



COUNTRY INFORMATION BULLETIN

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1 Scope of Document

1.1 This Bulletin has been produced by the Country Information and Policy Unit, Immigration and Nationality Directorate, Home Office, to provide information about the current human rights situation in Bulgaria. The information contained in this bulletin has been obtained from a wide variety of recognised sources. It does not contain any Home Office opinion or policy.

1.2 This Bulletin has been prepared for background purposes for those involved in the asylum / human rights determination process. The information it identifies is not exhaustive. It concentrates on the issues most commonly raised in asylum / human rights claims made in the United Kingdom.

1.3 The Bulletin is sourced throughout. It is intended to be used by caseworkers as a signpost to the source material, which has been made available to them. The vast majority of the source material is readily available in the public domain.

1.4 This Bulletin and the accompanying source material are publicly disclosable. Where sources identified in the Bulletin are available in electronic form the relevant link has been included. The date that the relevant link was accessed in preparing the Bulletin is also included. Paper copies of the sources have been distributed to nominated officers in Asylum Caseworking Directorate and all Presenting Officer Units.

2. Geography

2.1 According to Europa publications, Central and South-Eastern Europe 2004, 4th edition regional surveys of the world (Europa RS 2004), the Republic of Bulgaria lies in South-eastern Europe, on the east of the Balkan Peninsula. The country is mainly mountainous, particularly to the west, but fertile plains and valleys lie between the mountain ranges, as a result Bulgaria's farms yield abundant crops and livestock. The country is bordered by Romania to the north, by Serbia and Montenegro to the north-west and by the Former Yugoslav Republic of Macedonia (FYROM) to the south-west, by Greece to the south and by Turkey to the south-east. The country has an eastern coastline along the Black Sea. Its total area is 110,994 sq km (42,855 sq miles). **[1a]** (p.143)

2.2 Europa RS 2004 noted that, Central Bulgaria is traversed from west to east by the Balkan Mountains, which separate the Danubian plains in the north from the Thracian plains of Eastern Rumelia in the south-east. The country is drained by three main rivers, the Danube (Dunav) which forms the northern border with Romania, the Struma in the south-west, and the Maritsa in the south of the country. **[1a]** (p.143)

3. Economy

3.1 Europa RS 2004 noted that, prior to 1950 Bulgaria was almost entirely an agrarian based economy. Following the introduction of communism after the Second World War, Bulgaria, like many other socialist countries, embarked on a major programme of industrialisation. The industrialisation of Bulgaria led to significant demographic shifts, as people moved from rural areas to the cities. In the post war era, Bulgaria developed its new industrial sector to provide high-technology goods for Soviet bloc countries, with around

70 – 80 percent of all imports and exports being traded with Soviet bloc countries. **[1a]** (p.151-152)

3.2 Europa RS 2004 noted that, the collapse of communism in the late 1980s and early 1990s left Bulgaria without its main trading partners. Bulgaria is low in natural resources and was heavily dependent upon the Soviet Union for subsidised fuel and energy and for the raw materials it needed for its manufacturing industry. The loss of subsidised energy was a particular blow to the Bulgarian economy leaving it open to the fluctuating international market. As a result, Bulgaria experienced hyperinflation in the early 1990's, reaching 338% in 1991. **[1a]** (p.151-152)

3.3 Europa RS 2004 noted that, following a severe financial crisis in 1996/1997, the economy stabilised and has since grown at a slow and steady rate. **[1a]** (p.151-152) In February 2004, the UK Foreign and Commonwealth Office (FCO) noted that, Bulgaria had made significant economic advances in the preceding two years. Having successfully sold the country's two largest state owned banks and most of the banking sector has also been successfully privatised. Most other state owned assets have also been sold. The FCO considered that the key challenges for the government are to attract greater foreign investment and to complete the privatisation process. However, the FCO stated that a major obstacle to economic growth was corruption and that this should be tackled together with creating greater transparency and stability in the business sector. **[4]** (p.3)

4. History

4.1 Europa World Year Book 2003' 44th edition. Volume I (Europa WYB 2003) noted that, after almost 500 years of (Turkish) Ottoman rule, Bulgaria declared itself an independent kingdom in 1908. During both the First and Second World Wars it allied with Germany and joined in the occupation of (former) Yugoslavia in 1941. In 1944 Soviet troops occupied Bulgaria and in September of that year the Fatherland Front (a left-wing alliance) seized power with the assistance of the USSR. The party installed a government headed by Kimon Georgiev. In September 1946 the monarchy was abolished by popular referendum and a republic was proclaimed. **[1b]** (p.879)

4.2 Europa WYB 2003 noted that, the first post-war election was held in October 1946, and the Fatherland Front won the majority of seats (364) in the 465-member National Assembly. In November 1946 Georgi Dimitrov, the First Secretary of the Bulgarian Communist Party (BCP) became Chairman of the Council of Ministers in a government that comprised members of the Fatherland Front. All opposition parties were abolished and a new Constitution, based on the Soviet Model, was adopted in December 1947, when Bulgaria became a People's Republic. **[1b]** (p.879)

4.3 Europa WYB 2003 noted that, In the late 1980's, inspired by the economic reforms in the Soviet Union and a movement towards greater freedom of expression and openness (Glasnost), the Bulgarian government allowed a

measure of freedom in the nomination of candidates, other than those endorsed by the Communist Party. In March 1988, individuals representing public organisations and worker's collectives stood for the first time as independent candidates and gained about one-quarter of the votes cast. However, in July 1988 anti-reform members of the Plenum (central committee) caused the dismissal of several prominent supporters/leaders of the reform process. **[1b]** (p.879)

4.4 Europa WYB 2003 noted that, growing frustration at the pace of reform led to the emergence of opposition groups centred mainly around the Agrarian People's Party. The Agrarian People's Party, that had shared dual legal political status with the Communist Party reconstituted itself as the main independent opposition party, leading pro-democracy demonstrations in November and December 1989. Large demonstrations of between 100,000 and 200,00 people demanded democratic change causing the Communist Party to voluntarily give up power in February 1990. **[1b]** (p.879) Wikipedia (The free encyclopaedia) noted that, in August 1990 the first free elections since 1931 were held. **[5]** (p.13)

