

**IHf FOCUS: freedom of expression, free media and information; freedom of association and peaceful assembly; independence of the judiciary and fair trial; torture and ill-treatment; conditions in prisons and detention facilities; right to life; freedom of religion and religious tolerance; rights of persons with disabilities; national and ethnic minorities; equal rights of women and men; aggressive nationalism, racism and xenophobia; asylum seekers, refugees.**

On 25 June 2005, regular parliamentary elections were held in Bulgaria. The elections were free and fair. The Bulgarian Socialist Party, which had been an opposition force until then, won the most votes, but did not secure a sufficient number of seats in parliament to form a one-party government. After lengthy talks, the Socialist Party formed a new government together with two other parties that had taken part in the previous government, the centrist National Movement of Simeon II and the Movement for Rights and Freedoms, which primarily represents ethnic Turks. The main priority of the new triple coalition was to ensure Bulgaria's accession to the European Union.

During the year, different EU bodies actively monitored and evaluated the country's readiness for membership in the union. In October, the European Commission published its annual report on Bulgaria's progress towards accession.<sup>1</sup> In this report, the commission expressed serious concern about the state of human rights in a number of areas, such as the use of force and firearms by law enforcement officials, conditions in places of detention and the integration of minorities and people with mental disorders. As in previous years, however, the report concluded that Bulgaria met the so-called Copenhagen criteria established by the European Council in 1993.

The European Court of Human Rights in Strasbourg (ECtHR) delivered judgments in 23 cases involving Bulgaria. In all these cases, the court found violations of

different rights and freedoms guaranteed by the European Convention on Human Rights (ECHR) and its protocols. The Bulgarian government, however, failed to take any effective measures to hold accountable the institutions and officials that were responsible for these violations.

### **Freedom of Expression, Free Media and Information**

The situation regarding freedom of expression did not improve noticeably in 2005. There were remaining problems concerning inadequate and discriminatory media regulation, corruption and the use of criminal prosecution for intimidation of journalists.

Anti-minority hate speech dramatically increased in some media and this problem was not adequately dealt with by media regulatory mechanisms, in particular the Council for Electronic Media (CEM). A number of cable operators, most notably the SKAT television network, daily broadcast programs containing xenophobic and racist discourse, although the Radio and Television Act explicitly prohibits such broadcasts. However, throughout the year, the CEM remained silent with respect to these occurrences. This approach was in significant contrast to the one showed by the CEM in 2003, when it – in violation of free speech standards – dissolved the Den television station because the program "From Telephone to Microphone" allegedly incited ethnic and religious hatred.<sup>2</sup>

The failure of the CEM to adequately carry out its monitoring functions was also

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documented by a large-scale study examining broadcasting in 20 European countries. This study,<sup>3</sup> published in October, recommended that the Bulgarian government adopt legislative amendments to better ensure the independence, including the financial independence, of the regulatory body.

The use of criminal proceedings against journalists continued in 2005.

◆ The criminal case against the Romanian journalist George Buhnici, arrested in November 2004 for using a concealed camera to film illegal cigarette trade at the Bulgarian-Romanian border, was finally brought to an end in December 2005. The Ruse Regional Court acquitted Buhnici of all charges.

◆ In the fall of 2005, the Ruse District Court ordered journalist Kalina Grancharova from the *Tutrakanski Glas* newspaper to pay a fine of EUR 250 for writing a defamatory article. The decision was appealed before the Regional Court, but no hearing had been scheduled by the end of the year.

A survey on the relationship of Bulgarian media with PR agencies, which the Bulgarian Helsinki Committee (BHC) carried out during the second half of 2005, revealed widespread corruption practices in some media, including the acceptance of payment in exchange for certain articles or programs. The prevalence of corruption practices reflected the financial dependence of the editorial bodies of some media on certain economic and political circles.

