57 people were employed.
- In order to encourage entrepreneurship, 25 persons were included in motivational education and 101 – in training for starting and managing small businesses.

In December 2011 the **National Employment Agency** signed an agreement with the **National Agency on Refugees** for improving the **access of the refugees to the labour market and professional development:**

- September 2012 – labour fair for refugees with direct contact and employment of 50 unemployed refugees with 6 employers who had 30 vacant positions;
- February 2013 – labour fair for refugees –more than 60 refugees and 7 employers participated; presentations on launching and managing small businesses were held.¹⁰²

Ministry of Labor and Social Policy (MLSP):

- In 2012 the Ministry organized «Days of variety» - informational meetings and seminars where representatives of the state and local government and social partners – syndicates and employee organizations were present ;
- During the projects «Equality for Men and Women» and «Anti-Discrimination» more than 3 000 people were trained in one of the following: gender mainstreaming, gender budgeting, equality of genders, labour conditions, equal payment for men and women, preventing discrimination on the labour market.
- **«For Labour with Dignity and Better Life without Discrimination» project:**
 - Days of variety «Tolerance, respect, understanding and equality» - in Varna and Plovdiv with 120 representatives of syndicates, employers' organizations, local administration and civil organizations;

¹⁰⁰ National Employment Agency, Yearbook 2012

¹⁰¹ Ibid.

¹⁰² Kancho Kantardgiiski, Chief Expert in National Employment Agency, Email interview, 21 August 2013

- Seminar in Burgas for populizing the developed «Instructions for variety in the workplace» with special attention on the multi-level discrimination and discriminatory practices when hiring.

National council on equality among men and women applies the national policy regarding equal treatment of both men and women;

National action plan for encouraging equality among men and women;

National strategy in the area of migration, asylum and integration (2011-2020);

National strategy of Republic of Bulgaria for migration and integration (2008-2015) aims at conducting a policy of acceptance and integration of foreigners and controlling the migration flows;

National strategy for reducing poverty and encouraging the social integration 2020, February 2013;¹⁰³

National strategy of Republic of Bulgaria for Roma integration 2012-2020 with a separate chapter on raising awareness on the basic human rights and combating discrimination.

4.2 Access to effective remedies

4.2.1 Judicial remedies

According to the Law on Protection of Discrimination (LPD), complaints from discrimination in employment should be addressed to the Commission on Protection of Discrimination (CPD). The Confederation of Independent Trade Unions in Bulgaria (CITUB) does not have any statistics on the complaints filed by members of the confederation in courts regarding discrimination in employment, but their observations show that civil courts and judges do not implement the provisions of the LPD.¹⁰⁴ The LPD is now established and often used to file for administrative procedures in CPD and the Supreme Administrative Court. In 2012, the practices of the court on provisions of LPD have remained controversial and inconsistent, especially with regards to hate speech.¹⁰⁵

In 2012, the Supreme Administrative Court (SAC) delivered several significant decisions but they weren't cases of discrimination on the grounds of religion/race/ethnic origin in employment. The decision of the SAC, in a case of gender discrimination against military men, sets a precedent in the defence of women from professional discrimination in the army.¹⁰⁶ The complainant said that for many years she had been refused a higher position compared to a number of her fellow military men who were in a similar professional position. The court confirmed the decision of the CPD that this was a case of gender discrimination and the director of the office was fined. According to the BHC "the decision of the SAC is a significant step forward and represents the first correct and professional interpretation of the LPD since its adoption in 2004".¹⁰⁷

During the period from 2010 to 2012, CPD opened 996 cases from complaints and leads by citizens regarding acts of discrimination.

¹⁰³ Ministry of labour and social policy, <http://www.mlsp.government.bg/bg/news/news.asp?newsid=2881&catid=1>, accessed 11 August 2013

¹⁰⁴ Velichka Mikova, Head of "Legal protection" in The Confederation of Independent Trade Unions in Bulgaria (CITU), Sofia, 29 August 2013, Interview

¹⁰⁵ BHC, Annual report, 2012, 'Protection from discrimination', http://www.bghelsinki.org/media/uploads/annual_reports/2012_bg.pdf accessed 8 August 2013

¹⁰⁶ CPD, Decision No274 of 9.1.2012 in administrative proceedings No1319/2011

¹⁰⁷ Ibid

Table 2: complaints and decisions of the Commission for protection against discrimination in the last three years 2010-2012¹⁰⁸ (Table compiled by the author)

	Indicator	2010	2011	2012
1.	Total number of complaints and reporting	838	848	847
2	Opened cases from complaints of victims of discrimination	268	362	336
3	Sent to the administrative organ with competence to issue a decision	432	354	368
4.	Consulted experts	3 821	7 011	993
5	Cases of multiple discrimination	80	15	84
6	Cases with complaints of discrimination on ethnic background	22	21	32
7	Cases of complaints of discrimination on the right to employment	26	11	14
8	Rulings of CPD	293	228	265
9	Rulings with established direct discrimination	103	58	65
10	Indirect discrimination	8	9	19
11	Cases of established discrimination in the form of harassment	23	16	25
12	In the form of stalking	4	4	3
13	In the form of incitement to discrimination	1	3	1
14	Multiple discrimination	20	7	21
15	Number of cases sent to the prosecutor's office due to evidence for crime according to Article 59, Paragraph 4 of the LPD	5	1	4

From table 2 it becomes obvious that there is an increasing tendency of filing complaints to the CPD, as evidenced by the number of complaints brought to the attention of the CPD, as well as by the number of opened cases.

CASE – Discrimination in the performance of official duties.¹⁰⁹ A customer of a post office where she receives her pension and welfare claims that even before she was able to reach the window an employee tried to kick her out by shouting “Dirty gypsy, get out of here!” and “I will kill you!”. During her next visit in the post office the same employee once again offended the complainant with the words “dirty gypsy” and physical conflict occurred between the two. The management of the post office has sanctioned the employee, the police has been notified and a after a complaint was filed in Sofia District Court a criminal case of administrative nature was opened. The court ruled that the aggressive attitude and offensive qualifications said by the employee based on the ethnic descent of the complainant are harassment and discrimination on the grounds of ethnic background. The employee was fined with the minimal fine of 250 EUR because the discrimination has been intentional.

4.2.2 Non-judicial remedies

4.2.2.1 Ombudsman or equality body

The Commission on Protection from discrimination is an independent specialized state organ that handles individual complaints and implements state policies in the area of protection from

¹⁰⁸ The information for 2012 was received from CPD for Shadow Report

¹⁰⁹ CPD, Decision No21/2012 r. in administrative proceedings No155/2010

discrimination in Bulgaria. The Commission controls the implementation and compliance with the **Law on Protection from Discrimination** and reports annually to the National Assembly. The Commission is an entity with a budget from the state and resides in Sofia.

