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U.S. Department of State

Bulgaria Country Report on Human Rights Practices for 1998

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BULGARIA

Bulgaria is a parliamentary republic ruled by a democratically elected government. President Petar Stoyanov of the Union of Democratic Forces (UDF) began a 5-year term of office in January 1997 following his election in late 1996. UDF leader Ivan Kostov currently serves as Prime Minister. The judiciary is independent but suffers from corruption and continues to struggle with structural and staffing problems.

Most internal security services are the responsibility of the Ministry of the Interior (MOI), which exercises improving but incomplete control of the police, the Central Service for Combating Organized Crime, the National Security Service (civilian intelligence), internal security troops, border guards, and special forces. The Special Investigative Service (SIS) is responsible to the Chief Prosecutor. Some members of the police committed serious human rights abuses.

The post-Communist economy continued to be heavily dependent on unprofitable state enterprises, although the growing private sector now accounts for about 50 percent of economic activity. Most persons are employed in the industrial and service sectors; key industries include food processing, chemical and oil processing, metallurgy, and energy. Principal exports are agricultural products, cigarettes and tobacco, chemicals, and metal products. Following a severe financial and economic crisis in 1996 and early 1997, the new reformist government introduced a successful macroeconomic stabilization program. The Government places a great deal of emphasis on attracting foreign investment and promised far-reaching structural reforms to make the country a viable candidate for European Union membership, although privatization has not moved forward as quickly as hoped. The annual per capita

gross domestic product of \$1,115 provides a relatively low standard of living.

The Government generally respected the human rights of its citizens; however, problems remained in some areas. Police used questionable lethal force against three suspects. Security forces beat suspects and inmates and at times arbitrarily arrested and detained persons. Reforms designed to increase accountability have improved the Government's control over the security forces, although control remains incomplete. A climate of impunity persists and inhibits government attempts to end police abuses. Conditions in some prisons were harsh, pretrial detention was often prolonged, and inspection visits were not allowed in some prisons. The judiciary is underpaid, understaffed, and has a heavy case backlog; corruption is a serious problem. A journalist investigating crime and corruption was physically attacked. Constitutional restrictions on political parties formed on ethnic, racial, or religious lines effectively limit participation for some groups. Police, local government authorities, and private citizens continued to obstruct the activities of nontraditional religious groups, although there was some improvement in their treatment by central government authorities. Violence and discrimination against women remained serious problems, and some women were also victims of trafficking and forced prostitution. Discrimination and societal violence against Roma were serious problems. Because of a lack of funds, social services did not adequately assist homeless and other vulnerable children, notably Romani children. Security forces harassed, physically abused, and arbitrarily arrested and detained Romani street children. Child labor was a problem.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing

There were no reports of political killings.

In three cases, police officers used questionable lethal force against citizens, two of whom were members of the Roma minority. However, there were no reports of deaths in custody.

On January 30, Tzvetan Kovachev was shot and killed by police officers while fleeing from them in Kostinbrod. Human rights groups expressed concern that Kovachev did not threaten police with a lethal weapon but was simply seen in the company of a fleeing murder suspect. He was killed by a bullet wound behind the right temple. No investigation of police conduct took place.

On June 20, police fatally shot Yordan Yankov in the Ovcha Kupel district of Sofia. Police claimed that Yankov's shooting was a case of mistaken identity, as they were at that time chasing fleeing criminal suspects in the vicinity. When told to halt, Yankov, also a member of the Roma minority and also unarmed, fled in fear and was shot. Yankov also died of a gunshot wound to the head. Witnesses claimed that he was hit first by a bullet in the foot, which immobilized him, before receiving the fatal wound to the head. The policeman who fired the fatal shot was indicted for murder. However, the court found that there was a conflict of interest on the part of the investigator and returned the case to the prosecutor's office. The investigation again was pending at year's end.

In October 16-year-old Staniela Bugova was killed by police when her brother's car was stopped in a routine check near the town of Sliven. Bugova, who was seated in the back of the car while one policeman checked her brother's documents, was shot in the head when another policeman present discharged his assault rifle, apparently by accident. An investigation is underway, and the officer who fired the fatal shot was charged with manslaughter. A public scandal ensued, and the Minister of Interior

demanded and received the resignation of the national police director of the region.

An incident of racial violence resulted the death of a Rom in May at the hands of skinheads (see Section 5).

Several cases of deaths in custody in 1997 remain unsolved. Investigations still were pending in the cases of Stefan Stanev and Georgi Biandov. The investigation into the 1997 death of Elin Karamanov was suspended for lack of evidence. In the 1997 case regarding the fatal shooting of Vasil Kalinov, charges against the civilian who fired the fatal shot were dropped on the grounds of insufficient evidence. The policeman accused of beating Mincho Simeonov to death in 1997 was convicted, but his appeal was pending at year's end. The investigation into the case of Kolo Todorov, a Rom arrested in 1997 for theft who was shot and killed while trying to escape detention, was suspended for lack of evidence.

The murder of former Prime Minister Andrei Lukanov in 1996 remains unsolved. In July the investigation once again was extended. The European Court of Human Rights agreed to hear the case of Anguel Zabchikov, a 17-year-old Rom who died in police custody in Razgrad in 1996. The police officer accused of murdering Orthodox priest Yordan Tsolov in 1994 was convicted; his appeal was pending at year's end. In February four policemen were convicted of murdering an ethnic Turk during a protest against the forced assimilation campaign in 1989; the highest sentence meted out was 2½ years (see Section 1.e.).

