

Commission for Protection against Discrimination – Bulgaria

Brief profile

Contact details

- **Postal address:** 35 Dragan Tzankov Blvd., Sofia 1125, Bulgaria
- **Website:** www.kzd-nondiscrimination.com
- **General email address:** kzd@kzd.bg
- **Helpline and telephone number:** +359 2 807 3030
- **Person of contact for media enquiries:** Lyubomil Panev (for Bulgarian media)

Overview

The Commission for Protection against Discrimination (CPD) is an independent specialized public body for prevention and protection against discrimination in the Republic of Bulgaria. It was established in 2005 in compliance with the Protection against Discrimination Act transposing the European Union antidiscrimination Directives. CPD functions in compliance with the Paris Principles and Recommendation No.2 of ECRI. The Commission has a broad mandate, providing protection on 19 grounds listed in Article 4 of the Protection against Discrimination Act and has preventive and awareness-raising functions on equality and tolerance issues. CPD issues legally binding decisions and imposes compulsory administrative measures – mandatory instructions for termination and prevention of discrimination or for restoration of the initial situation. CPD also monitors their implementation.

Type of equality body

The *Commission for Protection against Discrimination* is a predominantly quasi-judicial body¹.

Grounds and fields of discrimination covered

Grounds	Fields	
	Employment	Beyond employment (education, goods & services, housing, etc.)
Gender	◆	◆
Race and ethnic origin	◆	◆
Age	◆	◆
Disability	◆	◆
Sexual orientation	◆	◆
Religion and belief	◆	◆
Other grounds and fields (see detailed profile below)		

¹ According to a [European Commission study on Equality Bodies](#), predominantly quasi-judicial bodies are “impartial institutions which spend the bulk of their time and resources hearing, investigating and deciding on individual instances of discrimination brought before them” (page 43).

Detailed profile

Brief history

The Protection against Discrimination Act arranges the establishment of CPD, its mandate and rules for its composition and functioning, key concepts, rights protection and promotion mechanisms as well.

The Commission for Protection against Discrimination was established by virtue of the Protection against Discrimination Act, adopted on 16 September 2003 by the 39th National Assembly (Bulgarian Parliament) and in force since 1 January 2004. Later the Act's title was changed to Protection from Discrimination Act (PaDA, published in the State Gazette, No 68/2006). The adoption of this law was an important moment in the process of approximation of Bulgarian legislation to European standards in the field of equality, equal opportunities, equal treatment and prevention and elimination of discrimination in public relations. The purpose of the Protection from Discrimination Act is to provide to any person rights as follows: i) the right of equality before the law; ii) equality in the treatment and the opportunities for involvement in the social life and iii) effective protection against discrimination.

The Commission for Protection against Discrimination, as stipulated in the Protection against Discrimination Act, Article 40, Paragraph 1, is an **independent specialized state authority** for prevention of discrimination, protection against discrimination and ensuring equal opportunities. The CPD has legal personality. It is a legal entity funded from the State Budget and is a first-rate administrator of budgetary appropriations (ibid, Paragraph 3). Paragraph 5 of the same Article stipulates that the Commission shall, on yearly basis, before March 31st, submit to the National Assembly a report on its operations comprising information on the activity of each of its permanent and specialized Boards. The report is provided for information only. That is further established in the Rules of organization and operation, Article 8.