In July 2012 a new composition of the Commission was appointed after the mandate of the previous members ended in 2009. The new commissioners were chosen in the same way as the previous – considering mainly their political views rather than their professional credentials.¹¹⁰ Members of the Commission became candidates from the major political parties, including the extremist right party, ATAKA. The change in the composition of the CPD caused for a significant delay in the current cases. Based on complaints and leads from individuals and entities, **336 cases** in 2012 based on complaints of discrimination had been opened. In 2012, the CPD issued 38 decisions on regarding discrimination on the basis of ethnic background, 5 of which were for direct discrimination, 10 for freedom of employment, 3 for hate speech in the media, public statements and publications, and 1 for sexual harassment when exercising the right to work. In 2012, the SPD opened 84 cases on multiple discrimination grounds.¹¹¹ The increase in the number of complaints in the CPD is mostly due to the informational campaigns the Commission has conducted over the past years.

The Law on Protection from Discrimination (LPD) was adopted in 2003. This law provides for the protection:

- Against all forms of discrimination;
- Of all individuals on the territory of the Republic of Bulgaria;
- Covers all grounds on which discrimination can occur.

According to experts, the LPD is one of the best drafted documents in Europe.¹¹² However, in regard to discrimination in employment, the recommendations given by CITUB during the drafting of the document are still pressing:

- Instead of having one legislative instrument that combines all EU Directives on discrimination, CITUB suggests having different laws which include anti-discrimination provisions.
- A number of provisions in the LPD directly apply to labour relations between different parties that have already been regulated by the Labour Code. According to an expert, the reason for these shortcomings is the hurry with which the EU Directives have been transposed in the national legislature.¹¹³

The Ombudsman of the Republic of Bulgaria is an advocate for human rights and a guardian of the public's interests. It is a supreme and independent constitutional body that is elected by the National Assembly for a mandate of five years.¹¹⁴ The Ombudsman intercedes for the citizens when the state or its regional organs, administration, as well as individuals, entrusted with the provision of public services, breach citizens' basic human rights through actions or inactions. When the violation is on the grounds of unequal treatment based on gender, the victim can turn to the Ombudsman.¹¹⁵

¹¹⁰ Annual report 2012, 'Protection against discrimination', http://www.bghelsinki.org/media/uploads/annual_reports/2012_bg.pdf accessed 1 August 2013

¹¹¹ The data is related only to the minorities, subject of the Shadow Report

¹¹² BHC, Annual report, 2012, 'Protection from discrimination', http://www.bghelsinki.org/media/uploads/annual_reports/2012_bg.pdf accessed 8 August 2013

¹¹³ Velichka Mikova, Head of "Legal protection" in The Confederation of Independent Trade Unions in Bulgaria (CITU), Sofia, 29 August 2013, Interview

¹¹⁴ Ombudsman of Republic of Bulgaria, <http://www.ombudsman.bg/faq/230>, accessed 1 August 2013

¹¹⁵ Ombudsman of Republic of Bulgaria, <http://www.ombudsman.bg/>, access 7 December 2013

4.2.2.3 Labour inspectorate

In accordance with the international obligations of the Republic of Bulgaria, serious attention by the labour inspectorate is paid to the leads and complaints of institutional discrimination or discriminatory practices in the work of state or regional institutions based on ethnic or religious background.

CASE: The CPD received a complaint from a small business owner for an act issued by a senior inspector from the Labour Inspectorate Directorate.¹¹⁶ The complaint states that the act demonstrated intolerance of Roma and disrespect which had been provoked by the false allegation that they break the law and commit crime. During the hearing, the two sides were given the chance to settle after they pleaded for it.

4.3 Civil society initiatives

4.3.1 Trade Unions

The Confederation of Independent Trade Unions in Bulgaria (CITUB) is the largest syndicate in Bulgaria. Another Independent Trade Union in Bulgaria is the Confederation of Labour "Podkrepa".¹¹⁷ Membership of the CITUB for representatives of racial or ethnic minorities is free, i.e. CITUB accepts as a member every representative of ethnicity or foreign nationality with refugee or humanitarian status who works in Bulgaria. The syndicates that have members from ethnic minority groups do not keep track of their members' ethnic and racial characteristics in accordance with their anti-discriminatory policy.¹¹⁸

Activities of the CITUB cover various grounds, one of which is participation in the implementation of the **migration and integration policy**, including through participation in the National Council of Labour Migration.

- Since the implementation of the LPD (2004), the Confederation conducts annual regional trainings for workers, employees, union activists and employers on the implementation of the LPD in exercising the right to labour. "Those trainings show results because they introduce a large audience to the law and the work of the CPD and how to file a complaint at the Commission, [and] we invite the media."¹¹⁹
- Issued a practical handbook entitled "Law for Protection against Discrimination – Rights and obligations of the employees, workers, employers and specialized organizations", Sofia, 2005.
- A project in 2011 developed the "Handbook on variety in the labour market – guidelines for business" by a team of members of the CITUB and the Institute for Syndicate and Social Research.

¹¹⁶ CPD, Decision No87/2012 in administrative proceedings No140/2011

¹¹⁷ Confederation of Labour 'Podkrepa', http://www.podkrepa.org/content/menu_21.php?id=2

¹¹⁸ Velichka Mikova, Head of "Legal protection" in The Confederation of Independent Trade Unions in Bulgaria (CITU), Sofia, 29 August 2013, Interview

¹¹⁹ Ibid.

Among the good practices of the CITUB is the signing of collective agreements by branch and sector officers through which employees are widely introduced to the phenomenon of “non-discrimination practices”.¹²⁰ Examples of provisions in collective agreements by branch and sector:

- “The clauses in this contract apply to workers and employees who are members of the syndicate who have signed the contract and in their implementation all direct or indirect discrimination is forbidden.”
- “When vacant positions open the employer can hire new employees during which process he or she keeps track and gives advantage to the less represented gender and/or ethnic group in the company.”

