

Universal Periodic Review

(22nd session)

Contribution of UNESCO to Compilation of UN information

(to Part I. A. and to Part III - F, J, K, and P)

Bulgaria

I. BACKGROUND AND FRAMEWORK

A. Scope of international obligations: Human rights treaties which fall within the competence of UNESCO and international instruments adopted by UNESCO

1. Table:

<i>Title</i>	<i>Date of ratification, accession or succession</i> <i>dd/mm/yyyy</i>	<i>Declarations /reservations</i>	<i>Recognition of specific competences of treaty bodies</i>	<i>Reference to the rights within UNESCO's fields of competence</i>
Convention against Discrimination in Education (1960)	04/12/1962 Acceptance	<i>Reservations to this Convention shall not be permitted</i>		Right to education
Convention on Technical and Vocational Education (1989)	01/07/1994 Approval			Right to education
Convention concerning the Protection of the World Cultural and Natural Heritage (1972)	07/03/1974, Acceptance	Declared not to be bound by the provisions of Article 16(1)		Right to take part in cultural life
Convention for the Safeguarding of the Intangible Cultural Heritage (2003)	10/03/2006, Ratification			Right to take part in cultural life
Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005)	18/12/2006, Ratification			Right to take part in cultural life

II. Input to Part III. Implementation of international human rights obligations, taking into account applicable international humanitarian law to items F, J, K, and P

Right to education

Constitutional Framework:

2. The right to compulsory and free education is enshrined in the Constitution of 1991¹, as last amended in 2007. **Article 23** provides that “The State shall establish conditions conducive to the free development of science, education and the arts, and shall assist that development” and according to **Article 53** “(1) Everyone shall have the right to education. (2) School attendance up to the age of 16 shall be compulsory. (3) Primary and secondary education in state and municipal schools shall be free. In circumstances established by law, the higher educational establishments shall provide education free of charge. (4) Higher educational establishments shall enjoy academic autonomy. (5) Citizens and organizations shall be free to found schools in accordance with conditions and procedures established by law. The education they provide shall fit the requirements of the State. (6) The State shall promote education by opening and financing schools, by supporting capable school and university students, and by providing opportunities for occupational training and retraining. It shall exercise control over all kinds and levels of schooling.”

3. Article 6 adds that “(1) All persons are born free and equal in dignity and rights. (2) All citizens [all individuals to whom this Constitution applies] shall be equal before the law. There shall be no privileges or restriction of rights on the grounds of race, national or social origin, ethnic self-identity, sex, religion, education, opinion, political affiliation, personal or social status or property status.”

4. With regard to the use of languages, **Article 36** sets out that “(1) The study and use of the Bulgarian language shall be a right and an obligation of every Bulgarian citizen. (2) Citizens whose mother tongue is not Bulgarian shall have the right to study and use their own language alongside the compulsory study of the Bulgarian language.”

5. Finally, with regard to people with disabilities, **Article 48** does not directly refer to their right to education but it states that “(2) The State shall create conditions conducive to the exercising of the right to work by the physically or mentally handicapped.”

Legislative Framework:

6. The Bulgarian legislative framework is composed of:

- a) The **Public (or National) Education Act (1991)**², as last amended in 2011, “is of great significance”³. This act guarantees the right to education for all citizens (**Article 4**), and free education (**Article 6**), as well as compulsory education up to

¹ <http://www.unesco.org/education/edurights/media/docs/a19e069e000921be355541913cb8b7c8b9446efd.pdf>,

Accessed on 25/09/2013

² Law for the public education,

http://www.mon.bg/opencms/export/sites/mon/en/left_menu/acts/Public_Education_Act.pdf (Accessed on 23/09/2013)

³ Eurydice, Bulgaria, Legislation,

<https://webgate.ec.europa.eu/fpfis/mwikis/eurydice/index.php/Bulgaria:Legislation> (Accessed on 23/09/2013)

16 years old (**Article 7**). It also allows children to study in their own mother tongue while setting Bulgarian as the official language (**Article 8**).

