

ANNUAL REPORT ON THE HUMAN RIGHTS SITUATION OF THE MACEDONIAN MINORITY IN BULGARIA AND THE RIGHTS OF BULGARIAN CITIZENS WITH A MACEDONIAN CONSCIOUSNESS-2019

2019:12 years since Bulgaria became a member of the European Union, 30 years since it became a democracy, 56 years since the beginning of the policy of denial, assimilation and discrimination of the Macedonian minority in Bulgaria.

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INTRODUCTION

Situation of the Macedonian Minority in Bulgaria in 2019

None of the rights stipulated in the Framework Convention on National Minority Rights have been granted to the Macedonian minority. In schools children do not learn anything about the Macedonian minority and nation; on the contrary they are provided with information which not just omits any mention of the Macedonian nation and minority, but also make its bare existing to look impossible. The Macedonian literary language continues to not be taught.¹ On television and in the media there is a continuous and varied presentation of the view that there is no Macedonian nation and that everything Macedonian is Bulgarian. The Macedonian point of view is not included in lectures and discussions about history. Macedonian consciousness itself (“Macedonianism“ as it is labelled in Bulgaria) is looked upon as an artificial anti-Bulgarian ideology. Macedonian consciousness (and quite often the Macedonian nation as a whole) in Bulgaria is considered to be a product of a Communist experiment or the result of hostile foreign propaganda. A climate of intolerance reigns in society against Macedonians and they are the object of hate speech, which is often given wide exposure through the media without being sanctioned by the institutions of the state and without encountering any condemnation by the wider society.

¹ PACE: Post-monitoring dialogue with Bulgaria, Explanatory memorandum by Mr Frank Schwabe and Mr ZsoltNémeth,co-rapporteurs,<http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=27711&lang=en>, 160: “There is no Macedonian language or history in schools.”

The Republic of Bulgaria has made a concerted effort to make the raising of this issue within the European Union impossible and has even made the abandonment of the Macedonian minority by the Republic of Macedonia a condition of Macedonia's membership of European institutions. It has demanded guarantees from Macedonia that it will not seek to defend this minority by threatening that it will block its candidacy of such institutions if it does so (see below).

By taking advantage of the artificially created atmosphere of intolerance, the Bulgarian state successfully keeps representatives of the minority isolated from the political and social life of the country - both individually² and collectively (by not registering Macedonian parties and organisations).

During 2019 the Bulgarian state did not take any measures to improve the situation of the Macedonian minority. On the contrary, it made efforts to prevent the recognition of a Macedonian minority.

Macedonians are not represented in state institutions, by elected representatives (due to the lack of a registered political party) or by organizations. There are no (and there have not been) any Macedonian representatives on the Commission on Minorities. When ethnic groups in Bulgaria are officially spoken and written about, Macedonians are not mentioned at all and Macedonian culture, language and history are not represented in any government publication or official web site. Macedonians are not included in any programs concerning ethnic communities and do not receive any type of assistance from the state for the preservation and development of their culture and identity.³

This year as well neither the Commission Against Discrimination, nor any other organisation adopted an official stance regarding the situation of the Macedonians in Bulgaria, despite the fact that the number of verdicts against Bulgaria at the European Court of Human Rights had risen to 14. In 29 years of democracy not one Bulgarian official institution has done so.

Not one of the registered parties in Bulgaria defends the rights of the Macedonians in Bulgaria. Representatives from across society with the exception of a small section of civil society⁴ treat Macedonians as non-existent and ignore problems they faced.

Despite the large number of recommendations by international bodies, Bulgarian authorities persistently continue to refuse to enter into a dialogue with the Macedonian minority.

The only positive development in 2019 was the fact that for the first time two Macedonian associations obtained registration, however they were immediately subjected to attempts to rescind this registration by the State Security Agency and the Public Prosecutor.

² There is not one politically or socially influential personality in the country who publicly states that he/she possesses a Macedonian consciousness, which shows that such persons are either unable to achieve such a status or that they are forced to cover up their self-determination as Macedonians because of a fear of negative consequences.

³ Explanatory memorandum <http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=27711&lang=en>, 160, cited on 12 March 2020.

⁴ Here one should include the Bulgarian Helsinki Committee and the people grouped around the editorial board of "Marginaliya"

Important Developments in the Past Year

In 2019 the following developments linked to the subject of this report took place.

- On 7 July PACE accepted the post-monitoring report, stressing in particular the serious problem of the large number of verdicts against Bulgaria connected to the violation of the rights of minorities and the non-implementation of similar verdicts, while appealing for a cessation of hate speech and the recognition of the Macedonian minority.⁵
- On 30 August 2019 the Civil Association for the Defence of Fundamental Human Rights, whose goal amongst others is the struggle to defend the rights and interests of the Macedonian minority, was granted registration.
- On 26 September the Council of Ministers took a decision regarding the matter of the non-registration of Macedonian organisations in Bulgaria which noted as follows: „The problems revealed by this group of cases are particularly long-standing and undermine the credibility of the Convention system”⁶ and recommended a quick resolution of the problem.
- On 30 September a second Macedonian organisation-Ancient Macedonians - whose goals included, amongst others, the investigation and research of the history and culture of the Macedonian people from Antiquity to the present day and providing academic proof of the link between the ancient and present-day Macedonians, was registered.
- On 9 October the Bulgarian government adopted a framework position on the matter of beginning the process of negotiations with the Republic of Macedonia for Macedonia’s accession to the European Union, which was supported the following day in Parliament by means of a special resolution.
- On 18 October, the Council of Ministers of the EU delayed the granting of a date for the opening of negotiations relating to Macedonia’s integration into European institutions.
- On 11 November, the Public Prosecutor initiated the process for the banning of the above mentioned two registered organisations on the basis of grounds which have been examined and condemned several times by the European Court of Human Rights (ECHR).
- At the end of November, a delegation of the Consultative Committee on the Framework Convention for the Defence of the Rights of National Minorities visited Sofia and met with representatives of Macedonian organisations.
- From 25-29 November a delegation of the Commissioner for Human Rights and his team met with representatives of Macedonian organisations in Sofia.

⁵ <http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=27711&lang=en> ,cited on 4 March 2020.

⁶ 1355th meeting, 23-25 September 2019 (DH), Human rights, H46-5 United Macedonian Organisation Ilinden and Others group v. Bulgaria (Application No. 59491/00), https://search.coe.int/cm/pages/result_details.aspx?objectid=0900001680972d09, cited on 11 March 2019 (20).

- On 16 December more than 30 European organisations for the defence of human rights came out in defence of the Macedonian community in Bulgaria and the two Macedonian organisations which had been threatened with a ban.⁷

DENIAL OF THE MACEDONIAN MINORITY

The denial of the very existence of the Macedonian minority has been official Bulgarian state policy since 1963 to the present. “During the past three decades the Macedonians of Bulgaria have been the only minority group denied recognition”.⁸ Such denial is the product of an inherited ideological framework and a nationalist interpretation of history and is not based on concrete reality and facts - the Macedonian minority was officially recognised in Bulgaria from 1946 to 1963. All criticism regarding this matter is received very negatively or ignored.⁹

The denial of the Macedonian minority continued being official state policy in 2019 as well.