### **Freedom of Association and Peaceful Assembly**

In 2005, the ECtHR delivered three judgments against Bulgaria in which it found violations of the right to freedom of association and peaceful assembly (article 11 of the ECHR). All three cases had been filed by Bulgarian Macedonians. On 20

October, the Court issued two judgments – in the cases of *UMO Ilinden and Ivanov v. Bulgaria* and *UMO Ilinden PIRIN v. Bulgaria*. In the former, the court held that a series of prohibitions issued by local authorities concerning the holding of peaceful public events by Bulgarian Macedonians were in violation of article 11 of the ECHR. In the latter case, the Court held that the Bulgarian authorities had violated the same article when they, in 2000, declared unconstitutional and banned a political party with a predominantly Macedonian membership. On 24 November, the ECtHR delivered its judgment in the case of *Ivanov and Others v. Bulgaria*, where it found violations of article 11 and 13 (right to an effective remedy) in relation to the banning of demonstrations by Bulgarian Macedonians in Sofia in August and September 1998.

During the year Bulgarian Macedonians faced new violations of their right to peaceful assembly.

◆ On 12 September, the police in Blagoevgrad did not allow representatives of the United Macedonian Organization UMO Ilinden to lay flowers at the grave of Gotse Delchev, a 19<sup>th</sup> century Macedonian revolutionary. The police confiscated their banners, a poster and a wreath. Moreover, a number of UMO Ilinden activists were attacked by unidentified individuals on their way out of Blagoevgrad near the village of Chernice. The UMO Ilinden members subsequently lodged complaints with the district prosecutor's office in Blagoevgrad and with the regional military prosecutor in Sofia. In October, the latter declared that no crime had been committed, a decision which was upheld upon appeal by the Sofia appellate prosecutor's office.

There were also other cases during the year in which the right to peaceful assembly was violated.

◆ On 22 August, the mayor of Varna banned a gay parade under pressure of a

civil committee from two neighboring bishoprics.

◆ In several cases in July, September, and November, authorities and private security companies reportedly used illegal force and threats to disperse the participants in protests held in connection with the relocation of garbage dump sites around Sofia.

### **Independence of the Judiciary and Fair Trial**

The main problems regarding the functioning of the judiciary persisted. These were related to the lack of adequate guarantees of the independence of courts from institutional and private interests, the ineffectiveness of pre-trial proceedings in criminal proceedings, the length of preliminary investigations in criminal cases and the length of some court proceedings.

Bulgaria was criticized by the European Commission and the governments of several EU member states because of the ineffectiveness of its judicial system. Concerns were mainly expressed about procedural and other violations in pre-trial criminal proceedings and the lack of adequate measures to fight corruption in the judicial system. The Bulgarian government responded to the criticism by adopting amendments to the criminal procedure code in June, which *inter alia* transferred authority over pre-trial investigations from investigating authorities to police. The government also drafted constitutional amendments related to the judiciary. These amendments were, however, yet to be submitted to parliament at the end of 2005.

During the year, the ECtHR found violations of the right to a fair trial (article 6 of the ECHR) in ten cases involving Bulgaria. However, two positive developments also occurred with regard to fair trial guarantees. In May, the National Assembly passed new legislation on private bailiffs,

which was expected to strengthen the enforcement of court judgments. In September, new legislation was adopted establishing a comprehensive legal aid system, which greatly broadened the scope of available legal aid. As of 1 January 2006, legal aid will be available in criminal, civil and administrative cases.

### **Torture and Ill-treatment**

In January, the ECtHR issued a judgment in the case of *Kehayov v. Bulgaria*, in which it found a violation of article 3 of the ECHR (prohibiting torture and inhuman or degrading treatment or punishment). The applicant had been detained in the Plovdiv investigation detention facility for approximately six months, where he was held in a cell measuring 10.5 square meters together with three other detainees, with no possibility for outdoor or out-of-cell activities. This was the first time the ECtHR has qualified detention conditions in Bulgarian investigation detention facilities as inhuman and degrading.