- b) **Art. 2 of the CM Decree № 104 as of 10.05.2003** regulating the free use in the state-run, municipal and private kindergartens and schools of materials.
- c) The **Level of Education, General Education Minimum and Curriculum Act (1999)**⁴, which “specifies the responsibilities, the compulsory, compulsory elective and free elective subjects, instruction of pupils in 8 cultural and educational spheres, the issues concerning the general educational minimum and the curriculum”.⁵ It also “defined the two new levels of schooling (basic and secondary)”⁶.
- d) The **Vocational Education and Training Act (VETA) (1999)**⁷, which fully “regulates the issues concerning vocational training of pupils in the educational systems – its objectives, principles, stages, organization, and management”⁸. This Act “clearly defines the responsibilities of the institutions offering vocational education and training, and provides a new basis for their development”⁹, and meets, to a great extent, the European standards and trends.
- e) The **Higher Education act (1995)**¹⁰ implemented a national Agency for Evaluation and Accreditation of Higher Education Establishments (chapter 10).¹¹
- f) “The **Law on Academic Autonomy (1990)**¹² states that all universities and higher education institutions must independently determine all matters relating to their curricula, structure, teaching and research, qualification and certification.”¹³
- g) The **Ordinance on Private Schools** of the Ministry of Education, Science and Technologies (now, the Ministry of Education and Science) recognizes that private schools “present an extra opportunity for ensuring the constitutional right of each citizen to freely choose the type of schools and form of his/her education.”¹⁴

⁴ Level of Education, General Education Minimum and Curriculum Act, 1999,

[http://www.mon.bg/opencms/export/sites/mon/en/left_menu/acts/Level of Education General Education Minimum and Curriculum Act.pdf](http://www.mon.bg/opencms/export/sites/mon/en/left_menu/acts/Level_of_Education_General_Education_Minimum_and_Curriculum_Act.pdf), Accessed on 23/09/2013

⁵ Eurydice, Bulgaria, Legislation,

<https://webgate.ec.europa.eu/fpfis/mwikis/eurydice/index.php/Bulgaria:Legislation>, Accessed on 23/09/2013

⁶ World Data on Education, 6th edition 2006/07, IBE – UNESCO, Bulgaria, *op. cit.*, p. 4

⁷ Vocational Education and Training Act,

<http://www.unesco.org/education/edurights/media/docs/46d8fa71cda79dfa5940a4b43f2408d274603937.pdf>, Accessed on 23/09/2013

⁸ National report of the Republic of Bulgaria on the Development of Education for the 48th ICE, 2008, p. 5,

http://www.ibe.unesco.org/National_Reports/ICE_2008/bulgaria_NR08.pdf (Accessed on 23/09/2013)

⁹ World Data on Education, 6th edition 2006/07, IBE – UNESCO, Bulgaria, *op. cit.*, p. 4

¹⁰ Higher Education Act, 1995, <http://unpan1.un.org/intradoc/groups/public/documents/untc/unpan016453.pdf>

¹¹ World Data on Education, 6th edition 2006/07, IBE – UNESCO, Bulgaria, *op. cit.*, pp. 3-4

¹² Law on Academic Autonomy,

<http://www.unesco.org/education/edurights/media/docs/86345e37c987950fa624c5d8c12ec626a83d2977.pdf>, Accessed on 23/09/2013

¹³ World Data on Education, 6th edition 2006/07, IBE – UNESCO, Bulgaria, *op. cit.*, p. 4

¹⁴ *Ibid*, p. 3

- h) The **Protection against Discrimination Act (January 2004)**, which introduced the shifting of the burden of proof on to the defendant.¹⁵
- i) “The Council of Ministers adopts financial regulations for allocation of funds earmarked for additional financing of the school education of children, which includes the costs for transport, organization of the school day and canteen costs. By the **CM Decree № 84/06.04. 2009**, the List of the so-called “community schools” in the Republic of Bulgaria was adopted. In accordance with Art. 3, Para. 1, item 2, the amount of funds intended for the organization of the school day and canteen costs, for the transportation of pupils from class 1st to 8th, is determined to be up to 474 lev per child per budget year. According to Art. 153, Para. 3 of the Regulations regarding the Application of the National Education Act, the state and the municipal budgets are allocating funds for the meals of the children and pupils in municipal and state schools and kindergartens. ”
- j) The **new Family Code** (October 2009).
- k) “**Resolution No.692 / 21 September 2010 for acceptance of national roadmap for research infrastructure.**
- l) **Decision № 403 of June 19, 2014** proposal to the National Assembly for adoption of the Strategy for Development of Higher Education In REPUBLIC OF BULGARIA 2014-2020.
- m) **DCM No 12 of January 10, 2014** adopted NATIONAL STRATEGY for Lifelong Learning for the Period 2014 – 2020.”¹⁶

