

# **ANNUAL REPORT ON THE HUMAN RIGHTS SITUATION OF THE MACEDONIAN MINORITY IN BULGARIA AND THE RIGHTS OF BULGARIAN CITIZENS WITH A MACEDONIAN CONSCIOUSNESS-2020**

*2020:13 years since Bulgaria became a member of the European Union, 30 years since it became a democracy, 57 years since the beginning of the policy of denial, assimilation and discrimination of the Macedonian minority in Bulgaria.*

## **CONTENTS**

**Introduction: Situation of the Macedonian Minority and More Important Developments in 2020**

**Denial of the Macedonian Minority, Nation, and Identity**

**Hate Speech**

**Violation of the Right of Association**

**Refusal of the Authorities to Engage in Dialogue**

**Conclusions and Recommendations**

## **INTRODUCTION**

### *Situation of the Macedonian Minority in Bulgaria in 2020*

During 2020 the situation of the Macedonian minority in Bulgaria worsened because of the aggravated relations with the Republic of Macedonia, Bulgarian attempts to force Skopje to renounce the existence of the Macedonian minority in Bulgaria and the media campaign conducted in Bulgaria in that regard. The registration of one of two registered Macedonian organisations was rescinded in 2019 while the other one is in the process of being deregistered and its members are subjected harassment by the authorities.

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 renders impossible its mere existence. The Macedonian literary language and history continue to not be taught.<sup>1</sup> On television and in the media there is a continuous and multifaceted 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

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<sup>1</sup> 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.”

(“Macedonianism“ as it is labelled in Bulgaria) is looked upon as an artificial anti-Bulgarian ideology. Macedonian consciousness (and also 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.

By taking advantage of the artificially created atmosphere of intolerance, the Bulgarian state successfully keeps representatives of the minority isolated from political and social life in the country-both individually<sup>2</sup> and collectively (by not registering Macedonian parties and organisations).

During 2020 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 organisations. 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 society<sup>3</sup>, treat Macedonians as non-existent and ignore the problems they face. 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.<sup>4</sup>

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 judgements against Bulgaria at the European Court of Human Rights has risen to 14. In 30 years of democracy not one Bulgarian official institution has done so.

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 Republic of Bulgaria has made a concerted effort to make the raising of this issue within the European Union impossible.

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<sup>2</sup> 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.

<sup>3</sup> Here one should include the Bulgarian Helsinki Committee and the people grouped around the editorial board of “Marginaliya”

<sup>4</sup> PACE: Post-monitoring dialogue, 160.

### ***Important events during 2020***

On 10 March 2020 the report into Human Rights in Bulgaria, authored by the Commissioner of the Council of Europe, Dunya Mijatovic, was published. In this report “ethnic Macedonians” are mentioned in four chapters in the following sections: *Racism, Intolerance and Discrimination, Intolerance and Hate Speech against Minorities, Institutional, Legal and Political Framework, Organisations for the Protection of Human Rights, Conclusions and Recommendations* and in a special section entitled *The Right to Freedom of Association of Persons who Self-Identify as Ethnic Macedonians*. In this report the Commissioner stated: “*The Commissioner notes with alarm the rampant intolerance manifested towards minority groups in Bulgaria, affecting especially ...persons identifying as ethnic Macedonian*”.<sup>5</sup> The Commissioner recommended that the Bulgarian authorities register Macedonian organisations, abstain from refusing registration on the basis of a denial of the existence of a Macedonian minority and begin a dialogue with the Macedonians.

On 29 May the European Court for Human Rights (ECHR) issued two more judgements in which Bulgaria was condemned for violation of the rights of the Macedonians. They referred to cases submitted by the Macedonian Club for Ethnic Tolerance and the Association of Repressed Macedonians in Bulgaria During the Period of Communist Rule due to Bulgaria’s refusal to register them. These judgements brought the total number of judgements relating to the violation of the rights of the Macedonians to 14.

On 26 May the report of the Advisory Committee on the Framework Convention for the Protection of National Minorities was tabled (published in October). The Macedonians in Bulgaria are mentioned in this report on 36 occasions and it recommended that the authorities begin a dialogue with the Macedonians for the purpose of applying the Convention to them, not abuse the definition based on objective criteria for the existence or not of a said minority in order to limit the right to self-determination as well as advice on the conduct of future censuses, in particular the inclusion of a column for the identification of less numerous minorities such as the Macedonian.<sup>6</sup>

On 20 July 2020, the Blagoevgrad District Court revoked the registration of the Association for the Defence of Fundamental Civil Rights which had been granted less than a year before, using arguments that had been criticised many times before by the ECHR and the other institutions in Strasbourg.

On 28 August, the Group for Democracy, Rule of Law and Fundamental Rights (DFRMG) in the European Parliament tabled the following question to the deputy Minister for Justice of Bulgaria and the Commission for Protection Against Discrimination: “*How will the Bulgarian government*

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<sup>5</sup> Report of the Commissioner for Human Rights of the Council of Europe following her visit to Bulgaria on 25-29 November 2019, 31/03/2020, & 6, [https://ec.europa.eu/migrant-integration/librarydoc/report-of-the-commissioner-for-human-rights-of-the-council-of-europe-following-her-visit-to-bulgaria-on-25-29-november-2019\(used](https://ec.europa.eu/migrant-integration/librarydoc/report-of-the-commissioner-for-human-rights-of-the-council-of-europe-following-her-visit-to-bulgaria-on-25-29-november-2019(used) on 19.12.2020).

<sup>6</sup> Advisory Committee on the Framework Convention for the Protection of National Minorities, Fourth Opinion on Bulgaria - adopted on 26 May 2020, ACFC/OP/IV(2020)001Final, <https://rm.coe.int/4th-op-bulgaria-en/16809eb483> & 25 (used on 21.02.2021).

*and the Commission for Protection Against Discrimination ensure the full protection of all minorities? .... We have reports of arbitrary quarantine and lock down measures targeting specifically Roma, rampant hate speech against Roma, LGBTI phobic hate speech, as well as attempts to hinder the work of e.g. NGOs working with the Macedonian-Bulgarian minority (deregistering and NGO). Specifically to the Commission for the Protection Against Discrimination: which investigations has it carried out in the past year into these cases and what decisions has it reached in these cases?”<sup>7</sup>*

At the beginning of September the Bulgarian Government distributed to EU member states an *Explanation Memorandum on Relations between the Republic of Bulgaria and the Republic of North Macedonia in the Context of EU Enlargement and the Process of Stabilization and Association* in which it set out conditions for Macedonia’s membership of the EU; namely, renunciation of the existence of a Macedonian minority in Bulgaria and a halt to all eventual support for that minority in international institutions.<sup>8</sup>

On 1 October the Committee of Ministers of the Council of Europe adopted a further resolution in relation to Bulgaria’s non-implementation of ECHR judgements. The resolution was related to 6 judgements issued between 2000 and 2020 regarding the refusal to register UMO “Ilinden”, the Macedonian Club for Ethnic Tolerance and the Association of Repressed Macedonians in Bulgaria. In this resolution the Committee stated: *„Noting with deep concern, as regards the general measures, that since 2006 associations similar to “UMO Ilinden” have been refused registration on a number of occasions on grounds, such as the potential for an association promoting the existence of a “Macedonian minority” to endanger national unity and the constitutional prohibition on associations pursuing political goals, which have been systematically rejected by the European Court in the cases from this group; ... Considering that the execution of these cases requires, beyond certain additional legislative and administrative measures, a clear message on the part of the authorities and continued efforts to raise awareness that “UMO Ilinden” and other similar associations should not be denied registration or dissolved on grounds related to their goals already rejected by the European Court.... URGED them also to convey a message and to continue their efforts to raise awareness that associations aiming to achieve “the recognition of the Macedonian minority in Bulgaria” should not be refused registration on grounds related to the associations’ goals and means for pursuing them which contradict the European Court’s judgments in these cases, and that such associations should not be subject to dissolution procedures on similar grounds“).*<sup>9</sup>

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<sup>7</sup> Democracy, Rule of Law and Fundamental Rights Monitoring Group (DRFMG): Follow-up questions to the Exchange of views on latest developments in Bulgaria, <https://www.europarl.europa.eu/cmsdata/211284/DRFMG%20questions%20to%20Bulgarian%20authorities.pdf>

<sup>8</sup> Exclusive: What is written in the Memorandum by Bulgaria about North Macedonia?, <https://www.actualno.com/politics/ekskluzivno-kakvo-pishe-v-memoranduma-na-bylgarija-za-severna-makedonija-news-1500405.html> (used on 10.02.2021) (further as: Memorandum)

<sup>9</sup> Execution of the Judgments of the European Court of Human Rights, Interim Resolution CM/ResDH(2020)197, United Macedonian Organisation Ilinden and Others group against Bulgaria, [https://search.coe.int/cm/pages/result\\_details.aspx?ObjectId=09000016809fc587](https://search.coe.int/cm/pages/result_details.aspx?ObjectId=09000016809fc587) (19.12.2020)

On 2 October after prolonged negotiations in the European Parliament, the Resolution on Bulgaria was adopted in which at point 15 the Parliament „condemns all instances of hate speech, discrimination and hostility against ... minority groups, which remains an issue of acute concern; ... to enhance legal protection against discrimination and hate crimes, and to investigate and prosecute such crimes effectively; ... it calls on the Bulgarian Government to enhance cooperation with international and local human rights monitors and to take all the necessary measures to safeguard the rights of minorities effectively, in particular the rights to freedom of expression and freedom of association, including through implementation of the relevant judgments of the European Court of Human Rights<sup>13</sup>; calls on Bulgarian authorities and officials to firmly condemn all acts of violence and hate speech against minorities“).<sup>10</sup> ECHR cases relating to OMO Ilinden were cited in the resolution in footnote 13.

On 8 December Bulgaria blocked the start of EU accession talks with Macedonia despite the fact that Macedonian PM Zoran Zaev had declared on 18 November that Macedonia had abandoned claims relating to the existence of a Macedonian minority in Bulgaria.

### **DENIAL OF THE MACEDONIAN NATION, MINORITY, AND IDENTITY**

Macedonians are not recognised as a minority (on the contrary the denial of the existence of the Macedonian minority is a fundamental state doctrine as the conflict with Macedonia shows), they are not included within the scope of the Framework Convention for the Defence of National Minorities, are not mentioned in state documentation, and do not have their representatives in the National Council on Ethnic and Integration Matters.<sup>11</sup>

The denial of the minority in the past few years has been transformed into a condition of the Republic of Macedonia's integration into European institutions. According to the position adopted in the Explanatory Memorandum, the Agreement on Friendship with Macedonia has clarified that *“all claims regarding the existence of a so-called “Macedonian minority” on Bulgarian territory are without foundation”*. Correspondingly, *“Bulgaria expects the Republic of North Macedonia to fulfil its obligations, cease implementing the abovementioned policies, immediately align its positions and actions in international organisations and forums in keeping with Article 11 of the Agreement and to cease its practice of using multifaceted formats and mechanisms of monitoring as a means of applying inordinate pressure on Bulgaria. That will be a prerequisite for obtaining Bulgaria's agreement to taking the next step in the process of integration”*<sup>12</sup>

This document was totally devoted to disputing Macedonian identity within the context of proving that there is not, has not been and cannot in future be a Macedonian minority.