4.5 Europa WYB 2003 noted that, following an electoral campaign marred by acts of intimidation and violence, elections to the 400 member Grand National Assembly were held in two rounds in June 1990. In mid-November 1990 the Grand National Assembly voted to rename the country the Republic of Bulgaria and to remove the communist state symbol from the flag. **[1b]** (p879-880)

4.6 Wikipedia (The free encyclopaedia) noted that, like other post-communist regimes in Eastern-Europe, Bulgaria found the transition to capitalism more painful than expected. **[5]** (p.13) Europa RS 2004 noted that, throughout 1992 labour unrest was endemic as the Government's programme of price liberalisation brought hardship to most sectors of the economy with hyperinflation (which reached a high of 338% in 1991) causing greater distress. **[1a]** (p.151-152) Europa WYB 2003 noted that, widespread industrial unrest eventually led to the fall of the first post-communist Government in November 1992. **[1b]** (p.880)

4.7 Wikipedia noted that, during the early to late 1990's severe economic problems coupled with mass unemployment continued to affect the stability of the fledgling democracy causing a large number of changes in Governments. Each Government wrestled with the problems of liberalising the economy and moving it further towards a capitalist system whilst attempting to minimise the impact of wide-ranging privatisation of previously state owned industries. By the late 1990's continued high unemployment caused a large number of Bulgarians to seek employment in other European countries. The remaining population became increasingly dissatisfied with all the main political parties. **[5]** (p.14)

4.8 Wikipedia notes that, dissatisfaction with the post communist political landscape provided an opportunity for the former Tsar (King) Simeon II (Simeon Saxe-Coburg-Gotha), who had left Bulgaria as a nine-year-old boy in 1946 and returned in 1997 as a wealthy 60-year-old businessman, to enter national politics. Saxe-Coburg-Gota (or Sakskoburggotski in Bulgarian) formed a new party, the Movement Simeon II, and swept both the major

parties away in the elections of June 2001. The parliamentary elections were deemed generally free and fair despite some media irregularities. **[5]** (p.14) The US Department of State report on Human Rights Practices (US HRP 2004), covering 2003, noted that, as Prime Minister he has followed a strongly pro-western course, with Bulgaria joining NATO in 2004 and on track to join the European Union in 2007. Economic conditions have improved somewhat, although unemployment and emigration remain high. Saxe-Coburg-Gotha claims that he has no interest in restoring the monarchy, but is thought likely that he will run for President in 2006. **[2a]** (p.1)

5. State Structures

5.1 Europa WYB 2003 notes that, Bulgaria is a parliamentary democracy ruled by a coalition government headed by Prime Minister Simeon Saxe-Coburg-Gotha. Legislative power is held by the unicameral National Assembly (Narodno Sbraniye), comprising 240 members, who are elected for four years by universal adult suffrage (18 years). The National Assembly elects the Council of Ministers, the highest organ of state administration. For local administration, Bulgaria comprises nine regions, which are in turn divided into 259 municipalities. **[1b]** (p.883)

5.2 Europa WYB 2003 notes that, the President of the Republic is the Head of State and is elected for a period of five years. The President is also the Supreme Commander-in-Chief of the Armed Forces. **[1b]** (p.883) US HRP 2004, notes that, following presidential elections in 2001, Georgi Parvanov, former leader of the Bulgarian Socialist Party (BSP), began his 5-year term in 2002. **[2a]** (p.1)

5.3 Europa WYB 2003 notes that, Chapter Seven of the Constitution provides for the division of Bulgaria into regions and municipalities. The municipalities' principal organ is the Municipal Council, which is elected directly by the population for a term of four years. The Council elects the Mayor, who is the principal organ of executive power. Bulgaria is also divided into regions. Regional government, which is entrusted to regional governors and administrations, is responsible for regional policy, the implementation of state policy at a local level and the co-ordination of local and national interests. **[1b]** (p.892)

5.4 Europa WYB 2003 notes that, amendments to the Constitution or the adoption of a new constitution can only be made by qualified agreement of the Grand National Assembly. A Grand National Assembly consists of 400 members. Members of the Grand National Assembly are alone empowered to adopt a new constitution, to sanction territorial changes to the Republic of Bulgaria, to resolve on any changes to state structure or form of government, and to enact amendments to the existing Constitution. The Grand National Assembly can only be convened by the President of the Republic or by a vote by one-third of the members of the National Assembly. Members of the Grand National Assembly will then be elected as per statutory rules. **[1b]** (p.892)

Judiciary

5.5 Europa RS 2004 noted that, under the Constitution the judiciary is granted independent and co-equal status with the legislative and executive branches. **[1a]** (p.161) However, the Commission of the European Communities found in its, 2003 Regular Report on Bulgaria's progress towards accession (EC 2003) that, the judiciary continues to struggle with problems such as corruption, low salaries, under-staffing, antiquated procedures, and a heavy backlog of cases. Partly as a legacy of Communism and partly because of the court system's corruption, structural, and personnel problems, many citizens have little confidence in the judicial system. Human rights groups complain that local prosecutors and magistrates sometimes fail to pursue vigorously crimes committed against minorities. Many observers believe that reforms are essential to establish a fair, impartial and effective judicial system. **[6]** (p.17-20)

5.6 Europa WYB 2003 notes that, the 1991 Constitution provided for justice to be administered by the Supreme Court of Cassation, the Supreme Administrative Court, courts of appeal, courts of assizes, military courts and district courts. The Judicial system is independent, most appointments being made or recommended by the Supreme Judicial Council. The Ministry of Justice co-ordinates the administration of the judicial system and the prisons. There is also the Constitutional Court, which is final arbiter of constitutional issues. **[1b]** (p.895)

5.7 Europa WYB 2003 notes that, the Supreme Court of Cassation exercises supreme judicial responsibility for the precise and equal application of the law by all courts. The Supreme Administrative Court rules on all challenges to the legality of acts of any organ of government. **[1b]** (p.892)

