



# School's Out (SOT)

## National Report – Bulgaria

Gathering data of good practices in Europe on LGBTI teacher training and inclusive school policies; country policies, good practices and recommendations

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## Table of contents

<a href="#">Methodology</a>	2
<a href="#">1.1 Methodology</a>	2
<a href="#">1.2 Desk research</a>	2
<a href="#">1.3 Interviews</a>	2
<a href="#">2. Desk research</a>	3
<a href="#">2.1 School System</a>	3
<a href="#">2.2 Legislation</a>	8
<a href="#">2.3 Case Law and Good Practices</a>	13
<a href="#">3. Qualitative interviews and analysis of collected data</a>	14
<a href="#">3.1 Introduction</a>	14
<a href="#">3.2. Analysis of perspectives and knowledge of professionals regarding legislation and policy</a>	14
<a href="#">3.3. Concrete cases and internal procedures</a>	17
<a href="#">3.4. Identified good practices</a>	18
<a href="#">3.5. Understanding current expertise and training needs</a>	20
<a href="#">3.6. List (up to 3) main strategies/activities/programmes/recommendations that could be relevant to next project activities</a>	21
<a href="#">Conclusions and Recommendations</a>	22
<a href="#">Recommendations for Policies.</a>	22
<a href="#">Recommendations for Schools.</a>	23
<a href="#">Recommendations for NGOs and municipalities.</a>	23
<a href="#">References</a>	24
<a href="#">Annex 1</a>	25
<a href="#">Interview analysis</a>	25
<a href="#">Annex 2</a>	27
<a href="#">Identified good practices</a>	27



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## **Methodology**

### **1.1 Methodology**

Primary and secondary research was conducted including a desk research and six interviews with stakeholders – school staff and parents.

### **1.2 Desk research**

The desk research conducted in January included review of already existing researches and the collection of secondary data. The goal of this task was developing recommendations and tools in order to conduct a concise research that will lay down the foundations of the project methodology and serve as the basis for the development of the series of activities for combatting and counteracting discrimination or intolerance in the school system and school environment.

### **1.3 Interviews**

During the months of January and February Bilitis managed to conduct a field research among school staff and parents, which included a total of 6 interviews<sup>1</sup> with stakeholders or 3 more interviews than the number originally set in the project. We conducted more interviews in order to cover the topic in a more accurate and adequate way, surveying the opinions of a larger number of people. All 6 interviews were conducted online - through the Zoom platform or over the phone. Subsequently, each of them was transcribed by the project researcher.

In the very beginning, we had difficulty finding people playing different roles and functions in the education system, as we have contacts mainly among teachers. Subsequently, we were able to find and interview such, namely - 3 teachers, 1 parent, 1 psychologist and 1 school principal. The main difficulty in conducting this type of research among school staff is reaching public schools. In many cases, they are more closed and refuse to cooperate, have no interest in participating in research and changing policies. Usually, the teachers from the private schools in Bulgaria are the ones who are more open on topics such as bullying at school and LGBTI +. This is one of the reasons they are easier to reach and work with.

Another particularity of the interviews with stakeholders was that all 6 of the interviewees were people we had previously researched and already knew expressed positive attitudes on the LGBTI + topic and

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<sup>1</sup> Prior to the commencement of every interview, the interviewer got the informed consent from the interviewee, after explaining the research in terms of the Information Sheet translated in each language of the project. Stakeholders have freely agreed to take part in the research. Anyhow, to ensure anonymity and confidentiality of data, the transcript/records/factsheets of the interviews are safely stored by each partner; their outputs have been processed, analyzed and treated by associating a code to each intervened stakeholder.



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were interested in participating in this research. Unfortunately, it is extremely difficult to reach people who have different opinions on the subject and would like to be involved in such a study.

Nevertheless, all interviewees willingly participated in the present study and openly answered the questions from the standardized interview model.

## **2. Desk research**

### **2.1 School System**

#### *2.1.1 Structure of the Bulgarian school system*

The education in Bulgaria is mainly supported by the state through the Ministry of Education and Science. School education is compulsory for children from seven to sixteen years of age.

The Bulgarian educational system falls within the continental European tradition. The main types of secondary schools are general educational, vocational, language schools, and international schools. Private schools are also being established and they are beginning to compete successfully with state schools.

The general structure of the primary and secondary education is as follows:

- Basic education (Grades 1-8) in Bulgaria comprises primary school (grades 1-4) and pre-secondary school (grades 5-8).
- The Upper Secondary level lasts for either 4 or 5 years and concludes with the receipt of a Basic Education Completion Certificate. Upper Secondary education is provided in three types of schools: comprehensive (general) secondary schools, profile-oriented schools, and vocational-technical schools.

The main difference between a public school and a private school is the source of their funding and their relationship with the public administration. As the names suggest, public schools are administered and funded by the local (municipality) or national government, while private schools are funded in whole or partly by fees from the clients, as well as from donations from private sources, and administered by private organizations. Private schools are largely independent of government intervention, however, in order to receive accreditation and to be able to issue recognized diplomas for basic or secondary education, these schools need to meet a set of criteria developed by the Ministry of Education. These criteria relate both to the curriculum (all subjects taught in the Bulgarian public schools need to be included in the curriculum of the private schools as well), and to the premises where the school is located (size of premises, availability of a sports hall, etc.).

In Bulgaria, most people enroll their children in public schools because education there is free. In recent years, the number of private schools has considerably increased and some of them are quite



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affordable for medium-income families. Private schools offer more flexibility in terms of structure of the program, all-day learning environment, diverse elective subjects, and better physical conditions, compared to the majority of the public schools. Recently, the difference between public and private school, the pros and cons and which of the two is preferred, has been actively discussed. Bulgarian parents would choose a private school, if they can afford it, for several main reasons: <sup>2</sup>

- The children will receive a better education
- There is less aggression among students (fewer students and stricter control of their behavior)
- Teachers are more dedicated and motivated
- The physical environment is better
- The child will grow up in a more favorable environment

Although in theory there are many advantages for students in private schools, for most Bulgarians the fees in a private school are extremely unaffordable.

The education in the public Bulgarian schools may be free, but for many students it is tantamount to boredom, huge amounts of stress, demotivation and bullying. One of the biggest problems of public education are the big classes. When the teacher has 40 minutes for 23 to 26 students, the chances of being able to pay attention to each of them and work adequately with all are practically negligible. In private schools, the classes are of 10 people on the average - 2 to 3 times smaller. This allows getting to know each student and in-depth work to overcome difficulties and encourage efforts in areas where each individual child is talented.