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<sup>10</sup>European Parliament resolution on the rule of law and fundamental rights in Bulgaria (2020/2793(RSP), [https://www.europarl.europa.eu/doceo/document/B-9-2020-0309\\_EN.html#\\_ftn13](https://www.europarl.europa.eu/doceo/document/B-9-2020-0309_EN.html#_ftn13) (used 20.02.2021)e

<sup>11</sup> Commissioner & 26, 28; Advisory, & 7, 13, 23.

<sup>12</sup> Memorandum.

According to this document Macedonian ethnic identity and language did not exist until 1944 and were created with the goal of dividing people in Macedonia from people in Bulgaria. It directly claims that the Macedonian nation has been artificially created by means of mass murder and violence against Bulgarians and via a falsification of the historical truth such that it represents “*an ethnic engineering project for the creation of a “Macedonian identity”*”; a position which apart from being historically untrue, implants exceptionally negative stereotypes about the Macedonian nation and identity.

The Bulgarian authorities are especially interested in safeguarding their thesis that the process of the creation of the Macedonian nation did not involve the population within Bulgaria’s borders: “*the process of creating an identity however was limited only to the territory of the Socialist Republic of Macedonia and after 1991 to the Republic of Macedonia. Even though Bulgarian citizens have not participated in this process, the authorities in the Republic of Macedonia still maintain that there is a “Macedonian minority“ in Bulgaria*”. That is interpreted as “*the creation of antagonisms with Bulgaria through the dissemination of stereotypes*”. “*Bulgaria, however, cannot accept the continuing process of nation building in the Republic of North Macedonia will be achieved through the re-examination of our joint history, denial of our common ethnic and language roots or unfounded allegations regarding the existence of a “Macedonian minority” in Bulgaria. These manifestations of state financed anti-Bulgarian ideology and practice contradict European values and should not be legitimised through accession to the EU*”.

Macedonian is directly accused that “*by violating Article 11 of the Agreement, Skopje has not changed the policies of previous governments which encourage and support persons and organisations that seek the recognition of the non-existent “Macedonian minority” in Bulgaria.*”

Foreign Minister Ekaterina Zaharieva supports this same political line which has led to the blocking of Macedonia’s membership of European institutional structures: “*In this Agreement there is also a text on the unilateral obligation on the part of the Republic of North Macedonia to not make any claims relating to the presence of a so-called Macedonian minority in Bulgaria.*”<sup>13</sup> “*Bulgarian fears are linked to the incessant claims of the Republic of North Macedonia that there is a Macedonian minority in our country*” stressed Zaharieva. A Bulgarian veto could be avoided if Macedonia “*recognises that its roots and language have Bulgarian foundations and as such*

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<sup>13</sup> Ekaterina Zaharieva: In the Agreement on Good Neighbourliness it is written that Skopje does not claim there to be a Macedonian minority in Bulgaria, 11.12.2020, <https://trud.bg/%D0%B5%D0%BA%D0%B0%D1%82%D0%B5%D1%80%D0%B8%D0%BD%D0%B0-%D0%B7%D0%B0%D1%85%D0%B0%D1%80%D0%B8%D0%B5%D0%B2%D0%B0-%D0%B2-%D0%B4%D0%BE%D0%B3%D0%BE%D0%B2%D0%BE%D1%80%D0%B0-%D0%B7%D0%B0-%D0%B4%D0%BE%D0%B1%D1%80%D0%BE%D1%81%D1%8A%D0%B4%D0%B5%D1%81%D1%82%D0%B2%D0%BE-%D0%B5-%D0%B7%D0%B0%D0%BF%D0%B8%D1%81%D0%B0%D0%BD%D0%BE-%D1%87%D0%B5-%D1%81%D0%BA%D0%BE%D0%BF%D0%B8%D0%B5-%D0%BD%D1%8F%D0%BC%D0%B0-0%BF%D1%80%D0%B5%D1%82%D0%B5%D0%BD%D1%86%D0%B8%D0%B8-%D0%B7%D0%B0-%D0%BC%D0%B0%D0%BA/>

*discontinues all claims that in Bulgaria there exists a clearly defined “Macedonian minority”*.<sup>14</sup> The last statement clearly shows that the essential reason for the historical and language dispute with Macedonia is to be able to deny any possibility of the existence of a Macedonian minority in Bulgaria.

Premier Boyko Borissov commented as follows for Frankfurter Allgemeine Zeitung in relation to the resolution in the European Parliament: *“For me it was a great surprise that the recent resolution in the European Parliament regarding Bulgaria raised the matter of the supposed Macedonian minority in Bulgaria. There is no Macedonian minority in Bulgaria. What sort of Macedonian minority should there be in Bulgaria? I don’t know even one Macedonian. I only gleaned from the resolution that there should be such a minority..... I must say that I am truly worried about this development.”*<sup>15</sup> (In this case the Premier was being insincere as this matter has been raised with him more than once by representatives of the Macedonian minority who have sought meetings with him on several occasions. The reason for him not knowing anyone from the Macedonian minority is because he has refused all requests by Macedonian organisations for meetings with him)

In the original version of the European Parliament’s resolution *the Macedonian minority* was mentioned, however reference to it was later dropped due to pressure from Bulgarian Euro MPs.<sup>16</sup>

Even the most liberal politicians in Bulgaria strongly oppose the raising of the question of the Macedonian minority in Bulgaria. In that regard the Euro-MP, Radan Kunev, from the Democratic Party stated: *“the topic of the so-called “Macedonian minority”.... I categorically reject that concept and question which has been closed between our countries. I appeal to all colleagues in the European Parliament to adopt a common position, one which rejects and denies the raising of such a topic.”*<sup>17</sup> The leader of the same party, Hristo Ivanov, in relation to the presence in the resolution of topics such as that of OMO “Ilinden” perceived *“an attempt to change the subject”*. Elena Yoncheva from the BSP (the Group of the Progressive Alliance of Socialists and Democrats in the European Parliament), also reacted that in the resolution *“a Macedonian minority which doesn’t exist is spoken about”*.<sup>18</sup> In that regard there is no difference between liberal and extreme nationalist politicians. Angel Dzhambaski from the VMRO-BND in regard to the same matter spoke of *“the non-existent “Macedonian” minority in Bulgaria ... a false thesis on the presence of*

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<sup>14</sup> Zaharieva for Reuters: Our concerns are in connection with the incessant claims that there is a Macedonian minority in our country. 31.10.2020, <https://bntnews.bg/news/zaharieva-pred-roiters-pritesneniyata-ni-sa-svarzani-s-neprestannite-pretencii-za-makedonsko-malcinstvo-u-nas-1081007news.html>

<sup>15</sup> Petur Karaboev, Borissov: I learnt from the EU resolution that there was a Macedonian minority, 29/11/2020, [https://www.dnevnik.bg/sviat/2020/11/29/4145077\\_borisov\\_ot\\_rezoljucijata\\_na\\_evroparlamenta\\_nauchih\\_che/](https://www.dnevnik.bg/sviat/2020/11/29/4145077_borisov_ot_rezoljucijata_na_evroparlamenta_nauchih_che/)

<sup>16</sup> There is no “Macedonian minority” in the resolution of the European Parliament – Radan Kunev-BNT <https://radankanev.eu/%d0%bd%d1%8f%d0%bc%d0%b0-%d0%bc%d0%b0%d0%ba%d0%b5%d0%b4%d0%be%d0%bd%d1%81%d0%ba%d0%be-%d0%bc%d0%b0%d0%bb%d1%86%d0%b8%d0%bd%d1%81%d1%82%d0%b2%d0%be-%d0%b2-%d1%80%d0%b5%d0%b7%d0%be%d0%bb%d1%8e%d1%86/>; Джамбазки скочи на Радан Кънев заради Северна Македония <https://fakti.bg/bulgaria/526284-djambazki-skochi-na-radan-kanev-zaradi-severna-makedonia>

<sup>17</sup> [https://m.facebook.com/story.php?story\\_fbid=10157865349477636&id=544147635](https://m.facebook.com/story.php?story_fbid=10157865349477636&id=544147635)

<sup>18</sup> Rada Tsaneva, Human Rights are the basis of a state based on the rule of law , but not an “attempt to distract attention”, ,\_13.10.2020, <https://www.marginalia.bg/analizi/pravata-na-choveka-sa-osnovata-na-pravovata-darzhava-a-ne-opit-za-otklonyavane-na-vnimanieto/>

*a “Macedonian minority” in our country... our country is mono-national and unitary and no type of autonomous formations or collective “minority” rights are permitted on its territory. The mere asking of a question about the so-called “Macedonian” minority constitutes insolence.... an openly anti-Bulgarian campaign which is unfolding in the EP against Bulgaria.”*<sup>19</sup>

In that regard Bulgarian politicians are unanimous in agreeing with the thesis proposed by the dictator Todor Zhivkov in 1963 that *“the Macedonian minority in Bulgaria does not and cannot exist”*, in fact to such an extent that they unconsciously cite it. For example, from the “liberal” Radan Kunev: *“A Macedonian minority has not existed, does not exist and will not exist”*,<sup>20</sup> to the extreme nationalist Angel Dzhambaski who states: *“(A Macedonian minority) has not existed, does not exist and cannot exist!”*<sup>21</sup>

Even though Macedonian Premier Zoran Zaev in November 2020 would state that *“Specifically we have no claims, either of a territorial or minority nature”* towards Bulgaria. Bulgaria nevertheless blocked Macedonia’s integration into European structures in December.<sup>22</sup>

The denial of the Macedonian minority does not only involve official political figures and state institutions, but also includes a large part of the intelligentsia.<sup>23</sup> Each and every external intervention is considered to be extremely negative: *“the European Court is now pushing us directly in the direction of recognising an imaginary Macedonian minority.... a non-existent ethnic minority”*.<sup>24</sup>

### **Legal Argumentation in Support of the Denial of the Macedonian Minority**

In an effort to provide arguments for their refusal to recognise the Macedonian minority and to begin a dialogue with its representatives, the authorities stress the argument that according to them the Macedonians do not fulfil *“objective criteria”* in order to be recognised as a minority.<sup>25</sup> *“The right of free, individual self-identification is inextricably tied to objective criteria, linked to the identity of a person...that right can be exercised in accordance with the cumulative fulfilment of subjective criteria (the presence of free will in choosing to belong to a specific ethnic, religious,*

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<sup>19</sup> Dzhambaski from the European Parliament; There is no “Macedonian minority” in Bulgaria, there has not been and there cannot be, <https://fakti.bg/world/511020-djambazki-v-balgaria-nama-makedonsko-malcinstvo>

<sup>20</sup> Radan Kunev-BNT...

