

## **BULGARIA**

The Republic of Bulgaria is a parliamentary democracy with a population of approximately 7.6 million. The constitution vests legislative authority in the unicameral National Assembly (Narodno Sabranie). A minority government headed by a prime minister ruled the country. Observers generally deemed the July 2009 general elections free and fair. Law enforcement organizations reported to civilian authorities although, in some instances, law enforcement officers acted independently.

Human rights problems reported during the year included police use of force against, and mistreatment of, detained persons and members of minorities and harsh conditions in prisons and detention facilities. There were strong concerns about pressure on and intimidation of journalists; reports of discrimination against religious minority groups; and corruption in the executive, legislative, and judicial branches of government. Other problems included violence against women and children; substandard education for Romani children; harsh conditions in state-run institutions for children; trafficking in persons; and discrimination against persons with disabilities, Roma, other members of minority groups, and lesbian, gay, bisexual, and transgender (LGBT) persons.

### **RESPECT FOR HUMAN RIGHTS**

Section 1    Respect for the Integrity of the Person, Including Freedom From:

a.    Arbitrary or Unlawful Deprivation of Life

The government or its agents did not commit any politically motivated killings; however, security forces shot and killed one person.

On July 23, the police shot and killed Marian Ivanov during his arrest in Pleven. At year's end, the investigation against the police officer was pending.

At year's end, authorities continued to investigate two officers implicated in the 2009 case of a detainee who suffocated during transfer from one detention center to another.

On November 12, following the January 20 decision of the Supreme Court of Cassation, the Military Appellate Court reduced by half the sentences of the five

former Blagoevgrad police officers convicted in the 2005 death of Angel Dimitrov. Thus the highest-ranking officer received nine years, and the rest received eight years each.

b. Disappearance

There were no reports of politically motivated disappearances.

The government acted effectively against ransom kidnappings involving wealthy businessmen and their families. On October 14, the prosecutor indicted nine members of a gang for 11 kidnappings and one attempted kidnapping. At year's end, two gang members were out on bail; the rest remained in custody.

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. In the first six months of the year, the government investigated 30 cases of police violence. In 2009 the government investigated 42 cases of police violence and prosecuted 10 police officers; the courts convicted six. Nongovernmental organizations (NGOs) claimed that authorities frequently did not properly investigate complaints from persons who alleged police brutality.

Police can detain persons for 24 hours without charging them. Police sometimes arrested suspects for minor offenses and physically abused them to force confessions, especially Romani suspects. NGOs continued to report that Romani victims were more willing to lodge official complaints against the authorities.

Human rights groups continued to claim that medical examinations in cases of police abuse were not properly investigated, and officials rarely punished offending officers.

Prison and Detention Center Conditions

Prison and detention center conditions generally did not meet international standards.

Conditions in most prisons were harsh with inadequate toilet facilities and insufficient heating and ventilation. Overcrowding remained a serious problem,

especially in pretrial detention centers. During the year there were 9,379 prisoners in the country's 13 prisons with a capacity for 8,740; a slight increase from the previous year. The daily food allowance was approximately 3.20 leva (\$2.17). NGOs received complaints about both the quality and quantity of food. The prison administration received complaints from prisoners about imposed sanctions, medical services, living conditions, and prison guards. Although the Bulgarian Helsinki Committee (BHC) facilitated training for guards, they did not receive sufficient training. There were some reports of mistreatment of inmates. Authorities held foreign prisoners serving longer terms in a separate prison in Sofia to provide them with easier access to consular services.

The 2008 BHC case in the administrative court against the Ministry of Justice for not providing adequate guard supervision and failing to provide physical security to prisoners was pending at year's end.

In September the Council of Europe's Committee for the Prevention of Torture (CPT) released the report of its 2008 visit to the country's prisons and detention facilities. The CPT noted that, despite some improvements, conditions in detention facilities and prisons remained poor, and the police often exceeded the 24-hour detention period. The CPT noted that the police at times would handcuff a prisoner to an immovable object when there was insufficient cell space for an inmate. The CPT also noted that access to medical care was substandard and reiterated its recommendation that authorities improve medical record keeping, including records on an inmate's condition at the beginning of custody, to better identify injuries related to police custody.

Prison authorities acknowledged difficulties diagnosing and treating the increasing numbers of drug-dependent inmates and limiting their access to narcotics. According to the prison administration, an estimated 1,100 prisoners, or nearly 12 percent of the prison population, were drug dependent.

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 in low-security prisons. Prisoners alleged that the system for determining the type of regime that a prisoner received was corrupt and lacked oversight.

Only one detention facility met internationally established human rights standards. The government partially renovated a few other detention centers. During the year 22,029 persons, including 1,108 women and 738 juveniles, went through the

country's 42 pretrial detention centers; at year's end, there were 1,283 detainees there. The total capacity of the centers was 1,786 persons.

