



*In August, inmates on the roof of Sofia's central prison demonstrated against poor prison conditions.
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IHF FOCUS: freedom of expression and media; peaceful assembly; judicial system and independence of the judiciary; torture, ill-treatment and police misconduct (incl. rights of psychiatric patients); conditions in prisons and detention facilities (incl. facilities for mentally ill or retarded people); religious intolerance; national minorities; intolerance, xenophobia, racial discrimination, and hate speech; asylum seekers and immigrants; right to life; women's rights; rights of the child.

2001 was a year of major political changes. The former monarch Simeon Saxe-Coburg Gotha, leader of the National Movement Simeon II, won the parliamentary elections by an outstanding majority against the United Democratic Forces. A new Government was formed in coalition with the Movement for Rights and Freedoms, supported by the majority of the Bulgarian Turks. In November, the chairman of the Bulgarian Socialist Party surprisingly won the run-off presidential elections.

The general human rights climate in the country did not change significantly during the year. In October, the Government published a programme in which it undertook its commitment to bring about legislative and other changes to improve the human rights situation, especially with regard to the integration of ethnic minorities. Almost

none of these commitments had been implemented by the end of the year.

In June, Bulgaria signed two protocols to the Convention on the Rights of the Child – on the sale of children, child prostitution and child pornography, and on the involvement of children in armed conflicts respectively. However, Bulgaria failed both to present nine regular state reports under six of the major UN treaties that it is a party to, and one report under the Council of Europe's Framework Convention for the Protection of National Minorities.

Freedom of Expression and Media

No major changes occurred in 2001 with regard to the media. Bulgarian National Radio (BNR) and Bulgarian National Television (BNT) once again became the arenas for political attempts to control journalism.

In February, the appointment of a pro-governmental Director General of the BNR triggered a crisis that lasted for months and resulted in a dramatic drop in the media's popularity. Twenty popular journalists were dismissed, new and unknown names were promoted, and critical journalists were barred from going on air. In April, the court reinstated the dismissed journalists and annulled the appointment of the director general.

The situation regarding freedom of speech by the state-owned TV remained the same – namely, marked by political conformism and confrontation. Several popular journalists were either dismissed or left the media during the course of the year.

The new parliamentary majority passed amendments to the Radio and Television Act, which established a new media regulatory body. The Council for Electronic Media (CEM) was set up in spite of the Council of Europe's negative attitude towards the new provisions of the Act. Similarly, the proposed Draft Acts on classified information and on personal data protection came under criticism of NGOs on account of their vague and unclear definitions, particularly regarding the scope of the state secrets.

Throughout the year, journalists continued to be targets of criminal prosecution for insult and libel. The number of those convicted was relatively low, however this was mainly due to the length of the proceedings and the claimant's eventual loss of interest.

The right to freedom of speech of Bulgarian citizens of Macedonian self-determination was violated on several occasions by criminal prosecutions for the distribution of printed materials. This included one specific case where the materials appealed to Macedonians in Bulgaria to identify themselves as Bulgarians in the 2001 census.

Journalists also became victims of penal repression as a form of harassment after publishing materials against the chief prosecutor. In February, after having pub-

lished critical information on the brother of the chief prosecutor, the *Dnevnik* daily was subjected to checks by the tax authorities at the request of the Prosecutor's Office.

Peaceful Assembly

On 2 October, the European Court of Human Rights found a violation of Article 11 of the European Convention in the case of *Stankov and UMO Ilinden v. Bulgaria*. The attitude of the authorities towards the public manifestation of Macedonian identity during the year was however inconsistent. Although on 21 and 22 April two groups of Macedonian activists were allowed to commemorate the anniversary of the death of Yane Sandanski, during the second commemoration the gathering was provoked by the police and pro-governmental agents, and one of the participants was arrested.

