ETHNIC RELATIONS IN BULGARIA: LEGAL NORMS AND SOCIAL PRACTICE

INTRODUCTION

The beginning of democratic transition (November 1989) found Bulgaria in a state of severe ethnic conflict caused by the assimilation policy of T. Zhivkov’s regime. Nevertheless, the country managed to avoid ethnic civil war at step on the road of normalization of ethnic relations. Legislative decisions contributed to that: the new Constitutions (1991), the acknowledgement of international and European conventions (1992), particularly the Frame Convention on Protection of National Minorities (1999). The most significant legislative achievement is the Law against Discrimination (2003). „Bulgarian ethnic model“ can be defined as peaceful regulation of extremely aggravated by the totalitarian regime relations via transformation of ethnic contradictions into a democratic political process. Legislative regulation, far from being problem-free or completed, in itself provides sufficient opportunity for integration of ethnic minorities and their adequate expression. The main problem is the application of legal norms in social practice. The law condemns both direct and indirect discrimination. At the same time, there are apparent some forms of discrimination, mainly indirect, affecting ethnic relations and especially the situation of Romany minority. If the major problems in 1989 were associated with the relations between Bulgarian majority and ethnic Turks, now marginalization of Bulgarian Romany is the main issue. Studies reveal formation of ethnic underclass. The Frame program for equal integration of Romany into Bulgarian society was adopted (1999). Ethnic stereotypes and prejudices remain strong.

Legal aspects of ethnic relations and particularly the situation of national minorities are subject to various studies and systematic assessment on the part of Bulgarian, foreign and international organizations. The official summary assessments are important, stated in the government Report of the Republic of Bulgaria and in the criticizing Alternative Report of Bulgarian Helsinki Committee.

In a sense, the two documents supplement one another and provide an overview both of legislative achievements, which bring the country nearer to EU requirements, and of the problematic situations.

Legal regulation of ethnic relations may only be apprehended and assessed in the broader context of Bulgarian ethnic model.


Prospects of Multiculturality in Western Balkan States
BULGARIAN ETHNIC MODEL?

In the last months, a public discussion is under way, with participation of politicians and experts, on the so-called „Bulgarian ethnic model“.

The term „Bulgarian ethnic model“ emerged at the end of 1992 in a feature article by Dr. Mikhail Ivanov, advisor on the president Z. Zhelev on ethnic issues, without any claims for terminological innovation; on the contrary, it was said that Bulgarian experience of the resolving of a severe ethnic conflict gave grounds to foreign observers to speak about the „Bulgarian ethnic model“.

Skeptics point out that there is European practice in place in respect of national minorities, which is implemented in Bulgaria as well. This argument would have been completely valid if we wished to assign universal importance to Bulgarian experience. But the word is about something else here – about Bulgarian road to European standards and Bulgarian specifics of their application. The existence of the general does not mean ignoring of specifics.

The term „model“ implies social practice with extremely high degree of manageability. In this sense, the term „model“ is inapplicable to traditional history; the latter must be described with other terms. But the specific situation of Bulgaria at the end of 1989, in the beginning of transition, required just high degree of manageability. Let us remind that in a few months only of 1989 about 350 thousand Turks were forced out of the country; some of them later returned and this event was named „the big excursion“. Under these conditions, Bulgaria turned out to be the most explosive zone for ethnic conflicts on the Balkans. Nevertheless, the relations of ethnic communities were normalized after a few years. Bulgarian ethnic model is a specific way out of the dead end street, where the „revival process“ had hurled the country. Bulgarian ethnic model is the transformation of ethnic controversies and conflicts into a political process of normalization based on the traditional relations existing before the conflict situation, the assistance of civil organizations, and the constructive role of a party that had the trust of the main ethnic minority and the forfeit of ethno-nationalism by major political parties. The reverse process took place in Bosnia, namely – political controversies were transformed into an ethnic conflict.

Historical basis

Certain aspects of Bulgarian tradition allowed favorable development of ethnic relations after 1989. The fight for national liberation in the XIX century has an expressed civil, and not religious or ethnic nature. Vasil Levski, acclaimed as the Apostle of Bulgarian freedom, explicitly stated that, in the free Bulgarian state, „Bulgarians, Turks, Jews, etc.” would be equal. After the Liberation, in everyday life, Christians and Muslims, ethnic Bulgarians and Turks became good neighbors. No matter how important, both facts are, however, relative. From the history of a people, which has been dependent in the course of five centuries, one can easily extracts arguments against the descendants of former oppressors. In the course of the forced assimilation in 1984–1989, relations radically worsened. State violence encouraged the resistance of ethnic Turks. Acts of terror were not officially mentioned and because of that these instilled confusion and dismay in the population. When on 29 December 1989 the right to identity was restored, Bulgarian

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population in mixed regions was agitated. Despite the cold winter, protesting people from Southern Bulgaria came to Sofia and „occupied“ the square in front of the House of Parliament, and the so-called „Razgrad Republic“ was declared in Northern Bulgaria. The situation was „on scales“ and the answer to the question, which side of historical tradition – that of good neighborly relations or that of conflict – would prevail, was not a foregone conclusion.

**Political representation**

In the beginning 1990 an organization emerged under the name of „Movement for Rights & Freedoms of Turks and Muslims in Bulgaria“. The law forbids establishment of ethnic parties and the formation was registered as „Movement for Rights & Freedoms“ (MRF). Its establishment was accompanies with heated public debates, which did not stop even when its representatives were elected in the VII Great National Assembly (1990). The culmination was the demand of 93 members of the Great National Assembly, together with 54 members of the 34th Ordinary General Assembly (mostly from the Bulgarian Socialist party) that MRF be declared illegal (1991). However, the Constitutional Court rejected the demand. The existence of a political party, which had the trust of the main ethnic minority – Bulgarian Turks – played a key role in the political process, prevented amateur actions, streamlined the social activity of Muslim population. Certainly, the fact of political representation itself is not unambiguous. By increasing the power and efficiency of political involvement, it may turn into a major destructive factor as well. It was not the case in Bulgaria. On the contrary, the Movement for Rights & Freedoms adopted a constructive approach to political behavior and evolved into a party, which broke its ethnic framework, committed itself to a certain – liberal – ideology, and became a full member of the Liberal International.

