**Mandate of the Special Rapporteur on the right to education**

**ACADEMIC FREEDOM AND FREEDOM OF EXPRESSION**

**IN EDUCATIONAL INSTITUTIONS**

**(BULGARIA)**

For her upcoming report to the Human Rights Council to be presented in June 2024, the United Nations Special Rapporteur on the right to education, Ms. Farida Shaheed, will consider academic freedom and freedom of expression in educational institutions.

The report will build on previous work achieved by other United Nations human rights mechanisms on the topic, particularly the Special Rapporteur in the field of cultural rights, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, and the Committee on Economic, Social and Cultural Rights. While recognizing that there is no single, exclusive international human rights framework for the subject, Ms. Shaheed will consider academic freedom through the right to education framework. More precisely, the report intends to consider academic freedom as part of the entitlement to receive and provide quality education, at all levels of education.

The Special Rapporteur intends to take stock of setbacks and progress both under international human rights law and in domestic legislation and practice with respect to defining academic freedom, ensuring its enjoyment by all relevant actors and protecting it from attacks and interferences.

The report will examine existing legal frameworks and normative content of academic freedom as a human right. It will consider subjects and duty bearers of this right. It will also analyze, from a human rights perspective, direct and indirect attacks on and interferences with respect to academic freedom of staff and students, including through commercialization, online surveillance, funding, conditions of work and studies and other pertinent issues.

|  |  |
| --- | --- |
| **Name of the country/entity submitting information** | **NGO Innovative Trans-border Solutions Association Bulgaria**[**www.itbsinterconsult.com**](http://www.itbsinterconsult.com) |

**Questions**

**General framework**

1. **How is academic freedom defined and protected in the constitution or laws of your country, and what are possible limitations or restrictions? Please provide the original citation and source, as well as a summary of relevant judicial practice, if any.**

Legal provisions and institutional settings which guarantee the academic freedom are embedded in the Constitution of the R. of Bulgaria, Law on the development of the academic staff in the R. of Bulgaria, Law on pre-school and school education, Higher education act, Law for the promotion of scientific research etc. and a legion of by-laws: Rules for the activities of the National assessment and accreditation agency, Regulations for the monitoring and evaluation of the research carried out by higher education institutions and scientific organisations, Regulation No. 10 of December 19, 2017 on reference booklets, textbooks and study aids, Ordinance on inclusive education etc.

**Art. 53. of the Constitution stipulates the right of education &(**1). Moreover it make the school attendance up to the age of 16 compulsory &(2)
The right for everyone to *express an opinion or to publicize it through words, written or oral, sound or image, or in any other way* is envisaged in **Art. 39.** (1) **with the explicit restriction:** (2) *This right shall not be used to the detriment of the rights and reputation of others, or for the incitement of a forcible change of the constitutionally established order, the perpetration of a crime, or the incitement of enmity or violence against anyone*. That are the guiding operational principles for the whole education institutional system.

Limitations or restrictions for the academic freedom are prescribed also by the law: Article 3 of the Higher education act imposes the requirement that: *“The higher secular education is independent of ideologies, religions and political doctrines. It shall be provided in keeping with universal human values and national traditions.”* [[1]](#footnote-1)

One of the main principles for acquiring scientific degrees and occupying academic positions is the: *“autonomy of higher schools and scientific organizations and the related decentralization of the procedures under this law”* Art 1. (2) 1. Law on the development of the academic staff in the R. of Bulgaria[[2]](#footnote-2)

Article 11 (1)of the Pre-school and School Education Act describes the education at those levels as *secular* where is “*not allow the inculcation of ideological and/or religious doctrines”[[3]](#footnote-3)*

Darina Dimitrova, lecturer at the University of Economics - Varna concludes that: *“The review of the judicial practice shows that the autonomy is not so wide and there are many unresolved problems in the management of higher education institutions as to the application of the principle of academic autonomy.”* According to her, this is due to the incorrect interpretation of the norms of the Law on Higher Education by the academic staff and the unproper definition of the concept of "academic freedom", which is to some extent limited by law. The Administrative Court, through its judicial decisions, contributes to a certain extent to the unification of the application of the law in the various higher education institutions[[4]](#footnote-4).

