



U.S. DEPARTMENT of STATE

Bulgaria

Country Reports on Human Rights Practices - [2006](#)

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The Republic of Bulgaria is a parliamentary democracy with a population of approximately 7.5 million. Legislative authority is vested in the unicameral Narodno Sabranie (National Assembly). The country is ruled by a coalition government headed by Prime Minister Sergei Stanishev. Presidential elections held in October were deemed generally free and fair. While civilian authorities generally maintained effective control of law enforcement officers, there were some instances in which law enforcement officers acted independently of government authority.

The government generally respected the human rights of its citizens; however, there were problems in several areas. Among the human rights problems reported were police abuses, including beatings and mistreatment of pretrial detainees, prison inmates, and members of minorities; harsh conditions in prisons and detention facilities; arbitrary arrest and detention; and impunity. There were limitations on freedom of the press; some restrictions of freedom of religion and discrimination against religious minorities; and corruption in the executive and judicial branches of government. Societal violence and discrimination against women, children, and minority groups, particularly Roma; trafficking in persons; discrimination against persons with disabilities; and child labor also were reported.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

The government or its agents did not commit any politically motivated killings; however, there were reports that police killed one person during the year.

On August 1, police officer Stoyan Pachalov accidentally shot Georgi Bozhanov, who was picking mushrooms nearby. Two officers were target-practicing when one of the bullets ricocheted and hit the victim in the eye. Bozhanov died en route to the hospital. The two officers were court-martialed and fined, and the chief of the regional police department resigned over the incident.

On January 19, the Sofia Military Appellate Court overturned the prosecutor's decision and ordered further investigation in the 2005 death of Angel Dimitrov while in police custody. Prosecutors had initially ruled that police used lawful measures in detaining Dimitrov, who died of severe blows to the head received during his arrest in a nationwide operation against organized crime. The case was pending before the Sofia Military court at year's end.

The Varna regional military prosecutor's inquiry into the April 2005 fatal beating of a 38-year-old homeless man in Varna resulted in an indictment against police officer Dian Vassilev. In November the Varna Military Court sentenced him to 16 years in prison but his appeal was pending before the Military Appellate Court at year's end.

b. Disappearance

There were no reports of politically motivated disappearances.

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

The constitution and law prohibit such practices; however, police commonly beat criminal suspects, particularly minorities.

Police often mistreated criminal suspects in police custody, usually during the initial interrogation. Human rights observers charged that police sometimes handled minor offenses by arresting suspects, beating them and releasing them within a 24-hour period so that no judicial involvement was required.

Nongovernmental organizations (NGOs) reported receiving complaints of police brutality from Romani victims who were too intimidated to lodge an official complaint with the authorities.

On April 14, 20-year-old Anton Zlatanov was beaten by police officers and detained for 24 hours after he honked at a police tow truck

blocking the road. The police interpreted Zlatanov's actions as an act of hooliganism. The military prosecutor's office launched an investigation on possible police abuse, which was ongoing at year's end.

On October 13, police used excessive force when raiding a Romani district in the town of Pazardzhik. Reportedly called to quiet a brawl, the police broke into houses and allegedly beat innocent bystanders. The raid was ordered by the Pazardzhik Chief of Police Emil Ganchev. NGOs reported that doctors, under police pressure, refused to issue medical certificates to the victims. The local government called for the resignation of the chief of police and established a commission to assess the damages. The Ministry of Interior's internal inquiry into the matter found no evidence of excessive force by police and confirmed that police acted within their authority.

The Ministry of Interior's internal inquiry into the May 2005 incident found no abusive behavior on the part of the two police officers in Pernik who reportedly beat Rossen Stoyadinov, a Rom. Stoyadinov was not informed of his rights as a detainee and forced to confess to thefts (see section 1.d.).

Human rights groups claimed that medical examinations in cases of police abuses were not properly documented, that allegations of police abuse were seldom investigated thoroughly, and that offending officers were very rarely punished.

The Sofia military prosecutor's office terminated the investigation into the charges of police brutality stemming from a January 2004 incident in which two Sofia police officers unleashed their dog on Assen Zarev, a Rom, after questioning him about the whereabouts of another person. The officers reportedly beat Zarev and threatened to shoot him. In 2005 the prosecution confirmed the results of an internal Ministry of Interior inquiry which found no abuse of police authority.

In April the Supreme Cassation Court rejected the appeal of two police officers, Vassil Popov and Hristo Chakmakov, who challenged their May 2005 sentence by the Plovdiv Military Court for their role in the March 2004 beating of 22-year-old detainee Boris Daskalov. The court sentenced the two officers to an 18-month suspended sentence each and fined their direct supervisor. In April 2004 the Ministry of Interior inspectorate confirmed that the police officers had exceeded their powers, and seven police officers received disciplinary sanctions for the incident.

Prison and Detention Center Conditions

Prison conditions generally did not meet international standards, and the government did not allocate funds to make significant improvements.

Conditions in some prisons remained harsh and included overcrowding, inadequate lavatory facilities, and insufficient heating and ventilation. According to the Ministry of Justice, the average space allotted to each prisoner was two square meters, far below the international standard of up to six square meters (64.6 square feet). The daily food allowance amounted to \$.85 (approximately 1.3 lev) per day.

NGO prison monitors reported that brutality by prison guards against inmates continued to be a problem. There also were reports of brutality among inmates. Prisoners had the right to report substandard conditions or mistreatment to prison authorities; however, NGOs observed that corruption among the authorities continued to plague the system.

Overcrowding remained a problem, although the Ministry of Justice reported a slight decrease in the prison population following the introduction of a probation system. There were 11,165 prisoners in the country's 12 prisons, a figure that the Ministry of Justice estimated exceeded by three times the capacity of the prison system. NGOs received complaints from prisoners about the quality and quantity of food they were served.

Despite some infrastructure improvements, such as installing ventilation systems in 31 detention centers, most prisoners continued to share toilets and had infrequent restroom access. Despite the closure of six detention centers due to poor living conditions, many of the remaining detention centers still operated in basements with little or no access to sunlight.

There were 1,039 detainees in the country's 45 detention centers. The detention facilities operated below capacity, according to data from the Ministry of Justice.

In September 170 foreign prisoners in the Sofia prison went on a hunger strike seeking rights equal to their Bulgarian counterparts. Under the law, prisoners can shorten their prison sentences by working in prison, an opportunity not available to foreigners. The strike ended when prison management promised to look into their requests. The prison administration held meetings with the strikers to explain procedural requirements, including the right of preliminary release from suspended sentence. In November, 20 foreigners were granted early release. During the year the prison administration began renovations on a separate building where it plans to move the foreigners.

The government generally permitted independent monitoring of prison conditions by independent observers.

d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention; however, there were reports of infringement of these provisions by police.