<sup>21</sup> Dzhambaski from the European Parliament :There is no “Macedonian minority...”...

<sup>22</sup> <https://offnews.bg/dw/zaev-niamame-pretencii-za-makedonsko-malcinstvo-v-balgaria-740682.html>

<sup>23</sup> See for example: Sonya Koltuklieva;: There is no “Macedonian minority in Bulgaria and there never has been! 6 October, <https://tribune.bg/bg/mrezhata/sonya-koltuklieva-nyama-makedonsko-maltsinstvo-v-balgariya-i-nikoga-ne-e-imalo/>; Simeon Malinov, The European Court struck a heavy blow against us and pushes us to recognise a “Macedonian minority”, Zinaida Zlatanova:There are no Bulgarians who want to recognise a Macedonian minority in our country, 06.10.2020, <https://novini.bg/bylgariya/syd-i-prokuratura/622652>; Paolina Toteva:Academician Georgi Markov: There is no Macedonian minority in Bulgaria,10 October 2020, <https://www.flashnews.bg/akad-georgi-markov-v-balgariya-nyama-makedonsko-maltsinstvo/>

<sup>24</sup> Veliana Hristova: Who and why is once again lighting the embers of the Macedonian Question?, 1 June 2020, <https://www.duma.bg/makedonizam-n216030>.

<sup>25</sup> Comments of the Government of Bulgaria on the 3rd Opinion of the Advisory Committee on the Implementation of the FCNM by Bulgaria, 30 July 2014, p. 4.

*linguistic minority group or community) as well as objective criteria (the existence of actual differences which objectively prove the existence of an ethnic affinity, religion and language significantly different from those of the majority). Similarly to other member states Bulgaria does not provide collective but only individual rights. Consequently the demands for the recognition of a minority emanating from abroad are unacceptable.”*<sup>26</sup> In its 2020 report the Advisory Committee provided the following response to these arguments: *“The Advisory Committee recalls that the right to free self-identification contained in Article 3 of the Framework Convention is not only a central provision of the Framework Convention<sup>15</sup> but, as the European Court of Human Rights has pointed out, “the ‘cornerstone’ of international law on the protection of minorities in general. While it may be legitimate to link the recognition of a group as a national minority to objective criteria, these criteria must not be defined or construed in such a way as to limit arbitrarily the possibility of such recognition and the views of persons belonging to the group concerned should be taken into account by the authorities when conducting their own analysis as to the fulfilment of objective criteria. While member states have a margin of appreciation in determining how to approach the question of right-holders in compliance with national and international obligations, they shall seek solutions that are not arbitrary and prevent the unjustified exclusion of persons from protection under the Framework Convention. Furthermore, the Advisory Committee recalls that recognition by the state as a minority is not a prerequisite to qualify for the protection of the Framework Convention.”*<sup>27</sup>

This particular argument of the authorities is in essence only a false justification - until today in Bulgaria there has not been an agreed definition of what constitutes a national minority, nor have the “objective criteria” used by the Bulgarian government to determine what is and what is not a national minority been clearly spelled out. On the contrary, Bulgarian politics and academic research are directed towards disputing each and every possible objective basis and criteria for the recognition of a Macedonian minority, denying for example, the specific Macedonian language, which was once recognised and taught in Bulgarian schools, but whose existence in today Bulgaria today is generally disputed, despite the fact that it is internationally (both politically and academically) recognised. Namely, as is directly referred to in the Memorandum of the Bulgarian Government: *“the official language used in today's Republic of North Macedonia... Today, regional versions of the same language are still spoken on both sides of the border between Bulgaria and the Republic of North Macedonia.”* The Memorandum clearly shows the link made by the Bulgarian authorities between the concepts language and ethnicity and correspondingly with the concept of a minority.<sup>28</sup> Accordingly, the recognition of the Macedonian language as a distinct language would lead to the recognition of the fact that this distinct language is also spoken in Pirin Macedonia, which in essence would be an “objective criterion” for the recognition of the Macedonian minority (*“the existence of actual differences ... language... which differ from that of the majority”*), one of the small number of “objective criteria” mentioned by the Bulgarian

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<sup>26</sup> Memorandum.

<sup>27</sup> Advisory & 25

<sup>28</sup> Memorandum.

authorities). For this reason the Bulgarian authorities insist that “*the official language used in today's Republic of North Macedonia, can only be viewed as a regional norm of the Bulgarian language*“.<sup>29</sup> Or as has been stated more directly by Vice-Premier, Krassimir Karakachanov, Bulgaria and Macedonia are ... “*two states which speak one and the same language.*”<sup>30</sup>

The same attitude has been taken by the judicial system. A series of judgements by the Agency for Registration and the Bulgarian courts refused registration to organisations of the Macedonian minority by using precisely the official denial of its existence. That is the fundamental motive for 4 judicial decisions in the past year- 3 in the Blagoevgrad District Court and 1 in the Sofia Appeals Court (see the section Violation of the right of association, below). In these decisions it is clear that *the denial of the Macedonian minority represents an ideological as well as legal basis for discrimination against people with a Macedonian consciousness and their right of association.*

## HATE SPEECH

The denial of the Macedonian minority is the basis for the hate speech to which the Macedonian minority is subjected. Without such denial all other accusations levelled against it would not be possible. Accusations levelled against Macedonians, namely that they are anti-Bulgarian elements, traitors, apostates, foreign agents, enemies of the nation, a threat to its unity and the sovereignty and territorial integrity of the country are based explicitly on the notion that such a minority does not exist and claims to the contrary are able to be interpreted only as a hostile act and betrayal of the state and nation.

One of the means employed for imposing stereotypes about the Macedonians is the use of terms designed to denigrate the Macedonian nation, minority, identity and right to self-determination. In order to achieve this goal, instead of correct terms being used, those such as “Macedonianism”, “Macedonists” and other similar ones are employed, suggesting that in this case one is not dealing with matters of ethnic affinity, self-determination and identity, but rather an artificial ideology and those who follow it. However, often that is not found to be sufficient such that these concepts have to be imbued with a greater number of even more negative connotations.

According to the Explanatory Memorandum: “*Macedonianism has been transformed into a weapon of Belgrade against Bulgaria, even to this very day.*” For the VMRO BND MP Stoyan

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<sup>29</sup> Memorandum.

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<https://pik.bg/%D0%BA%D0%B0%D1%80%D0%B0%D0%BA%D0%B0%D1%87%D0%B0%D0%BD%D0%BE%D0%B2-%D0%BF%D0%BE%D0%BF%D0%B8%D0%BB%D1%8F-%D0%BC%D0%B0%D1%8F-%D0%BC%D0%B0%D0%BD%D0%BE%D0%BB%D0%BE%D0%B2%D0%B0-%D0%B7%D0%B0-%D0%BE%D1%82%D0%B1%D1%80%D0%B0%D0%BD%D0%B0%D1%82%D0%B0-%D0%B4%D0%B0-%D0%BF%D0%B8%D1%82%D0%B0-%D0%BC%D1%8A%D0%B6%D0%B0-%D1%81%D0%B8-%D0%BF%D0%BE%D0%B4-%D0%B7%D0%B0%D0%B2%D0%B8%D0%B2%D0%BA%D0%B8%D1%82%D0%B5-news983864.html>

Bozhinov “*Macedonianism is the worst thing that has happened in our country.*”<sup>31</sup> It is “*a Greater Serbian-supremacist ideology.*”<sup>32</sup> It is pathological as well and its bearers have mental problems. Boyan Chukov for example, would state: “*the defenders of pathological Macedonianism are deprived of the possibility to think logically and to speak honestly and respectfully. We must be crazy to allow this pathological Macedonianism, a sub-project of Greater Serbian ideology, to swirl throughout the EU via Skopje.*”<sup>33</sup>

Macedonianism is explicitly defined as “*anti-Bulgarianism*” and Macedonian consciousness is also defined as such. Vic-Premier Karakachanov would ask rhetorically: “*why is it that in order to have some sort of Macedonian consciousness and identity you must exercise hatred of Bulgaria.... why must you falsify history by stealing a part of Bulgarian history and presenting it as Macedonian and why must all that be directed at creating a feeling of hatred and loathing of Bulgarians?*”<sup>34</sup> That concept includes all “*unfounded claims of the existence of a “Macedonian minority” in Bulgaria. These are manifestations of a state financed anti-Bulgarian ideology and practice*” (Memorandum) and according to Vice-Premier Karakachanov on 18 September: “*a Comintern, Yugoslavian, anti-Bulgarian thesis*”<sup>35</sup> Euro MP Angel Dzahambaski adopted the same attitude: “*The false thesis regarding the presence of a “Macedonian minority” in Bulgaria is the direct continuation of communist, anti-Bulgarian policies*”<sup>36</sup> On 18 September Vice-Premier Karakachanov would protest that “*what is being sought is the legalisation of non-existent ethnic and all other types of minorities, same sex marriages, and destruction of Bulgarian traditions and values... a Comintern, Yugoslavian, anti-Bulgarian thesis.*”<sup>37</sup>

Actions which fall under the concept “*anti-Bulgarian*” are not only understood to be those opposed to Bulgaria’s policies, but are treated as directly hostile against the state and people and all actions undertaken by people belonging to the Macedonian minority and the support they receive from whichever source are interpreted in this spirit. In that vein, the judgement of the ECHR in favour of the Macedonian Club for Ethnic Tolerance in Bulgaria of May 2020 would be characterised as “*a heavy blow against our country, historical justice and the Bulgarian way of life.*”<sup>38</sup> The intentions of the same club to hold “*meetings and demonstrations in defence of the Macedonian*

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<sup>31</sup>BoilingPoint(TVprogram)-20.10.2020-The Separatists,OMO“Ilinden”, 20 October 2020 [https://www.youtube.com/watch?v=k\\_F539dLpXA&feature=youtu.be&fbclid=IwAR2oyHWFk0sv3TRAC2yaoFV5deNJT5PNgD2gZx8OcCg01wKU8YFtvvfENNw](https://www.youtube.com/watch?v=k_F539dLpXA&feature=youtu.be&fbclid=IwAR2oyHWFk0sv3TRAC2yaoFV5deNJT5PNgD2gZx8OcCg01wKU8YFtvvfENNw), used on 1 March 2021.

<sup>32</sup><http://epicenter.bg/article/Boyan-Chukov--Poredniyat-antibalgarski-paskvil-za-Makedoniya-v-ruski-sayt-/235763/11/33>

<sup>33</sup> Ibid.