Student safety in public schools is often questionable. Private schools usually have less students and the personnel is more vigilant about their behavior in and out of the classroom. Special security measures are also available in some, and the access protocol is not only on paper, but also in practice.

### *2.1.2 The situation of LGBTI young people and students*

According to the FRA LGBT survey from 2020, only 4% of the Bulgarian respondents have been very open about being LGBT while at school before the age of 18 years, and 65% prefer to hide their LGBTI identity.

According to the same survey 19% have often considered leaving or changing school because of their LGBTI identity. To the question "Did your school education address at any point LGBTI issues?", only 3% of the Bulgarian respondents stated that the school education addresses LGBTI issues in a positive way, while 66% indicated that LGBTI issues remain unaddressed.

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<sup>2</sup> Parentland, *Public or private school? (article)* Available at: <https://www.parentland.bg/chastno-ili-darjavno-uchilishte/>



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Another research report <sup>3</sup>, exploring the situation of LGBT people in Sofia indicates that seen from their personal experience as LGBT students, participants perceived the school environment as fear-inducing, disrespectful towards diversity and extremely challenging. Bullying in schools is experienced by almost all of the LGBT participants, especially if they are transgender as one trans man reveals, "...children, they are monsters, they want to bully you...". In terms of content and curriculum taught in the educational institutions, community members especially emphasized the lack of LGBT-related content in the educational programs, especially the non-existent or outdated information on trans matters in textbooks. As one trans participant stated, "...especially in schools, that's just something you don't talk about, hm...we talked about LGBT people, but just the L and the G, parts of the word...but B wasn't discussed and T was like a far concept...".

The most recent quantitative national research on the situation of LGBTI young people in educational settings is the school climate survey, conducted in 2019 by Single Step Foundation and Bilitis Foundation <sup>4</sup>. This online survey generated 880 valid answers of students from 13 to 19 years old from all country regions. The general results show that for LGBTI young people in Bulgaria, school can be an unsafe place for the following reasons: high level of verbal harassment (over 70% have experienced it personally), low level of intervention or no intervention at all by staff / school personnel when witnessing verbal harassment and low level of reporting of incidents, because the students did not believe that effective action will be taken.

As the statistic shows, one of the main reasons why LGBTI students feel unsafe at school is because of their sexual orientation, the way they look (appearance) and their gender expression:

- 48.3% of all students reported feeling unsafe at school in the past year because of their sexual orientation;
- 31.2% of them felt unsafe because of how they expressed their gender;
- 22.5% reported feeling unsafe because of their body size or weight.

The majority (82.9%) of LGBTI students reported hearing other students make these derogatory remarks often or frequently in school. In addition, 71% of all students also reported often or frequently hearing the word "gay" in a negative context to offend someone for the way they look or act. In

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<sup>3</sup> Viktorija Bondikjova, Carmen Rivas, (2019). *"I just want basic things! – We are not there yet" Understanding the needs, services and challenges of LGBT community members and NGOs in Sofia, Research Report, Sofia*. Available at: <https://www.speakactchange.org/resource/i-just-want-basic-things-we-are-not-there-yet-understanding-the-needs-services-and-challenges-of-lgbt-community-members-and-ngos-in-sofia-bulgaria-research-report/>

<sup>4</sup> Gabrovska, N., Dragoeva, L., Naidenov, P. (2020). *Attitudes Towards LGBTI Students in Bulgarian High-Schools, Sofia – Single Step Foundation*. Available at: <https://bilitis.org/en/portfolio/attitudes-towards-lgbti-students-in-bulgarian-high-schools/>





addition, more than half (57.4%) of them reported hearing homophobic remarks from their teachers or other school staff. When teachers for example were present, they most often did not show any interest and affection and did not intervene when such remarks were made. Less than one-quarter (18.4%) reported that the school staff intervened most of the time or always, and two-thirds (46.6%) reported that staff never intervened.

Findings from the same survey demonstrate that majority of LGBTI students reported hearing either type of remark about someone's gender expression often or frequently at school (64.1% about not being "masculine" and 36.2% about not being "feminine"). More than half (59.7%) of LGBTI students reported that they had heard these types of remarks from teachers and other school staff. Similar to negative comments about gender expression, people may make negative comments about transgender people because they can pose a challenge to "traditional" ideas about gender. Nearly half (47.7%) of LGBTI students in our survey reported hearing these comments frequently or often.

The vast majority (70.6%) reported being verbally harassed at some point in the past year based on any of these personal characteristics. LGBTI students most commonly reported experiencing verbal harassment at school because of their sexual orientation or how they expressed their gender:

- More than half of LGBTI students (60.2%) had been verbally harassed because of their sexual orientation; nearly one-fifth (19.3%) experienced this harassment often or frequently; and
- Half of LGBTI students (51%) were also verbally harassed at school because of their gender expression; more than a tenth (14.9%) reported being harassed for this reason often or frequently.
- Although not as common, many LGBTI students were harassed in school because of their gender: 36.3% had been verbally harassed in the past year for this reason.

With regard to physical harassment, a third (34.2%) of LGBTI students had been physically harassed (e.g., shoved or pushed) at some point at school during the past year based on any personal characteristic. Their experiences of physical harassment followed a pattern similar to verbal harassment — students most commonly reported being physically harassed at school because of their sexual orientation or gender expression:

- 26.4% of LGBTI students had been physically harassed at school because of their sexual orientation, and 6.5% of them stated that this harassment occurred often or frequently;
- 23.1% of LGBTI students have experienced a physical harassment at school because of their gender expression, with 6.8% experiencing this often or frequently;
- 16.1% of all LGBTI respondents had been physically harassed because of their gender, with 17.8% of them experiencing this often or frequently.

LGBTI students were less likely to report experiencing physical assault (e.g., punched, kicked, or injured with a weapon) at school than verbal or physical harassment, nonetheless, 19.1% of students in our survey were assaulted at school during the past year because of their sexual orientation, gender expression, or gender:



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- 15.2% were assaulted at school because of their sexual orientation;
- 14% were assaulted at school because of how they expressed their gender; and
- 10.1% were assaulted at school because of their gender.