1. **Are academic staff, teachers, students all entitled to academic freedom? Does this differ by level of education? Please explain.**

The autonomy and self-governance of the educational institutions is guaranteed by the Constitution. Its art.53 (4) stipulates: *“Higher educational establishments shall enjoy academic autonomy.”*  It refers to all levels of education. This basic principle is further developed by other legal acts: Article 19(1) of the Higher education act[[5]](#footnote-5) prescribes as a compulsory rule: *“Higher schools shall enjoy academic autonomy. It shall be such autonomy where the intellectual freedom of the academic community and the creative nature of academic instruction, research and artistic creation shall find expression as supreme values.”* Additionally theArticle 20 of the same legal act describes the contents of the academic freedom namely to *“finds expression in the freedom of teaching, freedom of research, freedom of acts of creativity, and freedom of learning, freedom of cooperation for purposes of joint teaching together with other higher schools and academic organisations, education franchise with other higher schools, as well as joint research, creative work, projects and innovative work, in collaboration with other organisations and higher schools in the country and abroad”[[6]](#footnote-6)*

The legislation does not make difference between state financed and private education institutions as to the constitutional principle of academic freedom. Article 15 (1) describes the option: “*A higher school shall be established or transformed on the grounds of a project:* with the requirement: 3. ”*providing for a management style ensuring adherence to basic academic freedoms”* (Higher education act.[[7]](#footnote-7))

Additionally Article 4 of the Higher education act imposes the prohibition: ”*No privileges or restrictions shall be allowed in higher learning in connection with age, race, nationality, ethnic origin, gender, social background, political convictions or religious denomination, except for the cases expressly stated in a particular higher school's Rules of Operations on grounds relating to certain peculiarities of the training process and the future profession”*.[[8]](#footnote-8)

Any educational institution has elaborated and enforced its Ethic code in which academic freedom, academic and institutional responsibility therein defined. The process of respect its rules and committements is institutionalized though elected operational Ethic commissions.[[9]](#footnote-9) by any high school.

Some experts are sceptical about the possibilities offered by the actual normative framework for guaranteeing the autonomy of teachers in structuring the educational content.[[10]](#footnote-10) In principle, teachers in secondary schools independently determine the distribution of the learning content, but within the scheduled hours in the curriculum, the last one being strictly administratively defined and “ordered from the top”.

1. **What do you consider to be (a) the main challenges to academic freedom, and (b) gaps in the legal framework for protecting academic freedom?**

The only restriction before the academic autonomy is the needs its application to abide by the law: *Higher schools shall perform their overall activities in adherence to the principle of academic autonomy and in compliance with the laws of this country”.*Art. 19 (4) Higher education act.[[11]](#footnote-11)

Problems and challenges to academic freedom mainly stem from the different interpretation of the legal regulations during their enforcement. According to EPRS[[12]](#footnote-12) study: *State of play of academic freedom in the EU Member States; Overview of de facto trends and developments“ “the country’s score in Academic Freedom index (Afi) for 2021 is 0.86 With it Bulgaria is at the 23th place in the EU Member States ranking. The AFi score for Bulgaria is relatively positive, but still among the lowest scores of all EU Member States. Nonetheless, Bulgaria has Status A in the AFi. At the Academic Freedom in Freedom House ‘Freedom in the World 2022/Global Freedom Scores’ the country score is 4/4”*

*“The scores on the two global academic freedom indexes suggest that Bulgaria is a country with a* *relatively positive de jure and de facto state of play of academic freedom. The AFi suggests though* *that Bulgaria has the lowest score of all EU Member States. On the other hand, the scores in the EU* *oriented study by Beiter et al. (2016) suggest that the legal protection of academic freedom is* *amongst the strongest of all EU Member States (rank 4, see Annex 3).”[[13]](#footnote-13)*

The study by Beiter et al. (2016) suggests that the legal protection of institutional autonomy in Bulgaria is slightly below the average for all EU Member States.[[14]](#footnote-14)

Lawyer Kalin Kostov, chairman of the Association for Quality in Higher Education, claims that the academic community strongly opposes some of the amendments proposed by the Council of Ministers to amend art.57 of the Higher education act. According to him, the public authority, which is essentially political, is given the opportunity to rudely interfere in the management of processes in higher education by imposing uniform legally established criteria for academic advance (promotion) in the various professional fields, which in turn is in obvious contradiction with the constitutional principle of academic autonomy, taking away the right of higher education institutions to define these criteria. Moreover, the proposed amendments to the law had not been subjected to a wide public debate before being submitted for consideration in the Parliament.[[15]](#footnote-15)

In 2018, Alexander Urumov, the then director of Department "Public Relations" at the Ministry of Defense, made a challenging statement against the introduction of the Master's program "Politics of Identity and Diversity" into the Sofia University curriculum, which, according to him, promotes the Gender politics into life. The academic community strongly reacted, finding his behavior inadmissible interference of the public authority, that affects the academic freedom of the university. The program has been approuved in compliance with all necessary legal procedures thereof[[16]](#footnote-16).

In 2015, a conflict began among the academic community of the Academy of Economics - Svishtov on the occasion of the election of a new rector, in which the Minister of Education intervened and canceled the decision of the Academic Council. Indeed, there were doubts regarding the legality of the procedure, the professional qualification and personal qualities of the chosen one, for which a complaint was filed. However, before the administrative court makes its decision, the Minister of Education and Science (definitely a political figure) removes the newly elected rector and temporarily appoints another person. Although it is about opposing corporate groupings, executive power’s intervention calls into question the consistent application of the principle of academic autonomy.