Policy Framework:

i) General information

7. The following strategies have been adopted by Bulgaria¹⁷:

- a. Strategy for Development of Higher Education In REPUBLIC OF BULGARIA 2014-2020**
- b. NATIONAL STRATEGY for Lifelong Learning for the Period 2014 – 2020**
- c. National Youth Strategy 2010-2020**
- d. Strategies for reducing the share of early school leavers (2013 - 2020)**
- e. National Program for Development of School and Pre-school Education (2006 - 2015)**

ii) Inclusive Education

8. In 2004, Bulgaria adopted a **National Strategy to include children from ethnic minorities into Bulgarian schools.**¹⁸

¹⁵ Concluding observations CEDAW, 2001,

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fBGR%2fCO%2f4-7&Lang=en

¹⁶ MEYS website, unofficial translation,

<http://www.mon.bg/?go=page&pageId=74&subpageId=143>

¹⁷ Ibid

9. “By a special Order of the Minister of Education, Youth and Science as of 2003, a **Consultative Council** was established and assigned with the task to deal with the issues relating to the education of the children and pupils from ethno-cultural groups. This Council was set up as a specialized advisory body reporting to the Minister of Education on the issues concerning the educational integration of the children and pupils from the ethno-cultural groups. As of 2010 the National Strategy on the Educational Integration of the children and pupils from ethno-cultural groups has been updated and adopted in a reformed version. **In implementation of this Strategy, every school from across the country has the responsibility to draw up an annual plan and to report to the Regional Inspectorate for Education for what has been carried out.** Similar obligations have been also imposed on the experts attached to the Regional Inspectorates of Education, who are assigned with the responsibilities relating to the educational integration of the children and pupils from ethno-cultural groups.”¹⁹

10. “A draft **National Strategy for Roma Integration in the Republic of Bulgaria (2012-2020)** has been elaborated *together with a draft Action Plan for the implementation of the aforementioned Strategy, in close cooperation with experts from non-governmental organizations*. The central educational priority of the National Strategy for Roma Integration in Republic of Bulgaria (2012-2020) targets the enrollment, inclusion and retention of the Roma children and pupils in the education system, ensuring quality education in multicultural educational environment”.²⁰

iii) Teachers

11. In March 2014, Bulgaria has adopted a long-time plan, the **National Strategy for Development of pedagogical staff 2014-2020**.²¹

iv) Curriculum

12. In line with European Union e-learning action plan, Bulgaria has adopted a **National strategy for the introduction of ICT in Bulgarian schools in 2010**.²²

v) Gender equality

13. Bulgaria adopted a **National Strategy for Promotion of Gender Equality 2009-2015**.²³

Cooperation:

14. Bulgaria **is party** to the 1960 UNESCO Convention against Discrimination in Education since 04/12/1962.

¹⁸ Ibid.

¹⁹ Bulgaria Report submitted for the Eighth Consultation on the implementation of the Convention and Recommendation against Discrimination in Education (2006-2011), 2013, pp. 2-3

²⁰ Bulgaria Report submitted for the Eighth Consultation on the implementation of the Convention and Recommendation against Discrimination in Education (2006-2011), 2013, p. 4

²¹ Ibid

²² MEYS website, unofficial translation,

<http://www.mon.bg/?go=page&pageId=74&subpageId=143>

²³ Concluding observations CEDAW, 2001,

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fBGR%2fCO%2f4-7&Lang=en

15. Bulgaria reported to UNESCO on the measures taken for the implementation of the 1960 UNESCO Convention against Discrimination in Education within the framework of:

- a) the **Sixth Consultation** of Member States (covering the period 1994-1999),
- b) the **Eighth Consultation** of Member States (covering the period 2006-2011).