On 29 July deputy Premier Krassimir Karakachanov gave the following rhetorical response to a question posed by a journalist about the rights of the Macedonians in Bulgaria: „What sort of Macedonian minority in Bulgaria should we speak of given that a Macedonian national identity was created in Yugoslavia“. In addition, he referred to a „so-called Macedonian minority in Bulgaria“ and compared the recognition of the Macedonian minority with the recognition of Martians as a minority in Bulgaria. The denial of the Macedonian minority by the deputy Premier was based on the argument that minorities do not exist in Bulgaria: „In Bulgaria there must be half a million Turks who speak Turkish, however they are not recognised as a minority and enjoy their rights on the basis of their status as citizens“. ¹⁰

On 28 September 2019 he went even further and denied the existence of a Macedonian nation and identity in the Republic of Macedonia itself, stating that there was no difference between the concepts Macedonian and Bulgarian, other than a political one, that „the citizens of Macedonia are the victims of a policy of assimilation, carried out for years on end by means of pressure, falsifications and brain washing“, that „Macedonia has created its identity on the basis of falsifications of the Bulgarian history of Macedonia and through an inadmissible denial of the Bulgarian roots, history and culture of the population in Macedonia“. ¹¹

The denial of the Macedonian minority lies at the heart of the conflicts with the Republic of Macedonia, something which was clearly demonstrated in October 2019. While the European

⁷http://www.bghelsinki.org/bg/novini/bg/single/20191216_statement_Macedonian_minority/, <https://www.civicsolidarity.org/article/1639/respect-and-recognition-macedonian-minority-bulgaria-strong-condemnation-announcements>, cited on 12 March 2020.

⁸ Observations of the Bulgarian Helsinki Committee on the execution of the group of judgments “UMO Ilinden and others v. Bulgaria” 11 July 2019 to the Secretariat of the Committee of Ministers.

⁹ That part of the PACE report concerning the Macedonian minority was glossed over by the authorities and received an angry response in the media. Margarita Koleva, PACE found a Macedonian minority in Bulgaria, Dnews.bg, 26.09.2019, <https://dnews.bg/pase-vida-makedonsko-malcinstvo-v-bulgaria.html>, cited on 12 March 2020.

¹⁰ Karakachanov, There is no problem with a Macedonian minority, <https://fakti.bg/world/398601-karakachanov-namame-problem-s-makedonsko-malcinstvo>

¹¹ Krassimir Karakachanov: Bulgaria should not say “yes” to the beginning of negotiations with Macedonia for the EU at this stage. <http://www.vmro.bg/%> ; <https://www.vesti.bg/bulgaria/karakachanov-ostro-za-makedoniia-sled-izkazvane-na-pendarovski-6100202> ; cited on 12 March 2020.

Union was discussing Macedonia's candidacy and the setting of a date for the opening of accession negotiations regarding its membership of European structures, the issue of the Macedonian minority once again became a hot topic, as various Bulgarian politicians insisted on demanding guarantees that the Republic of Macedonia would never in the future be able to raise the matter of its rights by using the threat to block Macedonia's membership of European institutions.

On 9 October the Bulgarian government adopted a framework policy position on the issue of beginning negotiations for the entry of the Republic of Macedonia into the European Union in accordance with which it stated that „the Republic of North Macedonia should cease and desist from implementing a policy, regardless of its form, of support and encouragement for claims for the recognition of the so-called „Macedonian minority“ in Bulgaria. Moreover, the Republic of North Macedonia should unreservedly and clearly declare that it does not have any historical and demographic bases for seeking minority status for whatever group of citizens on the territory of the Republic of Bulgaria“. In that same political position the Council of Europe was also indirectly attacked by Bulgaria's insistence on imposing the following condition on Macedonia, namely: „The multifaceted formats and monitoring mechanisms of the Council of Europe should not be used by the Republic of North Macedonia for the placing of pressure on Bulgaria in relation to matters concerning the rights of persons belonging to minority groups“. On 9 October the Bulgarian Parliament adopted the declaration by means of which it completely approved the stance of the Council of Ministers which directly stated that the Republic of Macedonia must „refrain from actions which are connected with efforts designed to support and encourage claims to recognition of a so-called „Macedonian minority“ in Bulgaria, including in international organisations such as the Council of Europe and other multifaceted formats.¹²

These official political positions were presented in the media by the other Deputy Premier and Minister for External Affairs Ekaterina Zaharieva as follows: „The Republic of North Macedonia must cease and desist from implementing a policy, regardless of its form, of support and encouragement for claims seeking the recognition of a Macedonian minority in Bulgaria... by clearly declaring that it has no historical and demographic grounds for seeking such minority status“.¹³

This official policy position not only demonstrates that the denial of the Macedonian minority continues being official state policy, but that the state categorically considers that it should oppose any attempt made to have it recognised, including where such attempts emanate from mechanisms for the defence of human rights in Strasbourg.

¹² Declaration of the forty-fourth People's Assembly of the Republic of Bulgaria in relation to the expansion of the EU and the Process of Stabilization and Association of the Republic of North Macedonia and the Republic of Albania. <https://parliament.bg/bg/declaration/ID/157188>, cited on 3 March 2020.

¹³ Deputy Premier Ekaterina Zaharieva: Bulgaria will agree to the actual accession of the Republic of Northern Macedonia only when it has fulfilled all the criteria contained in the negotiation chapters. 9 October 2019, <http://www.focus-news.net/news/2019/10/09/2706588/vitsepremierat-ekaterina-zaharieva-balgariya-shte-se-saglasia-za-fakticheskoto-prisaedinyavane-na-republika-severna-makedoniya-samo-kogato-e-izpalnila-vsichki-kriterii-po-pregovornite-glavi.html>, cited on 12 March 2020 .

The official denial of the Macedonian minority has become a root cause and reason for the various forms of discrimination that the minority has been subjected to in Bulgaria.¹⁴ Despite the many decisions of the ECHR the denial of the Macedonian minority was once again used as a judicial argument for the refusal of registration as the very „highlighting” of such a minority as Macedonian was labelled as anti-state activity: “A Macedonian minority does not exist in Bulgaria in the sense outlined in Recommendation 1134 of 1990 of the Parliamentary Assembly of the Council of Europe as a distinct and confirmed group of people on the territory of the country whose members are citizens of the country and possess a distinctive religious, linguistic, cultural or other characteristics which set them apart from the majority of the population. This is precisely why the highlighting of such a minority via a particular organisation in essence does not have as its goal the defence of their rights in that those rights do not differ from those of the remaining citizens, while the cultivation of a separate ethnic consciousness which did not arise on the basis of a natural historical development and which moreover is directed against the unity of the nation which is expressly prohibited by the stipulations of article 44, paragraph 2 of the Constitution.”¹⁵

The same line of argumentation was revealed in the stance adopted by the Regional Public Prosecutor’s Office in Blagoevgrad in the application for the prohibition of the first two registered non-government organisations of Macedonians in Bulgaria (see below). In that application Prosecutor B. Gulubova asserts the following: “A Macedonian ethnic minority does not exist in Bulgaria” and on that basis to conclude “the fact that the association is anti-Bulgarian”.¹⁶

The application for the rescinding of the registration was the result of an official appeal lodged by the deputy Premier Karakachanov via the State Security Agency to the Chief Public Prosecutor Tsatsarov in which the following claim was made: “The systematic interpretation of the goals and means for achieving those goals leads to the conclusion that in the statute there are contained claims about the existence of a ‘Macedonian minority’ whose rights are violated and which are being defended by the association. That claim is in contradiction with point 3 of the Decision of the Constitutional Court No 1 of 29/2/2000 based on application No 3/99 in which it is expressly established that ‘In the Republic of Bulgaria there is no distinct Macedonian ethnicity’. Therefore, the highlighting of such a minority by means of an association with non-economic goals in essence does not have as its goal the defence of their rights, but the creation of a different ethnic consciousness in a certain section of Bulgarian society which has not been formed in the course of history, i.e. its activities are directed against the unity of the nation.” By pointing to the refusal to grant registration to other Macedonian organisations such as the Association of Repressed Macedonians Victims of Communist Terror,

¹⁴ PACE: Post-monitoring dialogue with Bulgaria <http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=27711&lang=en>, Draft resolution, 18.2.4; <http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=27711&lang=en>, 160. “Macedonian minority, ... is not recognised by the Bulgarian authorities As a result, there is no Macedonian representative on the Commission for Minorities. Macedonians are not included in any programmes concerning ethnic communities and do not receive any type of assistance from the State for the conservation and development of their culture and identity. There is no Macedonian language or history in schools. No Macedonian organisation or party has been registered.”