Role of the Police and Security Apparatus

The Ministry of Interior is responsible for oversight of internal law enforcement. The new Ministry of Interior Act, which came in force on May 1, demilitarized the institution and changed its structure. The ministry now oversees the activities of the National Security Service, National Fire Safety Service, and the National Police Service, which includes the Chief Directorate for Combating Organized Crime, the Chief Directorate of the Gendarmerie Service, the Chief Directorate of Border Police, and the Chief Directorate of Combating Crime and Protecting Public Order. Public order services, such as the National Intelligence Service and National Bodyguard Service, were directly subordinate to the president and were not subject to adequate judicial, executive, or legislative oversight of their activities or budgets.

A survey by the Center for Study of Democracy (CSD) published in 2005 found that a significant percentage of crimes committed in the country were not reported to the police. Although respondents offered varying reasons for not reporting the crimes, the most cited were the lack of confidence in police competence, dislike of police, and fear of reprisal. During the year the CSD published a survey indicating that one in four individuals stopped by police were not treated professionally and respectfully, with Roma consistently being treated worse than ethnic Bulgarians. Survey participants expressed fear that filing a complaint would earn them further abuse if they encountered the officer again.

The Ministry of Interior reported 451 complaints of police corruption, 179 of which were submitted to its hotline or website during the year. The complaints resulted in 57 officers being fired and 81 officers being administratively censured. During the year 38 officers were referred to the military prosecution service. Ministry of Interior investigations of criminal acts committed by police resulted in six convictions for extortion in 2004.

Impunity remained a problem; lack of accountability inhibited government attempts to address police abuses. Human rights groups claimed the structure of judicial authority represented a serious obstacle to the accountability of law enforcement officers for alleged human rights abuses. All complaints involving Ministry of Interior and other police forces are required to be heard through the military court system. The Sofia Military Appellate Court is the court of final appeal for cases involving Ministry of Interior personnel. NGOs claimed that this separate court system encouraged a latent bias in favor of police and resulted in halfhearted prosecutions by military prosecutors who were not eager to see their colleagues punished.

Human rights-related training is mandatory at the police academy and officers' schools.

In contrast with 2005, there were no reports that police failed to take action during outbreaks of violence.

Arrest and Detention

While warrants are not always required for arrest, police normally obtained them from a prosecutor prior to apprehending an individual. If the person is released within 24 hours without being charged, no judicial involvement in the case is required. Some human rights groups claimed that police abused this provision by arbitrarily detaining persons, particularly Roma, but releasing them within 24 hours; however, such complaints were much less frequent than in previous years. Persons could be detained for no more than 24 hours at the request of an investigator or police officer; however, detention could last for up to 72 hours without charge if ordered by a prosecutor.

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

Although the law provides for access to legal counsel from the time of detention, a study by the Open Society Institute (OSI) showed that lack of timely access to legal counsel remained a problem. Legislation expanding access to legal aid for low-income defendants in criminal cases was adopted in 2005, although OSI's study reported that many police precincts did not have an accurate list of public defenders, thus effectively hindering the program's implementation.

Detainees were generally informed promptly of the charges against them. However, the OSI reported instances in which detainees were not informed of the charges against them or their rights under the law.

In 2005 two police officers in Pernik detained Rossen Stoyadinov, a Rom, for 24 hours after requesting that he accompany them to the police station without informing him of the charges against him (see section 1.c.). The Ministry of Interior's internal inquiry, completed in June 2005, found no abusive behavior on the part of the officers.

Although the government generally observed the statutory limit of one year for pretrial detention or two years for pretrial detention in cases involving the most serious crimes, there were a few cases of more lengthy detention due to a backlog of cases. In the event of a conviction, time spent in pretrial detention was credited toward the sentence.

e. Denial of Fair Public Trial

The constitution and law provide for an independent judiciary; however, the effectiveness of the judiciary was hampered by corruption, inefficiency, and a lack of checks and balances.

Although many serious systemic flaws remained, observers noted modest improvement in the efficiency of moving cases through the criminal system. Long delays in trials were common, and investigators and police continued to struggle with a large backlog of outstanding investigations.

The Center for Liberal Strategies reported that, on average, civil cases lasted 350 days and criminal cases 835 days, with 541 days spent in pretrial proceedings. While the system's efficiency was improving, there were still an absence of convictions on charges of organized crime,

corruption, and money laundering.

The court system consists of regional courts, district courts, appellate courts, military courts (on the district and appellate levels), the Supreme Cassation Court, and the Supreme Administrative Court. The Constitutional Court, which is separate from the rest of the judiciary, 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 among the various branches of government. The procedural codes determine which court hears a particular case.

Questions remained about the vast authority of the chief prosecutor's office, the immunity of magistrates, and the structure of the Supreme Judicial Council as factors that crippled the system's efficiency and left the magistrates open to influence.

In January Boris Velchev was appointed chief prosecutor and energetically began a wide-reaching campaign to introduce structural and personnel reforms in the prosecution service. The internal inspection Velchev ordered resulted in three prosecutors' resignations, eight probes for abuse of office, and three requests for dismissal by the Supreme Judicial Council on grounds of undermining the prestige of the judiciary. However, observers believed further reform was needed to establish a fair, impartial, and efficient judicial system.

Trial Procedures

The law stipulates that all courts conduct hearings in public unless proceedings involve safeguarding national secrets or public morals or are against juvenile defendants, and authorities generally respected this provision. Defendants have the right to know the charges against them, to have government-provided legal representation if they are indigent, and to have ample time to prepare a defense. Participation of a defense attorney is mandatory if the alleged crime incurs a punishment of at least 10 years in prison or if the defendant is a juvenile, a foreigner, a person with mental or physical disabilities, or is being tried in absentia. Defendants in criminal proceedings have the right to confront witnesses, to examine evidence, and to present their own witnesses and evidence. The law provides for the right of appeal, which was used widely.

Defendants have the right to be present at trial. Juries are not used, although cases involving more serious crimes are heard at the trial phase by one judge and two assessors or lay judges, who are ordinary citizens chosen to serve as representatives of the public. If a crime entails a punishment of more than 15 years in prison, the panel consists of two judges and three assessors. Verdicts are determined by majority vote of panel members.

Military courts handle cases involving military personnel (including Ministry of Interior personnel) and certain national security matters. As a part of the judiciary, military courts are independent from the military and provide the same rights as the civilian courts. Military prosecutors also investigate allegations of crimes committed by police officers.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

The law provides for an independent and impartial judiciary in civil matters, although civil cases are plagued by the same long delays as criminal cases. Allegations of human right abuses can also be filed with the Commission on Protection Against Discrimination, which has the power to impose sanctions on violators. During the year reforms in the burdensome enforcement of judgments went into force that allowed private enforcement agents to collect claims, thus greatly improving the efficiency of collection. From January to July, approximately 20,000 collection cases were filed with private enforcement agents while only 600 were filed with the state enforcement agents.