<sup>34</sup>Karakachanov: We clearly want more of Skopje so that the Macedonians can enter the EU, Dnevnik, 2008, 20 December, [https://www.dnevnik.bg/video/lice\\_v\\_lice/2020/12/08/4149511\\_karakachanov\\_iavno\\_iskame\\_poveche\\_o\\_t\\_skopje/](https://www.dnevnik.bg/video/lice_v_lice/2020/12/08/4149511_karakachanov_iavno_iskame_poveche_o_t_skopje/) (19.12.2020)

<sup>35</sup> <https://www.facebook.com/KrasimirKarakachanovVMRO/posts/3527990863879844>

<sup>36</sup> Dzahambaski from the European Parliament : There is no “Macedonian minority...”

<sup>37</sup> <https://www.facebook.com/KrasimirKarakachanovVMRO/posts/3527990863879844>

<sup>38</sup> The European Court struck a heavy blow against us...

*minority in Bulgaria and to familiarise Bulgarian and international institutions with the problems it faces” is interpreted as a display of “open, anti-Bulgarian impudence.”<sup>39</sup>*

The creation of Macedonian identity and the minority are treated as an unnatural act which has been spurred on from outside. According to the Explanatory Memorandum, this is an example of “an ideological inheritance and the practices of Communist Yugoslavia... ethnic and language engineering... An ethnic engineering project for the creation of a “Macedonian identity” and “Macedonian nation”. The “Macedonian language” or ethnic affinity were not in existence until 2/8/1944. Their creation form part of the complete construction of a separate, non-Bulgarian identity, directed towards the severing of the links between the population of the then Socialist Republic of Macedonia and Bulgaria.”<sup>40</sup> According to Premier Borissov: “*The Bulgarian Communists and the Communist International, controlled by Stalinist Moscow, wanted, after the Second World War, to transform the Bulgarians in Macedonia into Macedonians for ideological reasons.*”<sup>41</sup> On 14 October the Deputy Minister for Justice, Yordan Yordanov, would state: “*the problem of the creation of a Macedonian minority was initiated outside our country-by the Comintern, Soviet Union and later it was transferred to Belgrade and Skopje.*”<sup>42</sup>

Similar rhetoric appeared in the media: “*Macedonianism has been transformed into a weapon of Belgrade against Bulgaria, even to this very day... a Greater Serbian ideology.*”<sup>43</sup>

The same thesis is applied in the case of the Macedonian minority in Bulgaria: “*the policy of the Comintern ... was reproduced for a short time by the totalitarian Communist regime in Bulgaria in accordance with the dictates of Stalin... Over 100,000 Bulgarians were murdered, imprisoned, exiled or sent to concentration camps.*”<sup>44</sup> According to the Euro MP Dzhambaski; “*It is clear to all that such a minority does not exist, despite the communist repression at the end of the 1940s and beginning of the 1950s in Bulgaria.... This is an insult to the memory of hundreds of thousands of Bulgarian patriots, victims of forced Macedonisation by the criminal communist government.*”<sup>45</sup> On 9/10/2020 a Declaration of the VMRO BND once again referred to the Communists „having

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<sup>39</sup> Veliana Hristova, Position.

<sup>40</sup> Memorandum.

<sup>41</sup> Boriisov in an interview for FAC; There is no Macedonian minority in Bulgaria,29.11.2020, <https://dnews.bg/borisov-v-intervu-pred-fac-v-bulgaria-nama-makedonsko-malcinstvo.html>

<sup>42</sup> Professor Nikolay Prodanov: We will not wait for OMO “Ilinden” to blow us up in order to ban it., 14.10.2020, <http://www.class.bg/%D0%B1%D1%8A%D0%BB%D0%B3%D0%B0%D1%80%D0%B8%D1%8F%D0%BA%D0%BE%D0%BC%D0%B5%D0%BD%D1%82%D0%B0%D1%80%D0%B8/item/417812-%D0%BF%D1%80%D0%BE%D1%84-%D0%BD%D0%B8%D0%BA%D0%BE%D0%BB%D0%B0%D0%B9-%D0%BF%D1%80%D0%BE%D0%B4%D0%B0%D0%BD%D0%BE%D0%B2-%D0%BD%D1%8F%D0%BC%D0%B0-%D0%B4%D0%B0-%D1%87%D0%B0%D0%BA%D0%B0%D0%BC%D0%B5-%D0%BE%D0%BC%D0%BE-%D0%B8%D0%BB%D0%B8%D0%BD%D0%B4%D0%B5%D0%BD-%D0%B4%D0%B0-%D0%BD%D0%B8-%D0%B2%D0%B7%D1%80%D0%B8%D0%B2%D0%B8,-%D0%B7%D0%B0-%D0%B4%D0%B0-%D1%8F-%D0%B7%D0%B0%D0%B1%D1%80%D0%B0%D0%BD%D0%B8%D0%BC#.X4mIX9AzY2x>

<sup>43</sup> <http://epicenter.bg/article/Boyan-Chukov--Poredniyat-antibalgarski-paskvil-za-Makedoniya-v-ruski-sayt-/235763/11/33>

<sup>44</sup> Memorandum.

<sup>45</sup> Dzhambaski from the European Parliament; There is no “Macedonian minority” in Bulgaria, there has not been and there cannot be, <https://fakti.bg/world/511020-djambazki-v-bulgaria-nama-makedonsko-malcinstvo>

forcibly Macedonianised the population in Pirin Macedonia.”<sup>46</sup> The MP Bozhinov spoke of the same mythical never happened violence stating that: ”the roots of Macedonianism in Pirin Macedonia can be found in the decision of the Comintern and forced Macedonianisation.”<sup>47</sup>

The same stereotype is found everywhere in the media. For example: ”the forced Macedonianisation in the Pirin region under the dictate of Tito after 1945... opened up another wound.”<sup>48</sup> Borislav Tsekov from the Center for New Europe stated as follows about the EU resolution: ”...the biggest act of national betrayal in contemporary Bulgarian history- the policy of forced “Macedonianisation” of the Bulgarian population in the Pirin region and the separation of the region from Bulgaria. ... the anti-national activities in the Pirin region have left a dramatic mark on Bulgarians”, “the policy of the Bulgarian Communist Party which forced Bulgarians in Macedonia to write in their ID cards that they were “Macedonians”.”<sup>49</sup>

It is not only the “creation“ of the Macedonian identity and minority which has been artificially stimulated from “abroad”, but the matter of the Macedonian minority has also been brought up from “abroad”. According to the official state view: “The process of identity construction ... was limited only to the territory of the Republic of Macedonia... Bulgarian citizens have not participated in it, the authorities in the Republic of North Macedonia still maintain that there is a “Macedonian minority” in Bulgaria... these claims ( lead to). the creation of antagonisms with

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<https://vmro.bg/%D0%BF%D0%B0%D1%82%D1%80%D0%B8%D0%BE%D1%82%D0%B8%D1%82%D0%B5-%D0%BE%D1%82-%D0%BD%D1%81-%D0%BD%D1%8F%D0%BC%D0%B0-%D0%BC%D0%B0%D0%BA%D0%B5%D0%B4%D0%BE%D0%BD%D1%81%D0%BA%D0%BE-%D0%BC%D0%B0%D0%BB%D1%86/>

<sup>47</sup>BoilingPoint(TVprogram)-20.10.2020-The Separatists,OMO“Ilinden”, 20 October 2020  
[https://www.youtube.com/watch?v=k\\_F539dLpXA&feature=youtu.be&fbclid=IwAR2oyHWFk0sv3TRAC2yaoFV5deNJT5PNgD2gZx8OcCg01wKU8YFtvvfENNw](https://www.youtube.com/watch?v=k_F539dLpXA&feature=youtu.be&fbclid=IwAR2oyHWFk0sv3TRAC2yaoFV5deNJT5PNgD2gZx8OcCg01wKU8YFtvvfENNw), used on 1 March 2021.

<sup>48</sup> Veliana Hristova, Position...  
<sup>49</sup>Borislav Tsekov,The Resolution- Fair, but containing three drops of tar,  
[https://trud.bg/%D1%80%D0%B5%D0%B7%D0%BE%D0%BB%D1%8E%D1%86%D0%B8%D1%8F%D1%82%D0%B0-1%81%D0%BF%D1%80%D0%B0%D0%B2%D0%B5%D0%B4%D0%BB%D0%B8%D0%B2%D0%B0-%D0%BD%D0%BE-%D0%B8-%D1%81-%D1%82%D1%80%D0%B8-%D0%BA%D0%B0%D0%BF%D0%BA%D0%B8-%D0%BA%D0%B0%D1%82%D1%80%D0%B0%D0%BD/;](https://trud.bg/%D1%80%D0%B5%D0%B7%D0%BE%D0%BB%D1%8E%D1%86%D0%B8%D1%8F%D1%82%D0%B0-1%81%D0%BF%D1%80%D0%B0%D0%B2%D0%B5%D0%B4%D0%BB%D0%B8%D0%B2%D0%B0-%D0%BD%D0%BE-%D0%B8-%D1%81-%D1%82%D1%80%D0%B8-%D0%BA%D0%B0%D0%BF%D0%BA%D0%B8-%D0%BA%D0%B0%D1%82%D1%80%D0%B0%D0%BD/)  
Borislav Tsekov, The support of Bulgarian Euro MPs for the legalisation of OMO “Ilinden” is the greatest national betrayal after the policy of the Bulgarian Communist Party, 8.10.2020  
<https://trud.bg/%D0%B1%D0%BE%D1%80%D0%B8%D1%81%D0%BB%D0%B0%D0%B2-%D1%86%D0%B5%D0%BA%D0%BE%D0%B2-%D0%BF%D0%BE%D0%B4%D0%BA%D1%80%D0%B5%D0%BF%D0%B0%D1%82%D0%B0-%D0%BD%D0%B0-%D0%B1%D1%8A%D0%BB%D0%B3%D0%B0%D1%80%D1%81%D0%BA%D0%B8-%D0%B5%D0%B2%D1%80%D0%BE%D0%B4%D0%B5%D0%BF%D1%83%D1%82%D0%B0%D1%82%D0%B8-%D0%B7%D0%B0-%D0%BB%D0%B5%D0%B3%D0%B8%D1%82%D0%B8%D0%BC%D0%B8%D1%80%D0%B0%D0%BD%D0%B5%D1%82%D0%BE-%D0%BE%D0%BC%D0%BE-%D0%B8%D0%BB%D0%B8%D0%BD%D0%B4%D0%B5%D0%BD-%D0%B5-%D0%BD%D0%B0%D0%B9-%D0%B3%D0%BE/>

*Bulgaria via the dissemination of stereotypes.”<sup>50</sup> “That is not a process which has been initiated by internal forces in Bulgaria.”<sup>51</sup>*

