



Bulgaria

Country Reports on Human Rights Practices - 2000

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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.

Internal security services are the responsibility of the Ministry of the Interior and include the National Police, the National Service for Combating Organized Crime, the National Security Service (civilian domestic intelligence), the National Gendarmerie Service (paramilitary police), and the Border Police. Although government control over the police is improving, it still is not sufficient to ensure full accountability. The Special Investigative Service (SIS), which provides investigative support to prosecutors on serious criminal cases, is a judicial branch agency and therefore not under direct government control. Some members of the police committed serious human rights abuses.

The country is in transition from an economy dominated by loss-making state enterprises, concentrated in heavy industry, to one dominated by the private sector. Around 80 percent of state assets destined for privatization—including enterprises in the chemicals, petroleum processing, and metallurgy sectors—have already been sold in a process that featured uneven degrees of transparency. Principal exports are agricultural products, tobacco products, chemicals and metals, although light industry—including textiles and apparel—is growing in importance. The private sector accounts for approximately 60 percent of gross domestic product (GDP). Following a severe economic and political crisis in early 1997, a reformist government introduced a macroeconomic stabilization program based on a currency board. The program succeeded in bringing down inflation from triple digits in 1996-97 to only 6.2 percent in 1999. The economy grew by 3.5 and 2.4 percent in 1998 and 1999, and the Government forecasts more robust growth over the next several years. Between 4 and 5 percent growth was forecast for the year. The annual per capita GDP of \$1,600 provides a relatively low standard of living.

The Government generally respected the human rights of its citizens; however, several serious problems remained in some areas, while there were improvements in a few others. The authorities were responsible for extrajudicial killings; police were responsible for the deaths of at least five persons during the year, and a Bulgarian military officer was accused of responsibility for the death of a conscript recruit. Security forces beat suspects and inmates and often arbitrarily arrested and detained persons. Problems of accountability persist and inhibit government attempts to end police abuses. Conditions in many prisons and detention facilities were harsh, and there remained some instances of prolonged pretrial detention, although the Government has noticeably improved its performance in preventing defendants' period of pre-trial detention from exceeding the statutory limit (normally 1 year). The judiciary is underpaid, understaffed, and has a heavy case backlog; corruption is a serious problem. The Government infringed on citizens' privacy rights. There were no reports of police abuse of journalists, although there were several unexplained incidents of violence against journalists by unknown parties. 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 some nontraditional religious groups. Violence and discrimination against women remained serious problems. Discrimination and societal violence against Roma were serious problems, resulting in one death. Because of a lack of funds, the social service system did not assist homeless and other vulnerable children adequately, notably Romani children. Security forces harassed, physically abused, and arbitrarily arrested and detained Romani street children. Child labor was a problem. Trafficking in women and girls was a serious 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; however, law enforcement or military personnel killed at least six persons, of which one was a member of the Roma ethnic minority.

The Ministry of Interior Act regarding the use of firearms by law enforcement officials permits them to use firearms to apprehend persons committing crimes or who have committed crimes, even if the crimes are only minor. Law enforcement officers also may use firearms to stop the escape of a person who has been arrested for any crime.

On March 4, a police officer shot and killed Boyan Yovchev in Varna. The police officer was indicted by the military prosecutor for negligent homicide, which carries a maximum penalty of 5 years imprisonment. The defendant reached a plea bargain agreement, received a 2-year suspended sentence, and was fired from the police force.

On June 14, Miroslav Marinov died in the hospital from injuries sustained while in police custody in Vratsa. Marinov had been released from police custody shortly before his death, and reportedly told family and friends before he died that he had been beaten severely by police. A police inquiry in response to the complaint concluded that there was no evidence that police officers were responsible for Marinov's death; no charges were filed.

On July 5, Trycho Lyubomirov, a 19-year-old Roma man suspected by police of car theft, was shot and killed by police in Sofia, reputedly while attempting to flee police custody. Witnesses alleged that Lyubomirov was in handcuffs at the time that he was shot, according to human rights monitors. A police officer involved in the incident was charged by the military prosecutor with negligent use of a firearm, which carries a maximum penalty of 5 years imprisonment. The case was awaiting trial at year's end.

On August 5, Emil Arnudov of Asenovgrad was beaten severely by two on-duty policemen after he allegedly caused a disturbance in a bar. He died of his injuries on August 15. One policeman was charged with homicide by the military prosecutor as a result of the incident, and remains in custody pending trial. The second policeman was cleared of responsibility. The regional police chief received a reprimand.

On November 17, Rebin Yumer Mohamed, a 16-year-old Iraqi national of Kurdish heritage, was shot and killed by border police in an attempt to illegally cross the border into Bulgaria. Authorities stated that the boy was hit by a stray bullet, after a border patrol officer fired warning shots into the air. Mohamed was 1 of approximately 100 Kurdish refugees who were apprehended attempting the crossing. The shooting was ruled justifiable by the military prosecutor.

On November 21, Dimitur Dimitrov, a conscript soldier, died of asphyxiation while running laps while wearing a gas mask. He reportedly had been ordered to do this by his commanding officer as punishment for tardiness. An investigation into the incident was pending at year's end.

On July 28, Dimitrichka Marinova, a 41-year-old Roma woman, was shot and killed by a private security guard in the town of Dolni Chiflik, while trespassing in an apricot orchard. Police initially reported the shooting as accidental. The guard was later convicted and received a 2-year suspended sentence in a plea bargain agreement.

The case of the 1999 killing of Gancho Vuchkov was closed without an indictment. There were no developments in the 1999 killing of Tancho Vasev. There were no developments in the investigation of the death of Kostadin Sherbetov, who died in police custody in 1999.

The police officer sentenced in the 1998 killing of Yordan Yankov had his prison sentence reduced on appeal to a suspended sentence. The monetary damage penalty was allowed to stand. There were no developments in the 1998 killing of Tsvetan Kovatchev.

Two police officers involved in the 1997 beating death of Mincho Surtmachev each had their sentences reduced on appeal. One was acquitted and released by the court, while the second received a 4-year sentence, of which he served 2 1/2 years and then was released. The court confirmed the monetary damage award to the victim's family of approximately \$3500 (7000 leva). These cases are now closed.

Two suspects are known to remain under active investigation for the 1996 murder of former Prime Minister Andrey Lukanov. Police arrested one man suspected of being the killer, who remains in police custody while the case is being investigated. Angel Vasiliev, who is suspected of ordering the murder, has been released from police custody after spending 1 year in jail, but reportedly remains under investigation.

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; however, despite this prohibition, police commonly beat criminal suspects and members of minorities, at times to extract false testimony. In particular security forces physically abused street children, the majority of whom are Roma.

Police are allowed to shoot any fleeing criminal suspect. On January 11, police shot and seriously injured Stefan Yordanov, a Romani man, in Burgas District. A nongovernmental organization (NGO) filed a complaint with the Regional Military Prosecution of Sliven; however, the Sliven prosecutor refused to open an investigation.