5.8 The EC 2003 notes that, the Constitutional Court is separate from the normal court system. It is empowered to rescind legislation it considers unconstitutional, settle disputes over the conduct of general elections, and resolve conflicts over the division of powers between the various branches of government. **[6]** (p.17)

5.9 The EC 2003 notes that, Military Courts handle cases involving military personnel and some cases involving national security matters. The Constitutional Court does not have specific jurisdiction in matters of military justice. **[6]** (p.17-20)

5.10 The EC 2003 notes that the Supreme Judicial Council is in charge of the self-administration and organisation of the judiciary. It has 25 members, of which three are ex-officio members: the President of the Supreme Court of Cassation, the president of the Supreme Administrative Council and the Prosecutor General; they have a seven year mandate. The other 22 members are elected for five years, 11 by parliament with a simple majority and the other 11 by the judiciary. The Supreme Judicial Council is responsible for appointing all judges. **[6]** (p.17-18)

5.11 The EC 2003 notes that, the Constitution stipulates that all courts shall conduct their hearings in public unless the proceedings involve state security or national secrets. There were no reported complaints about limited access to courtroom proceedings. Defendants have the right to learn of the charges against them and are given ample time to prepare a defence. The right of appeal is provided and widely used. Defendants in criminal proceedings have the right to confront witnesses and to have an attorney, provided by the state if necessary, in serious cases. **[6]** (p.17-20)

5.12 The EC 2003 notes that, the judiciary is composed of three independent entities: judges, prosecution and investigation service. They are selected on basis of an open competition announced for the particular positions and are appointed by the Supreme Judicial Council as magistrates following a compulsory six month training. After five years in office and a positive professional track record the magistrates become immovable following a decision by the Supreme Judicial Council. **[6]** (p.17)

Legal Rights/Detention

5.13 The US HRP 2004 noted that the Constitution provides for protection against arbitrary arrest and detention. It also provides for access to legal counsel from the time of detention. Police normally obtain a warrant from a prosecutor prior to apprehending an individual; otherwise, in emergency circumstances judicial authorities must rule on the legality of a detention within 24 hours. Persons can be detained for no more than 24 hours; however, detention could last for up to 72 hours if ordered by a prosecuting magistrate. Defendants have the right to visits by family members, to examine evidence, and to know the charges against them. Pre-trial detention is limited to 2 months under normal circumstances, although this may be extended to 6 months by order of the Chief Prosecutor, who may also restart the process. The constitution provides for bail, although it was not widely used. Under the terms of an August 1997 amendment to the Code of Criminal Procedure, pre-trial detention for new detainees can last no more than one year or, if the alleged offence is punishable by over 15 years imprisonment, life imprisonment, or capital punishment, no more than two years. **[2a]** (p.3)

The Death Penalty

5.14 According to the European Commission in its 2003 accession report, 'The death penalty for all crimes was abolished in December 2002.' **[6]** (p.21)

Internal Security

5.15 The US HRP 2004 noted that the Ministry of the Interior is responsible for internal law enforcement. It is responsible for the National Police, the National Service for Combating Organised Crime, the National Security Service (civilian domestic intelligence service), the National Gendarmerie Service (military police), and the Border Police. In addition, there is also the National Investigative Service (NIS), which provides investigative support to prosecutors

on serious criminal cases. The NIS is a branch of the judiciary and therefore not subject to direct executive control. **[2a]** (p.1 & 3)

5.16 The US Department of State report on Human Rights Practices in 2003 (The US HRP 2004) noted that, 'The civilian authorities generally maintained effective control of law enforcement officers, but there were reports of some officers acting independently of Government authority. There were some reports of some officers responsible for serious human rights abuses. Lack of police accountability hampered Government attempts to address abuses.' **[2a]** (p.1 & 3) Amnesty International (AI), in its 2003 Bulgarian report, considered that police ill-treatment, sometimes amounted to torture and in one case resulted in death. **[7]** (p.1) The US HRP 2004 noted that the Ministry of the Interior reported that 107 complaints were filed against police officers during 2003. The Prosecutor's Office reported that 399 investigations were carried out during the year into offences committed by police officers ranging from violence and robbery through to bribery and burglary. Investigations into abuses resulted in three officers being indicted for rape, one officer receiving a sentence for forced prostitution and two officers on charges of trafficking. **[2a]** (p.1 & 3) However, AI considered that few reported incidents of police ill treatment resulted in police officers being brought to trial. **[7]** (p.1)

5.17 The Bulgarian Helsinki Committee in its Human Rights report 2003 (Bulgarian Helsinki Committee 2003), noted that, 'Bulgarian penal legislation does not treat torture as a specific crime. Bulgarian courts accepted evidence received through torture.' **[8]** (p.2)

5.18 The US Department of State report on Human Rights Practices in 2003 noted that,

'Although some government officials stated that, under the country's criminal code, any complaints about police beatings are required to be heard by judges, at times this law was not respected in practice. Human rights monitors reported that they received many complaints from persons who were too intimidated to lodge an official complaint with the authorities. Human rights observers charged that police often handled minor offences by arresting suspects, beating them, and releasing them within a 24-hour period, so that no judicial involvement was required.' **[2a]** (p.2)

5.19 Bulgarian Helsinki Committee 2003, noted that, in 2003, the number of individuals claiming that they had suffered violence and torture at the hand of police officers had dropped from 43% to 37%. Similarly, individuals alleging use of force during detention had also dropped to 30%. On 23 July 2003, the Ministry of the Interior adopted *Instruction no. 1-167* that requires police officers to report any instances of excessive use of force, torture or ill-treatment. **[8]** (p.3)

5.20 The US Department of State report on Human Rights Practices in 2003 noted that, 'The Ministry of the Interior reported that the curricula at the Police Academy and the officer's Schools were expanded to include human rights-related training in their mandatory courses'. **[2a]** (p.3)