4.3.2 NGOs activities

The role of NGOs in reaching a fuller equality in society is growing as well as their part in improving the communication and cooperation with the state institutions to reduce the incidence of discrimination and racism in employment:

- Encouraging social and civil dialogue in support of the professional realisation of Roma – in 2012 more than 130 regional meetings between Labour Offices and Roma NGOs were conducted in search of their cooperation in conducting the different stages of the action plan of the National Employment Agency.¹²¹
- In conducting the **National Program “Activation of the Inactive Individuals”** – the National Employment Agency has trained and hired 125 unemployed Roma as labour mediators. Their main goal was to motivate the inactive and discouraged individuals to register in the Labour Offices and take advantage of their services for employment and professional training. The mediators conduct informational campaigns, individual or group meetings with the inactive persons, meetings with social partners, NGOs and employers organizations and suggest options for beneficiaries in the program.¹²²
- An established practice has become the work of the Roma labour mediators. In January 2013, 11 labour mediators from all over Bulgaria participated in the European Congress for Roma Mediators by presenting their experience during the two years in which the ROMED program had been active in the country.¹²³ The program is aimed at achieving better communication between the Roma society and state institutions. Currently in Bulgaria, 82 labour and 130 health mediators are active, or 29 more than their number in 2011.
- Labour exchange meet employers and work seekers among Roma and are organized by NGOs. According to information by different NGOs, these meetings are partially successful and contribute to employment for only a limited number of Roma.

National active NGOs which have a role in reducing the incidence of discrimination and racism in employment of Roma are: Center for interethnic dialogue and tolerance AMALIPE, SEGA Foundation, Foundation Roma-Lom, Interethnic Initiative for Human Rights, Association ‘Íntefro’, UNDP, Gender Project for Bulgaria, Romani Baht Foundation and others. The activities of the Legal Clinic for Refugees and Immigrants, Foundation Centre for Legal Aid ‘Voice in Bulgaria’, the Refugees and Migrants Legal Protection Programme of BHC, Association ‘Justice 21’, Caritas Sofia, International

¹²⁰ CITUB, *Manual for diversification in the labour market - guidelines for the business*, http://geom-bg.com/antidiscrimination/uploads/18.10_PM_draft_bCase_081010.pdf accessed 1 August 2013

¹²¹ Kancho Kantardgiiski, Chief expert in National Employment Agency, Email interview, 21 August 2013

¹²² Ibid.

¹²³ National Council for Cooperation on Ethnic and Integration Issues, <http://www.nccedi.government.bg/page.php?category=73&id=1885> accessed 1 August 2013

Center for Minority Studies and Intercultural Relations, “The Association of Women Refugees in Bulgaria” are directed to the most vulnerable groups of migrants as asylum seekers and refugees.

Other good practices of NGOs:

- Seminar «Social integration in the rural areas» in Sofia on September 27 and 28, 2012 was organized by the Center for Interethnic dialogue and tolerance AMALIPE (Bulgaria), National Roma Institute Centrum (FYROM) and League Pro Europe (Romania) as part of the Progress program of the European Commission;
- Educational seminar by the moderators of the Centres for Development of the Community as part of the project «Encouraging Social Integration of Young People from Marginalized Groups of the Roma Society and Development of the Rural Areas» (November 2012).¹²⁴ Roma from Kneja, Radnevo, Dolna Bania, Strajitsa and Lyaskovets were trained in working with state administration and institutions and with local authorities and organizations.
- **Mutual activities of NGOs with Labour Offices:** Discussions providing information (held in November 2012) regarding registration in the Labour Offices (why register in Labour Offices, what employment opportunities do they offer, programs for unemployment and what are the requirements in order to register).¹²⁵

Since the most important way of increasing employment among the Roma is through education, the efforts of most NGOs are aimed at restricting drop-outs among Roma children and increasing their education levels.

4.3.3 Employers' organisations

Employers' organizations have the political will to participate in the formation and realization of policies and admission and selection of migrants, keeping in mind their goal to form the requirements as close as possible to the dynamics of the labour market. For example, **The Confederation of Employers and Industrialists in Bulgaria (KRIB)**, in terms of migration policy, unfolds in several directions: participation in the National Committee on Labour Migration; participation in labour exchanges organized by the Ministry of Labour – in 2013 one was especially organized for refugees; constructive criticism on the weak spots of the administrative procedures: “the procedures on issuing work permits and residence permits for immigrants are extremely restrictive, slow and expensive for the companies” and focus on highly qualified migrants.¹²⁶

The Association of Industrial Capital in Bulgaria is also active with regards to the formation and implementation of migration and integration policies.

In a social dialogue meeting at the national level, 4 employers' organizations (until mid-2012 there were 6 organizations) and 2 syndicates participated in the CITUB and Confederation of Labour “Podkrepa”. They appeared in agreement on anti-discriminatory policies for all grounds, including racial and ethnic differences. At this level, social dialogue is conducted through the work of the National Council of Tripartite Cooperation. The problems of racial and ethnic discrimination are

¹²⁴ Center for Interethnic Dialog and Tolerance ‘Amalipe’, *Workshop from the project "Promoting social inclusion of young people from marginalized Roma communities and rural development"*, (Original title in Bulgarian: *Тридневен обучителен семинар по проект „Насърчаване на социалното включване на млади хора от маргинализирани групи на ромската общност и развитие на селските райони“*), <http://www.amalipe.com/index.php?nav=news&id=1400&lang=1> accessed 2 August 2013

¹²⁵ Center for Interethnic Dialog and Tolerance ‘Amalipe’, ‘Amalipe’-Labour Office – collaboration, <http://www.amalipe.com/index.php?nav=news&id=1391&lang=1> accessed 1 August 2013

¹²⁶ Confederation of Employers and Industrialists in Bulgaria (KRIB), <http://ceibg.bg/index.php> access 7 December 2013

connected to the discussion of the legislature, problems of unemployment and low wages, but specific data on it are missing.

The development and adoption by a company of its own Program for the development of the workplace or **Charter of Variety** or adoption of the **Professional Ethics Code** depend on its management. The Charter of Variety aims at encouraging every employer who signs it to give equal opportunities to all employees regardless of their ethnic background, religion, gender, sexual orientation, disabilities, etc. This also allows a number of Bulgarians to apply for well-paid jobs in large international companies. Another good practice is the **Professional Ethics Code** issued by the Ministry of Healthcare and contains anti-discriminatory definitions. Another source from the Bulgarian legislature is the **Advocates Ethics Code** which contains different provisions – Article 10 has the title “Prohibition of Discrimination”.

4.4 Individual employers’ initiatives

A good practice over the past decade is the integration of the Roma in Kavarna in Northwestern Bulgaria.¹²⁷ Measures to lower the unemployment rates and improve the infrastructure were pointed out by the Mayor¹²⁸: constant work with the local authorities; the Roma to be included in the decision-making process when it comes to local problems; building of sewers, gas, internet, schools and a kindergarten, more than a hundred construction permits were granted and Roma built beautiful houses. In 2012, the Mayor of Kavarna was awarded with a Prize from the European Social Fund and Open Society Institute for his great involvement in the Roma integration project. The municipality is developing a pilot project in cooperation with 16 other municipalities and NGOs to spread the good practice.

