

# BULGARIA

## EXECUTIVE SUMMARY

The Republic of Bulgaria is a parliamentary democracy. The constitution vests legislative authority in the unicameral National Assembly (Narodno Sabranie). A minority government headed by a prime minister led the country. Observers characterized the 2011 presidential elections as reflecting “a respect for fundamental rights and freedoms,” but they also noted reports of vote buying and organizational weaknesses. Security forces reported to civilian authorities.

The marginalization of the Romani minority remained Bulgaria’s most pressing human rights problem. Also of note was right-wing extremist violence against Roma, Muslims, and other religious minorities. Corruption continued to be a drag on the government’s capabilities and public confidence in the judiciary and other state institutions.

Other human rights problems included harsh conditions in prisons and detention facilities, including overcrowding. Mistreatment of prisoners and detainees, especially members of minorities, was also alleged. There were also long delays in the judicial system; apparent abuse of wiretapping; violence and discrimination against women; violence against children; discrimination against members of the Romani and Turkish ethnic minorities; anti-Semitic vandalism; trafficking in persons; and discrimination against persons with disabilities, against lesbian, gay, bisexual, and transgender persons, and persons with HIV/AIDS.

The government took steps to prosecute and punish officials who committed abuses both in the security services and elsewhere in the government. However, their actions were often ineffective, and impunity was a problem.

### **Section 1. Respect for the Integrity of the Person, Including Freedom from:**

#### **a. Arbitrary or Unlawful Deprivation of Life**

There were no reports that the government or its agents committed arbitrary or unlawful killings. Human rights advocates continued to insist that the law provides police with excessive authority for use of force and lethal use of firearms. The prosecution service reported that the number of cases against security personnel was increasing. During the 10 months through October, there were 39 prosecutions and 13 convictions of Interior Ministry personnel.

**b. Disappearance**

There were no reports of politically motivated disappearances.

**c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment**

The constitution and law prohibit such practices; however, observers noted increased use of force in connection with the government's stepped-up efforts to address organized crime. According to an Open Society Institute (OSI) survey, police were more likely to use excessive force on persons of Romani origin. In the first six months of the year, the government investigated 36 cases of police violence. During the seven months through July, the courts acquitted 12 police officers. Nongovernmental organizations (NGOs) claimed that authorities frequently did not properly investigate allegations of police brutality.

Police can detain persons for 24 hours without charging them. There were some reports that police sometimes arrested suspects for minor offenses and physically abused them to force confessions, especially in cases involving Romani suspects. In November 2010 four police officers beat 23-year-old student Stefan Bofirov from Plovdiv to make him confess to a robbery. The Ministry of Interior fired one officer and disciplined the other three for exceeding their authority; the criminal prosecution of the four officers began in June and was continuing as of October.

Human rights groups continued to claim that medical examinations following cases of police abuse were not performed and that officials rarely punished offending officers.

**Prison and Detention Center Conditions**

Conditions in most prisons were harsh with inadequate toilet facilities, heating, and ventilation. During the year there were 53 deaths in prisons and four deaths in pretrial detention centers. Prisoners had access to potable water. There were no reports of inadequate record keeping. There were no reports that conditions for women prisoners were worse than those for men. Most of the prison facilities dated from the early 1900s; the government built the newest facility in 1983.

Overcrowding remained a serious problem, especially in pretrial detention centers. As of October there were 9,714 prisoners, including 89 juveniles and 301 women,

in the country's 13 prisons, which had a designed capacity of 8,763 inmates. In Burgas Prison some of the inmates were forced to sleep on the floor for lack of sufficient bed space. The daily food allowance was approximately 3.20 leva (\$2.14). NGOs received complaints about both the quality and quantity of food.

The prison administration received complaints from prisoners about sanctions imposed on them, the poor quality of medical services, living conditions, and mistreatment by prison guards. The Bulgarian Helsinki Committee (BHC) stated that performance reports throughout the year showed the administration's training for prison guards was ineffective. Unfilled guard positions resulted in inadequate staffing and contributed to the poor execution of guard duties. Foreign prisoners serving longer terms were held in a separate prison in Sofia to provide them with easier access to consular services.

The prison administration estimated that 1,300 prisoners, or more than 13 percent of the prison population, were drug-dependent. Prison authorities experienced difficulties in limiting prisoner access to narcotics and diagnosing and treating the increasing number of drug-dependent inmates.

All prisoners have the right to work, and two days of work reduced the prison term by three days. In practice the prison administration offered work to only a limited number of prisoners; work was generally less available due to the economic crisis. Prisoners alleged that the system for determining the type of work regime a prisoner received was corrupt and lacked oversight. Nonviolent offenders could be sentenced to probation, allowing them to stay out of prison as long as they met the conditions of their probation sentence.

Only one of the country's 42 detention facilities met internationally established human rights standards. The government partially renovated a few other detention centers. As of October, 1,326 persons were in detention, including 33 juveniles and 48 women. The total designed capacity of the centers was 1,786 persons.

While prisoners in principle have the right to receive visitors, in most cases a lack of space to accommodate visitors in the facility made visits impossible. Prisoners of any faith could hold religious observances.

Prisoners reported substandard conditions to the prison administration, the national ombudsman, and the court system. During the year prisoners filed 854 complaints with the prison administration claiming improper sanctions, improper transfers to other facilities, substandard medical services, poor conditions, and abuse by prison

guards. The prison administration found 717 of those complaints unfounded and dismissed 41 as outside the scope of its authority; it investigated the rest of the complaints and imposed sanctions.