Prisons and Prison Conditions

5.21 The US Department of State report on Human Rights Practices in 2003 noted that,

'Conditions in some prisons remained harsh and included overcrowding, inadequate lavatory facilities, and insufficient heating and ventilation. However, according to the BHC, prison overcrowding improved during the year with the opening of several new prison facilities. Non-governmental organisation (NGO) prison monitors reported that brutality committed by prison guards against inmates continued to be a problem, despite the MOI issuing instructions in August on detention procedures to reduce abuses. There were also reports of brutality among inmates. The process through which prisoners could complain of substandard conditions or of mistreatment did not function effectively. The Ministry of Justice (MOJ) reported that, at the end of the year, there were 788 charged persons in the country's 65 detention centres and a total of 10,066 persons (of whom 325 were arraigned, 1536 were in trial phase, 8,205 were convicted) in the country's 12 prisons. Men and women were not held in the same prisons: 1 of the 12 prisons was reserved for women. In all prisons, convicted prisoners were held separately from pre-trial detainees. The MOJ also reported that there were 79 minors in the country's 2 labour correction hostels, which were used to hold persons under age 18 and were less restrictive than prisons. The Government generally permitted requests by independent observers to monitor conditions in most prisons and detention facilities.' **[2a]** (p.2)

Military Service

5.22 Europa WYB 2003 noted that, 'Military service is compulsory and lasts for nine months. The total strength of the armed forces in August 2002 was estimated at 68,450 (including some 49,000 conscripts), comprising an army of 31,050, an air force of 17,780, a navy of an estimated 4,370 and 15,250 centrally controlled and Ministry of Defence staff. Paramilitary forces include an estimated 12,000 border guards, 18,000 railway and construction troops and 4,000 security police. In late 1999 the Government announced plans to reduce the armed forces to number 45,000 by 2004.' **[1a]** (p.883)

5.23 BBC Online reported on 17 May 2000 that the Bulgarian government enacted a new law in October 2001 introducing an alternative military service programme for conscientious objectors - allowing for the first time non-combat service and non-military community service for the first time. **[10]**

Medical Services

5.24 Europa RS 2004 noted that the Ministry of Health administers the Bulgarian Health service, with the assistance of local government and the

Bulgarian Red Cross. Primary medical care is provided free of charge, through a system of compulsory health insurance for all citizens. There are four different systems of primary health care delivery: care of the general population organised on a district bases, and special health care system for schoolchildren, military personnel and transport workers (including their families). The Government is actively pursuing the development of a private health sector. **[1a]** (p.175)

5.25 The World Health Organisation in its report 'Highlights on health in Bulgaria' December 2001 (WHO 2001), that in larger towns, citizens have access to primary healthcare through numerous free-standing poly-clinics or clinics attached to hospitals. Larger clinics sometimes provide a range of specialist services such as dermatology, ophthalmology and neurology. Single practices are most common in villages. **[11]** (p.31)

5.26 The WHO 2001 noted that, secondary and tertiary health care is provided within a three-tier system of local, district and national hospitals. Patients are theoretically free to choose the hospital they go to since the Government moved towards a commercial restructuring of the health service in the 1990's. Municipal hospitals provide care in internal medicine, surgery, paediatrics and obstetrics/gynaecology. Smaller, mostly rural municipalities have village outpatient centres, health units or consulting rooms and, in all cases, a dental surgery. At regional level, there are 32 general district hospitals accounting for one third of all hospital beds. They provide specialised consultations and hospital care for the local population as well as primary health care for the residents of the municipality where the hospital is located. **[11]** (p.31 & 32)

5.27 The WHO 2001 noted that there are dispensaries for oncological, psychiatric, dermal, venereal and chronic pulmonary diseases. Nationally,, there are five medical universities and 12 university hospitals, the clinics of the National Medical Centres (specialised in cardiovascular diseases, haematology, oncology or drug addictions) and the Pirogov Institute of Emergency Medical Aid provide high-level specialised medical care to the whole population. **[11]** (p.31 & 32)

5.28 According to 'HIV / AIDS info Balkan' (a charity based in Sofia), in 2003 the number of people officially registered as living with HIV/AIDS stood at 471. The number of people untested and living with HIV or AIDS is estimated to be around 6 – 10,000. **[12]** (p.1-2)

6a. Human Rights Issues

Overview

6.1 The US HRP 2004 reported that the Government generally respected the human rights of its citizens. In 2003, the Bulgarian government made a number of advances with regard to human rights protection. **[2a]** (p.1) Bulgarian

Helsinki Committee 2003, noted that most achievements during 2003, related to improvements to the legislative and institutional framework. In September 2003, the parliament adopted a new bill 'Protection for Discrimination' that became effective from 1 January 2004. The new act attempts to combat discrimination in public life by the introduction of a new body that will have the power to investigate and punish discriminatory acts and turns the burden of proof from the victim to the perpetrator. In addition, a bill was passed instituting the office of Ombudsman. Other legislation was passed introducing additional safeguards for the protection of children. **[8]** (p.1)

6.2 The European Commission in its 2003 report on Bulgaria's progress towards accession, considered that, Bulgaria has achieved stability of institutions guaranteeing democracy and the rule of law. **[6]** (p.14)

6.3 However, the US Department of State noted that significant problems remained in a number of areas. **[2a]** (p.1) The Bulgarian Helsinki Committee 2003 noted with concern that the human rights situation in a number of areas was assessed as having stalled. **[8]** (p.1) The US Department of State in 'Human Rights Practices 2003 (US HRP 2004)', noted that 'Law enforcement officers commonly beat suspects and inmates, and beat and mistreated minorities. Arbitrary arrest and detention were problems. Law enforcement officers harassed, physically abused, and arbitrarily arrested and detained Romani street children. Problems of accountability persisted and inhibited government attempts to address police abuses. Conditions in some prisons and detention facilities were harsh, and there were some instances of prolonged pre-trial detention. The judiciary continued to struggle with wide-ranging systematic problems and suffered from serious corruption.' **[2a]** (p.1)

