

ANTIGYPSYISM IN PUBLIC DISCOURSES AND ELECTION CAMPAIGNS

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ANTIGYPSYISM IN BULGARIAN ELECTION CAMPAIGNS: A CASE STUDY

The study aims to present examples of hate speech, racism, and incitement against Roma in election campaigns in Bulgaria. Through concrete examples and evident cases of hate speech and antigypsyism, it aims to open up a debate about political and institutional commitments, and the existing available tools such as national and international agreements in order to combat racism, hate speech, and incitement against minorities in Europe, particularly during election campaigns.

INTRODUCTION TO THE POLITICAL CONTEXT IN BULGARIA

In the last decade the election campaigns in Bulgaria have appeared to be a stage for far-right parties to target ethnic minorities, particularly the Roma minority, as an ‘issue’ which they declare to solve once and forever by force and criminal techniques. “The politicians stimulate a negative attitude towards ethnic minorities by using anti-Roma and populist rhetoric to win more votes, and this anti-Roma political rhetoric has consolidated antigypsyism in society.”¹

Antigypsyism as a special form of racism against Roma has a variety of manifestations ranging from racial slurs directed towards Roma to more sophisticated manifestations such as denial of racism, presenting Roma as a people without a culture nor a sense of identity, and the lack of any Roma in various institutions.² However, since Bulgaria became a member of the EU and closed all necessary chapters during the EU accession period the mainstream political parties have begun using a similar rhetoric with neo-liberal attitudes. The first striking statement came from the highest state level. In 2009, the mayor of Sofia Boyko Borisov (nowadays the Prime Minister) branded Roma as “bad human material”³, and he won the elections with crushing results.

Hate speech and hate crimes as expressions of racism have become a modern phenomenon in Bulgarian political life. Despite the fact that they are defined as crimes,⁴ many political parties are not afraid of the manifestation.

¹ Angel Ivanov: Antigypsyism in Bulgaria, in: Kyuchukov, Hristo: New Faces of Antigypsyism in Modern Europe, Prague, 2012.

² Iulius Rostas, <http://www.romea.cz/en/news/world/iulius-rostas-social-change-for-roma-is-not-about-money-but-political-will>

³ <http://www.telegraph.co.uk/news/worldnews/europe/bulgaria/4531391/Mayor-of-Sofia-brands-Roma-Turks-and-retirees-bad-human-material.html>

⁴ Article 162, Penalty Code, http://www.vks.bg/vks_p04_04.htm

According to Amnesty International, “Victims of hate crimes in Bulgaria are being denied justice by the failure of investigators and prosecutors to take discriminatory motives into account. Hate crimes are typically investigated as offences motivated by ‘hooliganism’ rather than crimes targeting victims on account of their ethnic origin, migrant status or sexual orientation. The full extent of hate crimes in Bulgaria and their impact on victims, therefore, remain largely hidden and unacknowledged, fueling fears within targeted communities, eroding their trust in authorities and delaying the introduction of effective measures to combat these crimes.”⁵

The Bulgarian Criminal Code punishes someone who “uses violence against another or damages his property because of his race, nationality, ethnicity, religion or political opinion” with imprisonment of up to four years and a fine of up to ten thousand leva (€ 5000). Nevertheless, Bulgaria has already been condemned several times by the European Court of Human Rights for refusing to recognize, prosecute, and punish hate crimes.

According to Margarita Ilieva⁶, legal defense program director at the *Bulgarian Helsinki Committee*, “this is the result of the psychosocial phenomenon of denial: our nation in the face of its legislative authority pretends that hate crimes do not exist. Again, denial is the reason that racist crimes are concealed by institutions as hooliganism, and are far from being taken seriously.” Ilieva says, “our society does not act by the legislation, but by the prosecution – it is one that reflects the social attitudes of refusal to recognize the truth that Bulgarians are not ‘tolerant’ and regularly harass and oppress minorities.”

Prosecutors, according to interviews⁷ of Dnevnik Media, share the view that the reason for the lack of investigations against hate crimes is the lack of case law. Most prosecutors prefer “to shoot safely, it is important to have no acquittal”. Another reason for the lack of investigations is that it is complicated and difficult to prove a crime. One must carefully track what provoked concrete actions by the perpetrator and what people have seen regarding how the situation came about. “Nobody analyzes the motive in any way which is the main sign that can distinguish the crime of hatred from hooligan motives. As a third reason, speaking with a hushed tone, prosecutors have admitted that, in fact, among themselves there are racists. Prosecutors are part of this society and they are human beings.”

In 2013, the “Analytical department” of the Supreme Cassation Prosecution (SCP) issued methodological guidelines for prosecutors on how to investigate crimes with a discriminatory element.⁸ The impetus for this was the anti-Roma protest in Katunitsa, which spilled over into larger cities. According to the guidelines, the main difference between hooliganism crimes and hates crimes is the discriminatory motive, which is formed by stereotypical biases and prejudices. The guidelines have described the signs, which differ this type of crime. According to the document, discriminatory motives may have outward signs, and the motive can be expressed by a general view against a particular group, including the expression of certain emotionally based reactions or by trying to justify the discriminatory motive with seemingly objective arguments. Even more interesting is that the guidelines stipulate that the main way to prevent these kind of crimes is through greater awareness. “The traditional insensitivity of the Bulgarian judicial system and law enforcement to discriminatory crime stems from stereotypes instilled in varying degrees of awareness of the culture of the majority, to which most employees belong”. Anonymously, prosecutors say “typical errors are associated with the prior assumptions of investigators, their hasty conclusions and lack of checking all the facts”. “The existence of rules is very good but since there is no control whether they are running or not they become meaningless. I remember the example of my training abroad.