In 2020, Bilitis Foundation conducted qualitative research on the topic as part of the CHOICE project funded by the European Union's Rights, Equality and Citizenship Programme (2014-2020). The CHOICE national report<sup>5</sup> presents data from a study of the needs of students, parents and school professionals related to improving measures to prevent and combat violence in Bulgarian schools. The research was conducted in three stages in the period November-December 2019. It consisted of desk research and review of existing research and secondary data collection, an online survey among 106 adults (teachers, school principals and parents) and 48 young people (students aged 14 up to 19 years) and 6 focus groups with students, teachers / school staff and parents in Sofia and Plovdiv.

This study emphasizes not only the role of teachers, but also that of school psychologists and their level of competence in terms of problems and needs of students.

"The LGBTI students stated that the school psychologists could not be fully trusted". At our school, everyone knows they can't go to the psychologist at school because he can't keep his mouth shut and sometimes he accidentally shares things and sensitive information about someone with someone else." They also added that only SOGI-based bullying points are absent in the regulations of some schools. Students, who were part of the 'invisible minorities' in schools, said that "such people live in fear and constant tension and when they hear LGBTI-phobic statements they tried to defend themselves by hiding so as not to be exposed. Anti-LGBTI comments are made by everyone, constantly, every day, at any convenient time, both by teachers and students. There are isolated cases where management takes action against anti-LGBTI comments, but this happens more often when it comes to physical bullying rather than verbal abuse."<sup>6</sup>

## **2.2 Legislation**

### **2.2.1 Situation of LGBTI people in Bulgaria**

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<sup>5</sup> Pisankaneva M., Atanasova B., Dragoeva L. (2020). *CHOICE National Report Bulgaria* Available at: <https://bilitis.org/en/portfolio/the-needs-of-students-parents-and-school-professionals-related-to-improving-measures-to-prevent-and-combat-violence-in-bulgarian-schools/>

<sup>6</sup> Pisankaneva M., Atanasova B., Dragoeva L. (2020). *CHOICE National Report Bulgaria* Available at: <https://bilitis.org/en/portfolio/the-needs-of-students-parents-and-school-professionals-related-to-improving-measures-to-prevent-and-combat-violence-in-bulgarian-schools/>



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Bulgaria is among the countries where homophobia, transphobia and social unacceptance of LGBTI people remains widespread as evidenced by numerous research, both national and international (e.g. State Department's Human Rights Report 2016, ILGA-Europe Rainbow Map, and Special Eurobarometer on Discrimination 2019 among others).

In the ILGA-Europe Rainbow Map (2019), comparing the national legal and policy human rights situation of LGBTI people across Europe, Bulgaria scored 20% and is ranked 26 out of 28 EU Member States. It's worth mentioning that according to the same indexing, Bulgaria scored 24% in 2018, 23% in 2017, 24% in 2016, 27% in 2015 and 30% in 2014, which clearly shows a tendency of regress over the past 5 years.

The LGBT Survey 2013, FRA, shows that Bulgaria comes across the three countries in the EU with "very widespread" offensive language about LGBT people by politicians. According to a report from the Open Society Institute - Sofia, in 2018 the incidence of hate speech against homosexual people has doubled compared to 2016.<sup>7</sup> In 2018, homosexual people are the second most affected by hate speech minority group after Roma, and this result coincides with the intensive debate over the failed ratification of the Council of Europe Convention on the Prevention and Combating of Violence against Women and Domestic Violence (Istanbul Convention). Opinions, embracing the dangerous and harmful notion that discrimination against LGBT people is a legitimate demand of tradition, nature and religion, mushroomed in the mass media. Further to that, the Bulgarian Constitutional Court that voted on July 27, 2018, to declare that the Istanbul Convention is unconstitutional argued in its decision that the term "gender", used in the Convention, is misleading and introduces a concept that is incompatible with the constitution's understanding of "sex". The court reaffirms the view that "sex" is a binary concept, with two rigidly fixed options: male or female. This decision had an immediate negative impact on the legal practice for gender recognition of trans people, and also, reinforced prejudice which stopped progress in public awareness raising on sexual and gender diversity.

The education sphere and more specifically schools were the most affected by the rejection of the contemporary understanding of sexual and gender identities in Bulgaria.

### *2.2.2 National legal framework on hate crime, hate speech, discrimination and bullying*

Based on CHOICE National report Bulgaria (2020)<sup>8</sup>

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<sup>7</sup> Open Society Institute. (2018). *Public attitudes to hate speech in Bulgaria in 2018*. Sofia. Available at: <https://osis.bg/?p=3070&lang=en>

<sup>8</sup> Pisankaneva M., Atanasova B., Dragoeva L. (2020). *CHOICE National Report Bulgaria* Available at: <https://bilitis.org/en/portfolio/the-needs-of-students-parents-and-school-professionals-related-to-improving-measures-to-prevent-and-combat-violence-in-bulgarian-schools/>



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“While Bulgaria recognizes some hate crimes in the law, the list of motivations constituting aggravating circumstances does not include sexual orientation, gender identity or gender expression. If reported, hate crimes targeting LGBT people are mostly treated as hooliganism. LGBT victims’ rights are not assured: the transposition of the Victims’ Directive has been insensitive to the support and protection needs of this group.<sup>9</sup>

The Penal Code (Penal Code of the Republic of Bulgaria, 1968, amended 2017) sanctions hate crimes in Chapter III: Crimes against the Rights of the Citizens. In the absence of a definition of “hate crime”, the term which is used is “crimes against the rights of the citizens”. There is no general penalty enhancement for hate crimes. The law criminalizes some deeds motivated by hatred, or instigating hatred towards people, based on race, nationality, ethnicity, religious or political belief. Article 162 imposes legal sanctions on the incitement and proselytizing of discrimination, violence and hatred based on race, nationality or ethnicity, by means of speech, print or other mass media. Paragraph 2 of Article 162 penalizes any deeds of violence or damage to the property of someone, based on the race, nationality, ethnicity, religion or political belief. Article 163 criminalizes participation in crowds that attack other groups of the population, based on their race, nationality or ethnicity, while articles 164 to 166 criminalize actions against religious freedoms and actions which incite hatred on the basis of religion.

The Penal Code does not contain any substantial provisions describing an act as a hate crime and / or hate speech based on sexual orientation, gender identity, gender expression or sexual characteristics. There are also no provisions characterizing this bias as an aggravating circumstance. Some level of protection against insults based on sexual orientation may be obtained from administrative or civil law under the Law on Protection against Discrimination (Protection against Discrimination Act [Bulgaria], in force since January 2004), but the latter does not provide protection on the basis of gender identity and / or "gender expression".