On April 29, according to unconfirmed NGO reports, a 16-year-old Rom, Tsvetalin Petrov, suffered third-degree burns after allegedly being doused with an inflammable liquid and set on fire while in custody in the Vidin police station. Petrov had been arrested for breaking and entering and theft near Vidin. Police claimed Petrov was set on fire by an unknown perpetrator. An investigation is pending with the military prosecutor's office.

On May 10, Atanas Dzhambazov, a 14-year-old Roma, was shot and wounded in the head and arm by a policeman while trespassing on the grounds of a factory near Sliven. Dzhambazov was taken to the hospital by relatives after allegedly being left at the scene by the police officer. An August 20 decision by the Sliven Military Court found the policeman, Surchanoy, guilty of negligence and imposed a fine of about \$250 (500 leva). A civil lawsuit was pending at year's end.

On August 6, an NGO reported that police officers severely beat Orhan Ahmedov and Marin Georgiev, two Romani men from Varbitsa. Ahmedov and Georgiev filed a complaint at the Sliven Regional Police Department. The next day the two men obtained medical certificates documenting their injuries and filed a complaint with the Regional Military Prosecutor's Office of Sliven. In August the Military Prosecutor's Office opened a criminal investigation; the case remained pending at year's end.

There were no reports of police abuse of journalists; however, there were several unexplained instances of violence against journalists by unknown persons (see Section 2.a.).

According to Ministry of Interior (MOI) data, 20 cases of police brutality were confirmed for the period January 1 to June 30, out of a total of 179 complaints of police brutality filed. 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, most often during the initial interrogation. The Bulgarian Helsinki Committee (BHC) conducted a survey in prisons of incarcerated persons arrested after January 1 and found that 49 percent (compared with 51 percent in 1999) of interviewed prisoners reported that police officers used physical force against them during arrest; 44 percent (compared with 53 percent in 1999) reported mistreatment at police stations. Romani prisoners reported being abused more frequently than other prisoners. Very seldom are allegations of police abuse properly investigated nor are the offending officers consistently punished. In particular the Military Prosecutor's office has not investigated incidents of alleged police abuse thoroughly or expeditiously.

Crime and corruption remained primary concerns of the Government during the year. It is too early to judge the long-term effects of changes in the Criminal Procedure Code, which became effective on January 1. These changes reduced the size of the SIS while reserving to it the responsibility for handling the most serious crimes. At the same time, many investigative duties were devolved to the police and the Government made a significant effort to provide training in investigative techniques to police officers. The criminal justice system is still in transition and questions about its effectiveness remain: It is not always clear exactly what duties the SIS has in fact retained, and there is little evidence that devolution of powers to police yet has resulted in increased

numbers of completed investigations.

Observers have noted modest improvement in the efficiency of moving cases through the criminal system, although many serious systemic flaws remain. The police struggled without result over the difficult issue of how to resolve a large backlog of outstanding investigation cases, some as much as 10 years old, which they inherited from the former pre-reorganization investigative service.

There were several incidents of violence and harassment by private citizens of Roma during the year (see Section 5).

Many observers allege that some members of the police, particularly in remote areas, are complicit in trafficking in persons, mostly women and girls for the purpose of forced prostitution (see Sections 6.c., 6.d., and 6.f.).

Conditions in some prisons are harsh and include severe overcrowding, inadequate lavatory facilities, and insufficient heating and ventilation. The SIS's parallel network of jails and prisons contains many of the harshest detention facilities. NGO prison monitors reported that brutality committed by prison guards against inmates continued to be a problem. Prison authorities sustained their battle against tuberculosis (TB), instituting a new procedure for regular testing. The overall magnitude of the TB problem remained steady during the year. The process by which prisoners may complain of substandard conditions or of mistreatment does not function effectively.

The Government generally cooperated with requests by independent observers to monitor conditions in most prisons and detention facilities. However, unlike last year's relatively free access to SIS detention facilities, which was granted for the first time in 1999, human rights observers began to encounter significant procedural roadblocks to obtaining access. These administrative obstacles, while not denying access outright, dramatically increased the difficulty and amount of staff time on the part of observers necessary to secure access. Human rights monitors continued to enjoy good access to regular prisons. Observers still are prohibited from interviewing detainees in the SIS facilities, unlike in regular prisons.

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, the majority of whom are Roma.

The Constitution provides for access to legal counsel from the time of detention. However, a 1999 survey of prisoners conducted by the Bulgaria Helsinki Committee (BHC) found that 54 percent of prisoners complained that they had no lawyer present during preliminary investigations. BHC believes this figure remained broadly valid during the year. Police normally obtain a warrant from a prosecutor prior to apprehending an individual; otherwise, in emergency circumstances police may detain individuals for up to 24 hours on their own authority; however, authorities must rule on the legality of such detention by the end of that time period. If the person is released without being charged before the 24-hour period elapses, there is no judicial involvement in the case. Human rights observers charge that police commonly handle minor offenses by arresting the suspect, beating him, and releasing him within the 24-hour period. 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 Prosecutor General. In the interests of a speedy trial, investigations now are prescribed by law to last no more than 2 months under normal circumstances, although this period may be extended to 6 months by the head regional prosecutor, and up to 9 months by the Prosecutor General.

The Government noticeably improved its record during the year in observing the statutory limit of 1 year of pre-trial detention (or 2 years in the case of the most serious crimes). While human rights lawyers noted some continuing violations of this policy, increasingly these situations have become uncommon exceptions rather than common practice. A legal consensus also seems to have emerged that the pre-trial detention limits apply cumulatively to all of the separate periods of detention, in cases where defendants' cases have been sent to the courts for review, and returned to prosecutors for further investigation. This is a change from earlier practice, when such a situation restarted the clock on the defendant's pretrial detention. A remaining loophole is that many cases may be formally deemed to be in the "on-trial" phase for an extended period of time. This occurs when a case file has been presented to the court by prosecutors, but has not yet been acted upon by the judge. Cases may, not uncommonly, languish for months in this situation, while the defendant remains in custody. The Ministry of Justice reported that as of year's end, there were 947 accused persons in pre-trial detention, 1,110 defendants incarcerated while in the "on trial" phase, and 7,514 convicted prisoners. Among the changes recently made to the Criminal Procedure Code was increased oversight by judges of pre-trial detention and conditions of bail. Under the new rules, only judges may determine the necessity of holding suspects in custody and to set bail.

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 branches; 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. The Government began an ambitious training program to upgrade the expertise of the judiciary with the help of international donor organizations during the year.

The court system consists of regional courts, district courts, and Supreme Courts of Cassation (civil and criminal appeal) and Administration. A 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 (including police personnel) and some cases involving national security matters. The Constitutional Court does not have specific jurisdiction in matters of military justice.

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. The Ministry of Interior 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.