⁵ Amnesty International: Missing the point. Lack of adequate investigation of hate crimes in Bulgaria, London, February 2015.

⁶ http://www.dnevnik.bg/bulgaria/2015/09/13/2608863_kak_prokuraturata_ne_raboti_sreshtu_prestupleniata_or/

⁷ As above.

⁸ ВКС, Методически насоки за работа по преписки и досъдебни производства, образувани по сигнали за извършени престъпления с дискриминационен елемент, Sofia, 2013, 10782/2011г.

Talking about cooing with corruption, the example must come from "above" in the system hierarchy, so the system needs to be organized in a way that anyone with corrupt attitudes feels as an outsider and rejected in the system. The key question is: are role models as well as is the system organized in a way to ensure compliance with the rules", says the prosecutor to Dnevnik.⁹

THE CASE OF GARMEN - HOW LATENT RACISM GETS TRANSFORMED INTO AGGRESSIVE INSTITUTIONAL ANTIGYPSYISM

Institutional racism is distinguished from racial bigotry by the existence of institutional systemic policies, practices as well as economic and political structures which place racial and ethnic minorities at a disadvantage in relation to the racial or ethnic majority.¹⁰

On 23 May 2015, in the Marchevo village in the Garmen municipality Roma people returned from picking mushrooms and went to the spot where local firms buy the mushrooms. They were driving the car to the selling point with loud music. Bulgarians were there playing cards. They asked the Roma to reduce the music at the same time using verbal insults calling them "mango" and "mangali", which is equivalent to nigga or nigger. The Roma refused to turn down the music and started arguing with the Bulgarians because they felt insulted. Afterwards, the Roma were beaten. They went back home and then returned to the selling point with a bigger cohort and started physical conflict with the Bulgarians. It was not a fight between all Bulgarians and all Roma as it was presented in the media. It was a conflict between two groups, which began as a personal argument with racist elements. Within the next days football ultras came to the village to protest against the Roma and the focus of the media and public attention turned to "*Roma criminality*" and "*Roma illegal housing*". The gendarmerie was in the village and blocked the way of the protesters who tried to attack the Roma neighborhood. The police accompanied the local Roma to the village and the municipality in order to use public services. Three days after the protest the police arrested the main organizers.

Some of the organizers were connected to the ultra-right political party VMRO (part of Patriotic front), which actually is in power and supports the current government. The main protestors were mainly from neighboring cities and regions and they were well organized. The Ministry of Interior did not respond to the call "*to fight the gypsy criminality*" even though the local police office registered only few cases of robbery. As a result of the tensions the Ministry on Regional Development and Public Works started procedures for demolishing the houses of Roma without official papers (documents of ownership, a notary deed etc.). The number of the demolished houses reaches about 125 in Kremikovsti quarter, Mirchevo. Roughly 500 people are still at risk of losing their homes. Local Roma were injured, and the police prohibited Roma children from going to school, saying they could not protect them¹¹.

On 10 July 2015, the European Court of Human Rights issued urgent interim measures concerning demolition of houses planned for 13 July 2015 in Garmen, Kremikovtsi quarter. Under Rule 39 of the Rules of the Court, the interim measures urge the Bulgarian government to "*stop the demolitions, until alternative housing is ensured for the vulnerable claimants*".¹² Filing a request for interim measures before the European Court of Human Rights was the only opportunity the affected families had, after the responsible administration refused to reconsider the decision to demolish their homes.

⁹ http://www.dnevnik.bg/bulgaria/2015/09/13/2608863_kak_prokuraturata_ne_raboti_sreshtu_prestupleniata_ot/

¹⁰ Jones, J. M. (1997). *Prejudice and Racism* (2nd ed.). New York: McGraw-Hill.

¹¹ <https://www.opensocietyfoundations.org/voices/opportunistic-politicians-bulgaria-evict-roma-votes>

¹² www.capital.bg/politika_i_ikonomika/obshtestvo/vsichko_za_pravata_ni/2015/07/11/2570717_evropeiski-iat_sud_za_pravata_na_choveka_prizova/

These actions of the Bulgarian administration are aimed against Roma-owned houses only, despite the existence of a large number of unlawful constructions in the country.¹³ This selective, less-favorable treatment amounts to discrimination on ethnic bases and a serious violation of basic human rights, guaranteed within the Bulgarian Constitution and international acts and standards.

The request for interim measures contained descriptions as well as proof for the situation of the Roma families in Garmen. In particular, these measures included the families of the claimants; eight minors, two children with severe disabilities and an eight months pregnant woman among them. These interim measures have been intended to prevent homelessness and diminish the potential for creating victims of a future humanitarian crises.