In 2010 the National Assembly allocated 20 million leva (\$13 million) during the three-year period to 2013 to improve living conditions and reduce overcrowding. During the year the prison administration spent 892,000 leva (\$596,000) for various upgrades to existing facilities such as kitchen refurbishment, roof repair, and cell refurbishment.

During the year the government generally permitted monitoring of prisons by independent observers.

#### **d. Arbitrary Arrest or Detention**

The constitution and the law prohibit arbitrary arrest and detention; however, there were reports that police at times abused their arrest authority.

#### **Role of the Police and Security Apparatus**

The Ministry of Interior is responsible for law enforcement. The State Agency for National Security (DANS), which reports to the prime minister's office, is responsible for counterintelligence, domestic intelligence analysis, and investigation of corruption. The National Intelligence Service is responsible for foreign intelligence, and the National Protective Service is responsible for VIP security; both answer to the president. Civilian authorities maintained effective control over the police and security services, and the government had effective mechanisms to investigate and punish abuse and corruption.

#### **Arrest Procedures and Treatment While in Detention**

While not required, police normally obtained a warrant from a prosecutor prior to apprehending an individual. Authorities generally informed detainees promptly of the charges against them. Police may hold a detainee for 24 hours without charge; detention can be extended an additional 72 hours when authorized by a prosecutor. A court must approve detention longer than 72 hours; such detention can last up to two years. Prosecutors may not arrest military personnel without the defense minister's approval. Authorities generally observed these laws, although police sometimes exceeded the 24-hour detention period.

The law provides for bail, and it was widely used.

The law provides for the right to counsel from the time of detention, but there were isolated cases in which police failed to inform detainees of this right. In some cases police officers made the detainees sign a declaration spelling out their rights to legal assistance without any oral explanation, even if the detainees were illiterate. The law provides state-funded legal aid for low-income defendants. In April the prosecutor general issued an instruction that substantially defined and simplified the process by instructing authorities to ensure a detainee has access to legal counsel no later than two hours after detention and that a lawyer has access to the detainee within 30 minutes of his or her arrival at the police station. However, an OSI report indicated detainees often had to make an arbitrary choice of a public defender based on recommendations from the police, a practice that made the process insufficiently transparent.

Arbitrary Arrest: Some Muslim leaders complained of harassment during which security service members would regularly question them about religious radicalism and fundamentalism. In February a former mufti was arrested at night in his home for failure to respond to a court summons which had never been served.

Pretrial Detention: Long delays awaiting trial were common, and there was a large backlog of outstanding investigations. Statutory time limits for investigations often resulted in hasty indictments that judges returned for additional investigation, during which time persons accused of serious crimes were released on bail.

#### **e. Denial of Fair Public Trial**

The constitution and the law provide for an independent judiciary; however, corruption, inefficiency, and lack of accountability were pervasive problems. Public perception that the judicial system rendered unequal justice contributed to a series of demonstrations, some violent and racist, across the country in late September. The demonstrations were sparked by a local protest against alleged police protection of a Romani crime boss involved in a deliberate killing in the village of Katunitsa (see Section 6, National/Racial/Ethnic Minorities).

The Supreme Judicial Council appoints, promotes, disciplines, and dismisses judges, investigators, and prosecutors. It investigates complaints of judicial misconduct and recommends disciplinary action. Managing magistrates can also impose minor punishments. Observers noted that the council was slow to implement internal discipline. Of the 105 disciplinary cases sent to the council

during the year, four resulted in dismissal, two in demotion, four in reduced remuneration, and 46 in other disciplinary sanctions.

Judicial and investigative backlogs remained a problem in larger jurisdictions, and long delays for criminal trials were common.

NGOs reported the juvenile justice system lacked empathy and coordination. Crime reports were not matched with social reports for proper case assessment, which resulted in inefficient and heavy-handed application of corrective action. As of October, there were 89 juveniles in corrective schools and 33 in pretrial detention.

### **Trial Procedures**

The law presumes defendants innocent until proven guilty and allows them ample time to prepare a defense. All court hearings are public except for cases involving national security, endangerment of public morals, and the privacy of juvenile defendants.

Juries are not used. In cases involving serious crimes, two lay judges join a professional judge. If a crime carries a sentence of more than 15 years' imprisonment, two professional judges and three lay judges hear the case. In such circumstances, a majority vote determines verdicts. A defense attorney is mandatory if the alleged crime carries a punishment of 10 or more years in prison; if the defendant is a juvenile, foreigner, or person with mental or physical disabilities; or if the accused is absent. Defendants have the right to be present at their trial and can demand a retrial if they were convicted in absentia, unless they were evading justice at the time of the first trial. Defendants have the right to confront witnesses, examine evidence, and present their own witnesses and evidence. The law provides for the right of appeal, which was widely used. Trial procedures apply equally to all defendants.

### **Political Prisoners and Detainees**

There were no reports of political prisoners or detainees.

### **Regional Human Rights Court Decisions**

As of September the European Court of Human Rights (ECHR) issued 98 judgments during the year that found 55 violations by the country of the European

Convention on Human Rights. The government usually complied with the judgments. In January the Parliamentary Assembly of the Council of Europe cited Bulgaria for “extremely worrying delays” in implementing judgments of the ECHR.

### **Civil Judicial Procedures and Remedies**

The law provides for an independent and impartial judiciary in civil matters; however, the same long delays as for criminal cases affected court action on civil cases. Individuals may file allegations of human rights abuses with courts and with the Commission for Protection against Discrimination (CPD), which could impose fines on violators. Individuals could appeal decisions involving alleged human rights abuses by the state to the ECHR.