As in previous years, the authorities forbade or hindered commemorative activities organized by Bulgarian Macedonians on several other occasions. On 2 February, the police obstructed UMO "Ilinden" – PIRIN members from laying flowers on the grave of Gotze Delchev. The uniformed and plain-clothes policemen claimed to have a decree from the Regional Prosecutor's Office. On 4 May, a commemoration on the anniversary of the death of Gotze Delchev organised by UMO "Ilinden" – PIRIN was banned by a decree from the Regional Prosecutor's Office in Blagoevgrad. On 29 July, UMO "Ilinden" activists were stopped on their way to the Samuilova Krepост locality, where they intended to commemorate the anniversary of the Ilinden uprising.

Judicial System and Independence of the Judiciary

In 2001, there was constant pressure from the Prosecutor's Office and the Ministry of the Interior for amendments in the legislation regulating detention meas-

ures during pre-trial proceedings. None of the drafts tabled in Parliament to this effect were passed by the end of the year.

The serious problems concerning the right to a fair trial and access to justice of indigent criminal defendants remained as acute as in previous years. No legislative amendments for the improvement of access to justice were undertaken. As a result, thousands of indigent defendants remained without a lawyer at all stages of the criminal proceedings and sentences were imposed in gross violation of fair trial standards.

The legal framework for the accommodation of children in juvenile educational centres was also not improved in 2001. The Bulgarian Helsinki Committee's visits to these centres established gross violations of domestic procedure. In many cases, the municipal commissions for combating juvenile delinquency had either not held any meetings or had functioned without observing the legally established procedure.

Torture, Ill-Treatment and Police Misconduct

Torture, ill-treatment and excessive use of force and firearms by law enforcement officials continued to be a serious problem in Bulgaria in 2001. No changes were introduced to legislation and policy to make punishment and prevention more effective. The legal framework was not improved to guarantee legal defence from the moment of detention, access to independent medical opinion and the possibility to inform one's family about the place and conditions of detention.

Several law enforcement officials were convicted during the year of illegal use of force and firearms, but the sentences were lenient and disproportionate to the gravity of the offences. They constituted a negligible share of the total number of cases, which called for criminal prosecution. Cases of torture and beatings during arrest

and in detention in police stations continued to be systematic.

Another cause of concern during the year was the conditions in the places of detention. Almost without exception, the conditions in pre-trial detention facilities were inhumane. There were also cases of torture and ill-treatment. The physical conditions in some prisons were also inhumane.²

Rights of Psychiatric Patients

One of the main problems regarding inhuman and degrading treatment during the year was connected with the system of psychiatric care in Bulgaria. The Bulgarian Helsinki Committee (BHC) carried out a detailed survey of the system of in-patient psychiatric care and published a report on the findings. The report established poor organization, physical conditions and hygiene; use of inhuman and degrading methods of treatment such as unmodified electroconvulsive therapy; violation of the right of informed consent to treatment; systematic malnourishment; and arbitrary seclusion and immobilization. All these factors rendered placement and treatment in psychiatric clinics for active treatment that often amounted to inhuman and degrading treatment.

During the year, the BHC visited a large number of the homes for adults and children with mental retardation and mental illnesses. The physical conditions and treatment of clients in some of these homes, qualified to an even greater extent for inhuman and degrading treatment, more so than conditions in the psychiatric clinics. In several social homes (Sanadinovo, Dragash Voivoda, Cherni Vrah, Radovets, Podgumer, Samuil) the BHC established the existence of metal cages, areas under staircases and cellars, which were used for seclusion of clients for long periods of time. No record was kept of these incidents. The physical conditions in many of these homes (the state of the buildings and premises, heating, food, and the state of the lavatories)

were appalling and further aggravated the conditions of inhuman and degrading treatment of the clients. In several homes, the BHC established systematic beating and other forms of physical and sexual violence both of clients by staff, and among the clients themselves.