However, Bulgarian officials continued to mislead the international partners¹⁴ regarding a constructive solution of the Garmen case. On 11 August 2015, the Ministry on Regional Development and Public Works (MRDPW) published a statement about the implementation of orders for the demolition of the homes of only Roma families from Kremikovtzi settlement of Marchevo village, Garmen municipality. According to this statement, the National Agency for Construction Control (NACC) extended the term for the execution of the orders until 31 August 2015 because an alternative accommodation was not secured for the affected persons by the local administration. On 26 August 2015, officers from Garmen municipality visited the Kremikovtzi settlement and proposed that the Roma families sign declarations regarding their need of alternative accommodation. The Garmen municipal council accepted the form of the declaration on 27 July 2015. When questioned by the Roma families about what alternative accommodation would be proposed, the municipal officers answered that they “*still do not have this information and this is to be decided later*”. The Roma informed the municipal officers that they could not possibly respond to a proposal, which was, in fact, not defined. As a result the municipal officers prepared protocols, according to which the Roma refused alternative accommodation. Right after that the mayor of Garmen, Minka Kapitanova, publicly called on the villagers in Garmen municipality to accept the Roma in their houses for free, as the municipality could not secure other alternative accommodation. The villagers from Garmen answered this call by breaking the windows of the city hall and by declaring that they do not want the Roma in the village.¹⁵

The report that the Roma families from Garmen refused alternative accommodation became another public manipulation of the Bulgarian administration. The Garmen municipality did not propose accommodation to the Roma, and apparently had no plan for where they could accommodate them. This misinformation was just an attempt to deceive the Bulgarian society, the media, and the international stakeholders.

On 28 August, the Equal Opportunities Initiative Association renewed the request to the European Court of Human Rights (ECHR) on the basis of the first request for imposing Rule 39 of the Rules of the Court for imposing interim measures against the demolition of the houses which had been postponed on 13 July 2015. The renewed request was sent after the NACC published information on its web page that the new term for executing the orders would be 31 August 2015. On 31 August the MRDPW published a press release on its web page reporting that all demolition orders issued regarding Roma houses in Garmen would be executed. An additional press release stated that a deadline extension would be granted for two houses only, based on the correspondence with the European Court of Human Rights regarding these two houses. According to the press-release, the execution of the rest of the orders was to proceed in line with the schedule defined by NACC, based on information provided by Garmen municipality regarding alternative accommodation proposed to the affected families.

¹³ <http://www.168chasa.bg/Article/748494>

¹⁴ Declaration of National coalition “Intelect”, September, 2015, Bulgaria.

¹⁵ <http://news.bnt.bg/bg/a/594185-izpotroshiha-prozortsite-na-obshtinata-v-garmen>

On 2 September 2015, notices were sent to five families from Kremikovtsi settlement, stating that their houses were scheduled for demolition between 7 – 11 September. The notices were not served straight to the families but put on the front doors of the houses instead. One of these five families legally owns the plot on which the house was built.

On 3 September 2015, in her capacity as legal representative of the five families Daniela Mihaylova sent a letter to the mayor of Garmen demanding information about the so-called proposed alternative accommodation. She as well informed the mayor that the affected persons had never received such notice and never refused alternative accommodation. This letter has yet not been answered.

On 4 September 2015, the European Court of Human Rights sent a letter answering the renewed request for imposing interim measures from 28 August 2015. The Court announced that the responding government sent information according to which the demolition of the houses in question was postponed until 30 September 2015, pending identification of alternative accommodation, and the satisfaction of the court.

On 7 September 2015, the NACC demolished 6 houses in Kremikovtsi settlement. This included the five houses whose owners were notified on 2 September, and one of the two houses for which the demolition had been postponed on 13 July 2015 until 30 September 2015, because an alternative accommodation was not secured. The families who lived in the sixth house were informed about the demolition on the very same morning. This family consists of two parents, two minor boys (one with severe disability) and a new born baby.

The National Coalition Intellect, Roma, and pro-Roma activist as well as NGOs shared their view on a press release:

“We hereby state that we see the actions of the administration for demolition of the only homes of the Roma from Kremikovtsi as unjust and discriminatory. These actions violate Bulgaria’s obligations under the European Convention for Human Rights and Fundamental Freedoms. We believe that these actions are taken with the aim to gain political dividends in the upcoming pre-election campaign in Bulgaria, and to motivate the voting of the nationalists in Bulgaria. Both local and national authorities in Bulgaria failed to fulfill their obligations to consult the local Roma community in Garmen on alternative options and to save them from turning homeless.”¹⁶

The Roma from Kremikovtsi have been subjected to inhuman and degrading treatment. Many Roma, among them children with severe disabilities, were left on the street and made homeless. From 2006 until now, Bulgaria has been found in violation of Roma housing rights by three international bodies- the European Committee on Social Rights, the European Court of Human Right and the UN Human Rights Committee. These institutions found that Bulgarian internal legislation does not fulfill international requirements on human rights. The Bulgarian Government, however, did nothing to improve the internal legislation in compliance with international standards. It also did nothing to take action for long term and civilized solutions of the problem with the unlawful buildings in Garmen, and in all other Bulgarian municipalities where segregated Roma settlements exist.

