

Bulgaria¹

IHF FOCUS: freedom of expression and the media; freedom of association and peaceful assembly; independence of the judiciary and fair trial; torture, ill-treatment and police misconduct; conditions in prisons and detention facilities; religious intolerance; national and ethnic minorities; intolerance, xenophobia, racial discrimination and hate speech; asylum seekers; women's rights; rights of the child; the mentally ill or disabled.

During 2002, Bulgaria was ruled by the government of former Tzar Simeon Saxe-Coburg Gotha, constituting a coalition between the National Movement of Simeon II (NMSS) and the Movement for Rights and Freedoms (MRF). The latter is a party supported predominantly by Bulgarian Turks, as well as by Bulgarian speaking Muslims, and Roma. In January, Georgi Parvanov was inaugurated as the country's new president after winning the November 2001 elections as a candidate of the Bulgarian Socialist Party (BSP).

There were some positive changes in the human rights sphere while regression was recorded in others. The government adopted a program that *inter alia* proposed legislative and other measures for the improvement of the human rights situation and the integration of minorities. However, almost none of these measures had been implemented by the end of the year.

Freedom of Expression and the Media

Efforts to gain political control over the national electronic media continued throughout the year, and courts passed sentences on defamation charges against journalists, which had a chilling effect on freedom of speech.

The management of the Council for Electronic Media, the electronic media regulatory organ, was replaced in November 2001 with pro-governmental members. In March 2002, the Supreme Administrative Court ruled that the dismissal of the former Bulgarian National TV (BNT) General Director Liliana Popova had been illegal and sentenced the regulatory organ to pay her a sum in compensation.

In late 2002, the chair of the parliamentary media commission introduced a new draft Radio and Television Act. The draft, prepared without any consultation with radio or television broadcasters, NGOs or the media regulatory organ, combined the most retrograde views of Bulgarian politicians over the last 12 years in order to gain far-reaching control over the electronic media. The opinion of media NGOs was that the draft wholly changed the philosophy of media regulation in the country. The draft act was pending as of the end of 2002.

In October 2002, the parliamentary majority dismissed the general director of the Bulgarian Telegraph Agency (BTA) for political disloyalty. This act was condemned as an indication of a

¹ Based on the Bulgarian Helsinki Committee (BHC), *Human Rights in Bulgaria in 2002*, prepared by Antoaneta Nenkova, Desislava Gotskova, Emil Cohen, Iliana Savova, Krassimir Kanev, Maria Gencheva, Rositsa Stoykova, Slavka Kukova, Stanimir Petrov, Yonko Grozev, and Yuliana Metodieva. The BHC would like to acknowledge the use of materials from the Access to Information Programme and Tolerance Foundation.

push to make the state information agency ever more pro-governmental and ever more propagandistic.

Several journalists were tried in 2002 on defamation charges.

- In May, a Burgas court sentenced Katya Kasabova from *Novinar* daily for libel for revealing that members of admissions commissions in several schools had been bribed to illegally enroll children in elite schools. The Ministry of Education disciplined four of the commission members and the Prosecutor's Office in Burgas opened criminal investigation for bribery. Nevertheless, in January 2003, the sentence was upheld by a second-instance court which sentenced the journalist to pay a fine equal to 37 times the average monthly wage.
- In June, the Supreme Court of Cassation upheld a lower-instance ruling against the *24 Chassa* daily to pay a 7,500 BGL (€3,750 Euro) compensation plus interest and court fees to Eva Sokolova, wife of a high-ranking politician. The newspaper was fined for quoting a public statement which the plaintiff found offensive.
- In December, the Sofia City Court heard the case of the journalist Ekaterina Djguburiya from *Duma* daily. A record claim of 2 million BGL (€1 million) had been filed against her by the businessman Eduardo Mirolio for two publications concerning working conditions in the textile factory he owned.

Access to Information

2002 was a year of important legislative changes in the field of access to information. A draft act for amendments to the Access to Public Information Act was approved by three parliamentary commissions, but was not tabled in parliament. The act foresaw positive changes, including the introduction of a simple definition of "public information" and the shortening of the period allowed for refusal of access to information.

During the year, the Access to Information Program was instrumental in developing court practice on the Access to Public Information Act.