In 2001 the Movement for Rights & Freedoms entered into coalition with the National Movement „Simeon the Second“. For the first time after the Liberation, ethnic Turks became ministers. Maybe it is more important that the public accepted this fact as normal.

**Civil nation**

None of the parties, which played major roles in post-totalitarian political process – the ex-communist Bulgarian Socialist party (BSP), the anti-communist Union of Democratic Forces (UDF), or the Movement for Rights & Freedoms (MRF)“, was serious engaged with a nationalistic standing. This makes Bulgarian case a big exception in the context of East-European transition.

The strategic choice was for MRF mainly. The alternative for it was: to develop (a) as a Bulgarian party, which – though engaged with the interests of Turkish-Muslim minority – is doing this within the frames of Bulgarian civil nations, therefore is oriented towards cooperation with other Bulgarian political parties; (b) as a party of ethnic Turks, which see the Republic of Turkey as their fatherland, seeking cooperation mostly with Turkish political factors. MFR leadership decidedly chose the first alternative. The second one found its advocate in the person of Adem Kenan, MP in the VII Great National Assembly (1990/91). He was expelled from MFR parliamentary group and from the party as well. He founded his own – Turkish ethno-nationalistic party, which was not legitimized and did not gain popularity. Positive sides of national traditions came into action. Restoration commenced and successfully finished of good neighborly relations between Christians and Muslims.

It was also very important that the two opposing parties – BSP and UFD – did not serious play the nationalistic card. Reformist BSP leaders had to “wash the party’s face“ of its major drawback, the „revival process“. Any bias towards ethno-nationalism would have reminded of the biggest crime of T. Zhivkov’s regime – the assimilation policy. On the other hand, their main opponent – UDF – would not have appeared different from the ex-communists if engaged with ethno-nationalism in any way whatsoever. In order to understand the general situation, we also should consider the geo-political factors. The nationalistic wave
in the Warsaw Pact countries was associated with the notion of USSR as the main threat to independency. The traditional foreign political problem of Bulgaria is different and associated with Bulgarian – Turkish relations. Exactly the fear of the „Turkish threat“ („second Cyprus“) was used to motivate the „revival process“. But together with assimilation policy, its motivation was also compromised.

Reaching of consensus on the notion of civil nation was expressed in the new Constitution (adopted in 1991). Not one ethnic community was declared constitutive. According to art.1: (2) „The entire state power originates from the people… (3) no part of the people, or political party or any other organization, government institution or individual may appropriate the realization of people’s sovereignty.”

In Bulgarian social practice, the idea of common belonging of different ethnic communities to the civil nation was expressed by the refusal to use the term „national minorities“. The motive: the definition „national minorities“ leaves the door open for interpretation of ethnic minorities as belonging to a different nation, other than Bulgarian civil nation. The definition used in the Constitution and in the entire legislation of the country, is „ethnic minorities“. When speaking of „ethnic groups“, „ethnic belonging“, „ethnic minorities“, „ethnic origin“, the legislation guarantees the right to identity. However, the term „national minorities“ is not totally absent from Bulgarian law. According to the Constitution, art. 5, paragraph 4, „international contracts ratified pursuant to the Constitutions, promulgated and enforced in the Republic of Bulgaria, are part of the internal legislation of the country“.

These have priority over contradicting norms of internal legislation.

Bulgaria is a party to major international regulations on ethnic minorities, including Universal declaration on human rights, International Pact of civil and political rights (1976), European convention for protection of human rights and basic freedoms (1992), International convention for abolishment of all forms of racial discrimination (1995), Frame convention for protection of national minorities (1999), etc. Bulgaria has not yet joined the European charter on regional and minority languages. The opinion prevails that, at this stage, the country is not ready yet for such high standard. Protocol 12 is not signed, either, to the European convention on human rights, awaiting the adoption of Bulgarian law against discrimination.

In the transition to market economy and liberal democracy, in parallel with the normalization of relations between Bulgarians and ethnic Turks, a new center of ethnic tension began to emerge between Bulgarians and Romany. Unlike the conflict situation of the 80-ies, which was caused by administrative and political pressure on the part of the government, now relations have become problematic because of the radical impoverishment and marginalization of Romany in the conditions of striking economic stratification.

A principally new issue in the ethnic policy was brought by the Frame program for equal integration of Romany into Bulgarian society (2000). The program preparation itself was not standard – it was actually developed by Romany organizations. For the first time, an official state document admitted the existence of ethnic discrimination and declared „elimination of discrimination against Romany shall become one of the major political priorities of Bulgarian state“. The Frame program, though dedicated to the problems of Romany community, traced the road to actions, which should eliminate any ethnic discrimination in Bulgarian society. This step was undertaken with the Law against discrimination (2003).

All this gives reason to believe that there is a system in place in the country for protection and development of minority identity. Problem situations are projecting when looking into the details of legislation and its enforcement.

ETHNIC IDENTITY

Bulgarian Constitution proclaims (art. 6): (1) „All people are born free and equal in terms of integrity and rights“] (2) „All citizens are equal before the law. No restrictions are allowed of rights or privileges based on race, nationality, ethnic belonging, sex, origin, religion, education, beliefs, political preferences, personal and social standing or property
status." It is explicitly guaranteed that no one shall be subjected to „forced assimilation“ (art. 29, paragraph 1). Thus, the main law of the country is in unison with art.5 of the Frame convention, which requires that countries refrain from „policy or activities directed towards assimilation of persons belonging to national minorities against their will and protect such persons from any action aiming at such assimilation“. The legislative regulation – the provisions of Bulgarian Constitution are directly enforceable (art.5, paragraph 2) – not only legitimacy of normalization after the „revival process“ but also serves as a legal guarantee against possible reoccurrences in the future.