International institutions which have commented in support of one or another Macedonian organisation are accused of having adopted an anti-Bulgarian policy: *”The European Court is now directly pressuring us to recognise the imaginary Macedonian minority, without being concerned that it is demanding the right of association of a non-existent ethnic minority... Now an official European institution is carrying out the work of a bunch of Western foundations which for years, with the assistance of generous grants, are buying up fans of the ethnic division of Bulgaria by means of the invention of not only a Macedonian, but also a Pomak and whatever other ethnicities and minorities on our territory. The Western great powers have not thought up anything new under the sun since 1878 for the tearing apart of Bulgaria.”<sup>52</sup>*

Even foreigners, in as much as they defend the reality of a Macedonian identity, are attacked as enemies. For example, Mariya Tretyakova was attacked in this way and accused of being an *“agent of influence” of the Macedonians and Serbs... that she totally supports pathological Macedonianism which has served Greater Serbian ideology... at the expense of Bulgarian national interests for around 150 years. In an exceptionally perverse and distorted way... she carries out a classical hybrid war... against Bulgaria in the service of the militant Macedonists and the Greater Serbian ideologues who stand behind them.... Mariya Tretyakova’s article is a classic case of... the aggression of Skopje and Belgrade in relation to Bulgaria ... the militant Macedonists and Greater Serbian ideologues.”<sup>53</sup>*

Academician Georgi Markov, in the same spirit, advised that *“we should not allow these domestic political stories to circulate and our enemies to use the opportunity to divert the discussion towards talk of some kind of imaginary minorities in Bulgaria.”<sup>54</sup>*

Of course, since the “creation” of the Macedonian minority and the raising of issues in relation to it originate from “abroad”, people in Bulgaria who raise the matter cannot be anything other than national traitors who are paid and controlled from “abroad” as well. The insults directed at Macedonian activists in this regard are something which is quite common, and they are usually called either “Macedonists” or “Omovtsi” after the name of the first Macedonian organisation after the fall of communism, OMO “Ilinden”. Since the Macedonian minority “cannot exist”, it and their self-identification as Macedonians cannot be real. On 14 October the Deputy Minister of Justice, Yordan Prodanov, would state that this is *“an insignificant group of people in Bulgaria who have self-identified as a “Macedonian minority” as a result of external pressure and financial*

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<sup>50</sup> Memorandum.

<sup>51</sup> Проф. Николай Проданов...

<sup>52</sup> Veliana Hristova, Position...

<sup>53</sup> Boyan Chukov: The latest anti-Bulgarian slander about Macedonia on a Russian Site, 21.12.2020. <http://epicenter.bg/article/Boyan-Chukov--Poredniyat-antibalgarski-paskvil-za-Makedoniya-v-ruski-sayt-/235763/11/33>

<sup>54</sup> Paolina Toteva: Academician Georgi Markov: There is no Macedonian minority in Bulgaria, 10 October 2020, <https://www.flashnews.bg/akad-georgi-markov-v-balgariya-nyama-makedonsko-maltsinstvo/>

*inducement.*<sup>55</sup> The MP from the governing coalition, Stoyan Bozhikov, described them as agents of foreign security services, separatists who are paid from outside-by Belgrade and UDBA- have been created by Yugoslav money and who are at the moment maintained by Serbian funds, *“they are national traitors,”*<sup>56</sup> The Euro MP from the opposition, Radan Kunev, was of the same opinion: *”OMO “Ilinden”. This is an organisation which is a danger to Bulgarian national security. This is an organisation which is run by Belgrade or even Moscow secret services with the aim of aggravating relations between Bulgarians and Macedonians.”*<sup>57</sup> Many texts adopting the same line of reasoning were able to be read in the media. Borislav Tsekov spoke of *“the creation of and support for OMO “Ilinden” from Serbian and Skopjan special security services whose recognition is called for in point 15 of the resolution of the European Parliament.”*<sup>58</sup> In his blog Atanas Strumski called them: *“Serbo-Macedonists from OMO “Ilinden.”*<sup>59</sup> Simeon Milanov claimed as follows: *”Our country is obliged to pay the agents of a foreign nation (because there should be no doubt that every Macedonian organisation in our country has its genesis in neighbouring countries), 7.5 million euros as well as to register the association”* (in effect 7,5000 euros), *“the association aims to propagate ethnic tension, Bulgarophobia and historical mystification because no matter how much we search our souls, Macedonianism is based on these things...a Bulgarophobic organisation on our soil, a large part of the association referred to, which most probably will be used for anti-Bulgarian propaganda and attempts to change the national identity of the Bulgarians in the Pirin region. The struggle of generations of Bulgarians in defence of the Bulgarian way of life in Macedonia, as well as the efforts of every Bulgarian government in the past 60 years to preserve the Bulgarian character of the Pirin region are threatened.”*<sup>60</sup>

In the program “Boiling Point”, broadcast on 20 October, the compere made comments such as *“this organisation whose existence has been banned...someone constantly gives them money, so that they can do that”* (to lay wreaths in this case)<sup>61</sup> and asked rhetorically: *”how can we move forward with such things which are increasingly being inflamed and fuelled from outside, they prevent us from being good neighbours.”*<sup>62</sup> The MP from the governing coalition, Stoyan Bozhinov, expressed himself as follows regarding these organisations on television: *“OMO “Ilinden” was established by people with a low level of education. They have several leaders who have read 4-5 Macedonian books”, “the low intellectual level of those people”, “slightly illiterate, they surely don not know how to write, do not have any teeth, as you can imagine a person such as this, a marginal person”, “they pursue, I will express myself gently... this stupid thesis... no one can get angry at a crazy person”;* the Macedonian organisations themselves have been created by national traitors

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<sup>55</sup> Professor Nikolay Prodanov....

<sup>56</sup> Boiling Point ....

<sup>57</sup> Radan Kunev-BNT...

<sup>58</sup> Borislav Tsekov, The Resolution-Fair...

<sup>59</sup> <https://sbornikstrumski.com/makedonistkata-manipulatsja-narechena-mislata-na-gotse-delchev/>

<sup>60</sup> The European Court struck a heavy blow against us...

<sup>61</sup> According to a statement in the same program: “These people are extraordinarily privileged, they can even lay flowers and wreaths”..

<sup>62</sup> Boiling Point...

(“*OMO Ilinden*” was revived by national traitors”).<sup>63</sup> This attitude extends to the elite in the Republic of Macedonia as well: “*This is an unofficial fifth column of Belgrade... the fifth column. Their elite is demented.*”<sup>64</sup>

A logical consequence of the claims that a Macedonian minority does not exist, and the supposed immorality of its representatives is their portrayal as marginal figures, people without any respect or influence whatsoever. On 14 October the Deputy Minister for Justice Yordan Prodanov described them as “an insignificant group of people in Bulgaria which self-identifies as a “Macedonian minority””.<sup>65</sup> Their organisations are “tiny Macedonianising organisations”.<sup>66</sup>

Given such attitudes, it is not strange at all that in Parliament, in questions posed to the Chief Prosecutor, as well as in the media, that the matter of arresting Macedonian human rights activists is raised. In a formal parliamentary question Stoyan Bozhinov MP asked the Chief Prosecutor why activists of Macedonian organisations had not been arrested: “*all of these people should be arrested and they should be held in that place which is most appropriate for them*“. According to him the Chief Prosecutor replied that those processes were being examined by the Prosecutor’s Office and the security services and that certain events would occur when appropriate. This MP repeated this demand several times on television: „*VMRO .... is fighting against this organisation, VMRO’s role in stopping this organisation is significant.... We insist that these people... be arrested, so that we can close this matter*“, „*they number 200-300 persons .... However, these people need to be arrested*”; “*OMO “Ilinden” has been given new life by national traitors who in my opinion need to be arrested... these people, the organisers of OMO “Ilinden” must be arrested in order to show Europe that there is legality in Bulgaria.*”<sup>67</sup> The program in which such claims were was particularly characterised by the motto under which its episodes alternately ran: namely, “*who created the separatist, pro-Macedonian party OMO-Ilinden and why*” and “*why has nobody sanctioned the activities of OMO-Ilinden*”.<sup>68</sup>

However, not only are Macedonian activists considered to be national traitors, but also all those who support or do not oppose actively enough their activities in Bulgaria. The ultranationalists from the governing party VMRO BND issued a declaration on 9/10/2020, in which the adoption of a Resolution in the European Parliament was called “*shameful and disgraceful... national treason*“, a continuation of the work of those “*who are Macedonianising by force the population in Pirin Macedonia*”.<sup>69</sup> According to Stoyan Bozhinov MP the fact that Bulgarian politicians

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<sup>63</sup> Boiling Point....

<sup>64</sup> Boiling Point....

<sup>65</sup> Professor Nikolay Prodanov....

<sup>66</sup> Veliana Hristova, Position...

<sup>67</sup> Boiling Point....

<sup>68</sup> Boiling Point....

<sup>69</sup> Patriots in the National Assembly: There is no Macedonian minority and we will not allow gay marriages!, <https://vmro.bg/%D0%BF%D0%B0%D1%82%D1%80%D0%B8%D0%BE%D1%82%D0%B8%D1%82%D0%B5-%D0%BE%D1%82-%D0%BD%D1%81-%D0%BD%D1%8F%D0%BC%D0%B0-%D0%BC%D0%B0%D0%BA%D0%B5%D0%B4%D0%BE%D0%BD%D1%81%D0%BA%D0%BE-%D0%BC%D0%B0%D0%BB%D1%86/> used on 06.03.2021

allowed the establishment of OMO “Ilinden” in 1990, the registration of OMO “Ilinden-PIRIN” in 1999 and even the adoption of the resolution in the European Parliament by Bulgarian European MPs<sup>70</sup> represent three acts of national treason whose authors are those liberals in Bulgaria from the SDS party via the cabinet of former Premier Kostov through to the DA Bulgaria party: *”they have sold out and betrayed Bulgaria“*.<sup>71</sup> Borislav Tsekov from the Centre for a New Europe stated the following *„... these Euro MPs and their retinue have insulted the Bulgarian cause. For those who are well informed on the topic of “Macedonianism”, it is quite clear that OMO “Ilinden“ is a contemporary projection of the consequences of the biggest act of national treason in contemporary Bulgarian history“*<sup>72</sup> He continued on: *”The support provided by Bulgarian Euro MPs within the European Parliament for the legitimisation of the separatist organisation OMO “Ilinden” which claims the existence of a “Macedonian minority” and the autonomy of the Pirin region, is the biggest act of national treason.... History will not forgive this treason!“*<sup>73</sup>

Macedonian activists are not only simply “traitors” and “foreign agents”, but their activities represent a real danger for the country - its territorial integrity, security and the unity of the nation. On 14 October the Deputy Minister for Justice, Yordan Prodanov, stated: *“We must defend national ideals and interests. Similar organisations threaten the territorial integrity of our country. These people are one and the same.... They express separatist ideas and threaten national unity”*<sup>74</sup>. Radan Kunev expressed the same opinion on this matter: *“OMO «Ilinden... That is an organisation which is dangerous to Bulgarian national security. That is an organisation which is controlled by security agencies in Belgrade or even Moscow...”*<sup>75</sup> Consequently, it is indeed not strange that the same opinions spill over into the media. Simeon Milanov would claim in his article that *“the recognition of a Macedonian minority in our country will create the opportunity for territorial pretensions to arise”*, *„Our history, dignity and even our sovereignty over the Blagoevgrad district are at stake.....we are making a mockery of our national identity”*.<sup>76</sup>

The very asking of the question as to whether a Macedonian minority exists is considered offensive. According to the Euro MP Angel Dzhambaski: *”Asking that question is a gross insult to the memory of hundreds of thousands of Bulgarian patriots who were victims of forced Macedonianisation. The repetition of this false thesis is grossly shameful and disgusting for everyone who pretends to be a “democrat” and “liberal”*.<sup>77</sup>

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<sup>70</sup> Despite the fact that they voted against the Macedonian minority and the citing of the judgements of the ECHR regarding Macedonian organisations. However just because some of them supported the remaining part of the Resolution, they are considered to be *“national traitors in the European Parliament”*.