- Alexei Lazarov, a journalist with the *Capital* weekly, won two cases against the Council of Ministers, which had refused to send him copies of the minutes of a cabinet meeting.
- A Sofia court overruled several refusals of the National Health Insurance Fund to supply information on its budget and internal regulations.

Several other refusals were successfully challenged in court. In two cases, however, the Supreme Administrative Court ruled that statistical data about special surveillance means was classified information.

The Protection of Classified Information Act was passed in April 2002. In spite of some positive aspects, the act imposes some restrictions on access to information. It also revokes the Act for Access to the Documents of the Former State Security, thereby restricting the access of individuals and the public at large to this important part of the country's archives.

The Personal Data Protection Act came into effect at the beginning of 2002. The act provides a very broad definition of personal data, which potentially carries the risk of restricting publicly available information.

Freedom of Association and Peaceful Assembly

Following the decision of the European Court of Human Rights in the case of *Stankov and UMO Ilinden v. Bulgaria*² of October 2001, pressure from the authorities on public demonstrations of Macedonian identity decreased.

In April, two organizations of Bulgarian Macedonians managed to commemorate without any problems the anniversary of the death of Yane Sandanski near Rozhen. On September 12, however, activists from several organizations were attacked in Blagoevgrad by ultra-nationalists while attempting to commemorate the Day of Genocide of the Macedonians. Some activists sustained injuries. Two weeks later, MPs and police officers from Blagoevgrad proposed that the activities of separatist, fascist and fundamentalist organizations be considered terrorist acts and their activities be banned.

In one of the most severe violations of freedom of association during the year, on September 12, the Sofia City Court turned down a motion to register the political party OMO-PIRIN, which was formed by Bulgarian Macedonians and supporters of their rights, but is open for membership to all Bulgarians. The party statute states that it abides by Bulgaria's territorial integrity and its laws. The court explained its refusal saying that "the organization has clear political aims of manipulating the Bulgarian national identity, denationalizing the Bulgarian population and directing the population to become a population with Macedonian national identity."

The authorities banned or dispersed Roma protests against non-payment of social welfare or electricity cuts. Such protests were staged in January and in March in Plovdiv, and in January in Ruse. The army blocked Roma ghettos in May in Plovdiv during the papal visit to the city in order to prevent possible demonstrations against electricity cuts.

Independence of the Judiciary and Fair Trial

The Judiciary Act was amended in July 2002. However, at the end of the year the amendments were overturned by the Constitutional Court on the grounds that most of them violated the constitutional norms governing independence of the judiciary. As a result, attempts at reform of the system were brought to a standstill.

The excessive length of court proceedings continued to be the main problem within the judicial system, together with the length of preliminary proceedings in criminal cases.

There was no significant change in the safeguards against illegal influence on magistrates. A sociological survey³ revealed that 33.5% of magistrates complained of being victims of such

² The court held that Bulgaria had violated article 11 (right to peaceful assembly and freedom of association) of the European Convention when it banned several peaceful assemblies of the United Macedonian Organization Ilinden .

influence by parties in a dispute; 10.3% had been influenced by another body of the judiciary; 9.7% by a higher-ranking magistrate; and 15.8% by a same-rank magistrate.

A May 2002 Vitosha Research survey on corruption practices revealed a rise in corruption practices against private individuals by representatives of the judiciary, especially prosecutors and investigating magistrates.

The legal framework for free legal aid remained unchanged in 2002. A Bulgarian Helsinki Committee (BHC) survey among inmates revealed that the 2000 legislative period had led to an increase in the number of people who were receiving free legal aid in criminal cases.⁴ A significant share of remand prisoners, however, did not have a lawyer, while the remuneration of appointed counsel was so meager as to render the quality of the defense unsatisfactory.

Torture, Ill-Treatment and Police Misconduct

During the year, the use of physical force during apprehension and detention of criminal suspects appeared to be the rule rather than the exception. In violation of international human rights standards,⁵ the Interior Ministry Act allowed the use of firearms during the apprehension of an individual carrying out or about to carry out a criminal offence, or to prevent a suspected criminal escaping.

In 2001, the BHC reported on eight people who had lost their lives in circumstances suggesting excessive use of force and firearms by police or military officers or private security guards.⁶ Only four of these cases reached court. The other cases were closed because of lack of proof of committed crimes. The courts passed lenient sentences upon law enforcement officials: the two police officers charged with the murder of Mehmed Mjumun, who died in January 2001, were acquitted. This decision was appealed before a higher court.