Conditions in Prisons and Detention Facilities

Prisons and Labour Correction Facilities

As at 1 January 2002, Bulgaria's prison population in the 13 prisons and 23 labour correction facilities totalled 9,026 people, 1,852 of them awaiting a sentence. The share of prisoners in open and semi-open facilities continued to be low, while overcrowding was significant in closed facilities. The numbers were highest in the prisons in Pleven and Pazardjik, where in some cases up to 30-35 inmates shared the same cell, sleeping in two or three storey beds. Most cells did not have lavatories, forcing as many as 30 to 40 people to share a single lavatory. The daily food allowance ranged between 0.40 - 0.50 Euro. The 2001 state budget allocated 29% less funds for prison food as compared with the year 2000.

At the end of the year, a legislative initiative was undertaken to change the procedure for placement of inmates in open and semi-open facilities. This was intended to solve the problem of overcrowding. The system of probation as an alternative sentence is to be introduced.

In August 2001, twenty-four inmates from Sofia Prison broke out onto the prison roof, demanding better food and hygiene, unrestricted use of lavatory facilities and running water. Their other demands included lengthier outdoor exercise periods, increase in the number of permitted visits and the adoption of legislation providing for family meetings. The protesters appealed for improvements in medical care, for periodic prophylactic check-ups, introduction of illness-prevention programmes, and an increased budget for medical care. Some

days later, 31 defendants from Varna Prison began a hunger strike protesting against the court system, lack of employment, an accumulation of sentences in conditions of dangerous recidivism, and insufficient time for eating.

The large number of people detained for lengthy periods of time without effective court sentences remained a serious problem in 2001. Not infrequently, years passed from the moment of indictment to the passing of the final sentence. Review of the legality of conditions within prisons was not carried out effectively. The Prosecutor's Office budget did not include any funds for carrying out this activity, and the places of detention were not subjected to systematic supervision of the compatibility of the conditions of detention with the applicable law.

Insufficient funds for medicine also constituted a serious problem during the year, and there were numerous complaints about the quality of medical care.

Pre-Trial Detention Facilities

The conclusions of the European Committee for the Prevention of Torture (CPT) made back in 1995 were still valid for the larger part of the pre-trial detention facilities. The CPT stated then that, "almost without exception, the conditions [...] could fairly be described as inhuman and degrading."

During the year detainees in pre-trial detention facilities could not exercise their rights to correspondence; to outdoor exercise for a minimum of one hour a day; to have visits; or to receive parcels, because most pre-trial detention centres had no facilities for this. The use of personal belongings and guarantees for adequate living conditions were also problematic.

Some detention facilities were housed underground. Overcrowding and the consequent lack of adequate living space was a huge problem in the border detention facilities in Slivnitsa and Svilengrad. Up to five people were detained in one 6 m² cell in

Slivnitsa without any access to natural light or proper ventilation. A lawyer reported that the temperature in the Plovdiv detention facility reached 46 °C in the summer. Similar reports were heard from the Varna detention facility.

Two Bulgarian cases were brought before the European Court of Human Rights on allegations of injuries suffered after detention in such a facility, whereby the applicants' health deteriorated as a consequence of the inhuman conditions there.

Abuse of force in remand facilities was rarer than in police stations. However, the BHC received reports of use of excessive force at the Plovdiv Remand Facility. The lack of access to lavatories was the most frequent cause of conflicts; in many facilities, buckets were used for physiological needs.

Psychiatric Clinics

A new focus in the BHC monitoring programme during the year was the monitoring of the rights of the mentally disabled. The procedure for compulsory placement under psychiatric expertise was frequently criticized. The prosecutor did not have to consult a psychiatrist before placing someone in a psychiatric clinic. The psychiatric analysis should be carried out within one month, and detention above this period was deemed illegal. Yet, there were cases of detention lasting several months before a court hearing.

The use of electro-convulsive therapy without a muscle relaxant and anaesthetic was a serious cause for concern during the year. In 1995, the CPT rightfully urged for this practice to be ended. The methods of immobilisation and the manner in which patients were held immobilised also gave rise to concern – belts, chains or handcuffs could be used for different periods of time. In addition, the use of immobilisation was not adequately documented.