#### **f. Arbitrary Interference with Privacy, Family, Home, or Correspondence**

The constitution and law prohibit such actions, and the government generally respected these provisions in practice.

In February the permanent parliamentary subcommittee overseeing the use of specialized investigative techniques reported numerous cases of wiretapping malpractice, including insufficient cause and lack of safeguards to protect collected information.

### **Section 2. Respect for Civil Liberties, Including:**

#### **a. Freedom of Speech and Press**

##### **Status of Freedom of Speech and Press**

The law provides for freedom of speech and press, and the government generally respected these rights. However, there were numerous concerns about the domination of the media market by business interests seeking political influence. NGOs reported that journalists practiced self-censorship or took money from political and business leaders and from organized crime groups to plant either positive stories about the leaders and criminal groups or negative stories about their rivals. In addition, media owners reportedly forced journalists to change their reporting. Journalists complained some media companies kept unofficial lists of political parties, persons, and topics that should receive only positive coverage. Media ownership remained only partially transparent, and there was no civil

monitoring of the government-subsidized media, which were the most popular outside the capital.

Freedom of Speech: The law defines hate speech as speech that instigates hatred, discrimination, or violence based on race, ethnicity, nationality, religion, sexual orientation, marital or social status, or disability. In April the National Assembly adopted amendments to the penal code providing for one to four years' imprisonment for hate speech. The Organization for Security and Cooperation in Europe (OSCE) expressed concerns that the amendments could be abused to restrict freedom of expression and bar legitimate criticism by journalists.

Freedom of Press: Media organizations and in a few cases political parties freely published a variety of newspapers. Private television and radio stations provided a variety of news and public interest programming. Both print and electronic media were susceptible to economic and political influence, and there were reports that individuals with political and economic power intimidated journalists. Although the state-owned electronic media presented opposition views, observers believed that the law was inadequate to protect their programming independence and left these media vulnerable to government pressure.

Individuals criticized the government without official reprisal. However, in rural areas offering fewer employment opportunities, individuals were more hesitant to criticize local governments. Local journalists reported that the regional press was underdeveloped, and especially local online news outlets were under the full control of business interests and groups linked to local governments.

Violence and Harassment: In May the newspaper *Monitor* fired its Kardjali correspondent, Vildan Bairyamova, for criticizing political leaders connected with major media moguls, and refusing to practice self-censorship. Prior to her firing, Bairyamova received threats to herself and her family.

In October the car of Sasho Dikov, director of the cable television channel Kanal 3, was destroyed by a bomb. The investigation into the attack was ongoing.

Libel Laws/National Security: Libel is legally punishable. Usually the courts interpreted the law in a manner favoring journalistic expression. Many defamation cases were prompted by journalists' reporting about corruption or mismanagement; the most frequent plaintiffs were government officials and other persons in public positions.



Nongovernmental Impact: There were some instances of public pressure aimed at journalists. During the protests in Katunitsa (see section 6, National/Racial/Ethnic Minorities), protesters accused journalists of false reporting and twisting the facts. Facebook groups and other online fora launched a campaign of intimidation, threats, and anti-Semitic invective against bTV reporter Mirolyuba Benatova. Those groups reported to the system's administrators that Benatova's Facebook page was offensive; she was banned from the social network.

### **Internet Freedom**

There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the expression of views via the Internet, including by e-mail.

The security services could access electronic data with judicial permission when investigating cyber and serious crimes. However, NGOs criticized gaps in the law that allow the prosecution service to request such data directly from the service providers without court authorization. There were no reports that the government attempted to collect personally identifiable information in connection with a person's peaceful expression of political, religious, or ideological opinions or beliefs.

### **Academic Freedom and Cultural Events**

There were no government restrictions on academic freedom or cultural events.

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

### **Freedom of Assembly**

The constitution and law provide for freedom of assembly, and the government generally respected this right in practice. The law requires groups requesting a permit for gatherings to give 48 hours' notice. The law prohibits public gatherings within a security zone (16 to 66 feet) around the National Assembly, the Council of Ministers, and Presidency buildings. Mayors can prohibit, dismiss, or suggest an alternative site for a gathering they believe poses a threat to public order, security, or traffic.

### **Freedom of Association**

The constitution and law provide for freedom of association, and the government generally respected this right in practice. The law prohibits groups, including political parties, that endanger national unity; promote racial, national, or religious hatred; violate the rights of citizens; or seek to achieve their objectives through violent means. The government generally respected the rights of individuals and groups to establish political parties or other political organizations. However, NGOs may not engage in political activity.

### **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at [www.state.gov/j/drl/irf/rpt](http://www.state.gov/j/drl/irf/rpt).

### **d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons**

The constitution and law provide for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights in practice.

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

### **Protection of Refugees**

Access to Asylum: The law provides for granting asylum or refugee status, and the government has established a system for protecting refugees.

Nonrefoulement: The government provided some protection against the expulsion or return of refugees to countries where their lives or freedoms would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion. The UNHCR stated the risk of genuine refugees receiving a rejection was limited.

The law requires that persons seeking refugee status file an application within “a reasonable time” after entering the country. However, border police are required to detain in a temporary center all persons, including asylum seekers, who enter the country illegally. Asylum seekers were commonly treated as illegal immigrants

and potentially subject to deportation. Observers remained concerned about the institutional capacity of the government to process requests and transfer applicants to shelters.