On June 13, the European Court of Human Rights pronounced its judgment on the case of *Angelova v. Bulgaria*, where it established a violation of article 2 of the European Convention (ECHR). The case concerned the death in police custody of the applicant's son, Angel Zabchikov. The court also found violations of article 3 (lack of reasonable explanation for the bruises by the authorities), article 5 (unlawful detention), and article 13 (lack of effective means to identify and bring the perpetrators to justice) of the ECHR.

Press reports in February 2003 revealed that a military prosecutor's report contained information that at least 11 people had been killed by policemen or military officers in the line of duty in 2001. The BHC's request for information about these cases was turned down by the Military Prosecutor's Office because it "concerns the interests of third parties and does not have their written consent."

In 2002, the BHC investigated in detail one case in which a person was killed by law enforcement officials.

³ Study carried out between November 25 and December 4 by Scala Agency commissioned by the Ministry of Justice among 310 judges, prosecutors and investigating magistrates.

⁴ See also

⁵ Article 9 of the *UN Principles on the Use of Force and Firearms by Law Enforcement Officials*.

⁶ See *Human Rights in Bulgaria in 2001*, the annual report of the BHC, and *Obektiv*, March 2002.

- On February 18, Seval Sebahtin died in custody in a military border post near Svilengrad. He was one of a group of 20 illegal immigrants detained by border police. The investigation established that, apart from permitted means, such as truncheons and handcuffs, the border police had also used punches, kicks, and strikes with rifle butts. Seven people were charged with the murder in September.

Several people were killed by armed private security guards.

- On May 26, Miroslav Nedyalkov, a 19-year-old Rom, who was digging for scrap in a closed military base, was shot dead by a private guard. Witnesses claimed that the guard failed to produce warning shots and shot directly at Nedyalkov.
- On August 21, security guards shot Pavel Y., a 21-year-old Rom, during an attempted theft in Sofia. The victim later died in hospital.

Nine people detained in investigation detention centers or held as inmates in prisons committed suicide during the year. Two cases raised suspicions that the staff had failed to act adequately to prevent the suicides or that staff actions had contributed to these acts.

- Mesut Karadavud (29) was found hanged in the Sofia prison hospital in March. A month earlier he had asked to be moved from detention to house arrest on the basis of his psychiatric assessment, which had noted an “unadaptive situation” and the need for “higher psychological support” to control his depression. His relatives alleged that inmates from the prison had been paid to kill him.

During the year there were numerous reports of illegal use of force by law enforcement officials.

- In February, six teenage boys reported they had been beaten in a police station in Kostinbrod. Several days later, a police officer was dismissed and the case given to the Prosecutor’s Office.
- Policemen in Staga Zagora beat a detainee, Dimo Kukorov, leaving him handicapped for life.
- In November, Marin Atanasov from the Roma Iztok neighbourhood in Kotel reported that a uniformed police officer had beaten him in the street.
- On July 30, in a case of mass use of force by law enforcement officials, participants in a protest march near Sliven were beaten when they tried to enter the city boundaries, because the mayor had not permitted the rally.

A survey carried out by the BHC in August and September among remand prisoners in four Bulgarian prisons revealed that 43% of inmates had been tortured and ill-treated after arrest, inside the police station or investigation detention center. The survey revealed significant discrepancies between different ethnic groups as victims: the share of Roma inmates who reported use of physical force by the police was almost three times as high as that of Bulgarians (77% and 27% respectively).

At a national conference of military tribunals held in October, Justice Col. Vesselin Pengezov reported a rise in the number of cases before military courts. “Police brutality” offences

occupied the largest share. Among the reasons for this rise, Col. Pengezov cited a sense of impunity among law enforcement officials.

*The Mentally Ill or Disabled*⁷

With few exceptions, material conditions in psychiatric hospitals and social care institutions for children and adults with developmental disabilities and mental illness were inhuman and degrading.

There were numerous cases of arbitrary detention of mentally ill people in social care institutions across the country in violation even of the Bulgarian procedure. In effect, this usually amounted to lifelong deprivation of liberty without any judicial control but with an agreement between the local social assistance department and the resident's guardians.

People continued to die as a result of bad living conditions and neglect. The BHC visits to several social care institutions revealed a very high mortality rate, with a peak in cold winter months. Death certificates were frequently found to be untrue, and were given to BHC monitors with reluctance, if at all. The prosecutor's offices did not charge a single person with negligence, in spite of numerous requests from the BHC.