Local Roma shared that the Blagoevgrad district governor visited them three times. According to people from Kremikovtsi at each visit he asked them about demolishing three to four houses in order to decrease the tension between Bulgarian protesters and Roma families. It was not an official request as it was only verbal.

¹⁶ Declaration of National coalition “Intellect”, September, 2015, Bulgaria

The leader of anti-Roma protest, Ivan Bayrektorov, was a candidate for councilor in the local elections on behalf of the Reformatorski block coalition. Minka Kapitanova was elected for mayor of Garmen municipality during the autumn local elections in 2015.

Despite the violation of international and national legislation, there have been no consequences for Bulgarian officials who tried to respond to hateful feelings of the protesters, leaving Roma families without homes right before winter season. It is important to mention that all current activities of the Bulgarian government and of most local authorities are against the National Strategy for Roma Integration.

In 2011, the European Commission adopted an EU Framework for National Roma Integration Strategies focusing on four key areas: education, employment, healthcare and housing. Unofficially, a representative of DG Justice said that

“[...] the European Commission is aware of the situation regarding the evictions of Roma in France and in Bulgaria and has been following it with concern. In general, any eviction ordered by the relevant authorities of the Member State should take place with respect to the fundamental rights of those affected, as enshrined in EU law, national laws, and international treaties including the European Convention for the Protection of Human Rights and Fundamental Freedoms. The Commission's role as the guardian of EU law is to monitor the compliance of Member States with EU law, e.g. Directive 2000/43/EC on Racial Equality, which prohibits discrimination on grounds of racial or ethnic origin in a number of specific fields including housing. The Roma, as an ethnic group, fall within the protection of this directive. The Commission constantly monitors the compliance of Member States with this directive but once it is correctly transposed into national law – as is the case in France and in Bulgaria – remedies in individual cases should primarily be sought at national level and under national law. Moreover, within the context of its policy aimed at improving the integration of the Roma population, the Commission strongly encourages Member States to combine any eviction orders with a suggestion of alternative housing for the persons concerned. The Commission is in constant dialogue with Member States' authorities to ensure the respect of EU law and to encourage them to find satisfying solutions to this kind of issues. The Commission will remain firmly committed to promoting the social and economic integration of the Roma in all EU Member States with all instruments within the remit of our competence and in close cooperation with all relevant stakeholders.”

In this way the EC passed the ball to the field of national authorities, with whom the Roma have bad experience. The practice that exists in Bulgaria toward houses that are illegal but owned by Roma is such that the state demolishes them or asks the Roma to demolish it, which is seen as a kind of “good governance” in the eyes of ethnic Bulgarians. That is why many politicians use anti-Roma rhetoric and back it with deeds, in order to increase the number of their voters – mainly ethnic Bulgarians. Meanwhile, this approach does not solve the issue. But surely these actions backfire on the extreme right political parties. Nevertheless, they contribute to win voters as well for mainstream political parties that rule the country.

BULGARIA'S LOCAL AND PRESIDENTIAL ELECTIONS (2011): ANTI-ROMA PROTESTS IN KATUNITSA

Chief Prosecutor Boris Velchev instructed all prosecutors' offices in the country as well as policemen guarding mass gatherings to arrest persons inciting racial and ethnic hatred on the spot, to open immediate proceedings and give such cases priority treatment. This instruction was made on 27 September 2011 after the "Katunitsa" case sparks anti-Roma protests in all major cities of Bulgaria. Moreover, Velchev reminded the prosecutors that the incitement of ethnic and religious hatred, hate speech and exercise of violence against individuals or groups based on characteristics such as race, religion, ethnicity through speeches, publications and media constitute a crime.

A few days after the clashes in the village of Katunitsa the Bulgarian nationalist party Ataka started distributing brochures titled "*Gypsy crime – a threat to the state*" accompanied by leaflets drumming up support for Ataka's leader and presidential candidate Volen Siderov. The 28-page black and white booklet contained publications and speeches of Siderov from 2006 up to the present, in which he dwells on the "*Gypsification*" of Bulgaria and on gypsy crime. It also includes selective excerpts from media reports about grave offences committed by Roma people put together with the purpose of inciting ethnic hatred.

A group of journalists from business weekly Capital apprised the Chief Prosecutor and the administrative head of the Sofia City Prosecutor's Office about the brochures circulating in Sofia subway stations. In addition, on 29 September 2011, a message from citizens and civil society organizations regarding the case was sent to Chief Prosecutor Boris Velchev with a request that Volen Siderov be subject to criminal liability under Art. 162 of the Penalty Code.

Ataka's press office said that the brochure had been inspired by the events in Katunitsa and the clippings used were from the Ataka newspaper and from political speeches of their leader. After a 19-year-old Bulgarian boy, Angel Petrov, was supposedly murdered by a member of a group around the notorious crime boss Kiril Rashkov in the southern village of Katunitsa near Plovdiv, protests ignited in the village and subsequently spread across the country. The protesters rallied not only against Angel Petrov's murder but against all Roma and the so called "*Roma issue*", i.e. what they saw as a "*privileged situation*" of the Roma minority in Bulgaria.