Property Restitution

While the government generally respected the right to private property, the Jewish community reported difficulties in recovering some restituted buildings, including a hospital in central Sofia and a former rabbi's house in Varna. In 2002 the courts confirmed that Shalom, a Jewish community organization, was the hospital's rightful owner, but the building has yet to be returned pending completion of renovations on a new building for the hospital. The Varna property was under the control of the Ministry of Defense, which declined to return it for national security reasons, but was working with Shalom on finding comparable compensation. Both cases remained open at year's end (see section 2.c.).

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

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

In June the Sofia mayor's office came under international criticism for planned demolition of illegal housing in the Vazrazhdane neighborhood, home to over 200 Roma who lacked the proper titles and registration to the land. After receiving letters from four members of the European Parliament on July 29, municipal authorities halted demolition plans and entered into negotiations with the central government and NGOs to resolve the problem. On June 12, the previous year's demolition of illegal housing in the Hristo Botev neighborhood was judged by the Supreme Administrative Court to be legal, paving the way for future demolitions.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution and law provide for freedom of speech and of the press, and the government generally respected these rights in practice. There were reports, however, that journalists were threatened and intimidated by individuals with political interests. NGOs reported that significant numbers of journalists practiced self-censorship due to political influence, pressure from management, and organized crime. Some journalists allegedly accepted payments in return for positive coverage of politicians, prominent businessmen, and organized crime syndicates.

Individuals criticized the government freely without reprisal, and the government did not attempt to impede criticism.

A variety of newspapers were published freely by political parties and other organizations representing the full spectrum of public opinion.

On October 10, leading journalist Ivo Indjev was fired from BTV Television for reporting unverified information on President Parvanov's real estate holdings. Observers alleged that his dismissal was the result of pressure from the president's office. Approximately 15 members of parliament wrote a letter of protest to foreign human rights observers, labeling the incident a violation of freedom of the press.

On April 6, unknown persons detonated a bomb in the apartment of investigative journalist Vasil Ivanov. There were no casualties, but the apartment had extensive damage. Ivanov, who had described wide-ranging abuses in Sofia's main prison prior to the attack, reported receiving death threats several months before the explosion. The Ministry of Interior opened an investigation into the attack, which was ongoing at year's end.

On May 18, unknown perpetrators broke into the offices of leading newspaper Novinar, stealing journalists' research on ties between the country's rich and its political parties. The police had no leads in the case, and the investigation was ongoing at year's end.

The investigation against unknown perpetrators into the 2005 fire in the Vratsa office of national daily newspaper Trud remained open. There were also no developments in the investigations into threats made in 2004 against the newspaper Narodn Glas, the news agency De Facto, or the national daily newspaper 24 Hours.

The change of leadership at the Ministry of Interior in August 2005 ended the practice of Ministry of Interior officials using the media to blame the judiciary for lack of progress in battling crime. In 2004 a group of judges protested the practice in a letter to the Prime Minister. In his response, the Prime Minister reaffirmed the importance of judicial independence and called for a direct dialogue between the branches.

Defamation is punishable under the law. In most cases the courts defined libel and interpreted the law in a manner that favored journalistic expression. Fines for libel ranged from approximately \$1,875 (3,000 leva) to approximately \$6,250 (10,000 leva); fines for slander ranged from approximately \$3,125 (5,000 leva) to \$9,375 (15,000 leva). Although observers noted a slight increase in the number of defamation suits brought against journalists in recent years, only a small number of cases resulted in journalists being fined. The majority of defamation cases were brought against reports about corruption or mismanagement, and the most frequent plaintiffs were government officials or other persons in public positions.

Television and radio provided a variety of news and public interest programming. Although the state-owned media presented opposition views, observers believed that the inadequacy of existing legislation left these media vulnerable to government pressure. Despite this vulnerability, Bulgarian Telegraph Agency (BTA), the state-owned news agency, was generally regarded as unbiased, and the state-owned Bulgarian National Radio (BNR) was often one of the most outspoken critics of the government and its policies.

In 2005 the CEM noted 106 infringements of the radio and television act: 84 by television operators and 22 by radio operators. The CEM fined 73 of these operators for violations that were considered serious, including disclosure of personal information without the person's consent, airing programs that damage children's physical and mental development, and violating the right of a rebuttal.

In September 2005 the Ruse Regional Court reversed its 2004 decision to sentence Romanian television journalist George Buhnici for having used a microphone and a camera hidden in his glasses to film the illegal cigarette trade at the Bulgarian-Romanian border. In March the prosecution service withdrew its appeal of the court decision, thereby enforcing Buhnici's acquittal.

Internet Freedom

There were no government restrictions on the Internet or reports that the government monitored e-mail or Internet chatrooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including electronic mail. International studies estimated that 28.5 percent of the population regularly used the Internet, although less-developed rural areas did not have the infrastructure to support Internet connections.

Academic Freedom and Cultural Events

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

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The constitution and law provide for freedom of assembly, and the government generally respected this right in practice. The law requires that groups requesting a permit for gatherings need to give 48 hours notice and that groups requesting a permit for a demonstration need to give five days notice.

During the year the Macedonian activist group, Ilinden, successfully held a public meeting to initiate its registration as a political party. In 2005 the European Court of Human Rights (ECHR) ruled that the country had violated the right of its citizens to peaceful assembly by dispersing Ilinden's demonstrations and preventing the group from holding peaceful meetings from 1998 to 2003. Despite the progress, the group reported difficulties registering as a political party.

Freedom of Association

The constitution and law provide for freedom of association, and the government generally respected this right in practice. The law prohibits groups that endanger national unity or promote and incite racial, national, ethnic, or religious hatred, violate the rights of citizens, or seek to achieve their objectives through violent means. The government generally respected the rights of individuals and groups to freely establish their own political parties or other political organizations.

The law prohibits the formation of political parties along religious, ethnic, or racial lines and prohibits citizens' associations from engaging in political activity. In practice this prohibition did not restrict political participation by ethnic minorities. The law requires all electoral campaigning to be conducted in the Bulgarian language. Several political groups complained that this law was arbitrarily applied during the 2005 parliamentary election campaign. In 2005 a new law took effect that obliged all existing parties to reregister by year's end and introduced a 5,000-person membership requirement (see section 3).