In 2002, three years after the *Varbanov v. Bulgaria* decision by the European Court of Human Rights⁸, no legislative changes were undertaken to bring domestic legislation on compulsory treatment in line with the ECHR. Placement in a psychiatric facility to establish the need for compulsory treatment was carried out with a prosecutor's order for a period of up to one month (or up to three months in exceptional circumstances) without a psychiatric examination prior to this order being made. The draft Public Healthcare Act provides a satisfactory resolution to these problems, but it had not been passed by the end of the year.

The European Court of Human Rights heard two other cases concerning compulsory treatment in psychiatric hospitals: in the first case,⁹ a violation of the right to personal liberty and security was established; the second case¹⁰ was declared admissible.

Detention in inpatient facilities for periods exceeding the legally determined period for expert assessment was commonplace, and constituted illegal deprivation of freedom. The BHC registered cases of detention lasting months prior to a court hearing for compulsory treatment.

The BHC registered several cases of the use of unmodified electro-convulsive therapy until April 2002, when its administration was banned by a Ministry of Healthcare act. The lack of clear rules regulating restraint and the use of restraint and seclusion of mentally ill individuals were still to be adequately dealt with.

⁷ See also Amnesty International, *From the Eyes of Society: systematic discrimination against people with mental disabilities*, October 2002, EUR 15/005/2002.

⁸ *Varbanov v. Bulgaria*, Application No. 00031365/96, October 10, 2000. The European Court of Human Rights found a violation of article 5(1) and 5(4) of the ECHR (right to liberty and security). Mr. Varbanov had been confined in a psychiatric clinic for psychiatric examination on a prosecutor's order without the prior opinion of a medical expert and without the possibility to appeal the detention.

⁹ *M.S. v. Bulgaria*, Application No. 00040061/98, July 4, 2002.

¹⁰ *Kepenerov v. Bulgaria*, Application No. 00039269/98, September 12, 2002.

Nutrition in almost every institution was totally insufficient. Residents were put at risk by neglect and many were subjected to beatings by personnel, to illegal restraint and seclusion, frequently with the use of inhumane methods (e.g. chained to fixed objects).

People with developmental disabilities were not separated from people with mental illnesses who needed specialized medical care. Institutions were usually located in faraway and inaccessible locations, thus making residents' adequate care and socialization problematic.

The material conditions in some institutions were horrifying. In several institutions the BHC monitors found bedridden residents to be entirely neglected and residents who were aggressive or in an acute state locked in cells and isolation units. In some institutions, residents were forced to share beds.

The standard of medical care was completely ineffective. After reforms in national healthcare, social care institutions no longer had doctors on their staff but local doctors were supposed to offer the medical services to residents. They, however, usually worked far away from the institutions. Illnesses and mortality rates among residents were alarmingly high: 17 people died in the course of the year in the institution in the village of Batak, while 22 died over a period of 15 months in the village of Dragash Vojvoda.

Conditions in Prisons and Detention Facilities¹¹

Prisons

A major development during the year was the adoption by parliament in June of the amendments to the Act on Execution of Sentences. Some of the changes it brought were positive, but some marked a drawing back from previous achievements.

A total of 9,422 inmates were placed in Bulgarian prisons and "labor correctional hostels." The new legal framework widened the group of inmates eligible to serve their sentences in the latter institutions, which helped reduce overcrowding in some prisons and gave inmates more re-socialization opportunities. The new legal framework, however, is more restrictive for inmates sentenced to over 10 years of imprisonment.

Overcrowding in Pleven, Varna and Pazardjik prisons was 200% of their official capacity, while overcrowding in the Atlant hostel in Troyan was a staggering 330%.

The prison buildings were usually old and the cells too small. In some prisons as many as 30-35 inmates occupied one cell. Most prisons had common toilets for 30-40 people. According to data from the central penitentiary administration, in May 2002 the average daily food allowance in the system was 1.66 BGL (€0.80), but the BHC established significantly lower amounts of under 1 BGL in many prisons.

The number of remand prisoners detained for prolonged periods of time remained a serious problem. By the end of the year, over 100 people had been in pre-trial detention for periods exceeding six months. In the prison in Plovdiv, 17 inmates had been held without a sentence for over two years.