### *Hate speech*

“Hate speech specifically appears in the legislative texts of the Penal Code, where it is described as a crime, and in the media’s regulatory documents, e.g. the Code of ethics of Bulgarian journalists. According to the Penal Code, hate speech is a form of hate crime, as such speech can incite more

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<sup>9</sup> Filipova, G. Pisankaneva, M. (2018). *Invisible Crimes – Anti-LGBT Hate Crimes in Bulgaria*. In P. Godzisz, ed., *Running through hurdles*. 1st ed., pp.69-89. Available at: <http://www.lgbthatecrime.eu/resources/cf-research-book>



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severe hate crimes and violence. Therefore, reporting cases of hate speech to the relevant authorities (Ministry of Interior, Prosecutor's Office) is critical for holding perpetrators of such crimes accountable, which is the most important element to countering hate speech both online and offline. Article 162 (1) of the Penal Code criminalizes "the advocating of or incitement to discrimination, hatred or violence based on race or national or ethnic origin through speech, print or other mass media, electronic information systems or other means. The punishment is imprisonment from one to four years and a fine of 5,000 to 10,000 leva. Article 162 (2) criminalizes the "use of violence against another person or damage to his/her property on account of his/her race, national or ethnic origin, religion or political opinion"; those guilty of the crime face imprisonment from one to four years, and a fine from five to ten thousand leva.<sup>10</sup>

Part II from the Law on Protection against Discrimination (01/2004)<sup>11</sup> is especially dedicated to the prevention of discrimination in the sphere of education:

Article. 29, (2): The principal of the educational institution undertakes effective measures to prevent all forms of discrimination in the school environment on behalf of the pedagogical or non-pedagogical staff, and the students.

Article 30: The principal of the educational institution puts the text of the law, as well as all policies from the internal rules, which refer to the protection against discrimination in an accessible place.

Article 31: The principal of the educational institution who has received a complaint from a student that feels bullied by a person from the pedagogical or non-pedagogical staff or from another student is responsible for conducting immediate investigation, for taking measures to stop the bullying, and for disciplinary sanctioning.

In 2015, Bilitis conducted a research on how the above articles of the Law for Protection against Discrimination (01/2004) have been transposed in the Internal Regulation Documents of the secondary schools of Sofia<sup>12</sup>. In the first place, our research aimed at finding references to the Law in the schools' internal policies, and mentions of all characteristics featured in the law: (article 4, paragraph 1): "gender, race, nationality, ethnicity, human genome, citizenship, origin, religion or faith, education,

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<sup>10</sup> Denitza Lozanova, Sevdalina Voynova, Snezhina Gabova, Svetlana Lomeva, (2017). *Mapping out the National Context of Online Hate Speech in Bulgaria, Sofia*. Available at: [https://www.positivemessengers.net/images/library/pdfs/OHS-report\\_Bulgaria-eng\\_form.pdf](https://www.positivemessengers.net/images/library/pdfs/OHS-report_Bulgaria-eng_form.pdf)

<sup>11</sup> *Law on Protection against Discrimination*, <https://www.legislationline.org/topics/country/39/topic/84>

<sup>12</sup> Bilitis Resource Center. (2015). *Schools for All? The Status of LGBTI Students and Teachers in Bulgarian Schools*. Available at: <https://bilitis.org/about/publications/>



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beliefs, political affiliation, personal and public status, disability, age, sexual orientation, family status, marital status, and all other grounds stated in a law of international treaty, which has been signed by the Republic of Bulgaria.” According to a change in the Law (State Newspaper from April 7, 2015), the category “gender” also refers to cases of change of gender.

Such references were identified only in very few school internal policies. Only 2 out of 72 published online secondary schools internal regulation documents (of schools that are based in Sofia, Bulgaria) explicitly mentioned sexual orientation as a protected ground. One of those schools is “Angel Kanchev” 137th Secondary School:

“The pedagogical and non-pedagogical staff is obliged to follow all policies stated in Part 2 of the Law for Protection against Discrimination (Protection in Exercising the Right to Education and Learning), and this obligation has been included in their job descriptions.”

A very important policy document for schools, which regulates the provision of support in cases of bullying, is the Unified Mechanism for Counteraction against Bullying at School and its annexes. An Order by the Minister of Education (RD09-611/18.05.2012) obliges every school to adopt such a mechanism and to design a plan for its implementation. The mechanism for combating bullying at school was designed by a cross-sector working group, which was created by the Ministry of Education in 2012. This group involved experts from: the Ministry of Labor and Social Policy, the Agency for Child Protection, the Agency for Social Assistance, the Ministry of Interior, the Central Commission for Combating Anti-Social Behavior by Youth, and non-governmental organizations, such as the National Network for Children, Foundation “Steps for the Invisible Children in Bulgaria,” Foundation “Association Animus,” the Union of Psychologists in Bulgaria, and UNICEF. The mechanism includes a definition of bullying as “conscious negative deeds, which are long-term, directed towards one and the same student and conducted by another student or a group.” The types of bullying are explained in detail, including physical, verbal, psychological, and social (isolation, ignoring, etc.). Furthermore, the document enumerates signs for recognizing physical and psychological bullying. It also addresses virtual (cyber) bullying, and describes the roles of all stakeholders in situations of bullying.

The Unified Mechanism for Counteraction against Bullying at School requires every school to develop and adopt preventive measures against bullying and counteraction measures to address existing cases of bullying in an effective way. It is stressed that counteraction against bullying requires a holistic approach, coordinated efforts for prevention of bullying, as well as the creation of a safer school environment. Creation of a Coordinating Council for Counteraction against Bullying at every school is also recommended. The mechanism calls for the creation of space in which students can openly discuss bullying and form attitudes of empathy, tolerance, and respect for differences, as well as conflict resolution skills that prevent bullying. The mechanism also lists possible activities at the school level, for example: the creation of a safety network, and the definition of responsibilities of each staff member in relation to possible bullying interventions. The links between the school and other institutions responsible for prevention and dealing with violence and bullying are also described. Last,



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but not least, the mechanism recommends involving parents in the integrated system for counteraction against bullying at school.

The review of the Unified Mechanism for Counteraction against Bullying at School showed one important omission: there is no mention of the vulnerable groups that are common victims of bullying based on grounds of difference, similar to the ones included in the Anti-Discrimination Law. The lack of such content contributes to the low levels of awareness of bullying against minority groups (i.e. identity-based bullying). LGBTI students are part of these groups and among the most invisible. The result is that some forms of bullying against LGBTI are completely “normalized” and neglected at school.