The Macedonian activist group Ilinden continued to report difficulties in registering as a political party. The courts refused it legal registration in 2001 on the grounds that it was a separatist group whose statute and program were directed against the unity of the country. In June Ilinden launched a re-registration campaign but was accused in some media reports of paying for signatures in order to reach the 5,000 threshold. Ilinden's appeal of the Sofia City Court's decision, which rejected its registration citing numerous procedural violations, was ongoing at year's end. Group members reported hostile treatment from the authorities, specifically prejudiced statements from the Blagoevgrad mayor and an aggressive campaign by the police, who went door to door to question members on their affiliation with Ilinden.

c. Freedom of Religion

Although the constitution and law provide for freedom of religion, the government restricted this right to public practice for unregistered religious groups. The law designates the Bulgarian Orthodox Church as the "traditional" religion and the government provided preferential financial support to it, as well as to several other religious communities perceived as holding historic places in society, including the Muslim, Roman Catholic, and Jewish faiths. The law prohibits the public practice of religion by groups not registered through the court system.

In 2005 the ECHR granted an accelerated hearing to the Alternative Synod, which filed a complaint alleging that in 2004 the government improperly intervened in an internal church dispute. The case was pending in the ECHR at year's end.

The law requires religious groups to formally register with the Sofia City Court if they wish to operate and be recognized as legal entities or to conduct worship in public. The 2002 Denominations Act gives Sofia City Court responsibility for registering religious groups. To register, groups are required to submit a statement of the denomination's beliefs. The Bulgarian Helsinki Committee (BHC) has expressed concern that this requirement constitutes an infringement on freedom of religion. The law specifically exempts the Bulgarian Orthodox Church from registration.

The Council of Minister's Religious Confessions Directorate provides "expert opinions" on registration matters upon the court's request. Only once, for the 2003 application of the Ahmadi Muslim Organization of the Muslim Ahmadi Community, has the directorate issued an advisory opinion that resulted in the rejection of registration for a denomination. After losing a two-year battle for registration as a religious group in 2004, Ahmadis resorted to registering as a local NGO in Blagoevgrad. In November the Religious Directorate took the group to court for carrying out religious activities without proper registration. The court case was ongoing at year's end. From January to August, 85 new religious groups were registered with the court.

Although the law does not require local formal registration, some local branches of nationally-registered denominations experienced problems with local authorities who insisted that the branches be registered locally. The registration provisions of the 2002 act did not provide the criteria which gives the Court a basis for registration, or the grounds for denying it. Furthermore, the act does not provide recourse for groups denied registration or state what the consequences are for failure to register.

Religious groups continued to report difficulties with gaining long-term status and ability to proselytize, although much less frequently than in previous years. Foreign missionaries reported difficulties adjusting their visa status to long-term residence, but this was more the result of the country's visa regime than a policy of discrimination on the part of the government. The Law on Foreign Persons had no visa category for missionaries or religious workers. Jehovah's Witnesses reported incidents where local authorities prevented them from distributing leaflets and impeded their ability to proselytize.

The leadership of the Muslim community continued to be disputed in the courts. In 2005 the Sofia City Court attempted to settle the two-year dispute by formally registering Mustafa Alish Hadji as chief mufti. Rival Islamic leader Nedim Gendzhev filed an appeal, and in December 2005 the Sofia appellate court ordered Gendzhev's registration as the Muslim community's leader. Alish Hadji appealed, and the case

remained unresolved at year's end. Many observers criticized the court procedures as opaque and politically influenced.

In August the Commission for Protection Against Discrimination (CPD) decided that school uniform requirements did not discriminate against female Muslim students. An NGO filed the complaint stating that the policy effectively banned headscarves.

The Jewish community, the Muslim community, the Catholic Church, and some Protestant denominations claimed that a number of their properties confiscated under the Communist government had not been returned. The Catholic Church reported that only 60 percent of its confiscated properties had been restituted. A central problem facing claimant groups was the need to demonstrate that they were the same organization or the legitimate successor of the organization that owned the property prior to 1944. This was difficult because Communist hostility to religion led some groups to hide assets or ownership and because documents had been destroyed or lost over the intervening years.

The government formed a special commission to review outstanding claims of the Jewish community for restitution of properties confiscated by the Communist regime. The commission's report, presented to the prime minister in October, found that the community had valid claims to several properties and recommended the government either return them to the community or find comparable properties as compensation. The commission chose not to review the controversial 2005 court decision on the Rila Hotel, which held that the expropriation procedure was properly executed by the Communist government and that the community was not legally entitled to any further compensation. At year's end the Jewish community was still working with the government to implement the recommendations.

Societal Abuses and Discrimination

Discrimination, harassment, and general public intolerance of nontraditional religious groups remained an occasional problem. Human rights groups reported that societal discrimination against nontraditional religious groups gradually lessened over the last few years.

The country's small Jewish community and the Muslim community became targets of the extremist political party Ataka, which employed racist and discriminatory rhetoric during the 2005 parliamentary campaign and the 2006 presidential campaign. Both the newspaper launched by Ataka in October and the group's Web site, as well as its cable television mouth-piece Skat, contained strong anti-Semitic and anti-Muslim material.

According to Shalom, a Jewish organization, anti-Semitism was not wide-spread. The country's small Jewish community has traditionally enjoyed long standing tolerance and is a respected minority. Ataka's discriminatory rhetoric increased anti-Semitic statements in the media in 2005, but has had limited impact on the overall tradition of tolerance.

The law protects freedom of religion and prohibits discrimination. In an effort to promote inter-faith and inter-ethnic education, the government supported programs that taught classes on religion and the history of minorities in at schools. Two watchdog institutions, the Office of the Ombudsman and the Commission to Protect Against Discrimination, were responsible for hearing and acting on complaints of discrimination.

On July 25, unknown persons set fire to a mosque in the town of Kazanlyk, damaging a small part of the officially-designated cultural monument. The parliament criticized the attempted arson, noting that such violations of religious tolerance were atypical for the society. The investigation into the crime was ongoing at the year's end.

The investigation into the 2005 desecration of over 100 Turkish graves in Haskovo by three teenagers was ongoing at year's end.

For a more detailed discussion, see the [2006 International Religious Freedom Report](#).

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

The constitution and law provide for these rights, and the government generally respected them in practice.

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

Internally Displaced Persons (IDPs)

The government continued to work with NGOs to provide assistance to people displaced by 2005 summer floods. Over 5,000 persons were displaced when their homes were destroyed or rendered uninhabitable. While many were able to return, some continued to live in temporary housing while media allegations mounted that local officials misused and misappropriated relief funds.

Protection of Refugees

The constitution and law provide for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has established a system for providing protection to refugees. The government provided some protection against refoulement, the return of persons to a country where they feared persecution; however, the UN High Commissioner for Refugees (UNHCR) and NGOs, including the BHC, expressed concern over the government's handling of claims for refugee and asylum status and reported that there may have been cases in which possible bona fide refugees were turned away at the border. The government generally cooperated with the UNHCR and other humanitarian organizations in assisting refugees and asylum

seekers. The law requires that persons seeking refugee status request and file an application within 72 hours after entering the country legally.