Judges are appointed by the 25-member Supreme Judicial Council and, after serving for 3 years, may not be removed except under limited, specified circumstances. The difficulty and rarity of replacing 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: One-third are elected by the National Assembly, one-third appointed by the President, and one-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. There were no reported complaints 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. Several human rights organizations have criticized this denial of due process. Children sometimes appear alone despite the requirement that parents must attend hearings; the right to an attorney at the hearing is prohibited expressly by law. 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 late 1996, the Parliament enacted legislation that provided for court review of sentencing to such schools, set a limit of a 3-year stay, and addressed other problems in these institutions (see Section 5). Human rights activists 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 ethnic Turks in 1984-85 and 1989. Further action on this case now appears unlikely ever to take place.

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, and government authorities generally respect these provisions.

One NGO complained that the Minister of Interior's discretionary authority to authorize telephone wiretaps and electronic listening devices without judicial review in certain instances is excessive. Although it is unknown to what extent this authority is employed, highly-publicized media accounts during the year highlighted the Government's employment of electronic surveillance. A public scandal ensued when a listening device was discovered in the home of the Prosecutor General, although the government denied that the device had ever been actively employed.

The Bulgaria Helsinki Committee also has alleged that warrants to investigate suspects' private financial records sometimes are abused to give police broad and openended authority to engage in far-ranging investigations of a suspect's family and associates. There are regular, albeit not conclusive or systematic, reports of mail, especially foreign mail, being delayed or opened.

Traffickers in persons use threats against women's families and family reputations to ensure obedience (see Sections 6.c. and 6.f.).

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. A variety of media outlets presents a broad spectrum of opinion; however, the Government exerts an undue influence on the media via official channels such as the National Council for Radio and Television (NCRT), a quasi-governmental body that governs national media and regulates private broadcasters, and through less direct means such as steering advertising revenue away from media outlets that are critical of government policies. Surveys show that significant numbers of journalists feel constrained in their reporting because of government influence. One-third of journalists surveyed claimed that they had received outside pressure of some sort, whether from government officials or business interests, in response to material they had written or broadcast. Prosecutors are regarded widely as wielding an intimidating influence over journalists who are critical of the judicial process. A variety of newspapers are published freely by political parties and other organizations representing the full spectrum of public opinion. Journalists frequently color their reports to conform with the views of their owners.

There were several instances of violent attacks on journalists, including physical assaults and bombings of newspaper offices, although no individuals have been seriously injured. In none of the cases have the perpetrators or their motives been uncovered. In February a reporter for the news weekly *Kapital* who frequently reports on the judicial system and on military affairs had his car blown up in front of his home; no one was injured in the explosion.

Libel is punishable under the Criminal Code. In March the Parliament enacted modified amendments to the Penal Code, after President Petar Stoyanov had vetoed the original version in January. Responding to the President's concerns, the Parliament reduced the fines for libel and defamation by half to approximately \$7,000 (15,000 leva). Even this reduced fine remains a heavy penalty in the context of the country's economy. The new provisions did eliminate imprisonment as a penalty for libel. Journalists charged with libel or defamation also have reduced rights of appeal for libel sentences under the new law. Libel remains, under the new law, a criminal offense, as opposed to a matter of civil law, and makes losing defendants criminal convicts. However, press freedom monitors reported that the courts generally are embracing a more enlightened view of libel than in the past and are recognizing the principle of "true facts and free comment" as being legitimately within the bounds of journalistic expression.

In February the Interior Minister filed a libel suit against the editor in chief of the Kyustendil-based newspaper *Nova Bulgaria*, which had alleged in print that the Minister, prior to assuming office in the Interior Ministry, had defended a company involved in illegal activities. The Minister later withdrew the charges.

In June Parliament enacted a new Law on Access to Public Information, with the ostensible purpose of establishing broader public access to government information. The law has been criticized widely; however, for being vague in its provisions and enabling arbitrary denials of information. A majority of journalists believe that the new law actually hampers rather than facilitates public access to information.

There are 261 electronic media outlets in Bulgaria, which represents a 60 percent increase in the number of

radio and TV stations since last year. The number of television outlets that broadcast news and public affairs programming has more than doubled from 54 in 1999 to 124 during the year, and the number of radio stations reached 123. In April the Government awarded a license for the first privately-owned television channel with nationwide coverage to the Balkan News Corporation, a company owned by Rupert Murdoch. The appearance of the new station, though still in its infancy, reanimated the competitive market for broadcast journalism talent in the country, and has spurred new programming initiatives from Bulgarian National Television (BNT). In August the State Telecommunications Commission (STC) launched a competition for a second nationwide private TV channel. The new license was awarded in October. The STC also launched a competition for licensing the first nationwide private radio station. The procedure for licensing private radio stations is undergoing regulatory changes expected to be finalized in early 2001. Some private radio stations complained that government policies allocating transmission strength on the monopoly state-owned radio transmission network gives the Bulgarian National Radio programming an unfair advantage.

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.

Bulgarian National Television launched Turkish-language newscasts for the first time on October 2, for the benefit of the country's ethnic Turkish minority. Local affiliates of Bulgarian National Radio broadcast limited Turkish-language programming in regions with ethnic-Turkish populations.

Foreign government radio programs such as the British Broadcasting Corporation, Deutsche Welle, Radio Free Europe, 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.

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 restrict the right of association and limit 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. Additionally, the mainly ethnic Roma "Free Bulgaria" party has been allowed to operate freely and has achieved some success in local elections.

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 a self-proclaimed Macedonian rights group, OMO- Ilinden, on the grounds that it is separatist. Aside from its symbolic importance, lack of registration denies the group the status of being a legal entity. This makes it impossible for the organization (in its own name) to make contracts, hire staff, rent or buy office space or meeting space, or other such normal administrative functions. There were no reports of any prosecutions for membership in this group.

On February 29, the Constitutional Court, Bulgaria's final authority on the matter, ruled that the political party United Macedonian Organization (OMO)-Ilinden-Pirin (not the same organization as the similarly named OMO-Ilinden noted above, although there are links between the groups) was unconstitutional on separatist grounds. The court ruled that leaders of OMO-Ilinden-Pirin have advocated the secession of the Pirin-Macedonia region of southwest Bulgaria and its annexation by the former Yugoslav Republic of Macedonia. OMO-Ilinden-Pirin leaders plan to appeal to the European Court of Human Rights.

Notwithstanding the Constitutional Court decision, the Government allowed OMO-Ilinden-Pirin to hold public

celebrations on Macedonian holidays in April and again in August; however, a similar event was prohibited in September by an order of the regional prosecutor's office.

c. Freedom of Religion

The Constitution provides for freedom of religion; however, the Government restricts this right in practice for some non-Orthodox religious groups. The legal requirement that groups whose activities have a religious element register with the Council of Ministers restricted the activities of some religious groups prior to or in the absence of registration. Affected groups included the Unification Church and the Church of the Nazarene (which has tried repeatedly to register for more than 5 years). Furthermore, several municipal governments established local registration requirements for religious groups, despite the lack of clear legal authority to do so. In some cases, local authorities used the lack of registration as a pretext for interference with some groups and employed arbitrary harassment tactics against others. Some church groups circumvent the administrative obstacles created by a lack of registration by registering as NGO's. Technically it remains illegal for a church to conduct any religious activities through its NGO-registered organization, although the Government sometimes tacitly allows such groups to conduct worship so long as they keep a very low profile. There are periodic reports of police using lack of local or national registration as a pretext to confiscate signboards and materials, detain or expel religious workers, and deny visas or residence permits to foreign-national missionaries. During the year, the ability of a small number of religious groups to conduct services freely came under occasional attack, both as a result of action by local government authorities and because of public intolerance.