¹⁵ Decision № 2333 of 24 October 2019 of the Sofia Appellate Court, presided over by Lyudmila Tsoleva.

¹⁶ Statement of claims from the Regional Prosecutor’s Office in Blagoevgrad, No SP-3887/2019 of 21/11/2019, signed by the Prosecutor B Gulubova.

the Macedonian Club for Ethnic Tolerance in Bulgaria and the OMO "Ilinden"-PIRIN Party the minister arrived to the conclusion that "these processes in south-western Bulgaria endanger the unity of the nation through activities linked with the creation and recognition of a Macedonian minority in Bulgaria".¹⁷

In commentary on that matter on Bulgarian national television Alexander Sidi - a deputy of the parliamentary group "United Patriots" which forms part of the ruling coalition - argued in favour of the application as follows: "There is enough information for us to presuppose that these organizations have been created with the goal of transforming the population of Pirin Macedonia into some sort of imaginary Macedonian minority".¹⁸

It is very symptomatic insistence Macedonian minority in Bulgaria to be denied through series of judicial decisions, a practice which is not in keeping with judicial competencies and violates the law in such a way that it suspends the right of citizens to free self-determination.

In summing up the whole experience that we have had in regard to the matter being examined we cannot overlook the fact that the verdict of the Appellate Court and the stance adopted by the Public Prosecutor, however illegal they may be, are valuable in that they express the true thoughts and motives of Bulgarian judges and prosecutors in refusing to register Macedonian organizations, while the remaining verdicts, which employ formal legal grounds, merely try to avoid new judicial decisions in Strasbourg. The link between the denial of the Macedonian minority and the refusal to register Macedonian organizations in Bulgaria has also been pointed out in the report of the Parliamentary Assembly.¹⁹

Such a policy is also openly supported by part of Bulgarian intelligentsia.

On 19 November Associate Professor Dimitar Tyulekov, in an interview on Darik Radio accused the authorities in Macedonia of having "double standards" because in their country "one comes across support for an organized Macedonian minority in our country".²⁰ In the same interview he called Macedonian self-determination "Macedonianism", and stated that the assertion "if there is a Macedonian nation, there is also a Macedonian minority" is a thesis of "Macedonianism" and that such a view "creates tension" with Macedonia.²¹

¹⁷ Text of the legal warning published in : Copied from standartnews.com

<https://www.standartnews.com/balgariya-politika/npo-ta-se-probvat-za-makedonsko-maltsinstvo-u-nas-407124.html>, used on 16 March 2020 .

¹⁸ Nikolay Minkov, Karakachanov warns Tsatsarov about the efforts to create a Macedonian minority <https://news.bnt.bg/bg/a/karakachanov-ss-signal-do-tsatsarov-za-opiti-za-szdavane-na-makedonsko-maltsinstvo> sited on 16 March 2020.

¹⁹ Explanatory memorandum ..., <http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=27711&lang=en>, 160. "Macedonian minority, ... is not recognised by the Bulgarian authorities As a result ...No Macedonian organisation or party has been registered".

²⁰ Associate Professor Dimitar Tyulekov, South-Western University: Authorities in North Macedonia display double standards and are those who provide support for an organized Macedonian minority in our country, 19 November 2019 <http://www.focus-news.net/news/2019/11/19/2721148/dots-dimitar-tyulekov-yuzu-ofitsialnite-vlasti-v-severna-makedoniya-proyavyavat-dvoen-moral-i-sa-tezi-v-koito-se-sreshta-podkrepa-za-organizirano-makedonsko-maltsinstvo-u-nas.html>, cited on 12 March 2020.

²¹ Tsonya Subcheva, Associate Professor Dimitar Tyulekov South-Western University: However much more Bulgaria acts in a condescending manner in relation to the Macedonian Question, so much more will it be present, 19 November 2019, <http://www.focus-news.net/news/2019/11/19/2721142/dots-dimitar-tyulekov-yuzu-kolkoto-poveche-balgariya-se-otnasya-sas-snizhozhdenie-kam-makedonskiya-vapros-tolkova-poveche-toy-shte-se-poyavyava.html> cited on 12 March 2020.

In the report of that interview published by the Focus Agency, the first ever registration of two Macedonian organizations in Bulgaria was characterized as “an efforts to create a Macedonian minority in Bulgaria”²²

Mihail Petrov, a municipal councillor from the VMRO BND Party which forms part of the ruling coalition explained as follows:” The danger is ... that by creating such a minority, which as a result may seek rights-cultural demands, demands for autonomy, self- government and so on. We believe that the territorial integrity of the nation may be thus violated”²³

On 21 November a very critical article under the title, “How bureaucrats recognized the Macedonian minority in Bulgaria”, attacking the magistrates who granted registration to the two associations appeared in the newspaper “24 Chasa”. The following statement was made in the article: ”the activities of the association.... are in contradiction with the Constitution, laws and good morals.... with the registration of the association... state employees de facto ... accept that a Macedonian minority exists in Bulgaria. Moreover, that it ostensibly has no rights and it is necessary that an NGO to fights on its behalf”. “Only that there is no recognized minority in our country and there is no way for one to exist. We have not recognized a Macedonian nation in order for claims to be made on behalf of such a minority.... we are still unable to encounter an explanation how after so many years our representatives in those cases that were before the European Court have not succeeded in convincing their colleagues that there is no Macedonian nation, nor is there a Macedonian minority legally recognized in Bulgaria”.²⁴

The denial of the Macedonian language constitutes part of the denial of the Macedonian nation and minority. Despite the fact that it is internationally recognized and taught in institutions dealing with Slavic studies throughout the world, that influential Bulgarian linguists from the past recognized it as a distinct language (such as Professor and Academic Ivan Lekov and the mother of the former Premier Dina Stanisheva - which led to her dismissal) and been used in broadcasts on Bulgarian national radio, after 1963 the Macedonian language has been denied in Bulgaria and has remained unrecognized to this very day, being one of the barriers to the establishment of normal relations with Republic of Macedonia. Bulgaria insists that in bilateral relation with Macedonia and in international level Macedonian language to not be mentioned at all or to be mentioned in a way which calls into question its recognition. The language question once again become the centre of attention in Bulgarian society in 2019 in connection with the possibility that the Republic of Macedonia could begin negotiations for accession to the EU.

The government’s policy position of 9 October once again touched on this matter: ”in relation to the language the phrase to be used is ‘the official language of the Republic of North Macedonia’. In cases where the term ‘Macedonian language’ has to be used as an absolute necessity in the documents and policy statements of the EU, there must be an footnote

²²<http://www.focus-news.net/news/2019/11/19/2721148/dots-dimitar-tyulekov-yuzu-ofitsialnite-vlasti-v-severna-makedoniya-proyavyavat-dvoen-moral-i-sa-tezi-v-koito-se-sreshta-podkrepa-za-organizirano-makedonsko-maltsinstvo-u-nas.html>, cited on 12 March 2020.