NGOs reported that the juvenile justice system lacked coordination. Crime reports were not matched with social reports for proper case assessment, which resulted in inefficient assignment of corrective action. At year's end, there were 66 juveniles in corrective schools and 29 in pretrial detention.

While prisoners in principle have the right to receive visitors, in most cases, that was impossible due to a lack of space to accommodate visitors in the facility. Prisoners could hold religious observance without restrictions on the denomination.

Prisoners reported substandard conditions to the prison administration, the ombudsman, and the court system. During the year prisoners filed 785 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 449 of those complaints unfounded; it investigated the rest of the complaints and imposed sanctions.

During the year the government generally permitted monitoring of prisons by independent observers, including the CPT's December 2009 visit to the country's detention facilities and the BHC's periodic visits.

During the year the National Assembly allocated 20 million leva (\$13.6 million) to improve living conditions and reduce overcrowding over the three-year period to 2013.

#### d. Arbitrary Arrest or Detention

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

#### Role of the Police and Security Apparatus

The Interior Ministry is responsible for law enforcement. The State Agency for National Security (DANS) is responsible for domestic intelligence analysis and corruption. A special parliamentary committee provides oversight of DANS. The Interior Ministry, the Prosecution Service, and DANS cooperate in creating organized crime task forces focused on high-level organized crime and corruption.

The National Intelligence Service and the National Protective Service, which answer to the president, were subject to oversight by a permanent parliamentary committee.

~~Impunity remained a problem. NGOs claimed that military judges, who were responsible for all military and Ministry of Interior appeals, were vulnerable to influence, as the defense minister had the power to confirm their appointments as well as to promote or demote them in rank. However, there were no specific reports of such pressure during the year.~~

#### 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, and a prosecutor may authorize detention for an additional 72 hours without charge. In general authorities observed these laws in practice. Prosecutors may not arrest military personnel without the defense minister's approval. A court must approve detention for more than 72 hours; such detention can last up to two years for the most serious charges. In general authorities observed these laws in practice.

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

The law provides for the right to counsel from the time of detention; however, police often failed to inform detainees of this right, and detainees often lacked timely access to a lawyer. The law provides state-funded legal aid for low-income defendants, but a lack of coordination hindered this program's implementation.

The report on the CPT visit noted improvement in the legal aid system and further recommended that authorities ensure full effectiveness of the arrangements for access to counsel, and keep strict records on defendants' access to counsel.

Long delays awaiting trial were common, and there was a large backlog of outstanding investigations. Tough, statutorily mandated time limits for investigations often resulted in hasty indictments that judges returned for additional investigation.

The law grants amnesty for crimes committed due to "negligence." The intent of the law was to reduce overcrowding in prisons. However, in 2009 authorities

released only 210 prisoners. Prosecutors complained the law granting amnesty effectively blocked many investigations of corruption in public office, since "negligence" was often the only crime for which corrupt public officials could be prosecuted. On January 19, the constitutional court rejected the government's challenge to the legitimacy of this law.

e. Denial of Fair Public Trial

The law provides for an independent judiciary; however, corruption, inefficiency, and lack of accountability were pervasive problems.

The Supreme Judicial Council appoints, promotes, disciplines, and dismisses judges, investigators, and prosecutors. It investigates complaints of judicial misconduct and recommends disciplinary action. Observers noted that the council was slow to exercise its authority and implement internal discipline. From January to October, the council dismissed one magistrate and disciplined 23 others for professional misconduct.

Judicial and investigative backlogs remained a problem in some jurisdictions. Despite modest improvements, long delays for criminal trials were common. In July the government enacted amendments to the penal procedure code to alleviate problems with trial delays; these amendments include the use of reserve defense attorneys who can substitute if illness or the absence of the original attorney delays the process. In several high-profile cases, judges used the new procedures to eliminate delays in court proceedings. As a result of these amendments, observers noted a slight improvement in the efficiency of the trial process.

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. Observers often complained that a court would unnecessarily hear cases of high public interest behind closed doors when the prosecution presented wiretap evidence.

Juries are not used. In cases involving serious crimes, two lay judges join a professional judge. If a crime carries a sentence of imprisonment for more than 15 years, two professional judges and three lay judges hear the case. In such circumstances, a majority vote determined verdicts. Defendants have the right to be

present at their trial. A defense attorney is mandatory if the alleged crime carries a punishment of 10 or more years in prison for juveniles, foreigners, persons with mental or physical disabilities, or for trials conducted in the absence of the accused. 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 citizens.

#### Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

#### Regional Human Rights Court Decisions

As of November, the European Court of Human Rights (ECHR) had issued 60 judgments that found 89 violations by the country of the European Convention on Human Rights. In the judgments, the ECHR ordered the government to pay 980,148 euros (\$1.3 million) in compensation and court costs. The judgments found 27 violations of the right to a speedy and fair trial; 19 violations of the right to an effective remedy; 11 violations of the right to liberty and security; six violations of the right to respect for private and family life; five violations involving the prohibition against inhuman or degrading treatment; four violations of the right to life; one violation of freedom of thought, conscience, and religion; one case of discrimination; one violation of the right to safeguards against expulsion; and one case of double jeopardy. The government complied strictly with the judgments.

#### 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, which may impose sanctions on violators.

#### Property Restitution

In May 2009 the Jewish community was able to regain possession and physically occupy a formerly state-run hospital in central Sofia. The hospital management's appeal of the court's ruling was denied. On June 14, the Ministry of Regional

Development filed a new appeal that the court rejected, but the government still had the ability to appeal in the Supreme Court.

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.

A permanent parliamentary subcommittee oversaw the use of specialized investigative techniques.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The law provides for freedom of speech and of the press; however, there were reports that individuals with political and economic interests intimidated journalists. NGOs reported that journalists practiced self-censorship or took money from political and business leaders and from organized crime groups to plant positive stories about the leaders and criminal groups. In addition media owners forced journalists to pervert the facts. In many cases, the true owners of media companies could not be identified. On October 22, the National Assembly passed the Print Periodicals Media Bill, which seeks to enforce transparency in media ownership.

Individuals criticized the government freely without reprisal. However, in rural areas offering fewer employment opportunities, individuals were more hesitant to criticize local governments.

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. However, the acquisitions in June of a number of media outlets by groups affiliated with business and political interests led to further monopolization of private media and limited the variety of views available in print and on television. Both print and electronic media were susceptible to economic and, to a certain degree, political influence. 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.

During the year there was one killing of a journalist reported. On January 5, Boris "Bobbie" Tsankov, the controversial author of tabloid publications on the country's underworld and a former radio show host, was killed by unknown persons. Authorities accused one person of contracting the killing. The investigation was ongoing at year's end.

During the year there were reports of threats or attempts to intimidate journalists.

On February 8, Bulgarian news agency journalist Ivan Yanev was investigating the killing of a police officer in the village of Enina when a police spokesman from the nearby city of Stara Zagora threatened him, stating that Yanev was a "dead man." Authorities accused Yanev of reporting on the killing before the official police version was released and prohibited him from returning to the crime scene.

In July Nova Television reporter Diliانا Gaytandjieva alleged that the deputy speaker of the National Assembly, Lachezar Ivanov, pressured her to stop the broadcast of a program that revealed luxury real estate and vehicles owned by six customs officers. Ivanov's motive for exerting pressure on Gaytandjieva was alleged to be a personal relationship with one of the targets of the program. Under pressure from his party, Citizens for the European Development of Bulgaria, Ivanov stepped down as deputy speaker and committee chair.

During the year the police closed the investigation into the 2008 assault on *Frognews* editor in chief, Ognian Stefanov, whom authorities suspected of affiliation with [www.opasnite.net](http://www.opasnite.net), a Web site closed for reportedly releasing classified information. Police stated that they were unable to find the attackers.

Libel is legally punishable. Usually the courts interpreted the law in a manner that favored 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.

#### 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 peaceful expression of views via the Internet, including by e-mail. Internet Society Bulgaria estimated that approximately 45 percent of the population had access to the Internet on a regular basis. According to the European

Commission's 2009 report on the single European electronic communications market, the broadband penetration rate rose to 13 percent in January compared to 11.2 percent in 2009. However, many less-developed rural areas did not have the infrastructure to support Internet services.

In 2008 the Supreme Administrative Court struck down a government decree that allowed security services to gather data on Internet users' activities. On May 10, amendments to the Electronic Communications Act restored security services' access to electronic traffic data. However, the legislation imposed strict judicial control over this authority. There were no reports that the government attempted to collect the personally identifiable information of a person in connection with that person's peaceful expression of political, religious, or ideological opinion 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 law provides 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 (five to 20 meters) around the National Assembly, the Council of Ministers, and presidency buildings. Mayors can prohibit, dismiss, or suggest an alternative site for a gathering that they regard as posing a threat to public order, security, or traffic.

##### Freedom of Association

The law provides for freedom of association, and the government generally respected this right in practice. The law prohibits groups that endanger national unity or 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 their own political parties or other political organizations.

Political parties based on religious, ethnic, or racial affiliation are illegal. In practice the prohibition did not appear to weaken the role of some ethnic minorities in the political process; a number of parties in reality represented various ethnic minority groups. NGOs may not engage in political activity.

The law requires a political party to have 5,000 members to register officially.

In December 2009 the Committee of Ministers of the Council of Europe decided to end its monitoring of the 2005 ECHR judgment against the government for preventing the Macedonian activist group Ilinden from registering as a political party, although the government continued to deny Ilinden the right to register.