In June, the Strasbourg court again found a violation of article 3 of the Convention in the case of *I.I. v. Bulgaria*. In this case, the applicant had been detained for three months in a dark, poorly ventilated and damp cell of six square meters together with two to three other detainees. The ECtHR held that the fact that, during several months, the applicant had to spend practically twenty-four hours a day in an overcrowded cell without exposure to natural light, and without any possibility for physical and other out-of-cell activities, must have caused him intense suffering.

### **Conditions in Prisons and Detention Facilities<sup>1</sup>**

#### **Prisons**

The number of persons held in Bulgarian prisons grew from 10,871 in 2004 to 11,436 in 2005. The problem of overcrowding was somewhat alleviated by new

legal possibilities for placing inmates in prison hostels with lighter regime conditions. The rise in the number of inmates placed in prison hostels did, however, not improve the situation in prison facilities for recidivists, where the problem of overcrowding was particularly bad.

Bulgarian legislation did not establish any standards concerning the living space per prisoner. In most prisons, the living space was two square meters per person, while the unoccupied area was less than one square meter per inmate. The most overcrowded prisons had double or triple bunk beds. Overcrowding was greatest in the prison in Plovdiv, where the number of inmates exceeded the capacity several times, and there were also an urgent need for measures to reduce overcrowding, increase personal space and improve lighting and ventilation in the prisons in Pleven and Varna. The prisons in Sofia, Vratsa, Pleven, Stara Zagora, Plovdiv, Sliven, Varna and Burgas and the Atlant prison hostel all lacked in-cell toilets so inmates had to use buckets at night.

In some high security facilities, material conditions and possibilities for recreational activities remained unsatisfactory. In the Burgas prison, inmates frequently complained about negative attitudes and the use of physical force by prison staff toward inmates. In other prisons, such complaints were less common. Efforts by the competent authorities to investigate inmates' complaints about abuse were obstructed by the fact that prison medical personnel were not instructed to document signs of self-injury, rape and violence.

In comparison to previous years, the quantity and scope of re-socialization activities improved. However, the large number of inmates per social worker – up to 100 and more – prevented effective individual and group work.

The disciplinary practices used in different prisons continued to lack uniformity.

Differences in the practice of establishing violations and imposing sanctions and seclusions, as well as differences in the opportunities to appeal such decisions, gave rise to complaints from prisoners.

◆ In April-May, 37 foreign nationals serving their sentences at the Sofia prison went on hunger strike to protest discriminatory practices toward non-national inmates in terms of conditional early release, leaves and placement in prison hostels.

### *Investigation Detention Facilities*

Based on its monitoring activities, the BHC concluded in a report published in 2005 that detention conditions in investigation detention facilities could be described as inhuman and degrading and were in the greatest need of reform.

The number of detainees kept in the 51 investigation facilities in the country ranged between 850 and 900 per day. In the facilities in Plovdiv as well as in the border facilities in Svilengrad and Slivnitsa, the number of detainees exceeded the facility's capacity during parts of the year.

The material conditions in investigation detention facilities were not in accordance with international standards for the treatment of prisoners. In spite of renovations, many of the investigation detention facilities continued to lack adequate lighting, ventilation and hygiene. Moreover, the general conditions in the facilities were worse than those in prisons. Most facilities lacked places for outdoor activities and rooms for family visits or attorney meetings, and no meaningful activities for detainees were organized and detainees did not have access to television or radio.

At the initiative of the prosecutor general's office, in February, prosecutors from the supreme prosecutor's office of cassation and the military and regional prosecutor's offices carried out an inspection of all investigation detention facilities and the sectors for remand prisoners in prisons.

The report published following this investigation concluded that the facilities in Petrich, Gabrovo, Lom and Svilengrad were completely unfit for use and that most other investigated facilities, with the exception of the sectors for remand prisoners in prisons and a few other facilities, did not correspond to the Council of Europe standards on minimal personal space, outdoor stay, lavatories, lighting, etc. The report recommended that all underground facilities, which lack windows or communal lavatories, as well as facilities located on top floors, which cannot be reconstructed to have lavatories, sinks and windows, be taken out of service.