6.4 The US HRP 2004 noted that, 'The Government restricted freedom of the press and limited freedom of association.' **[2a]** (p.1) The Bulgarian Helsinki Committee 2003, concurred with the findings of the US Department of State and added its concerns that the situation with regard to freedom of expression had in fact regressed since its 2002 report. **[8]** (p.1) Furthermore, the US HRP 2004 also noted that, 'The Government restricted freedom of religion for some non-Orthodox religious groups and societal discrimination and harassment of non-traditional religious minorities persisted, but were much less frequent than in previous years. Societal violence and discrimination against women was a problem. Conditions for children in state institutions were poor, and because of a lack of funds, the social service system did not assist homeless and other vulnerable children adequately, notably Roma and children with mental disabilities. There was some discrimination against persons with disabilities and a serious problem of discrimination against Roma. Child labor was a problem. Trafficking in persons was a serious problem, which the Government took some steps to address.' **[2a]** (p.1)

6.5 The Bulgarian Helsinki Committee 2003 reported that, in May 2003, the Bulgarian parliament adopted the Ombudsman Act which became effective from 1 January 2004. The Ombudsman Act sets up a formal system of advocacy in cases where the actions or inactions of state or municipal organs violate the rights and freedoms of individuals. **[8]** (p.1) However, the Bulgarian Law Portal in

an article published on 16 May 2004 reported that the Bulgarian parliament had failed to elect a national ombudsman from the seven nominations submitted by parliamentary groups. [9] At the time that this Bulletin was published an Ombudsman had still not been appointed.

Freedom of Speech and the Media

6.6 The European Commission, in its 2003 Regular Report on Bulgaria's progress towards accession, freedom of expression is enshrined in the Constitution. Under Bulgarian law, radio and television broadcasters, journalists and artists are independent, and can freely express opinions. However, the EC found that, in practice, the Government exerted undue influence over the media. [6] (p.22) The US HPR 2004 noted that libel in Bulgaria is defined as a criminal offence, and may lead to a fine or a term of imprisonment. [2a] (p.5)

6.7 The Bulgarian Helsinki Committee 2003 believed that 2003 marked one of the most oppressive years for freedom of expression. During 2003, the Government brought libel cases against a number of broadcasters that led to large fines being imposed. In two cases the Government revoked broadcasting licences which many NGO's believed was unwarranted and disproportionate. [8] (p.7) The US Department of State (2003), reported the views of a NGO who considered that the ruling party primarily issued libel suits as a means of silencing critics. Fines were reported to be heavy and disproportionate to the economic conditions. There were also reported cases of violence against journalists. [2a] (p.5 - 7)

Freedom of Religion

6.8 The US Department of State report, on Human Rights Practices in 2003, noted that,

‘The Constitution provides for freedom of religion; however, the Government restricted this right in practice for some non-Orthodox religious groups. The Constitution designates Bulgarian Orthodox Christianity (BOC) as the "traditional" religion and the Government provided financial support to it, as well as to several other religious communities perceived as holding historic places in society, such as the Muslim, Roman Catholic, and Jewish faiths.’ [2a] (p.7)

6.9 The US Department of State report, on Human Rights Practices in 2003, further noted that,

‘The Law on Religious Confessions took effect in 2002 to replace the universally unpopular Communist-created law of 1949. Religious and human rights groups have strongly criticized the law for the preferential treatment given to the BOC and for provisions that appear to take sides in what many see as an internal Church conflict. Under the new law, all religious groups, with the exception of the BOC, must register with the Sofia Municipal Court before they can practice their beliefs in public. The BHC also expressed concern at the requirement for groups to submit a statement of beliefs when applying

for registration or re-registration, stating that this constituted an infringement on their freedom of religion. Even when they were registered nationally, some religious groups experienced problems with registering local branches, particularly Jehovah's Witnesses in Burgas. **[2a]** (p.7)

6.10 The Bulgarian Helsinki Committee 2003 noted that relations between differing denominations were generally good. However, a number of religious communities, notably the Jehovah Witness, Muslim and Pentecostal groups were discriminated against and harassed. General public intolerance of non-traditional religious groups remained an intermittent problem. **[8]** (p.5-6) The US HPR 2004 noted that human rights groups reported that societal discrimination against non-traditional religious groups gradually lessened over the last few years. **[2a]** (p.7)

People Trafficking

6.11 The US Department of State report - Human Rights Practices 2003 (US HRP2004), noted that,

‘The law prohibits trafficking in persons; however, trafficking in persons was a serious problem, and the country remained a source, transit, and increasingly a destination country for trafficked persons. There was no evidence of a pattern of official complicity in trafficking, although a number of individual law enforcement officers and other government authorities were involved in trafficking.’ **[2a]** (p.15)

6.12 The US HRP2004 noted that during 2003 the Government made credible efforts to combat human trafficking. In May 2003, a Law on Combating Trafficking in Human Beings, was introduced that supplementing earlier amendments to the Penal Code. The new law, which became effective from 1 January 2004, aims to provide protection and assistance to trafficking victims, as well as to promote co-operation between the central government, municipal authorities, and NGOs for the development of programs to combat trafficking. The law also provides powers for the establishment of a National Commission, made up Government representatives, the judiciary, and NGOs, to act as a co-ordination and policy-making body. There were two police units, one within the National Border Police and the other within the NSBOP that specifically addressed the problem of trafficking in persons. **[2a]** (p.15)

6.13 The US HRP2004 noted that penalties for trafficking in persons range from fines of US\$5,000 (8,000 Leva) through to terms of imprisonment of between 1 – 8 years. Where aggravated circumstances can be proved, or where children are involved, or where there has been involvement of organised criminal groups penalties increase to fines of US\$12,500 (20,000 Leva) or 20 years imprisonment. **[2a]** (p.15)

6.14 The US HRP2004 noted the concerns of Bulgarian law enforcement officers, who complained that where the penalty for trafficking was below 5 five years' imprisonment, they were not permitted to use special investigative

techniques, such as wiretapping, to investigate and deal with traffickers. **[2a]** (p.15 – 16)

6.15 The US HRP2004 noted that a well known musician, rapper 'Vanko 1', and two associates were convicted in November of trafficking. There were no other reports of traffickers being brought to trial during the year. Members of the judiciary reported that they feared reprisals from organised crime figures. **[2a]** (p.15 – 16)