¹¹ See also the BHC, *Human Rights in Bulgarian Prisons* (only in Bulgarian), 2002.

BHC monitoring established that punishments and isolation orders were sometimes carried out in violation of legal requirements, while the very nature of serving the punishment in a cell and prolonged isolation in some of the cases constituted inhuman and degrading treatment. Conditions in “high security” zones in several prisons were significantly worse than those in other cells. In September, about 20 inmates serving life sentences in the prison in Pazardjik in a “high security zone” went on hunger strike in order to protest the bad living conditions there.

The new legislative amendments introduced the possibility for court appeal of placement in an isolation cell, but this did not apply to all types of isolation regime. A negative impact of the amendments was restricting access to all remand prisoners, a measure that may create serious problems for NGOs monitoring places of detention.

The new legal framework also rescinded the right to free medical treatment and medicine, resulting in lack of funds to purchase medication – a problem many complaints by inmates cited. The low level of medical care was also of concern due to many (although decreasing) cases of tuberculosis in prisons.

Corruption was yet another problem in Bulgarian prisons. In November, a Sofia prison doctor was caught red-handed while receiving a bribe for prolonging a prisoner’s hospital stay. Proven cases of corruption, however, remained low.

Detention Facilities

A total of 819 inmates were detained in the country’s 74 investigation detention centers as of 31 December 2002. A number of such centers were closed during the year, predominantly those housed underground, and a new, modern center was opened in Sofia in March.

In general, however, conditions in investigation detention centers remained much worse than in prisons. Many lacked facilities for outdoor activities, visiting rooms, possibilities for listening to radio or watching television, and had very bad living conditions. Detention centers in Slivnitsa, Svilengrad and Petrich were overcrowded, had poor ventilation and no access to natural light. In several cases, detention conditions resulted in deterioration of detainees’ health. In some detention centers bottles and buckets were still used instead of toilets.

Right to Privacy

In July, the European Court of Human Rights announced its judgment in the case of *Al-Nashif v. Bulgaria*. Mr. Al-Nashif had been expelled from the country in 1999 because of religious propaganda which the then government considered a threat to national security. He was expelled without the opportunity to prove his innocence in court because the domestic legal framework does not provide judicial control on expulsion based on national security considerations.

The European Court of Human Rights found violations of several articles of the ECHR, including article 8 guaranteeing the right to privacy and family life.¹²

In December, there were reports of wiretapping of many politicians and journalists. The National Security Service had tapped these individuals while wiretapping its own former director

¹² See also Independence of the Judiciary and Fair Trial.

who was under investigation for espionage. Surveillance materials had not been destroyed. On December 11, Justice Minister Anton Stankov announced before the media that “a lot of wire tapping goes on in Bulgaria.”

Religious Intolerance

In 2002, a restrictive new Denominations Act was passed and religious freedom issues generally deteriorated.

The new government backed the synod of Patriarch Maxim, head of one of the two factions within the Bulgarian Orthodox Church. It appointed a supporter of Maxim as the director of religious affairs, and the police took over by force an Orthodox church building owned by the alternative synod in Pomorie and handed it over to the synod of Maxim. In July, Father Stefan Kamberov of the alternative synod was beaten to death by two ministers from the synod of Maxim. The government denounced the killing and the two perpetrators were charged with premeditated murder. The case was in court as of the end of 2002.

On December 20, parliament passed the new Denominations Act. The haste with which the draft was introduced in parliament contrasted sharply to the months of delays during its discussion in the parliamentary commission. The act was adopted in spite of protests from 18 religious and human rights organizations, criticizing its restrictive nature.

The act establishes the synod of Patriarch Maxim as the legitimate Orthodox synod and in effect puts the Bulgarian Orthodox Church in a privileged position among other denominations. Article 7 provides for a number of bans on religious activities on grounds not provided by international law, including a ban based on national security reasons; a ban on using religion for political aims; and a ban on encouraging minors to participate in the activities of religious institutions without their parents' consent. The act provides for dual punishments for a single violation to be meted out to religious organizations – by the court on one hand and, as an administrative act, by the Denominations Directorate on the other.