The Constitution designates Eastern Orthodox Christianity as the "traditional" religion. The Government provides financial support for the Eastern Orthodox Church, as well as several other religious communities perceived as holding historic places in society, such as the Muslim, Roman Catholic, and Jewish faiths. These groups benefit from a relatively high degree of governmental and public tolerance.

Religious freedom NGO's note with concern a tendency by certain municipalities to enact regulations that may be used to limit religious freedoms if a perceived need arises. For example, the Sofia municipality forbids references to miracles and healing during religious services, a provision that many fear may be employed as a pretext to ban or interrupt services by charismatic evangelical groups. The regulation cites a Communist-era law dating from 1949, which technically still is in effect and which forbids foreigners from proselytizing and administering religious services in the country. The decree, although subsequently modified in response to NGO objections, is still criticized by religious rights groups as containing provisions that are either discriminatory or ambiguous and open to abuse. Other municipalities have enacted similar regulations. The City Council in Burgas maintained its refusal to register the local branch of Jehovah's Witnesses, despite the fact that they were registered by the central government. The council asked the group to prove that they had not been banned in any European Union country in order to be registered. Plovdiv municipality passed an ordinance that forbade the distribution in public places of "religious materials or pornography." The 1949 law also has been criticized in its own right as an outmoded potential impediment to free religious activity. However, despite the law's continued technical validity, foreign missionaries can and do receive permission to proselytize in the country. A new law on religious activity was pending in Parliament but had not yet been moved to the floor of the National Assembly for a vote by year's end.

In March two members of Jehovah's Witnesses in Turgovishte were detained briefly by police and charged with disruption of public order under a city ordinance for public proselytizing.

In April several missionaries of the Church of Jesus Christ of Latter Day Saints (aka the Mormon Church) in Plovdiv were challenged by police while distributing literature and were required to go to the police station. They were charged with distributing brochures without a license. Also in April, border police refused a member of the Jehovah's Witnesses entry into the country, reportedly on the grounds that she had been deported from the country in 1997 for practicing her then-unregistered faith.

In May a volunteer worker for the Christian Unity Foundation was beaten severely in Maritsa when he attempted to conduct a scheduled screening of a documentary-style film of the life of Jesus Christ. The film itself was stolen from his car. The attack was carried out by six to eight youths, under the apparent direction of a Bulgarian Orthodox priest.

On June 21, members of the Jehovah's Witnesses were expelled from the city of Petrich for distributing literature without being registered with the municipality, although the church does have central government registration.

In July and August, the Mormon Church encountered a number of politically inspired legal and administrative obstacles at the local and regional levels to its efforts to build a new church and administrative center in Plovdiv. One political party in particular, which has several seats on the city council in Plovdiv, led protest

marches as well as filing several administrative challenges to the construction. Ultimately with the support of the local mayor, the building was completed.

On December 13, about 2,000 Orthodox clergy and Church members marched in Sofia to protest the Government's refusal to register the Holy Synod headed by Patriarch Maxim. The Government refuses to register the synod citing an administrative court ruling that there are two Orthodox Churches in the country.

There were no developments in the ongoing lawsuit of the Gabrovo schoolteacher who claims that she was pressured to resign because of her Pentecostal faith.

A number of religious groups have complained that foreign missionaries and religious leaders experience difficulties in obtaining and renewing residence visas in the country. The issuance of residence permits appears to be subject to the whim of local authorities. Human rights groups also have protested the cancellation of residence status of several persons on undisclosed national security grounds, alleging that the action was a pretext for religious discrimination.

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-level theological faculties, and religious primary schools operated freely. In December 1999, the Ministry of Education announced that schools would begin offering classes on Islam in regions with a significant Muslim minority, and in December 2000 the implementing decree took effect, with classes beginning in 80 schools starting in January 2001. However, some ethnic Turkish activists have complained that the implementing decree requires that these classes be taught in Bulgarian rather than Turkish. Since 1997 religious classes on the Bible have been available to students whose parents approve such instruction. Bibles and other religious materials in the Bulgarian language were imported and printed freely, and Muslim, Catholic, and Jewish publications were published on a regular basis.

Although previously during compulsory military service most Muslim conscripts were placed in construction units rather than serving in combat-role military units, these units were converted into a state-owned construction firm in August, which no longer employs conscript military labor. It is unclear how this will affect military assignments of Muslim conscripts (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 in general actively has supported property restitution for the legally recognized organization representing the Jewish community, although the return of two lucrative commercial Jewish communal properties continues to encounter administrative obstacles and legal challenges.

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. It remains impossible for non-Orthodox applicants to be admitted to the Department of Theology.

The Government refused to recognize an alternative Patriarch elected by supporters in 1996, and the schism that opened in the Orthodox Church in 1992 continued, despite the death of this alternative Patriarch in April 1999. 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 generally not limited in practice; however, there are two exceptions. One exception relates to border zones where access is limited for nonresidents (the border zones extend 1.2 to 3 miles inward from each border). Another exception is the Ministry of Interior policy that denies issuance of an international passport to any Bulgarian citizen who has ever been convicted of any crime, with no statute of limitations. This policy effectively prevents such persons from travelling abroad.

Every citizen has the right to return to the country, may not be forcibly expatriated, and may not be deprived of citizenship acquired by birth.

The Government grants asylum or refugee status in accordance with the standards of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Law on Refugees, which went into effect August 1, 1999, regulates the procedure for granting refugee status as well as the rights and obligations

of refugees. The Agency for Refugees, formerly the National Bureau for Territorial Asylum and Refugees, is charged with following this procedure and cooperating with the U.N. High Commission for Refugees (UNHCR).

The Government provides first asylum. In recent years, domestic and international human rights organizations have expressed concern over the Government's handling of asylum claims and reported that there may have been cases in which bona fide refugees were turned away at the border. No such cases were reported during the year. However, because NGO's lack institutionalized access to the country's borders, it is often difficult for them to monitor the Government's handling of asylum cases. For the first 6 months of the year, the Ministry of Interior reported that 703 persons applied for refugee status. Authorities granted 76 applicants refugee status, while 14 persons were granted temporary humanitarian status. Refugee applications came predominantly from citizens of Armenia (186), Afghanistan (178), and Iraq (130).