<sup>71</sup> Boiling Point TV broadcast...

<sup>72</sup> Borislav Tsekov, The Resolution- fair...

<sup>73</sup> Borislav Tsekov: Support ...

<sup>74</sup> Professor Nikolay Prodanov....

<sup>75</sup> Radan Kunev – Bulgarian National Television...

<sup>76</sup> The European Court struck a heavy blow against us...

<sup>77</sup> Dzhambaski in the European Parliament ....

## VIOLATION OF THE RIGHT OF ASSOCIATION

Bulgaria has still not implemented the judgements of the European Court of Human Rights (ECHR) relating to OMO “Ilinden”<sup>78</sup> and other Macedonian organisations,<sup>79</sup> even though some of them date from 20 years ago. The number of judgements against Bulgaria in Strasbourg in relation to the violation of Article 11 of the European Charter of Human Rights (ECHR) has reached 14 and they make up a quarter of all judgements which have not been implemented by Bulgaria.<sup>80</sup>

The matter of the violation of the right to association of the Macedonians in Bulgaria this year found its way into the reports of the Advisory Committee, the Commissioner for Human Rights, the decisions regarding Bulgaria taken by the Committee of Ministers, in questions put by the LIBE Democracy, Fundamental Rights and Monitoring Group (DFRMG) and in the Resolutions of the European Parliament on Bulgaria. It became clear on the basis of events which occurred throughout the year that Bulgaria has not complied with those recommendations and has not undertaken to *“take decisive measures to execute the Court’s judgments concerning the right to freedom of association of persons aiming to advance the recognition of the Macedonian minority in Bulgaria and the promotion of Macedonian culture... to allow persons identifying as ethnic Macedonians to register their associations and refrain from refusing registration on grounds related to the recognition or non-recognition of the Macedonian minority in Bulgaria”*.<sup>81</sup>

The Bulgarian authorities have striven to not allow Macedonian organisations to have access to international courts (ECHR or the UN). Even though a Macedonian organisation may have passed through all possible levels of the judicial system in Bulgaria, including the highest judicial level whose judgements are not able to be appealed, Bulgaria has adopted the position that since this does not prevent the initiation of a completely new application for registration, this in effect means that all legal remedies and instruments in the country have not been exhausted and consequently international courts should not accept and examine appeals.<sup>82</sup> Given that it is well known that the new cycle of applications will not lead to registration, that in effect represents an insistence that Macedonians shut themselves off in the magic circle of the Bulgarian judicial system so that international courts never accept their appeals against refusal of registration.

The new procedure for the registration of non-government organisations adopted after 2017 did not bring positive results for the Macedonians whose organisations continued receiving rejections

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<sup>78</sup> Commissioner, & 24

<sup>79</sup> Advisory, & 94.

<sup>80</sup>The “Macedonian minority”: a scarecrow used for internal political needs <https://www.dw.com/bg/%D0%BC%D0%B0%D0%BA%D0%B5%D0%B4%D0%BE%D0%BD%D1%81%D0%BA%D0%BE-%D0%BC%D0%B0%D0%BB%D1%86%D0%B8%D0%BD%D1%81%D1%82%D0%B2%D0%BE-%D0%B5%D0%B4%D0%BD%D0%BE-%D0%BF%D0%BB%D0%B0%D1%88%D0%B8%D0%BB%D0%BE-%D0%B7%D0%B0-%D0%B2%D1%8A%D1%82%D1%80%D0%B5%D1%88%D0%BD%D0%BE%D0%BF%D0%BE%D0%BB%D0%B8%D1%82%D0%B8%D1%87%D0%B5%D1%81%D0%BA%D0%B8-%D0%BD%D1%83%D0%B6%D0%B4%D0%B8/a-55239067>

<sup>81</sup> Commissioner, & 49

<sup>82</sup> Answer of Bulgarian authority about complaint of Mr. Stojko Stojkov and Committee for the Defence of Human Rights “Tolerantnost in UN, represented by Mr. Krassimir Kanev, Sofia, May 2020

of their applications for registration.<sup>83</sup> Despite the recommendations of the Committee of Ministers, the Advisory Committee<sup>84</sup> and the new judgements of the ECHR, the Bulgarian authorities continued to refuse registration to Macedonian organisations throughout the whole of 2020 - not one organisation was registered during this year. Three Macedonian organisations received a total of 10 rejections; one lost its registration, while the members of the only remaining registered organisation were subjected to interrogations by the police whose goal was to find reasons for the organisation's registration to be rescinded.

### ***Refused Registrations and the Motives for Refusal in 2020.***

This year as well the main grounds for being refused registration continued to be *“on formal grounds or on a combination of formal and substantive grounds, namely considerations of national security, the protection of public order and the rights of others, the constitutional prohibition on associations pursuing political goals, and the non-recognition of the “Macedonian minority”, even though “in earlier judgments, the European Court of Human Rights considered that these grounds were not properly invoked in respect of the applicant association or could not as such justify a restriction of freedom of association as guaranteed by Article 11 ECHR, to which Article 7 of the Framework Convention is considered a matching provision”*.<sup>85</sup>

#### **Refusals on formal grounds**

On 9/1/2020 the Agency for Registration refused to register OMO “Ilinden” based on formal grounds and technical deficiencies which it refused to allow to be corrected<sup>86</sup>. In any case the majority of the observations made were disputable and dubious and left the impression that the Agency had deliberately sought out reasons to justify a refusal. On 27 January the Blagoevgrad District Court affirmed the decision and included in its decision factually untrue claims.<sup>87</sup>

Another traditional argument used in the past is the claim that the goals pursued by the organisations are characteristic of those of political parties; a claim which has never been clarified and defined by the court which arbitrarily decides whether such goals are “political”; a problem which arises only when the organisation is one founded by Macedonians. The courts have no problem in registering other NGOs with similar goals. Such argumentation was used against the Association of Repressed Macedonians in Bulgaria, Victims of Communist Terror, twice by the

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<sup>83</sup> Advisory, & 96

<sup>84</sup> Advisory, & 94: “the Advisory Committee urged the Bulgarian authorities to remove all remaining legal obstacles preventing interested groups from exercising the freedom of association guaranteed by the Framework Convention, referring notably to associations of persons identifying as Macedonians”

<sup>85</sup> Advisory, & 96

<sup>86</sup> Refusal No № 20200108141823/09.01.2020, Agency for Registration (AP), p.3

<sup>87</sup> Judgement № 371 of 27.01.2020, Blagoevgrad District Court, President Atanas Ivanov. Compare with the appeal of Dimitur Paraskov to the Sofia Appeals Court in the same case of 12/2/2020 .

Agency for Registration and once by the Blagoevgrad District Court.<sup>88</sup> The same thing happened to the Macedonian Club for Ethnic Tolerance in the Republic of Bulgaria which on 17 November was refused registration by the Agency as its goals and assets were not those inherently belonging to a non-profit legal entity and resemble those of a political party.<sup>89</sup> The decision of the Blagoevgrad District Court to rescind the registration of the Association for the Defence of Fundamental Civil Rights was especially characteristic in this regard: *“only political parties have such inherent goals and activities which relate to changing the unitary character of the state , territorial integrity and the unity of the nation and those same goals and activities cannot be pursued by civil associations”*.<sup>90</sup> In this case the claim that the organisation possessed such goals was not derived from its constitution, but rather from the court’s free-wheeling, loose interpretation; namely, that since the members of the organisation believe that a Macedonian minority exists, they therefore have the abovementioned goals (thus failing to comply with the fact that the Constitution even prohibits political parties from having such goals). In the past the diametrically opposed argument was used when attempts were made to register a party of the Macedonians in Bulgaria; namely, that the goals were characteristic of an NGO and not that of a party.

The traditional quarrelling regarding the presence or not of a profit purpose being pursued such that when there was not, it was insisted that there be one and when there was, that it is impermissible for one to exist.<sup>91</sup>

The courts sought to uncover *“actual goals”* and *“the actual general will of the founding members”*, outside of the constitution of the newly-formed association as it did not consider the constitution to be the sole criterion for discovering its goals; a duty of the courts which flowed from its *“obligation to apply the law equally to all”* and to take the necessary care to ensure the maintenance of the rights of all citizens. It concluded that *“the claimed right of the appellant to freedom of association is countered by the obligations of the state and consequently... of the court”*<sup>92</sup>

This year, however, two new elements were present in the argumentation employed by the Bulgarian courts.

The first one was in relation to the efforts to register associations for private ends and advantage. In the case of this refusal the traditional speculative argument that associations with a non-profit goal have goals which characterise political parties and therefore cannot be registered - a position already denounced several times by institutions in Strasbourg such as the ECHR and the Committee - was modified so that the speculative argument became rather that an association created for

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<sup>88</sup> Refusal No3 № 20200214133939/ 17/2/2020., AP, p. 3: *“activities inherent in the operations of a classic political party”*; Judgement No 1188, of 10 March 2020, of the District Court in Blagoevgrad, President Atanas Ivanov, p.2,3; RefusalNo 20201116134735/17.11.2020

<sup>89</sup> Refusal No 20201116160243/17/11/2020

<sup>90</sup> Judgement № 903267 of 20/07/2020 of the Blagoevgrad District Court.

<sup>91</sup>,Refusal No 20200214113537/25/2/2020, AP, p. 2

<sup>92</sup> Judgement No 1149/08.06.2020 of the Sofia Appeals Court, President Bistra Nikolova, p.2.

personal benefit had goals characteristic of an association created for the achievement of social benefit.<sup>93</sup>

The second element was the speculation surrounding the concept “Macedonian organisations” by the Agency for Registration which created a false dilemma about whether one was dealing with organisations “*founded and operating on the basis of the law of a foreign country (in the case of Macedonia)*” in which case they would have to be registered in Macedonia or if “*the goal of the association is to register such entities founded on the basis of foreign law in Bulgarian registries... such action is in contradiction to Bulgarian law*”. The only alternative deemed admissible by the Agency was that under that concept it be understood that “*they are Bulgarian organisations whose membership is made up of citizens of North Macedonia, something which must be correctly defined so that their recognition with anti-constitutional unspecified goals could be avoided... such activity would not be able to be realised in the Republic of Bulgaria.*”<sup>94</sup> The possibility that under that concept they are taken to be *organisations of Bulgarian citizens whose goals are the promotion of the interests of persons with a Macedonian consciousness* was not permitted at all by this institution, except in veiled form – namely, as an “anti-constitutional such and such” which must be “avoided”, something which in essence places that argument within a group that denies the existence of the Macedonian minority.