6.16 The US HRP2004 also noted that, 'Victims overwhelmingly were women and girls trafficked for the purposes of forced prostitution. Government authorities and NGO observers reported that there were approximately 275 confirmed victims of trafficking in 2002 that involved either internal trafficking or domestic victims trafficked internationally; however, the actual number of cases may be much higher. Government authorities also estimated that the number of prostitutes both domestically and abroad, was between 2,500 and 5,000. Women working in the sex industry formed a high-risk group for trafficking, and it was not possible to determine the amount of prostitutes who were actually victims of trafficking. According to the IOM and AAF, there were also cases of male trafficking victims, specifically male children.' **[2a]** (p.15 – 16)

6.17 The US HRP2004 noted that in practice, the Government used ineffective methods to combat trafficking and had a poor record in investigating and prosecuting corruption and misconduct by police. The Government did not have a witness protection program and retaliation remained a concern for witnesses. However, the Government established an inter-ministerial working group to draft legislation for a witness protection program. The Government had provision for victims to provide an anonymous sworn deposition to be used in court, but an anonymous deposition was required to be corroborated to obtain a conviction. **[2a]** (p.16)

6b Human Rights – Specific Groups

Ethnic Minorities

6.18 The Bulgarian Helsinki Committee 2003 noted that, 'There were no significant changes in the situation of ethnic minorities in Bulgaria in 2003. Predominantly, Roma continued to be the main minority group to experience discrimination in all spheres of employment, healthcare, education, housing, and the criminal justice system. **[8]** (p.11)

6.19 The Bulgarian Helsinki Committee 2003 noted that, in September 2003, the parliament adopted a new bill 'Protection from Discrimination' that became effective from 1 January 2004. The new act attempts to combat discrimination in public life by the introduction of a new body that will have the power to investigate and punish discriminatory acts and which also turns the burden of proof from the victim to the perpetrator. **[8]** (p.1 & 11)

Macedonian Minority

6.20 According to Minority Rights Group International, official Bulgarian government statistics number ethnic Macedonians around several thousand (10,000) and are found mainly in the Pirin area of Southwest Bulgaria. **[16]** (p.211) However, according to History of Macedonia.org (accessed 4 June 2004), censuses taken after World War II put the figure at around 250,000. **[13]** The Macedonian Human Rights Movement of Canada in a report published in October 2003 noted that the tampering of census returns by Bulgarian authorities are one of the main reasons for a low head count of ethnic Macedonians. Some Macedonian human rights activists estimate that the number of ethnic Macedonians living in Bulgaria could number over one million. **[14]** (p.1-2)

6.21 The US HRP 2004 claims that ethnic Macedonians identify themselves as being 'Macedonian' primarily as result of historical and geographic reasons. The Bulgarian government does not recognise Macedonians as a distinct ethnic group but insists that the Macedonian peoples are in reality ethnic Bulgarians. **[2a]** (p.13) This is backed up by an earlier article published by the Minority Rights Group International **[16]** (p.211)

6.22 Minority Rights Group International state that, in appearance, ethnic Macedonians look no different from the majority Bulgarian population. On the whole they share the same religion, i.e. Eastern Orthodox, and their language is very closely related to the Bulgarian group of southern Slavic languages. **[16]** (p.211-212) This is confirmed by the Encyclopaedia of the Peoples of the World, published in 1993. **[15]** The US HRP 2004 claims that the similarity of culture, language and appearance is partly why the Bulgarian government refuses to grant ethnic Macedonians the status of a distinct ethnic group. **[2a]** (p.13) The Macedonian Human Rights Movement of Canada in a report published in October 2003, found that because of the Government's policy of minimising ethnic differences between the two communities, Macedonians who choose to openly identify as such repeatedly suffer abuses of their human rights. **[14]** (p.1-2)

6.23 The US HRP 2004 noted that, 'Ethnic Macedonians are denied freedom of assembly; local authorities reportedly would only allow ethnic Macedonians to hold rallies or other meetings in private and outside of cities and other populated areas.' **[2a]** (p.7)

6.24 The Macedonian Human Rights Movement of Canada noted that in 1990, ethnic Macedonian organisation, the United Macedonian Organisation (OMO), was founded with the aim of uniting the Macedonian minority on a regional and cultural basis. When the organisation attempted to gain official registration in 1991 this was refused by the Bulgarian courts that ruled that 'the aims of OMO were directed against the unity of the nation, that it advocated hatred and was dangerous to the territorial integrity of Bulgaria.' In 2001, the OMO's case was heard by the European Court of Human Rights who found that the Bulgarian authorities had acted illegally and had violated

Article 11 (freedom of assembly and association). To date the Bulgarian authorities have failed to implement the ruling of the court. **[14]** (p.1)

6.25 In October 2003, a report published by the Macedonian Human Rights Movement in Canada (MHRMC) noted a number of cases that highlighted the discrimination faced by the Macedonian minority in Bulgaria. There were reports that the police intimidated ethnic Macedonians and used video surveillance at public meetings to record those in attendance. **[14]** (p.1-8)

Roma Minority

6.26 The US HRP 2004, noted that according to a 2001 census, 'Ethnic-Roma were estimated officially to comprise 4.6 percent of the population; however, their actual share was likely between 6 and 7 percent. A council of Europe report issued in 2002 estimates that there were 600,000 to 800,000 Roma in the country; official statistics estimated the number of Roma at 371,000.' **[2a]** (p12)

6.27 The Bulgarian Helsinki Committee in a report entitled, 'The Human Rights of Muslims in Bulgaria in Law and Politics since 1878', accessed on 15 June 2004, noted that many deaths, particularly of minority members, have occurred throughout the years of transition in Bulgaria as a result of excessive use of force and misuse of firearms both outside and inside places of detention. **[19]** (p.121) However, the US HRP 2004 did not report any incidents of Roma being killed by police or agents of the state. Roma suffered frequent harassment, physical abuse, and arbitrary arrest and there was little progress in resolving cases of police violence against Roma. **[2a]** (p12) The Bulgarian Helsinki Committee in Human Rights in Bulgaria – 2003 reported that a Romani man was shot and killed while cutting wood in a forest near Samokov, in March 2003. A witness to the murder identified a forest guard as responsible for the murder; no charges were brought against the guard. In another incident, a male of Romani origin died as a result of inadequate medical care while being held for 4 days. **[8]** (p.1-2)