The Agency for Refugees reports that it has received 5,938 applications for asylum from its inception in 1993 through December. Of these, 902 persons currently are listed as holding approved asylum or other humanitarian residence status. Domestic and international human rights organizations complain that the adjudication process is slow, but the UNHCR notes that the Agency for Refugees has begun a major restructuring project to reduce the adjudication time to a period of 3 months. The restructuring project itself is expected to take 4 years. In 1997 and 1998, the UNHCR, in cooperation with an NGO, opened three transit centers near the Greek, Turkish, and Romanian borders and assisted the Government with opening a small reception center in Banya. Plans to open a reception center at the Sofia airport continue to be delayed due to a lack of funding. However, the UNHCR currently is working on plans to open a transit center in Kapitan Andreevo, on the border with Turkey.

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.). Suffrage is universal at the age of 18.

No legal restrictions hinder the participation of women in government and politics; however, 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 United Democratic Forces 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 was only one Romani Member of Parliament. Both groups are underrepresented in appointed governmental positions, especially leadership positions.

Roma groups are demanding that existing political parties adopt platforms pledging more representation and other improvements for Roma in return for Roma support.

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

Domestic and international human rights groups operate freely, investigating and publishing their findings on human rights cases. Human rights observers reported uneven levels of cooperation from various national and local government officials during the year. The new Law on Access to Public Information has opened new channels of information which have sometimes proved quite helpful to human rights monitors. In other cases, NGO's have found government offices completely unresponsive to information requests under the public information law. Human rights observers also have experienced some new difficulties in getting information previously easy to obtain, from prosecutors for example, and have reported greater procedural difficulties than in the previous year in gaining access to SIS detention facilities.

The police demonstrated a new level of cooperation with human rights NGO's in providing human rights training to police officers. The National Police Service invited the Bulgaria Helsinki Committee (BHC) to conduct a human rights awareness training seminar with 500 senior police officers (precinct commander and above), with the active participation of the deputy commander of the National Police. Subsequently BHC, the Human Rights Project (HRP), and representatives of the Council of Europe, conducted a smaller training seminar on International Law and Police Practice. In general human rights monitors detected a new receptivity and a more meaningful dialogue on the part of the Government and police officials toward human rights

concerns, with one NGO crediting the Interior Minister personally with demonstrating greater openness and attention to the issue. However, this change at senior levels, has not yet resulted in noticeable changes in police practice at the working level.

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

The Constitution provides for individual rights, equality, and protection against discrimination; however, in practice discrimination still exists, particularly against Roma and women.

Women

Violence against women is a serious and common problem, but there are no official statistics on its occurrence. The Animus Association Foundation (AAF), an NGO that offers assistance and support to female victims of violence, estimates that one in five women suffers from spousal abuse. Spousal rape is a crime, but it rarely is prosecuted. According to a survey by a local polling agency, 80 percent of rapes involve a known assailant. The law exempts from state prosecution certain types of assault if committed by a family member, and the Government generally 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. Police often are reluctant to intervene in cases of domestic abuse, even if a woman calls them seeking protection or assistance. No government agencies provide shelter or counseling for victims. In Sofia the NGO Nadya De Center provides shelter to battered women, and AAF opened a new crisis center that provides short-term emergency shelter for female victims of violence. There were 15 crisis centers around the country which provide assistance to women victims of violence at year's end.

NGO observers report a generally improved public attitude toward issues of violence against women in recent years. After several years of activism on the part of various NGO groups, the taboo against acknowledging and talking about domestic violence and violence against women has been broken. Observers also note some increased sensitivity on the part of police to the issue. AAF reports that it now periodically receives client referrals from police, which was unknown in the recent past.

The courts prosecute rape, although it remains an underreported crime because of the stigma which society attaches to the victim. The maximum sentence for rape is 8 years; convicted offenders often receive a lesser sentence or early parole. According to the Ministry of Interior, 254 rapes and 30 attempted rapes were reported during the first half of the year.

During the year, AAF reported that it handled 1,089 cases of domestic violence, 86 cases of sexual violence, and 534 cases or inquiries related to trafficking in women. AAF directly counseled 24 actual returned victims of trafficking. The large increase in the number of cases related to trafficking in women is the result of a major information campaign, organized by the International Organization for Migration, which has publicized more widely the AAF's counseling services (see Section 6.f.). However, the actual incidents of each form of violence is certainly much higher, as these represent those cases in which the victims (or, in some trafficking cases, an overseas women's group) was willing and able to contact AAF. The Association also operates a 24-hour hot line for women in crisis that is staffed by the Association's volunteer counselors, backed up by 13 full-time professional therapists.

In 1997 the Government enacted a law against trafficking in women, and trafficking in women and girls is a serious problem (see Sections 6.c and 6.f.).

Sexual harassment is a problem; it is not illegal.

Many of the approximately 30 women's organizations are associated closely 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, and the National

Statistical Institute reports that as of November, the average salary of a woman was 76.8 percent of the average salary of a man. Statistics show that women are equally likely to attend universities, but they have less opportunity to upgrade their qualifications and generally end up in lower-ranking and lower-paying positions than their male counterparts. Fewer girls than boys are attending school, especially among minorities. Women generally continue to have primary responsibility for child rearing and housekeeping even if they are employed outside the home. Since 80 percent of employed women work in the lowest-paying sectors of the labor force, they often must work at two jobs in addition to their household duties in order to provide for their families. Female-headed households frequently live below the poverty line. There are liberal provisions for paid maternity leave; however, these actually may work against employers' willingness to hire and retain female employees. This is especially noticeable in higher-paying positions in the private sector, where many women with engineering degrees are compelled to work as secretaries.

No special government programs seek to address economic discrimination or integrate women better into the mainstream of society and the economy, although much NGO activity is focused on these activities.

Children

The Government generally is committed to protecting children's welfare but, with limited resources, falls short in several areas. For example, it maintains a sizable network of orphanages throughout the country. However, many of the orphanages are in disrepair and lack proper facilities. Human rights monitors are sharply critical of the serious deficiencies in all government-run institutions for children, including orphanages, "educational boarding schools" (reform schools), and facilities for the mentally handicapped. These facilities are plagued by inadequate budgets, poorly-trained and unqualified staff, and inadequate oversight. NGO monitors further allege that even food budgets are highly deficient, with many institutions dependent on the uneven flow of private donations to feed their charges.

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.

On September 15, approximately 300 Romani children from the Nov Put Romani neighborhood began the school year by being bussed to one of seven mixed regular schools in the town of Vidin. Starting in the school year 2000/01, Romani children from the settlement have attended nonsegregated schools as a result of local and international nongovernmental initiatives. Educational standards in the all-Romani school in Nov Put are low, according to NGO reports.

There are few provisions for due process of law for Romani and other juveniles when they are detained in Educational Boarding Schools (formerly Labor Education Schools) run by the Ministry of Education. Living conditions at these reform schools are poor, offering few medical, educational, or social services. 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 late 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.), but these provisions do not seem to function. The decision to commit a child to an Educational Boarding School is made by a local Commission for Combating Juvenile Delinquency, which is generally not held accountable in any meaningful way to any higher authority. Standards differ among these local commissions in how closely prescribed procedures are followed. Human rights monitors report that in many localities, contrary to law, a child may be held in such a facility for months on the basis of a police referral, before the local commission convenes to make a decision on the case. The U.N.'s Common Country Assessment for Bulgaria reports that children in these facilities "might be subject to physical abuse" and upon leaving these homes "may be emotionally scarred and ill-prepared to face the outside world."