The inconsistency and contradiction of the motives contained in the judgements of the Bulgarian courts regarding the non-registration of Macedonian organisations were noted by external observers.<sup>95</sup> The judgements of the courts left no room to doubt that the formal reasons provided were untenable and served to achieve a goal crated in advance - to not allow the registration of Macedonian organisations.

### **Denial of the Macedonian Minority and Characterisation of the Claim that such a Minority exists as Anti-Constitutional Activity directed against the Territorial Integrity and Unity of the Nation.**

Despite the fact that in the last twelve years the Bulgarian authorities have not been able to inform international institutions of any activities of Macedonian organisations “*which might have compromised the territorial integrity or unity of the Bulgarian state*”,<sup>96</sup> and which have in reality not existed during 30 years of democracy, such alleged activities continued to be used as regular grounds for denying registration to Macedonian organisations.

On 17 February the Agency for Registration rejected the application for registration of the Organisation of the Repressed Macedonians because: “*it seeks to bring together not those persons in general who were repressed by the communist regime in Bulgaria because of their statements*

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<sup>93</sup> AP, Refusal No 20200214113537/25/2/2020, p. 3

<sup>94</sup> AP, Refusal No 20214113537/25/02/2020, p.4

<sup>95</sup> Advisory, § 97.

<sup>96</sup> Advisory, § 99.

on the Macedonian Question, but only those persons with “a Macedonian consciousness and who self-determine as Macedonians”. “Correspondingly, the goals and means for achieving them are not in accordance with the law”.<sup>97</sup> On 10 March the Blagoevgrad District Court affirmed this judgement and added that “the defence of the rights and freedoms of the Macedonians in Bulgaria is an activity directed against the sovereignty, territorial integrity of the country and unity of the nation and such activity could inflame national enmity and violate the rights and freedoms of the citizens of the Republic of Bulgaria, due to which the founding of such an organisation is prohibited”.<sup>98</sup> The case was heard by the Sofia Appeals Court which affirmed the previous refusal as “it totally agrees with the conclusions drawn” by the Agency and the District Court and provided its own conclusion, namely that “the goals formulated in the constitution and the means for their achievement are in contradiction with Article 6, paragraph 2 of the Bulgarian Constitution which prohibits the granting of privileges based on “nationality, ethnicity, origin”. Part of the goals indicated in the constitution of the association, namely: “because of their Macedonian consciousness and self-determination and their activities in defence of the rights and freedoms of the Macedonians in Bulgaria”, as well as the suggestion that such an ethnicity exists and the appeal to defend the Macedonian cause, represent activities directed towards the unity of the Bulgarian nation and the territorial integrity of our country which are fundamental constitutional principles according to Article 44, paragraph 2 of the Constitution.”<sup>99</sup> The court once again treated the attempts of the Macedonians to legally defend their interests and rights to be an inadmissible granting of privileges on grounds of ethnicity. The Association of Repressed Macedonians made a further attempt to obtain registration during the autumn, however the Agency once again rejected its application repeating the same arguments it used in February.<sup>100</sup>

The Macedonian organisation, Civil Initiative for the Recognition of the Macedonian National Minority in Bulgaria and the Defence of Bulgarian Citizens with a Macedonian Consciousness, was confronted with the same problems. The Blagoevgrad Court affirmed the judgement of the Agency for Registration of 2019 to refuse the organisation’s registration. Even though it found that the grounds advanced by the Agency in relation to formal criticisms and deficiencies in the organisation’s constitution were unfounded, the Court nevertheless affirmed the judgement on the basis of the goals of the association: “the official recognition and existence of a Macedonian national minority” and the “revocation of discriminatory acts, which have been transformed into a legal basis for the denial and discrimination of the Macedonian minority in Bulgaria” (including the declaration of the Parliament of 6 March 1990, Judgement No 1 of the Constitutional Court of 29 February 2000, the Framework Position of the Bulgarian Government of 9 October 2019 and the declaration of Parliament of 10 October 2019). In addition, it cited the fundamental ideas and conceptions contained in the organisation’s constitution, namely: “the undisputed and obvious fact

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<sup>97</sup> Refusal No 20200214133939/17/02/2020 of the Agency for Registration (AP) against the Repressed Macedonians organisation, p.3.

<sup>98</sup> Judgement No 1188 of the District Court in Blagoevgrad, 10/03/2020, Atanas Ivanov, p.2.

<sup>99</sup> Judgement No 1149/08/6/2020 of the Sofia Appeals Court, President Bistra Nikolova, p.2.

<sup>100</sup> Refusal № 20201116134735/17/11/2020 of the AP against the Association of Repressed Macedonians, Victims of Communist Terror (ARMVCT), p.3.

*that the Macedonian minority in Bulgaria has been a reality for over 100 years...”, that „this minority has been recorded in its thousands at all censuses during the last 84 years”, „that the Macedonians have proven their determination to survive as a separate ethnic group...” „that the rights of the Macedonian minority have been taken away from it ...” etc. “According to the Court the concrete activities cited violate Article 44, paragraph 2 of the Bulgarian which prohibits organisations “whose activities are directed against the sovereignty, territorial integrity of the country and the unity of the nation and which inflame racial, national, ethnic or religious enmity or which violate the rights and freedoms of citizens.” It concluded that the association is “directed against the unity of the nation”, making reference to the previous judgement of the Sofia Appeals Court which indicated that such a minority does not exist and that highlighting that it does is an act directed against the unity of the nation.<sup>101</sup>*

The Sofia Appeals Court (SAC) affirmed the judgement of the Blagoevgrad Court against the Civil Initiative. The Court found that a large part of the goals of the association “*contradict Article 6, paragraph 2 of the Constitution which prohibits granting of privileges based on “nationality, ethnic background or origin....” Furthermore, the court stated that there is no distinct Macedonian ethnicity in the Republic of Bulgaria and that a part of the goals of the association included in its constitution suggest that such an ethnicity, which moreover comprises a minority deprived of its rights exists. The goals of the association and the means for their achievement outline a path for imposing upon society not only the idea that a separate Macedonian ethnic group, deprived of its rights exists in the Republic of Bulgaria, but also envisages activities designed to actively create such an ethnic group. These goals contain suggestions and appeals to defend the Macedonian cause. It is for these reasons that the goals .... represent an activity directed against the unity of the nation and the territorial integrity of the country ... As the Blagoevgrad District Court has correctly pointed out, a Macedonian ethnic minority does not exist in Bulgaria ... This is why the highlighting of such a minority via the creation of an organisation... in essence does not have as its aim the defence of their rights in as much as they do not differ from those of the remaining citizens but is rather directed against the unity of the nation”*. The SAC found that the violation of the right of association in this case is well-founded, as in this case the exception provided for by Article 11, paragraph 2 of the Convention for the Defence of Human Rights and Fundamental Freedoms applies, which namely prescribes limitations necessary in a democratic society in the interests of national and societal security, for the prevention of riots or crimes and the protection of the health and, morals and rights of other persons. The SAC found that the prohibition pursuant to Article 44, paragraph 2 of the Constitution is “*directly applicable*“ in this case and that the goals and means for their realisation of the association “*point them in the direction of an activity which is in contradiction to Article 44, paragraph 2 of the Constitution.*”<sup>102</sup>

Characteristic of the political motivation for these judgements is the fact that of all organisations confronted with discrimination by the Bulgarian judicial system this year, it was only in the case

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<sup>101</sup> Judgement No 2561 of 12/06/2020 of the District Court in Blagoevgrad, President Nadya Uzunova, p. 2,3.

<sup>102</sup> Sofia Appeals Court, Judgement No 1452/24.... 2020, President Ivo Dimitrov, p.2,3.

of OMO-“Ilinden”, for which Bulgaria is subject to monitoring by the Committee of Ministers, that the pretext of the non-existence of a Macedonian minority was not used, but rather reasons related to formalities.

### ***Revocation of Registration***

On 20/7/2020 the Blagoevgrad District Court revoked the registration of the Association for the Defence of Fundamental Civil Rights after less than a year of that organisation’s initial registration. According to the Court *“part of the association’s goals and the means for their realisation set out in the constitution are in contradiction to Article 12, paragraph 2 in connection with Article 6, paragraph 2 and Article 44, paragraph 2 of the Constitution of the Republic of Bulgaria. The defence of the human rights of the Macedonians and other ethnic minorities in Bulgaria in accordance with the Framework Convention for the Defence of National Minorities and other relevant Bulgarian and international documents and the goals for achieving them, indicated in points 1-4, point 6, 8, points 9-10 of the Constitution of the Republic of Bulgaria prohibits the granting of privileges based on “nationality, ethnic background and origin”. The goal set out in the association’s constitution, namely: “the defence of the rights of the Macedonians and other ethnic minorities in Bulgaria which implies the existence of other ethnicities and calls for the defence in particular of the Macedonian ethnicity, as well as via the documented means - for the defence of the Macedonian cause - ... represents an activity directed against the unity of the nation and the territorial integrity of our country which is a fundamental constitutional principle according to the meaning of Article 44, paragraph 2 of the Constitution. Given the implication by the organisation that a minority Macedonian ethnicity or any other such ethnicity exists in Bulgaria, which is allegedly deprived of its rights and requires the differential protection of the state and its institutions in accordance with the Constitution, as well as its calls essentially at the same time for the defence of those persons who identify as “Macedonians”, the court finds that the projected goal and the means for its realisation are directed against the unity of the Bulgarian nation and the territorial integrity of the country which are reinforced as a fundamental constitutional principle in the provisions of Article 44, paragraph 2 and Article 2, paragraph 2 of the Constitution.”*<sup>103</sup>

The Court did not provide a time limit for the removal of the basis for the revocation of registration and its negative effects as is required by law, except in cases where an association is linked to terrorism. A feature of this judgement is that it was conducted according to the rules prescribed for commercial disputes (Article 365 et al of the Civil Procedures Code), despite it being a case of a non-profit organisation. That procedural violation gave the court the opportunity to only grant a one-week time limit for an appeal instead of the usual two week period and to thus mislead and or create difficulties for the organisation in mounting an appeal.

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<sup>103</sup> Judgement № 903267 of 20/07/2020 of the Blagoevgrad District Court. The grammatically and semantically badly formulated sentences are in accordance with the original text - the judgement is characterised by its linguistic and legal illiteracy.