Five months after the message was sent to persecution's office, on 29 February 2012, prosecutor Nikolay Hristov wrote that after "*total familiarization with the materials [I] considered that the brochure does not contain data define an indictable offense. The leader of Ataka Volen Siderov says that he asks ethnic Bulgarians to pay attention on crimes committed by Gypsies, which is his personal position on the crime situation and a political assessment of crime in Bulgaria. [I] cannot conclude, however, that he had intended to preach racial or ethnic hatred or incitement to hatred.*" Based on this statement prosecutor Nikolay Hristov from the Sofia City Prosecutor's Office refused to institute criminal proceedings against the leader of Ataka, Volen Siderov.

In 2005, Ataka was established and entered the Bulgarian parliament for first time as part of a coalition. In 2006, the stepson of Siderov sparked a scandal in the European Parliament after sending e-mails to parliamentarians in Strasbourg, insulting the Hungarian MEP of Roma origin, Livia Jaroka. "*In my country there are tens of thousands of gypsy girls way more beautiful than this honourable one... The best of them are very expensive – up to 5 000 euros a piece. Wow!*", he wrote, protesting against Jaroka's nomination as "Best Parliamentarian 2006."

Later, Bulgaria's parliament unanimously adopted a special declaration condemning racist and sexist remarks made by the Bulgarian observer to the European Parliament against the Hungarian lawmaker of Roma origin, but said it could not recall him. During the regular elections in 2009, Ataka got seated again and supported the government of GERB political party with Prime Minister Boyko Borisov. After the preliminary parliamentary elections in 2013 Ataka was seated again in the Parliament and - thanks to the vote of its leader Volen Siderov - the government was set up with Prime Minister Plamen Oresharski. This chronology documents that during the different periods of time, different mainstream political parties relied on Ataka's support, whose leader is well-known for his racist views. He has rallied against the "gypsification" of Bulgaria, systematically linking Roma with criminality.¹⁷

¹⁷ European Commission against Racism and Intolerance, Fifth report on Bulgaria, adopted on 19 June 2014

BULGARIA'S PRELIMINARY PARLIAMENTARY ELECTIONS (2014): REVIVAL OF THE IDEA OF CONCENTRATION CAMPS FOR FORCED LABOUR AND UP-BRINGING

Due to the unstable political situation in Bulgaria there were again parliamentary elections in 2014. One party running for representation in the new government was the National Front for the Salvation of Bulgaria (NFSB), which promised the ethnic cleansing of the country's Roma by interning them in concentration camps.

According to the party, these camps could one day become “*tourist attractions*”.¹⁸ The party was founded after the „*divorce*“ between Ataka's leader Volen Siderov and Valeri Simenov, owner of the racist and antigypsyist television “Skat”, who tried to take over the party, and was not received by Siderov and his family.

NFSB and the Bulgarian National Movement (VMRO), another far-right party, made increasingly hostile and racist statements during the election campaign. They formed a coalition called Patriotic Front. A section of VMRO's program was entitled “*Solving the Gypsy question*” and proposed to address the “*problem*” through mandatory labour for Roma. The program also called for “*voluntary patrols for the protection of the Bulgarian population,*” which, in essence, would be paramilitary groups for vigilantism. The seventh chapter of NFSB's program, entitled “*Treatment of ethnic communities*”, argued that the existence of different ethnicities in Bulgaria threatens the country's national identity. Despite their hateful and discriminatory public speech, the state prosecutors have not interpreted the party's program as being discriminatory or hateful.

“*The programs of NFSB and VMRO do not lead to the conclusion that the coalition incites discrimination, violence or hatred towards the Roma population, but rather calls for their integration and observance of the law,*” said the Appellate Prosecutor's Office – Sofia in its statement. The prosecutor's office stated on the idea of concentration camps: “*Extreme measures in the platform of NFSB such as isolation of the Roma population are provided for persons who refuse to integrate.*” The office refused to start pre-trial investigations in the context of the platforms of the two parties. In April 2013, several organizations sent an open letter to the country's president and other institutions warning of the widespread use of hate speech as a populist tool to attract votes in the parliamentary elections in May 2013. Various Sofia prosecution offices including the regional, district, and appellate offices stated that there was no offense in the positions of the parties, as the specific persons responsible for the texts could not be determined (and criminal liability under Bulgarian law is always personal).

This appears to be a very weak argument. The questioned texts are official party documents and were adopted by the managing authorities of the parties at well-documented meetings. This fact should enable investigators to establish the authors without difficulty.

According to Margarita Ilieva in Dnevnik Media, director of the Legal Defence Programme at the Bulgarian Helsinki Committee, the refusal to conduct an investigation and to hold both the involved parties and their leaders responsible for authoring these texts is providing impunity to both, to the detriment of the law and public interest.

Nowadays, the Patriotic Front as a coalition partner supports the current government. Furthermore, one of its most offensive representatives, Angel Djambazki (deputy chair of VMRO), has been elected as a MEP in the recent elections, who organizes anti-minority rallies.