The government also provided temporary protection to persons who may not qualify as refugees under the 1951 convention and 1967 protocol. This protection, known under Bulgarian law as "humanitarian status," was provided to 82 persons before December 1.

The UNHCR, in cooperation with the International Organization for Migration (IOM), operated three transit centers near the Greek, Turkish, and Romanian borders to interview refugee applicants and assisted the government with a small reception center in Banya.

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

The law provides citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

Elections and Political Participation

On October 22, national presidential elections were held. The incumbent president, Georgi Parvanov, won a landslide victory against Volen Siderov, leader of the ultra-nationalist Ataka party. The elections were widely deemed free and fair.

The law prohibits the formation of political parties along religious, ethnic, or racial lines and prohibits citizens' associations from engaging in political activity. In practice, this prohibition did not restrict political participation by ethnic minorities, and political parties representing minority groups were active on the local and national level. The law requires all electoral campaigning to be conducted in the Bulgarian language. Several political groups complained that this law was arbitrarily applied during the 2005 parliamentary election campaign.

In 2005 a law took effect obliging all existing parties to reregister by year's end and introducing a 5,000-person membership requirement (see section 2.b.).

There were 51 women in the 240-seat National Assembly. A number of women held elective and appointive office at high levels in the government, including one deputy prime minister and two ministers. Women held key positions in the National Assembly, including one deputy speaker and the chair of one of the 24 standing committees. The leader of one of the seven parliamentary groups was a woman.

There were 31 members of minorities in the 240-seat National Assembly, of whom 28 were ethnic Turkish, one was Romani, and two were ethnic Armenian. There were three ethnic Turkish ministers in the cabinet and one Romani deputy ministers. While the ethnic Turkish minority was well-represented, Roma were underrepresented, particularly in appointed leadership positions. Pomaks (Slavic Bulgarians who are Muslims) held elected positions at the local level.

In the 2003 local elections, 3 percent of municipal councilors elected were Romani, and advocacy groups reported that a considerable number of Romani mayors also were elected. The National Association of Municipalities reported that Muslim candidates accounted for 12.5 percent of municipal mayors and 15.2 percent of municipal councilors elected in 2003.

Government Corruption and Transparency

Government corruption was a problem. During the year, the country received a score of 4.0 on Transparency International's 10 point composite index of the degree to which corruption is perceived to exist among a country's politicians and public officials, indicating a perception that the country had a serious corruption problem. While high-profile firings and investigations somewhat improved the government's image, widespread concern over government corruption remained.

The European Commission's September monitoring report noted that the government had strengthened the legal framework necessary to battle corruption but that it needed to do more to erase high-level corruption. In particular, the commission called for more indictments, trials, and convictions of the guilty. The report also noted the lack of significant government progress in battling organized crime and money-laundering.

During the year the government undertook efforts to combat corruption. The interministerial anticorruption commission was responsible for coordinating government efforts to fight public sector corruption and engaging in public awareness campaigns; however, representatives of the business community criticized the commission as ineffectual. In June the commission reported that a total of 248 civil servants had been punished for corruption and 102 of them were dismissed.

During the year the Ministry of Interior and the chief prosecutor's office launched extensive anticorruption campaigns. Several high-placed government officials, including the heads of the state reserve and fire protection, the chief of Sofia traffic police, and the head of the Sofia heating utility, were under investigation for misuse of government funds. Numerous mid-level officials in customs, the police, and the prosecutor's office were fired or sanctioned for abuse of position. Up to September the Ministry of Interior's corruption hotline received more than 3,000 tips.

The law provides for public access to government information; however, in practice the government often restricted such access. In 2005 the NGO Access to Information Program reported approximately 350 cases in which government institutions denied access to information. During the year the Supreme Administrative Court reviewed more than 40 appeals of denials.

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

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

In 2005 after a one-year delay and two failed attempts, the National Assembly appointed the country's first national ombudsman. By law the ombudsman receives and reviews complaints filed by individuals of rights or freedoms abridged by government institutions. The ombudsman can request information from state authorities, act as an intermediary in resolving disputes, make proposals for terminating existing practices, and refer information to the prosecution service. Since January the office received over 2,000 complaints on violations of citizens' rights and freedoms by the administration. Only a small part of them fell within the office's jurisdiction.

The nine-member antidiscrimination commission began its work during the year. The commission has the power to receive and investigate complaints, issue rulings, and impose sanctions on violators. During the year the commission reviewed approximately 400 cases, the majority of which dealt with discrimination on the basis of ethnicity or disability.

The ECHR passed 38 sentences against the country during the year, compared to 20 in 2005. In 2005 the government paid over \$144,100 (218,675 leva) in compensation for damages suffered as a result of the government's denial of fair trial, an unreasonably slow judicial process, inadequate prison conditions, maltreatment of detainees or prisoners, and other restrictions of liberty.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The constitution and law prohibit discrimination on the grounds of race, gender, disability, social status, and sexual orientation; however, the law does not prohibit discrimination on the basis of language. Societal discrimination continued to occur, particularly against women, practitioners of nontraditional religions, sexual minorities, and ethnic minorities such as the Roma.

The government took steps during the year to implement administrative provisions of the 2004 antidiscrimination law, but progress was slow. A number of potentially groundbreaking court rulings against discrimination were issued under the new law, but questions remained about implementation and the outcome of possible appeals.

Women

Domestic violence was a serious problem, according to NGOs. Although there were no precise statistics on its occurrence, police believed that one of every four women had been a victim of domestic violence. Courts and prosecutors tended to view domestic abuse as a family matter rather than a criminal act. As a result, police often were reluctant to intervene in cases of domestic abuse, even if a woman sought police protection or assistance.

The law defines domestic violence as any act or attempt of physical, psychological, or sexual violence against members of one's family or between cohabitating persons. It empowers the court to deal with offenders by imposing fines, issuing restraining or eviction orders, or requiring special counseling. However, according to NGO observers, only one-third of the cases heard under the law resulted in restrictive measures against the offender.

The government did not provide shelter or counseling for women, although in October the cabinet voted to provide approximately \$180,000 (270,000 leva) to establish shelters for domestic violence victims. In 2005 the Bulgarian Gender Research Foundation reported having trained over 300 police officers and judges on the provisions of the domestic violence law.

Police and social workers actively referred victims of domestic violence to NGO-run shelters. The country had 15 crisis centers to provide victim assistance and short-term shelter. The NGO Animus Association Foundation (AAF) operated a 24-hour hotline for women in crisis, including victims of trafficking, providing them with access to professional therapists and assisting them in obtaining medical exams and treatment, identity documents, and information on housing and employment opportunities.