The opening of a second temporary detention center near the border with Turkey without a local office of the State Agency for Refugees to review applications and grant asylum resulted in the frequent transfer of asylum seekers from that center to the one near Sofia and created more inefficiency and delay.

Refugee Abuse: There were numerous reports of guards mistreating detained immigrants and asylum seekers.

Although the law sets a maximum six-month period of detention for illegal immigrants and asylum seekers, there were numerous reports of detentions exceeding six months.

### **Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government**

The constitution and the law provide citizens the right to change their government peacefully, and citizens generally exercised this right in practice through periodic, free, and fair elections based on universal suffrage. Watchdog organizations and opposition parties alike reported government-affiliated local businesses resorted to intimidation and pressure to insure electoral support for the ruling party, GERB, in the October local and presidential elections.

#### **Elections and Political Participation**

Recent Elections: Despite a new electoral code, concerns about the effectiveness of law enforcement and the judiciary, and allegations of vote-buying which negatively affected the election environment, observers widely regarded the results of the 2011 local and presidential elections free and fair. The final report of the Limited Election Observation Mission of OSCE's Office for Democratic Institutions and Human Rights (ODIHR) found the election generally was conducted in accordance with OSCE commitments and Council of Europe standards.

The law prohibits campaigning in languages other than Bulgarian. In its report on the 2009 elections, ODIHR noted that this requirement, as well as the absence of official voter information in minority languages, limited the ability of some

members of the Romani and Turkish minority groups to understand the election rules and to participate effectively in the election process.

In November and December prosecutors filed 102 cases and the courts convicted 18 persons for election-related violations in the local and presidential elections in October. Investigation of 42 further cases of election fraud were pending.

Political Parties: The law requires a political party to have 2,500 members to register officially. Voters of Romani or Turkish origin were legally limited in that the constitution does not allow for the establishment of political parties along ethnic lines. In practice this prohibition did not appear to weaken the role of some ethnic minorities in the political process, and a number of parties represented various ethnic minority groups.

Participation of Women and Minorities: There were 57 women in the 240-seat National Assembly. There were three female ministers out of 16 ministers in total. Women held key positions in the National Assembly, including those of speaker of the assembly, one deputy speaker, and chairmen of seven of the 20 standing committees.

There were 28 members of minority groups (27 ethnic Turks and one Rom) in the National Assembly. There was one ethnic Turkish minister in the cabinet. While the ethnic Turkish minority was well represented, Roma were underrepresented, particularly in appointed leadership positions. Pomaks (ethnic Bulgarians who are Muslims) held elected positions at the local level.

#### **Section 4. Official Corruption and Government Transparency**

The law provides criminal penalties for official corruption. However, the government did not implement the law effectively, and officials in all branches of government often engaged in corrupt practices with impunity. World Bank governance indices indicated that corruption was a problem. Corrupt practices included bribery, conflict of interest, elaborate embezzlement schemes, procurement violations, and influence trading.

In July the European Commission's Cooperation and Verification Mechanism (CVM) report stated that the fight against high-level corruption had not yet yielded convincing results. There were very few final and enforced verdicts in this area, and there were few instances of active targeting of high-level corruption. The report further stated that a number of acquittals in cases involving high-level

corruption, fraud, and organized crime exposed serious deficiencies in judicial practice. The leadership of the judiciary, the Supreme Judicial Council, the general prosecutor and the president of the Supreme Court of Cassation did not properly analyze or follow up these deficiencies. There were reports that random case-assignment software was manipulated to steer certain cases to specific judges. In both the executive and judiciary, NGOs reported that corrupt officials were pressured to quit or retire, or most often were reassigned, rather than prosecuted on corruption-related charges. The overly formal judicial system made it difficult to prosecute high-profile organized crime and corruption cases effectively. Legal and procedural limitations on the use of sting operations, plea bargaining, and cooperating witnesses made it difficult to pursue corruption cases.

In September the minister of interior prohibited the acceptance of donations to the ministry by individuals and corporations after the CVM report heavily criticized the practice.

The prosecution dropped charges in three of the five corruption cases against former ministers begun in 2010; two cases continued. The trend continued during the year of high profile cases ending in acquittal, but there were some successes.

On June 22, the appellate court overturned the acquittals of former deputy minister of interior Raif Mustafa and his associate, Rosen Marinov, on the charge of attempting to bribe the former head of the Fisheries Agency. The court gave them suspended sentences of two and three years, respectively.

In July, Dimitar Avramov and Stoyan Gyuzelev, members of parliament from the ruling party, GERB, were required to pay 5,000 levs (\$3,342) each, after the Supreme Cassation Court found them guilty of conflict of interest. This was the first time parliamentarians were convicted of conflict of interest.

The law mandates that government officials declare any circumstances in which they could be accused of using their position for personal profit. High-level public officials who fail to submit a financial disclosure declaration can be fined as much as 1,500 levs (\$1,000). According to the National Audit Office, during the year 34 of 6,533 officials covered by the law did not submit their annual declarations by the statutory deadline, compared with 71 of 6,546 officials in 2010. The July CVM report noted authorities did not effectively sanction false declarations or follow up on discrepancies.

The law provides the right of public access to government information; however, NGOs continued to complain the government did not implement the law effectively. While the courts allowed greater access to government information, the government rarely complied with these decisions.

### **Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights**

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Human rights observers reported uneven levels of cooperation from various national and local government officials.