In October the Government closed the case of the unresolved "umbrella" murder of dissident Georgi Markov in 1978 in London, when he was injected with a poison pellet from the tip on an umbrella. Markov's family believed that former Communist dictator Todor Zhivkov had ordered the killing.

There was no progress in the trial concerning the notorious death camps set up by the Communists after they took power in 1944.

b. Disappearance

There were no reports of politically motivated disappearances.

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

The Constitution expressly prohibits torture and cruel, inhuman, or degrading treatment. Despite this prohibition, police beat criminal suspects and members of minorities. In particular, security forces physically abuse Romani street children. There were also allegations that police beat nonviolent protesters (see Section 6.a.).

The Human Rights Project (HRP) reported that on March 10, police beat Rossen Alekov, a 15-year-old Rom from Shumen, after he was taken into custody on suspicion of theft (a restaurant owner claimed that he had not paid his bill). Alekov was struck on the legs and back with a wooden truncheon and has forensic evidence (a medical certificate) for the injuries he sustained. A complaint was filed with the Military Prosecutor's Office.

The HRP also reported that on July 10 approximately 80 policemen raided the village of Mechka and beat more than 30 Roma with truncheons, broke down doors, and smashed windows and furniture in Romani houses. The policemen beat men, women, and children indiscriminately while insulting the villagers with ethnic slurs. Those beaten reported that the police showed no warrants (with one

exception, approximately 30 minutes before the real raid began) and gave no explanation for their actions. A 10-year-old boy's arm was fractured with a truncheon. A disabled resident who was unable to flee also was beaten. Altogether, despite initial difficulties in obtaining medical (forensic) certificates, 15 residents eventually obtained them, and 9 complaints were submitted to the Military Prosecutor's Office. By year's end, no action had been taken on the complaints.

According to Ministry of Interior data, 106 cases of police brutality were confirmed for the period June 1, 1997, to April 30, 1998. Legal proceedings were initiated in 44 cases, 4 officers were convicted, 26 officers were dismissed, and 63 were sanctioned. By comparison, MOI figures show that 21 complaints were filed regarding police brutality in 1996, 3 of which were judged justified. The police generally have refused to make investigative reports available to the public. The MOI statistics reflect only those complaints registered by the alleged victims. Human rights monitors report that they receive many more complaints from persons who are too intimidated to lodge an official complaint with the authorities.

Reports continue that criminal suspects in police custody run a significant risk of being mistreated. Human rights observers fear that conditions in SIS detention facilities may be exceptionally poor, since they have been unable to obtain access to them to conduct inspections.

There were fewer reports during the year of serious police abuses. Some policemen were punished for excesses, although the investigation process is not sufficiently expeditious or transparent. Changes in personnel and structures in the MOI, the prosecutor's office, and the Ministry of Justice all contributed to tightening control and accountability. Minister of Interior Bogomil Bonev immediately disbanded the renegade "special police unit" following an egregious example of collective human rights abuse by the unit in July 1997. Bonev also implemented a "zero tolerance" campaign during the year that apparently reduced police abuses. The Ministry also recognized that outside training and long-term consultations with Western law enforcement agencies are instrumental in developing greater control and effectiveness in law enforcement.

Conditions in some prisons are harsh and include severe overcrowding, inadequate lavatory facilities, and insufficient heating and ventilation. Credible sources reported cases of brutality committed by prison guards against inmates; in some cases, prisoners who complained were placed in solitary confinement. The Bulgarian Helsinki Committee (BHC) reports that tuberculosis is a growing problem in prisons, especially in those that do not have their own in-house enterprises or agricultural production and hence lack the additional resources to purchase more food. The process by which prisoners may complain of substandard conditions or of mistreatment does not appear to function effectively.

The Government cooperated fully with requests by independent observers to monitor conditions in those prisons under the authority of the Ministry of Justice. However, this was not the case for the detention centers operated by the SIS (see Section I.d.).

d. Arbitrary Arrest, Detention, or Exile

The Constitution provides for protection against arbitrary arrest and detention; however, police often arbitrarily detain and arrest street children, particularly Roma.

The Constitution provides for access to legal counsel from the time of detention. Police normally obtain a warrant from a prosecutor prior to apprehending an individual; otherwise, in emergency circumstances judicial authorities must rule on the legality of a detention within 24 hours. Defendants have the right to visits by family members, to examine evidence, and to know the charges against them. Charges may not be made public without the permission of the chief prosecutor. Pretrial detention is limited to 2 months

under normal circumstances, although this may be extended to 6 months by order of the chief prosecutor, who also may restart the process. In practice, persons often are detained for well over 6 months. In May Deputy Minister of Justice Zlatka Rousseva stated that some detainees have spent up to 2 years in prison without a trial. Rousseva publicly acknowledged that such prolonged pretrial detention constitutes a human rights violation. Under the terms of a 1997 amendment to the Code of Criminal Procedure, pretrial detention can last no more than a year or, if the alleged offense is punishable by over 15 years' imprisonment, life imprisonment, or capital punishment, no more than 2 years.