5. Conclusions and recommendations

5.1 Political and societal developments related to racism and discrimination

In 2012, Bulgaria was governed by the minority government of the center-right party of Citizens for European Development of Bulgaria (CEDB). In February 2013, after mass demonstrations in front of the Parliament building in Sofia and every major city in the country, the CEDB government resigned and a temporary government was assigned by the President until the elections in May 2013.

During their entire mandate, the CEDB governed in an unofficial but very effective coalition with Ataka. Ataka is a nationalist party that not only insists on the denial of all special state programs for the Roma, but also claims that Roma privileges are gained at the expense of the majority.¹²⁹ Over the

¹²⁷ Interview of Darik Radio with Mr.Tzonko Tzonev, the Mayor of Kavarna, 20 March 2013, <http://www.nccedi.government.bg/page.php?category=73&id=1930>, 2 August 2013

¹²⁸ Ibid

¹²⁹ Cohen, Emil, *The strategy on Roma should become a law*, (Original title in Bulgarian: ‘Стратегијата за ромите треба да стане закон’), <http://www.trud.bg/Article.asp?ArticleId=1118505&mid=532> accessed 15 August 2013

past years, the government has never condemned this extreme nationalist position, antisemitic rhetoric or the ethnic and religious hatred that Ataka spreads.¹³⁰

Although 2012 saw many positive legislative and institutional reforms, there were also some serious violations of human rights¹³¹, such as instances of discrimination against ethnic and religious minorities, freedom of speech and religious freedom.¹³² However, in a number of fields, conditions have worsened drastically: the independence of the judicial system, the right to freedom of speech, the right to religious freedom for the Muslims, to name but a few. Political unaccountability and judicial impunity for the actions of neo-Nazi parties like Ataka and IMRO; inadequacy of the policies and their implementation in accordance with the real needs of the ethnic minorities and refugees, as compared to the amount of funds used from European projects; the insufficient implementation of the ratified European standards on hate crime, hate speech and discrimination on different grounds. In November 2012, the UN Committee on Economic, Social and Cultural Rights announced its final recommendations on the presented fifth and sixth reports on Bulgaria where it expressed its concern with the discrimination of the Roma and Turkish population, as well as of asylum seekers in the labour market.¹³³

By reviewing the major cases in public debates on discrimination, the number of filed complaints and leads given to the CDP, the European and national sociological studies, it may be asserted that **Roma continue to be discriminated in the highest possible degree**. The extreme anti-Roma attitudes can be illustrated by the following case:

- On April 10 2012, four skinheads stabbed a 31-year-old man of Roma descent in Plovdiv. He was taken to the hospital with perforation of his lungs. The police arrested four young men aged between 16 and 21. They were carrying a folding knife, dagger and a metal ring.¹³⁴
- In October 2012, the European Court of Human Rights in Strasbourg found for a Roma woman who claimed that the Bulgarian state discriminated against her on grounds of ethnicity in a case involving the protection of the right to life. On July 13, 1999 she was shot in the chest in her own home by a group of attackers. The court states the authorities in Bulgaria did not make any attempt to find out the probable racist attitudes of the attackers and did not investigate if they had extreme and racist ideologies.¹³⁵

Secondly, discriminatory attitudes are further directed against **Muslim communities**, primarily due to fear that the country will be overtaken by extremist Muslim influences.¹³⁶

¹³⁰ Vaisberg, Tatiana, Bulgarian Helsinki Committee-Obektiv, vol.189, June 2011, 'In the company of quiet democrats', (Original title in Bulgarian: *В компанията на тихи демократи*), <http://www.bghelsinki.org/bg/publikacii/obektiv/tatiana-vaksberg/2011-05/kolonkata-na-tatyana-vaksberg-v-kompaniyata-na-tihi-demokrati/> accessed 15 August 2013

¹³¹ Over the past years Bulgaria has been among the 10 countries with most fines for violation of basic human rights according to a statistics of the European Court. In April 2012 the first statistics of the Council of Ministers was issued and it shows that our country occupies a leading position in default or slow execution of the ruling of the European Court. <http://www.bghelsinki.org/bg/novini/bg/single/strasburg-postavi-blgariya-pod-zasileno-nablyudenie/>

¹³² Annual report of Bulgarian Helsinki Committee, 2012, http://www.bghelsinki.org/media/uploads/annual_reports/2012_bg.pdf, access 3 September 2013

¹³³ Final recommendations are available on the website of the High Commissioner of Human Rights of the United Nations, Original title in Bulgarian: , <http://www.ohchr.org/EN/Pages/WelcomePage.aspx>, access 9 December 2013

¹³⁴ Dariknews.bg, *Skinheads stabbed 31-year-old Roma*, (Original title in Bulgarian: "Скинари наръгаха 31 годишен ром"), http://dariknews.bg/view_article.php?article_id=884296, accessed 2 September 2013

¹³⁵ Dariknews.bg: *Roma lady convicted Bulgaria of discrimination in Strasbourg*, (Original title in Bulgarian: *Ромка осъди България в Страсбург заради дискриминация*), http://dariknews.bg/view_article.php?article_id=982844, accessed 2 September 2013

¹³⁶ Daskalova, Nadejda., Antonina Zhelyazkova and Violeta Angelova. *Challenging racism at work*, IMIR, 2012 <http://imir.bg.org/imir/reports/CHALLENGING%20RACISM%20AT%20WORK.pdf> accessed at 16 August 2013

- The 2012 Shadow Report described the trial after the police searched 13 homes and offices of Imams, Muftis and educational activists. The Prosecutor accused them of preaching “undemocratic ideology”¹³⁷, i.e. preaching Salafi Islam, opposing the separation of powers, opposing equality between men and women, calls to miss the state vote. The process became a reason for tension among Muslims in the Rodopi Mountains and evoked a strong reaction from the nationalistic parties – protests of supporters of IMRO and Ataka. The ruling of the court will be announced in 2013.
- Attacks on Muslim temples in Dobrich, Velingrad, Aitos, ambol, etc. continue. Attackers are extreme nationalists and their violent actions include an attempt to set a mosque on fire in Varna.
- Media (National television and SKAT) presented the monitoring of the hate crimes and reports in the police by the Grand Mufti’s Office as examples of hostile attitudes towards Bulgaria and causing discord in Bulgarian society.