²³„Macedonian minority in our country? It could violate the territorial integrity of the nation” <https://www.dnes.bg/obshtestvo/2019/11/19/makedonsko-malcinstvo-u-nas-moje-da-narushi-celostta-na-naciiata.430177>, cited on 12 March 2020

²⁴ Toni Maskruchka „How bureaucrats recognized a Macedonian minority in Bulgaria”, 24 Chasa, 21 November 2019, <https://www.24chasa.bg/novini/article/7896599>, cited on 12 March 2020.

explaining on each occasion that such a term is ‘in accordance with the Constitution of the Republic of North Macedonia’. It has to be clear that the language norm which has been declared to be the constitutional language of the Republic of North Macedonia is tied to the evolution of the Bulgarian language and its dialects in the former Yugoslav republic after its codification after 1944. No document or statement in the course of accession negotiations can be taken to imply recognition by Bulgaria of the existence of a so-called ‘Macedonian language’ distinct from the Bulgarian language”.²⁵

This political position brought about a reaction from the Macedonian Academy of Science and Art which published a “Charter of the Macedonian Language”. In response, on 11 December the Bulgarian Academy of Science (BAS) published a statement “categorically in defence of the scientific truths and facts relating to the origin, history and character of the official language of the Republic of North Macedonia” in which characterized the charter as “untrue and unacceptable and damaging to the relations between the two countries”. Moreover, it declared that “BAS’s position remains unanimous and unchanged - that the official language of the Republic of North Macedonia is a written-regional norm of the Bulgarian language.”²⁶

On 29 July Vice-Premier Karakachanov in reply to a question as to why the Macedonian language was not studied in Bulgaria stated: “Which Macedonian language should be taught? What sort of Macedonian language should they study in Pirin Macedonia or Bulgaria? That language has never been spoken in Bulgaria, nor is it used?”²⁷

Different linguists argued out the position of the state in the Bulgarian media. Therefore, according to Associate Professor Ana Kocheva from BAS “A language as a language is the totality of everything, the history of language, dialects and the literary language. The whole 12 centuries-old history of the Macedonian language is only Bulgarian”.²⁸

The denial of the Macedonian language represents a policy which unites the political elite, institutions, courts, intellectual elite and the journalistic profession whereby politically and ideologically based positions are transformed into *legal grounds* and ideology into a justification for *discrimination*.

Similar stances are not subject to any discussion or criticism. It is characteristic that even the most liberal section of the intelligentsia in Bulgaria which does not support Bulgaria’s nationalist policy towards neighbouring Macedonia and displays a certain readiness to compromise on matters relating to the existence of the Macedonian nation and language in the Republic of Macedonia, nevertheless support or at least not condemn the denial of the Macedonian minority in Bulgaria. In keeping with this view, after the publication of the framework position

²⁵ <https://www.gov.bg/bg/prestentar/novini/ramkova-pozitsia> cited on 3 March 2020

²⁶ BAN reacts strongly to the “Charter of the Macedonian Language”, 11 December 2019, <https://news.bnt.bg/bg/a/ban-s-ostra-reaktsiya-sreshchu-kharta-za-makedonskiya-ezik>, cited on 12 March 2020.

²⁷ Karakachanov,; We don’t have a problem with a Macedonian minority”, <https://fakti.bg/world/398601-karakachanov-namame-problem-s-makedonsko-malcinstvo>.

²⁸ Tsonya Subcheva, Associate Professor Ana Kovacheva, linguist : Bulgaria does not have any pretensions in relation to the naming of the language in North Macedonia, 17 December 2019, <http://www.focus-news.net/news/2019/12/17/2730477/dots-ana-kocheva-lingvist-balgarskata-strana-nyama-pretentsii-kam-naimenovanieto-na-ezika-v-severna-makedoniya.html>, cited on 12 March 2020.

of the Bulgarian government vis-à-vis Macedonia, many Bulgarian intellectuals came out with a declaration in which they criticized everything contained in that document, apart from the matter of the Macedonian minority in Bulgaria.²⁹

Intellectuals and organizations which represent rare exceptions on that issue formed part of the declaration of over 30 European human rights organizations which signed the stand taken by the Civic Solidarity Platform in a document of 16 December 2019 in which they appealed to the “Bulgarian government and local authorities to guarantee respect for and recognition of the Macedonian minority in the country”³⁰

VIOLETION OF THE RIGHT OF ASSOCIATION

“Over the past three decades the Macedonians of Bulgaria were the only minority, which ... was not able to register an association, despite persistent attempts. ... It showed that the problem does not lie in the reform of the legislation and in the lack of capacity of different administrative and judicial institutions to deal with it. It is political in nature and has to be addressed through a mechanism, which can trigger political will at the national level” (BHC).³¹

The Republic of Bulgaria has been convicted 14 times for violating the right to association of the Macedonians in Bulgaria.³² From 1990 to 2019 not one Macedonian association has been registered. This year for the first time two Macedonian organizations obtained registration, however it was immediately challenged by the Public Prosecutor’s office and a legal procedure initiated for the rescission of their registration. The fundamental reason for that challenge, even though it has been often concealed in other decisions brought down, was the need to deny the existence of the Macedonian minority, a circumstance noted in the post-monitoring report on Bulgaria of the Parliamentary Assembly of the Council of Europe of 2019³³. Alternative reasons namely, that the associations allegedly have political goals or seeking out formal weaknesses in the documentation presented conceal the real reason. Even though the Committee of

²⁹ Declaration on the Framework Position of the Bulgarian Government in relation to Macedonia., <https://priorities.bg/deklaracija-po-ramkovata-pozicija-na-balgarskoto-pravitelstvo-za-makedonija-otvorena-e-za-podpisi-kakto-ot-balgari-taka-i-ot-makedonci-pishete-dolu-dve-imena-i-profesija/>, cited on 13 March 2020.

³⁰<https://www.civicsolidarity.org/article/1639/respect-and-recognition-macedonian-minority-bulgaria-strong-condemnation-announcements;>
http://www.bghelsinki.org/bg/novini/bg/single/20191216_statement_Macedonian_minority/, cited on 12 March 2020.

³¹ Observations of the Bulgarian Helsinki Committee on the execution of the group of judgments “UMO Ilinden and others v. Bulgaria” 11 July 2019 to the Secretariat of the Committee of Ministers, 10.

³² „The Problem“ of OMO „Илinden“, 19 January 2018, SVmargaritova, <http://www.pravanachoveka.com/problemat-omo-ilinden/4609/>, cited on 19 March 2019. To date the last such cases are those of Kiril Ivanov v. Bulgaria (Application no. 17599/07); Yordan Ivanov and Others v. Bulgaria (Application no. 70502/13); United Macedonian Organisation Ilinden and Others v. Bulgaria (No. 3), (Application no. 29496/16)

³³ Explanatory memorandum ..., <http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=27711&lang=en>, 160. “Macedonian minority, ... is not recognised by the Bulgarian authorities As a result ... No Macedonian organisation or party has been registered“.

Ministers in December 2018 invited the authorities „to avoid, as far as possible refusals based on formal grounds“,³⁴ this practice continued this year as well.

Association of Repressed Macedonians in Bulgaria, Victims of Communist Terror

The following refusal of the Agency for Registration to register an association occurred on 4 December 2018 on grounds of various formalities and was immediately appealed against in the Blagoevgrad District Court. On 5 March 2019 the Court affirmed the Agency’s refusal,³⁵ while the Sofia Appellate Court affirmed the decision of the Blagoevgrad Court on 30 April 2019.

On 14 June 2019 the Agency for Registration refused the application of the Association, making reference to inconsistencies and “not completely identical” in content goals and methods specified in the Statute and the application for registration, while at the same time ruling out the possibility for the supposed inconsistencies to be corrected.³⁶

On 18 June, the association, disheartened by the endless run around that they were subjected to by the authorities lodged a new application - this time as a private association rather than one with societal benefit - as the requirements for registration are not as complex for such associations and excluded all mention of economic activities in its Statute³⁷ - a matter regularly abused in order to refuse registration (since these activities quite apart from all changes to the application are for the courts and the Agency always “insufficiently clearly denoted”). This change to the application did not assist the association as in future it was namely the lack of economic activities which would represent a problem for the institutions of the state.