On February 19, the Blagoevgrad District Court upheld a lower court's refusal to register the Society of Repressed Macedonians in Bulgaria.

In 2009 the Sofia Appellate Court upheld the decision of the Blagoevgrad District Court, which had refused to register the Nikola Vaptsarov Macedonian Cultural and Educational Society. The court ruled that there was no separate Macedonian ethnicity in the country and that some of the organization's goals, as outlined in its statute, implied the existence of such an ethnicity.

c. Freedom of Religion

For a complete description of religious freedom, please see the *2010 International Religious Freedom Report* at [www.state.gov/g/drl/irf/rpt/](http://www.state.gov/g/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.

The law prohibits forced exile, and the government did not employ it in practice.

### Protection of Refugees

The law provides for granting asylum or refugee status, and the government has established a system for protecting refugees. 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 that the risk of genuine refugees being rejected was limited.

The law requires that persons seeking refugee status file an application within "a reasonable time" after entering the country. Observers remained concerned about the institutional capacity of the government to process requests and transfer applicants to shelters. The authorities sustained the practice of detaining asylum seekers who enter the country illegally in the center in Busmantsi, treating them as illegal immigrants and thus subject to potential deportation. Although the law sets a maximum six-month period of detention, there were numerous reports of detentions exceeding six months as well as of guards mistreating detainees. Detainees also complained of poor living conditions and inadequate access to legal counsel.

On February 16, law enforcement officials arrested the head of the migration directorate on charges of supporting a criminal group supplying foreigners with false citizenship documents. The court ordered the defendant to remain in jail pending trial. The investigation was pending at year's end.

On February 16, in an unrelated case, the head of the state agency for refugees was fired and charged with embezzlement. The defendant remained free on bail, and the investigation was pending at year's end.

On February 18, 25 detainees in Busmantsi went on a hunger strike to highlight the need for more humane treatment. The legal deportation of seven Nigerian citizens, whom authorities notified of their deportation 15 minutes before their flight, inspired the strike. The strikers asserted that the entire system for granting asylum in the country was corrupt and demanded better conditions and expedited release from the center for all first-time asylum applicants. On June 6, an activist committee organized a public rally in support of the persons detained in Busmantsi. An estimated 100 protesters gathered in front of the facility to demand respect for the human dignity of the detainees, improved living conditions, and access to health services and education.

During the year authorities did not continue an investigation of the October 2009 death of Hassun Albaddj, who died in the Busmantsi detention center. The preliminary review found no evidence of physical abuse, although his repeated requests for medical attention apparently went unanswered.

The number of applicants for refugee status has decreased by two-thirds since 2002. As of November the government granted humanitarian status in 108 cases, accorded asylum in 19 cases, and denied asylum in 318 cases of a total 825 applications. Most applications came from citizens of Iraq, Iran, Afghanistan, Armenia, Syria, Algeria, and stateless persons.

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

The law provides 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. However, reports of large-scale vote buying marred the June 2009 European Parliament and July 2009 general elections.

#### Elections and Political Participation

Despite persistent vote-buying allegations and the previous ruling coalition's late changes to the electoral system, observers widely regarded the July 2009 parliamentary election as free and fair.

According to election observers, 10 to 16 percent of the votes in the European Parliament election were purchased or manipulated, including busing voters to different districts, which had a greater influence on the results than the general elections due to the lower voter turnout. As of July, authorities brought 158 persons to trial, and the courts convicted 97 for election-related violations. The investigations of two cases of vote buying were pending.

The country has a mixed electoral system in which individuals vote for both a political party list and a specific candidate in a single mandate district. The single mandate districts undermined the equality of the vote due to a significant variation in population sizes of the districts.

The law provided immunity for candidates for political office. This resulted in the release of parliamentary candidates whom authorities charged with serious crimes, including leaders of organized-crime groups, from pretrial detention.

In 2009 the National Assembly established a committee with a three-month mandate to investigate numerous accusations of double voting and improper registration of citizen voters living in Turkey. According to the committee, the majority of the irregularities (64.4 percent of reported cases) was unintentional and resulted from officials' incompetence or disregard of procedures in reducing the time of voting and processing the results.

There were 53 women in the 240-seat National Assembly, compared with 51 elected in 2005. A number of women held elective and appointive offices at high levels in the government, including two ministers. Women held key positions in the National Assembly, including that of speaker of the assembly, one deputy speaker, and chairmanship of seven of the 20 standing committees.

There were 28 members of minority groups (27 ethnic Turks and one Roma) 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

Despite increased efforts to hold public officials accountable, corruption remained a problem in all branches of government. The law provides criminal penalties for official corruption; however, the government did not implement the law effectively, and officials often engaged in corrupt practices with impunity. Corrupt practices included bribery, conflict of interest, elaborate embezzlement schemes, and procurement violations. Corruption continued to exist in high civil and administrative courts. In both the executive and judiciary, NGOs reported that corrupt officials were often fired, pressured to quit, or most often 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.