The problems arising after 1989 do not relate to the right to identity in itself but rather to the conditions and procedures of its restoration. Everyone can image the administrative process of changing the names of hundreds of thousands of people. But this was not only a technical problem. Some Bulgarian Turks, mostly young people, and more Bulgarian Muslims did not wish to revert to their Turkish-Arabian names. One important reason is that Slavic names are increasing better accepted in European countries in the event of emigration. Another pressure emerged – now not on the part of Bulgarian government, but an informal one – on the part of elderly people and local administrators.

Overcoming of consequences of the „revival process“ included property problems as well – restoration of real estate property, which had been confiscated or sold. Such process inevitably ensued problems. Local reactions against restoration of names of Bulgarian Turks contained motives such as keeping the property acquired from exiles. However, such one-sided picture is unnecessary of ethic relations during the peak crisis and mass emigration of ethnic Turks. In many cases, ethnic Turks left the keys to their houses to their Bulgarian neighbors.

Right-protecting organizations, in their critical analyzes, point out two cases of violation of the right to identity – the one with Bulgarian Muslims and the one with Macedonians.

In fact, the right to identity turned out to be less complicated than the identity itself. Bulgarian Muslims are a compact population in South Bulgaria. They speak Bulgarian language. Unlike the Bosnia case, they were forced to become Muslims, mostly in the XVII – XVIII century. The proof of their Slavic origins has been investigated by different historians. But even the forced Islamization should not be the reason for the attempts (1912/13; 1942/43), after the Liberation of Bulgaria, at the opposite – forced Christianization. The third attempt, already not on religious basis, was undertaken in the 70-ies by T. Zhivkov’s regime. After 1989 Bulgarian Muslim had the opportunity to revert freely to their Turkish – Arabian names. Some of them study Turkish language. However, other processes developed, too. Some Bulgarian Muslims voluntarily adopted Christianity. Other preserved their Bulgarian names. All were refused, however, registration as separate ethno-religious group. That is why no exact statistics exists of the Bulgarian Muslim population. Some identify themselves as Turks, mostly in West Rhodope. Others – as Bulgarians. Still others – as Bulgarian Muslims. For now, the issue of their separate identity is mostly raised by Bulgarian Helsinki Committee. There is no influential organization aiming at differentiation of Bulgarian Muslims.

Macedonian question also has historical roots. In fact, the issue is about the attitude towards the process of differentiation of Macedonians as an independent nation. The drama of this differentiation may be illustrated solely by the fact that the leaders of Macedonian Republic as part of Yugoslavia, Lazar Kolishevski, and the deputy chairman of the General Assembly in Bulgaria, Georgi Kulishev, are first cousins. Though the sons of two brothers, one identified himself as Macedonian, the other – as Bulgarian. The founder of Bulgarian Social-democratic party, Dimitar Blagoev, has Macedonian origins, as well as the renowned politician Georgi Dimitrov, the regent of Bulgaria and chairman of Bulgarian Academy of Sciences, Acad. Todor Pavlov, the poet Nikola Vaptsarov, the writer Dimitar Talev, the first director of the Institute of Sociology, Prof. Zhivko Oshavkov, and many other political and cultural figures. None of them considered himself ethnic Macedonian, but a Bulgarian from Macedonia.
Bulgarians look at Macedonians through the prism of historical past when they were not separated. This prevents recognizing the importance of the post-World War II process of formation of Macedonian nation and differentiation of Macedonian language. Historical and psychological circumstances evoked certain ambiguity in Bulgarian politics during the 90-ies. Bulgaria was the first country to recognize the independency of Macedonian state but, illogical as it seems, refused to recognize Macedonian nation. Sociological surveys showed that ordinary people have also suffered the independency of Macedonian state. At the same time, it should be taken into account that the process of formation of Macedonian awareness that took place in Macedonia, did not affect the Pirin region. In the censuses of 1992 and 2001, there were people, which registered as Macedonians (10,000 in 1992; 5,000 in 2001). During the last years some Macedonians in the Republic of Macedonia are restoring their Bulgarian citizenship. There are organizations – OMO „Ilinden“, which are the bearers of Macedonian national awareness. Their activities were forbidden and that invokes systematic criticism on the part of right-protecting organizations in the country and abroad.

RIGHT TO EDUCATION AND TRAINING

Back in 1962 Bulgaria joined the Convention against discrimination in the education filed, adopted that same year by UN. Bulgarian Constitution (art. 53) acknowledges the right of everyone to education (paragraph 1), declares mandatory school education until the age of 16 (paragraph 2), and primary and secondary education in state and municipal schools – free of charge (paragraph 3), stating that, under certain conditions stipulated by the law, education in state universities shall also be free of charge. According to the Public Education Law, art.4, paragraph 2, „no restrictions or privileges shall be allowed based on race, nationality, sex, ethnic or social origins, religion or social status“. The Law against discrimination includes a special section on protection of the right to education and training. According to art.29, paragraph 1 „the minister for education and science and local administrations shall be responsible for non-admission of racial segregation in educational institutions“, and art.35, paragraph 3 requires the application of educational methods in a way directed towards overcoming of negative stereotypes in respect of persons belonging to racial, ethnic and religious groups.

In the years after World War II, opportunities were provided and a lot of effort was put into the education and cultural development of ethnic minorities in the country. The results can now be seen in the distance between educational levels of different generations. According to last census data (2001), 33,77% of the ethnic Turks at the age of 60 and more do not have primary education (i.e. those born before or 1941) and only 3,56% of the age group 20–39 years (born in the period 1962–1981); correspondingly, the majority of Romany of 60 and more years of age, 58,77%, are either illiterate or semi-literate, and only 17,34% of 20–39 year age group. Educational development of minorities was a vital element of the process of ethnic homogenization. After the beginning of transition to market economy, in the conditions of social stratification, the picture changed and a process prevailed of ethnic differentiation, which affected education of minorities, too.

The actual exercising of the right to education faces a number of limitations. First of all, there are no guaranteed conditions for mandatory education until the age of 16. In practice, children from ethnic minorities, mostly Romany, do not attend school until they are 16; moreover, they do not even get primary education and some never go to school in the first place.