The school plans for counteraction of bullying at school (based on the mechanism) also lack the enumeration of the grounds which have been protected by the Law on Protection against Discrimination (01/2004). These grounds should be in focus when adequate measures for the prevention of and dealing with bullying are being formed. Identity-based bullying does not exist as a concept in the schools' internal policies and teachers/school staff need to be sensitized of its existence.

Some grounds on which discrimination is prohibited at school are mentioned in school internal policies: race, ethnic origin, religion, gender, nationality, language, ability, social status.

The exclusion of sexual orientation, gender identity and gender expression as protected grounds in the schools' internal policies speaks to the lack of awareness of expressions of homophobia, biphobia and transphobia, which according to the FRA LGBT Survey (2013) are very widespread in educational institutions. The mentioning of “gender” in the policies does not protect gender expression, transgender, or intersex identities.” “

Another public policy that has direct impact on prevention of bullying and violence against children at school is the Coordination Mechanism for interaction among mandated public institutions and other stakeholders in cases of violence against children, which has been in force since 2010. The amendment of the national Law on Child Protection that came into force on 01.07.2020 contains a new text of Art. 36 which has renamed the Coordination Mechanism into “Coordination Mechanism on Violence”. It also upgraded the provisions which regulated the mechanism in cases of violence against children with stronger emphasis of the national policies on coordination and collaboration among institutions and a cross-sectoral approach. The new text of the law underlines that a Multidisciplinary team needs to work on a case and elaborate an action plan for protection of the child and prevention of violence, whose implementation is monitored until the case is resolved. The focus is on timely intervention by the competent public bodies to assist children and their parents. The State Agency for Child Protection is mandated to monitor the implementation of the Coordination Mechanism on Violence. Its annual monitoring report for 2019 shows that there were 275 multidisciplinary teams at the local level across the country, working on prevention and addressing of cases of violence against children. Teachers, school principals, and school psychologists can be members of such multidisciplinary teams, although



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schools are not among the three primary mandated institutions to deal with violence against children. The latter are the child protection departments at municipalities, the police, and the local units working with children with criminal behavior.

### **2.3 Case Law and Good Practices**

Good practices for providing science-based information and forming positive attitudes towards LGBTI people in school are often of private origin. They usually come outside of the educational system, most commonly within projects, implemented by an NGO with international funding. The effect of such good practices is usually short and depends on the duration of the project. During 2011-2012, Bilitis Foundation introduced an interactive educational methodology on SOGI at two public schools in the capital as part of the EU-funded project “It Takes All Kinds”. The methodology was aimed at using a norm-critical approach to address negative stereotypes of minorities, discrimination based on sex, gender identity, sexual orientation, race, ethnicity, and other characteristics.<sup>13</sup>

One of the most widespread best practices for raising awareness of students, teachers, and school staff about the forms of bullying at school, which are commonly neglected and normalized, is the initiative “Week for Overcoming School Bullying” that was launched in 2012. It has gained much popularity in the last years and is conducted at many schools across the country. However there is still lack of specific and diverse activities directly addressing the bullying of LGBTI students. Bullying and violence are addressed in a general way, without mentioning the specific vulnerable groups, which limits the prevention effect and the most vulnerable groups often still remain excluded. More recent good practices include:

- The GSA Club (Gender and Sexuality Alliance Club) is a good practice of bringing together LGBTI students and allies to discuss and celebrate sexual and gender diversity. It was created several years ago at the American College of Sofia, which is a private high school.
- The Pink Shirt Day (conducted on the International Anti-Bullying Day) in many Bulgarian schools has become quite popular in recent years.
- The “living library” initiative when students invite LGBTI activists at school to tell their personal stories of overcoming stigma and harassment. Unfortunately, in 2018-2019 it was banned in most schools because of the hysteria created by the proponents of the anti-gender ideology.

## **3. Qualitative interviews and analysis of collected data**

### **3.1 Introduction**

In January and February 2021, Bilitis conducted a field research among school staff and parents, which included a total of 6 interviews with stakeholders (3 was the target number originally set in the School's

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<sup>13</sup> Bilitis Resource Center. (2015). *Schools for All? The Status of LGBTI Students and Teachers in Bulgarian Schools*. Available at: <https://bilitis.org/about/publications/>



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Out project). The respondents were with diverse backgrounds: 3 teachers, 1 parent, 1 school principal, and 1 school psychologist. In this way, we collected the viewpoints of people with different roles and functions in the education system. It is to be noted that all respondents have had previous contacts with Bilitis and had expressed a positive attitude on LGBTI topics.

The main challenge in conducting the field research was reaching and involving respondents from public schools. Teachers and staff from the private schools were more open to talk about topics such as bullying and LGBTI.

For the table analysis of the interviews, please refer to Annex 1.

### **Identified Good Practices**

None of the interviewed respondents shared good practices related to the prevention of bullying and creation of LGBTI-safe schools. The good practices (Annex 2), identified through the interviews, could be the basis for introduction of such topics at school, since they stimulate student involvement, team work, critical thinking, creativity and exploration of new ideas.

### **3.2. Analysis of perspectives and knowledge of professionals regarding legislation and policy**

#### **a) Countrywide level**

Our general observation is that the stakeholders' awareness of national policies, laws and guidelines, which relate to bullying at school and the inclusion of LGBTI + students in school, is very low. All interviewees stated they cannot name the specific legal provisions addressing bullying at school and cyberbullying. In addition, all six respondents shared that in cases of bullying or some kind of ridicule at school, they react accordingly to the knowledge and skills gained through experience. An example of this is the following:

*„I know how to proceed in such situations. We conducted training on cyberbullying because there were such cases at school. If I have to list all the paragraphs and articles of these laws, I will not be able to. But I know how to proceed in both situations - if there is unacceptable behaviour in school or if there is cyberbullying.” (ID, Teacher)*

This statement also shows that school staff receive training or instruction on the topic of bullying only when such cases become evident, i.e. when there are visible victims and complaints (including from cyberbullying) and when it is urgent to act and take some measures. None of the respondents talked about prevention work at their schools, or regular review and evaluation of the school policies that contribute to the prevention and combating of bullying and violence.