On March 29, the government adopted amendments to the criminal procedure code to address some of the weaknesses in the country's legal procedures. The amendments allow police to testify in court and provide for the protection of witness identity. Judges can also assign reserve defense lawyers to prevent attempts by defendants to delay cases on unjustified grounds. The changes also strengthened the role of specialized investigative techniques, making it possible for

collateral wiretap information, as well as reports from the EU's European Antifraud Office, to be accepted as evidence.

During the year the government indicted four former ministers as well as, for the first time, a sitting minister from the current government. While there were few verdicts, since 2009 the number of high-profile corruption cases has steadily increased. During the year the following developments were reported with regard to the government's efforts to prosecute cases of high-level corruption:

- In separate rulings on March 29 and June 30, the Sofia City Court found Mario Nikolov guilty on charges of document fraud and embezzlement of EU funds and sentenced him to 12 years in prison. The court also convicted his wife and six other accomplices, and sentenced them to six years imprisonment. Nikolov and his accomplices were members of a criminal network specializing in the embezzlement of EU funds.
- In May an investigative report revealed that three judges from the Supreme Administrative Court, the head judge of the Sofia Appellate Court, and one other high-level magistrate helped their close relatives obtain beach-front real estate on the Black Sea. The three supreme administrative court judges were fired.
- On June 30, a court acquitted former deputy minister of interior, Raif Mustafa, and his associate, Rosen Marinov, of attempting to bribe Marin Dimitrov, the former head of the Fisheries Agency. Despite tape recordings of Marinov offering a bribe and Dimitrov's testimony, the court found Mustafa and Marinov not guilty. The Prosecution Service appealed this decision.
- In May 2009 the Supreme Judicial Council officially dismissed the chair of Varna administrative court, Anelia Tsvetkova, for undermining the prestige of the judiciary. DANS arrested Tsvetkova in July 2008 for bribery and confiscated 150,000 levs (\$101,710) from her home. Her trial on bribery charges was pending at year's end.

The law mandates that government officials declare any circumstances in which they could be accused of using their position for personal profit. According to the law, high-level public officials who fail to submit a financial disclosure declaration can be fined as much as 1,500 levs (\$1,017). According to the National Audit Office, during the year 16 of 6,546 officials covered by the law did not submit their

annual declaration within the statutory deadline, compared with 71 of 6,656 officials in 2009.

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 implemented 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.

The law provides for an ombudsman to review the complaints of individuals against the government for violations of rights or freedoms. The ombudsman can request information from state authorities, act as an intermediary in resolving disputes, make proposals for terminating existing practices, and refer information to the prosecution service. During the year the ombudsman received 3,687 complaints of violations of citizens' rights and freedoms compared with 2,686 in 2009. The majority of complaints concerned quality of public services, property issues, and social assistance programs. NGOs continued to criticize the ombudsman for focusing on administrative issues rather than actively engaging on human rights cases.

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 ethnic minorities, sexual minorities, and persons with disabilities. 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 Commission for Protection against Discrimination. During the year the commission received 663 complaints. The majority of the complaints concerned labor discrimination. A little over a quarter of the cases involved complaints of multiple discriminations. The commission found 216 cases of discriminatory practices and imposed nine fines totaling 48,800 leva (\$32,547) on violators.

### Women

Rape is illegal but underreported due to the stigma attached to it. 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. Authorities generally enforced laws against rape when violations came to their attention. According to NGOs, the social taboo experienced by rape victims discouraged them from reporting the crime, and it was a far more serious obstacle to prosecution than police reluctance to investigate. As of July the prosecution service filed 103 rape cases, and the court sentenced 65 persons.

NGOs reported that one in four women was a victim of domestic violence. Although there were no precise statistics, NGO estimates identified an increase in its occurrence.

The law defines domestic violence as any act of, or attempt at, physical, psychological, sexual violence, emotional, or economic pressure against members of one's family or between cohabitating persons. 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. The law empowers the court to deal with offenders by imposing fines, issuing restraining or eviction orders, or requiring special counseling. NGOs assessed the implementation of the law positively and stated that the courts issued more restraining orders. Failure to adhere to court restraining orders is a criminal offense.

On June 8, the government passed implementing regulations to the law on protection against domestic violence that provide a framework for partnership between government and NGOs and set out the scope of the national program for prevention of and protection against domestic violence. The regulations give

NGOs a mechanism for obtaining government funds for prevention and protection projects.

A local NGO operated a 24-hour, free hotline for women in crisis, and other NGOs provided short-term protection and counseling to victims in 17 crisis centers 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.

Sexual harassment is punishable under prohibitions against coercion, which carry a punishment of up to six years in prison. The law identifies sexual harassment as a specific form of discrimination. During the year the Commission for Protection against Discrimination continued to receive sexual harassment complaints, which accounted for an estimated 5 percent of all complaints. However, sexual harassment remained a widespread problem, and the government did not effectively enforce the law.