In a positive development, the detention facility in Elhovo, which was one of nine underground facilities, was closed down in October. Instead a new facility was opened, where conditions were in conformity with relevant standards.

### Right to Life

Legislative and practical safeguards for the protection of the right to life remained below international standards. Article 80 of the Interior Ministry Act permitted the use of firearms for the pursuit of suspects as well as for the prevention of the escape of suspects, even in the case of petty crimes. This provision remained unchanged when a revised version of the law was adopted in early 2006.

Four people lost their lives in 2005 as a result of excessive use of firearms by law enforcement officials. In some cases the perpetrators were brought before court, but in others the response of the investigating authorities was inadequate, resulting in impunity of the perpetrators of these acts.

◆ On 14 April, Julien Krastev, a 37-year-old homeless man, was beaten to death by Sergeant D.B. from the first district police station in Varna. D.B. was returning home from a nightclub when he saw Julien Krastev in front of the building where

he lived. Krastev frequently slept in a tiny closet in the apartment building's communal parts. An old refrigerator that had been stolen the previous day sparked the attack. Part of the beating took place in front of two other police officers who were in D.B.'s company, who just looked on and did not intervene. Forensic doctors established that Julien Krastev had died as a result of multiple internal injuries. Sergeant D.B. was detained, charged with premeditated murder and suspended from the police. The Varna regional prosecutor's office brought the case to court, and at the end of the year a hearing was pending. The two other police officers who watched the fatal beating, however, were not standing trial.

◆ On 14 August, 27-year-old Ivelin Vesselinov, was beaten to death by Chief Sergeant P.B. from the sixth district police station in Plovdiv and two civilians. Vesselinov had stuck a syringe in a young woman's leg on the street. Chief Sergeant P.B. and the two men caught Vesselinov and started beating him. Later, Vesselinov was taken to the fifth district police station in a patrol car. He collapsed and the emergency team that arrived established his death. Chief Sergeant P.B. was dismissed from work for breach of discipline and an investigation was opened into the case of him and his two accomplices. The case had not finished by year's end.

◆ On 10 November, 38-year-old Angel Dimitrov-Chorata died in Blagoevgrad in the framework of a police operation called "Respect." According to the Interior Ministry, Dimitrov put up resistance when police tried to arrest him and therefore they had to use force to secure his arrest. Shortly after he was handcuffed, Dimitrov fell to the ground, and the emergency medical team that was called to the place established his death. Witnesses, however, reported that Dimitrov had not resisted arrest and had begged the police to stop beating him be-

cause he was having difficulties breathing. The day after the incident it was announced that the forensic pathologists' report had concluded that Dimitrov had suffered a cardiac arrest and that the use of force by police had not caused his death. Dimitrov's relatives requested a new forensic expert analysis, which found that Dimitrov had died as a result of trauma wounds (brain hemorrhage) caused by the police beating. Interior Minister Rumens Petkov subsequently apologized to Dimitrov's relatives and the heads of the regional directorate of internal affairs and the Regional Office for Combating Organized Crime resigned. The police officers involved in the beating also left their positions. On 14 December, the Sofia district military prosecutor issued an order for the termination of the investigation into the case, a decision which caused great astonishment. On 8 January 2006, the family's lawyer appealed this decision before the Sofia Military Court, and on 19 January 2006, the court found irregularities in the factual and legal conclusions of the prosecutor's office order and therefore revoked the decision. The case was thereafter referred for further inquiry.

◆ On 20 December, special police forces shot dead 30-year-old Hari Milkovski in Vlado Trichkov village, near Sofia. The man was shot in an operation to release the British citizen Chistou Fanos, who had been taken hostage by Milkovski and two other men after arriving in Bulgaria five days earlier. The hostage takers had asked for £44,000 (about EUR 22,500) ransom for his release. The fatal shooting occurred as the squad for fighting organized crime raided the house where Fanos was held hostage. An investigation was opened into the case.