As of July 1, according to the Ministry of Justice, 993 inmates were in pretrial detention, 1,960 were on trial, and 8,861 were convicted (for a total inmate population of 11,814). These figures do not include prisoners held by the SIS, which reported that as of June 30 its detainees numbered 3,257, of which 842 were in pretrial detention. The BHC reported that it again attempted without success in November to gain access to the SIS's facilities in order to investigate allegations of abuse.

In the event of a conviction, the time spent in pretrial detention is credited toward the sentence. The Constitution provides for bail, and some detainees have been released under this provision, although bail is not used widely.

The Government does not use forced exile.

e. Denial of Fair Public Trial

Under the Constitution, the judiciary is granted independent and coequal status with the legislature and executive branch; however, the judiciary continues to struggle with problems such as low salaries, understaffing, antiquated procedures, corruption, and a heavy backlog of cases. Partly as a legacy of communism and partly because of the court system's structural and personnel problems, many citizens have little confidence in the judicial system. Human rights groups complain that local prosecutors and magistrates sometimes fail to pursue vigorously crimes committed against minorities. Many observers believe that reforms are essential to establish a fair and impartial, as well as efficient, judicial system.

Local observers contend that organized crime influences the prosecutor's office. Few organized crime figures have been prosecuted to date, but in 1997 the Government made the battle against organized crime a priority and reformed the Penal Code to that end. In August 1998, law enforcement authorities raided the headquarters of a large conglomerate accused of trafficking in smuggled sugar to investigate alleged links to organized crime, but the prosecutor's office canceled the search warrant while the raid was in progress. The MOI has requested and received assistance from Western countries in its efforts to close legal loopholes and strengthen enforcement capabilities against criminal economic groupings engaged in racketeering and other illegal activities.

A new law passed by the National Assembly in November is intended to reform the judiciary and remove the more cumbersome aspects of its functioning, such as the long delays created by the referral of cases back and forth between different offices. It also increases executive branch oversight of judges and prosecutors. In August the Council of Europe Parliamentary Assembly's Observation Committee questioned some aspects of the law that the Committee believed could limit the independence of the judiciary.

The court system consists of regional courts, district courts, and Supreme Courts of Cassation (civil and criminal appeal) and Administration. The Constitutional Court, which is separate from the rest of the court system, is empowered to rescind legislation that it considers unconstitutional, settle disputes over the conduct of general elections, and resolve conflicts over the division of powers between the various

branches of government. Military courts handle cases involving military personnel and some cases involving national security matters. The Constitutional Court does not have specific jurisdiction in matters of military justice.

Judges are appointed by the 25-member Supreme Judicial Council and, after serving for 3 years, may not be replaced except under limited, specified circumstances. This effective inability to replace judges virtually regardless of performance often has been cited as a hindrance to effective law enforcement. The 12 justices on the Constitutional Court are chosen for 9-year terms as follows: a third are elected by the National Assembly, a third appointed by the President, and a third elected by judicial authorities.

The Constitution stipulates that all courts shall conduct hearings in public unless the proceedings involve state security or national secrets. No complaints were reported about limited access to courtroom proceedings. Defendants have the right to know the charges against them and are given ample time to prepare a defense. The right of appeal is provided for and is used widely. Defendants in criminal proceedings have the right to confront witnesses and to have an attorney, provided by the state if necessary, in serious cases.

Human rights observers consider "Educational Boarding Schools" (formerly known as "Labor Education Schools") to which problem children can be sent as little different from penal institutions. However, since the schools are not considered prisons under the law, the procedures by which children are confined in these schools are not subject to minimal due process. Human rights monitoring groups such as the Bulgarian Lawyers for Human Rights criticize this denial of due process. Children sometimes appear alone despite the requirement that parents must attend hearings; the law expressly prohibits the right to an attorney at the hearing. Decisions in these cases are not subject to judicial review, and children typically stay in the Educational Boarding Schools for 3 years or until they reach majority age, whichever occurs first. In 1996 the Parliament enacted legislation that provided for court review of sentences to such schools, set a limit of a 3-year stay, and addressed other problems in these institutions (see Section 5). Some observers dismiss this court review provision as a formality, since the child is not present to speak on his or her own behalf (nor is the defense lawyer or the child's parents).

There was no progress in a case begun in 1993 relating to the forced assimilation and expulsion of Turks in 1984-85 and 1989; one of the three defendants, former Communist dictator Todor Zhivkov, died in August.

There were no reports of political prisoners.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence

The Constitution provides for the inviolability of the home, the right to choose one's place of work and residence, and the freedom and confidentiality of correspondence. Government authorities generally respect these provisions.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press, and the Government generally respects this right in practice. For most of the year, the legal situation for the media (beyond the constitutional provisions) remained unclear. However, with the passage of the media law in November the situation in the electronic media finally was regularized, after years of uncertainty and administrative

ad hoc measures. How well the law functions was expected to become clear during the course of 1999, when new licenses for frequencies are issued. Considerable concern remains among the media that the controlling boards established under this law and the law on telecommunications are not free of political control by the parliamentary majority party. Despite previous legal uncertainties, the broadcast media operated reasonably freely. Nevertheless, there were accusations of political censorship in February when an episode of the satirical television program "Hushove" (Bulgarian for exiles or outcasts) was canceled immediately following a critical and unflattering portrayal of the Government. Although the reason given by the director of Bulgarian National Television (BNT) for the show's cancellation was an alleged failure to comply with advertising rules, others charged that the cancellation was a politically motivated vendetta.