Veselina Slavova, Andriyana Andreeva, Darina Dimitrova express their opinion, that: “…. *in the modern period of the development of society there is a need to combine academic autonomy with mechanisms for institutional responsibility - to achieve transparency and connection with the interests of society.”* that is not entirely the case in Bulgarian practice.[[17]](#footnote-17)

**Autonomy of educational institutions**

**Please explain the autonomy and self-governance enjoyed by educational institutions at the different tiers of education. Please explain what autonomy and self-governance entail. Are there restrictions on police or military personnel entering educational institutions? If so, please share the rules.**

Art.19 (3) of the Higer education act describes the ingredients of the **Academic autonomy**: *“academic freedoms, academic self-government and inviolability of the territory of the higher schools.”* **Academic freedom** finds expression in the *“freedom of teaching, freedom of research, freedom of acts of creativity, and freedom of learning, freedom of cooperation for purposes of joint teaching together with other higher schools and academic organisations, education franchise with other higher schools, as well as joint research, creative work, projects and innovative work, in collaboration with other organisations and higher schools in the country and abroad”.*(Art. 21) Higher schools enjoy academic autonomy: “*where the intellectual freedom of the academic community and the creative nature of academic instruction, research and artistic creation shall find expression as supreme values”*. From it part the **academic self-government** finds expression through:*1. the electiveness of all bodies with a fixed term of office; 2. the right of any higher school to regulate its constitution and activities in its own Rules of Operation (Rulebook) in keeping with this Act; 3. the independent choice of faculty, admission requirements and forms of training students and postgraduates; 4. the independent development and implementation of curricula and research projects; 5. the choice of specialties to be taught; 6. the right to announce competitions and appoint faculty under the terms and conditions set forth in the Development of Academic Staff in the Republic of Bulgaria Act; 7. the right to raise funds and independently decide on the terms and conditions for their appropriation;* (Art.21)

One of the main pinciples of the Pre-school and School Education System is the “*autonomy in the pursuit of educational policies, self-government, and decentralization”* (Article 3 (10) of the Law on pre-school and school education[[18]](#footnote-18)

Autonomy of the kindergartens, schools and personality development support centres have more limited character. Operating on the basis of this principle of and in accordance with the statutory requirements they can: “*1) define their development policies in accordance with the existing laws of the country; 2) decide on their structure and activities in rules which comply with the requirements laid down in the* (Pre-school and School Education Act) *and in the related secondary legislation; 3) choose the organization, methods and means of instruction to* *ensure high-quality education; 4) determine their symbols and rituals in accordance with the* *principles of the national identity and culture, as well as their uniforms and other insignia; 5) take part in national and international programmes and projects in support of educational activities.”* Except that: (2) The school autonomy shall include also the right to determine their profiles and occupations, and to independently choose and draw up their syllabi, to allocate the curriculum in accordance with the pupils' needs, to specify their subjects, and to work out curricula in the cases prescribed by this Act. Article 28 of the Pre-school and School Education Act.[[19]](#footnote-19)

According to art. Article 22 & 2 Higher education act it’s not allowed the “*entry or stay of security and public order authorities on the premises without the consent of the academic authorities, except for the prevention of impending, upcoming or current offence, apprehension of its perpetrator, as well as in case of natural calamities or accidents*;”[[20]](#footnote-20)

1. **Please provide examples of institutional guidelines/codes of conduct developed to ensure respect for academic freedom, including from external public or private actors.**

Article 22 of the Higher education act defines the activities, which are inadmissible because they violate the higher school's autonomy namely: *1. interference in the higher school's activities, apart from such cases that are expressly stipulated in a statute; 2. entry or stay of security and public order authorities on the premises without the consent of the academic authorities, except for the prevention of impending, upcoming or current offence, apprehension of its perpetrator, as well as in case of natural calamities or accidents; 3. establishment and operation of political or religious organisations at higher schools; 4. activities infringing upon any constitutional rights of the members of the academic community based on race, nationality, ethnic origin, social background, religion, convictions or political affiliation.* Higher education act.[[21]](#footnote-21)

Article 35a of the Higher education act impose an explicit prohibition at the universities’ Boards of Trustees to be nominated high rank public institutions’ employees, (except representative of the Ministry of Education and Science) and members of the leading bodies of political parties and trade union organisations.

The EPRS’s study discover that: *”While the legal framework elaborates in detail the formal governance relationship between the government and higher education institutions, and the provisions for academic freedom, the institutions themselves do not communicate this as clearly in their missions.”[[22]](#footnote-22)* and provides with many examples thereof with BG universities.