On 20 June 2019 the Agency for Registration once again rejected the application for registration of the Association. In that particular case the pretence employed was that in the constitution “it is not established what the basic activity to be carried out actually is in order to seek registration of the association and it is not indicated what type of economic activities would be conducted in pursuit of the core activities ... In addition, the constitution did not contain any indication of activities to be carried out in accordance with article 2, line 1 of the Law for the Registration of Juridical Entities with a Non-Economic Goal.” (LRJENEG)³⁸. In practice the Agency stipulated requirements which it normally requires of commercial entities and based its refusal on untrue assertions. This decision was appealed against on 25 July at the Blagoevgrad District Court.

On 5 August the Blagoevgrad court affirmed the refusal. In that regard it added a series of special and unclear reasons for its decision which made it clear that it was unacceptable that an association be created which had as its goal “not all those persons who had been repressed by the communist regime in Bulgaria because of their statements on the Macedonian Question, but only those who had ‘a Macedonian consciousness and self-determination’”. The court

³⁴ 1331st meeting, 4-6 December 2018 (DH), H46-7 United Macedonian Organisation Ilinden and Others group v. Bulgaria (Application No. 59491/00).

³⁵ Decision No 1083/05.03.2019, Blagoevgrad Regional Court, Judge Liliya Maseva.

³⁶ Refusal No 20190612091306/14/6/2019.

³⁷ Observations of the Bulgarian Helsinki Committee on the execution of the group of judgments “Umo Ilinden and others v. Bulgaria” 11 July 2019 to the Secretariat of the Committee of Ministers, p. 9.

³⁸ Refusal No 0190618120551 / 20.06.2019. See the criticism of these motives of the Agency in Observations of the Bulgarian Helsinki Committee on the execution of the group of judgments “Umo Ilinden and others v. Bulgaria” 11 July 2019 to the Secretariat of the Committee of Ministers, p. 9.

determined as problematic the fact that the organization had as its goal “the defence and freedom of the Macedonians in Bulgaria” and the defence of the legal interests of people “with a Macedonian consciousness”. Even though the court did not have the courage to explain itself completely in this regard, it was still quite clear that it could not register an organization which defends the rights of people with a Macedonian consciousness or those of people repressed on account of this consciousness. According to the court similar goals were not in keeping with the law. The court silently based its decision on the conviction that there is no Macedonian community in Bulgaria and there cannot be such a community so as to declare that “it cannot be accepted that this relates to an organization which has the goal of conserving the historical memory of the repression of a given community”. Apart from such similar theses, the court referred to an argument which for a certain time had been part of its arsenal: namely, that the organization had allegedly set out goals belonging to a political party, something which was completely untrue and which had not been argued for in the decision.³⁹

The decision was appealed against at the Appellate Court on 14 August 2019. In the appeal application it was pointed out with some justification that in the decision being disputed the “court in effect accepts that citizens with a Macedonian consciousness and self-determination do not have rights and cannot defend themselves and participate in organizations”.⁴⁰

On 24 October 2019 the Sofia Appellate Court affirmed the verdict of the Blagoevgrad District Court. This time at least it stated clearly and openly that “a Macedonian minority does not exist in Bulgaria... this is why the highlighting of such a minority through the formation of an organization... is directed against the unity of the nation, something which the provisions of article 44, line 2 of the Constitution have expressly forbidden.”⁴¹

OMO “Ilinden”

On 17 May 2019 OMO “Ilinden” lodged a new application for registration. On 20 May the Agency for Registration rejected the application for registration by referring to formal errors and using the basic argument that the list of founders lodged contained their personal details when it should have been submitted with those details concealed, as well as the fact that the protocol had not been signed by the president and the protocol officer. Even though the relevant law (article 22, line 5 of the law on LRJENEG) prescribes that the Agency should provide directions for the correction of existing errors, the Agency declared those norms to be inapplicable in this case and proceeded to issue a straight rejection.⁴²

On 27 May OMO “Ilinden” lodged an appeal at the Blagoevgrad District Court in which it stated that the rejection “is not accordance with the law as the irregularities indicated are not evident and moreover it is invalid as it is completely unintelligible and the irregularities pointed to by the official responsible for registration were not pointed out as being such in any normative act of the Republic of Bulgaria”. The organization had submitted the document as required by the law with personal details concealed, while those details that the Agency insisted

³⁹ Decision No 3522/05.08.2019 г. of the Blagoevgrad Regional Court, Judge Petur Uzunov.

⁴⁰ Appeal of Stoyan Vasiliev to the Sofia Appellate Court, 14 August 2019.

⁴¹ Decision No № 2333 of 24 October 2019 to the Sofia Appellate Court, presided over by Lyudmila Tsoleva.

⁴² Decision No 20190517112503 of 17 May 2019.

upon which should also have had personal details concealed are not stipulated in the law and moreover no such lawful practice exists. The protocol was signed by all the founders (as foreseen by the Law), however there is no normative demand for it to be signed by only the president and the protocol officer as required by the Agency.⁴³

On 3 July 2019 the District Court of Blagoevgrad rejected OMO “Ilinden”’s appeal and affirmed the decision of the Agency, referring to the fact that a document with the personal details of the founders concealed had not been submitted. However, the court added another reason for refusing registration; namely, its assertion that the goals of the association were not in keeping with those stipulated in the law (article 38 of LRJENEG) in relation to the development of civil society and participation in it, affirmation of spiritual values, education, science, culture, defence of human rights and others.⁴⁴ Having regard to the fact that the organization has as its goal the defence of the human and minority rights of the Macedonians and the teaching of the Macedonian language in the educational system and the preservation and development of Macedonian culture, the court’s claim cited above is not only factually untrue, but shows that for the court Macedonian cultural and spiritual values together with the rights of Bulgarian citizens with a Macedonian consciousness are not necessary values in a civil society, are not values to be accepted in and of themselves and are not goals which an organization has a right to set for itself.

On 25 July OMO “Ilinden” lodged an appeal at the Sofia Appellate Court against the decision of the Blagoevgrad District Court.

On 1 August the Sofia Appellate Court found that the Agency had not fulfilled its obligations as stipulated in the law, had not provided instructions for the removal of irregularities and that the District Court had neglected this fact and “issued an act not in keeping with the law”. Guided by those views, the court rescinded the decision of the District Court and gave instructions to the Agency for Registration to once again review its decision by fulfilling the procedures indicated in article 22, paragraph 5 of LRJENEG (that is to indicate to the applicants the necessary corrections which had to be made). However, it concurrently refused to state its views on the other evidence presented.⁴⁵

The Agency provided new instructions which it published on its web site on 6 August and also sent them to the organization at its address. However, the instructions were sent to the wrong house number in the same street and were not received by the president of the organization, but by a random person. Consequently, the organization found out about the instructions only when the period for replying had already expired and the Agency used this circumstance to issue a new refusal on 9 August 2019.⁴⁶

The organization lodged an appeal against the Agency’s decision in the Blagoevgrad District Court, which on 27 November rescinded the decision of the Agency and obliged it to make another decision while respecting the decision of the Sofia Appellate Court.⁴⁷

⁴³ Appeal of OMO “Ilinden” to the Regional Court of Blagoevgrad of 27 May 2019, signed by the President Dimitur Paraskov.

⁴⁴ Decision of the Blagoevgrad Regional Court No 2474 of 3 June 2019 on case No 80/2019.

⁴⁵ Decision No 1999 of the Sofia Appellate Court of 1 August 1999, presided over by Ivan Ivanov.

⁴⁶ Refusal No 20190805132535 of 2 August 2019.

⁴⁷ Decision No 5138 of 27 November 2019 of the Regional Court of Blagoevgrad.