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, including essential obstetric and postpartum care. However, access to contraception and skilled attendance in childbirth were less available to women in poor rural areas. The National Statistical Institute (NSI) reported the maternal mortality rate was five deaths per 100,000 live births in 2009. However, a report at the National Obstetrics and Gynecology Conference held in May claimed there were no reliable statistics on maternal mortality and estimated an average annual number of 12 deaths per 100,000 live births. Women were treated equally in the diagnosis and treatment of HIV and other sexually transmitted infections.

The law provides women with the same rights as men; however, women faced some discrimination in hiring and pay. According to NSI quadrennial data, women's salaries were 11 percent lower than men's, with some lower-paid sectors, such as education and services, dominated by 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

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

Public education is compulsory until the age of 16, and free through the 12th grade, but the government did not effectively enforce attendance requirements. Children were required to pay for books after the fourth grade, which was a problem for poor families.

According to the Ministry of Education and Science, dropout trends affected Romani children disproportionately: in primary school, 23 percent of students were Roma, while by the ninth grade, only 3 percent of students were Roma. The majority of students left school due to social and family reasons.

The education provided to Romani children was generally inferior, and nearly 10 percent of Roma never attended school. In 2009 the Supreme Court of Appeals upheld the 2005 ruling that the city of Sofia was guilty of discrimination for failing to provide equal educational opportunities to Romani children.

Romani activists and NGOs continued to complain that the closure of 450 schools for budgetary reasons resulted in a higher number of Romani children dropping out of school because Romani parents were especially reluctant to allow their children to travel to new schools in other towns, and parents at schools accepting new Romani students often reacted negatively to their arrival.

The government lacked a policy on children with disabilities, resulting in their receiving inadequate access to education, healthcare, and social services (see section 6.).

Violence against children was a problem. According to the National Center for Public Opinion Surveys, during the year, one in five children was a victim of violence or abuse in school. Experts noted the emergence of new forms such as cyber bullying. According to the NSI, 2,009 children were victims of serious crimes in 2009, down from 2,606 juvenile victims in 2008. Experts commented that the cruelty of the acts had increased, noting the number of murders rose from seven to 12. The government operated a 24-hour free hotline for children, which received over 5,000 calls per month, often removed children from abusive homes, and prosecuted abusive parents.

Although no official statistics were available, NGOs reported that child marriage, which was common in Romani communities, resulted in school dropouts, early childbirths, poor parenting, and spreading poverty. In October the Roma NGO Amalipe presented a study showing that the average age for marriage among the Roma was 18 years.

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 397 compared with 659 in 2008. 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, unless remanded to protective custody by a prosecutor. Subsequently, many children were sent to state-run institutions.

Implementation of child-care policies was decentralized. The government funded child welfare programs. Some municipalities contracted with NGOs to provide care, but some NGOs remained concerned about the ability of poorer municipalities to manage and administer care effectively.

Problems in state-run institutions for children, including incidents involving the exploitation of children, continued to receive media attention during the year. In September the BHC and the prosecution service conducted a joint inspection of institutions for disabled children that uncovered 238 deaths in the preceding decade as a result of poor treatment, lack of supervision, and unsanitary conditions as well as violence. At the time of inspection, 103 residents suffered from malnutrition and 622 suffered from serious infections. Further findings also revealed cases of sexual abuse, physical violence, and injury. The Prosecution Service opened investigations into 166 cases of death and 27 cases for injury.

During the year the government began a deinstitutionalization program with the aim of closing all such institutions by 2025 and integrating the children into foster families or family-type homes. To accomplish this objective, the government took significant steps to enhance family preservation, foster care, and adoption programs.

In 2009 there were 6,920 children, including children with disabilities, in 137 specialized institutions. This was a decrease from 7,466 children in 140 institutions in 2008 and a 45 percent decrease from 12,609 children in 165 institutions in 2001. The majority of children in institutions were Roma. Most children in state

institutions were not orphans; courts institutionalized children when they determined that their families were unable to provide adequate care.

The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information on international parental child abduction, please see the Department of State's annual 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

According to the Jewish organization Shalom, anti-Semitism was not widespread, but there were increasing reports of anti-Semitic incidents. In March, a week before Passover, vandals painted the Jewish school in Sofia with anti-Israeli slogans. In May vandals painted the memorial of the Russian soldiers in Sofia with swastikas on the eve of the 65th anniversary of the end of the Holocaust. The media and NGOs gave public support to Shalom's declaration protesting the incidents. Jewish organizations remained concerned over the lack of public sensitivity to the fact that the overwhelming majority of those acts were unpunished.