Among media professionals and the broader public, the belief persists that the Government exerts an unduly large influence on the media through official channels, i.e., the Radio and Television Council, and unofficially by influencing advertisers not to use media outlets that are too critical of government policy or officials. While such claims are widely made and believed, little hard evidence exists to document concrete examples of government intimidation of editors or their broadcasters.

A variety of newspapers are published freely by political parties and other organizations representing the full spectrum of political opinion; many reflect the views of their ownership.

According to the nongovernmental organization (NGO) Human Rights Watch, at least 11 violent attacks were carried out against media representatives, including physical assaults and bombings of newspaper offices. Attempts to intimidate journalists investigating corruption were thought to be the motivation for the attacks.

Libel is punishable under the Criminal Code, and several human rights organizations, as well as a majority of the journalistic community, believe that prosecutors use their authority to issue arrest warrants to intimidate free expression in the press, particularly when such expression is critical of the Prosecutor's Office. In recent years this law has been used sparingly, but there have been two cases in the last 2 years in which reporters have been convicted of libel and sentenced to prison terms or large fines. The Council of Europe Parliamentary Assembly's Observation Committee announced in August that it would review problems with media independence.

Pending enactment of the new media legislation, national television and radio broadcasting both remained under parliamentary supervision. Some media observers expressed concern that such parliamentary supervision fosters censorship and a lack of balance in the state-controlled media.

Only the two state-owned national television channels, have nationwide coverage. The Government announced plans to close down one of the channels in the fall and to privatize it. Although privatization has yet to occur, the second channel implemented a gradual shutdown of its own programming, reducing original news production to 5 minutes per day and broadcasting archived programs and old movies the rest of the time. To date plans for the national television station to broadcast in Turkish have not been implemented. However, there is limited radio broadcasting in Turkish on the national radio's local affiliates in regions where there is a sizable Turkish-speaking population.

Television and radio news programs on the state-owned media present opposition views, but opposition members claim that their activities and views are given less broadcast time and exposure than those of the ruling party. There are no formal restrictions on programming. Both television and radio provide a variety of news and public interest programming.

Human Rights Watch reported that in March the national radio removed journalist Diana Yakulova from the air for a month for using anonymous information regarding the Minister of the Interior. BNT dismissed Svetoslava Tadarakova in March for "statements in the media [which] ruin the good reputation of Bulgarian National Television."

There are more than 30 independent radio stations (all local or regional). Most have licenses, but due to the fact that the new media law had yet to be implemented fully, these stations are technically illegal, since their licenses expired and there was no valid mechanism for renewal. Some private stations still complain that the strength of their transmissions is restricted unduly, with the result that they cannot compete fully with national (state-owned) radio. All transmission facilities are owned by the central Government.

Foreign government radio programs such as the British Broadcasting Corporation, Deutsche Welle, and the Voice of America have good access to commercial radio frequencies.

Private book publishing remained unhindered by political considerations.

The Government respects academic freedom.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for the right to peaceful assembly, and the Government generally respected this right in practice. The authorities require permits for rallies and assemblies held outdoors, but most legally registered organizations routinely were granted permission to assemble. Vigorous political rallies and demonstrations were a common occurrence and generally took place without government interference. However, in April police broke up attempts by the unregistered, self-proclaimed Macedonian rights group, OMO-Ilinden, to hold a public demonstration near Rozhen. Police reportedly prevented OMO-Ilinden members from marching to the grave of the Macedonian revolutionary leader Jane Sandanski; one protester claimed that police beat him and broke several teeth. Mayor Stefan Sofiyanski also banned an OMOIlinden demonstration in August in Sofia.

Police broke up Jehovah's Witnesses' meetings and services in February and in May in the city of Burgas, and in Kyustendil in May. Also in May, two members of Jehovah's Witnesses were each fined \$280 (Lev 500,000 --more than twice the average monthly salary) by local authorities for a conducting a religious gathering behind closed doors in Plovdiv. Jehovah's Witnesses were formally registered on October 7 (see Section 2.c.).

The Government has undertaken to respect the rights of individuals and groups to establish freely their own political parties or other political organizations. However, there are constitutional and statutory restrictions that limit the right of association and meaningful participation in the political process. For example, the Constitution forbids the formation of political parties along religious, ethnic, or racial lines and prohibits "citizens' associations" from engaging in political activity. This provision is designed to prevent the development of parties based on a single ethnic or other group that could prove divisive for national unity by stirring up ethnic tension for political purposes. Nonetheless, the mainly ethnic Turkish Movement for Rights and Freedoms (MRF) is represented in Parliament. The other major political parties generally accept the MRF'S right to participate in the political process, although former member of the National Assembly Roumen Vodenicharov challenged the MRF's legitimacy in a blatantly racist speech delivered at the funeral of former dictator Todor Zhivkov in August (see Section 2.d.).