The BHC recommended that a program for the de-institutionalisation of psy-

chiatric care be launched, physical conditions be improved, and the procedure for compulsory placement be reformed. The BHC also urged that electro-convulsive therapy be administered only in its modified form, i.e. with the use of anaesthetic and muscle relaxant, and demanded that the procedure for its administration be legally regulated.

Care Homes for Mentally Ill and/or Mentally Retarded Individuals

The procedure for placement in care homes was not tailored to the profile of the diseases, which meant that people suffering from mental illness were not separated from those who were mentally retarded. This gave rise to problems in terms of the different types of medical care that each category needed. The homes themselves were often situated in remote locations, which hindered the patients from developing social contacts, as well as access to qualified personnel and adequate medical care. The hygiene in some of the homes was appalling. In several homes, bedridden clients were entirely deprived of medical care, while aggressive and seriously ill patients were locked in cells and seclusion rooms.

In some places there was a shortage of beds, thus forcing some patients to share. The outer appearance of patients who had difficulty in walking in several homes gave rise to the assumption that they had not been bathed for months.

At the end of April 1999, the CPT carried out a visit to Bulgaria and visited the home for adults with mental disorders in the village of Terter. The home was closed down shortly after the visit and the clients were moved to other homes. It has to be noted, however, that the conditions in them were in no way better than the one in Terter, and had these homes been visited, they too would have been closed down.

Juvenile Correction Centres

The procedure for the placement of minors in correction centres for juvenile delinquents was outdated and did not correspond to international human rights standards. The deteriorating material conditions in these schools were a permanent problem. The state subsidy for these schools was transferred only after long delays. As a result, even the children's elementary needs for food, clothing and teaching aides remained unsatisfied.

Religious Intolerance

The situation regarding the religious rights of Bulgarian citizens neither deteriorated, nor improved in 2001. There were attempts to restrict religious freedom in new spheres, e.g. the media. No new legislation had been passed during the year in the sphere of the relation between the State and religious institutions. One positive development was that no ordinances from local authorities restricting religious freedom were adopted during the year.

◆ On 21 June, a group of fanatical Orthodox believers from the village of Ravnogor attacked a group of Protestants, belonging to the United Church of God, who had gone to the village to screen a film with Biblical content. The Orthodox group was led by the local Orthodox priest and the chairman of the local chapter of the Internal Macedonian Revolutionary Organization. The police refused to draw up a protocol on the incident, and the Prosecutor's Office apparently did not continue the official investigation after the return of the goods, which were stolen from the Protestants' camp in the course of the attack.

In March, the analysis of the so-called Consolidated Draft Denominations Act by Council of Europe experts was announced. The analysis was highly critical of the draft act in those parts relating to the procedure for registration of religious organisations, the provisions regulating the opening of houses

of worship and the use of public premises for religious premises. It also criticized the right of local governments to restrict the practice of religions within their territories.

A new draft Denominations Act was introduced to Parliament on 5 July by a National Movement Simeon II MP. The draft contained some unacceptable provisions, e.g. the forceful uniting of the two factions of the Bulgarian Orthodox Church.

Twelve years after the democratic changes, the process of restitution of church property continued to be problematic. The largest part of the non-restituted property belonged to the Catholic Church; the Muslims, Methodists and Adventists also had non-restituted buildings, and the same claims were made by the Orthodox Church.

In August 2001, the Supreme Administrative Court turned down the application of the Voice Hope Radio (set up by a group closely related to the Protestant United Church of God) to suspend the decision of the State Telecommunications Commission rejecting a programme and radio broadcast license for the respective radio station. This had been the first attempt to set up an electronic media on religious themes.

In November, the Government announced its plans to strengthen its ties with the major religions in the country by appointing their representatives to the Directorate of Religious Affairs. The Evangelical Alliance strongly protested the decision claiming it was an act of discrimination against some 300,000 Evangelicals.