The law criminalizes rape, which was underreported due to the stigma that society attached to the victim. Spousal rape, although not specifically addressed in the law, can be prosecuted under the general rape statute; it was rarely prosecuted in practice. Sentences for rape range between two and eight years in prison, and between three and 10 years in prison if the victim is a descendent relative. In cases where rape results in serious bodily injury or suicide of the victim, sentences range between 10 and 20 years' imprisonment. The government generally enforced laws against rape, and sentences tended to conform to statutory guidelines. According to NGOs, the social taboo experienced by rape victims discouraged them from reporting the crime and was a far more serious obstacle to prosecution than police reluctance to investigate.

Prostitution is legal and was commonly practiced; however, a variety of activities associated with prostitution, such as pimping, are illegal. Forced prostitution is illegal and remained a serious problem. Poor socioeconomic conditions contributed to a disproportionately higher number of Romani women engaged in organized prostitution.

Trafficking in women was a serious problem (see section 5, Trafficking).

Sexual harassment is prohibited under the antidiscrimination law, which also outlines the process for redress. However, sexual harassment remained a widespread problem, and the government did not effectively enforce the law.

The Antidiscrimination Committee reported an increasing number of sexual harassment cases, approximately 5 percent of all complaints. In January the court heard the first sexual harassment case under the antidiscrimination act. The plaintiff, an actress, brought suit against her director, alleging that she was fired because she refused his sexual advances. The case was ongoing at year's end.

During the year the Sliven military court reviewed another sexual harassment case against Colonel Alexander Petkov for sexually harassing five female soldiers in his brigade. The colonel was dismissed following the allegations, and the case was ongoing at year's end.

In 2005 the former chief of the Plovdiv sanitary control inspectorate was charged with coercion, which is punishable by up to six years' imprisonment, for allegedly threatening to dismiss two of his female subordinates for declining his sexual advances. In February the court ruled in favor of the plaintiff and fined the defendant. The decision was being appealed at year's end.

Under the law women enjoy the same rights as men, including under family and property law, and in the judicial system; however, women faced some discrimination in terms of job recruitment. In 2004 a national council on equality between women and men, headed by the minister of labor and social policy, was established under the Council of Ministers to ensure that the rights of women were being protected. Primarily a consultative body, the council is charged with promoting cooperation and coordination among NGOs and government agencies. In November the government adopted a national plan for equal treatment of men and women, which the council had developed over the course of the year.

Women experienced some economic discrimination. According to the NGO Bulgaria Gender Research Foundation, women's salaries in 2005 were 28 percent lower than men's.

The Ministry of Labor and Social Policy operated a number of programs to address economic discrimination and integrate women into the mainstream of society and the economy. In August the National Assembly adopted legislation stipulating that in hiring for government positions, all other factors being equal, the candidate of the minority gender should get preferential consideration.

Children

The government generally was committed to protecting children's welfare; however, government efforts in education and health were constrained by serious budgetary limitations and by outmoded social care structures.

The law provides for compulsory public education until the age of 16; however, the government did not effectively enforce attendance requirements. Although public education is free through the 12th grade, children were required to pay for books, which was a problem for poor families.

The UN Children's Fund (UNICEF) reported that net school attendance from 2000 to 2005 was approximately 95 percent. Most students completed some secondary school. According to a 2006 study, 76 percent of students completed high school. The study reported that children primarily left school due to low household income, parental lack of interest, lack of motivation, or immigration. The number of school dropouts was highest in the regions with a large Romani population.

Romani children generally received an inferior quality of education. Romani children generally attended separate schools from ethnic Bulgarian children, partly due to a legacy of segregation and official discrimination. Government figures for 2006 indicated that 30 percent of Romani students attended completely segregated schools. Nearly 10 percent of Roma had never attended school, and less than 1 percent had a university degree.

In 2005 a Sofia court found the city guilty of discrimination for failing to provide equal educational opportunities to Romani children, many of whom attended Sofia's three ethnically segregated Roma schools. The government's appeal of the ruling was pending at year's end.

Conditions for children in state institutions were poor. Social prejudice against children with disabilities led families to institutionalize these children. The provisions of a 2003 national action plan on children in institutions have led to an annual decline in the number of child wards. According to the State Agency for Child Protection, 9,590 children were housed in institutions, down from 9,776 in 2005. Human rights monitors sharply criticized the serious deficiencies in government-run institutions, including orphanages, educational reform boarding schools, facilities for children with mental disabilities, and shelters for homeless children. Inadequate budgets, poorly trained or unqualified staff, and insufficient oversight plagued these facilities. Standards of hygiene and access to medical care were poor.

In October police broke up a prostitution ring involving children from the Berkovitsa orphanage. The orphanage teenagers reportedly worked for the arrested ringleader in their time off from school. The police blamed the lack of proper oversight at the institution for the incident. The case was under investigation at year's end.

In October a nine-year-old girl died of complications from eating garbage after being left unattended. An investigation into negligence on the part of the institution was ongoing at year's end.

In 2005 a five-year-old blind child died from hot water burns sustained while left unattended in the bathroom of an institution for children with disabilities in Dobromirca. A police investigation into staff negligence was ongoing at year's end.

According to NGOs, living conditions in reform boarding schools run by the Ministry of Education and Science remained poor, offering few medical, educational, or social services (see section 1.e.). At most of these institutions, the government failed to provide for residents' needs for food, clothing, and instructional materials. Mixed-age classes and low levels of staff motivation considerably impaired the teaching

process. However, due process procedures for juveniles in these institutions improved.

Violence against children was a problem. The National Statistical Institute reported 824 cases of child abuse in 2005, a 3 percent decrease since 2004. The government removed children from abusive homes and prosecuted abusive parents.

Although no official statistics were available, the State Agency for Child Protection reported that child marriage was relatively uncommon nationwide but prevalent in the Romani community. The agency also voiced its concern that arranged marriages, a traditional aspect of Romani culture, were resulting in trafficking in persons.

The Ministry of Interior identified 255 children as "at risk" of being forced into prostitution between January and October, compared to 398 in 2005. Child prostitution reportedly was particularly common among Romani girls; there were no known cases of boys engaged in prostitution.

Trafficking in children was a problem (see section 5, Trafficking).

Widespread poverty led many Romani children to turn to begging, prostitution, and petty crime on the streets. There were reports of child smuggling rings paying Romani women for babies that were later sold to couples in Western and Southern Europe, particularly Greece. Over the past three years, the authorities have pressed charges against 33 people for forcing pregnant women to sell their children abroad. The trafficking of pregnant women remained an elusive problem because the women were free to travel abroad and could not be stopped by border police. An amendment to the Criminal Code, which went into effect in October, criminalizes the sale of unborn children.