Educational levels of main ethnic groups in the country are substantially different.

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7 Before World War II, the „Macedonian question“ generated in Bulgaria anti-Serbian and anti-Yugoslavian feelings. It is characteristic of the new historical distance that young generations name as a closer country Yugoslavia rather than Macedonia. And for elderly people, the closest country is Russia, and not Macedonia.
Table 1: Educational structure of ethnic communities  
(Age 7 and older)

<table>
<thead>
<tr>
<th>Ethnic group</th>
<th>Total</th>
<th>Higher education</th>
<th>Secondary</th>
<th>Primary</th>
<th>Elementary</th>
<th>Incomplete elementary</th>
<th>Illiterate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total</td>
<td>7,467,839</td>
<td>100</td>
<td>14.07</td>
<td>37.85</td>
<td>27.44</td>
<td>12.50</td>
<td>5.80</td>
</tr>
<tr>
<td>Bulgarian</td>
<td>84.67</td>
<td>16.13</td>
<td>41.84</td>
<td>25.73</td>
<td>10.67</td>
<td>4.75</td>
<td>0.68</td>
</tr>
<tr>
<td>Turkish</td>
<td>9.18</td>
<td>1.83</td>
<td>18.21</td>
<td>42.12</td>
<td>21.72</td>
<td>9.56</td>
<td>6.12</td>
</tr>
<tr>
<td>Romany</td>
<td>4.25</td>
<td>0.16</td>
<td>4.61</td>
<td>32.20</td>
<td>29.51</td>
<td>18.32</td>
<td>13.87</td>
</tr>
</tbody>
</table>


It can be seen that illiterate and semi-illiterate Romany represent one-third, and together with those with low education level, are over 60 percent of the entire Romany community (at the age of 7 and more). Among ethnic Turks, university graduates are nine times less than among Bulgarians, and among Romany – one hundred times less!

In their education minority children face various obstacles. In the 90-ies, in Rhodope region, where many Turks, Bulgarian Muslims and Romany live, over 200 schools were closed down.8 Public transport is also inadequate. Parents have to move to another location for their children to be able to attend school. The introduction of education fees and the relative high prices of school books represent an obstacle to the extremely poor minority families. A World Bank study (1996) showed that respondents from Romany ethnic group claim that they wish their children to go to school and the children themselves wish so. According to them, the main reason for dropping out of school is their poverty, expressed even in the lack of good clothes and shoes for the children.9

It is especially important to point out that many children of Turkish and Romany families do not speak Bulgarian well and need one year of pre-school training. A Governmental Decree of 1994 obligates school principals, in agreement with the municipal mayors, to organize preparatory classes for those children, which do not speak Bulgarian well. Funding of mother tongue learning was the responsibility of municipal budgets. And this was what – considering the too limited municipal budgets – motivated reduction of courses. The consequence is actual isolation of the children. In September 2002 the National Assembly amended the Public Education Law, stipulating that, since 2003/2004 academic year, preparatory class for children shall become mandatory and free of charge for their parents.10

It is common practice for perfectly normal children of Romany minority, who, because of language difficulties, fall back in their development, to be sent to schools for retarded children.

“With us, discrimination starts from the day we were born – in the separate neighborhood, with the fact that other children do not want to play with us. We, here are relatively OK, but I have relatives in other cities – you can not imagine the horror to be „of this neighborhood“… We are respected here but… Our children are not wanted at school. We can not enroll them in most schools. Because we speak Turkish at home and kids do not speak Bulgarian well and it is hard for them. And teachers do not want to waste time and try to pronounce them idiots sooner and fling them to the retarded children’s school. Go to the retarded children’ school – all full of our

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9 Many Romani children arrive relatively unprepared for schooling; many of them are not proficient in the Bulgarian language. Poverty has led to widespread school truancy as many children in Romani ghettos cannot afford shoes or basic school supplies and instead turn to begging, prostitution, and petty crime on the streets. (U. S. Department of State, Human Rights Reports for 1999: Bulgaria)
children, and not because they are dumb but because they do not speak Bulgarian well. And at the end, they really know nothing and cannot find a job… and their morale goes, too, and that of everyone at home… when you are told as a kid that you are an idiot…”11

In August 2002, Regulation 6 of the Ministry of Education & Science „terminated the all-too-easy enrollment of normally developed children in the special, so-called schools for retarded children”.12

Syllabuses of humanitarian courses are still uncomfortable for minority representatives. Historical event are mostly retold through wars and political relations. Everyday lives of ordinary people are missing, and presentation of cultural life is limited. The history textbook does not tell to Bulgarian students, for instance, when and where Jews or Romany came from. Thus the educational system is reproducing ethnic stereotypes rather than contributing to their erosion. New educational plans and programs are under preparation for country studies, history, literature, singing and music, which will „include topics to acquaint students with traditional ethnic minorities in Bulgaria by presenting, among other things, literary and art works of renowned minority authors”13.

De-segregation in educational system continues to be a great problem. It is common practice Romany children to attended schools called „gypsy schools“. The difference is not only in origins but also in syllabuses – unlike regular schools, these schools focus on labor education. Teaching at those schools is not prestigious. Teachers quit all the time. Material basis is far less than the average. Under the pressure of Romany organizations, the government undertook (March 1999) to de-segregate education. Though some effort was made, the issue remains open. In September 2002 the Minister for education and science approved Instructions for integration of minority children and students.14

In the 90-ies, the Romany kid faced several „roads to nowhere”: dropping out of school, school for retarded children, gypsy school. Legislative and government decisions outline a way out, there is certain development but what has to be done is much more than what has already been done.

Intensive parliamentary and public debate in the 50-ies was called forth by the problems of studying mother tongue at school as well as by radio and TV broadcasts in Turkish language.