During the year, there was no progress in the case of Boris Mihailov, who was shot dead by a law enforcement official from the Samokov District Police Department in August 2004. The case remained under in-

vestigation. The case of Kiril Stoyanov, who was shot dead in Plovdiv in March 2004, was suspended after the Plovdiv Regional Military Court confirmed an August 2004 decision by the Plovdiv deputy regional military prosecutor to terminate an investigation into the case. Both men were of Romani origin.<sup>5</sup>

◆ In July, the Grand Chamber of the ECtHR upheld the decision of the court in the case of the shooting of two Romani army conscripts by military police in 1996. The court found a violation of the right to life and discrimination on ethnic grounds in that the authorities failed to investigate the possible racist motives behind the shooting.<sup>6</sup>

### Freedom of Religion and Religious Tolerance

The discriminatory provisions of the 2002 Denominations Act, which restricted the rights of non-Orthodox religious organizations, remained in force.<sup>7</sup> The Bulgarian Orthodox Church remained divided.

◆ No measures were taken to hold accountable the perpetrators or to remedy the effects of the police operation carried out on 20 July 2004 in an attempt to forcefully unite the Bulgarian Orthodox Church under the leadership of the government-backed Patriarch Maxim. In this operation, police stormed about 100 churches and other buildings managed by the so-called "alternative Synod" and handed them over to the jurisdiction of the so-called "canonical Synod" of Patriarch Maxim. The clerics who were forced to leave their positions during the raid were not reinstated and the confiscated property was not returned to its rightful owners. Over 80 applications were filed with the ECtHR in relation to the 2004 raid. The applicants, who totaled close to 800 people – the largest number of applicants ever in a case involving Bulgaria, claimed a viola-

tion of article 9 of the ECHR (freedom of thought, conscience and religion) and article 1 of the first additional protocol to the convention (protection of property).

The year also saw the success of the ultra-nationalist *Ataka* ("Attack") coalition, which openly campaigned against religious minorities and what it called "sects," in the June parliamentary elections. The *Ataka* coalition received 9% of the votes, and thereby secured 21 seats in the parliament. However, by the end of the year, four MPs had left the group to become independent MPs.<sup>8</sup>

◆ In an article published in the *Ataka* newspaper on 25 October, one of the MPs representing the coalitions wrote: "Our crusade against the Jehovah's Witnesses is only the beginning of a far-reaching political and public campaign which ATAKA will undertake against the sect invasion in Bulgaria...", because "a series of unsolved crimes, including murders, point to a religious motive and lead to existing cult groups and sects in Bulgaria."

◆ On 25 November, Pavel Chernev, MP from the *Ataka* coalition, called on Interior Minister Rumen Petkov to "instruct" the secret services to "take under their control and supervision" denominations like the Jehovah's Witnesses. In response to this statement, the interior minister stated that "the Jehovahites continue to violate the commitments [they have undertaken] and to use every attempt of state interference to discredit Bulgaria and to file applications before the International [European] Court of Human Rights in Strasbourg."<sup>9</sup>

Several cases in which the rights of members of non-traditional religious groups were violated were also reported during the year.

◆ On 12 July, Hans Amon, a Jehovah's Witness, was fined EUR 100 by the Plovdiv municipality for "distributing brochures with religious content in a public place" se-

veral months earlier. The fine was upheld by a Plovdiv court in December. In April, a group of Mormons were banned from distributing brochures with religious content in Pleven.

◆ In October, two Protestant preachers were attacked by a group of Muslims in Gotse Delchev while they were distributing invitations for the showing of a film with evangelic content. A similar incident occurred in August in the village of Grohotno where student evangelists distributing films with Biblical content were met by a protest demonstration led by local imams. The permission for distributing the film was subsequently withdrawn by the village mayor.