The Constitution also prohibits organizations that threaten the country's territorial integrity or unity, or

that incite racial, ethnic, or religious hatred. The Government has refused since 1990 to register OMO-Iinden, on the grounds that it is separatist. However, there were no reports of any prosecutions for simple membership in this group.

c. Freedom of Religion

Although the Constitution provides for freedom of religion, the Government restricts this right in practice for some non-Orthodox religious groups. The government requirement that groups whose activities have a religious element register with the Council of Ministers remained an obstacle to the activity of some religious groups, such as the Unification Church, prior to or in the absence of registration. The lack of registration was an obstacle to the activities of Jehovah's Witnesses early in the year, prior to the group's registration in November. Local authorities cite the lack of registration as a pretext for interference against some groups and employ arbitrary harassment tactics against others. The ability of a number of religious groups to operate freely continued to come under attack, both as a result of action by local government authorities and because of public intolerance.

The National Assembly passed a law on alternatives to military service in October, which entered into force on January 1, 1999. Under this new law, alternative service is to be twice as long as military service (military service is 9 months for university graduates and 12 months for others). Passage of this legislation led to the registration of Jehovah's Witnesses. A member of Jehovah's Witnesses who refused to serve in the military was sentenced to a jail term before the registration occurred, but he is appealing the verdict and is not in custody.

The Ministry of Education introduced a course on religion in the secondary school curriculum beginning with the 1998-99 school year. Originally conceived as a "world religion" course that avoids endorsing any particular faith, members of other religions, especially ethnic Turkish Moslems, maintain that the Bulgarian Orthodox Church receives privileged coverage in the textbooks. The religion course is optional and is not available at all schools.

Numerous articles in a broad range of newspapers drew lurid and inaccurate pictures of the activities of non-Orthodox religious groups, attributing the breakup of families and drug abuse by youths to the practices of these groups and alleging that Evangelicals were drugging young children. Jehovah's Witnesses were subjected to a particularly negative press campaign in the port city of Burgas. In addition to the action taken by police in Burgas to break up gatherings of Jehovah's Witnesses in February, according to one report, police also confiscated religious books and leaflets. In May police broke up Jehovah's Witness gatherings in both Burgas and Kyustendil (see Sections 2.b. and 5). Two members of Jehovah's Witnesses were detained in Burgas in June for proselytizing. Mormon missionaries reported several incidents of police harassment. Although incidents involving police took place throughout the country, official harassment was worst in the cities of Burgas and Plovdiv, where local authorities disregarded the law by arbitrarily denying Mormons the right to proselytize (in Burgas) and to have a legally registered place of residence (in both Burgas and Plovdiv). These incidents lend credence to charges by human rights observers that the police are monitoring and interfering with the activities of many religious groups.

The Constitution designates Eastern Orthodox Christianity as the "traditional" religion. The Government provides financial support for the Eastern Orthodox Church and other denominations that it considers to be "traditional." Along with the Orthodox Church, the Muslim, Catholic, and Jewish minority religious communities are generally perceived as maintaining a longstanding place in society and hence benefit from a relatively high degree of tolerance, as well as some government financial support.

For most registered religious groups there were no restrictions on attendance at religious services or on private religious instruction. A school for imams, a Muslim cultural center, university theological faculties, and religious primary schools operated freely. Bibles and other religious materials in the Bulgarian language were freely imported and printed on most occasions, and Muslim, Catholic, and Jewish publications were published on a regular basis. Nevertheless, police confiscated religious literature during Jehovah's Witnesses' gatherings.

During compulsory military service most Muslims are placed in construction units where they often perform commercial or maintenance work rather than serve in normal military units. The mainly ethnic-Turkish MRF protests this practice (see Section 5).

There were no indications that the Government discriminated against members of any religious group in making restitution to previous owners of properties that were nationalized during the Communist regime. The Government has in general actively supported property restitution to a group representing the Jewish community, although the return of two lucrative commercial Jewish communal properties continues to face administrative obstacles.

At the Department of Theology of Sofia University all students are required to present a certificate of baptism from the Orthodox Church, and married couples must present a marriage certificate from the Church in order to enroll in the Department's classes. In 1996 two non-Orthodox applicants were denied admission to the Department when they were unable to present such certificates. The applicants then appealed to the local court, which decided in favor of both applicants. However, following the court decision the University changed its requirements, effectively further excluding both students.

The schism that opened in the Orthodox Church in 1992 continued, and the Government refused to recognize an alternative Patriarch elected by supporters in 1996. The Supreme Court ruled that the decision was unlawful, but the alternate Patriarch remained unregistered. The Government nevertheless encouraged the feuding factions to heal their prolonged rift. By year's end, these efforts had not met with success.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for freedom of movement within the country and the right to leave it, and these rights are not limited in practice, with the exception of border zones where access is limited for nonresidents (the border zones extend 1.2 to 3 miles from each border). In November President Stoyanov vetoed the law on aliens over provisions that deny citizens the right to appeal refusal of a passport on national security grounds. Stoyanov stated that the bill violates human rights norms and that following 45 years of international isolation, the populace was sensitive to restrictions on foreign travel. Every citizen has the right to return to Bulgaria, may not be forcibly expatriated, and may not be deprived of citizenship acquired by birth. In the first half of the year, citizenship was restored to 286 applicants who lost their citizenship during the Communist era; 7 such applicants were refused on national security grounds.