The Public Education Law of 18 October 1991 (art. 8) stipulates that: “(1) School education shall ensure the mastering of the official literary Bulgarian language. (2) Students having a mother tongue other than Bulgarian, in addition to mandatory study of Bulgarian language, shall have the right to study their mother tongue outside state schools in the Republic of Bulgaria under the protection and control of the state”.15 In the same year, the Council of Ministers adopted a decree providing to minorities the opportunity to study their mother tongue at municipal schools.16 In 1994 the Government amended that decree to read: „Art. 1 (1) Students having a mother tongue other than Bulgarian may study it in the frames of elective courses of the school plan from first to eighth grades. (2) Mother tongue classes shall be 4 hours per week.”17 In 1998 the Parliament amended paragraph 2 of art. 8 of the Public Education law, replacing the expression „outside state schools“ with „at municipal schools“, which is a radical change. Besides, the Law on educational level, general educational minimum and educational plans, adopted in 1999, included mother tongue course in the mandatory ones (art. 15, paragraph 3). Thus, teaching of mother tongue is included in

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mandatory school hours (art. 16, paragraph 1). This provision was supplemented by the amendment, on 08. 06. 1998, of Instruction 4 dated 27. 10. 1994 of the Minister for education stipulating, „mother tongue teachers shall be employed full-time“.

Legislation now allows studying of mother tongue both in mandatory and in elective courses. Both forms have their advantages and disadvantages. Mandatory courses compete with other language courses. The child has to choose between English (or other west) and Turkish languages. Elective courses are not graded and represent an additional load on children. In Turkish-speaking regions, studies of Turkish language are progressively reducing in recent years. In the beginning of the 90-ies there was lack of teachers. The problem was solved. Several universities commenced training of Turkish language teachers. Now some teachers are unemployed because there are not enough children willing to study Turkish language. In 2001–2002 academic years 34.860 students in 520 schools studied Turkish as mother tongue with 703 teachers. In the following, 2002–2003 academic years, the number of schools was 420, and the number of students – 31.349. Re-orientation from Turkish to English language is obviously associated with migration attitudes. Now young generations of ethnic Turks are not looking in the direction of the Republic of Turkey but in the direction of EU countries.

The issue with studying Romany language is a different one. The language itself is not sufficiently developed no literary norms exist. There are not enough teachers or textbooks. Nevertheless, studies of Romany language commenced in 1992 including some 4.000 Romany children. In 1999 their number was reduced to approximately 500; now they are approximately 100. Young Romany people also prefer to study English rather than Romany language.

**RIGHT OF EMPLOYMENT**

The right of employment is guaranteed by the Constitution. Art.48, paragraph 1 stipulates, „Citizens have right to employment. The state is responsible for establishment of conditions conducive to the realization of this right“. The Labor Code provides (art.8, paragraph 3): „In realization of employment rights and obligations, not direct or indirect discrimination shall be allowed, or privileges or restrictions based on nationality, origins, sex, race, skin color, and age, political or religious affiliations.“ The Labor Code defines indirect discrimination as „discrimination by using seemingly legal solutions for realizations of employment rights and obligations but applied, in view of the criteria set forth in art.8, paragraph 3, in a manner that actually places certain employees in a more unfavorable or privileged position in respect of others“. According to the Law against discrimination, the employer, when announcing free positions, shall not place requirements associated with race, nationality, ethnicity, religion (art.12, paragraph 1); shall ensure equal conditions of employment (art.13, paragraph 1) and equal pay for the same or equivalent labor (art.14, paragraph 1). There are indictments for discrimination against Romany under this law, which was enforced on 1 January 2004.

In the years after World War II important changes took place in the social and employment status of major ethnic minorities. With the Agrarian Reform Law (1947) landless peasants (including all Romany living in villages – these are half of the whole ethnic group) were given land and later joined the cooperative farms. Country’s industrialization did not leave place for traditional Romany crafts – tinkering, basket making, pottery, etc. The huge flow of migrants from villages to cities swept along some of minority members as well. Ethnic Turks and Bulgarian Muslims specialized in tobacco growing and processing (in the 80-ies Bulgaria became the largest exporter of raw tobacco and second largest cigarette exporter after USA).

Bulgarian transition has two specific features. The first one is the radical restitution. No other ex-socialist country undertook such total restitution – from small patches of land of 1–2 da to the property of People’s Court convicts for collaboration with nazi Germany and war profiteers. The second specific feature: initial accumulation of capital occurred through
draining out and liquidation of the assets of state-owned enterprises, i. e. *de-industrialization* of the country.

No wonder that, after changes began, ethnic minorities found themselves in particularly unfavorable position. Bulgarian tobacco lost its major export market in USSR and ex-socialist countries. This led to a sharp fall in living standards of ethnic Turks and Bulgarian Muslim in South Bulgaria. Sociological surveys registered unexpected phenomenon: ethnic Turks, so much the victims of the assimilation policy, started to remember the time of socialism with good feelings.\(^{18}\) Romany was in particularly bad situation. Because of their low education and qualification levels, and also because of racial and ethnic prejudices, they were uncompetitive on the labor market. At the end of the 90-ies surveys showed that 71% of Romany population at active age was unemployed. During the entire period and until now, municipalities where ethnic minorities are over-represented have also the highest unemployment rates: Targovishte (26.9%), Montana (22.35), Vidin (20.5%), Razgrad (20.3%), Shumen (19.3%), Silistra (18.7%), Vratsa (18.2%), Smolyan (18.0%).\(^{19}\)

Themselves perceive Mass unemployment of Turks, Bulgarian Muslims and Romany as discrimination. Romany is the first to be laid off and the last to be recruited.

“When you are looking for a job, when they see you are „colored“, it is as if you were leper ...”\(^{20}\)

„Law and your rights are on paper only. In our region specifically everyone is growing tobacco and we are tied. Whatever the terms, we agree. Because, if you react, your tobacco will not be bought and you are left... With us, the agreed average purchase price was 3500 leva. And they offer from 1800 to 3200".\(^{21}\)

“When the employer finds out that some applicant is of Romany origin, the latter does not get hired”.\(^{22}\)

Low education of Romany is not enough to account for their high unemployment rate. An international survey led by Prof. Ivan Szelenyi, USA, showed that in Bulgaria, the chances of employment for Romany of the same educational level (as Bulgarians) are significantly lower.