Other **religious minorities** have also struggled through restrictions and discrimination – physical attacks by skinheads, former members of Ataka: in Sofia, a Jehovah Witness was beaten with a cane during a sermon; SKAT TV station and TV7 presented in their program the activity of this religion in an extremely prejudiced manner.¹³⁸

Immigrants, in general, do not create tension among local citizens and institutions, while the citizens of African descent continue to be exposed to racist attacks and called insulting words in public transportation and in other public places. On October 6, 2012 two children refugees of Afghan descent were beaten by 12 skinheads in the central part of Sofia. One of them was admitted to the hospital in a coma; the case was given to the Prosecutor’s Office.¹³⁹ From the cases registered by different NGOs, we can observe that bystanders are always indifferent and the neglect of the police officers for the perpetrators.¹⁴⁰

In 2012, the media completely compromised its status as the fourth power in the country and freedom of speech took a big hit.¹⁴¹ In the annual classification of Reporters without Borders, Bulgaria is placed in the 87th position and received the worst evaluation during the period of democracy.

Media coverage of problems faced by the minorities in Bulgaria has been shaped by the overall negative attitude towards the Roma minority. The term ‘Media racism’ refers to the presentation by the most popular newspapers of the Roma as criminals: murderers, rapists and muggers, i.e. as a threat to society. The majority of publications use hostile speech towards the Roma, which could be classified as ‘hate speech’.¹⁴² In October 2012, several NGOs informed the Prosecutor General of an article by Kevork Kevorkian, which was entitled “Trash”.¹⁴³ The text contains numerous offensive qualifications on the basis of the ethnic background of the young people from the cases described

¹³⁷ The accusations in preaching "antidemocratic ideology" are according to texts from the Criminal Code of the totalitarian regime in 1989 and have been used for repression of every manifestation of decident ideas.

¹³⁸ SKAT TV, <http://www.skat.bg/>, access 7 December 2013

¹³⁹ Bulgarian Helsinki Committee, <http://www.bghelsinki.org/bg/>, access 7 December 2013

¹⁴⁰ Ibid.

¹⁴¹ DW: *The goveremnt dictates the topics in the media*, (Original title in Bulgarian: *Властта задава темите в българските медии*), <http://www.bghelsinki.org/bg/novini/bg/single/dw-vlastta-zadava-temite-v-blgarskite-medii/>, accessed 2 September 2013

¹⁴² The conclusions from the reasearch ‘*The image of Roma in major print media in Bulgaria*’

¹⁴³ Standard news, <http://paper.standartnews.com/bg/article.php?article=428610> access 7 December 2013

above. The texts frequently refer to them as “idiots”, “animals”, “vandals”, “organized mafia”, etc..¹⁴⁴ The complainants insisted that the Prosecutor in Charge checks to see if the text could be categorized as hate speech according to the Criminal Code.

On the other hand, in 2012 we can observe an increase in media and online publications on the life and problems of the refugees in Bulgaria. However, the cases of coverage of discriminatory practices on the basis of ethnicity or religion are just a few.¹⁴⁵

The interviewees for the Shadow Report pointed out that the relations between Bulgarians, Turks and people of other ethnic descent are predominantly “neighbourly and friendly”, built over the course of decades. The tension is created mostly by populist political statements, media publications and political actions of the government.¹⁴⁶ Political parties predominantly exploit the media to present their negative attitudes towards ethnic minorities through the use of populist rhetoric in order to win votes. In July 2012, the website of the President showed a discriminatory definition for the Roma community – «brazers». On the website, the National Strategy of Republic of Bulgaria on Roma Integration (2012-2020) was uploaded and the name of the file that appeared in Google search was “13.NationalStrategyIntegrateMangali.pdf”.¹⁴⁷ The national strategy was adopted in March 2012 and the author of the document was the Ministry of Internal Affairs. Minutes after the mistake (the reference to ‘Mangali’) was reported, the system administrators of the site blocked the content of the file. The administration of the President apologized officially. The President of Roma Destiny Foundation sent letters of protest to the President requiring that he apologizes to the Roma society and «come out with and official position on the measures that would be undertaken in the President Office towards the acts of xenophobia and intolerance».¹⁴⁸

The negative institutional attitude towards the Commission for Protection Against Discrimination (CPD) continued in 2012. The mandate of the CPD ended in 2009 but the authorities have not yet appointed new members. In July 2012, a new composition of the Commission was appointed. The new commissioners were chosen in the same way as the previous – considering mainly their political views rather than their professional credentials. Members of the Commission became candidates from the major political parties including the extremist right ATAKA. The change in the composition of the CPD caused for a significant delay in the current cases.¹⁴⁹

The changes in the Criminal Code adopted on March 6, 2013 transposed the requirements of the Employers Sanctions Directive 2009/52/EC of June 18 2009 that provides for minimum standards for the sanctions and measures against employers of illegal third country nationals. In the Criminal Code a new Article 227 was created.¹⁵⁰

¹⁴⁴ BHC, Signal to the Prosecutor General, <http://www.bghelsinki.org/bg/novini/bg/single/signal-do-glavniya-prokuror/> accessed 1 August 2013

¹⁴⁵ bTV: “You have to clean, you dirty gipsy!”,
, (Original title in Bulgarian: „Ще чистиш, мръсна циганка!“), <http://btvnews.bg/article/tazi-sutrin/razgovori-s-gosti/shche-chistish-mrsna-tsiganka.html>, accessed 2 September 2013

¹⁴⁶ The government on the deportation of Bulgarian citizens of Turkish descent in 1989

¹⁴⁷ Sega Daily newspaper: *The President's administration called the Roma "brazers"*,
(Original title in Bulgarian: *Администрацията на президента нарече ромите "мангали"*),
<http://www.segabg.com/article.php?id=6090> accessed 2 August 2013

¹⁴⁸ <http://www.ivokoychev.org/%D1%81%D0%BB%D0%BE%D0%B2%D0%BE-%D0%BD%D0%B0-%D0%BE%D0%BC%D1%80%D0%B0%D0%B7%D0%B0-%D1%81%D0%B8%D0%B3%D0%BD%D0%B0%D0%BB-%D0%B4%D0%BE-%D0%B3%D0%BB%D0%B0%D0%B2%D0%BD%D0%B8%D1%8F-%D0%BF%D1%80%D0%BE%D0%BA/>

¹⁴⁹ BHC, Annual Report 2013, Protection from discrimination,
http://www.bghelsinki.org/media/uploads/annual_reports/2012_bg.pdf accessed 3 August 2013

¹⁵⁰ The Criminal Code, <http://lex.bg/laws/ldoc/1589654529> accessed 1 August 2013

The changes made in the Law for the Ministry of Internal Affairs were hailed by the BHC as “something that the government has owed to the citizens for many years”.¹⁵¹

In 2012 the Parliament did not vote the law on pre-school and school education because of the continuous debates and attacks from the civil sector. The adoption of the new law is important for the actualization of the education process among minorities.