The Government grants asylum or refugee status in accordance with the standards of the 1951 United Nations (U.N.) Convention Relating to the Status of Refugees and its 1967 Protocol. In the absence of a refugee law, the procedures followed by the governmental National Bureau for Territorial Asylum and Refugees (NBTAR) are regulated by an ordinance for granting and regulating refugee status. The Government provides first asylum. However, domestic and international human rights organizations expressed concern over the Government's handling of asylum claims and reported that there may be cases in which bona fide refugees are turned away at the border and forced to return to countries where

they fear persecution. The NBTAR asserts that it gives a fair hearing to all persons who seek asylum or refugee status but admits that there may be cases that do not come to its attention before applicants are returned to the country from which they entered. For the period January 1 to August 31, the MOI reports that 2,843 persons were denied entry; it is not known how many of these requested asylum.

The NBTAR reports that, from its inception in 1993 until June 30, a total of 2,367 persons applied for asylum. In the first 5 months of 1998, 367 applied, 30 were approved, and 48 were refused; for 126 applicants the procedure was terminated (usually because the applicant could not be found). Domestic and international human rights organizations complain that the adjudication process is slow; the office the U.N. High Commissioner for Refugees (UNHCR) notes that it can take up to 4 years. The UNHCR, in cooperation with a local NGO, opened three transit centers in 1997 and 1998 in areas close to the Greek, Turkish, and Romanian borders. The Government opened a small reception center in Banya (in the Nova Zagora region, not far from the Greek and Turkish borders), also with assistance from the UNHCR. Plans to open a reception center at the Sofia airport have been delayed due to a lack of funding.

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

Citizens have the right to change their government and head of state through the election of the President and of the members of the National Assembly, although the Constitutional prohibition of parties formed on ethnic, racial, or religious lines has the effect of circumscribing access to the political party process for some groups (see Section 2.b.), particularly those Roma who have expressed a desire to create their own party. Suffrage is universal at the age of 18.

No legal restrictions hinder the participation of women in government and politics, although they are underrepresented. Women hold just under 11 percent of the seats in the current Parliament. However, a number of women hold elective and appointive office at high levels, including three cabinet-level posts and several key positions in Parliament. The Minister of Foreign Affairs and the leader of the UDF parliamentary group (the dominant party in the Government) are both women.

No legal restrictions hinder the participation of minorities in politics, apart from the prohibition of ethnically, racially, or religiously based parties. However, while ethnic Turks' representation in the National Assembly is close to commensurate with their share of population, there are no Romani members of Parliament. Both groups are underrepresented in appointed governmental positions, especially leadership positions.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Local and international human rights groups operate freely, investigating and publishing their findings on human rights cases. Government officials, especially local officials, occasionally are reluctant to provide information or active cooperation. The failure of the SIS to allow access by human rights groups to its detention centers is of particular concern.

The National Assembly has a committee on human rights and religions.

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution provides for individual rights, equality, and protection against discrimination, but in practice discrimination still exists, particularly against Roma and women. Local human rights groups

reported progress in religious tolerance among the public at large and among central government officials and institutions, although problems of intolerance persist in some areas as a result of local government or private action.

Women

Domestic abuse is a serious and common problem, but there are no official statistics on its occurrence. Spousal rape is a crime but rarely is prosecuted. The law exempts from state prosecution certain types of assault if committed by a family member, and the Government does not assist in prosecuting crimes of domestic assault unless the woman has been killed or injured permanently. Courts and prosecutors tend to view domestic abuse as a family rather than criminal problem, and in most cases victims of domestic violence take refuge with family or friends rather than approach the authorities. No government agencies provide shelter or counseling for such persons, although the municipality of Sofia promised a building to the Animus Association (AA), an NGO that offers help and support to female victims of violence, to use as a shelter for abused women. The courts prosecute rape, although it remains an underreported crime because some stigma still attaches to the victim. The maximum sentence for rape is 8 years; convicted offenders often receive a lesser sentence or early parole. MOI figures show that during the first half of the year, 309 rapes and 58 attempted rapes were reported.

The AA reported 348 cases of domestic violence, 35 cases of sexual violence, and 30 cases of trafficking in women between January and August. Its total caseload thus increased several times over the same period the year before. Possible explanations for this increase include not only a successful publicity campaign but also an evolution in attitudes towards violence against women. Women apparently are now more inclined to seek help from such organizations. The actual incidence of each form of violence is certainly much higher, as these represent those cases in which the victim (or, in some trafficking cases, an overseas women's group) was willing and able to contact the AA.

In 1997 the Government enacted a law against trafficking in women. The AA reports that, according to foreign women's organizations, Bulgarian women constitute one of the largest groups of victims of forced prostitution in Western and Central Europe. Typically, women are lured away with offers of foreign jobs as nannies, waitresses, dancers, shop assistants, or fruit pickers and then discover that virtual indentured servitude in prostitution awaits. The AA also reports that destinations for trafficked women include Cyprus, Greece, Turkey, Italy, Germany, Poland, Belgium, the Netherlands, the Czech Republic, Canada, and Macedonia, all of which have been used either for transit or "sale" of victims. On occasion there were unconfirmed reports of the involvement of local officials in trafficking in some areas. Women reportedly were trafficked into Bulgaria from the former Soviet Union and Macedonia, also for forced prostitution. A 1997 amendment to the Penal Code on trafficking in women introduced longer prison sentences (to existing kidnaping penalties already in force) in those cases where the victim is under 18 years of age, is offered to another person for sexual abuse, or is trafficked abroad for sexual abuse. However, it is not yet clear how the amendment has been implemented.