Asst. Professor Boryana Varbanova PhD, lecturer at the National University -"Vasil Levski" find that *"The state subsidy is a major part of the income of higher schools"*,[[23]](#footnote-23) which makes them strongly financilly dependent on the political will of the rulers and to some extent indirectly limits their academic independence. Rectors of universities have expressed the same opinion, especially when "*the state had to provide additional funds to cover the deficit*" in the annual budget of some of these educational institutions. According to them, this is due to the fact that: *«there are also no clearly defined mechanisms for the distribution of this money between different higher education institutions”.* In her speech at a Council of Rectors meeting, the current Deputy Minister of Education and Science presents as one of the reasons for placing academic freedom in a disproportionate dependence on state’s funding is the inability of academic leaders "*to open up to the European market and participate in more European funds and programs".[[24]](#footnote-24)*

 **Funding**

1. **How is funding, including for research, regulated? Is the process transparent, and are there any guarantees put in place to ensure respect for academic freedom?**

**Art. 23 of the Constitution** stipulates that *“The State shall establish conditions conducive to the free development of science, education and the arts, and shall assist that development.”*

Art. 3 of the Law for the promotion of scientific research envisages that: *“The scientific research activity is based on the principles of ethics, transparency, publicity, accessibility and applicability”.* Art. 4 (2) af the same legal act adds to this text: “*The financial stimulation of scientific research is carried out in a way that guarantees efficiency and transparency of the spending of public funds”* In order to determine the policy and manage the activity in this area, a specialized institution was created at the Ministry of Education and Science - The National Council for Science and Innovation,[[25]](#footnote-25) consisting of 19 members plus the Minister. It includes seven representatives of higher schools, proposed by the Council of Rectors. Art.10. (1) Law for the promotion of scientific research[[26]](#footnote-26) The council *“gives an opinion on the reports of the scientific organizations and higher schools on the state of the scientific and research activities in them”*. Art 9 (2)

Prof. Iskra Baeva, bulgarian historian, doctor of history, Lecturer at the Faculty of History - Sofia University, has found that: “*With the entering of the new democratic system one can easily notice the tendency not to support subjects, dealing with the era of socialism, if it does not include its mandatory denial. This is evident in the approval of the scientific projects and topics of doctoral students, as well as in the rejection of articles and reviews in scientific periodicals*.”[[27]](#footnote-27)

As an unfounded policy resulting from the categorical denial and opposition of the practice during socialist period, (that is the approach of the actual rulers) prof. Oleg Georgiev finds that is in place: *«The total lack of project funding on a competitive basis for the humanities, which are not in the national priorities and are episodically included in the programs of the Scientific research fund”* (by the Ministry of Education and Science.)[[28]](#footnote-28)

7. **Which rules and regulations protect academic freedom from interferences by commercial actors and financial sponsors, at different tiers of education? Please explain how conflicts of interest that may arise are addressed.**

 In May 2022, the parliamentary group of the political party "There Is Such a People" submitted to the National Assembly a bill protecting the academic autonomy of higher schools. The proposed amendment design is to remove the contradiction arising between the adopted norm of § 17 of the Law on the State Budget and the provisions of the Law on Higher Education. The arguments of the importers are that the contested regulation allegedly are at odds with the provision of Art. 53, para. 4 of the Constitution and violates the principle of academic autonomy of higher schools. Besides that, they assert the disputed article is in non-compliance with Art. 57 of the Law on Higher Education, according to which the indicators and criteria are defined in the regulations of the respective higher schools with a mandatory minimum included in the law. The legislator – they argue - through the Law on Higher Education, has given the right to the higher schools themselves to determine the indicators and criteria in accordance with their strategic orientation and life cycle of development. According to the "There Is Such a People" PMs group, it is impermissible on the basis of the Law on the State Budget with an act of the Council of Ministers, which is not even a by-law, to define indicators, criteria and methodologies that are not provided for in the Law on Higher Education and allow intrusion into the academic autonomy of higher education institutions. The aim of their legislative initiative was to create an opportunity for the targeted funds set aside by the state budget to increase the remuneration of teachers in higher schools to reach their recipients. At that time, the changed economic conditions had required an urgent indexation of the incomes of those working in the academic system.[[29]](#footnote-29)

 Prof. Dr. Oleg Georgiev, lecturer in the Department of "History of Philosophy" of the University of St. Clement is of the opinion that: *„officially established at the end of the 1990s to assist in ensuring and improving the quality of higher education today has degenerated into a tendency fueled by party experience for power (political R.S) "regulation" of the (academic R.S.) autonomy, imposed with financial, legal and by-law levers“***.**According to him: “*the issue of quality continues to be treated administratively and bureaucratically, despite the formal attempt to introduce European quality standards in 2016 in the NAOA accreditation methodology. The result – in the world rankings of universities, Bulgarian higher education institutions are in unenviable places”*.