Regarding the policy for the integration of refugees:

- The Parliament is due to adopt the law that amends the Law on Foreigners in the Republic of Bulgaria that transposes the newly adopted legislation of the EU in the area of asylum.
- Directive 2011/95/EC of the European Parliament is to be transposed in Bulgarian legislation.
- In 2012, 54 refugees with humanitarian and refugee status have been included in the National Program for Integration of Refugees in the Republic of Bulgaria (2011-2013), 40 of them completed a course in Bulgarian language and 13 – a course in professional training. On September 27, 2012 in cooperation with the National Employment Agency the **first specialized labour exchange with employers and refugees took place in a Labour Office**. 60 asylum seekers from Iraq, Iran, Afghanistan, Syria, Somalia, Sudan and Ethiopia participated.¹⁵²

All these activities are extremely insufficient in meeting the real needs of asylum seekers in Bulgaria. Over the past year, due to the war in Syria, the number of refugees has increased drastically (Table 1). Their acceptance in Bulgarian society present urgent problems that need solutions:

1. For years now, NGOs have argued that it is important to implement a deadline for registration of the submitted applications by asylum seekers and accelerate the process of obtaining refugee status. This problem, as well as the limited places in the Detention Centers in Busmanci in Sofia and Liubimetz in Sliven (20 people in one room, locking the rooms at night causing restricted access to the bathrooms) and police violence against the detained,¹⁵³ often become reasons for riots and protests by the detained refugees.

In recent years, NGOs have played an increasingly important role, participating in commissions and inter-institutional groups, proposing specific amendments to anti-discriminatory texts and national strategies for vulnerable group:

1. National Strategy for Roma Integration in the Republic of Bulgaria (2012-2020);
2. National Program for Reforms (2011-2015);
3. National Action Plan for the Initiative “Decade of Roma Inclusion 2005-2015”;
4. National Strategy for Reduction of Poverty and Encouraging Social Inclusion 2020,¹⁵⁴ adopted in February 2013;

¹⁵¹ BNR, Horizont Programme: *BHC are happy with the changes of the Law for MIA*, (Original title in Bulgarian:

БНР Хоризонт, БХК са доволни от промените в закона на МВР), <http://bnr.bg/sites/horizont/Shows/Current/BeforeEveryone/Society/Bulgaria/Pages/bhk0605.aspx>, accessed 2 September 2013

¹⁵² Employed Agency, Yearbook 2012, p.34

¹⁵³ BHC, *Syrians from the Refugee Home in Lubimets have signaled that eight of them have been abused*, (Original title in Bulgarian: *Сирийци от дома за бежанци в Любимец са сигнализирали за побой над осем от тях*), БХК, 19 октомври 2012, <http://www.bghelsinki.org/bg/novini/bg/single/sirijci-ot-doma-za-bezhanci-v-lyubimec-sa-signalizirali-za-poboj-nad-osem-ot-tyah/>, accessed 2 September 2013

¹⁵⁴ Ministry of labour and social works, , <http://www.mlsp.government.bg/bg/news/news.asp?newsid=2881&catid=1> , accessed 2 September 2013

5. Action Plan for Completion of the Final Recommendations for Bulgaria by the UN Convention to Eliminate All Forms of Discrimination Against Women (CEDAW),¹⁵⁵ adopted on July 21, 2013;
6. National Strategy for Encouraging Equality of Gender for the Period 2009-2015. A Law for Gender Equality needs to be adopted.¹⁵⁶

5.2 Conclusions and recommendations

The future expansion or restriction of human rights and anti-discriminatory practices in Bulgaria will highly depend on the political will of the newly elected government to cooperate with civil society.

National recommendations to tackle discrimination in employment of Roma:

- Solving the problem of the lack of registration in the national register of the population and the lack of identification documents ;
- Implementation of legal measures and economic mechanisms that would stimulate employers to hire Roma, including through the implementation of mechanisms regarding corporate social responsibility, subsidized employment, etc.;
- Adopting the Law for Equal Rights to Men and Women ;
- Conducting public discussions that would bring changes in the Law on Protection from Discrimination (LPD) which directly concern labour relations and are already implemented in the Labour Code; and discussing the suggestions of the Confederation of Independent Trade Unions (CITUB) in this regard.
- Resurgence of the long-term unemployed and economically inactive people through labour mediation – increase of the number of people hired by the National Employment Agency Roma mediators; enlargement and strengthening of the network of labour mediators in Roma communities;
- Encouraging entrepreneurship– by providing trainings to develop and apply projects for small businesses;
- Intensifying the fight against discrimination and racism by conducting campaigns, trainings, informational meetings between members of the CPD and employers, employees and syndicate activists. Special attention should be paid to forms of multiple discrimination;
- Conducting campaign debates, media participation and other forms of intercultural dialogue, stressing the social gains from integrating the Roma;
- Increasing the capacity of the law enforcement organs – judges, prosecutors, police officers, lawyers, etc. regarding the war with hate crime and acts of discrimination, violence and hatred based on race, religion or ethnicity
- Increasing the institutional and public sensitivity and intolerance towards acts of discrimination and hate speech. Measures need to be taken for the prevention of ethnically motivated radicalization, especially at a young age.

¹⁵⁵ Ministry of labour and social works, I, http://www.mlsp.government.bg/equal/news3.asp?law_id=375, accessed 2 September 2013

¹⁵⁶ Ibid.

National recommendations to tackle discrimination in employment of migrants, refugees and asylum:

- Implementation of a deadline for the registration of submitted applications by asylum seekers;
- Reducing the terms of Article 29, Paragraph 3: “Foreigners have the right to free access to the labour market if the proceedings are not over within one year of the filing of his request for status due to reasons that do not depend on him”.
- Changes in Law for Foreigners regarding undocumented migrants in order to provide them with documents. They continue to be one of the most vulnerable groups in the country. At present, undocumented migrants find themselves in a legal vacuum and are denied some of their basic human rights. It is possible that the situation breaches Bulgaria’s positive obligations under, inter alia, Article 3 of the European Convention on Human Rights.
- Conducting campaigns by the state institutions and NGOs to introduce refugees to their legal rights in finding employment; introducing them to programmes for education, training and starting a job;
- Conducting trainings for employees of the Labour Offices that would familiarize them with the available programmes and services for hiring, education and starting a job;
- Turning the labour exchange for refugees into a good practice
- Conducting trainings for refugees on how to start their own business, how to obtain bank guarantees and how to apply for credit;
- Enlargement and strengthening of the network of social mediators for the refugees and asylum seekers;
- Training of the municipality officers to increase their awareness of the problems of integration of individuals seeking and receiving asylum;
- Incorporation of good European practices regarding the payment of community service done by individuals who are in the process of gaining refugee or humanitarian status;
- Conducting trainings and informational meetings with members of the CPD and syndicates for the Labour Offices employees and employers themselves to inform them about the provisions in the LPD;
- Campaigns, debates, media publications and other forms of multicultural dialogue with an increased emphasis on what it means to be a refugee and the public gains of integrating migrants and refugees;
- Increasing the capacity of the law enforcement organs – judges, prosecutors, police officers, lawyers, etc. regarding the war with hate crimes and acts of discrimination, violence and hatred based on race, religion or ethnicity
- Increasing the institutional and public sensitivity and intolerance towards acts of discrimination and hate speech. Take measures for the prevention of ethnically motivated radicalization, especially at a young age.