On 3 December 2019 the Agency issued a new refusal on the same matter and justified its decision by saying it was technically impossible to make another decision, as it had already acted upon the instructions of the court in this particular case. The Agency added that “even if the same instructions were given again to the applicant”, due to the death of the member of the board of management of OMO ”Ilinden”, Yordan Kostadinov on 23 August 2019, it was impossible to carry out registration with the documentation submitted and that a new registration process had to be undertaken.⁴⁸

Civil Association for the Defence of Human Rights and Development, Razlog.

On 4 November 2019 the Agency for Registration refused to register another Macedonian organization, the Civil Association for the Defence of Human Rights and Development in Razlog on the basis of formalities.⁴⁹ The refusal was not appealed against.

Procedure for the Banning of the Civil Association for the Defence of Fundamental Individual Human Rights and the Ancient Macedonians Association.

The registration of these two organizations which had been registered appropriately on 30 August and 30 September 2019 respectively was attacked by the institutions of the state at the beginning of November 2019. The request was submitted by the Deputy Premier Karakachanov through the State Agency for National Security to the Chief Prosecutor Tsatsarov, “regarding the registered juridical entities with a non-economic goal for the realization of activities for the benefit of a “Macedonian minority” in the Republic of Bulgaria”, which represented a danger to the unity of the nation. On 7 November the Blagoevgrad District Prosecutor’s office began an investigation on the basis of a letter from the Deputy Chief Prosecutor and a report from the State Agency for National Security. The investigation had as its goal to clarify “what are the true goals of the association” and on 11 November the Prosecutor submitted an application to the court for the banning of the organizations. The following line of argument was employed: “It is evident that the goals of the Association and the means for their achievement, formulated as they are, unambiguously indicate that the founders accept, not only the existence of a Macedonian ethnic minority in Bulgaria, but that the rights and freedoms of that minority have also been violated, which requires that it be defended.. Taking into account that a Macedonian ethnic minority (in that regard note Decision No 1 of 29/2/2000 of the Constitutional Court of the Republic of Bulgaria, case number 3/1999) does not exist, the establishment of an association with a non-economic goal whose basic task is the defence of the rights of the Macedonians ... is directed against the unity of the nation and its existence is in violation of article 44, paragraph 2 of the Constitution of the Republic of Bulgaria.⁵⁰ The Prosecutor’s Office based its opinion on the non-binding and non-expert opinion provided by the Constitutional Court of Bulgaria in Decision No 1 of 29 February 2000, case number 3 of 1999

⁴⁸ Refusal No 20191129151757 of 3 December 2019.

⁴⁹ Refusal No 20191104141649 of 5 November 2019.

⁵⁰ Statement of claims from the Regional Prosecutor’s Office in Blagoevgrad, vh No SP-3887/2019 of 21/11/2019, signed by the Prosecutor B Gulubova.

which banned the political party OMO “Ilinden”-PIRIN, a decision for which Bulgaria was condemned by the European Court of Human Rights. In addition, the Prosecutor’s Office characterized the association as “anti-Bulgarian” solely on the basis that the association was established by people with a Macedonian consciousness who think that a Macedonian minority exists.

The court had not made a decision on those applications by the end of 2019.

State policy on the matter of the registration of Macedonian organizations continues to be as follows: closing of the monitoring process by European institutions in Strasbourg without the granting of registration to Macedonian organisations. The much larger problem of denial of the existence of the Macedonian minority and the desire for it to be assimilated lies behind the problem associated with the violation of the right of association of the Macedonians. The state does not wish to allow Macedonians to participate in the social and political life of the country. It is obvious that this discrimination enjoys support from a large part of the elite, that there is no opposition to it, and that voices of reason are rare.⁵¹

HATE SPEECH

“Racist and intolerant hate speech in political discourse targeting ... Macedonians continues to be a serious problem in Bulgaria“ (PACE report 2019)

“It is clear to all that the Macedonian nation was created artificially - on an anti-Bulgarian basis” (National Daily “24 Chasa”).⁵²

One of the ways in which the Macedonian minority and nation are stigmatized and denied is the substitution of the following concepts with different derogatory terms - instead of Macedonian self-determination - Macedonianism, which is specified to be an “anti-Bulgarian ideology”; people with a Macedonian consciousness are called “Macedonists”, instead of Macedonians and their organizations, goals and activities are correspondingly described as “Macedonists” instead of Macedonian. If somewhere one encounters concepts such as Macedonians or Macedonian nation, they are of necessity used with inverted commas or in an ironic fashion.⁵³

The link between denial and hate speech is obvious in the statement of the Bulgarian Deputy Premier of 28 September 2019 cited above in which, apart from his denial of the existence of any sort of Macedonian identity, which he degrades by saying that it was forcibly created by

⁵¹Amongst such rare examples the article “The Problem” of OMO “Ilinden by S V Margaritova deserves a mention, <https://www.pravanachoveka.com/problemat-omo-ilinden/4609/>, cited on 5 April 2019.

⁵²Toni Maskruchka „How bureaucrats recognized a Macedonian minority in Bulgaria”, 24 Chasa, 21 November 2019, <https://www.24chasa.bg/novini/article/7896599>, cited on 12 March 2020.

⁵³ Toni Maskruchka, The latest Macedonian association, OMO “Ilinden” has sought registration, 24 Chasa, 27 November 2019, <https://www.24chasa.bg/novini/article/7918104>

way of falsification and "brain-washing", he describes as "like the dogmas invented in the Soviet Union".⁵⁴

The former President of the People's Assembly and ambassador to Macedonia Alexander Yordanov openly stated that "the major problem in North Macedonia is Macedonianism in and of itself. There is a continuous anti-Bulgarian doctrine in place there. They teach them over there to avoid Bulgarians in order to be able to identify as Macedonians."⁵⁵

Angel Dimitrov, President of the Bulgarian section of the joint experts commission (a commission through which Bulgaria has displayed its open intentions to impose on Macedonia the acceptance of the doctrines of Bulgarian nationalism and in effect force Macedonia to deny the existence of Macedonian nation, history and culture by threatening to place a veto on Macedonia's progress towards integration into European institutions) set up between Bulgaria and Macedonia pursuant to the Good Neighbourly Agreement, holds the same view in stating that "it is a question of a society in which four generations have been modelled in a manner which is for us unacceptable",⁵⁶ whereby he refers to Macedonian national consciousness.

The same thesis was given "academic cover" in the book published in 2019 by the academic Tsocho Bilyarski. The book was entitled "Macedonianism-Serbo-Russian conspiracy against the Bulgarians" and was advertised as "a documentary story about the appearance and imposition of Macedonianism as a state anti-Bulgarian ideology" imposed with "blood and cruelty" and characterized as the "anti-Bulgarian propaganda of Macedonianism".⁵⁷

Similar definitions of "Macedonianism" as an anti-Bulgarian phenomenon can also be found in the media: "The sense of Macedonianism is to tear away Macedonia as much as possible from Bulgaria".⁵⁸

What we are witnessing is a rare phenomenon whereby the very act of one nation's self-determination is considered to be an unacceptable, hostile ideology by the leaders of another nation. In accordance with that world view, the Macedonian nation and consciousness do not have a right to exist and even less do they have the right to call the language, culture and history their own. This is why the Macedonian minority is treated in such a hostile fashion, as something which poses a danger to the Bulgarian nation: "Macedonian minority in our country? That could destroy the unity of the nation".⁵⁹

⁵⁴ Krassimir Karakachanov: Bulgaria should not say "Yes" to the start of negotiations for EU entry for Macedonia at this stage. <http://www.vmro.bg/%> ; <https://www.vesti.bg/bulgaria/karakachanov-ostro-za-makedoniia-sled-izkazvane-na-pendarovski-6100202> ; cited on 12 March 2020.