As for whether there are national policies and regulations concerning discrimination against LGBTI people relevant to the education system, everyone unanimously shared that such do not exist, and in



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particular that the topic of discrimination against minority groups such as LGBTI is strongly avoided. Discrimination in school is addressed in a more general way, without referring to identity-based discrimination.

*"Today I had a subject on educational policies and I even read the constitution of Bulgaria, specifically the articles on education and nowhere was mentioned about the rights of LGBTI students. The only thing I saw was a more general law on how to exclude all forms of discrimination." (SH, Teacher)*

The absence of knowledge on the anti-discrimination law and its specific provisions that concern the prevention of discrimination based on sexual orientation and gender identity (i.e. "change of sex") in the sphere of education was clearly evident in all interviews. Some comments of our respondents also testified to the fact that the national policies on prevention of discrimination at school are not sufficiently reinforced, which leads to their low effectiveness. The school pedagogical and non-pedagogical staff are not encouraged to identify discriminatory behavior at school, to trace the causes for it in detail, and try to combat it. At the same time, they do not have the necessary knowledge and tools to do so.

Regarding whether there is a legal or policy framework to address the issue of inclusion of LGBTI students, all respondents unanimously shared that there isn't and one of them pointed out:

*„I don't think this matter even exists in the legal framework, and I don't think it will be talked about any time soon." (MK, Teacher)*

#### b) Organizational level

LGBTI inclusion strongly relates to the prevention and combating of identity-based bullying. The latter is not discussed at all in the school internal policies. Discrimination and identity-based bullying are topics that do not receive enough attention at school. As a result, students and their parents need to look for ways to deal with such situations on their own and seek help elsewhere. The ineffective policies and school internal practices for dealing with any kind of bullying in the Bulgarian schools were most clearly demonstrated in the testimony provided by a respondent whose child was a victim of bullying:

*"My child was bullied for a year by a classmate. There were conversations with parents, with teachers, with the school psychologist, but nothing was achieved to solve the problem. It was as if no one knew what to do. My daughter couldn't trust the school psychologist. This person just wasn't competent enough." (DV, Parent)*

In addition to demonstrating the lack of effectiveness of the measures undertaken in this specific case, this testimony also shows that students and their parents have insufficient trust in the school's ability to solve the problem and the competences of the school personnel. This is quite common particularly in the public schools.

Although there are internal policies for the prevention and addressing of violence and bullying at every school the latter are not sufficiently operationalized. The internal rules omit some basic mechanisms



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for prevention and control, such as keeping a register of cases. There is no regular monitoring and discussion of cases by a multidisciplinary case management team (as recommended by the national policy). Teachers and other school staff do not have a clear understanding of the problem of identity-based bullying. In this case, it is not surprising that LGBTI + students do not have any protection at school if they become victims of bullying, either by another student or by the school staff. One of the respondents talked about the lack of written protocols for reaction in cases of bullying:

*“When I was a psychologist at school, we had cases of bullying one child against another. Usually what is done is to talk to the principal, as well as to the parents of the child who attacked the other. There are no such things as protocols on how to act. It was not written anywhere.” (EV, Psychologist)*

The lack of written rules in cases of bullying at school and their insufficient reinforcement, where they exist, leads to ambiguity on how to act and to inadequate dealing with the problem. In most cases, the problem remains and is not completely resolved. Some of the interviewees stated that absolutely nothing is being done to prevent bullying. Three of the six interviewees revealed that this is a common state of affairs, especially in public schools. Only when an accident occurs, a solution is sought. A clear example of this is the following statement:

*„... in the public school, if there is a problem, it is solved at the moment i.e. we call the police, they come and talk to the students, start looking for those responsible, but what is worth mentioning is although the police comes and talks to the students, talks to the parents, the likelihood of this problem recurring, remains because public schools do not exclude any students. And the so-called “bullies” stay in school, no matter how much remarks and threats of expulsion they have. People who are victims of school violence are forced to see the people who bully them every day, because this is what the school policy represents.” (ID, Teacher)*

The above statement also speaks to the fact that the public schools do not offer any support system either to the victim, or to the perpetrator. Students are left to deal with daily incidents alone. Only when a serious accident occurs, it draws the attention of the school authorities.

As already mentioned, there are significant differences between public and private schools in Bulgaria. This was confirmed several times by what was shared by the participants in the present study. Although in both types of schools topics such as sexual orientation and gender identity are not discussed openly, there are clear differences in how minorities are perceived. Here is what a respondent who currently works in a private school, but formerly had years of experience in a public school, revealed to us:

*“In the school where I currently work, we have students from minorities and they are in no way separated from the other students. It doesn't matter who is who. We do not discriminate whether he is of Roma origin or African-American (because we have such students). Gender identity is not talked about at all in school in general. In the previous school where I worked there was segregation - one class had a very strong representation of people from the Roma community, and the other class - minimal representation. In the public school, I dare to say that the division is bigger and more visible.*



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*While in the private school we have representatives from a lot of groups, but there is no division between them.” (ID, Teacher)*

From the above examples we can conclude that, unlike public schools, private ones strive much more for the promotion of diversity and inclusion, building a safe environment for people from different minorities. There are some objective reasons for this; one of them is that in private schools the classes consist of far fewer students. While the average number of students in a class at the public school is 24-26, the average number of a class in a private school is up to 10. This is a precondition for a teacher to have much more opportunity and capacity to pay attention to the needs of each individual student. *„Teachers in private schools are encouraged to take care of each student and know them well. They usually work with 7-8 people per class. It is much more difficult for teachers in public schools to be able to notice any irregularities and problems and to be able to react immediately due to their heavy workload. The classes there are three times bigger. ” (MI, Ex school principal)*

Although private schools, as well as public ones, do not have specific internal protocols for the inclusion of LGBTI + students, or specific written guidelines on how to deal with bullying at school, in private schools, unlike in public ones, cases of bullying and violence are usually taken very seriously and the most extreme measures are taken automatically:

*“Specific guidelines - no, rather as an unwritten rule, especially for cyberbullying due to the fact that many of our classes are currently online. It is customary not to tolerate any threats or cyberattacks. The program we use has the option to ban a student (and it has happened).” (SH, Teacher)*

### **3.3. Concrete cases and internal procedures**

When asked whether there is a register of cases of discrimination or bullying at school and how many cases are reported, the interviewees again agreed to the fact that schools - whether public or private - do not have the practice of keeping a register of these cases. The only example closer to a register was “keeping a blacklist” in one of the private schools, which stores records of children with more serious offenses. Subsequently, it is discussed and a decision is made on how to proceed with the child and what sanctions should be imposed:

*“We have something like a blacklist, not exactly a register. If a teacher sees bullying at school or one child shows aggression towards another, this child is being observed for some period of time. There is a conversation with a parent and from then on we comment on whether this student will stay in school or not. In my first year of teaching, one of the children showed serious aggression towards the others and there was no discussion, it was directly expelled. This is our domestic policy.” (SH, Teacher)*

Regarding the more specific cases of anti-LGBTI bullying at school and the ways in which the issue is being handled, here is what one of the interviewees revealed:



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*"I have witnessed insults between children using the word "gay" or "faggot", but in reality I don't think they recognize the true meaning of these words. They just use it as a label. And we have not talked to colleagues about individual cases in our classes. Of course, the moment a child turns to another using a derogatory word, we immediately address it and ask the student why and what provoked them to use it. We explain it, we take measures. We also inform the parents. Every week we inform the parents about the student's behavior inside and outside the classroom." (ID, Teacher)*

None of the interviewees could provide specific examples of bullying against LGBTI+ students simply because they did not know about such. This testifies to the low level of visibility and recognition of anti-LGBTI bullying. In the absence of an open dialogue on the topic and in the absence of specific measures for the empowerment of LGBTI students to openly talk about daily incidents of harassment, anti-LGBTI bullying is commonly neglected. In this sense, the field research confirmed the findings of the national school climate survey, mentioned in the desk research section, that LGBTI students do not trust the school staff in order to share when they are bullied on the basis of sexual orientation or gender identity. This perpetuates the low level of recognition of anti-LGBTI bullying and creates a climate in which the problem is not addressed, but rather suppressed and declared as non-existent by the school authorities.

### **3.4. Identified good practices**

None of the interviewees was able to provide examples of specific good practices in school related to anti-discrimination and the prevention or addressing of bullying. Practices, activities and protocols for the inclusion of LGBTI + people were clearly missing:

*„I am not sure that there is a practice we apply, whether in a public or in a private school, to reduce bullying of any kind. Rather, we have super clear expectations that students' behavior definitely does not include bullying and we also talk to the parents. In our school, if the parents do not respect and do not meet the values of the school, the school does not accept the student." (ID, Teacher)*

Two of the interviewees were able to share practices of a more general nature aiming to bring students closer together and build community, such as events and interest clubs, where students can work together, get to know each other and accept each other.

*„We don't have special days for combating violence and bullying at school, but what we hold dear is that during class we do everything we can to include all children, i.e. there should be no difference between girls / boys, age, not to feel in any way when one child copes better, and another not so much. Before the beginning of the school year, my colleagues and I think of activities on various topics that would help children to be accepted as a community, to work together (this is done for each holiday). Our goal is for them to be equal and to be friends." (MK, Teacher)*



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These examples came from respondents who work in private schools, where there are usually more opportunities for interactive extracurricular activities. Teachers in those schools are generally encouraged to use work methods that enhance student teamwork and critical thinking, stimulate creativity and acceptance of diversity. The latter seem to be commonly lacking in public schools, where the emphasis is on acquisition of the material from the curriculum and there is no capacity and time for additional interesting activities that engage all students actively.

*„From my experience in public school, things like this are never on the table and they never touch upon bullying as a topic.“ (SH, Teacher)*

An example from a teacher working at a foreign language public school, which is highly rated, showed that more emphasis is placed on the initiative of the students themselves, on competition and winning.

*„In our high school every year we hold days of the French and German languages - Francophonie and Nemcophonie. These are big events for the students, because the classes choosing to participate prepare something like a play in the respective language and compete with each other. It helps a lot for the community spirit.“ (MI, Ex-school principal)*

The testimonies in general showed that the extracurricular activities, which bring students together and strengthen the community spirit, contribute greatly to the acceptance among students and the treatment of each other as an equals. By providing the opportunity for teamwork and using non-traditional methods of education such as learning by playing games - gamification (newly introduced practice in one of the private schools), students have the chance to develop their logical thinking, imagination and creativity. And this contributes to building much more aware, open-minded and accepting individuals.

### **3.5. Understanding current expertise and training needs**

During the interviews, it became clear that most of the participants do not think teachers and school staff in general are trained to deal with problems such as bullying and discrimination at school, as well as to adequately meet the needs of LGBTI students. One of the interviewees shared that such problems could be dealt with by younger teachers who are more aware of the topic and who have more sensitivity to it.

*“Perhaps the younger teachers to some extent, because they themselves have encountered this. But the older generation of teachers, for example, those in their 40s and older are not prepared, especially when it comes to online violence, because for them it is an extremely new phenomenon. Regarding school aggression, I think most teachers are not prepared to deal with that.” (SH, Teacher)*

One respondent shared that many teachers do not realize they are lacking such essential competences and are not interested in attending additional courses, and those who know about the existence of such, choose not to increase their capacity and expertise.



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*"There are only non-violent communication courses in school, but I think that very few teachers take advantage of such courses and want to enrich their knowledge and experience in some way." (SH, Teacher)*

Respondents from private schools shared that their management identifies opportunities for various courses for in-service training and even encourages teachers to attend. While in public schools there are no such options and it is a matter of personal initiative.

*"At the internal level, we have annual trainings on various topics, organized by our academic director." (SH, Teacher)*

On the positive side, the interviewed teachers shared the opinion that initiatives and projects for the inclusion of LGBTI students are extremely important and necessary and would be really useful. However, one of them pointed out the following potential problem:

*"They are useful if they are recognized by the management, if they are recognized by the school and, unfortunately, especially if they are recognized by the parents. If I really like the topic of a school training or practice, but my students' parents say, "No, we will not deal with such topics and we will not talk about such topics at all," in these situations such a practice would not make sense. Whatever we talk to the students in class, if they witness hate speech at home, what we say to them will have no effect. However, if management recognizes the topic and requires this communication with parents and they are open to hear, then such practices would be useful." (ID, Teacher)*

From what has been said above, it is clear that introducing new projects, initiatives, talking about topics such as LGBTI and discrimination can be a long and difficult process in the Bulgarian schools. Teachers cannot make their own decisions about introducing initiatives and extracurricular activities if they are not previously consulted and agreed with the school management and even more so with parents. And this is often the root of the problem pertaining to the invisibility of LGBTI issues at school. Many parents would refuse to introduce their children to topics such as LGBTI or sex education, because of lack of understanding of their true benefits. And when parents refuse, such conversations cannot be held, even if the management initiates them.