On 3 May, the European Court of Human Rights approved a friendly settlement in the case of *Stefanov v. Bulgaria*. The applicant, a Jehovah's Witness, had been sentenced, first effectively and then suspended on appeal, to a year and half for his conscientious objection to military service. The settlement obliged Bulgaria to grant amnesty to all Bulgarian nationals who were accused, defendants or convicted for conscientious objection to military service; to make the length of military and

alternative services equal. No legislative measures had been undertaken by the Government to honour these obligations by the end of 2001.

National Minorities, Intolerance, Racial Discrimination and Hate Speech

For the first time since 1989, a government programme contained a chapter on the integration of minorities. In this chapter, the Government re-affirmed the commitment of the previous Government to implement the Framework Programme for Equal Integration of Roma in Bulgarian Society. Some of the measures foreseen in the programme were: creation of bodies to deal with minority problems in the central and local administrations; adoption of an anti-discriminatory act; ratification of Protocol 12 of the European Convention for Human Rights; and setting up a state agency for minorities.

The government programme, however, failed to address some of the key issues in the Framework Programme, namely desegregation of Roma schools, territorial regulation of the Roma neighbourhoods, and study of the mother tongue. Almost none of the short-term goals in the programme had been achieved by the end of 2001.

In general, 2001 was not a favourable year for Bulgarian citizens belonging to ethnic, religious and linguistic minorities. Many of them continued to be victims of discrimination and of violations of their cultural, religious and ethnic identity rights. In the summer, there was an increase in the number of radical racist public demonstrations.

◆ In July the Bulgarians in Samokov organised mass protests in reaction to a crime committed by a man of Roma origin. Several days later a committee was formed by members of several political parties, calling for introduction of a number of restrictive measures against Roma, including a curfew.

◆ On 1 August the inhabitants of the village of Stezherov issued an ultimatum to all local Roma to leave the village, which they did shortly afterwards. This happened in reaction to a crime committed by two women of Roma origin.

◆ In mid-August, Bulgarians from the village of Oryahovitsa signed a declaration against the local Roma accusing them of thefts. They threatened to set the Roma houses on fire and to banish them from the village.

◆ In January, the Sofia municipality issued a decision to tear down the Roma houses in the Asanova Mahala and to sell the site to Austrian developers. Some of the houses were legally owned. The first demolitions started in March 2001 and some of the Roma were accommodated in caravans, while others had to spend months without shelter before being accommodated in a former police station. When they were accommodated there in August, the Bulgarian inhabitants of the building signed a petition for their immediate eviction.

During the second half of the year, Roma and coloured foreigners became victims of verbal abuse, robberies and violence.

◆ On 21 August, a 5-year-old Roma girl was severely beaten by skinheads. As a result, the child's wrist was broken and she sustained a number of other injuries.

In 2001, a discriminatory regime for instruction of religion was in force in the Bulgarian municipal schools. Instruction of Christian (mainly Orthodox) religion was carried out as a free elective and was financed by the state budget, while study of Islam was financed by the Chief Mufti's Office.

2001 was also a year of numerous protests by socially disadvantaged people, mainly Roma, on account of non-payment of social benefits by local municipal author-

ities. In May 2001, Roma from Kozlodui blocked the roads to the local power station. In July, several dozens of Roma attempted to enter the building of the municipality, crying out "We are Hungry" and "We Want Our Benefits." In August, Roma from the village of Zavet organized a demonstration threatening to set the municipality on fire unless their social security benefits were paid. In September, similar protests were held in half a dozen other cities throughout the country.

In the summer, several hundred Roma left for Norway in search of refugee status. Those who applied for it were rejected after a speedy procedure, which left serious doubts as to its fairness. Some of the returnees were banned from travelling abroad for a year, while others had their social benefits stopped for a year by the municipal social welfare authorities.

Asylum Seekers and Immigrants

There was a four-fold increase in the number of asylum seekers during 2001 compared to the previous year. The Government refused to guarantee a system of legal defence for the asylum seekers and refugees and, as a result, even obliterated the provisions of the 1999 Aliens Act for asylum seekers to go to court with a witness at all stages of the procedure.

The situation at the border in terms of access of refugees to an asylum procedure was critical. Cases of *refoulement* of asylum seekers back to their country of origin or to the border of the country they were fleeing from were widespread.