**Surveillance**

8. **Please explain whether and the extent to which academic staff and students, at all levels of education, are subject to surveillance by public authorities, for example through on-site cameras or online scrutiny. Has this led to undue restrictions to academic freedom and freedom of expression in educational institutions?**

In many schools and university buildings is installed videosurveillance for security reasons. Mainly the cameras are set up in the corridors and in the areas around the premisses, very seldom in the classrooms. But according some experts unproper handling with the devices, is possible the information collected through them to be downloaded in Internet/social sets.[[30]](#footnote-30) For the time being there are not published complaints/articles that the system is misused from the public institutions for online scrutiny in order to restrict undue the academic freedom and freedom of expression in educational institutions

**Freedom of expression in teaching and access to books**

9. **Do teachers and professors, at all levels of education, enjoy freedom of expression in their own teaching? Are there any limitations imposed, such as remaining “neutral” or forwarding a particular perspective, e.g. on religious and political matters?**

The limits before the teachers and professors’ freedom of expression in their own teaching is formulated in Art. 56 (1) of the Higher education act: “*Faculty members shall be required to: 4. refrain from performing political or religious activities at the higher school;[[31]](#footnote-31)*”

The problem arises with both auditory and out of auditory activities of the professors/teachers. During the lectures they are not allowed to demonstrate openly their political biases. Although such behavior is sometimes subject to arbitrary conclusions, it give ground for critics and moral discreditation. But more important as a maunipulative tool is the approach to the facts, that some could be selectively choosen and presented to the students and others deliberately neglected and silenced. That allegedly can imply indirectly political implications. The other issues is the **out of auditory** commitments of the educational staff. Most of academitions being experts in certain areas are invited to voice their opinion before the media or often use the social nets to express their standpoint. Because some politicians and public managers consider both academic and citizen positions inevitably linked, they pledge that the statements which go “behind the official political line” are inaceptable and take administrative measures against the “dissidents”. A categorical example in this regard is the case study of Prof. Darina Grigorova, a professor at Sofia University, who, in a statement to the press, presented her opinion on the Ukrainian-Russian conflict. In fact, it opposes the policy of the actual rulers and the resulting thereof actions to re-evaluate facts of the past. The university's academic council was quick to distance itself from her findings, because materials with similar content further *“fueled the existing public tension in the country and served the interests of propaganda”.* The facts she presented mainly concern the role of the Soviet Army in World War II, but are indirectly related to the conflict. The position of the Academic Council, in principle, plays an essential role for the image and career of the teacher.[[32]](#footnote-32)

In 2020 Prof. Mihail Mirchev was expelled from Sofia University on charges of preaching xenophobia and racism in his lectures. He is known in society as a sociologist with leftist convictions. The signal to the rector was submitted by the Student Society for Equality, according to which there are *"heavy qualifications and hate speech on a racial and ethnic basis in the lectures".* The university Ethics commission comes out with the opinion that the students' accusations contain both *“well-founded claims”* and *“extreme qualifications and exaggerations”.* It has not accepted the allegations that in his lectures Prof. Mirchev *"deploys far-right and fascist theories",* nor that they are *"filled with xenophobic and anti-Semitic content".* However, his contract was terminated by the rector of the university, who is well known with his liberal political orientation and career in the politics and public institutions. A group of students protested in defense of prof. Mirchev, but nevertheless, he was not reinstated. According to them, the Ethics commission and the rector made a decision under great public pressure at a time when the University of Sofia climbs the rankings in the top 50 universities in Eastern Europe and accordingly the case could grow into a big scandal, that would harm its image.[[33]](#footnote-33)

The EPRS’s Study[[34]](#footnote-34) cited 2 cases in which university professors were fired because of “unproper political behavior”. In 2020, a professor at Sofia University was accused of presenting allegedly racist, xenophobic, and anti-Semitic content during a lecture[[35]](#footnote-35). In another case, in 2021, a lecturer from the UNWE published a comment criticising the pre-election visit to the university of the then prime minister Boyko Borisov. (p.34) In both cases the academic society was divided in positions and presented arguments “for” and “against” the measures, taken by the universities’ administration. Even though the Study concludes, that: ”*The cases of academic staff dismissals related to academic freedom of expression never developed into broader debates about academic freedom going beyond the timeframe of the events, but are indicative of the still rather weakly institutionalised practices of academic freedom in Bulgarian higher education”* (p. 35 )

10. **Please explain the extent to which teachers and professors at different education levels can chose school manuals and other books/resources for teaching, and the reasons for any restriction in this regard. Have any specific books/materials been banned, including from school libraries, and alternatively is some material mandatory? If so, why?**

The teacher, who teach the subject enjoys the right to chouse the learning textbook, amongst the approved by Ministry of Education editions. Art.164 (3) Pre-school and School Education Act. Article 349. (1) of the same legal act: *“Any author or publisher of a knowledge book, textbook or school kit, distributing the product at variance with the approved draft, without meeting the requirements*….” is liable to administrative sanctions.