We believe that the collected data, the conclusions and recommendations of this Shadow Report, the integration of specific studies, the conducted interviews and the analysis of the information gathered from the government institutions will contribute to combating discrimination and racism in employment.

6. Bibliography

European Union

1. EU Directive 2000/78/EC <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32000L0078:BG:NOT>, accessed 12 August 2013

International organisations

1. ENAR, Shadow Report 2010-2011: Racism and related discriminatory practices in Bulgaria (Brussels: ENAR, 2011) available online at <http://www.enar.eu.org/Page.asp?docid=15814&langue=EN> accessed 18 August 2013
2. ENAR, Shadow Report 2011-2012: Racism and related discriminatory practices in Bulgaria (Brussels: ENAR, 2012) available online at <http://www.enar.eu.org/Page.asp?docid=15814&langue=EN> accessed 18 August 2013
3. EUROSTAT, <http://epp.eurostat.ec.europa.eu/tgm/table.do?tab=table&init=1&language=en&pcode=tsdec450&tableSelection=1&plugin=1>, accessed 22 August 2013
4. European Commission, EUROBAROMETER – Discrimination in EU in 2012, http://ec.europa.eu/public_opinion/archives/ebs/ebs_393_fact_bg_en.pdf

Governmental sources

1. Annual report of CPD 2012, Excerpt
2. CPD, <http://www.kzd-nondiscrimination.com/layout/index.php/layout-over-40-positions>, accessed 10 August 2013
3. National Statistics Institute, 2011 Census, available online at <http://www.nsi.bg/census2011/pagebg2.php?p2=175&sp2=218> accessed 10 August 2013
4. State agency for refugees with the Council of Ministers, <http://www.aref.government.bg/?cat=2>
5. Framework Convention for the Protection of National Minorities, <http://conventions.coe.int/Treaty/en/Treaties/Html/157.htm>, accessed 20 August 2013
6. Ministry of finance, Europe 2020: National programme for reforms, Sofia 2013, http://www.nccedi.government.bg/upload/docs/National_Reform_Programme_of_Bulgaria_2013.pdf_1_.pdf, accessed 11 August 2013
7. Ministry of labour and social policy, <http://www.mlsp.government.bg/bg/news/news.asp?newsid=2881&catid=1>, accessed 11 August 2013
8. National Employment Agency, Yearbook 2012
9. National Strategy of the Republic of Bulgaria for Roma Integration 2012-2020, <http://www.nccedi.government.bg/page.php?category=35&id=1741>, accessed 15 August

National legislation and case law

1. CPD, Decision No274 от 9.1.2012 in administrative proceedings No1319/2011
2. CPD, Decision No21/2012 r. in administrative proceedings No155/2010
3. The Criminal Code, <http://lex.bg/laws/ldoc/1589654529> accessed 1 August 2013

Non-governmental organisations

1. Angelov Georgi, Zvezda Vankova, *Bulgarian Labour Migration: Do restrictions make sense?*, Open Society Institute, Policy Brief - February 2011, Sofia
2. *Beyond myths and prejudices: Roma in Bulgaria*, EU INCLUSIVE - Data transfer and exchange of good practices regarding the inclusion of Roma population between Romania, Bulgaria, Italy and Spain, OSI, Sofia, 2012, http://eu-inclusive.eu/sites/default/files/Beyond%20myths%20and%20prejudices-%20Roma%20in%20Bulgaria%20%28sociological%20study%29_1.pdf accessed 21 August 2013
3. BHC, Annual report, 2012, 'Protection from discrimination', http://www.bghelsinki.org/media/uploads/annual_reports/2012_bg.pdf accessed 8 August 2013
4. BHC: *Report: Two thirds of the Roma in Central and Eastern Europe are unemployed*, Original title In Bulgarian: *Доклад: Две трети от ромите в Централна и Източна Европа нямат работа*, <http://www.bghelsinki.org/bg/novini/bg/single/doklad-dve-treti-ot-romite-v-centralna-i-iztochna-evropa-nyamat-rabota/> accessed 20 August 2013
5. Brainova Petia, *What denies us and what we deny - discriminatory processes, attitudes and experience*, (Original title in Bulgarian: *Кое отрича нас и какво отричаме ние – Дискриминационни процеси-нагласи и опит*), *Politiki*, vol.11, 2011, http://politiki.bg/?cy=231&lang=1&a0i=223855&a0m=readInternal&a0p_id=910
6. **Center for Interethnic Dialog and Tolerance 'Amalipe'**, 'Amalipe'-Labour Office – collaboration, <http://www.amalipe.com/index.php?nav=news&id=1391&lang=1> accessed 1 August 2013
Civil implementation report on the National Strategy for Roma Integration and the Plan for the Decade of the Roma Inclusion in Bulgaria in 2012, Decade of Roma Inclusion Directorate Foundation, Budapest, 2013, http://osi.bg/downloads/File/2013/BG_civil%20society%20monitoring%20report_BG.pdf, accessed 10 August 2013
Daskalova, Nadejda., Antonina Zhelyazkova and Violeta Angelova. *Challenging racism at work*, IMIR, 2012 <http://imir-bg.org/imir/reports/CHALLENGING%20RACISM%20AT%20WORK.pdf> accessed at 16 August 2013
9. EU-INCLUSIVE–*Exchange of data and good practices between Romania, Bulgaria, Spain and Italy regarding integration of Roma*, Sofia, 26 January 2012, p.40, (Original title in Bulgarian: *EU-INCLUSIVE–Трансфер на данни обмен на добри практики между Румъния, България, Испания и Италия, отнасящи се до включването на ромското население*), available online at http://www.osf.bg/downloads/File/2012/Final%20Report_FNS_26_Jan_2012.pdf accessed 25 July 2013
10. European Network Against Racism, *Shadow Report 2009-2010: Racism and Discrimination in Bulgaria* (Brussels: ENAR, 2009), <http://cms.horus.be/files/99935/MediaArchive/publications/Bulgaria.pdf>, accessed 25 July 2013
11. European Network Against Racism, *Shadow Report 2010-2011: Racism and related discriminatory practices in Bulgaria* (Brussels: ENAR, 2011), <http://cms.horus.be/files/99935/MediaArchive/publications/shadow%20report%202010-11/3.%20Bulgaria.pdf>, accessed 25 July 2013
12. European Network Against Racism, *Shadow Report 2011-2012: Racism and related discriminatory practices in Bulgaria* (Brussels: ENAR, 2012), <http://cms.horus.be/files/99935/MediaArchive/publications/shadow%20report%202011-12/Bulgaria.pdf> accessed 25 July 2013
13. Gramatikova, Nevena, *Unorthodox Islam in Bulgarian Lands. Past and Present*. Gutenberg Publishing - IMIR, Sofia, 2011, (in Bulgarian).
14. Krasteva Anna, Ildiko Otova, Evelina Staykova, *Labor immigration in Bulgaria 2004-2009*, (Original title in Bulgarian: *Трудова имиграция в България 2004-2009*), CERMES,