Technical and bureaucratic obstacles hamper government assistance to female victims of violence. Many victims of trafficking and forced prostitution are too young to have worked previously; the lack of previous work experience disqualifies them from receiving social security assistance. If they are runaways with no registered address to which they can return, they are ineligible for humanitarian assistance. Victims are not encouraged to file complaints, as there is no mechanism in place to protect witnesses.

Some interested NGO's believe that sexual harassment is a problem; it is not currently illegal.

Many of the approximately 30 women's organizations are closely associated with political parties or have primarily professional agendas. Some observers believe that women's organizations tend to be associated with political parties or professional groups because feminism has negative societal connotations. Of those organizations that exist mainly to defend women's interests, the two largest are the Women's Democratic Union in Bulgaria, heir to the group that existed under the Communist dictatorship, and the Bulgarian Women's Association, which disappeared under communism but has reemerged with chapters in a number of cities.

The Constitution forbids privileges or restrictions of rights on the basis of sex, and women are not impeded from owning or managing businesses, land, or other real property and do not suffer from discrimination under inheritance laws. However, women face discrimination both in terms of job recruitment and the likelihood of layoffs. Official figures show the rate of unemployment for women to be higher than that for men. Women are much more likely than men to be employed in low-wage jobs requiring little education, although statistics show that women are equally likely to attend university. However, fewer girls than boys are attending schools, especially among minorities. Women generally continue to have primary responsibility for child rearing and housekeeping even if they are employed outside the home. There are liberal provisions for paid maternity leave. However, in some cases these actually may work against employers' willingness to hire and retain female employees, especially in the private sector.

No special government programs address economic discrimination or integrate women better into the mainstream of society and the economy.

Children

The Government generally is committed to protecting children's welfare but, with limited resources, falls short in several areas. It maintains, for example, a sizable network of orphanages throughout the country. However, many of the orphanages are in disrepair and lack proper facilities. Government efforts in education and health have been constrained by serious budgetary limitations and by outmoded social care structures. The Constitution provides for mandatory school attendance until the age of 16. However, fewer girls than boys are attending school, especially among minorities.

Credible sources report that there is no provision for due process of law for Romani and other juveniles when they are detained in Labor Education Schools run by the Ministry of Education. Living conditions at these reform schools are poor, offering few medical, educational, or social services. The Labor Education School at Slavovitsa has been the target of the harshest criticism. Generally, staff members at many such institutions lack the proper qualifications and training to care for the children adequately. Degrading and severe punishment, such as the shaving of a child's head, reduction in diet, severe beatings, and long periods of solitary confinement, are common at the schools. In 1996 the Ministry of Education acknowledged problems at the schools and attributed the cause to a lack of funding. In 1996 Parliament enacted legislation providing for court review of sentencing to such schools and addressing other problems in the reform school system (see Section 1.e.).

The vast majority of children are free from societal abuse, although some Romani children are frequent targets of skinhead violence and arbitrary police detention; the homeless or abandoned were particularly vulnerable. Family or community members forced some Romani minors into prostitution. Police made little effort to address these problems. The National Police Directorate announced in June that juvenile delinquency was halved in the first 5 months of the year compared with the same period during the previous year. Some observers believe that there is a growing trend toward the use of children in prostitution, burglaries, and narcotics

distribution.

People With Disabilities

Disabled persons by law receive a range of financial assistance, including free public transportation, reduced prices on modified automobiles, and free equipment such as wheelchairs. However, as in other areas, budgetary constraints mean that such payments occasionally fall behind. Disabled individuals have access to university training and to housing and employment, but architectural barriers are a great hindrance in most older buildings. For example, there are no elevators in schools or universities. In 1997 the Rehabilitation and Social Integration Fund was established to assist the disabled. According to the director of this new government body, 82 percent of the disabled are unemployed. Workers with disabilities are entitled to shorter working hours, which often leads to discrimination against them in hiring practices. According to the law, any enterprise employing more than 50 persons must hire a certain number of disabled workers (between 3 and 10 percent, depending on the industry). Those who fail to do so must pay a fine, the proceeds of which go to a fund for the disabled. Nevertheless, due to low fines and delays in the judicial system, collection rates are extremely low. The Rehabilitation and Social Integration Fund is developing a national draft strategy to improve conditions for the disabled.

In February the city of Plovdiv received two minibuses for use in transporting persons with disabilities; the European Union's PHARE program financed the purchase of the vehicles. Recent public works have taken the needs of the disabled into account. When a major inner city Sofia boulevard was rebuilt in 1998, lower sidewalk access was provided for wheelchairs. Sofia's new subway also was designed for wheelchair access. Nevertheless, enforcement of a 1995 law requiring improved access for the disabled has lagged as far as existing, unrenovated buildings are concerned.

Policies and public attitudes prevalent during the Communist era, which separated mentally and physically disabled persons, including very young children, from the rest of society have persisted. Some complain that the effective segregation of disabled children into special schools has lowered the quality of their education.

Religious Minorities

Discrimination, harassment, and general public intolerance of "nontraditional" religious minorities (i.e., the great majority of Protestant Christian religions) remained a problem, although the number of reported incidents decreased during the year. Deep-rooted suspicion of Evangelical denominations is widespread and pervasive across the political spectrum. Often cloaked in a veneer of "patriotism," intolerance of the religious beliefs of others enjoys widespread popularity. Such mainstream public pressure for the containment of "foreign religious sects" inevitably influences policymakers. Nevertheless, human rights observers agreed that such discrimination lessened somewhat during the year as the populace appeared to adapt to the existence of previously unfamiliar religions.