Mandate

- **Powers:** the *Commission for Protection against Discrimination* is a predominantly quasi-judicial body;
- **Litigation powers:**
 - Representing in front of courts;
 - Bringing proceedings in own name;
 - Intervening before the court;
 - Amicus curiae;
 - Formally deciding on complaints (decision or recommendation) – *legally binding*.
- **Other powers:**
 - The victim, on the basis of CPD decision, can approach civil court and claim adequate indemnities for suffered damages of discrimination – material and immaterial;
 - Establish infringements of this or other laws regulating equality of treatment, the infringer and the wronged party;
 - Decree measures for prevention from and termination of infringement and restoration of the initial situation;
 - Impose the penalties stipulated and apply measures of administrative coercion;

- Deliver mandatory instructions with regard to observance of this Act and other laws regulating equality of treatment;
- Appeal against administrative acts ruled in contravention of this Act and other laws regulating equal treatment, bring actions to the court and enter proceedings under this Act and other laws regulating equal treatment, in the capacity of interested party;
- Make proposals and recommendations to state and municipal authorities on termination of discriminatory practices and repeal their acts issued in contravention of this Act and other laws regulating equal treatment;
- Keep a public register of enforceable decisions and mandatory instructions issued by the Commission;
- Deliver statements on draft normative acts referring their conformity with the legislation concerning prevention of discrimination, as well as recommendations for adopting, repealing, amending and supplementing normative acts;
- Provide independent assistance to victims of discrimination in submitting complaints about discrimination;
- Conduct independent surveys concerning discrimination;
- Publish independent reports and make recommendations on any issue related to discrimination;
- Exercise other competencies provided in its Rules of Organization and Operation

Grounds and fields of discrimination covered					
Grounds	Fields				
	Employment	Education	Housing	Social protection	Goods and Services
Gender	◆	◆	◆	◆	◆
Race and ethnic origin	◆	◆	◆	◆	◆
Age	◆	◆	◆	◆	◆
Disability	◆	◆	◆	◆	◆
Sexual orientation	◆	◆	◆	◆	◆
Religion and belief	◆	◆	◆	◆	◆
Other *	◆	◆	◆	◆	◆

* 19 grounds listed in Article 4 of the Protection against Discrimination Act: sex, race, nationality, ethnicity, human genome, citizenship, origin, religion or belief, education, views, political allegiance, personal or social status, disability, age, sexual orientation, marital status, property status, or on any other ground, established by law or an international treaty whereto the Republic of Bulgaria is a party.

Note: the specific mention of the ground of socio-economic status enables a more complete approach to all forms of inequality, including both economic inequality and identity based inequality.

Activities

- Promotional activities aimed at duty bearers (by way of trainings, guidance material, etc.);
- Promotional activities aimed at potential victims (trainings, awareness raising, etc.);
- Communication activities;
- Publications and research projects;
- Local presence – CPD has Regional Representatives in 20 District Cities; the establishment of CPD regional network began in 2008-2009 but still some district towns remain uncovered. Thanks to the awareness-raising efforts of the Regional Representatives, the number of complaints and signals lodged with the CPD is growing;
- “Open Info Days” in distant municipalities where CPD legal advisors provide advice and assistance in filing a case;
- CPD has established the annual practice to hold annual trainings for legal practitioners with the aim to provide them with skills and knowledge to apply antidiscrimination legislation;
- Working Groups (ordered chronologically):
 - Auxiliary schools: in 2006-2007 the CPD conducted independent study on the “special schools” (boarding facilities for children with different disabilities and children without parental care) and gave recommendation to the Minister of education for termination of practices considered by CPD as discriminatory, e.g. enrolment procedures. Subsequently the Supreme Administrative court repealed the decision of the CPD.
 - Accessibility of public spaces and buildings for persons with disabilities: in 2008, CPD launched a monitoring and check-ups on accessibility of public buildings of Ministries, Agencies and other public authorities. The start of the campaign was announced in media. The CPD in cooperation with the Agency for Persons with Disabilities checked the buildings of all ministries in Sofia and conducted report. Based on it, recommendations have been issued and most ministries followed them (described in detail in the Annual Report 2008, available at CPD website in English).
 - On rare diseases (2009-2010): a joint Working group between CPD experts and representatives of NGOs and civil society associations defending the rights of persons with rare diseases; in result of the WG work and recommendations, several discriminatory provisions and practices have been corrected.
 - On education: in 2008, CPD created a joint working group (CPD members and legal advisers; officials from the Ministry of Education and independent experts) to monitor the contents of educational programs and educational subjects and programs for their compliance with the provisions of the Protection against Discrimination Act. In 2011, an independent survey on biased contents of school textbooks and programs was conducted and a summary report was published; recommendations to the Minister of Education were decreed.
 - On immigrants’ situation in Bulgaria: on 16-17 July 2009, CPD held a roundtable on the theme of “Challenges to Meet: Migrants and Refugees as New Dimension of Diversity in Bulgarian Society”. Participants from the Ministry of Interior and NGOs discussed the problems faced by foreigners in Bulgaria. The results from the latest CPD survey² “Discrimination towards refugees, immigrants and other foreigners in employment, education, access to goods and services in Bulgaria.” The survey attracted enormous media attention. The main focus was on circumstances foreigners have in Bulgaria – social and material context. Respondents spoke on their relations with Bulgarians – close friends, strangers, civil servants and officials.