During the year, owing to the increased influx of refugees, the State launched the so-called accelerated procedure for granting refugee status. It was carried out by the Border Police, although the staff as a rule had not undergone the necessary training for granting refugee status. As a result, in the majority of cases the decisions of the Border Police were negative

and the asylum seekers were returned to neighbouring countries. The legal provisions stipulating that the situation of the country where the individual was to be returned (which was the country from which he had escaped) was to be analysed before a decision could be made, were not observed.

Another problem was the lack of judicial control of the acts of the Border Police. The decisions of the latter with regards refugees were subject only to administrative appeal before the Agency for Refugees, which confirmed all decisions.

Nevertheless, the introduction of the accelerated procedure at the checkpoints was a positive development inasmuch as asylum applications were considered in the framework of a legally enforced procedure.

A positive development in 2001 was the general procedure carried out by the Agency for Refugees, which reflected progress in terms of the observation of the procedural requirements for appointment of a translator and holding of at least two interviews. However, information on the country of origin was not collected. Also, the quality of the decisions and the application of widely recognized standards for evaluation of the refugee application were very low.

Right to Life

No measures were undertaken in 2001 to guarantee the right to life in the country; the problems of previous years continued to exist. Article 80 of the Ministry of the Interior Act was not amended; it allowed the use of firearms during apprehension of an individual who was committing/had committed a crime, or for the prevention of the escape of the perpetrator of an offence.

During the year, the Prosecutor's Office was very unwilling to give information on the investigation of cases of excessive use of force and firearms by law en-

forcement authorities. In August, the District Office of the Military Prosecutor in Sofia refused the BHC access to information on cases concerning Article 191 of the Code of Criminal Procedure and Article 136 of the Judiciary Act. These provisions prohibited the provision of information on the initiation of preliminary investigations, and obliged magistrates to treat information, which concerned the interests of third parties, confidentially.

As in previous years, at least 10 people died in circumstances which raised serious doubts as to excessive use of force and use of firearms by law enforcement authorities and private guards.

◆ On 10 January, policemen killed 46-year-old Mehmed Myumyun in a Sofia restaurant in front of his family. The police later claimed that he had been mistaken for a wanted criminal. The Prosecutor's Office raised homicide charges against two law enforcement officers. On 5 March 2002 Sofia City Court acquitted them.

◆ On 1 February in Dolni Chiflik, Zlatin Zlatinov, who had shot at police officers several days earlier, was found dead. Official police reports cited suicide as the cause of death; his relatives alleged that the police had killed him.

◆ On 5 April, the Rom Emil Velinov (23) was found dead in the pre-trial detention centre in Dupnitsa. According to official reports he had hanged himself. His relatives alleged that the guards had killed him. The investigation on the case had not finished by the end of the year.

◆ On 5 June, soldier Yordan Andreev died after jumping from the fourth-floor window of the First Army Corpus in Sofia, where he was under investigation for theft. The investigation had not been completed by the end of the year.

◆ Sevgin Asanov (21), a runaway soldier, was killed on 23 July by a military police-

man who was trying to apprehend him. The investigation had not been completed by the end of the year either.

During the year, the Bulgarian Helsinki Committee continued to monitor the homes for mentally retarded adults and children. The appalling conditions, systematic malnourishment and lack of adequate medical care put the lives of some of the people living there at serious risk.

◆ Fourteen died during the winter of 2000-2001 in the home for mentally ill adults in Dragash Voivoda near Nikopol.

Women's Rights

Two major developments in legislation and practice that occurred in the last year was in the field of women's rights: the preparation of the Draft Act for Equal Opportunities Between Men and Women and 27 % of female representation in Parliament. Progress was also noted in the sphere of combating violence against women.