The new act also provides that religious denominations have to register local branches with the municipal mayor, thus allowing greater state control over their activities. This state control is furthermore retained with the Denominations Directorate at the Council of Ministers, which has significant powers, including to supervise the observation of the restrictions in the act, and to petition the court to start proceedings to impose sanctions. This body can also prohibit the entry of foreign clerics into the country, and give expert opinions before the courts in cases related to registration of denominations. The directorate is invested with the powers of a “religious police” – it has the authority to “investigate complaints from individuals about violation of their or their relatives' rights through abuse of the right to freedom of religion by third parties.”

National Minorities, Intolerance, Xenophobia and Hate Speech

The situation of ethnic minorities did not improve in spite of governmental program promises. Not a single task formulated in the governmental program's chapter for integration of minorities was fulfilled. The government failed to publish the country's first report on the implementation of the Council of Europe Framework Convention for the Protection of National Minorities, which at the end of the year was almost two and a half years overdue. After a number

of draft reports were prepared in the course of the year, the government finally endorsed a new and final version with certain improvements in February 2003.

In July, a working group with the participation of NGOs drafted an anti-discrimination act. According to the governmental program, such an act was supposed to be passed by the end of 2002, but it was finally sent for further discussion to a consultative legislative council, which made many critical remarks on the draft. If these are taken into consideration, the adoption of the draft will become meaningless.

Roma Minority

One of the few positive changes during the year occurred in September, when the Ministry of Education adopted a regulation on the organization of the educational process in the academic year 2002/2003. The regulation provides, among other things, for the desegregation of Roma education. Although a demonstration of political will, the regulation's late adoption and failure to provide financial sanctions and/or incentive measures for its implementation render it highly unlikely to have significant influence in the academic year 2002/2003.

During the year, the government carried out a number of needs assessment projects in connection with the implementation of the Framework Program for Equal Integration of Roma in Bulgarian Society. These covered the areas of education, urbanization, social support and the armed forces. The practices of several medical doctors in Roma neighborhoods were provided with medical equipment supplied by foreign aid. Some other projects involved improvement of the infrastructure of Roma neighborhoods and Roma housing. The government offered financial support for several projects in the sphere of Roma culture and media. The funds on other projects financed by foreign donors however went to a large degree to cover external experts fees or for trainings.

The isolation of Bulgarian Roma deepened in 2002. After regional branches of the national electrical company became autonomous in January, many Roma neighborhoods were left either without electricity or with lower electrical supply because of unpaid bills. In a number of cases, Roma were punished collectively when electricity supplies were denied to whole Roma communities, a measure that led to protests.

The deteriorating infrastructure in the Roma ghetto of Stolipinovo in Plovdiv moved the few remaining Bulgarian families there to demand that they are moved at the municipality's expense. In March, over 1,200 Roma in their turn demanded that the municipality move them from the neighborhood. In June, the Plovdiv municipal council offered 60 apartments for Bulgarian families in other neighborhoods. By contrast, the demands of the Roma were not satisfied.

In 2002, as in preceding years, Roma across the country organized protests against the non-payment or delayed payment of social support money, the only source of income for a large segment of the Roma population.

Members of minorities were victims of discrimination concerning access to public services. The BHC established that schools in several cities (Stara Zagora, Vidin, Sliven and Sofia) refused to enroll Roma students for purely racist reasons.

Anti-Roma incidents were recorded throughout the year and a number of racially motivated skinhead attacks took place in many places across the country. Their victims were both Roma and colored foreigners.

- In March, Roma in Kjustendil staged protests against the erection of a 4-meter wall around the Roma ghetto in town. The wall was officially built to protect the Roma from nearby traffic. Access to the neighborhood improved, but the wall was not removed.
- In June, several dozen members of the Zrankovi Roma family from Vidin were deported from their neighborhood following a violent incident between them and another Roma family. They were shunted from one place to another over several weeks, facing protests and racist outbursts in localities where they wished to settle. Finally, a large part of the family returned to Vidin only to find some of their houses destroyed and their belongings stolen, despite the presence of police patrols.
- In some of the most drastic of recent cases, Roma were beaten by racist groups in Pazardjik on April 16, and in another incident on April 20 in Burgas.

Hate Speech

There was a marked rise in hate speech targeting minorities. Several publishing houses produced anti-Semitic literature, and a number of websites promoting anti-Semitic and anti-minority activities were launched.