This happened when VMRO was in a political coalition for “*Bulgaria without censorship*”, which also intended to introduce policy for Roma for involving them in labour forces (following the former communist

¹⁸ Патриотичен фронт – НФСБ и ВМРО, Политическа програма 2014, http://www.nfsb.bg/public/izbori_2014_HC/PF_PROGRAMA_2014_crivi.pdf

policy, where minorities were placed there, to do the heavy work). However, the coalition ended after the elections and the Patriotic Front was formed.

Another offensive speaker of the Patriotic Front is Valeri Simeonov, member of the National Parliament. In December 2014 Valeri Simeonov caused an uproar by having an insulting speech in the Parliament that Roma people had become “*brash, overconfident and ferocious great apes wanting the right to be paid without working*”. He continued by saying, “*Roma people wanted sickness benefits without being ill, child care for children who play with the pigs in the streets and maternal benefits for women with the instinct of street bitches*”.¹⁹

In March 2015 he made similar statement from parliamentary tribune: “*A part of the people from this ethnic group, were also people who used to work and send their children to school 25 years ago. They gave their contribution in creation of overall wellbeing, and now the very same people have turned into arrogant, overly bold and ruthless human-like life forms, ready to murder and to ravage for money.*”²⁰ In 2014, right after Simeonov’s speech the US embassy in Sofia issued a special declaration saying “[...] *today and every day, we call on all members of Bulgarian society to condemn all forms of derogatory speech and to be positive voices in building the type of inclusive society that reflects our shared values and is free of discrimination and intolerance.*”²¹ Later on circa 1000 letters from ordinary citizens were sent to the Chair of the Parliament, which request not to allow such insulting and harmful speeches from the highest tribune of the republic. However, no answer was given and Simenov continues using hate speech and making racist statements toward Roma, despite the existence of parliamentarian rules.

In its Fifth report on Bulgaria, the European Commission against Racism and Intolerance (ECRI) stated:

*“[...] several other smaller ultra-nationalist/fascist political parties and groups operate in Bulgaria, including NFSB (National Front for Salvation of Bulgaria), VMRO-BND (Internal Macedonian Revolutionary Organisation – Bulgarian National Movement) and BNU (Bulgarian National Union). VMRO-BND is notorious for systematically propagating hatred against neighbouring peoples in the Balkans as well as anti-Gypsy propaganda. Yet another extreme nationalist group, the Bulgarian Nationalist Party attempted to register in November 2013 as a political party. Its members have come together from groups such as Blood and Honour, but also from other political parties including Ataka and VMRO-BND. ECRI is deeply concerned about the ease of official recognition of extremist parties as well as the possibility for them to receive State subsidies (see also §§ 25-26). It seems also that there are a growing number of such groups which engage in racist and intolerant hate speech.”*²²

LOCAL REFERENDUM IN KYUSTENDIL – ROMA RESIDENTS’ VOTES “TURNED OFF”

“*I have always said that there is a need of equality in politics and think that my two mandates as mayor are enough as motive to call a local referendum,*” Mayor of Kyustendil Petar Paunov explained on his plan to initiate a local referendum to ask citizens whether he should run for a third mandate in Bulgaria’s local elections in the fall of 2015. An interesting fact with regard to the local referendum is that the citizens of Roma origin were excluded from the public poll.²³ Asked to comment on this issue the mayor claimed: “*All single news on elections days are connected to vote buying. We do not want to discredit the poll.*”

He stated that on the voting day there would be a list of the people who could vote deposited at the polling stations and if the ID card of the voter stated any of the streets in the Iztok residential quarter, which is

¹⁹ <http://www.parliament.bg/bg/plenaryst/ns/51/ID/5328>

²⁰ <http://www.parliament.bg/bg/plenaryst/ns/51/ID/5357>

²¹ http://bulgaria.usembassy.gov/issues_12182014.html

²² <https://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Bulgaria/BGR-CbC-V-2014-036-ENG.pdf>

²³ <http://www.romea.cz/en/news/bulgaria-mayor-plans-referendum-in-which-roma-cannot-vote>

inhabited by Roma people, they would not be allowed to cast a vote. “*There are criminal activities registered in this residential quarter during elections,*” the mayor remarked, adding that this was not a case of discrimination. In his words, discrimination is depriving someone from the right of education and work. He added that the measure aimed at avoiding elections rigging. Paunov commented further that some 30,000 ballot papers would be printed for the referendum. “*I am the only mayor elected without the votes of the Roma citizens,*” he continued. It is not the first clash of Paunov with Roma. In 2011 he moved the voting sections from the Roma neighborhood to schools which are about 2 km far away from the quarter²⁴ and got the support of Maya Manolova²⁵, at that time Member of Parliament and currently Ombudsman of Bulgaria. In Bulgaria, politicians publicly announce that they are not elected with the votes of Roma or that at least the Roma votes do not play a big role in their election campaigns as a public information strategy. The media promotes the idea that getting Roma votes is not prestigious despite the fact that there is a general problem with purchased votes and election frauds. For instance, during the campaign of preliminary elections in 2014 residents of Bobovdol municipality fought for meat at the shop of their employer whose party was part of the coalition Bulgaria without censorship.²⁶ However, during the election campaigns all political parties fought for Roma votes secretly through illegal tools – vote buying, vote controlling and fear. It is easier to receive votes of politically illiterate and economically disadvantaged people than by targeting and convincing politically educated and wealthier citizens. This is the opinion of the author after Paunov’s statements and public communication; moreover, members of the Commission for protection against discrimination took their own initiative.²⁷ Nonetheless, there is no development in the case yet. Meanwhile, the municipality of Kyustendil is working on school desegregation in the Roma quarter and allocates money for that purpose each fiscal year.²⁸ The referendum result was that Paunov ran for a third mandate. GERB and the Reformatorski block supported him. He won by a large percentage and started his third mandate as mayor of Kyustendil municipality.