² Conducted by Institute of Social Surveys and Marketing MBMD. <http://www.mbmd.net/>

Later, a Working group and a Non-formal expert network have been created that continue to function.

- Discrimination in the access to labour market: monitoring and on-the-spot checks at the Public Employment Services (so-called Labour Bureaus, local units of the National Employment agency) 2009-2010;
- “In Support of Tolerance” Campaign and Working Group: in 2009, the Commission launched the campaign “In Support of Tolerance” dedicated to raise the awareness of general society, media, civil society associations and relevant institutions on the issues of hate speech and hate- and intolerance-motivated incidents and crimes. There is a pressing need of understanding and awareness of those incidents. The CPD is the National Point for Contact for the Organization for Security and Co-operation in Europe (OSCE) on the issue of hate-crimes. ODIHR to the Organization for Security and Co-operation in Europe (OSCE) annually collects information by each NPC for occurred hate-motivated crimes, their investigation by the Prosecution and Police, Court’s practices on those penal proceedings.

● **Number of inquiries / complaints lodged and cases handled per year:**

No.	Type	2005	2006	2007	2008	2009	2010	2011
1.	Complaints	26	279	566	673	967	775	797
2.	Signals	1	10	79	65	72	61	49
3.	Total	27	289	645	738	1039	836	846

● **Initiated case-files by years, by Chambers³:**

	Permanent Sitting Panel	2005	2006	2007	2008	2009	2010	2011	Total
	First	6	37	48	30	18	23	28	190
	Second	-	32	40	28	13	38	37	188
	Third	6	7	6	12	64	58	53	206
	Fourth	5	19	30	88	25	11	27	205
	Fifth	1	39	36	53	80	54	65	328
	Ad hoc	2	8	8	8	3	4	1	34
	Five-members	2	20	42	59	95	80	148	446
	Total	22	162	210	278	298	268	359	1597

³ See details on institutional structure below.