Government Human Rights Bodies: The ombudsman reviews complaints of individuals against the government for violations of rights or freedoms. The ombudsman can request information from authorities, act as an intermediary in resolving disputes, make proposals for terminating existing practices, refer information to the prosecution service, and request the Constitutional Court to abolish legal provisions as unconstitutional. During the year the ombudsman received 5,530 complaints of violations of citizens' rights and freedoms compared with 3,687 in 2010. The majority of complaints concerned quality of public services, social assistance programs, and property problems. The authorities sometimes acted in response to recommendations from the ombudsman.

A permanent parliamentary committee oversees human rights, religious denominations, and citizens' complaints and petitions.

### **Section 6. Discrimination, Societal Abuses, and Trafficking in Persons**

The law prohibits discrimination on the grounds of race, gender, disability, social status, and sexual orientation; however, the law does not prohibit discrimination on the basis of language. Societal discrimination continued, particularly against persons with disabilities; ethnic minorities; and lesbian, gay, bisexual, and transgender (LGBT) persons. Trafficking in persons continued to be a problem.

The government investigated complaints of discrimination, issued rulings, and imposed sanctions against violators. The law allows individuals to pursue a discrimination case through the court system or through the CPD. The CPD's mandate expired in 2009, but authorities did not select new members. Many legal experts were concerned that the law is not precise whether the old CPD members

retained their authority. Notwithstanding, in the 10 months through October, the CPD received 685 complaints, up from 663 in 2010. The majority of the complaints concerned personal status, age, and disability discrimination. The commission found 177 cases of discriminatory practices and imposed 53 fines totaling 49,100 leva (\$32,800) on violators.

In April the National Assembly amended the penal code to toughen sentences when racist and xenophobic acts lead to homicide and bodily injuries.

## **Women**

Rape and Domestic Violence: Rape is illegal but underreported due to the stigma attached to it. Authorities generally enforced laws against rape when violations came to their attention. Spousal rape can be prosecuted under the general rape statute; however, authorities rarely prosecuted it in practice. Sentences for rape range from two to eight years in prison (from three to 10 years if the victim is a blood relative). When rape results in serious injury or suicide, sentences range between three and 15 years' imprisonment and, when the victim is a minor, between 10 and 20 years. According to NGOs the social taboo experienced by rape victims discouraged them from reporting the crime and was a far more serious obstacle to prosecution than police reluctance to investigate. As of October the prosecution service filed 203 rape cases and pursued 67 prosecutions, and the court sentenced 83 persons.

The law defines domestic violence as any act of, or attempted act of, sexual violence; or physical, psychological, emotional, or economic pressure against members of one's family or between cohabiting persons. It empowers the court to impose fines, issue restraining or eviction orders, or require special counseling. The law requires the government to adopt an annual action plan to prevent and protect against domestic violence and requires the state to fund it.

Observers noted the law was generally enforced in cases of physical violence, but that authorities did not pay much attention to other types of domestic abuse. Although there were no precise statistics, NGOs estimated that one in four women was a victim of domestic violence, an increase over previous years.

On March 30, the government adopted a national program for prevention of and protection against domestic violence that provides a framework for partnership between the government and NGOs and allocates funding. The program sets out

standard procedures for assistance and support to domestic violence victims and provides for the creation of a coordination mechanism.

A local NGO operated a free 24-hour hotline for women in crisis, and other NGOs provided short-term protection and counseling to victims in 17 crisis centers and shelters throughout the country. Police and social workers referred victims of domestic violence to NGO-run shelters, but NGOs complained that local authorities rarely provided financial assistance for operational costs. Women's rights organizations continued to insist that the government lacked an active policy to enforce gender equality and provide protection against domestic violence. In August the UN Committee on the Elimination of Discrimination against Women criticized Bulgaria for failing to fulfill its obligations under the international convention by failing to provide effective protection against domestic violence to a mother and her two underage children. The committee recommended the government pay compensation to the woman.

Sexual Harassment: The law identifies sexual harassment as a specific form of discrimination punishable as coercion by up to six years in prison. During the year the CPD received fewer sexual harassment complaints than in the previous year, less than 1 percent of all complaints. However, sexual harassment remained an underreported problem.

Sex Tourism: Sex tourism existed in some tourist resorts. Media reports stated some hotels solicited business by advertising code-named sex services.

Reproductive Rights: The government generally respected the right of couples and individuals to decide freely and responsibly the number, spacing, and timing of their children, and to have the information and means to do so free from discrimination, coercion, and violence. Women generally had good access to contraception and skilled attendance during childbirth, and to prenatal care, including essential obstetric and postpartum care. Women in poor rural areas had less access to contraception due to poverty and lack of education; skilled attendance at childbirth was sometimes less available due to lack of health insurance.

Discrimination: The law provides women with the same rights as men; however, women faced some discrimination in hiring and pay. According to a report by the European Parliament during the year, women's salaries were 13.6 percent lower than men's, and they occupied only 11 percent of business executive positions. Women were also disproportionately underrepresented in government; only 11.3



percent of mayors were women. The National Council on Equality between Women and Men, headed by the minister of labor and social policy under the Council of Ministers, is responsible for safeguarding the rights of women. Primarily a consultative body, the council is charged with promoting cooperation and coordination among NGOs and government agencies.

## **Children**

Birth Registration: Citizenship is derived from one's parents. Children are immediately registered upon birth in the country.

Education: Public education is compulsory to the age of 16 and free through the 12th grade, but authorities did not effectively enforce attendance requirements.

Approximately 20,000 children drop out of school every year. This trend affected the ethnic minorities disproportionately: While 55 percent of the Turkish and 46.2 percent of the Romani population completed primary education, only 24 percent of Turkish and 7.8 percent of Roma completed secondary education.