The exclusion of Kyustendil’s Roma from the local political referendum was a test reflecting the strong desire of many politicians and political parties to respond to the Bulgarian majority’s fear that Roma votes can be decisive for the final result of any elections in Bulgaria. Therefore, many political parties introduce different ideas for Roma exclusion. The introduction of educational qualification for voters is the most popular proposal for limiting electoral rights. This measure may affect mainly Roma who drop out from school at an early age for a variety of reasons (school segregation, an educational system designed for ethnic Bulgarians, marginalization, poverty etc.). Despite the fact that it contradicts the International Covenant on Civil and Political Rights of the United Nations “[...]to vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors” the demand gains a great popularity.²⁹ Nevertheless, mainstream politicians legitimize the topic of Roma voter exclusion by discussing it publicly, too.

Bulgaria has an historical background in this regard. In 1901, the decree 271 of Knyaz Ferdinand entered into force – a “*Law amending the electoral law*”, which took away the voting rights of “*Gypsy non-Christians, and all those Gypsies who are not domiciled*”³⁰. This continued until 1919 when *The Treaty of Neuilly-sur-Seine* automatically lifted this act. Since Bulgaria lost the First World War the country was obliged to observe the principles of the League of Nations – the predecessor of the United Nations.

More precisely, the treaty “*ensured complete equality of all minorities living in Bulgaria. Bulgarian state will not discriminate on religious, language, racial and national basis. Ethnic groups in Bulgaria will be free to perform*

²⁴ http://dariknews.bg/view_article.php?article_id=679782

²⁵ http://dariknews.bg/view_article.php?article_id=680106

²⁶ <http://www.vesti.bg/bulgaria/obshtestvo/v-bobov-dol-voiuvat-za-kilo-meso-ot-magazina-na-kovachki-6013204>

²⁷ <http://www.marginalia.bg/novini/chlen-na-kzd-predlaga-samoseziraneto-zaradi-referenduma-v-kyustendil/>

²⁸ http://kuber-press.com/fullnews.php?id_news=24714

²⁹ International Covenant on Civil and Political Rights, General Assembly of UN, December 16, 1966, Article 25, b

³⁰ <https://www.24chasa.bg/Article/3236391>

their religious obligations and as well as other Bulgarian citizens will not be subjected to discrimination in the enjoyment of their civil and political rights" (The Treaty of Neuilly-sur-Seine). According to historians, The Treaty of Neuilly-sur-Seine has been seen as one the worst treaties for Bulgaria since its liberation from the Ottoman Empire, as it stipulates and concerns the territorial integrity of Bulgaria. However, it has had positive consequences for the minorities in Bulgaria. This case demonstrates the importance of international authorities' reactions on human rights violation, as in the case in Kyustendil.

POSSIBLE FURTHER STEPS

The European Court of Human Rights (ECHR) is consistent on hate crime. Hate speech does not enjoy the protection of freedom of expression guaranteed by Article 10 of the European Convention on Human Rights and sanctions imposed at national level against speakers of hatred are necessary in a democratic society and encouraged by the Court³¹.

"Legal action and public debate, public debate and legal action. And intolerance of the professional community of journalists to its members who allow themselves to make a profit from the populist hostility to Roma and other minorities disliked by offering the media market the 'hate speech'. Too many media selling expensive advertising space on air, attracting audiences with racist speech. So far, however, we do not know the ethical committees of the media have done something about it. We cannot forget that hate crimes are a result of the attitudes of hatred and they are shaped by hate speech. There is no freedom of expression of hatred in Europe. It is beyond free speech",

states Margarita Ilieva³² about how we may overcome racism in an interview for to Dnevnik Media.

It is clear that for political and other reasons victims do not receive the adequate protection they are entitled to according to the Bulgarian laws. They are forced to enforce their rights at the ECHR in Strasbourg, where the countries are convicted. Some of the victims turn to external factors that could affect the decisions of the Bulgarian institutions. However, it does not lead to improvements of the judicial process and outcomes in Bulgaria. To the contrary, the state pays its imposed sanctions, the responsible institutions continue to deal in corrupted ways and do not take into consideration the recommendations of international authorities such as the European Commission and Council of Europe. According to decisions of the prosecution there must be consequent investigations of hate speech, murders, pogroms, and violence.