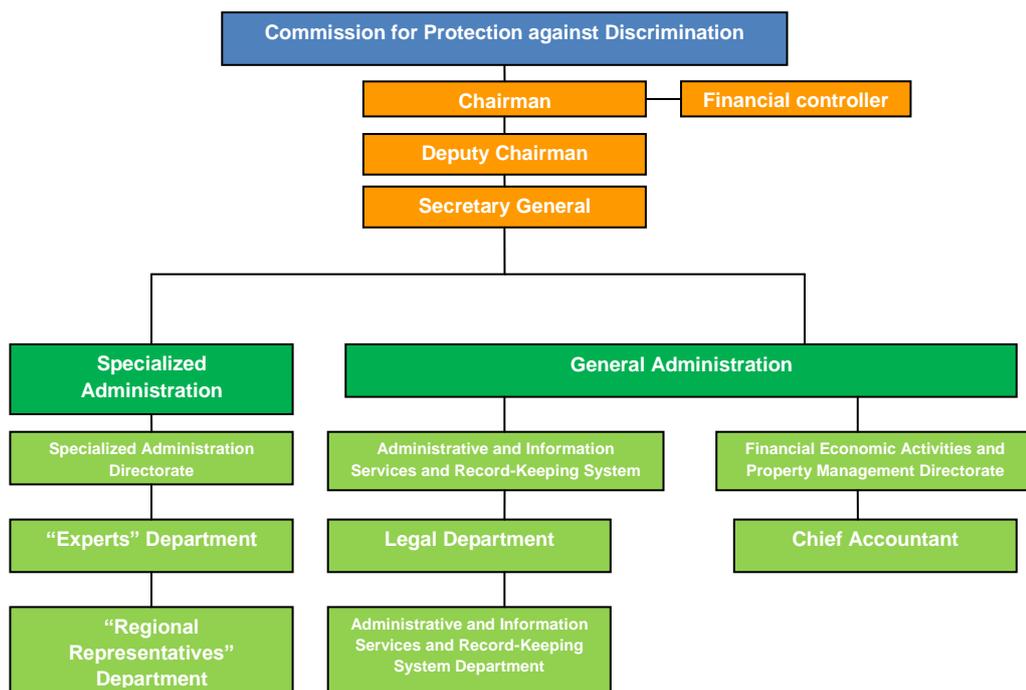
Structure

1. Management structure

- Type: combination between a single headed equality body (led by a director) and a collegiate headed body (led by a distinct board);
- Details: the Commission consists of 9 members – the National Assembly shall elect 5 of its members, including the chairman and the deputy chairman of the Commission, and the President of the Republic of Bulgaria shall appoint 4 of the members of the Commission. The mandate of the members of the Commission is 5 years. The founding law sets very clear requirements for a diverse composition of the nine CPD Members, stating that in the process of election or appointment of Commission members, the principles of balanced inclusion of women and men and the inclusion of individuals from ethnic minorities shall be regarded. In fact, CPD Members reflect the ethnic, religious and cultural diversity of Bulgaria. Also, the gender equality principle is observed, where five of the Commissioners are women and four are men. The Commission itself is comprised of the Chairman, one Deputy Chair and seven Commissioners (9 persons in total).

2. Institutional structure

- Type: the organisation is a standalone dedicated national equality body;
- The Rules of Organization and Operation (Articles 15-19) stipulates The CPD activity is implemented through administration staff (88 persons), comprised of a Secretary General, the General administration and the Specialized administration. The administration is organized in directorates as follows:



- Details:
 - The Commission is a standing collective body pursuant to Article 5 of its Rules for Organization and Operation. Its work is organized in two types of sittings / meetings. Aside of them, every Monday, there is a regular meeting between the Chair and Head of Units / Directorates.
 - Regular Weekly General Meeting of the Commission (all nine CPD members): as stipulated in the Rules for Organization and Operation, the full membership of the CPD meets once weekly, every Tuesday, to discuss organizational and strategic

issues, related to CPD functions as an institution. Those meetings follow an agenda that is published in due time; every Commissioner can suggest a topic for discussion; often, such topics are the mandatory instructions, compulsory administrative measures, suggestions and recommendations to central and local governments to terminate discriminatory practices or abolish and amend certain normative acts violating the Protection from Discrimination Act (PaDA) or other equal treatment laws. Of those meetings, minutes (stenographic) and audio record are produced.