Child Abuse: Violence against children was a problem. According to the State Agency for Child Protection, 2,155 children were victims of violence in 2010, of whom 77 percent were victims of violence in the home. Nationwide one in three children was a victim of physical violence, and one in eight of sexual violence. Nearly 19 percent of the cases involved emotional abuse. UNICEF reported that 23 percent of students between the ages of 10 and 14 were victims of cyber-bullying, while 13 percent of students admitted to cyber-bullying. According to the National Statistical Institute, 2,090 children were victims of serious crimes in 2010, a slight increase from 2,009 juvenile victims in 2009. Experts commented that the cruelty of the acts had increased, with the number of killings increasing from seven to 12.

The government funded an NGO-operated 24-hour free hotline for children to report abuse; during the first nine months of the year, the hotline received 13,106 verified complaints. Nearly 13 percent of the calls concerned family problems and violence. These calls prompted investigations that sometimes resulted in the removal of children from abusive homes and the prosecution of abusive parents. Hotline administrators referred 235 reports to child protection authorities for handling.

Child Marriage: The minimum age for marriage is 16. Although no official statistics were available, NGOs reported that child marriage was common in Romani communities. According to the Romani NGO Amalipe, 20 percent of 16-year-old Roma and 50 percent of 18-year-old Roma were either married or cohabited, which resulted in school dropouts, early childbirths, poor parenting, and spreading poverty. The earliest reported age for cohabitation among the Roma was 12. The legal minimum age for consensual sex is 14.

Sexual Exploitation of Children: The penal code provides for two to eight years' imprisonment and a fine of 5,000-15,000 levs (\$3,342-\$10,026) for forcing children into prostitution, as well as three to 10 years' imprisonment and a fine of 10,000-20,000 levs (\$6,684-\$13,369) for child sex trafficking. The law prohibits child pornography and provides for up to six years in prison and a fine of up to 8,000 levs (\$5,347).

Institutionalized Children: As of June the prosecution service charged four persons with crimes and continued to investigate 238 deaths and other problems involving malnutrition, serious infections, sexual abuse, physical violence, and injury uncovered during its September 2010 inspections of specialized institutions for children. As of July, 5,328 children lived in 127 specialized institutions. In June a report by the European Roma Rights Center and the BHC stated that Romani children accounted for 63 percent of all institutionalized children, while Roma accounted for 10 percent of the total population. Most children in state institutions were not orphans; courts institutionalized children when they determined that their families were unable to provide them adequate care.

During the year the government began a deinstitutionalization program with the aim of integrating institutionalized children up to the age of three into the homes of their biological families or foster families or other family-type settings.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information see the Department of State's report on compliance at [http://travel.state.gov/abduction/resources/congressreport/congressreport\\_4308.html](http://travel.state.gov/abduction/resources/congressreport/congressreport_4308.html).

## **Anti-Semitism**

The 2011 census identified only 1,130 Jews in the country. Local Jewish organizations counted 5,000-7,000. Neo-Nazi graffiti could be seen in many cities.

Defacement of Jewish buildings, both public and private, occurred in Pleven, Ruse, Shumen, Burgas, Sofia, Blagoevgrad, and Pazardjik. Internet social networks have become increasingly popular with anti-Semitic groups, especially after the Katunitsa events (see the section on National/Racial/Ethnic Minorities below). Jewish organizations remained concerned over the government's passivity in addressing all hate crimes. Public reaction to this passivity was muted. The prosecution service refused to start a case against extreme right-wing ATAKA party leader Volen Siderov for the reprinting of his two anti-Semitic books, *Boomerang of Evil* and *Mammon's Power*. In September the Sofia City Court convicted Emil Antonov for spreading fascism and religious hatred in his book *Foundations of National Socialism* and ordered him to pay a 500-lev (\$334) fine.

### **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip](http://www.state.gov/j/tip).

### **Persons with Disabilities**

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to health care, and the provision of other state services; however, the government did not effectively enforce these provisions in practice. Societal discrimination against persons with disabilities persisted.

The law requires improved access to buildings for persons with disabilities, and some new public works projects took this requirement into account. However, enforcement of this law lagged in existing, unrenovated buildings. The law promotes the employment of persons with disabilities; however, enforcement was poor, and 90 percent of persons with disabilities were unemployed, primarily due to lack of access to adequate education, lack of skills, and lack of accessible transportation. For the most part employers did not equip workplaces to accommodate persons with disabilities.

The constitution provides the right of all citizens to vote, and the law provides specific provisions to ensure that persons with disabilities have access to the polls. However, authorities sometimes did not enforce these provisions.

The country's generally poor infrastructure for disabled people provided them with inadequate access to education, healthcare, and social services. Persons with

mental and physical disabilities, including very young children, were often in institutions separated from the rest of society. The remote locations of most institutions prevented the hiring of qualified staff and hampered access to timely medical assistance. Despite some incremental improvements, conditions in institutions for persons with disabilities remained poor.

The government continued to lack a policy for children with disabilities, who had inadequate access to education, healthcare, and social services. NGOs criticized the government for not moving toward an inclusive, community-oriented model of education, socialization, and health care for persons with disabilities. Critics maintained the government continued budgeting funds (more than 242 million leva [\$161.7 million] in 2010) to support organizations and nontransparent programs for persons with disabilities instead of adopting more cost effective measures.

The government operated 24 institutions for children and youth with disabilities. Children with varying types and degrees of disability were placed in the same institution. As of June there were 820 children with disabilities in public institutions, compared with 941 in 2010. According to the National Network for Children, 9,000 children with disabilities (approximately 54 percent of all such children) were integrated in the mainstream public schools.