◆ In October, a company in Veliko Turnovo refused to allow German citizen Kristina Engel to take up an internship that already had been agreed upon after she openly declared that she belonged to the Jehovah's Witnesses. Engel filed a complaint with the Anti-Discrimination Commission.

◆ On 26 October, the Interior Ministry banned Rev. Dr. Sun Myung Moon, founder of the Unification Movement, from entering the country. The visit was part of a world tour of 100 cities and its aim was to establish a Bulgarian branch of the World Federation for Peace. The ban was motivated due to the "complicated situation in the country" following the high-profile case involving the shooting of banker Emil Kyulev the previous day. The authorities did not provide any written document explaining the decision.

As in previous years, foreign missionaries faced difficulties in their attempts to receive work permits in Bulgaria.

Some media published material inciting hatred on religious grounds. The SKAT TV channel, known as an *Ataka* mouthpiece, led a systematic campaign against



the so-called sects. Following programs broadcast on the SKAT TV, inhabitants of the Meden Rudnik neighbourhood in Burgas staged a protest against the 2 October opening of a Jehovah's Witnesses prayer house in their neighborhood, arguing that it posed a danger to their children. The building was attacked with stones on 18 and 19 October.

Minority religious communities continued to experience unequal access to national TV broadcasts; the large TV channels with national coverage broadcast as a rule only programs with Orthodox Christian orientation. For the fifth year, an application of the United Church of God for a radio license was turned down by the Council for Electronic Media because of a "lack of technical possibility."

### **Rights of Persons with Disabilities**

A new Health Act adopted in January established new safeguards against arbitrary placement in mental health institutions. A new procedure was introduced, which requires the preparation of an expert opinion about the mental state of the individual to be confined in mental health hospital and the danger this person is assessed to pose. The whole procedure is to be carried out before a court, legal representation of the person whose case is under consideration is mandatory, and time limits were established for the preparation of the expert opinion and the court hearing. The maximum length of involuntary treatment that a person can be ordered to undergo was reduced from six to three months and the court's decision can be appealed.

The BHC observed certain problems concerning the application of the new procedure for compulsory treatment of patients, but overall a much smaller number of patients were unlawfully placed in mental institutions and treated involuntarily than in previous years. However, the con-

tinued use of the practices of seclusion and immobilization, which were in violation of international standards, remained a cause of serious concern. Moreover, the treatment offered to people with mental disorders was typically only of a medicinal nature, while adequate programs for the rehabilitation and re-integration into society of patients were lacking. Few efforts were also made to recruit qualified and motivated medical and other staff to institutions and homes for people with mental disorders.

In some state psychiatric hospitals, such as the ones in Byala, Lovech, Patalenitza and Karlukovo, material conditions were appalling. Rooms and other facilities were dilapidated and scantily furnished, there was no running hot water and hygiene was poor.

The two social care institutions for people with developmental disabilities that the Committee for the Prevention of Torture criticized after its 2003 visit to Bulgaria – the social care home for women in the village of Razdol and the social care home for men in the village of Pastra – continued to function. There were some improvements in the material conditions of other social care homes, but no real progress was observed with respect to the overall quality of life of patients.

During visits to psychiatric hospitals, BHC researchers established several cases of death of patients, which were not adequately investigated or not investigated at all.

### **National and Ethnic Minorities**

According to the Protection from Discrimination Act, which entered into force on 1 January 2004, a Commission for Protection from Discrimination was to be established by March 2004. With over a year's delay, this commission started working and receiving complaints in 2005, but did not issue any decisions during the year.



However, a number of important court decisions concerning alleged racial discrimination against Roma were handed down on the basis of the Protection from Discrimination Act. In a decision that was unprecedented in both Bulgaria and Europe as a whole, the Sofia District Court ruled in October that Roma children had been subjected to racial segregation in school. In other court rulings, commercial enterprises running cafeterias, restaurants and hotels were found guilty of ethnically based discrimination for denying Roma customers access to service. There were also judgments against private employers who had refused to hire Roma.