In December 2004 the State Agency for Child Protection reported that 625 children were known to be either living or working on the streets. The children were primarily involved in begging, prostitution, or car window washing and approximately 400 of these children were believed to be exploited for labor by adults. The National Statistical Institute reported a 68 percent increase from 2003 to 2004 in the number of children registered by police for vagrancy and begging. The Chief Directorate for Combating Organized Crime reported a growing number of children being sent as beggars and pick-pockets to Western countries, such as Austria; in one example, 600 Bulgarian children were apprehended in Vienna between January and March and repatriated. The children were placed in homes for juvenile delinquents upon return to the country.

As part of the national strategy for street children, the State Agency for Child Protection continued placing street children in protective custody. Between January and October, the Ministry of Interior placed 301 children involved in begging and vagrancy in five special shelters for street children; in 2005, 274 such children were sent to these shelters. The shelters were intended to serve more as immediate protective resources than facilities for long-term or intermediate care. They provided food, bathing facilities, and basic medical care, but children were usually not kept for more than 24 hours unless remanded to protective custody by the special order of a prosecutor.

Child labor was a problem (see section 6.d.).

Trafficking in Persons

The constitution and law prohibit trafficking in persons; however, trafficking was a serious problem. The country remained primarily a point of transit and, to a lesser extent, of origin and destination, with most victims trafficked for the purpose of sexual exploitation. Police reported an upward trend in the number of persons being trafficked from the country. A number of individual law enforcement officers and other government authorities were reportedly involved in trafficking.

The Chief Directorate for Combating Organized Crime and the IOM reported that victims came from within the country, as well as from Romania, Moldova, Russia, Ukraine, and the countries of central Asia. The destinations of victims trafficked from and through the country were Greece, Turkey, the Czech Republic, Poland, Macedonia, Kosovo, and countries in Western Europe. Victims overwhelmingly were women and girls trafficked for the purposes of sexual exploitation. Young women between the ages of 16 and 24, with less education, and with problematic family relations were most vulnerable to being trafficked, according to NGO and government sources. Minorities, particularly Roma, and prostitutes also were at particular risk. The IOM reported that 34 percent of the victims it assisted in 2004 were Roma. According to the IOM and AAF, there also were cases of trafficking in male children.

The IOM reported that it identified and assisted approximately 100 victims of trafficking per year. The actual number of victims may have been much higher. Police reported dismantling at least 16 trafficking rings and arresting 175 alleged traffickers during the first nine months of the year. Of the dismantled rings, 12 were trafficking women for sexual exploitation, one trafficked pregnant women, two engaged in trafficking for labor exploitation, and one trafficked persons for begging and petty theft.

The punishment for trafficking in persons includes prison terms of one to eight years and fines up to approximately \$5,000 (8,000 leva). Aggravated circumstances increase the penalties to up to 15 years in prison and fines of up to approximately \$12,500 (20,000 leva), and the court may confiscate the trafficker's assets. A variety of additional laws may be used to prosecute persons for activities often associated with trafficking, such as inducement to prostitution. Law enforcement officers complained that because the minimum penalty for trafficking is less than five years' imprisonment, the law does not permit them to fight trafficking with special investigative techniques, such as wiretapping.

Two police units, one within the National Border Police and the other within the Chief Directorate for Combating Organized Crime, specifically addressed the problem of trafficking. The government participated in multinational anti-trafficking activities, particularly within the Southeast Europe Cooperation Initiative. In 2005 the National Assembly adopted an amendment permitting the extradition of citizens for crimes committed abroad, including trafficking.

Some law enforcement officers and other government authorities, including local authorities and customs officials, allegedly facilitated trafficking, although there was no evidence of a pattern of official complicity. Officials often accepted bribes to ignore trafficking, although some officers may have been more involved. Those involved in facilitating trafficking overwhelmingly were low-level, low-paid officials in the rural and border regions.

As of year's end, the National Antitrafficking Commission, the primary coordination and policy-making body for trafficking issues, had not met regularly, appointed a functioning secretariat, or established the regional antitrafficking commissions foreseen by the national strategy. The government also had not implemented witness protection legislation adopted in 2004.

In association with NGOs, the government conducted trafficking awareness programs for law enforcement personnel and consular officers posted to Bulgarian embassies. NGOs reported excellent working relationships with law enforcement in identifying and assisting trafficking victims. The IOM continued a trafficking awareness campaign begun in 2000, which has developed several regional networks of police, prosecutors, and concerned NGOs to raise awareness of trafficking. The program included a referral mechanism to provide protection and assistance to returning victims. The IOM operated several local shelters and safe houses where it provided free housing, protection, and reintegration assistance to victims, including those willing to testify in the prosecution of traffickers. The government supported information campaigns organized by local and international NGOs. During the year the IOM reported sheltering approximately 100 women and girls, and the AAF sheltered more than 50 women.

During the year the government opened one shelter for child victims of violence and trafficking.

The AAF operated a 24-hour hotline for women in crisis that received 109 calls regarding trafficking of women and children, down from 142 in 2005.

Persons with Disabilities

Although the constitution and law prohibit discrimination against persons with physical and mental disabilities in employment, education, access to health care, or the provision of other state services, the government did not effectively enforce these provisions in practice. Societal discrimination against persons with disabilities persisted.

The law requires improved access to buildings for persons with disabilities, and public works projects have taken this into account; however, enforcement of this law lagged in existing, unrenovated buildings. According to the Psychological Center for Research, an advocacy group for rights of people with disabilities, only 3 percent of the country's municipalities have fully complied with the legal requirements for accessibility.

Conditions in institutions for persons with disabilities were poor. NGOs reported that staffing problems, particularly on night shifts in institutions for adults, posed a significant risk to residents, who complained of mistreatment and theft by staff.

In June 2005 24-year-old Ivailo Vakarelski was found beaten and strangled to death in the state psychiatric hospital in Karlukovo. By the end of 2005, hospital authorities had reportedly neither conducted an internal investigation nor performed a post mortem examination, which is generally mandatory in such cases. In December the regional prosecutor's investigation into the incident was terminated due to lack of evidence.

Laws exist to promote the hiring and employment of persons with disabilities; however, the government's enforcement of these provisions was poor, and some provisions resulted in employer discrimination against persons with disabilities in the hiring process. An overwhelming majority of persons with disabilities were unemployed.

Persons with mental and physical disabilities, including very young children, often were segregated from the rest of society; the segregation of children with disabilities into special schools lowered the quality of their education. The Ministry of Labor and Social Policy (MLSP) operated 26 institutions for children and youth with disabilities. An MLSP study during the year reported that the facilities and administration of 25 of the institutions had to be reformed or restructured, with one recommendation for closing. NGOs complained that conditions in these institutions were poor, despite slight improvements during the year.