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**3.6. List (up to 3) main strategies/activities/programmes/recommendations that could be relevant to next project activities**

Type (e.g. Program, Strategy)	Title	Organiser (NGO, Government...)	Target Group	Terms of usefulness
Developing a school anti-bullying policy that clearly recognizes identity-based bullying, including anti-LGBTI bullying	School anti-bullying policy	NGO/school authorities	School administration, teachers, parents, and students	This is the prerequisite for clear rules for prevention and addressing incidents of anti-LGBTI bullying and unveiling the scope of the problem
Developing a tool for reporting incidents of bullying (the latter should clearly classify the incidents of identity-based bullying)	School reporting system/tool	NGO / school authorities	Students, school staff, school administration	Should be used in schools in order to adequately monitor cases of bullying at school and raise awareness on the topic.
Developing a learning module or a training tool to be used to inform, conduct trainings including a terminology, practical cases, contacts of organizations	Platform for inclusive learning	NGO	School staff and students	Interactive tool for training school staff and students in order to create an inclusive school environment, acceptance of differences and counteraction of discriminatory behavior.



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### Conclusions and Recommendations

The desk and field research demonstrated many deficiencies of the current school policies in Bulgaria, which lead to ineffective addressing of the issue of bullying, especially identity/SOGIES-based bullying. In summary these are the following:

- Inadequate and insufficiently operationalized policy framework: the national mechanism for addressing bullying does not pay attention to identity-based bullying, consequently, this kind of bullying is not recognized by the school staff. State monitoring of the implementation of the existing policy guidelines is practically unavailable;
- Lack of preparation of teachers and school administration to conduct prevention of bullying and discrimination at school;
- Lack of sufficient internal guidelines, trainings and tools for dealing and combatting bullying and discrimination based on SOGIES<sup>14</sup> at school;
- Invisibility of LGBTI at school: There is very low awareness of the actual experiences of LGBTI students at school, and the latter remain an “invisible” minority;
- Lack of dissemination of good practices, in particular addressing bullying at school and the inclusion of LGBTI students
- Lack of internal support systems for the ones most severely affected by bullying at school as well as for the perpetrators.

On the positive side:

- Awareness on the importance and need to introduce anti-bullying and anti-discrimination policies which are inclusive of LGBTI people;
- Understanding the importance of collaboration between all stakeholders in the school system also underlined by the participants from all target groups;
- Interest in initiating practices and events to build an inclusive environment for all minorities and “invisible” groups (among which are also LGBTI+).

On the basis of the above findings we can make the following recommendations:

#### ***Recommendations for Policies.***

- The National Mechanism for Prevention and Addressing of Bullying at School should include a definition of SOGIESC-based bullying (among other forms of identity-based bullying). Specific guidelines for school policies on prevention and addressing of identity-based bullying, combined with the best practices for dealing with SOGIESC-based bullying, disseminated by

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<sup>14</sup> SOGIESC = sexual orientation, gender identity and expression, and sex characteristics (intersex)



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the Ministry of Education and its regional structures (the Inspectorates on Education) would contribute to a response to this negative phenomenon.

- The Ministry of Education and its regional structures, the Regional Directorates on Education, should stimulate the exchange of good practices between schools on the application of anti-bullying policies. Monitoring of the implementation of the updated policy guidelines on the prevention of bullying should be available from both state and civil society bodies.

#### ***Recommendations for Schools.***

- Hate speech should not be tolerated: Teachers and the entire school-staff should be informed and aware about the consequences of tolerating hate speech and should be equipped with tools to prevent such behavior. Any hate speech from school staff shouldn't be tolerated either. This should also be included in the internal documents in the school.
- Discussions about diversity: discussions about diversity, acceptance and social differences, that clearly name sexual orientation and gender identity among other characteristics, need to take place at school.
- Organizing internal training aimed at school staff: The management of each school must initiate special training on anti-bullying and building an inclusive environment for all minorities. In addition, the school management should inform school staff about the need and benefits of such training, as well as encourage them to get involved and increase their capacity.
- Effective policies for prevention and dealing with bullying: Each school should put in place policies to deal with and counteract bullying at school, which should include clear guidelines for the school staff. Everyone at school should be familiar with them in detail and know how to react in case of bullying.
- Developing a register and tools for reporting: Every school must keep a register of cases of discrimination and bullying both between students and by teachers. Each case must be described in detail and the grounds and type of bullying must be identified. A reporting system must also be set up to ensure the anonymity and security of students who have been bullied.

#### ***Recommendations for NGOs and municipalities.***

- NGOs could be a source of information, knowledge and be able to share their expertise in building an inclusive school environment for different minority groups. They can also work with schools and municipal education departments in creating an inclusive education for everyone in school.
- The municipal education departments should stimulate schools to be open and pro-actively seeking partnerships with local NGOs, social services, and other public and private actors that work for inclusive education.



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## Annex 1

### *Interview analysis*

Initials	Name of the organisation	Place of the organisation	Service provided	No. of people working or studying in the organisation	Role of the person interviewed	Reported cases of discrimination based on SOGI (Y/N)	Reported good practices (Y/N) and type
ID	Private school, has previous experience in public school	Sofia, Bulgaria	educational	40 people school staff	teacher	NO	NO



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SH	Public school and private language school	Sofia, Bulgaria	educational	Not sure	teacher	NO	Yes, general ones
MK	Private language school	Sofia, Bulgaria	educational	7 people school staff in my branch, 200 in general	teacher	NO	No specific good practices (more general ones)
DV	-		-		parent		
MI	Language high-school (public school)	Dobrich, Bulgaria		Over 70 people school staff	ex school principal	NO	Yes, general good practices
EV	Used to work in a high school as a psychologist	Sofia, Bulgaria	Psychological support (personal practice)	-	psychologist	NO	NO



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## Annex 2

### *Identified good practices*

Organization	Description of the good practice	What are the results of this practice? Could it be transported into other countries?
Private language school	General interest clubs/events around the holiday	Bringing the students together, creating a community for all. This could easily be transported into other countries.
Private language school	Gamification (learning through games)	Bringing students together, working in teams and stimulating logical thinking, creativity and the imagination. Could be transported into other countries.
Language high-school (public school)	Days dedicated to the German/French language (Nemcophonie/Francophonie)	Bringing students together, working in teams and stimulating creativity. Easily transported into other countries.



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