While developments in the judicial sphere were positive, an adequate policy for the integration of the Roma community continued to be lacking, despite official declarations in support of the Decade of Roma Inclusion, which was launched in February as a joint initiative of eight Central and Eastern European countries.

There were new cases of forced evictions:

◆ On 31 August, over 20 Roma houses were demolished in a Roma neighborhood in Sofia on the order of the municipal administration. The inhabitants were left homeless. In September, the municipal authorities of another Sofia district attempted to demolish an entire Roma neighborhood existing since the beginning of the 20<sup>th</sup> century. No provisions were made for alternative housing for the people living in this neighborhood. The project was temporarily halted by the prosecutor and court pending a clarification of the grounds for the demolition.

Radio and TV broadcasts in minority languages remained limited. The only minority programs that were broadcast were programs in Turkish on Bulgarian National Radio (on short and medium waves and therefore with limited audience), a 10-minute daily news bulletin on Bulgarian

National TV at an unfavorable hour (5 p.m.), and weekly broadcasts on TV Rhodopi in Kardjali and TV Roma in Vidin. In January, the CEM turned down a request of a Macedonian organization to air programs in Macedonian on national television.

### Equal Rights of Women and Men

In the field of equal rights of women and men, the most important development during the year was the adoption and enforcement of the Domestic Violence Protection Act. This act, which was promulgated in the *State Gazette* on 29 March 2005, defines domestic violence as any act, or attempted act, of physical, psychological or sexual violence and abuse or of coercive restriction of freedom and privacy targeted at a person with whom the perpetrator is related, cohabits or shares a dwelling (article 2).

According to the act, regional courts are to issue court protection orders for the purpose of restraining a perpetrator of domestic violence from committing further acts of violence, removing him or her from the common dwelling, or constraining his or her access to places commonly frequented by the victim, including his or her workplace. Court proceedings may be instituted upon application by the victim or upon request by the director of the Social Assistance Directorate. Along with protection measures, all court orders impose a fine of 200 to 1000 leva (approximately EUR 100 to 500). In the absence of other evidence, a protection order may be issued solely on the basis of the victim's statement.

If an application includes evidence of a serious threat to the life or health of the victim, the relevant regional court is to issue an emergency protection order within 24 hours of the receipt of the application. Emergency protection proceedings may be initiated not only upon application by

the victim but also upon application by a direct relative of the victim. Police authorities are responsible for forwarding to court emergency protection applications that they receive, and are further assigned an important role in the execution of protection orders.

The ministers of the interior, justice, labour and social policy, health, education and science, and of finance were tasked with elaborating a Domestic Violence Prevention and Protection Program within six months of the entry into force of the act. The act also envisioned cooperation between state authorities and NGOs, which are working in this field and are registered under the Social Assistance Act, in the implementation of prevention and protection programs.

At the end of the year, a total of 80 court cases had been brought under the new law in Sofia, and 40 in Plovdiv.

### **Aggressive Nationalism, Racism and Xenophobia**

The ultra-nationalist *Ataka* coalition, which gained representation in parliament in the June elections, systematically used aggressive racist and xenophobic propaganda. Its propaganda was mainly targeted against Bulgaria's Roma population. Representatives of the coalition repeatedly described the Roma as a "criminal community" and a "threat to the Bulgarians" because of their high birth rates. The country's Turkish, Jewish, Muslim and other minorities were also verbally attacked by the movement and its leader, Volen Siderov, made himself known as a radical anti-Semite and Holocaust-denier. The party's entry into parliament, and the media coverage it enjoyed, contributed to negative stereotyping of Roma and other minority groups in political and public debate and impeded integration efforts.