The vast majority of children are free from societal abuse, although some Romani children are targets of frequent skinhead violence and arbitrary police detention; the homeless or abandoned particularly were vulnerable. There are reports that family or community members forced some minors into prostitution (see Sections 6.c. and 6.d.). Police made little effort to address these problems. Some observers believe that there is a growing trend toward the use of children in prostitution, burglaries, and narcotics distribution. Trafficking in girls for the purpose of forced prostitution is a problem (see Sections 6.c., 6.d., and 6.f.).

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 (since 1999 students with disabilities must pay the university's initial application fee but are exempt from semester fees if accepted) and to housing and employment; however, architectural barriers are a great hindrance in most older buildings, including schools and universities. Problems of general unemployment and economy undermine initiatives aimed at advancing equal opportunity for the disabled. The great majority of the disabled are unemployed.

Labor laws intended to protect the interests of the disabled and create greater employment opportunity sometimes have a mixed effect. On one hand, the law provides incentives for small firms to hire disabled workers. For example, the Bureau of Labor pays the first year's salary of a disabled employee. On the other hand, 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, compliance rates are extremely low.

Recent public works have taken the needs of persons with disabilities into account. Sofia's new subway system was designed with wheelchair access to stations. Nevertheless, enforcement of a 1995 law requiring improved structural access for the disabled has lagged in existing, unrenovated buildings.

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. However, in a recent positive development, construction of a training and rehabilitation center for the disabled youth in Pomorie began in 1999. The center aims to improve the overall physical and intellectual state of disabled youth and to encourage them to acquire new skills and participate more actively in the social life of the country.

Religious Minorities

Discrimination, harassment, and general public intolerance of "nontraditional" religious minorities (i.e., the great majority of Protestant Christian denominations) remained a problem, although the number of reported incidents decreased during the past 2 years. Strongly held suspicion of evangelical denominations among the Orthodox populace is widespread and pervasive across the political spectrum and has resulted in discrimination. Often cloaked in a veneer of "patriotism," intolerance of the religious beliefs of others enjoys widespread popularity. Such mainstream public pressure for containment of "foreign religious sects" inevitably influences policymakers. Nevertheless, there were fewer reported incidents of harassment of religious groups during the past 2 years as society appeared to have become more accepting of previously unfamiliar religions.

Certain religions, including both groups denied registration and those officially registered, such as Jehovah's Witnesses, faced discriminatory practices, as did other groups, which despite full compliance with the law, were greeted with hostility by the press, segments of the public, and certain government officials (see Section 2.c.).

Non-Orthodox religious groups, including Jehovah's Witnesses, the Church of Jesus Christ of Latter Day Saints, and the Open Bible Fellowship, have been affected adversely by societal attitudes. Numerous articles in a broad range of newspapers as well as television documentaries, 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.

National/Racial/Ethnic Minorities

Ethnic Turks constitute almost 10 percent of the population. In the 1992 census, 3.7 percent of the population identified itself as Romani; however, the real figure probably is closer to 6 or 7 percent, since many persons of Romani descent tend to identify themselves to the authorities as ethnic Turks or Bulgarians. 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 non-Slavic names.

Voluntary Turkish-language classes in public schools, funded by the Government, continued in areas with significant Turkish-speaking populations, although some observers complained that the Government was

discouraging optional language classes in areas with large concentrations of Muslims. The Ministry of Education has 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.

Roma activists and NGO's were disappointed broadly with the relative lack of progress demonstrated by the Government in implementing its framework program for Roma integration, the Program for Social Integration of Roma, which was unveiled in 1999. Aside from the hiring of a number of individual Roma representatives in various institutions of local, regional, and the national government, there has been little discernible progress in delivering on the program.

Attacks by private citizens on Roma continued, and Roma continued to suffer incidents of discrimination. There were numerous accusations of police and private citizen assaults on Roma.

In the village of Mechka, near Pleven, the February murder of an ethnic-Bulgarian man poisoned relations between the ethnic-Bulgarian and Roma communities. Ethnic Bulgarian residents widely blamed the Roma for the killing, as well as for a spree of petty crimes, which had swept the neighborhood for several years. For several weeks, ethnic Roma were prevented from entering the city center, and a complete boycott against doing any business--buying or selling--with the Roma persisted for some months. This boycott created economic hardship for the Roma community, particularly because of the lack of opportunities to sell the dairy products, which form the livelihood of the Roma villagers in Mechka. The situation was further exacerbated when a Roma man in the act of breaking into a carpentry shop was shot in the leg by a booby trap, which had been set by the shop owner. The shop owner was arrested for the illegal use of a firearm. However, by September the situation in Mechka had calmed considerably and returned more or less to normal, after police arrested two non-local ethnic-Bulgarians for the February murder. Human rights NGO's closely following the case commended the Pleven police for handling the investigation in a professional and restrained manner, despite the highly inflamed local passions. Although the Roma villagers complained that they were detained disproportionately for questioning in the murder investigation, there were no allegations of any mistreatment or abuse.

According to unconfirmed NGO reports, on August 23 in Gradishte, two Roma men, Paskal Paskalev and Ognyan Milenov, were hospitalized after Tsvetan Tsvetanov shot them with a homemade shotgun. Tsvetanov later claimed he shot the men accidentally while shooting at stray dogs, although the victims allege that Tsvetanov attacked them in their woodworking shop.

On November 11, in Botevgrad, Asen Sashev, a 14-year-old Roma youth, was shot and injured by his neighbor Marko Markov during an altercation. Markov, a fireman, shot Sashev with his government-issue handgun. The Sofia Military Court ruled Markov blameless in the incident; an appeal to the Military Appellate Court was pending at year's end.

Beginning on November 4, 1999, and continuing throughout the year, a group of ethnic Bulgarian residents of a Burgas neighborhood persisted in a petition drive and periodic calls for the expulsion of Roma and the demolition of Romani houses in the neighborhood.

Police harass, physically abuse, and arbitrarily arrest Romani street children (see Sections 1.c. and 1.d.). There was one arrest in the 1998 attack on eight Romani boys by skinheads in Sofia. Little progress has been made in other cases of violence against Roma during previous years, and these largely remain in the investigatory phase.