16. However, Bulgaria did not report to UNESCO within the framework of the **Seventh Consultation** of Member States (covering the period 2000-2005)

17. Bulgaria did not report to UNESCO on the measures taken for the implementation of the 1974 UNESCO Recommendation concerning Education for International Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms within the framework of the :

- a) **Fourth Consultation** of Member States (covering the period 2005-2008),
- b) **Fifth Consultation** of Member States (covering the period 2009-2012).

18. Bulgaria did not report to UNESCO on the measures taken for the implementation of the 1976 UNESCO Recommendation on the Development of Adult Education within the framework of the **First Consultation** of Member States (1993). However, Bulgaria did report within the framework of the **Second Consultation** of Member States (2011).

19. Bulgaria is a **party** to the 1989 UNESCO Convention on Technical and Vocational Education since 1994.

Freedom of opinion and expression

Constitutional and Legislative Framework:

20. Freedoms of communication and opinion are guaranteed under Chapter II Article 34 and 39 of the Bulgarian Constitution (2007). However Article 39 (2) states that “This right (freedom of opinion) shall not be used to the detriment of the rights and reputation of others, or for the incitement of a forcible change of the constitutionally established order, the perpetration of a crime, or the incitement of enmity or violence against anyone”²⁴.

21. On 22 July 1999, the Bulgarian Parliament amended the Penal Code so as to eliminate imprisonment as a penalty for insult and defamation. However, they remain criminal offences under the Penal Code²⁵

22. The Access to Public Information Act has been adopted since 2000²⁶.

Media Self-Regulation:

²⁴ Constitution of Bulgaria. See <http://www.parliament.bg/en/const>

²⁵ Bulgarian Penal Code. See https://www.mvr.bg/NR/rdonlyres/330B548F-7504-433A-BE65-5686B7D7FCBB/0/04_Penal_Code_EN.pdf

²⁶ http://www.aip-bg.org/en/legislation/Text_of_the_APIA/200432/

23. Media self-regulatory mechanisms exist in Bulgaria through such entity as the Bulgarian Media Institute.

Safety of Journalists:

24. UNESCO recorded one killing of journalist or media professional in Bulgaria between 2008 and 2013, that of Bobi Tsankov (killed 5 January 2010)²⁷. The Director-General of UNESCO condemned the killing and called on the government to inform UNESCO, on a voluntary basis, of the actions taken to prevent the impunity of the perpetrators and to notify the Director-General of the status of the judicial inquiries conducted on each of the killings condemned by UNESCO²⁸. Bulgaria has yet to provide information to UNESCO concerning the status of the judicial investigation of the killing.

III. RECOMMENDATIONS

Right to Education

25. Recommendations made within the framework of the first cycle of the Working Group on the Universal Periodic Review, considered on (please check the date on the following web site: <http://www.ohchr.org/EN/HRBodies/UPR/Pages/Documentation.aspx>)

- i) *A - 80.25. Ensure continued emphasis on children's rights and welfare in Bulgaria's budget policy and consider increasing **budget allocations** for the implementation of the CRC, including in the areas of health, education and family support (Malaysia);*
- ii) *A - 80.44. Develop effective measures to overcome continuing **discriminatory patterns against ethnic minorities and lesbian, gay, bisexual and transgender persons** through education and training (Spain);*
- iii) *A - 80.92. Persist in its national efforts aimed at the **systematic inclusion of human rights education** in its educational and vocational systems and at all school levels (Morocco);*
- iv) *A - 80.93. Ensure that **Roma children** are not sent to special schools for the disabled, but instead are schooled together with other Bulgarian children (Finland);*

²⁷ See the public statement of UNESCO Director-General Irina Bokova at http://www.unesco.org/new/en/media-services/single-view/news/unesco_director_general_condemns_killing_of_bulgarian_journalist_bobi_tsankov/ (dated 8 January 2010).