⁵⁵ https://blitz.bg/politika/aleksandr-yordanov-golemijat-problem-v-severna-makedoniya-e-samiyat-makedonizm_news681161.html , cited on 13 March 2020.

⁵⁶ Professor Angel Dimitrov, The green light for NATO has hardened the views of Macedonian historians, published on 5 October 2019 in <https://www.bnr.bg/post/101174684/prof-angel-dimitrov-zelenata-svetlina-za-nato-vtvardi-poziciite-na-makedonskite-istorici>.

⁵⁷ <http://knigabg.com/index.php?page=book&id=52824> , cited on 13 March 2020.

⁵⁸ Svetoslav Terziev , Bulgaria slipped by itself on the watermelon rind of Macedonianism , Sega Bg, 11 October 2019, <https://www.segabg.com/node/96639>

⁵⁹ <https://www.dnes.bg/obshtestvo/2019/11/19/makedonsko-malcinstvo-u-nas-moje-da-narushi-celostta-na-naciiata.430177>

Hate speech originates at the highest levels of government. The Deputy Prime minister Karakachanov permitted himself to call the Macedonian minority in Bulgaria “Martians”.⁶⁰ These same views carry over to the media which makes exceptionally negative statements about Macedonians, their right to self-determination and all their activities and statements. On 6 November provocative material was published on Blitz.bg: “Terrible Scandal in the Pirin region: Traitors call Bulgaria “Varvaria”, a former military officer declares in writing that he is Macedonian”. Apart from being called traitors Macedonian activists are also here called “Bulgarians who state that they are Macedonians”.⁶¹ They are creatures who crawl out of their “mouse holes” according to the title of another article: “New omovists⁶² came out of their mouse holes!”, in which Macedonians are as expected referred to everywhere in inverted commas and the refusal to register their organization is approved of.⁶³

Hate speech against Macedonians has become part of popular Bulgarian culture. A whole category of jokes has emerged about Macedonians which makes fun of their self-determination and ethnicity.⁶⁴

The hate speech often encountered in the media is easily transferred to the Internet. Here we shall translate only one of the many examples encountered: In a piece by a certain Shtaparov published on 19 June 2019 under the title “Cynical Macedonists admitted that they hate Goce Delchev as he is a Bulgarian hero”, we find the following explanation as to who the Macedonians are and are not: “Macedonists are often not “Macedonians”, but pretend that they are for job reasons. They earn their wages in that way, as foreign security services require them to display their Bulgarophobia. The most malevolent Macedonists are not and have no way of being real “Macedonians” (Bulgarians) - foreign security services have understood that not one Bulgarian can endlessly sell out his homeland no matter how much they pay him.”⁶⁵

The Macedonians who dare to openly state their views on social media are regularly subjected to insults, attacks and threats.

The regular attacks on and jokes about Macedonians on television have an effect on people with a Macedonian ethnic consciousness, as they drive a part of them to hide their consciousness and identity while those that publicly state that they are Macedonians are the subject of regular

⁶⁰ Karakachanov, We don't have a problem with a Macedonian minority, <https://fakti.bg/world/398601-karakachanov-namame-problem-s-makedonsko-malcinstvo>

⁶¹ https://blitz.bg/obshtestvo/strashen-skandal-v-pirinsko-rodootstpnitsi-narichat-blgariya-varvariya-bivsh-voenen-se-pishe-za-makedonets-video_news707757.html , the article was published on 6 November 2019 and cited on 13 March 2020.

⁶² Bulgarian term used for Macedonian activists and derived from the abbreviation OMO-United Macedonian Organization which is common amongst different organizations in Bulgaria.

⁶³ Martin Ivanov, Top Presa, 3 September 2019, <http://toppresa.bg/182196/%D0%BD%D0%BE%D0%B2%D0%B8-%D0%BE%D0%BC%D0%BE%D0%B2%D1%86%D0%B8-%D1%81%D0%B5-%D0%BF%D0%BE%D0%BA%D0%B0%D0%B7%D0%B0%D1%85%D0%B0-%D0%BE%D1%82-%D0%BC%D0%B8%D1%88%D0%B8%D1%82%D0%B5-%D1%81%D0%B8-%D0%B4%D1%83> cited on 13 March 2020.

⁶⁴ There are an extraordinary amount of jokes of the following type:” What happens if a Macedonian washes himself- he comes out as a pure Bulgarian., “Why can't you play chess with Macedonians- because they will steal your king”.

⁶⁵ <http://shtaparov.blog.bg/politika/2019/06/16/cinichni-makedonisti-se-izdadoha-che-mraziat-goce-delchev-po.1661797> cited on 13 March 2020.

attacks on that basis in their everyday life, ranging from “friendly” digs and jokes inspired by publications in the media to direct attacks. They have become so common that Macedonian activists do not even consider them and report them as anything out of the usual. It is precisely in this way that free and non-sanctioned hate speech is disseminated amongst people and poisons their everyday life. As an illustration of this on 26 November 2019 the long-time judo coach Kiril Tilev, attended a session of all sporting activists in the municipality of Sandanski organized by the mayor Atanas Stoyanov on the topic “The Development of Sport”. He was subjected to a particularly nasty series of remarks by another of the coaches (Nikolay Vakareev) who said : “What are you doing here, this is not your place, OMO “Ilinden” cannot be present, the mayor is a member of VMRO-BND and will not allow you to attend, Macedonians do not exist”. Those who are particularly active in Macedonian organizations receive “well-intentioned” advice to refrain from saying that they are Macedonians and to cease concerning themselves with these matters so as not to have problems or, on the other hand, from time to time learn that the police has spoken with their employers about them and has sought their dismissal.⁶⁶

The hate speech that the Macedonians in Bulgaria are subjected to was discussed in the last report of the Parliamentary Assembly of the Council of Europe. Apart from the passage cited above which serves as the motto for this sub-chapter, the following observations are contained in the report: “Racist and intolerant hate speech in political discourse continues to be a serious problem in Bulgaria. The main targets of this hate speech are Muslims, Jews, Turks and Macedonians. In its previous report the Assembly appealed to the Bulgarian authorities to systematically and unconditionally condemn hate speech against minorities, to take measures which encourage tolerance and mutual respect and to encourage exemplary conduct by political leaders. Unfortunately, we have learnt that the situation in that regard has not improved”.⁶⁷

In December 2019 these same issues were also condemned in the stance adopted by over 30 European human rights organization. Namely, “the violation of fundamental rights and cases of hate speech and pressure on the Macedonian community in Bulgaria have increased constantly and particular measures have to be adopted to counter it... the institutions of the EU should undertake administrative and political measures to prevent these violations of fundamental rights of the Macedonian community in Bulgaria and to ensure the respect for their rights as European citizens who belong to an ethnic minority.”⁶⁸

ORGANIZED HARASSMENT

⁶⁶ Statement of Kiril Tilev of 10 May 2019, pp. 2,4.

⁶⁷ Explanatory memorandum, 3.4. Media, 155, <http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=27711&lang=en>, cited on 13 March 2020.

⁶⁸ http://www.bghelsinki.org/bg/novini/bg/single/20191216_statement_Macedonian_minority/;
<https://www.civicsolidarity.org/article/1639/respect-and-recognition-macedonian-minority-bulgaria-strong-condemnation-announcements>

In its desire to ban the two registered Macedonian organizations the regional prosecutor's office in Blagoevgrad ordered the police to investigate the two associations and their activities, despite the fact that they had not had time to conduct any activities. The investigation was carried out via visits to the homes of members, serving of summonses for them to report to the police and handing out of questionnaires for them to complete, actions which especially in districts containing many villages, where the population is not accustomed to home visits by the police, are looked upon as humiliating and cast a shadow over the reputation of the person being visited.