The draft Equal Opportunities Act contains a clear ban on direct and indirect sexual discrimination, and, for the first time, it addresses sexual violence at work and in schools. The draft also envisages protection from discrimination during the exercise of the right to work, during participation in political life and in education. When it was tabled in Parliament, the draft received the negative opinion of some of the parliamentary commissions, on the grounds, *inter alia*, that the constitutional safeguards against discrimination were sufficient and that anti-discriminatory bans existed in other acts. Undoubtedly, indication for the great success in terms of the realisation of the political rights of women was the high participation of women in the new Parliament, which jumped from 11 to 27%.

Domestic Violence

The Animus Association, a local NGO, reported that in the period January – Oc-

tober, 725 out of 1,031 requests for help from victims of domestic violence came from women. Furthermore, 52 % of the women who had addressed the organization during the same period were victims of domestic violence. The statistics from other organizations also revealed striking figures. The Plovdiv office of the organization showed that 85 % of the total number of women who sought their assistance alleged to have been victims of domestic violence. The existence of a procedure for filing complaints to the Prosecutor's Office, and warnings by police, were completely ineffective in the prevention of domestic violence.

The local NGO, Bulgarian Gender Research Foundation, together with representatives of state institutions prepared a draft act for protection from domestic violence. It provides for quick and efficient interference by the district courts in order to protect the direct victims of domestic violence, as well as restriction of the activities and removal of the perpetrator of violence from the place of cohabitation.

NGOs offered legal help to female victims of violence during the year. At the end of 2001, legal aid was offered to K. M. – a young Romany woman, a victim of a group rape with the participation of her employer; the case involved different forms of discrimination. The case is also of interest, because of the incompetent interference by the police.

Trafficking in women also continued to be a main component of the trafficking in human beings in 2001. In April, Bulgaria ratified the Protocol for Prevention, Stopping and Sanctioning Traffic in People and Especially Women and Children of the UN Convention against Transnational Organized Crime. No official statistics was available on the number of victims of trafficking. The Border Police Department made no distinction between illegal immigration and the trafficking of people.

A new topic in the sphere of women's rights during the year was protection from discriminatory advertising. The first lawsuits against advertising agencies were brought in during the year. In February 2001, the Bulgarian Gender Research Foundation alerted the Commission for Trade and Consumer Protection in connection with openly discriminatory advertisements, which used women's lingerie and bra sizes to advertise phone cards. The case was pending in court at the end of the year.

◆ In July, a businesswoman from Plovdiv took the producers of an allegedly discriminatory advertisement to court; the advertisement placed women on a par with beer and cars as the most necessary things for a man. Other lawsuits followed regarding the same advertisement, all of which will be heard in court during 2002.

Rights of the Child

The situation in the state and municipal facilities for children did not change significantly in 2001. The implementation of the Child Protection Act adopted in 2000 did not commence during 2001. The institution of the foster family, which the Act introduced, was not implemented effectively. The number of children in the different institutions remained high – at over 35,000. The problems of previous years regarding children in institutions, namely the lack of personal care and adequate social contact, malnourishment, restriction of the right of large groups of children to participate in normal education, abuses and physical violence in some institutions, continued in 2001.

The situation in the homes for mentally retarded children was especially dramatic. The BHC continued to monitor these establishments where some 3,400 children aged between three and 18 were accommodated.

In 2001, some improvements were noted in the system of child social homes regarding material conditions and access to food. Some homes employed additional personnel. Despite this, however, the overall situation in the homes for mentally retarded children remained grave as regards violations of their rights. Twenty-five out of 32 of such homes were located in small villages and economically depressed mu-

nicipalities. The children there were considered uneducable and work with them was limited to their physiological upbringing. This in turn led to the deterioration of their condition. Medical care in the homes was also inadequate. Child mortality in homes for the mentally- and physically disabled ranged between 5 and 18 %. Staff in the homes continued to be insufficient, overworked and badly paid.

Endnotes

- ¹ Based on the Bulgarian Helsinki Committee *Annual Human Rights Report for 2001*. For the full report, see www.bghelsinki.org. Materials from the Tolerance Foundation and the Bulgarian Gender Research Foundation were also used.
- ² See also Conditions in Prisons and Detention Facilities.