Ass. prof Valchin Daskalov, PhD, lecturer in Civil and Family law at the UNWE examining the problems of academic ethics mentions about a serious violation of moral regulations, stemming from: "*the requirement to learn from only one textbook and to uphold only the theories and beliefs of the titular teacher. Unfortunately, it is not uncommon practice to require students to study only from the textbook written by the incumbent»* He considers this imposition dangerous because it *"restricts the pluralism of opinions"* and *"leads to limiting the way students’ way of thinking".* Especially when teaching social sciences, the selective approach to the facts and presentation of unilaterally chosen political and ideological concepts can significantly violate the principle of political impartiality in the educational process.[[36]](#footnote-36)

There is a legal procedure according to which state institutions assume the role of regulator in the process of issuing and using textbooks and teaching aids for students at the Pre-school and School Education levels. Pursuant to Art. 7. (1) of Ordinance No. 10 of December 19, 2017: *"The Minister of Education and Science approves a list of reference books, textbooks and study sets that can be used in the preschool and school education system for each school year"[[37]](#footnote-37)* It essentially turns out to be the limit of freedom that teachers enjoy when choosing teaching aids.The approach sometimes leads to contentious debates about the teaching material on offer.

At the end of 2017 and the beginning of 2018, a public scandal broke out on the occasion of the strategy of the "History and Civilizations Curriculum for Grade X" approved by the Ministry of Education and Science (MES) and the textbooks published on its basis. In the opinion of Professor Iskra Baeva, lecturer at the Faculty of History - Sofia University *“people who are not official representatives of the educational institutions, but are nominated by prominent political figures from the governing bodies, are included in its drafting. Their intervention is aimed at the post-war period, from which neutral productions have been purged, replaced by condemnatory ones. In the end, the two (public officials – RS) managed to impose their standpoint on the development of the program, despite the resistance of other academic representatives and the public discussion generated by their intervention. However, this is only the first act, the second takes place around the textbooks prepared according to the new program. With these instructions, the MES enters the role of a political censor, and bearing in mind where the remarks came from, it becomes clear that the political order comes from small right-wing formations of the past, which have in common anti-communism. Their warm relationship is the ruling GERB party. In the discussion about textbooks on the history of Bulgaria, it turned out that, the professional board sided with the authors of the textbooks and on the side of the new political censors - political groups and activists"[[38]](#footnote-38)*

Prof. Vanya Dobreva, doctor of philological sciences, researcher of Bulgarian literature and culture and active politician shares the same opinion, claiming that *“driven by strong anti-Communist sentiments and strongly influenced by external factors, the rulers have thrown out of the high school history books, facts from our past that do not serve the current strong anti-communist propaganda”.[[39]](#footnote-39)* The position of obvious political interference of the rulers in education meets the stormy reaction of the public. A petition in defense of the academic community and Bulgarian education against attempts to impose political censorship (2019) collects 845 signatures.

The today’s devision of the public opinion, concerning the events in Ukraine leaves its mark on the phenomenon. Actually Todor Tagarev, Defence minister in the current government put pressure to be removed from the schoolhistory textbooks the facts, which *“incite the Bulgarian population’s gratitute to Russia for its liberation mission during the war againt Turkey in 1877/78”.* The then armed conflict put to the end the 500 years ottoman domination over the lands, populated with ethnic Bulgarians.

Article 182. of the Law on pre-school and school education prescribes the possibility for free access to information for the pupils: “*Library and information services shall be provided through school libraries, guaranteeing that pupils have free access to information from different documentary sources in the library stock and in the worldwide net with a view to develop reading habits and information search and use competences”.*

**How to submit information**

Submissions should be sent electronically no later than **2 February 2024 to** hrc-sr-education@un.org, using the email title: “Contribution: Academic freedom”.

Please select and answer the questions most relevant for your agency. Kindly limit your responses to **3,000 words** and attach annexes where necessary. To facilitate their consideration, please send responses in a Word document, and in English, French, or Spanish. **Please clearly specify the entity making the contribution on the document itself and add paragraph numbers**.

All inputs received will be posted on the OHCHR website. Please indicate if you have any objections regarding to your reply being posted on the OHCHR website.