2011, [http://www.cermes.info/upload/docs/Labor Migration 2004 2009 CERMES Occasional papers Bg.pdf](http://www.cermes.info/upload/docs/Labor_Migration_2004_2009_CERMES_Occasional_papers_Bg.pdf), accessed 10 August 2013

5. 15. Pamporov A., 2008: "Characteristics of the Roma employment", Chapter V – Demographic processes labor force in Bulgaria, Sofia: Bulgarian Academy of Sciences, Center for Population Studies, Ministry of Labor and Social Policy of Bulgaria
6. 16. *Project Equality – Road to Progress*, 2011, Research by the Open Society Institute, <http://www.osf.bg/?cy=99> accessed 10 August 2013

Media reports

1. Vaisberg, Tatiana, Bulfarian Helsinki Committee-Obektiv, 189-June2011, 'In the company of quiet democrats' (Original title in Bulgarian: *В компанията на тихи демократи*), <http://www.bghelsinki.org/bg/publikacii/obektiv/tatiana-vaksberg/2011-05/kolonkata-na-tatiana-vaksberg-v-kompaniyata-na-tihi-demokrati/> accessed 1 August 2013
2. Interview of Darik Radio with Mr.Tzonko Tzonev, the Mayor of Kavarna, 20 March 2013, <http://www.nccedi.government.bg/page.php?category=73&id=1930> , 2 August 2013
3. Dariknews.bg, *Skinheads stubbed 31 years-old Roma*, , (Original title in Bulgarian: "Скинари наръгаха 31 годишен ром"), http://dariknews.bg/view_article.php?article_id=884296, accessed 2 September 2013
4. Dariknews.bg: *Roma lady convicted Bulgaria of discrimination in Strasburg*, (Original title in Bulgarian: *Ромка осъди България в Страсбург заради дискриминация*), http://dariknews.bg/view_article.php?article_id=982844
5. DW: *The government dictates the topics in the media*, (Original title in Bulgarian: Дойче Веле: *Властта задава темите в българските медии*), <http://www.bghelsinki.org/bg/novini/bg/single/dw-vlastta-zadava-temite-v-blgarskite-medii/>
6. BHC, Signal to the Prosecutor General, <http://www.bghelsinki.org/bg/novini/bg/single/signal-do-glavniya-prokuror/> accessed 1 August 2013
7. bTV: "You have to clean, you dirty gipsy!", (Original title in Bulgarian: „Ще чистиш, мръсна циганка!“), <http://btvnews.bg/article/tazi-sutrin/razgovori-s-gosti/shche-chistish-mrsna-tsiganka.html> , accessed 2 September 2013

Other sources

1. Krasya Tomova, expert in National Employment Agency, Sofia, Email interview, 22 August 2013
2. Kancho Kantardgiiski Chief Expert in National Employment Agency, Email interview, 21 August 2013
3. Radostina Chaprazova, Roma Program, Open Society Institute, Sofia, Email interview, 15 July 2013
4. Stanislava Vitanova, Chief Expert in International cooperation, analysis and prevention department, , Commission for protection against discrimination, Email interview, 12 August 2013
5. Hayri Emin, Expert in Department: Protokol, PR and Media, Chief Mufti, Sofia, Email interview, 19 August 2013
6. Vanya Ivanova, CERMES, New Bulgarian University, Sofia, Email interview, 21 August 2013
7. Ilko Yordanov, Expert Analyses Consultant, Open Society Institute, Sofia, email interview, 6 September 2013
8. Sonya Zahova, expert in CITUB, Sofia, Email interview, 4 August 2013
9. Elena Dimitrova, PR of State agency for refugees with the Council of Ministers, Interview by phone, 21 August 2013

10. Cohen, Emil, *'The strategy on Roma should become a law'*, (Original title in Bulgarian: *'Стратегията за ромите трябва да стане закон'*), <http://www.trud.bg/Article.asp?ArticleId=1118505&mid=532> accessed 15 August 2013
11. Press centre of Ministry of labour and social policy, Sofia, Email interview, 5 September 2013
12. Laurinda Luffman, *Ending discrimination against the Roma in Bulgaria and Europe*, <http://www.soschildrensvillages.org.uk/about-our-charity/archive/2012/04/ending-discrimination-against-the-roma-in-bulgaria-and-europe>, 4 April 2102, accessed 11 August 2013
13. Ombudsman of Republic of Bulgaria, <http://www.ombudsman.bg/faq/230>, accessed 1 August 2013
14. Confederation of Labour 'Podkrepa', http://www.podkrepa.org/content/menu_21.php?id=2
15. Vaisberg, Tatiana, Bulfarian Helsinki Committee-Obektiv, vol.189, June 2011, *'In the company of quiet democrats'*, (Original title in Bulgarian: *В компанията на тихи демократи*), <http://www.bghelsinki.org/bg/publikacii/obektiv/tatiana-vaksberg/2011-05/kolonkata-na-tatyana-vaksberg-v-kompaniyata-na-tihi-demokrati/> accessed 15 August 2013

List of experts interviewed

1. Velichka Mikova, Head of "Legal protection" in The Confederation of Independent Trade Unions in Bulgaria (CITU), Sofia, 29 August 2013
2. Dr. Ibrahim Dogmush, Chair of Association of Palestinians in Bulgaria, Sofia, 29 August 2013
3. Ivo Koychev, Chair of Roma Destiny Association, Member of ENAR, Stara Zagora, 2 September
4. Valeria Ilareva, Foundation for Access to Rights (FAR), Head lawyer, Sofia, 15 August 2013
5. Mahari Khsai, Chair of Civil Initiative 'Help for Ethiopians in Bulgaria', Sofia, 11 August 2013
6. Muiyiwa Kolawole, footballer from Nigeria, Interview, Sofia, 5 August 2013
7. Hosam, refugee from Egypt, Sofia, 3 August 2013



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