If in the cities Romany were left out of enterprises, in the villages after the restitution „in real boundaries“ they were left landless. Because of decline of agriculture, there are no jobs for farm hands even. Exceptions are few. Possible means of existence: collection and sale (generally to re-sellers) of forest fruit, herbs, mushrooms; (illegal) logging; seasonal jobs (if available); work in Greece; theft. The last is the most secure. Ethnic tension in villages has seasonal tidal nature. It culminates during summer and autumn. People are right from their point of view – they dig, plant, till, water, wait for the crop and... someone else gets it under their noses, often not ripe. The police cannot guard vegetable gardens. Then what? And the idea was launched for „paramilitary squads“ against „Romany crime“. Romany living standard collapsed. Formation of ethnic underclass commenced.\(^{23}\)


\(^{19}\) Targovishte, Razgrad, Shumen, and Silistra have large Turkish populations, Montana and Vidin – Romany population, Smolyan – Bulgarian Muslim population. Data of Employment Agency at the Ministry of Labor & Social Policy. „Sega“ Newspaper, 22. 08. 2004.


\(^{22}\) Speaker of the largest Romany ghetto in Sofia („Fakulteta“), „Trud“ Newspaper, 15. 10. 2001.

In this dramatic situation crime among Romany increased, most often being small theft. An issue came forward, which can be formulated in different ways depending on the viewpoint: (a) “problem of Romany crime”, (b) problem of Romany access to the judicial system.

During the last years the government undertook some measures such as a Program for teaching how to read and write, qualification and employment, which will assist uneducated or low-educated unemployed people as well as a National program “From welfare to employment” in October 2002 a project started for Training and technical support for the Ministry of Labor and Social Policy for the development of an integration program for Romany minority. Measures are, however, still palliative. According to sociological surveys, over 60% of people living on welfare is of Romany origin.24

ETHNIC MINORITIES AND THE JUDICIARY SYSTEM

Access of Bulgarian citizens to justice is guaranteed by the Constitution and a number of other legislative documents. According to the Punitive Procedural Code (PPC), art.10, paragraph 1: „All citizens involved in punitive proceedings are equal before the law. No privileges or restrictions shall be allowed based on nationality, origins, religion, sex, race, and education, social or material status.” According to the Civil Procedural Code (CPC), art. 97, paragraph 1: „Everyone may file a claim in order to restore their rights when violated or in order to establish the existence or non-existence of certain legal relation or right when they have interests thereof.” The Constitution, the Law on the Ministry of Interior, and the Punitive Procedural Code, all give a right to counsel to everyone from the time of their arrest or formal charging. The law sets the terms for free-of-charge counsel. According to art. 70, paragraph 1, the participation of counsel in the punitive procedure is mandatory when the accused does not speak Bulgarian language (p.4). Courts, however, interpret this provision with the assumption that if the person is a Bulgarian citizen, he/she speaks Bulgarian. In fact, many ethnic Turks and Romany are not fluent in Bulgarian language enough to understand the process. According to p.3 of the same article, the accused may use the services of official counsel if the case is about a crime punishable by life imprisonment or at least ten years of detention. The provision is contradictory to the standards of the European Human Rights Court, which require legal representation when there is a risk of imprisonment. It is detrimental to small offenders as Romany usually is.

According to a survey conducted by Bulgarian Helsinki Committee, the relative share is increasing of representatives of ethnic minorities, which have been deprived of access to counsel: in 1999, 53% of interviewed Romany complained of the lack of legal protection during pre-court proceedings; in 2001 these are already 61%.25

In fact, minorities and especially Romany are not in equal position in respect of the judiciary system. It is easiest to be convicted if you are Romany. As a result of this, they’re many more Romany in prison that is their relative share in criminal activities. The ethnic origins are also expressed as a trend: increase of crime among Romany is lower as compared to other ethnic groups but their relative share among convicts is many times greater.

Table 2: Convicts in the period 1993– 1997 by ethnic group

<table>
<thead>
<tr>
<th></th>
<th>Bulgarians</th>
<th>Turks</th>
<th>Romany</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>1993</td>
<td>5873</td>
<td>508</td>
<td>473</td>
<td>81</td>
</tr>
<tr>
<td>1994</td>
<td>6925</td>
<td>1048</td>
<td>1369</td>
<td>132</td>
</tr>
<tr>
<td>1995</td>
<td>7999</td>
<td>1222</td>
<td>2383</td>
<td>161</td>
</tr>
<tr>
<td>1996</td>
<td>10 996</td>
<td>1503</td>
<td>3667</td>
<td>210</td>
</tr>
</tbody>
</table>

If more offenders found and convicted are of Romany origin, according to expert assessment this means that, in their crime investigating activity, the police have been discriminating in respect of gypsies. "This means that police tends to discover more crimes on the suspicion that there were committed by Romany rather than on the suspicion that offenders are representatives of other ethnic groups. This finding either speaks about increased repressive function of police in respect of Romany or about lower exigency when discovering crimes committed by other ethnic groups. In both cases we can speak about double standard based on ethnic prejudices".  

It is much more difficult for Romany to pay bail; they are more often victims of police violence in prison; it is harder for them to get a lawyer; very few of them can rely on understanding and condescension on the part of the court. In order to avoid consequence of discrimination, the arrested Romany, if Muslims, present themselves as Turks. This, in turn, affects the relations between Romany and ethnic Turks. Criminal statistics records only the ethnic origins of the criminal and not that of the victim. That is why no assessment can be made as to what extent the judiciary system is applying the same standard to victims of violence of different ethnic origins.

HEALTHCARE

The Constitution declares (art. 52, paragraph 1): „Citizens have a right to health insurance in order to guarantee for themselves accessible medical help and free of charge medical services under terms and conditions stipulated by the law”. According to the National Frame Agreement between the National Health Insurance Fund and Bulgarian Union of Physicians and the Union of Dentists in Bulgaria (2002), art. 24, paragraph 1: „All persons having mandatory health insurance shall have equal rights and access to outpatient and hospital care and dental services regardless of their race, nationality, ethnic origins, sex, religion, education, beliefs, political affiliations, personal and social standing or property status.”