On 12 November it was demanded that the members of the association for the defence of fundamental human rights answer three questions in writing:

1. Who and when and with what goal in mind gathered up all the persons mentioned in the protocol from the constitutive assembly of the "Civil Association for the Defence of Individual Human Rights" on 21 August 2019?
2. Do you know the reason why the goals and means for their achievement set out in the constitution of the Association relate fundamentally to persons who consider themselves to be Macedonians?
3. From the time of the establishment of the association till now have any activities realistically been conducted and if so what kind of activities?

From the questions posed it was obvious that the authorities, for reasons known only to themselves, considered that the creation of the Association had a goal different to the one mentioned in the Statut and were concerned about the fact that the goals refer to the interests of people with a Macedonian consciousness (even though the relevant law prescribes freedom in the choice of goals- article 2 of LRJENEG). However, at the same time they were also unaware of any activities having been conducted by the Association. Therefore, the actions of the authorities were not the result of activities conducted by the Association, but their own notion of what they might be and the chosen ethnicity of its members.

The "Ancient Macedonians" Association received their questions on 4 December which by this time had increased to 10. The content of the questions left the impression that via the creation of the Association a crime had been committed which consequently had to be investigated. Namely: who had brought them together, when and where? What is the real goal for the establishment of the association? (4); Exactly what type of activities take place? (7); What type of financial means do they think will be needed to achieve the goals of the association? (8); Via which programs of other foreign governments do they believe they will achieve the goals of the association?, (9); With which other similar organizations within the country and abroad do they believe they will have to be in contact in order to achieve the goals of the association?(10)".

The actions of the government against the only two registered organizations of the Macedonian minority led to reactions from the Civic Solidarity Platform and more than 30 European organizations for the defence of human rights who issued statements in support: Namely: it is

clear that there is pressure being exerted on human rights defenders and it is alarming that the Bulgarian government has not displayed a readiness to stop these violations”⁶⁹

Another form of harassment is the continuous refusal to grant registration due to formalities which are often concocted and usually minor and easily corrected; formalities which according to the law the Agency is obliged to point out and allow a chance for them to be corrected. Instead of seeking such corrections if it deems them to be necessary, the Agency always issues a final refusal while advising the rejected applicants to start the whole procedure from scratch again. A new constitutive meeting, new Statute and new application for registration is required to begin the process again. In employing this tactic of “exhaustion” the Agency in general enjoys the support of the courts. Each successive submission of documents requires financial means to cover state taxes, a lawyer, as well as travel and other expenses such that each new constitutive meeting and submission of documents costs the founders over 450 leva (around 250 euros) which is a little beneath the minimum wage in the country (560 leva in 2019). The expenses grow substantially when the refusal has to be appealed against in the Regional and Appellate Courts. Frequent recalls for minor matters or even when the reasons are concocted not only create a lot of work, headaches and loss of time for Macedonian activists, but also exhaust them financially, which is obviously one of the goals of the strategy applied.⁷⁰

During this year the case involving harassment in the workplace to which Kiril Tilev was subjected was finalized (see the reports for 2017 and 2018). The verdict included the payment of a sum of money which did not cover Tilev’s expenses for various court cases. The Regional Court of Blagoevgrad partially exonerated the person accused of harassment and reduced his penalty from 2500 to 1500 leva.⁷¹ Later at the insistence of the Court and as a result of Kiril Tilev’s financial incapacity to continue his legal battle, an agreement was reached. The case is illustrative of the attitude of the courts towards the Macedonians - it attempts to discourage them and defends those who have insulted them by refusing to pay attention to the fact that what is involved are insults or matters of discrimination on an ethnic basis.

REFUSAL OF THE AUTHORITIES TO ENGAGE IN DIALOGUE

A dialogue between the Bulgarian authorities and Macedonian minority organizations is a regular recommendation made in the reports of international organizations and institutions.⁷² Unfortunately this year again the authorities did not make any attempt to implement the recommendations in the reports of the Parliamentary Assembly of the Council of Europe, the Commissioner for Human Rights, the European Commission for the Fight Against Racism and

⁶⁹http://www.bghelsinki.org/bg/novini/bg/single/20191216_statement_Macedonian_minority/;
<https://www.civicsolidarity.org/article/1639/respect-and-recognition-macedonian-minority-bulgaria-strong-condemnation-announcements>

⁷⁰ For an average association whose application has been returned three times by the Agency for Registration and which has been appealed at the Regional and Appellate Court level the cost is over 700 euros, including taxes, legal services and representation, travel expenses of the president etc.

⁷¹ Decision No 2955 of Judge Krassimir Arshinkov of 27 March 2019

⁷² Compare the reports of the Advisory Committee on the Framework Convention for the Protection of National Minorities, independent observers of the UN, ECRI, Commissioner for Human Rights of the Republic of Bulgaria during the last 15 years.

Intolerance and the Consultative Committee for the Application of the Framework Convention on National Minorities for the start of a dialogue with the Macedonian minority. On the contrary, not one reply was received to the many written requests from Macedonian organizations for meetings and talks with Bulgarian institutions such as those of the President, Premier minister, Parliament, Minister of Education, the Commission for Minority Issues and the Commission Against Discrimination.

CONCLUSIONS AND RECOMMENDATIONS

Given the existing situation in the country it does not appear probable that the situation of the Macedonians in Bulgaria can be improved without serious external intervention, especially that of European institutions. This problem is very old and serious and requires emergency measures.⁷³ The denial of and discrimination against the Macedonian minority represents the last vestige of totalitarian policy in the European Union.

In order for the current problems of the Macedonian minority in Bulgaria to be solved the following changes should occur:

1. The decision of the Constitutional Court of 29 February 2000 and the Declaration of the Bulgarian Parliament of 6 March 1990, which officially postulate that in Bulgaria there is no concrete Macedonian ethnic group, as well as the parliamentary declaration of 9 November 2019 must be rescinded. These decisions serve as an ideological and legal basis for discrimination. The government should officially declare that the Macedonian minority will no longer be denied or discriminated against and that its rights will be defended.
2. The state should officially recognise the existence of national minorities in the country and the concept “national minorities” should be included in the Constitution. The state should take the necessary legal measures so that the principle of the unity of the nation cannot be interpreted to deny the very existence of national minorities and their rights.
3. The law on the registration of non-government organizations should be changed and articles included in it which would make it impossible to interpret the self-determination of minority groups as an anti-constitutional, anti-state act which threatens territorial integrity and justifies denial of registration.
4. Measures should be taken so that the constitutional prohibition on forming organizations on an ethnic basis is not interpreted and used to oppose the right of minorities to form their own organizations.
5. The Census documents should contain a separate column for “Macedonian” and during the conduct of the Census it is to be publicly and officially announced that everyone who self-identifies as a Macedonian can freely do so.

⁷³ For information on the same recommendation see: <https://www.civicsolidarity.org/article/1639/respect-and-recognition-macedonian-minority-bulgaria-strong-condemnation-announcements>, cited on 16 March 2020.

6. An active dialogue must be initiated between the state and the representatives of the Macedonian minority in order to solve current problems. Macedonian organisations should be registered and there should be a Macedonian representative on the Commission on Minorities.
7. Measures should be taken for the promotion of tolerance vis-à-vis the Macedonian minority and for its protection against hate speech and institutional discrimination.
8. The study of the Macedonian literary language, culture and history should be included in curricula for children belonging to the Macedonian minority. At the same time primary school curricula should be modified so as not to exclude references to the Macedonian nation and its history, culture and language (something which is not new and which was done in the past in Bulgaria, but which has now been abandoned)

Authors: Committee for the Defence of Human Rights “Tolerantnost” with the Support of OMO “Ilinden”-PIRIN, the Association of Repressed Macedonians Victims of Communist Terror, OMO “Ilinden” and the newspapers “Narodna Volya” and “Makedonski Glas”