On June 6, skinhead extremists attacked a group of young persons in a streetcar who were going to a protest rally in support of asylum-seekers in front of the Center for Temporary Accommodation of Foreigners in Busmantsi. On June 8, the police arrested eight persons but subsequently released two of them; the investigation was ongoing at year's end.

### Trafficking in Persons

For information on trafficking in persons, please see the Department of State's annual *Trafficking in Persons Report* at [www.state.gov/g/tip](http://www.state.gov/g/tip).

### Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to health care, or the provision of other state services or other areas; 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, non-renovated buildings. The law promotes the employment of disabled persons; however, enforcement was poor, and most persons with disabilities were unemployed primarily due to lack of access to adequate education and skills. For the most part, employers did not equip workplaces to accommodate persons with disabilities, and many were not able to find accessible transportation.

Persons with mental and physical disabilities, including very young children, were often in institutions separated from the rest of society. The majority of these institutions were located in remote rural areas, which prevented 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 operated 26 institutions for children and youth with disabilities.

The government continued to lack a policy with regard to children with disabilities, resulting in their receiving inadequate access to education, healthcare, and social services. Children with varying types and degrees of disability were placed in the same institution. In 2009 there were 2,906 children with disabilities in public institutions.

NGOs criticized the government for continuing to isolate persons with disabilities in a costly parallel system of education, socialization, and health care. Critics maintained that the government lacked both institutional capacity and the will to move from the old model to an inclusive, community-oriented model.

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 rarely enforced these provisions in practice, and the majority of polling stations were not wheelchair accessible.

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 for persons with disabilities. 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.

#### National/Racial/Ethnic Minorities

Societal discrimination against Roma and other minority groups remained a problem that sometimes resulted in incidents of violence between members of different ethnic groups. Authorities estimated that Roma constitute between 6 and 10 percent of the population. According to a 2002 Council of Europe report, there were 600,000 to 800,000 Roma in the country. According to the 2001 census, ethnic Turks made up 9 percent of the population. Ethnic Bulgarian Muslims, often termed Pomaks, are a distinct group of Slavic descent, whose ancestors converted from Orthodox Christianity to Islam; they constitute 2 to 3 percent of the population.

Popular prejudice against Roma remained widespread. There were isolated cases of police harassment, arbitrary arrests, and violence against Roma. However, NGOs reported that, while an increasing percentage of Roma were willing to file complaints against authorities, the overall number of complaints had dropped in recent years.

In September the Yambol municipality demolished a squatter settlement populated by an estimated 100 Roma families. The local government refused to compensate the expelled families, but provided them with free transportation to a location of their choice. Authorities made an individual assessment of each family and placed them on the relevant waiting list for municipally owned apartments. In November the local court ruled that the demolition had been illegal. Roma NGOs commented that 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.

There were no further developments reported with regard to the September 2009 destruction of 46 Romani homes in Burgas municipality, during which police used disproportionate force during the demolitions.

Following the 2009 ruling of the European Committee of Social Rights that the country failed to ensure that any person who is without adequate resources have access to social assistance provided by the state, the government promulgated in

February amendments to the Social Assistance Act, which eliminated the time limits for eligibility for assistance.

Workplace discrimination against minorities, especially Roma, continued to be a problem. The unemployment rate among Roma was nearly 65 percent, reaching 80 percent in some regions. General public mistrust of Roma, coupled with their low level of education, made Roma less able to find jobs. Many observers noted the quality of education offered to Romani children was inferior to that afforded most other students. However, there were isolated examples of success, such as the National Assembly internship program which has graduated 10 young Roma professionals each year since 2007.

Under the penal code, inciting racial or national enmity, hatred, or discrimination is a crime punishable by up to three years in prison, and plaintiffs may also file civil claims with the court for damages inflicted by discriminatory statements.

#### 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. The gay-rights organization Gemini reported that individuals continued to be reluctant to pursue legal remedies for discrimination due to the stigma of being openly identified as gay.

In May the Antidiscrimination Commission ruled that a November 2009 regulation by the city of Pazardjik prohibiting public expression of sexual orientation violated the country's antidiscrimination laws. In early August in response to a complaint that the commission's ruling was not being enforced, Pazardjik prosecutor Stefan Yanev asserted that the regulation was not discriminatory because homosexuality is a disease. He said also that the regulation would prevent prostitutes from parading their orientation and seeking clients in front of the city hall. On the following day, the Supreme Administrative Prosecution Service abolished the Pazardjik ordinance. At year's end, the Pazardjik city council was challenging the Antidiscrimination Commission's decision in the Supreme Administrative Court.

On June 26, the third annual gay pride parade in downtown Sofia attracted an estimated 300 participants. The parade was held without disruption but under heightened security. Earlier that day, 10 nationalist organizations gathered about

100 protesters to demonstrate against the gay pride parade. The Holy Synod of the Christian Orthodox Church condemned the parade, calling it a glaring, shameful, and sinful demonstration and appealing to the local authorities to prohibit the event. For the first time, the gay pride parade received support from a political party in the National Assembly, the right-wing conservative Democrats for Strong Bulgaria.