²⁸ See Resolution 29 adopted by the 29th General Conference of UNESCO in 1997

- v) A - 80.94. Evaluate the need for **tuition in a special school** on the basis of the child's personal characteristics, not on his or her ethnicity (Finland);
- vi) A - 80.95. Avoid the practice of the school **segregation of Roma children**, for example with primary school teachers, who are speaking their mother tongue, with the objective of achieving an effective learning of the Bulgarian language and other subjects taught (Spain);
- vii) A - 80.96. **Communicate more efficiently to Roma parents** the importance of literacy and the positive effect of education on the children's future, and, in this task, use the help of school assistants with a Romani background (Finland);
- viii) A - 80.97. Guarantee that the implementation of the law on compulsory preschool education for all children, adopted by Parliament on 23 September, covers the **Roma as well as other minorities** (Finland);
- ix) A - 80.98. Continue its efforts on the issue of **inclusion of children with disabilities** in the general school system and reducing the number of schools for children with special educational needs (Slovenia);
- x) A - 80.105. Pursue its **integration policy for the Roma population**, guaranteeing access to basic health and social services, education, housing and employment (Spain);
- xi) A - 80.106. Promote the identity of the **Armenian minority** by further addressing its educational, religious and cultural needs (Armenia);

26. Analysis:

Bulgaria has adopted legislations and policies to implement inclusive education, especially for ethnic minorities, persons with disabilities and girls and women. In addition, Bulgaria has developed long-time plans to finance and manage education.

27. Specific recommendation:

- 27.1. Bulgaria is encouraged to continue to submit state reports for the periodic consultations of UNESCO's education related standard-setting instruments.**
- 27.2. Bulgaria could be encouraged to take further measures to promote Human Rights Education.**
- 27.3. Bulgaria could be encouraged to increase the budget allotted to education.**

Freedom of opinion and expression

28. Bulgaria should ensure that journalists and media workers are able to practice the profession in a free and safe environment as part of their fundamental human rights in accordance with international standards²⁹. It should investigate all attacks on journalists and media workers, and ensure full implementation of the rule of law.

29. Bulgaria is recommended to decriminalize defamation and place it within a civil code that is in accordance with international standards³⁰.

30. Cultural rights

31. As a State Party to the Convention concerning the Protection of the World Cultural and Natural Heritage (1972), the Convention for the Safeguarding of the Intangible Cultural Heritage (2003)³¹ and the Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005)³², Bulgaria is encouraged to fully implement the relevant provisions that promote access to and participation in cultural heritage and creative expressions and, as such, are conducive to implementing the right to take part in cultural life as defined in article 27 of the Universal Declaration of Human Rights and article 15 of the International Covenant on Economic, Social and Cultural Rights. In doing so, Bulgaria is encouraged to give due consideration to the participation of communities, practitioners, cultural actors and NGOs from the civil society as well as vulnerable groups (minorities, indigenous peoples, migrants, refugees, young peoples and peoples with disabilities), and to ensure that equal opportunities are given to women and girls to address gender disparities.

Freedom of scientific research and the right to benefit from scientific progress and its applications

32. With regard to contribution of science and technology to development, Bulgaria is encouraged to report to UNESCO within the framework of the on-going consultations with Member States on the monitoring of the implementation and the proposed revision of the 1974 Recommendation on the Status of Scientific Researchers, in particular on the measures undertaken in the country to implement such principles of the Recommendation as the obligation of state authorities to ensure that scientific researchers have the responsibility and the right to work in a spirit of intellectual freedom; to participate in the determination of the aims, content and methods of research, which should be compatible with respect for universal human rights and fundamental freedoms, as well as ecological and social responsibility; to

²⁹ See for example, UN General Assembly Resolution A/RES/68/163 and Human Rights Council Resolution A/HRC/21/12

³⁰ See for example, General Comments No 34. of the International Covenant on Civil and Political Rights (ICCPR), 2006 Recommendation of the 87th Session Human Rights Committee, the recommendations of the UN Special Rapporteurs on the Right to Freedom of Opinion and Expression, and Resolution 1577 (2007) of the Parliamentary Assembly of the Council of Europe.

³¹ See UNESCO. 2013. Bulgaria Periodic Report on the 2003 Convention for the Safeguarding of the Intangible Cultural Heritage. <http://www.unesco.org/culture/ich/doc/download.php?versionID=22437>

³² See UNESCO. 2012. Bulgaria Periodic Report on the 2005 Convention on the Protection and Promotion of the Diversity of Cultural Heritage. http://www.unesco.org/culture/cultural-diversity/2005convention/data.php?1405935017&dir=reports&link=Bulgaria_Report_EForm_EN_2012.pdf

creativity, occupational mobility, international cooperation for furtherance of international peace, cooperation and understanding, etc.