6.28 The US HRP 2004 noted that, 'High levels of unemployment and poverty among the Roma, together with discriminatory attitudes among ethnic Bulgarians and Turks, contributed towards strained relations between Roma and the rest of society.' **[2a]** (p13)

6.29 The US HRP 2004 noted that, Roma continue to experience discrimination in all areas of society from access to employment, through to healthcare, education, access to housing and open and just recourse to justice. Some NGO's report that Roma encountered difficulties applying for social benefits, and that some local officials discouraged rural Roma from claiming land entitlements resulting from the break-up of collective farms. Education provision was below that provided to most non-Roma students. **[2a]** (p13) The Bulgarian Helsinki Committee 2003, found that, the Government failed to address segregation of Roma from non-Roma students, although various private donor's provided resources for educational projects. **[8]** (p.12)

6.30 The European Forum for Democracy and Solidarity noted that, the "Euroroma" party was an electoral partner of the MRF (Turkish Movement for Rights and Freedoms). **[20]** (p.3-4) The US HRP 2004 noted that, Euroroma, a mainly ethnic Roma political group, had two members of parliament. Technically, this makes Euroroma a member of the governing coalition, although it has no representatives in the Cabinet or Parliament. In the October 2003 local elections, 3% of municipal councillor elected were Roma, with a number of Roma also being elected to Mayoralties. **[2a]** (p.9)

6.31 The European Commission, in its 2003 Regular Report on Bulgaria's progress towards accession, noted that, the health status of Roma is substantially worse than that of the majority population. Poverty, poor sanitary conditions and an underdeveloped basic infrastructure in Roma settlements contributed towards a mortality rate of around 6 times higher than the national average. **[6]** (p.25) The Bulgarian Helsinki Committee reported in 2003 that during 2003, Roma access to healthcare deteriorated. The BHC reported that the healthcare system identified individuals with unpaid health insurance benefits and excluded them from health services. As a result, Roma were seriously affected by this measure. **[8]** (p.12)

6.32 The Bulgarian Helsinki Committee reported in 2003 that during the winter of 2002/2003, Bulgarian electricity suppliers periodically cut electricity supplies to Roma neighbourhoods. The BHC considered that the actions of the electricity suppliers were a collective punishment for the non-payment of bills by sections of the Roma community. Roma who protested against the cuts in the town of Vidin received heavy criminal charges for organising the protests. **[8]** (p.12)

6.33 The Bulgarian Helsinki Committee reported in a news item on 12 May 2003, that during 2003 of skinhead and racist youth groups abusing and committing acts of violence against Roma. The report by the BHC claims that a Roma man was brutally beaten before having his ears cut off with a razor blade. **[3]**

6.34 The US HRP 20034 noted that, 'The Government and the European Bank for Reconstruction and Development contributed to fund the construction of new apartments in Sofia for Roma who were displaced in 2001, and additional construction was carried out in Plovdiv.' **[2]** (p.13)

6.35 In the opinion of the European Commission, in its 2003 Regular Report on Bulgaria's progress towards accession, a number of initiatives have started to address the situation of the Roma minority. In Autumn 2002 the Bulgarian government launched a national employment/training programme called "From Social Care to Providing Employment". The main aim of the programme is to offer employment and encourage social integration to the long-term unemployed (specifically Roma) through opening up jobs in public works. To date the programme has attracted around 89,000 of the 100,000 target. **[6]** (p.26) The US HRP 20034 noted that the Ethnic Integration and Conflict Resolution project, provided funds to small enterprises that employed Roma, undertook activities to reduce Roma drop out rates in education, providing

tutoring for university enrolment exams, and created an Institute for Roma leaders to develop leadership and conciliation skills. **[2a]** (p.12-13)

6.36 The Bulgarian Helsinki Committee, in its report covering 2003, noted that in September 2003 the Bulgarian government enacted legislation to provide protection from discrimination. The Act provided for the setting up of a new body with powers to investigate and punish discrimination. It is hoped that the new Act will make the prosecution of discriminatory behaviour easier to bring to court. **[8]** (p.11)

6.37 The European Commission, in its 2003 Regular Report on Bulgaria's progress towards accession, noted that In 2003, the Government took steps to preserve Roma culture and identity by the inclusion of traditional Roma holidays in the official cultural calendar. The Government supported various cultural and educational events, organised by Roma organisations. **[6]** (p.26)

Turkish Minority

6.38 The Bulgarian Helsinki Committee, in 'Human Rights of Muslims in Bulgaria in Law and politics since 1878', published in November 2003, found that, in the 2001 census, of a total Bulgarian Muslim population of 966,978 - 746,664 persons (approximately 9.4% of the Bulgarian population) identified themselves as ethnic Turks. A significant number of claiming to be ethnic Turks were believed to be Roma or Pomaks (an ethnic Bulgarian community who were historical converts to Islam). Since the fall of Communism, there has been an improvement in the situation for Bulgaria's Turks, who have made significant strides in the areas of cultural expression and identity. **[19]** (p.3-4)

6.39 Both the US HRP 2004 and the European Commission, in its 2003 Regular Report on Bulgaria's progress towards accession, failed to note any evidence of governmental anti-Turkish sentiment or policy or reports of any harassment or persecution of ethnic Turks in Bulgaria. **[2a]** (p.13) **[6]** (p.26) The US HRP 2004 noted that general public intolerance of non-traditional religious groups remained an intermittent problem with some Muslims experiencing discrimination and harassment. Human rights groups reported that societal discrimination against non-traditional religious groups gradually lessened over the last few years. **[2a]** (p.7-8)