#### Other Societal Violence or Discrimination

According to the Hope against AIDS Foundation, HIV/AIDS patients faced discrimination and inadequate medical care due to doctors refusing to provide treatment from fear of contracting the disease. Patients typically did not contest these situations in court due to the social stigma attached to being identified as having HIV/AIDS. The NGO stated that at least four patients with HIV/AIDS died due to denial of treatment. Patients reported hiding the fact that they were HIV positive to receive medical care. Women also encountered social stigma when being diagnosed and treated for sexually transmitted diseases.

As of September, the Health Ministry reported 1,223 HIV-infected patients in the country, while NGOs estimated the actual number of cases to be around 4,000. During the year the ministry identified 114 new HIV patients--three were pregnant women and 20 were prison inmates. The majority of the newly identified patients contracted the disease through intravenous drug use and homosexual contacts.

#### Section 7 Worker Rights

##### a. The Right of Association

The law provides for the right of all workers to form or join independent trade unions of their choice without previous authorization or excessive requirements, and workers exercised this right in practice. The European Trade Union Institute (ETUI) stated that 20 percent of the country's workforce was unionized.

The law allows unions to conduct their activities without interference, and the government generally protected this right in practice. 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. Although the law prohibits police from striking, police held symbolic protests in 2008 and in January 2009 against low

wages and poor working conditions. In March a group of approximately 3,000 police, military, tax employees, and prison guards protested against the government's announced anti-crisis plan, which would potentially reduce their salaries.

b. The Right to Organize and Bargain Collectively

The law provides a legal structure for collective bargaining, which was practiced nationally. Labor unions alleged that some employers failed to bargain in good faith or to adhere to agreements. According to ETUI, 30 to 35 percent of workers were covered by a collective bargaining agreement.

The law prohibits antiunion discrimination and includes a provision for a six-month salary payment as compensation for illegal dismissal. In addition complaints of discrimination based on union affiliation could be filed with the Commission for Protection against Discrimination, but there were no reports of such complaints during the year.

There are no special laws or exemptions from regular labor laws in the country's six free trade zones.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children. According to the government's 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. Women and children were trafficked for commercial sexual exploitation. Also see the Department of State's annual *Trafficking in Persons Report* at [www.state.gov/g/tip](http://www.state.gov/g/tip).

d. Prohibition of Child Labor and Minimum Age for Employment

There are laws and policies to protect children from exploitation in the workplace, including a prohibition on forced or compulsory labor and policies regarding acceptable working conditions. The government was generally effective in implementing these laws and policies.

The law sets the minimum age for employment at 16 years old and the minimum age for dangerous work at 18. To employ children, employers must obtain a work permit from the General Labor Inspectorate under the Ministry of Labor and Social

Policy to employ workers under the age of 18. Employers can hire children under the age of 16 with special permits in limited types of employment. The General Labor Inspectorate inspects the working conditions at all companies applying for 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 trafficking for commercial sexual exploitation, 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 December the inspectorate granted 1,734 requests for employment of children between the ages of 16 and 18 years old. The inspectorate granted 100 requests for work permits for children under the age of 16. The inspectorate referred 12 cases of unlicensed, underage workers to the Prosecution Service. The inspectorate also found five other violations of child labor laws, primarily involving failure to recognize the different provisions for paid leave and working hours that apply to minors. According to the inspectorate, once corrected, employers did not repeat the violations.

e. Acceptable Conditions of Work

The national minimum wage remained 240 levs (\$163) per month. While this wage did not provide a decent standard of living for a worker and family, many workers received more wages unofficially to avoid taxes.

The law provides for a standard workweek of 40 hours with at least one 24-hour rest period per week. The Ministry of Labor and Social Policy is responsible for enforcing both the minimum wage and the standard workweek. The law stipulates that premium pay for overtime cannot be less than 150 percent during workdays, 175 percent during weekends, and 200 percent during official holidays. The law

prohibits overtime for children under age 18, pregnant women, and women with children up to age six. Enforcement was generally effective in the state sector but weaker in the private sector. During the year the 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 labor inspectorate is responsible for monitoring and enforcement. In the first nine months of the year, there were exactly the same number of work-related incidents as in 2009, but employers were generally more compliant in observing their obligation to provide healthy working conditions. Conditions in some sectors, particularly construction, mining, chemicals, and transportation, continued to pose risks for workers. As of October there were 60 workplace-related deaths, compared with 48 for the same period in 2009. At least 30 percent of the deaths occurred in the construction sector.

The law gives employees the right to remove themselves from work situations that present a serious or immediate danger to life or health without jeopardy to their continued employment; however, refusal to work in such situations could result in the loss of employment.