1. <https://lll.mon.bg/uploaded_files/zkn_visseto_obr_01.03.2016_EN.pdf> [↑](#footnote-ref-1)
2. <https://lex.bg/laws/ldoc/2135680028> [↑](#footnote-ref-2)
3. [file:///C:/Users/user/Desktop/Academic%20freedom/Law%20on%20pre-school%20and%20school%20educa.pdf](file:///C%3A/Users/user/Desktop/Academic%20freedom/Law%20on%20pre-school%20and%20school%20educa.pdf) [↑](#footnote-ref-3)
4. [file:///C:/Users/user/Desktop/Downloads/SSRN-id3219931.pdf](file:///C%3A/Users/user/Desktop/Downloads/SSRN-id3219931.pdf) [↑](#footnote-ref-4)
5. <https://lll.mon.bg/uploaded_files/zkn_visseto_obr_01.03.2016_EN.pdf> [↑](#footnote-ref-5)
6. <https://lll.mon.bg/uploaded_files/zkn_visseto_obr_01.03.2016_EN.pdf> [↑](#footnote-ref-6)
7. <https://lll.mon.bg/uploaded_files/zkn_visseto_obr_01.03.2016_EN.pdf> [↑](#footnote-ref-7)
8. <https://lll.mon.bg/uploaded_files/zkn_visseto_obr_01.03.2016_EN.pdf> [↑](#footnote-ref-8)
9. See as an example the Sofia University Ethic code <https://astro.phys.uni-sofia.bg/wp-content/uploads/2020/11/Etichen-kodeks-SU.pdf> [↑](#footnote-ref-9)
10. Adrian Nikolov - Institute for Market Economics<https://www.investor.bg/a/127-strategii/289364-svoboda-za-uchitelite>) [↑](#footnote-ref-10)
11. <https://lll.mon.bg/uploaded_files/zkn_visseto_obr_01.03.2016_EN.pdf> [↑](#footnote-ref-11)
12. European Parliamentary Research Service [↑](#footnote-ref-12)
13. Scientific Foresight Unit (STOA) PE 740.231 – March 2023 EN [file:///C:/Users/user/Desktop/Academic%20freedom/EPRS\_STU(2023)740231\_EN.pdf](file:///C%3A/Users/user/Desktop/Academic%20freedom/EPRS_STU%282023%29740231_EN.pdf) p.32 [↑](#footnote-ref-13)
14. [file:///C:/Users/user/Desktop/Academic%20freedom/EPRS\_STU(2023)740231\_EN.pdf](file:///C%3A/Users/user/Desktop/Academic%20freedom/EPRS_STU%282023%29740231_EN.pdf) [↑](#footnote-ref-14)
15. <https://fakti.bg/video/678163-adv-kostov-ako-debatat-za-akademichnata-avtonomia-stigne-ks-znachi-nakoi-e-prekrachil-granici-video> [↑](#footnote-ref-15)
16. <https://bnt.bg/bg/a/akademichna-svoboda-i-mediyni-konyunkturi> [↑](#footnote-ref-16)
17. [file:///C:/Users/user/Desktop/Academic%20freedom/AKADEMICNATA\_AVTONOMIA\_V\_KONTEKSTA\_NA\_SVREMENNATA\_.pdf](file:///C%3A/Users/user/Desktop/Academic%20freedom/AKADEMICNATA_AVTONOMIA_V_KONTEKSTA_NA_SVREMENNATA_.pdf) [↑](#footnote-ref-17)
18. [file:///C:/Users/user/Desktop/Academic%20freedom/Law%20on%20pre-school%20and%20school%20education.pdf](file:///C%3A/Users/user/Desktop/Academic%20freedom/Law%20on%20pre-school%20and%20school%20education.pdf) [↑](#footnote-ref-18)
19. [file:///C:/Users/user/Desktop/Academic%20freedom/Law%20on%20pre-school%20and%20school%20educa.pdf](file:///C%3A/Users/user/Desktop/Academic%20freedom/Law%20on%20pre-school%20and%20school%20educa.pdf) [↑](#footnote-ref-19)
20. <https://lll.mon.bg/uploaded_files/zkn_visseto_obr_01.03.2016_EN.pdf> [↑](#footnote-ref-20)
21. <https://lll.mon.bg/uploaded_files/zkn_visseto_obr_01.03.2016_EN.pdf> [↑](#footnote-ref-21)
22. EPRS study: *State of play of academic freedom in the EU Member States…p.*33 [↑](#footnote-ref-22)