The Interagency Council for Integration of Persons with Disabilities was responsible for developing the policy supporting persons with disabilities. The Ministry of Labor and Social Policy, through its executive agency for persons with disabilities, was responsible for protecting the rights of disabled persons and worked with government-supported national representative organizations to that end. However, human rights groups remained concerned about the lack of vision and transparency regarding financial and other support to the national representative organizations as well as the poor capacity of the agency to implement any reforms.

In June the government approved a long-term strategy to bring cohesiveness and to coordinate the various programs which address the employment of persons with disabilities. The strategy also aimed to create more job-related opportunities and to improve social integration.

### **National/Racial/Ethnic Minorities**

According to the 2011 census, there were 325,345 Roma in the country, i.e., less than 5 percent of the population. Ethnic Turks numbered 588,318, or less than 9

percent of the population. Observers asserted that these figures were inaccurate, because more than 600,000 persons did not answer the census question about their ethnic origin, and officials did not conduct a proper count in most Romani communities but rather either made assumptions or failed to include them altogether.

Societal discrimination and popular prejudice against Roma and other minority groups remained a problem, and there were incidents of violence between members of different ethnic groups. On September 19, a van driven by relatives of alleged Romani crime boss Kiril Rashkov killed a pedestrian in Katunitsa, a small village in central Bulgaria. This allegedly intentional act sparked a series of sometimes violent demonstrations throughout the country which lasted for over a week and led to the arrest of hundreds of protesters. The protests resulted in property damage, but the media reported few injuries. On September 24, a mob of angry local residents, indignant with authorities who for years had allegedly allowed Rashkov and his family to escape justice, joined in protest by soccer hooligans, set fire to Rashkov's home. Police arrested Rashkov on September 28.

Internet fora and social networks helped incite the September unrest by changing the tenor of the protest to be more generally anti-Romani and anti-Turkish. While the demonstrations included anti-Romani and anti-Turkish elements, most protesters voiced dissatisfaction with an inequitable system of justice. The prosecution service opened 14 cases of xenophobia; one person was convicted for creating a Web site calling for the extermination of the Roma.

Many Roma continued to live in appalling conditions. According to NGOs the historical landlessness of Roma was among the main factors for their poor housing situation. NGOs estimated that 50 to 70 percent of Romani housing was illegally constructed and were concerned that more municipalities would initiate legal proceedings to demolish illegally built houses. In August the municipal government in Petrich demolished 11 shacks following a yearlong discussion in which the national ombudsman participated. The Sofia municipality initiated an EU-funded project for the construction of apartment buildings for Roma living in the city's biggest ghetto. The project envisioned future Romani inhabitants' participating in the construction in order to inculcate a sense of ownership. Burgas, Vidin, Devnya, and Dupnitsa also received funding for similar housing projects.

Workplace discrimination against minorities continued to be a problem. General public mistrust, coupled with their low level of education, made locating work

more difficult for Roma. According to a 2010 NGO survey, 12.8 percent of the Roma had a permanent job and 13 percent of the Roma had seasonal or occasional occupation.

Romani children often attended de facto segregated schools where they received inferior education which, in addition to social and family reasons, was among the main factors for Romani students' dropping out of school. The government did not have effective programs for the reintegration of students who dropped out. However, there were isolated examples of success, such as an Open Society Institute program funded by the Roma Education Fund, which supported young Roma studying in medical schools and the National Assembly internship program that graduated 10 young Romani professionals each year since 2007.

The access of Roma to health services continued to be a problem, and in some cases there was discrimination. According to a health survey released in October by the Bulgarian Academy of Sciences, 56 percent of Roma over the age of 15 suffered from hypertension and 47.5 percent of Romani children and 23.9 percent of adults suffered from diabetes and asthma. Bronchitis, cardiovascular disease, peptic ulcers, arthritis, rheumatism, prostate, and menopause problems were chronic in many Romani communities. One successful model in addressing Romani access to health services was the collaboration between the National Network of Health Mediators and central and local government. Since its inception this partnership trained more than 100 health mediators appointed to full time positions in 55 municipalities to work with high-risk and vulnerable groups.

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

The law prohibits discrimination on the basis of sexual orientation, but the government did not effectively enforce this prohibition. While reports of violence against LGBT persons were rare, societal discrimination, particularly discrimination in employment, remained a problem. NGOs stated that individuals were reluctant to seek redress in the courts due to fear of being openly identified as belonging to the LGBT community.

On July 4, the Supreme Administrative Court upheld the Antidiscrimination Commission's ruling that a Pazardjik city regulation prohibiting public expression of sexual orientation violated the country's antidiscrimination laws.

On June 18, the fourth annual gay pride parade took place in downtown Sofia. In the days before the parade, hate groups used social networks to call for a large-scale counterdemonstration to occur earlier on the same day. The police took the threat seriously, but only a few counterdemonstrators showed up. The parade attracted an estimated 450 participants and went on without incident. However, following the march, unknown persons attacked five volunteers outside the parade's secure zone. Three of the volunteers suffered minor injuries.

### **Other Societal Violence or Discrimination**

According to the NGO Hope against AIDS Foundation, HIV/AIDS patients faced discrimination and inadequate medical care due to doctors' refusing to provide treatment because of a fear of contracting the disease. Patients typically did not contest these situations in court because of the social stigma attached to having HIV/AIDS. Patients reported hiding the fact that they were HIV-positive in order to receive medical care. The NGO stated that at least four patients with HIV/AIDS died due to denial of treatment.