6.40 The US HRP 2004 noted that, 'The ethnic Turkish minority is officially recognised by the State as a distinct ethnic group. There are no restrictions on speaking Turkish in public and the Government continued to fund Turkish-language classes in public schools in areas with significant Turkish-speaking populations. **[2a]** (p.12 - 13) Minority Rights Group International noted that religious freedom is guaranteed under the constitution. There are over 900 mosques and *mechets* (religious schools) across the country. **[16]** (p.210) This is confirmed by the US HRP 2004. **[2a]** (p.7-8 &9-10)

6.41 The Bulgarian Helsinki Committee, in 'Human Rights of Muslims in Bulgaria in Law and politics since 1878', published in November 2003, found that ethnic Turks and Moslems were represented in the ranks of the police forces in areas with significant Turkish speaking populations. Many ethnic Turks hold positions in the police force of sergeant, with others holding more senior positions. However, the Bulgarian Helsinki Committee reported that Turkish-Muslim representation in law enforcement institutions was inadequate and did not fairly represent an approximate ratio split. **[19]** (p.131-134)

6.42 The European Commission, in its 2003 Regular Report on Bulgaria's progress towards accession, found that on the whole, the Turkish minority is well-integrated into political life through elected representation at national and local levels. The Movement for Rights and Freedoms (MRF), which represents the interests of the Turkish community, is the fourth largest political party in Bulgaria. **[6]** (p.26) The Bulgarian Helsinki Committee, in 'Human Rights of Muslims in Bulgaria in Law and politics since 1878', published in November 2003, considered that ethnic Turkish participation in local state government was inadequate. **[19]** (p.131) The European Commission further noted that while the ethnic Turks are well-integrated into Bulgarian society, they generally live in economically underdeveloped regions in the South East. Ethnic Turks experience higher levels of unemployment compared to the majority population. **[6]** (p.26)

Organised Crime and Corruption

6.43 The European Commission, in its 2003 Regular Report on Bulgaria's progress towards accession, noted that the Bulgarian public still perceives corruption as the most serious problem facing the country, so much so that the present Government of Simeon Saxe-Coburg-Gotha swept to power on a predominantly anti-corruption platform. **[6]** (p.19) This was also confirmed by Wikipedia. **[5]** (p.14) The European Commission also found that customs officials, the judicial system, police and the health service sector are considered by the public to be the most corrupt groups in society. The Governments' manifesto commitment to fight corruption has remained high on the political agenda. **[6]** (p.19)

6.44 Anticorruption.bg who published an assessment of corruption in Bulgaria in 2003, noted that, 'Most commentators considered that the level of corruption in Bulgaria had not changed significantly in 2003. The Bulgarian Anti-corruption portal noted in its 2003 report that, 'The lack of development signals that anti-corruption measures undertaken so far has been exhausted. In the last few years, anti-corruption efforts have, to a certain extent, succeeded, due to certain "soft" forms of curbing corruption, ie, by means of extensive public pressure. However, few of the essential structural faults that breed corruption in various segments of society have been remedied.' **[18]** (p.5)

6.45 The European Commission, in its 2003 Regular Report on Bulgaria's progress towards accession, noted that, in October 2001, the Government adopted a National Strategy against Corruption, followed up by a further Action Plan in February 2002. As a result of the Governments' initiatives,

various pieces of legislation have been amended to align with the main international anti-corruption instruments. However, the European Commission, in its 2003 report on Bulgaria's progress towards accession (EC 2003), called for the new measures to be fully enforced. The Action Plan expired at the end of 2003 and is currently being updated. The Government adopted the findings of a report into the Action Plan that called for the strengthening of its specialist administrative structures and for increased control over the implementation of the plan. **[6]** (p.19)

6.46 The EC 2003 noted that, in July 2003, the Government introduced a public register which made it compulsory for the judiciary (including spouses and children) to declare all property and sources of income. In February 2003, the National Association of Court Officials adopted a code of ethics specifying how court clerks should act in the event of being offered a bribe. Amendments to the Law on Civil Service law contained a new conflict of interest regulation. **[6]** (p.19) This was confirmed by the Bulgarian Helsinki Committee in its 2003 report. **[8]** (p.4-5) The HRP 2004 noted that in September 2003, constitutional amendments were passed that narrowed the scope of immunity, irremovability, and life tenure for magistrates. However, the US Department of State in HRP 2003 considered that the internal mechanisms to inhibit corruption in the judicial system were generally weak.' **[2a]** (p4-5)

6.47 The HRP 2004 noted that, 'Politicians and NGOs continued to criticise the Chief Prosecutor's office for its failure to prosecute vigorously large numbers of serious criminal cases, leaving the impression that it lacked the will to crack down on organised crime and corruption. Local observers contended that organised crime influenced the prosecutor's office. Few organised crime figures have been prosecuted to date and none have been convicted. According to the NSBOP, approximately 110 organised crime groups operated in the country.' **[2a]** (p.4)

6.48 The EC 2003 noted that, the Government set up special units within various ministries, including the police and border guards, charged with fighting and monitoring corruption. In particular, special measures have been taken with a view to ensure proper police behaviour at the borders and along transit routes. As yet these measures have yet to be assessed. **[6]** (p.19)

6.49 The EC 2003 further noted that, in early 2003, the Government put in place a system of collecting and processing statistical information on bribery. The data will distinguish between active and passive bribery in the private and public sectors, and quantify trade in influence and abuse of official positions. **[6]** (p.19)

6.50 The Bulgarian Anti-corruption portal noted, in its 2003 report, that, during 2003 a sustainable positive trend was observed in the economy. Major foreign and international corporations started to operate in the country, thereby introducing advanced standards of accountability and facilitating the adoption of international ethics norms in business. Together with the Government's anti-corruption measures, this has brought about a shrinking of the grey sector. **[18]** (p.6)

6.51 The US HRP 2004 noted that it was widely believed that some law enforcement officers or other government authorities were complicit in human trafficking, including local authorities, border police officers, and customs officials. During the year, two police officers were indicted on charged of trafficking in persons. The bulk of involvement appeared to consist of accepting bribes from organised gangs to look the other way, although deeper involvement by state employees is not ruled out. Those involved in facilitating trafficking overwhelmingly were low-level, low-paid officials in the provinces and border regions. **[2a]** (p.16)

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