Certain religions, including groups denied registration and those officially registered, faced discriminatory practices (see Sections 2.b and 2.c.), despite registered groups' full compliance with the law, and sometimes encountered hostility from the press, segments of the public, and certain government officials.

National/Racial/Ethnic Minorities

Ethnic Turks constitute almost 10 percent of the population. Although estimates of the Romani population vary widely, several experts put it at about 6 to 7 percent.

Ethnic Bulgarian Muslims or "Pomaks" are a distinct group of Slavic descent, constituting 2 to 3 percent of the population, whose ancestors converted from Orthodox Christianity to Islam. Most are Muslim, although a number have become atheists or converted back to Christianity. These are the country's largest minorities. There are no restrictions on speaking Turkish in public or the use of nonSlavic names. In July 1997 President Stoyanov apologized to Turkey and the Muslim community for the Communist-era "Regeneration Process" under which Turkish names were changed forcibly to Slavic names.

Voluntary Turkish-language classes in public schools, funded by the Government, continued in areas with significant Turkishspeaking populations, although some observers complained that the Government was discouraging optional language classes in areas with large concentrations of Muslims. In April a Ministry of Education specialist estimated that approximately 40,000 children now study Turkish. Some ethnic Turkish leaders, mainly in the MRF, demanded that Turkish-language classes be made compulsory in areas with significant ethnic Turkish populations, but the Government has resisted this effort.

In the 1992 census 3.4 percent of the population identified itself as Romani. The real figure is probably closer to 6 or 7 percent, since many persons of Romani descent tend to identify themselves to the authorities as ethnic Turks or Bulgarians. Romani groups continued to be divided among themselves, although several groups had some success in presenting Romani issues to the Government. In June Prime Minister Kostov announced that his UDF Party would draft a long-term program to integrate ethnic and religious minorities into the country's sociopolitical and economic life. In August a Roma community center was opened in a Sofia neighborhood, with Vice President Todor Kavaldjiev in attendance.

As individuals and as an ethnic group, Roma faced high levels of discrimination. In August former Member of Parliament Roumen Vodenicharov made blatantly anti-Roma and anti-Semitic remarks at the funeral of former Communist dictator Todor Zhivkov. President Stoyanov quickly condemned Vodenicharov's remarks as "outspokenly Fascist," and both the Zhivkov family and the Bulgarian Socialist Party (BSP), on whose list Vodenicharov previously was elected to the National Assembly, disavowed Vodenicharov's statement.

Attacks by private citizens on Roma continued. In May skinheads attacked eight Romani boys in an abandoned building in downtown Sofia. One of the boys fell to his death from a window; according to the other boys who witnessed his fatal fall, he was pushed by the skinheads. President Stoyanov sent his personal representative to visit the deceased boy's family to express sympathy over the racially motivated attack. One suspect was arrested, but he was released shortly thereafter for lack of evidence; no further arrests have been made.

On March 4, a 10-year-old Romani girl named Minka Stoyanova was shot to death in her home in Rozino by private security guards after her father was accused of theft. Although a murder investigation is pending, the two guards accused of the killing had not been taken into custody by year's end.

On March 1, following an altercation between two Romani girls and two non-Romani males in the village of Hadji Dimitrovo, a group of 40 to 50 persons from the village attacked Roma living in a separate neighborhood. Witnesses said that the attackers were armed with rifles, pickaxes, and iron bars, and that they fired shots. One local Rom suffered a fractured skull, and another was beaten with a metal implement. There were also reports that some members of the self-styled vigilante group attempted to molest sexually the daughters of the households that they broke into. No arrests were made in the case by year's end.

Police harass, physically abuse, and arbitrarily arrest Romani street children (see Sections 1.c. and 1.d.). Little progress has been made in cases of violence against Roma during previous years, and these largely remain in the investigatory phase.

Roma encounter difficulties applying for social benefits, and rural Roma are discouraged from claiming land to which they are entitled under the law disbanding agricultural collectives. Many Roma and other observers made credible allegations that the quality of education offered to Romani children is inferior to that afforded most other students. For example, Bulgaria has 34 all-Roma schools; according to one estimate, only half of all students at these schools attend class regularly. The Government has been largely unsuccessful in attracting and keeping many Romani children in school. Poverty has led to widespread school truancy as many children in Romani ghettos cannot afford shoes or basic school supplies and turn to begging, prostitution, and petty crime on the streets.

Workplace discrimination against minorities continued to be a problem, especially for Roma. Employers justify such discrimination on the basis that most Roma have only elementary education and little training. In June a Rom set fire to himself in front of the Lom town hall to protest his unemployment and inability to feed his children. Local firefighters were present on the scene and quickly extinguished the flames. A spokesman for the Romani protestors in Lom explained that Roma in Lom had not received social assistance payments for 5 months, faced general societal discrimination, and were disappointed that a construction contract had been awarded recently without the stipulation that local labor be employed.

During compulsory military service most Roma (and Muslims) are shunted into units where they often perform commercial, military construction, or maintenance work rather than serve in normal military units (see Section 2.c.). The MRF protested this practice, as did human rights groups and la