Society stigmatized women who were diagnosed and treated for sexually transmitted diseases.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The constitution and law provide for the right of all workers to form or join independent trade unions of their choice without previous authorization or excessive requirements. The law also provides for the right to strike; however, key public sector employees (primarily military and law enforcement personnel) were subject to a blanket prohibition against striking. These employees were able to take the government to court as a means of ensuring due process in protecting their rights. The law allows unions to conduct their activities without interference.

The law provides a national legal structure for collective bargaining. When employers and trade unions reach a collective agreement at the sectoral level, they can jointly request the Minister of Labor extend it to cover all enterprises in the sector. The law denies public servants the right to collective bargaining. The law prohibits antiunion discrimination and includes a provision for a six-month salary payment as compensation for illegal dismissal. Complaints of discrimination

based on union affiliation can be filed with the Commission for Protection against Discrimination, but there were no reports of such complaints during the year.

In general the government effectively enforced the laws. However, union leaders complained that court proceedings for reinstatement of unfairly dismissed workers often took years to resolve and were not a strong deterrent of antiunion discrimination.

Workers exercised the right to organize and join unions as well as the right to strike. In general the government allowed unions to conduct their activities without interference. However, unions reported some cases of employers' relocating, firing, and demoting union leaders and members. Labor unions also alleged that some employers failed to bargain in good faith or to adhere to agreements. Union leaders stated that some employers asked new employees to sign declarations that they would not establish or join unions.

#### **b. Prohibition of Forced or Compulsory Labor**

The law prohibits forced or compulsory labor, including by children. According to the government's General Labor Inspectorate, the government effectively enforced those prohibitions. However, there were some reports of children being forced to work for their families or criminal organizations. Also see the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip](http://www.state.gov/j/tip).

#### **c. Prohibition of Child Labor and Minimum Age for Employment**

The law sets the minimum age for employment at 16 and the minimum age for dangerous work at 18. To employ children under the age of 18, employers must obtain a work permit from the General Labor Inspectorate of the Ministry of Labor and Social Policy. Employers can hire children under the age of 16 with special permits for light work that is not risky or harmful to the child's development and that does not interfere with the child's education or training. The General Labor Inspectorate inspected the working conditions at all companies seeking and holding child work permits.

Employment of children without a work permit is a criminal offense and entails a punishment of up to six months in prison. Child labor laws generally were enforced well in the formal sector, but NGOs reported that children were exploited in certain industries (particularly small family-owned shops, textile production, restaurants, construction businesses, and periodical sales) and by organized crime



(notably for prostitution, pickpocketing, and the distribution of narcotics). Besides child sex trafficking, the worst forms of child labor included heavy physical labor and labor on family tobacco farms, a significant health hazard.

The government continued programs to eliminate the worst forms of child labor, mounted educational campaigns about their effects, and intervened to protect, withdraw, rehabilitate, and reintegrate children engaged in the worst forms of child labor. The General Labor Inspectorate continued to report a decline in child employment during the year, which was primarily due to the overall unemployment rise resulting from the financial crisis. As of October the inspectorate granted 1,684 requests for employment of children between the ages of 16 and 18 years. The inspectorate granted 60 requests for work permits for children under the age of 16. In 2010 the inspectorate uncovered 2,786 violations related to child employment, imposed 2,707 sanctions, and filed 245 administrative proceedings. In addition to failure to recognize the different provisions for paid leave and working hours that apply to minors, the violations involved primarily hiring a child without a work permit, contract, or required medical certificate. According to the inspectorate, once corrected, employers did not repeat the violations.

The government continued to report a declining trend in the number of children detained by police for vagrancy and begging, which as of October was 246 compared with 397 during the same period in 2010. Many believed adults exploited these children, who were primarily engaged in begging, prostitution, or washing car windows. When such children were apprehended, police generally placed them in protective custody for up to 24 hours or in crisis centers for longer periods, unless remanded to protective custody by a prosecutor. Subsequently, authorities sent many children to state-run institutions.

#### **d. Acceptable Conditions of Work**

The national minimum wage was 270 levs (\$180) per month. The poverty income level as of October, according to the trade unions, was 198.48 levs (\$132.67), up 7.2 percent compared with June 2010. In November the government set the poverty line at 236 levs (\$158).

The law provides for a standard workweek of 40 hours with at least one 24-hour rest period per week; the law prohibits excessive compulsory overtime. The law prohibits overtime work for children under age 18, pregnant women, and women with children up to age six. The law stipulates that the pay premium for overtime

cannot be less than 150 percent during workdays, 175 percent during weekends, and 200 percent during 12 official holidays. The Ministry of Labor and Social Policy is responsible for enforcing both the minimum wage and the standard workweek. Enforcement was generally effective in the government sector but weaker in the private sector. During the year the General Labor Inspectorate found 490 violations of overtime pay rules.

A national labor safety program, with standards established by law, gives employees the right to healthy and nonhazardous working conditions. The General Labor Inspectorate is responsible for monitoring and enforcement. However, with a significant grey market economy, many informal workers are not covered by legal protections or government inspections. In September the government expanded the General Labor Inspectorate, adding 110 new positions in an effort to reduce extensive grey market employment. There were 423 labor inspectors. In the first nine months of the year, there were 2,047 work-related accidents compared with 2,233 in the period in 2010. Conditions in some sectors, particularly construction, mining, chemicals, and transportation, continued to pose risks for workers. As of October there were 58 work-related deaths, mainly in the transportation sector, compared with 60 for the same period in 2010.