The members of another registered organisation – “Ancient Macedonians”- were once again called in by the police between 14 and 16 September 2020. The summonses lacked official seals, however those that failed to attend were told that if they did not come to provide details and statements to the local police, they would be required to attend an interrogation at the Ministry of Internal Affairs in Sofia (300 kilometres away) where they would be given summonses with seals and would be interrogated. They were summonsed in their capacity as witnesses in the police investigation pursuant to the pre-trial proceedings No 15304/2020 under the Law on Measures Against Money Laundering (LMAM), as formulated by 01 District Office of the Sofia Directorate of Internal Affairs (SDIA) conducted by the policewoman Borimira Ivanova of the First District Office of the Ministry of Internal Affairs in Sofia. At the police station they were forced to provide signatures in three different positions- standing, seated and semi-upright, as well as to answer a questionnaire with the following questions:

*„1. To divulge everything you know about the registration of the Association “Ancient Macedonians” and everything you know about the Association*

*2. Who gathered together the members for the establishment of the Association and concretely who told them about the founding of the Association- names and contact numbers had to be provided.*

*3. When was the meeting regarding the establishment of the Association held? Where did it take place? Were you present at the meeting?*

*4. What is the purpose for establishing such an association?*

*5. Do you know the reason why the achievement of the goals and the means to be employed indicated in the constitution refer mainly to the history and culture of the Macedonian people?*

*6. From the date of the establishment of the Association (30/9/2019) until the present has the Association engaged in concrete activities? What type? Such activities had to be explicitly specified.*

*7. To indicate to whether you have participated in carrying out any activities of the Association.*

*8. To indicate whether the signature under your name on the list attached to the decree issued under number 2 is in fact yours and was added by you. If so, when and where did you add your signature?*

*9. The witness are required to provide forms with his signature and hand writing.”*

The questions were partially different to those that the members had to answer in December 2019 when they were asked “*which concrete activities will the Association carry out*” (7), “*with what kind of financial assets do they intend to realise the goals of the Association*“ (8), “*through which programs of other foreign governments do they intend to achieve the goals of the Association?*”(9), “*with which related organisations from the country and abroad do they believe that they will have to have contacts in order to achieve the goals of the association*”(10).

It was obvious from the questions posed that the authorities believe that the creation of the Association has another goal to that stated in the constitution, that they were worried by the fact that the goals refer to the interests of people with a Macedonian consciousness (even though the law clearly prescribes a free choice of goals - Article 2 of the 2 of the Law on Non-Profit Legal Entities (LNPLE)), but that they did not know anything about any activities of the Association. As such the action taken by them was not determined by the activities of the Association, but rather by the ideas and ethnic self-determination of its members.

It is obvious that the authorities attempted to intimidate some of the members into stating that they had not participated in the establishment of the organization which would be used as a pretext to ban the organisation; a tactic often used in the past against Macedonian parties and organisations.

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In not one of their judgements have the courts pointed to any type of concrete activities (of non-registered organisations!), nor have they argued how one's self-determination as a Macedonian or the conviction that a Macedonian minority exists, could represent an activity directed against the unity of the nation, territorial integrity of the country, national security, and rights of others.

The Bulgarian courts continue via their judgements to change the meaning of the Constitution by declaring the mere claim of the existence of ethnic groups and minorities in Bulgaria to be an activity directed against the unity of the nation, despite the fact that the Constitution contains clear references that such ethnicities and minorities exist, and that Bulgaria has ratified the Framework Convention. *The courts have revoked the right to self-determination of the country's citizens and have attributed non-existent powers to themselves to determine the existence or not of a specific ethnic group in Bulgaria*, even when, as in the case of the Macedonians, their views directly contradict the figures of the National Institute of Statistics over the last 75 years which show that there are thousands of Macedonians in Bulgaria.

Apart from that, the judgements contradict themselves internally by simultaneously asserting that there is *no* Macedonian *ethnic* minority, and that the registration of Macedonian organisations violates the prohibition on the granting of privileges on an *ethnic* basis.

### **Absence of Legal Protection**

Macedonians in Bulgaria do not have any protection against such discrimination by the country's institutions. The Committee for Protection Against Discrimination ignores the problem and refuses to examine the appeals lodged by Macedonians, a circumstance noted in the last report of the Commissioner for Human Rights: *„The Commissioner ... is concerned about the CPD's view that it has no competence to examine complaints lodged by persons identifying as ethnic Macedonians, including with respect to their right to freedom of association.”*<sup>104</sup>

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<sup>104</sup> Commissioner, & 36

## **Public Support for the Violation of the Right of Association of Macedonians**

The violation of the right of association of Macedonians in Bulgaria enjoys comprehensive political support from all sectors of political life. All Bulgarian Euro MPs voted for the removal of the references to the judgements relating to OMO “Ilinden” in the motion on the European Parliament’s Resolution requesting Bulgaria to execute the sentences of the ECHR.<sup>105</sup> The Euro MP from the governing party GERB, Andrey Kovachev, characterised the refusal to register OMO “Ilinden” as a “*non-existent topic*”. The main opposition party, the Bulgarian Socialist Party, adopted an official position against the European Parliament resolution in which it stated that: “*The mention in the line relating to ECHR rulings on the registration of OMO “Ilinden” is harmful and has no place in an EP resolution relating to the rule of law. The Bulgarian court considered that the registration of this organization was in conflict with the Constitution and it was therefore denied.*”<sup>106</sup> The same point of view in the European Parliament was expressed by the MP from the same party, Petar Vitanov, who stated that “*there is no way in which OMO “Ilinden” can be registered, for one simple reason - the Bulgarian Constitution forbids it. ... For us such a matter does not exist*”, adding that this resolution was not legally binding.<sup>107</sup> The leader of the liberal opposition, Hristo Ivanov, characterised the inclusion in the resolution of “*topics such as that of ...OMO "Ilinden" as "an attempt to change the topic... to non-existent topics"*, which Bulgaria should not allow.<sup>108</sup> According to the MEP from the same party, Radan Kanev, the Bulgarian state was to blame for the judgements of the ECHR, for “*not having done its job in Strasbourg and not defending an independent Bulgarian court, the Bulgarian court carried out its task correctly in refusing to register OMO “Ilinden” ... The Bulgarian court did its job, but the executive failed to do so in Strasbourg.*”<sup>109</sup>

Such attitudes are shared throughout society and the media and encounter almost no opposition. For example, Sotir Mladenov in his response to the new judgements of the ECHR against Bulgaria in May wrote as follows: “*The government and the Bulgarian courts should most categorically destroy the embryo of the tentacles of the Bulgarophobic Macedonist doctrine which is attempting to spread on our territory.....Now is the moment for us to see whether the judicial system in our country is truly independent ... Whatever happens, even if it has to be done out of spite, our courts must refuse to register that association and the government and diplomatic service must take action.*”<sup>110</sup>

## **REFUSAL OF THE AUTHORITIES TO ENGAGE IN DIALOGUE**

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<sup>105</sup> Radan Kunev – Bulgarian National Television (BNT)...

<sup>106</sup> „The Macedonian Minority“: a scarecrow...

<sup>107</sup> Euro MP Petar Vitanov;: There is no way for OMO ‘Ilinden’ to obtain registration” .. for the simple reason - that the Bulgarian Constitution prohibits it., 10 October 2020, <http://m.focus-news.net/?action=news&id=2812814>

<sup>108</sup> Rada Tsaneva, Human Rights ....

<sup>109</sup> Radan Kunev – BNT...

<sup>110</sup> Simeon Milanov, The European Court ....

Dialogue between the representatives of the Macedonian minority and the authorities is regularly recommended in the monitoring reports on Bulgaria.<sup>111</sup> *“The authorities have not entered into a dialogue with persons identifying as Macedonians, who continue to request recognition as a national minority and protection under the Framework Convention”*<sup>112</sup> 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 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, Parliament, Minister of Education, the Commission for Minority Issues and the Commission Against Discrimination. According to the concrete assessment of the Advisory Committee, the decision of the Constitutional Court of 2000 that there is no Macedonian ethnic group in Bulgaria, which is regularly applied by the courts in Bulgaria *“is perceived by the Bulgarian authorities as impeding any dialogue between the authorities and representatives of Macedonians on matters regarding the Framework Convention.”*<sup>113</sup> Despite that, as noted by the Committee: *“Given that the Bulgarian approach to the scope of the Framework Convention does not require formal recognition for its application”*, that is not an impediment to the beginning of a dialogue with the Macedonians on the application of the Convention point by point to them.<sup>114</sup>

## CONCLUSIONS AND RECOMMENDATIONS

The violation of the right to association as well as the hate speech and discrimination that Macedonians are subjected to are based on the denial of the Macedonian minority and the treatment of the mere idea that such a minority exists as hostile to Bulgaria.

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 on the part of European institutions. This problem is very old and serious and requires emergency measures.<sup>115</sup> The denial of and discrimination against the Macedonian minority represents the last vestige of totalitarian policy in the European Union.

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<sup>111</sup> Commissioner, & 49: *Bearing in mind the principle of free self-identification enshrined in Article 3 of the FCNM, the Commissioner urges the authorities to engage in a constructive dialogue with persons identifying themselves as ethnic Macedonians*”; Advisory, & 26: *“Applying these principles to persons self-identifying as Macedonians and Pomaks, the Advisory Committee considers that an open dialogue with persons identifying as belonging to these minorities would be important”*. (also & 27)

<sup>112</sup> Advisory, & 13

<sup>113</sup> Advisory, & 24

<sup>114</sup> Advisory, & 26, 27

<sup>115</sup> 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.

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. Bulgaria should implement the judgements of the ECHR and Macedonian organisations should be registered. The obstacles preventing registration of Macedonian organisations should be removed.<sup>116</sup>

6. An active dialogue must be initiated between the state and the representatives of the Macedonian minority in order to solve current problems and there should be a Macedonian representative on the Commission on Minorities.<sup>117</sup> This dialogue should begin immediately, without waiting for the recognition of the Macedonian minority as „*recognition by the state as a minority is not a prerequisite to qualify for the protection of the Framework Convention*“ and should focus on the application of the Framework Convention to the Macedonians in accordance with specific articles of the Convention.<sup>118</sup>

7. 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.<sup>119</sup>

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<sup>116</sup> Commissioner, & 49

<sup>117</sup> Commissioner, & 49

<sup>118</sup> Advisory, & 25 - 27.

<sup>119</sup> Cf. Advisory, & 31 - 36

8. 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.

9. 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”, The Association for the Defence of Fundamental Civil Rights, The Civil Initiative for the Recognition of the Macedonian National Minority in Bulgaria and Defence of the Rights of Bulgarian Citizens with a Macedonian Consciousness, Macedonian Club for Ethnic Tolerance in the Republic of Bulgaria and the newspapers “Narodna Volya” and “Makedonski Glas”**