- CPD sittings by Panels: by virtue of PaDA the Commission shall consider and decide on the materials filed with it by sitting members who shall be appointed by the chairman of the Commission. At present there are 5 permanent panels appointed by the Chairperson. In complicated cases on one ground the Commission sits in ad hoc panels. For cases involving multiple discrimination 5-member panels are formed:
 - 1) FIRST panel specialized for discrimination on grounds of race and ethnic origin;
 - 2) SECOND panel specialized for discrimination on grounds of sex, human genome, protection in exercising the right to work and personal status;
 - 3) THIRD panel specialized for discrimination on grounds of nationality, citizenship, origin, religion and belief;
 - 4) FOURTH panel specialized for discrimination on grounds of education, conviction, political belonging, social status, property status;
 - 5) FIFTH panel specialized for discrimination on grounds of disability, age, sexual orientation, marital status.
- In addition to discrimination on the above grounds, the Commission's President shall also nominate two other panels for each specific case, and they are:
 - 1) FIVE-MEMBER panels for the decision on case files initiated upon more than one grounds (multiple discrimination);
 - 2) AD HOC panel, which shall make decisions on discrimination on specific grounds not listed up to now. Quite often are the cases, where in a specific complaint or signal, facts of violating the principle of equal treatment in a manner affecting by discrimination a wide, nonpersonified circle of addressees have been stated, at which the problems outlined are of a big public significance.

3. Nomination of senior staff and board:

- For details on the nomination process for the Commissioners, please see above section on management structure;
- In its strategy and practice, the Commission strives to administrative capacity building and effective human resources management. The staff is reflecting pluralism in relation to their cultural or ethnic background, age or religion – Bulgarians, Turks and Roma. Some 10% of the staff could be brought under the heading of people with a disability or a chronic disease. Adjustments as to the working place and working times will meet the individual's needs;
- In regard with human resources selection, the contest principle has been applied in the recruitment of new employees in order to ensure public trust and respect for CPD staff as qualified personnel capable to meet the requirements of society, to do their duty with dedication providing independent assistance to the victims of discrimination, enforcing the legislation in straightforward and unbiased way;
- By virtue of the Rules for Organization and Operation of CPD, all the Staff members of the CPD are hired by the Chairperson of the Commission. Initially, the total staff of the

Commission amounted to 42 positions, the nine CPD Members (i.e. Commissioners) including;

- In 2007, amendments have been made at the Rules of Organization and Operation regulating the nomination of regional representatives as part of the Commission's specialized administration and a new staff on the pay-roll of 77 positions has been approved. From secondary, CPD has become a primary administration and primary dealer of budget resources.
- The entire strategy for the management of human resources at the CPD is implemented by, as follows:
 - Application of the principle of compliance of the methods of conducting competitions in view of the required knowledge and skills for the relevant post.
 - Conducting of effective policy, in order to improve the system for development of occupational skills and qualification of the employees. Very useful for the vocational growth of human resources have been the seminars on the application of the Code of Administrative Procedure and the new amendments to Code of Civil Procedure, as well as education in foreign language.
 - Improvement of the system for attestation by binding the assessment to the feedback obtained from internal and external customers to the administration, in order to achieve maximum objectivity in implementing the post.
 - Fostering the development of team work and succession in planning and implementing the tasks; there are also frequent training seminars and team buildings.
 - Dissemination and implementation of best practices.

4. Number of staff: 65 (directly involved in equality work).

Operating budget (for the parts of the organization dealing with equality issues)

For 2012 the budget amounts to approximately 600.000 €.

Accountability (reporting to)

- Article 40(5) of the founding Law states that the Commission submits an annual report on its operations comprising information on the activity of each of its permanent and specialized Boards, to the National Assembly, by 31st March of the next year. Article 8 of the Rules of Organization and Operation requires that the President of the Republic shall be also provided with the annual report of the Commission.
- Every Directorate and Panel is responsible to draft a respective part of the annual report. The structure of the report is decided by the Commission. The annual reports for 2007, 2008, 2009 and 2010 are available in English.

Contact details (address, key contact person, website)

Address:

Commission for Protection against Discrimination

35 Dragan Tzankov Blvd., Sofia 1125, Bulgaria

Tel.: +359 2 807 3030

Email: kzd@kzd.bg

Key contact person for international activities:

Margarita Spasova

m.spasova@kzd.bg

For official requests:

Esen Fikri, Commissioner

Website: www.kzd-nondiscrimination.com