The realities of transition to market economy and the mass impoverishment make significant corrections in the realization of these legal guarantees. Many people (over two million!) do not have health insurance because of different reasons. In order to keep the Health Fund from going bankrupt, starting 1 October this year, they will have to pay for medical help. Only emergency medical treatment remains free of charge. The bigger share of this group is comprised of minorities. The new regulation will further impede their access to the healthcare system.

Medical help in towns and villages, especially in small habitations, has become very different in the years of transition. Public transport was significantly reduced and many small villages remained actually isolated, and most Muslims in the country reside in villages and hamlets. Some unemployed minority people do not have registrations with local Employment offices.

A study of Bulgarian Helsinki Committee showed for example that in Gara Hitrino Municipality, Shumen District (85% of the population are ethnic Turks), and 17% of the people do not have health insurance. Five GPs work there, neither of which resides locally but all commute. The municipality does not have an emergency center and medical help must be

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27. „Thus, whilst 27% of ethnic Bulgarians complain of violence in 2002, 77% of Romany admits that they have been victims of violence in four Bulgarian prisons". (Alternative Report, p. 9)

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called in from neighboring municipalities – Venets and Shumen. Or, Momchilgrad Municipality, Kardzhali District (85% of the population is Turkish Muslim) has 46 habitations – 30 villages and 16 hamlets, all serviced by 7 GPs.

Medical services for Romany are particularly poor. Some 30% of them do not have their own general practitioner (GP). And those that have often cannot afford to pay for transport, fee or prescribed medicines. Almost one-third of Romany, according to a research completed in December 2001, not once has visited their GP; 35, 4% declared that they could not afford the fee of 1 leva (0,50 euro). We should remember that the majority of Romany population – 63.5%, according to research data, lives on welfare.

If ethnic minorities, and especially Romany, have more difficult access to medical help, on the other hand, their health risks are higher.

Ethnic communities in the country live in different conditions. One Bulgarian home is inhabited by 2,6 people on average; one Turkish home – by 3,97 people; and one Romany home – by 6,9 people. The average Bulgarian citizen (including Turks and Romany) has 16,9 sq. m of residential area, the ethnic Turk – 11,8 sq. m.; and the Romany – c 7,1 sq. m. 59,4% of all Turkish homes have plumbing and only 37% of Romany homes. There is not furniture at all in 17% of all Romany homes, even beds. Approximately 70% (in some locations – 85–90%) of the houses have been illegally built, without the required permits and documents, or outside municipality borders and is far away for any standards – without municipal garbage collection, without sewerage, water mains or public transport. These ghettoes become the centers of de-humanization and anomie. The children growing there are hard to socialize.

Life expectancy of different ethnic communities is different: according to 1992 census, only 5% of Romany live to be 60 or older; 10% of Turks and 22% of Bulgarians. These statistics reflect the health problems of minorities as well.

Child mortality rate among Romany population is going back to the level of the 20-ies. It is also higher among ethnic Turks and Bulgarian Muslims. According to 1997 data on Rhodope region, 33% of the families of 60-year-old Bulgarian Muslims, 25 % of Turks, and 16% of Bulgarians have lost a child.

The Frame Program (1999) envisages improvement of living conditions for Romany. In December 2000 the Parliament adopted a territorial management Law, which, however, did not affect the Frame Program. Nevertheless, the first steps have been made. PHARE 1999 – Bulgarian National Program included a project, which commenced in the fall of 2001 in Pazardzhik, for integrating Romany neighborhoods in the city zone. A lot has been accomplished.

Child mortality rate among Romany is increasing but the public is mostly presented with information about higher birth rates of Romany.

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34 Suffice to say that, according to research data from „Gypsies in the transition period“, 44% Romany families have a member suffering from chronic disorder, and each fifth respondent report about two or more sick members of the family. According to data of the same survey, disabled people of over 16 years of age are 81 per thousand, i.e. two and a half times more than the average for the country. It should be remembered that these data do not include disabled children under 16, and these are 38% of all disabled persons registered during the survey! 1997 data show that 25% of Bulgarian Muslim families in Rhodope region, 19% of Turkish families, and 16% of Bulgarian families have a chronically ill member. Every sixth Bulgarian Muslim respondent declares that they have a disabled person in the family. Invalidity and early child mortality rates in the region are increasing. With the sickness of even one member, the family is doomed to poverty, and poverty leads to new difficulties associated with medical services (I. Tomova, Project: Rhodope Mountain – model of tolerance on the Balkans, 1996/97).
PUBLIC OPINION

The preamble of the Constitution declares that freedom; peace, humanism, equality, justice, and tolerance are common values that have guided MPs in its elaboration. Art.37, paragraph 1 stipulates, „the state shall assist in the maintenance of tolerance and respect among believers, among different religions, as well as between believers and non-believers“.

The Rules of Organization of the National Ethnic & Demographic Committee at the Council of Ministers requires of this body to „develop and propose to the government... specific measures aimed at preservation of tolerance and understanding between Bulgarian citizens of different ethnic and religious groups“.

Since the middle of the 90-ies, press media have generally avoided the pejorative term „gypsies“ replacing it by „Romany“. However, double standards still exist. When Romany athletes win medals for Bulgaria, their origins are not mentioned. They are Bulgarian representatives. The cardiac surgeon, Prof. Alexander Chrikov, is renowned in Europe. His Romany origins are never mentioned. To make up for it, criminal chronicles often have headings such as „Gypsies killed an old man for his pension“36 „Gypsies attack a policeman and tear his shoulder straps“37 „Gypsy curses judges threatens murder“38. On the next day, the same newspaper announces: „Policeman killed Romany man in attempted arrest“.39 When Romany is the attacker, he is named „gypsy“, when he is the victim – „Romany“. In informal communications, the major identification of Romany minority continues to be „gypsies“.