As individuals and as an ethnic group, Roma faced high levels of discrimination. Roma encounter difficulties applying for social benefits, and rural Roma are discouraged by local officials 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. The Government largely has been unsuccessful in attracting and keeping many Romani children in school. Schools in most Romani neighborhoods suffer from chronic absenteeism and very low graduation rates. However, an ethnic reintegration effort began in schools in Vidin in September. The program, with the help of international donor funding, uses a voluntary busing plan to enroll Romani children in various higher-quality, predominantly ethnic Bulgarian schools around the district. Many Romani children arrive relatively unprepared for schooling; many of them are not proficient in the Bulgarian language. Poverty has led to widespread school truancy as many children in Romani ghettos cannot afford shoes or basic school supplies and instead turn to begging, prostitution, and petty crime on the streets. A social milieu that often does not highly value formal education also is a contributing factor. Lack of effective government infrastructure and programs and economic and social factors thus combine to deprive increasing numbers of Romani youths of an education and a better future. Early indications are that some recent initiatives undertaken by the

Government and by Romani NGO's are achieving some small successes in mitigating these problems, for example by providing free lunches and subsidizing textbook and tuition costs.

Workplace discrimination against minorities continued to be a problem, especially for Roma. Employers justify such discrimination on the basis that most Roma only have elementary training and little education.

Previously it had been common for ethnic Turkish and Romani conscripts to be shunted into military construction battalions during compulsory military service. This practice raised serious concerns both of discrimination and forced labor, particularly since the units sometimes accepted commercial construction contracts in addition to military construction projects. However, in August the Government completed the transformation of these units into a state-owned company that no longer employs conscript labor. It remains to be seen how future ethnic minority conscripts will be integrated into the mainstream of the military. There are only a few ethnic Turkish, Pomak, and Romani officers in the military, and an insignificant number of high-ranking officers of the Muslim faith.

Ethnic Turkish politicians maintain that, although their community's popularly-elected representation in the National Assembly is roughly commensurate with its size, ethnic Turks are underrepresented significantly in appointed positions in the state administration. Ethnic Turks and Roma are also seriously underrepresented in the ranks of the police agencies, and virtually non-existent in senior law enforcement positions.

Both ethnic Turks and Bulgarian Muslims complain that the procedures for restoring their original names (after their forcible re-naming to Slavic names during the 1970s and 80s) is excessively burdensome and difficult to accomplish.

Several thousand persons, mainly in the southwest, identify themselves as ethnic Macedonians, most for historical and geographic reasons. Members of the two organizations that purport to defend their interests, OMO-llinden and TMO-llinden, are believed to number in the hundreds (see Section 2.b.). The Government does not recognize Macedonians as a distinct ethnic group, and the group is not enumerated in official government statistics.

Section 6 Worker Rights

a. The Right of Association

The Constitution provides for the right of all workers to form or join trade unions of their own choice, and this right was generally exercised freely. Estimates of the unionized share of the work force range from 30 to 50 percent. This share continues to shrink as large firms lay off workers, and most new positions appear in small, nonunionized businesses.

The two largest trade union confederations are the Confederation of Independent Trade Unions of Bulgaria (CITUB) and Podkrepa, which together represent the overwhelming majority of organized workers. Trade unions are required to demonstrate their membership strength through a periodic census of their members; however, employer representative organizations are not similarly required to demonstrate whom they represent in the trilateral process. The unions have called for new legislation requiring employer organizations also to demonstrate membership strength.

Doctors and dentists expressed dissatisfaction with a new union structure that they claim the Government imposed upon them in 1998, an action which some maintain violates an ILO convention. The trade unions allege that this organization is not truly a labor representative organization, but simply a government-mandated fee collection agency. They also believe it impedes the opportunity for a genuine trade union to represent medical professionals.

The 1992 Labor Code recognizes the right to strike when other means of conflict resolution have been exhausted, but "political strikes" are forbidden. Workers in essential services (primarily the military and the police) also are subject to a blanket prohibition against striking, although such workers on occasion held an "effective strike" in which they stop or slow their activities for 1 or 2 hours. The CITUB confederation argues that the number of workers classified as essential and ineligible to strike is excessive and unfairly restricts the right of many ordinary civil servants to exercise their worker rights.

The Government generally does not interfere with legal labor strikes, and a number of work stoppages took place.

The Podkrepa labor union has complained that an amendment to a 1990 law, passed in March 1998, facilitated the Government's ability to declare a strike illegal. Under this amendment, workers no longer have the right to appeal when a strike is declared illegal. Podkrepa maintains that this provision is unconstitutional and violates an ILO convention. The union has raised these concerns repeatedly to the Government in the context of negotiations over proposed changes to the Labor Code. A complaint has been made to the ILO Committee of Experts.

Another serious concern for the labor movement is the widespread use of temporary contracts to evade the worker protections of permanent staff. Many workers, who are effectively permanent staff, are hired under short-term contracts that are renewed at the end of each month or each quarter. When an employer decides to fire someone, it is legally simply a non-renewal of contract, rather than a severance action that would entail payment of benefits.

No restrictions limit affiliation or contact with international labor organizations, and unions actively exercise this right.

b. The Right to Organize and Bargain Collectively

The Labor Code institutes collective bargaining, which was practiced nationally, regionally, and on the local level. The legal prohibition against striking for key public sector employees weakens their bargaining position; however, these groups were able to influence negotiations by staging protests and engaging in other pressure tactics without going on strike. Labor unions have complained that while the legal structure for collective bargaining was adequate, many employers failed to bargain in good faith or to adhere to agreements that were concluded. Labor observers viewed the Government's enforcement of labor contracts as inadequate.

The Labor Code's prohibitions against antiunion discrimination include a 6-month period for redress against dismissal as a form of retribution. However, there is no mechanism other than the courts for resolving complaints, and the burden of proof in such a case rests entirely on the employee.

In several instances, an employer was found guilty of antiunion discrimination, but the employers appealed the decisions. The backlog of cases in the legal system delayed further action, effectively postponing, perhaps indefinitely, redress of workers' grievances.

The same obligation of collective bargaining and adherence to labor standards prevails in the six export processing zones, and unions may organize workers in these areas.

On November 1, about 5,000 demonstrators in Sofia protested draft changes in the country's labor legislation that many workers felt would reduce their rights.

c. Prohibition of Forced or Compulsory Labor

The Constitution prohibits forced or compulsory labor, including that performed by children; however, trafficking in women and girls for the purpose of forced prostitution is a problem (see Section 6.f.). The Slavovitsa Boys' Reform School, which had been found to use forced child labor to produce goods for sale, has been closed by the Ministry of Education.