Since the recent government was formed there is ongoing debate on judicial reform in Bulgaria. However, hate speech and racism have never been addressed as part of the debates for judicial reform, even though Bulgaria receives expert judicial recommendations from ECRI, EHRC, and OSCE etc. for combating hate speech and hate crimes. External and state experts of the judicial reform should be reminded of this through the progress reports in Bulgaria, which assess progress under the Cooperation and Verification Mechanism. The infringement procedure is another strong tool that the European Commission also may use in particular proven and investigated cases. On EU level the European Commission should treat all threats equally. In this regard, the EC should plan adequate measures as it does on relevant identical issues. On 1 December 2015, the First Vice-President Frans Timmermans and Justice Commissioner Věra Jourová appointed a coordinator on combating antisemitism and a coordinator on combating anti-Muslim hatred, as announced in the Commission's First Annual Colloquium on Fundamental Rights held in October.³³

³¹ <http://www.aej-bulgaria.org/bul/p.php?post=4450>

³² <http://www.ejjc.org/46>

³³ http://ec.europa.eu/justice/newsroom/fundamental-rights/news/151201_en.htm

At present there is no objective reason to avoid or postpone the appointment of a coordinator on combating antigypsyism by the EC. To the contrary, there is an urgent need for such measures at the highest political and administrative level.

The prosecutors who work on hate speech and hate crime cases have to be encouraged in their work, just like they are when dealing with and completing hooliganism cases. Raising the awareness on racism, discrimination and hate speech through practical training within the judicial system is crucial for combating hate speech and racism toward minorities in election campaigns but not only in these cases. The denial of prosecutors to investigate racially motivated crimes is based on a weak argumentation, which leads to the fact that these cases are transferred to EHRC and, finally, to the condemnation of the Republic of Bulgaria. Furthermore, the Law faculties also should introduce new subjects on the investigation of racism and hate speech in the political rhetoric.

The responsibilities of the Commission for Protection against Discrimination (CPD) should be expanded. Currently, it is treating the verbal racism toward Roma as a type of discrimination – verbal harassment. However, in many cases it is hard to prove that the appellant was verbally harassed. CPD functions in compliance with the Paris Principles and Recommendation No.2 of ECRI. The Commission has a broad mandate, providing protection on nineteen grounds listed in Article 4 of the Protection against Discrimination Act and has preventive and awareness-raising functions on equality and tolerance issues. CPD issues legally binding decisions and imposes compulsory administrative measures – mandatory instructions for termination and prevention of discrimination or for restoration of the initial situation. CPD also monitors their implementation. The organization is a predominantly quasi-judicial body. There are no concrete criteria for selecting the Commissioners. Five of them are voted by the Parliament and four are nominated directly by the President of Bulgaria. In its current shape CPD is not capable of dealing with racism and hate speech during the upcoming election campaigns. In sum, CPD needs urgent administrative and functional reform.

The European Union Fundamental Rights Agency should to collaborate with the Association of European Journalists on a manual development and organize various periodical trainings for journalists and editors moderating political debates in election campaigns, as well as on avoiding racial statements and prevention of hate speech toward particular groups in the society. To a large extent, media along with politicians reinforce ethnic nationalism as an ideology and practice, and ethnocentrism as a basic attitude. This reconfirms the lower social status of minority ethnic communities, threatening the equality between the majority population and ethnic and religious minorities, in particular, the Roma.³⁴

Lately, various political parties and political leaders use hate speech in their election campaign without any concern for insulting the human dignity of particular minority groups. Even more striking is the fact that afterwards mainstream political parties end in governing coalitions with openly fascist parties. European People's Party (EPP) chief, Joseph Daul, has warned the leader of the Bulgarian sister party, Boyko Borissov (who emerged as winner of the 5 October (2014) preliminary parliamentary election), not to include the nationalist "Patriotic Front" in the future governing coalition.³⁵ However, after EPP's leader Daul left Bulgaria, GERB, and the Patriotic Front agreed on forming a new government.³⁶ Currently, the government still relies on the support of the Patriotic front. The previous government was of BSP, which is a member of the Party of European Socialists (PES) and DPS, member Alliance of Liberals and Democrats for Europe Party (ALDE). However, the government with Prime Minister Plamen Oresharski was formed with the support of the far-right party Ataka and relied on its votes in the recent legislation process.

³⁴ „Асоциация Интегро“, Образът на ромите в шест електронни медии, Разград, 2015, проект "Curbing anti-Gypsyism from local to European levels"

³⁵ <http://www.euractiv.com/sections/elections/epp-warns-bulgarias-borissov-not-include-nationalists-coalition-309660>

³⁶ <http://www.novinite.com/articles/164147/Bulgaria's+GERB,+Patriotic+Front+Agree+on+Forming+New+Government>

These two cases might be qualified as “*feckless pluralism*”.³⁷ Until now there have been no consequences for GERB, BSP, DPS nor for the Reformatorski block coalition. Finger wagging or scolding are not effective ways to prevent similar political deviations in the future. To the contrary, the lack of real countermeasures strengthens such ruling political coalitions as sustainable models of governing.

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³⁷ Carothers, Thomas. “The End of the Transition Paradigm.” *Journal of Democracy* (2002).