Thus, „black“ associations continue to pile up on the image of the „gypsy“. The reporters themselves explain that they focus on ethnic origins because „the public is more interested that way“.40 This is therefore, all about some kind of journalistic populism – the newspaper gets closer to the public by teasing its ethnic stereotypes. But in that way, such stereotypes are reproduced.

Still more important is the fact that presses media directly attack ethnic fears, especially the „gypsy-ization“ of Bulgaria.41 In the conditions of increasing de-population, suggestions are being made of the kind: „Beware, gypsies will become the majority in the country because they reproduce too fast“. Though less often and only in certain newspapers, the potential hazard of the Turkish state is emphasized and the risk of infiltration of Islamic fundamentalism.

Intellectuals renowned for their culture of tolerance in Bulgaria, expressed in the Address – Protest to the President of the Republic dated 22 May 2000 „their concern about the recently frequent expressions of extreme nationalism and racism in a critical period for Bulgaria“.

Public opinion accelerates or slows down transformation of legal norms into social practice. Existing negative stereotypes and social distances between ethnic communities, particularly in respect of Romany, play a certain hindering role. Some inconsistency results – democratic legislation runs ahead of social-psychological acknowledgement of the rights of ethnic minorities.

Table 3: Rights of ethnic minorities – official acknowledgement, actual practice, and public opinion Responses of Bulgarian Christians

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<td>37</td>
<td>„Monitor“ Newspaper, 15 April 2000.</td>
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<td>40</td>
<td>Objective Magazine, № 66. April 2000, p. 3.</td>
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<td>41</td>
<td>Heading of editorial in Monitor Newspaper, 12 April 2000.</td>
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To establish organizations and associations for protection and development of their culture | Yes | Yes | 20 | 16 | 14 |
To publish books and other publications in their native language | Yes | Yes | 43 | 30 | 28 |
To study their mother tongue in public schools | Yes | (incomplete) | 66 | 56 | 57 |
Training in public schools to be in their mother tongue | No | No | 82 | 75 | 73 |
To have their representatives in the National Assembly | Yes | Yes | 36 | 29 | 19 |
To have their representatives in local governments | Yes | Yes | 39 | 36 | 22 |
To have the right to post signs (of companies, advertisements, etc.) written in their mother tongue in public places in the towns they reside in | Not forbidden | Yes (private) | 84 | 73 | 72 |
To have their own political parties | No | Yes | 63 | 50 | 36 |
To have the right to territorial autonomy | No | No | 93 | 88 | 85 |
To have their own television channel | Not forbidden | No | 56 | 46 |
To have broadcasts in their language on national TV | Yes | (incomplete) | 63 | 54 |
To have their newspapers | Yes | Yes | 33 | 27 |


IN LIEU OF CONCLUSIONS: BULGARIAN PARADOXES

The last 15 years of Bulgarian history abound in unexpected twists, which can illustrate a dialectics textbook.

The biggest „stammer stone“ turned into the greatest advantage of transition. The sharpest ethnic conflict abated faster than the greatest optimist in 1989 could imagine. The ethnic, in terms of voters, party, which was feared of undermining the state, became a balancer in critical situations and an important stabilizing factor. Denied and suspected in the beginning of transitions both from left and right, now it is wooed by both sides, which meanwhile became the opposition, and this party itself found its place in the ruling coalition.

When the Prime Minister announced in Parliament (1999) that „Bulgarian nationalism is dead“, the leader of that party – ethnic Turk – declared himself in support of a „moderate Bulgarian nationalism“. And when the success of Bulgarian ethnic model became irrevocable, the ex-Prime Minister found it possible to attack the same party as ethnic one.

After a lot of effort and vicissitude, studying of Turkish language as mother tongue was ensured. Meanwhile, the new generations of ethnic Turks began to be more interested in the English and other west languages.

Democracy provided opportunities for free professing of Islam. It became clear that Bulgarian Muslims are not too religious.
Whilst successfully resolving some controversies, others began emerging. Some idyllic relations of the past were completed gone – transformed into sever ethnic tension. The colorful personalities of traditional Bulgarian village were the gypsy making tame bears dance, the fortunetellers, the experienced tinker or potter. Now Romany ethnos is associated with the beggar child on the street, the adroit pocket-picker on the tram, the thief, who turns public monuments into scrap, uses electricity without paying for it or picks the crops from another man’s garden…

Ethnic minorities in the time of state socialism suffered from equalization, assimilation. Now the misfortune comes from differentiation, separation, and marginalization. Before, the pressure used to come from above, from political and administrative spheres, from the government. Now it comes from below, from economic realities and their subjects, from public opinion. In the first case, ethnic identity was at stake. The transition made the very physical existence problematic.

Sociologists found an amazing paradox. The most oppressed minority in the last years of socialism – the Turkish one, is now looking at this socialism more positively than at the democratic transition giving it rights and freedoms.

The powerful process of differentiations not only divides the majority from minorities but also the minorities between one another and infiltrates individual communities. There are „privileged“ minorities – not in law, but actually: Jews, Armenians. And again, paradox, just now, when there are hardly any Jews left and just in the country, which prides itself in the salvation of its Jews during World War II, there, is an incredible boom of anti-Semitic literature. Another twist anti-Semitic propaganda does not change the real situation of Jews; their place in the cultural elite of the country is unquestionable. The greatest poet alive, Valeri Petrov, has Jewish origins, also the deepest philosopher, Bernard Mountian, the most renowned culturologist, Isaac Pasi, the greatest theater director, Leon Daniel. Anti-Semitism is the sophisticated ideological form of racism and its popularization affects not Jews but… Romany. The democratic progress of the country cannot be doubted. And that racial prejudices have increased cannot be doubted, too.

Bulgaria made a big step towards the establishment of formal democracy. Certainly, democracy presupposes formal procedure and, in this sense, is something formal. But on this background, the necessity for a new step emerges – in another sphere, towards other standards. From formal – to ontological democracy. From democracy of opportunities – to democracy of realities.
BIBLIOGRAPHY