There was no adequate response to the rise in racist and xenophobic propa-

ganda by major political forces or law enforcement authorities, and while media frequently addressed issues of equality and anti-discrimination, no media outlet took a clear stance against the hate speech used by the *Ataka* coalition by refusing to publish such material. There was, however, civil society mobilization on the issue. Dozens of civil society organizations formed the coalition "Citizens against Hatred" and filed a lawsuit for incitement to discrimination against Volen Siderov. The court's judgment was yet to be delivered at the end of the year.

### **Asylum Seekers and Refugees**

The number of asylum seekers decreased in a trend that continued from the previous year. Asylum applications were filed by a total of 822 people from 38 countries, which was 27% less than in 2004. A major reason for the continued decrease in asylum applications were stricter border control measures carried out in the framework of Bulgaria's accession to the EU.

A number of amendments to the Asylum and Refugee Act that were adopted during the year resulted in a higher standard of protection of asylum seekers and refugees, but other amendments marked a deterioration of existing standards. For example, the definition of "family member" was narrowed; the standard of protection of unaccompanied minors was made worse; and the number of interviews required during the asylum procedure was reduced from two to one.

Access to the asylum procedure was not always guaranteed and asylum seekers were denied entry to the country in violation of the principle of *non-refoulement*. There was no progress in the planned construction of regional departments of the State Refugee Agency at the main points of entry to the country, the Sofia airport and the Kapitan Andreevo border check

point, and therefore no asylum determination procedures were conducted at the borders. At the same time, the State Refugee Agency only examined asylum cases that were directly referred to it by border police. In all 63 asylum cases that were referred to the State Refugee Agency by border police in 2005 access to the

asylum procedure was secured only as a result of BHC intervention.

During the year, 86 people were granted asylum – 78 of them were given humanitarian status and eight refugee status. The overall refugee determination rate thus remained low, or 10% of all registered asylum applications.

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## Endnotes

- <sup>1</sup> European Commission, *Bulgaria: 2005 Comprehensive Monitoring Report*, Brussels, 25 October 2005, available at [www.europa.eu.int/comm/enlargement/report\\_2005](http://www.europa.eu.int/comm/enlargement/report_2005).
- <sup>2</sup> For more information on this case see the chapter on Bulgaria in IHF, *Human Rights in the OSCE Region. Report 2004 (Events of 2003)*, at [www.ihf-hr.org/documents/doc\\_summary.php?sec\\_id=3&d\\_id=3860](http://www.ihf-hr.org/documents/doc_summary.php?sec_id=3&d_id=3860).
- <sup>3</sup> *Television across Europe: regulation, policy and independence*, EU Monitoring and Advocacy Program at Open Society Institute, October, 2005.
- <sup>4</sup> See also IHF, *Places of Detention in Bulgaria - Report from the visit of the delegation of human rights NGOs to places of detention in Bulgaria on 27 and 28 September 2004*, 1 April 2005, at [www.ihf-hr.org/documents/doc\\_summary.php?sec\\_id=3&d\\_id=4131](http://www.ihf-hr.org/documents/doc_summary.php?sec_id=3&d_id=4131).
- <sup>5</sup> For both cases, see *Human Rights in Bulgaria in 2004*, annual report of the BHC, available at [www.bghelsinki.org](http://www.bghelsinki.org).
- <sup>6</sup> *Case of Nachova and Others v. Bulgaria*, Applications nos. 43577/98 and 43579/98, European Court of Human Rights, 6 July 2005.
- <sup>7</sup> For an analysis of the discriminatory provisions of the law, see *Human Rights in Bulgaria in 2002*, available at [www.bghelsinki.org/](http://www.bghelsinki.org/).
- <sup>8</sup> Another three MPs left the *Ataka* parliamentary group in early 2006.
- <sup>9</sup> See Minutes from the parliamentary meeting for parliamentary control, response of Interior Minister Petkov to question of *Ataka* MP, Pavel Chernev, at [www.parliament.bg/?page=plSt&lng=bg&SType=show&id=69](http://www.parliament.bg/?page=plSt&lng=bg&SType=show&id=69).