The previous practice of shunting minority and conscientious objector military draftees into work units that often carried out commercial construction and maintenance projects was a form of compulsory labor; however, these units have been converted into a state-owned enterprise which does not use conscript labor (see Sections 2.c. and 5).

d. Status of Child Labor Practices and Minimum Age for Employment

The Labor Code sets the minimum age for employment at 16 years; the minimum age for dangerous work is 18. Employers and the Ministry of Labor and Social Policy (MLSP) are responsible for enforcing these provisions. Child labor laws are enforced well in the formal sector, but NGO's believe that children increasingly are exploited in certain industries (especially small family-owned shops, family farms, construction, and periodical sales) and by organized crime (notably for prostitution and distribution of narcotics). A soon-to-be-published ILO-commissioned report on "Problems of Child Labor in the Conditions of Transition in Bulgaria" reports on the results of a study conducted during the summer. The study found that 6.4 percent of children between the ages of 5 and 17, or about 80,000 children, were involved in paid employment in the informal sector. Of these, 55 percent were between the ages of 15 and 17, while 45 percent were younger than 15

years old. These figures exclude children performing unpaid work within the household or on a family farm. Underage employment in the informal and agricultural sectors is believed to be increasing as collective farms are broken up and the private sector continues to grow. In addition children are known to work on family-owned tobacco farms, and local NGO's reported children working on nonfamily-owned farms for meager monetary or in-kind wages (e.g., food). NGO observers also report that institutionalized children often hire themselves out to do agriculture labor for a modest income, during periods when they are allowed out of the residential facility.

Forced and bonded labor by children also is forbidden by law; however, trafficking in young girls for the purpose of forced prostitution is a problem (see Section 6.c. and 6.f.).

e. Acceptable Conditions of Work

The national monthly minimum wage is approximately \$31 (73 leva), which is not enough to provide a decent standard of living for a worker and family (the average industrial wage is approximately \$107 or 246 leva). Nonpayment of wages and wage payments in arrears has been a growing problem with certain employers, including state enterprises. The CITUB labor confederation estimates that there is an overall backlog of \$50 million in unpaid wage arrears owed to public sector workers and workers in enterprises which are wholly or partly state-owned. The Constitution stipulates the right to social security and welfare aid assistance for the temporarily unemployed, although in practice such assistance often is late.

The Labor Code provides for a standard workweek of 40 hours with at least one 24-hour rest period per week. The MLSP is responsible for enforcing both the minimum wage and the standard workweek. Enforcement generally is effective in the state sector (aside from wage arrears), but is weaker in the private sector.

A national labor safety program exists, with standards established by the Labor Code. The Constitution states that employees are entitled to healthy and nonhazardous working conditions. The MLSP is responsible for enforcing these provisions. Conditions in many cases worsened due to budget stringencies and a growing private sector that labor inspectors do not yet supervise effectively. Protective clothing often is absent from hazardous areas (goggles for welders and helmets for construction workers, for example). The overall standard of living of workers stabilized in 1998 after suffering a severe downturn during the economic crisis of late 1996 and early 1997. The pervasive economic crisis and imminent, long-overdue privatizations continue to create a heightened fear of unemployment, leading to a reluctance on the part of workers to pursue wage and safety demands. Joint employer/labor health and safety committees to monitor workplace conditions, required by new legislation passed in 1999, remained in developmental stages at year's end.

Under the Labor Code, employees have the right to remove themselves from work situations that present a serious or immediate danger to life or health without jeopardizing their continued employment. However, in practice refusal to work in situations with relatively high accident rates or associated chronic health problems would result in the loss of employment for many workers.

f. Trafficking in Persons

In 1997 the Government enacted a law against trafficking in women; however, trafficking in women and girls remains a serious problem. The country is both a source and a transit country for human trafficking. A 1997 amendment to the Penal Code on trafficking in women introduced longer prison sentences (to existing kidnapping 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, no suspected traffickers have been brought to trial, possibly because victims are afraid to confront their former criminal controllers when there are no government-sponsored programs to assist or protect victims of trafficking. Some judges and prosecutors also report that they feared reprisals from organized crime figures. There are two police units that specifically address the problem of trafficking in persons. One is part of the border police and the other is in the Ministry of Interior's organized crime fighting agency. High-level Ministry of Interior officials cooperated closely with foreign governments and the International Organization for Migration to support a research project and information campaign to combat trafficking.

La Strada, a Netherlands-based NGO, reports that Bulgarian women constitute one of the largest groups of victims of forced prostitution in Western and Central Europe. Approximately 10,000 Bulgarian women, many under the age of 18, may be involved in international trafficking operations, but no official statistics are available. Village girls as young as 14 years of age have been kidnapped and smuggled over the border. This is a very lucrative business for Bulgarian criminal organizations, and there have been widespread albeit unconfirmed reports of local police involvement in trafficking in some areas. Victims of trafficking range from those who were duped into the belief that they would have good and respectable employment, to those who expected to work as prostitutes but were unprepared for the degree of violence and exploitation to which they

would be subjected. A factor contributing to the high number of trafficking victims from the country is the high unemployment rate among young women. Furthermore, because it may be very difficult for young women to obtain visas to work in Western Europe, false job agencies that promise to simplify the process can be very successful in luring trafficking victims. The process of transforming girls into prostitutes generally takes place before they even leave the country. The women typically are taken to a large town, isolated, beaten, and subjected to severe physical and psychological torture. Some trafficking victims from countries to the east are kept in Bulgaria for several weeks where they are subjected to psychological and physical abuse to make them more submissive before they are shipped to their destination points. Once the women leave the country, their identity documents are taken away, and they find themselves forced to work as prostitutes in cities across Europe. Victims routinely report that traffickers took away their passports and visas, and forced them to stay illegally in countries. The women may be required to pay back heavy financial debts to the agency that helped them depart the country, leaving them in virtual indentured servitude. Traffickers punish women severely for acts of disobedience. Traffickers also use threats against the women's families and family reputations to ensure obedience.

Relevant authorities and NGO observers report that thousands of Bulgarian women have been trafficked to Poland, the Netherlands and the Czech Republic, while others are trafficked to Germany, Belgium, France, Canada, the Federal Republic of Yugoslavia (including Kosovo), Romania, Hungary, Macedonia, Italy, Greece, Cyprus, and Turkey. Women reportedly have been trafficked into Bulgaria from the former Soviet Union and Macedonia, also for forced prostitution. The country also is a transit point for traffickers bringing women to Greece. The northeast and southwest border regions are where most trafficking occurs, since women are sent more easily to former socialist countries with less strict visa requirements.

The AAF reported handling 24 cases of returned victims of trafficking in women during the first half of the year.

Technical and bureaucratic obstacles hamper governmental 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. They also are largely ineligible for government assistance programs, most of which are in some way tied to previous employment status. Victims are not encouraged to file complaints, as there is no mechanism in place to protect witnesses.

Prevailing public attitudes often stigmatize victims, although there are some signs that this may be changing slowly. There is one NGO-sponsored 24-hour hot line for women in crisis, including victims of trafficking, with trained volunteers as well as professional therapists to counsel victims. The NGO also coordinates with government agencies and other NGO's to find assistance for trafficking victims.

On April 18, the International Organization for Migration (IOM) launched a trafficking awareness campaign. The campaign publicized the availability of NGO counseling facilities, and AAF reported an increase in cases related to trafficking during the year.

The Government increased its efforts during the year to address the problem of trafficking on an interagency effort involving all relevant government agencies, including law enforcement and social policy agencies. The Government also has increased its international cooperation in this area, both through the Southeast Europe Cooperation Initiative (SECI) Anti-Crime Center in Bucharest and in bilateral efforts.

[End.]