23. <https://www.researchgate.net/publication/343639759_OSOBENOSTI_PRI_FINANSIRANETO_NA_VISSITE_UCILISA_Borana_Vrbanova_FEATURES_OF_FINANCING_IN_HIGHER_EDUCATION_INSTITUTIONS> [↑](#footnote-ref-23)
24. <https://www.segabg.com/category-observer/tozi-universitet-shte-ima-100-prepodavateli-drugiya-250> [↑](#footnote-ref-24)
25. The competences of the Council are defined in the by-law act: Regulations for the monitoring and evaluation of the research carried out by higher education institutions and scientific organisations, as well as the activities of the Research Fund [file:///C:/Users/user/Desktop/Academic%20freedom/%D0%9D%D0%B0%D1%80%D0%B5%D0%B4%D0%B1%D0%B0%20%D0%B7%D0%B0%20%D0%BD%D0%B0%D1%83%D1%87%D0%BD%D0%B8%D1%82%D0%B5%20%D0%B8%D0%B7%D1%81%D0%BB%D0%B5%D0%B4%D0%B2%D0%B0%D0%BD%D0%B8%D1%8F.html](file:///C%3A/Users/user/Desktop/Academic%20freedom/%D0%9D%D0%B0%D1%80%D0%B5%D0%B4%D0%B1%D0%B0%20%D0%B7%D0%B0%20%D0%BD%D0%B0%D1%83%D1%87%D0%BD%D0%B8%D1%82%D0%B5%20%D0%B8%D0%B7%D1%81%D0%BB%D0%B5%D0%B4%D0%B2%D0%B0%D0%BD%D0%B8%D1%8F.html) [↑](#footnote-ref-25)
26. <https://lex.bg/laws/ldoc/2135472978> [↑](#footnote-ref-26)
27. <https://novovreme.com/pamet-cherno-na-bqlo/cenzurata-i-chestta-na-istorika/> [↑](#footnote-ref-27)
28. <https://kultura.bg/web/%D0%B7%D0%B0-%D0%B1%D1%8A%D0%B4%D0%B5%D1%89%D0%B5%D1%82%D0%BE-%D0%BD%D0%B0-%D0%B0%D0%BA%D0%B0%D0%B4%D0%B5%D0%BC%D0%B8%D1%87%D0%BD%D0%B0%D1%82%D0%B0-%D1%82%D1%80%D0%B0%D0%B4%D0%B8%D1%86%D0%B8%D1%8F/> [↑](#footnote-ref-28)
29. <https://pp-itn.bg/%D0%B8%D0%BC%D0%B0-%D1%82%D0%B0%D0%BA%D1%8A%D0%B2-%D0%BD%D0%B0%D1%80%D0%BE%D0%B4-%D1%81%D1%8A%D1%81-%D0%B7%D0%B0%D0%BA%D0%BE%D0%BD%D0%BE%D0%BF%D1%80%D0%BE%D0%B5%D0%BA%D1%82-%D0%B2/> [↑](#footnote-ref-29)
30. <https://www.24chasa.bg/bulgaria/article/4931392> [↑](#footnote-ref-30)
31. <https://lll.mon.bg/uploaded_files/zkn_visseto_obr_01.03.2016_EN.pdf> [↑](#footnote-ref-31)
32. <https://www.dnes.bg/obshtestvo/2023/12/23/nova-bitka-su-sreshtu-prof-darina-grigorova-namesi-se-i-volgin.593288> [↑](#footnote-ref-32)
33. <https://www.mediapool.bg/su-izgoni-mihail-mirchev-zaradi-skandalnite-mu-lektsii-news315881.html> [↑](#footnote-ref-33)
34. in: *State of play of academic freedom in the EU Member States* [↑](#footnote-ref-34)
35. already mentioned above [↑](#footnote-ref-35)
36. <https://www.sadebnopravo.bg/biblioteka/2016/6/1/-> p.27 [↑](#footnote-ref-36)
37. <https://ruo-sofia-grad.com/wp-content/uploads/2020/06/%D0%9D%D0%90%D0%A0%D0%95%D0%94%D0%91%D0%90-%E2%84%96-10-%D0%9E%D0%A2-19-%D0%94%D0%95%D0%9A%D0%95%D0%9C%D0%92%D0%A0%D0%98-2017-%D0%93.-%D0%97%D0%90-%D0%9F%D0%9E%D0%97%D0%9D%D0%90%D0%92%D0%90%D0%A2%D0%95%D0%9B%D0%9D.pdf> [↑](#footnote-ref-37)
38. <https://novovreme.com/pamet-cherno-na-bqlo/cenzurata-i-chestta-na-istorika/> [↑](#footnote-ref-38)
39. <https://24may.bg/2019/07/01/%D0%BF%D0%BE-%D0%BF%D0%BE%D0%B2%D0%BE%D0%B4-%D0%BD%D0%B0-%D0%B0%D0%BD%D1%82%D0%B8%D0%BA%D0%BE%D0%BC%D1%83%D0%BD%D0%B8%D1%81%D1%82%D0%B8%D1%87%D0%B5%D1%81%D0%BA%D0%B0%D1%82%D0%B0-%D1%86%D0%B5%D0%BD/> [↑](#footnote-ref-39)