- Swastikas and racist propaganda were painted all over the Roma ghetto of Stolipinovo in Plovdiv in February.
- In March, Nazi symbols appeared on the walls of the Jewish school in Sofia.
- On April 20, following a rally of the Bulgarian National-Radical Party, 50 skinheads chanted slogans such as “Turn the Gypsies into soap! Butcher the Turks!”

Asylum Seekers

The situation at the country's borders regarding access to a status determination procedure remained critical. There were mass cases of *refoulement* of asylum seekers back to the countries or to the borders of countries there were fleeing. The Border Police National Department at the Interior Ministry did not distinguish between illegal immigrants and asylum seekers in its statistical yearbook.

It is likely that the situation will further deteriorate following the enactment of the Asylum and Refugees' Act in December 2002. According to the act, the border police force is no longer obliged to conduct speedy refugee determination proceedings. The Agency for Refugees, the state body responsible for the refugee procedure at border checkpoints, is neither ready nor willing to open transit centers for border procedures. This will result in many cases where asylum seekers are turned away before they can enter the country.

The act also does away with some of the major shortcomings of the old one. It guarantees legal aid at all stages of the proceedings; widens the scope of judicial control over all acts of the

refugee administration; and provides for a court appeal of rejections in speedy proceedings, among others. Potential problems could arise out of the vague provisions, which unlawfully widen the excluding and terminating clauses of the Geneva Convention.

A major problem that was established with unaccompanied minors seeking asylum was the defunct system of guardianship. This resulted in conducting the refugee procedure with child refugees and passing out status decisions, including rejections, without the participation of a legal representative.

Women's Rights

The draft Equal Opportunities Act, drafted in late 2000/early 2001, was ultimately rejected by a parliamentary vote in April 2002. One of the explanations was that its provisions would be replicated in a general anti-discrimination law, although discussion on this law in parliament remained blocked.

The protection of the rights of women victims of violence continued to be one of the most serious problems in the sphere of women's rights. Domestic violence and trafficking of women and forced prostitution ranked as the two most common forms of sexual abuse.

A survey carried out in January by the Bulgarian Centre for Gender Research revealed that violence within the family was a serious problem. During 2002, a total of 855 women victims of domestic violence contacted the Animus Association NGO. At the same time, there was no law against domestic violence in Bulgaria. The state neglected the victims and free legal aid continued to be a luxury financed by foreign donors and administered by NGOs.

In 2002, the Bulgarian Gender Research Foundation prepared a draft Act for Protection from Domestic Violence. The Ministry of Justice issued a resolution that a working group should be set up to prepare a draft act in the direction of "effective protection of the victims of domestic violence through legally provided measures and a speedy court procedure".

There were no official statistics on the number of victims of trafficking. The Ministry of Justice prepared a draft act to combat illegal trafficking of people, which was tabled to parliament at the end of 2002. The draft provides for the setting up of specialized state structures to deal with trafficking.

Rights of the Child

Children in Institutions

The BHC published the results of two research studies on the situation in children's institutions, in which most of the children present end up there for social reasons, including poverty, unemployment, and lack of external support for their families. About 65% of the children, a disproportional share, were Roma.

With an estimated 32,000 children living in 350 institutions in 2002, Bulgaria ranked among the European countries with the highest share of institutionalized children. There was still neither an adequate system of care for children with disabilities nor real conditions for the social integration of the children in institutions.

In September, the government adopted minimum standards for support of children and adults in specialized institutions. However, BHC visits to a number of institutions for children and adults revealed that social services in these institutions existed only on paper and were not financed by the state budget.

In spite of good intentions, Bulgaria has a long way to go to reach average European standards for social care. Institutions were under-funded and under-staffed with the child-educator ratio in the worst case being 40:1 (in Fakia).

Children have frequently ended up in these institutions due to imprecise, subjective and unprofessional diagnoses, with no accurate diagnoses or disabilities at all, and may spend 10-15 years there with poor general medical care and without specialized professional medical care. Many children would be better helped by making professional support available to their families, noted the BHC.

Officially, in the institutions the BHC visited, at least 51% of the children were of Roma origin, but the BHC assessed the accurate figure to be around 70%. Around half of all schools for children with special needs had persuaded parents to send their children there because the schools offered food, clothing, free textbooks and dormitories.

The standard of education in the special schools was of a very low quality, with under-staffing and outdated textbooks which sometimes had to be shared by several pupils.

The Mentally Ill or Disabled¹³

¹³ See Torture, Ill-Treatment and Police Misconduct.