National/Racial/Ethnic Minorities

Societal discrimination against Roma and other minority groups remained the same as in 2005, occasionally resulting in incidents of violence between members of the ethnic Bulgarian majority and the ethnic Romani minority.

Although the Roma were officially estimated to make up 4.6 percent of the population, their actual share was more likely between 6 and 7 percent. According to a 2002 Council of Europe report, there were 600,000 to 800,000 Roma in the country. According to a 2001 census, ethnic Turks made up 9 percent of the population. Ethnic Bulgarian Muslims, often termed Pomaks, are a distinct group of Slavic descent, whose ancestors converted from Orthodox Christianity to Islam; they constituted 2 to 3 percent of the population.

There were reports that police harassed, physically abused, and arbitrarily arrested Roma, although no fatal attacks were reported during the year (see section 1.d.). The government made little progress in resolving cases of police violence against Roma. Human rights groups complained that magistrates sometimes failed to pursue crimes committed against minorities.

Ethnic prejudices against and negative stereotypes of Roma continue to play a significant role in society. According to a study by the Center

for Liberal Studies, 86 percent of ethnic Bulgarians viewed Roma as irresponsible and lazy, 87 percent believed Roma were inclined to criminal acts, and 63 percent believed Roma should live separately from others.

In September a Bulgarian observer to the European Parliament, Dimitar Stoyanov, sparked an international controversy when he made racist and sexist remarks against a Hungarian member of the European Parliament of Roma origins, Livia Jaroka. Stoyanov, an Ataka party member, protested Jaroka's nomination as parliamentarian of the year in an e-mail sent to all European Parliament members, stating that "there are tens of thousands of gypsy girls way more beautiful than this... and the best of them are very expensive." His statement was unanimously criticized by the Bulgarian parliament; however, because of a legal technicality, the parliament could not recall Stoyanov without recalling all Bulgarian observers.

In October Minister of Health Radoslav Gaidarski told journalists that he would initiate a law to ban underage motherhood. His statement was widely taken as a proposal to limit births among Roma girls and invoked sharp criticism from NGOs and several members of parliament. Gaidarski attempted to withdraw his comment later, saying that it was taken out of context and that there was no need for such a law at the moment.

At year's end authorities continued the investigation into the highly publicized death of Stanimir Kaloyanov, an ethnic Bulgarian who died of head injuries sustained during a race-related brawl in Sofia in May 2005. Three ethnic Romani suspects were arrested immediately following the incident and were released without charge.

There were no developments relating to cases of skinhead violence against Romani residents of Sofia in 2004.

There were no developments in the April 2004 case in which two men reportedly brutally beat Georgi Angelov, a Rom, and cut off his ear with a razor blade. Human rights groups reported that the police failed to effectively investigate this and similar incidents.

Many Roma and other observers made credible allegations that the quality of education offered to Romani children was inferior to that afforded most other students (see section 5, Children).

The unemployment rate among Roma was nearly 65 percent, reaching up to 80 percent in some regions. Approximately 10 percent of Roma graduated from high school and only 1 percent had a university degree. Severe unemployment and poverty among Roma, combined with generally unfavorable attitudes toward Roma among ethnic Bulgarians and Turks, contributed to strained relations between Roma and the rest of society. Workplace discrimination against minorities, especially the Roma, continued to be a problem.

Many Roma lived in substandard housing and lacked legal registration for their places of residences. This situation rendered them particularly vulnerable in June, when Sofia city officials ordered the demolition of the houses of 16 Romani families lacking legal deeds in the Vazhrazhdane district of Sofia. The demolition was halted when local NGOs and the international community publicly criticized the mayor's office. The previous year, approximately 150 Roma were left homeless when the government destroyed their illegal houses in the Hristo Botev neighborhood.

Roma were disproportionately affected by the 2005 summer floods that destroyed vital infrastructure and displaced more than 5,000 persons (see section 2.d.). Observers attributed the greater vulnerability of Roma to preexisting economic hardship and harsh living conditions.

With the support of the European Bank for Reconstruction and Development, the government attempted to provide housing for Romani families displaced in 2001 by the construction of new apartment blocks in Sofia and Plovdiv. However, NGOs reported that only 80 Romani families had been resettled in Sofia. In Plovdiv, 80 percent of the allocated funds were used to build 30 percent of the planned housing, causing local officials to allege corruption in the central government and prompting the international donors to withdraw from the project.

NGOs reported that Roma encountered difficulties applying for social benefits, and local officials discouraged rural Roma from claiming land to which they were entitled under the law disbanding agricultural collectives. Many Roma suffered from inadequate access to health care.

During the year Romani rights organizations successfully used the 2003 antidiscrimination act to win several cases in court. In June the Plovdiv Appeals Court ruled against a local discotheque for denying entrance to Kiril Mitkov in 2004. The court ruled that the business practiced direct discrimination when it refused to let Mitkov enter because "no Roma were allowed." In another 2006 case, the Sofia city court held employers directly responsible for the discriminatory behavior of their employees. In the case, the court found that a company became liable when its employee advised Angel Assenov not to apply for a position because he was Roma and would not be hired.

With the support of local NGOs and foreign donors, the government implemented a program to teach Romani folklore and history to over 5,000 children in an effort to increase interethnic understanding and fight prejudice. Government integration programs also included busing over 2,000 Romani children from ghettoized neighborhoods to mixed-ethnicity schools. Assistant teachers from minority backgrounds were hired to assist children from Turkish and Romani linguistic minorities to learn Bulgarian and to integrate into mixed classes.

The country's small population of Pomaks remained in an ambiguous position. In the town of Yakoruda, local officials refused to recognize the Pomak identity, and those calling themselves Pomaks alleged discrimination by government officials.

Other Societal Abuses and Discrimination

Although the law prohibits discrimination on the basis of sexual orientation, the government did not effectively enforce this provision in practice. Although incidents of violence against sexual minorities were rare, societal discrimination was a problem, manifesting itself primarily

as discrimination in employment. Members of the lesbian, gay, bisexual, and transgender community were sometimes refused employment on the grounds of sexual orientation or fired after revealing their sexual identity, although gay rights activists reported that such incidents were becoming less common.

According to the Bulgarian Foundation for Aiding HIV/AIDS Patients, several HIV-positive patients were denied appropriate medical treatment. The main reason cited by doctors was the lack of the legislatively-mandated isolation room. Patients reported hiding the fact that they are HIV positive in order to receive medical care.

Gemini, a gay-rights organization, filed three cases with the Committee on Protection Against Discrimination on the basis of sexual orientation discrimination. The committee ruled in Gemini's favor in all three cases.

Section 6 Worker Rights

a. The Right of Association

The constitution and law provide for the right of all workers to form or join trade unions of their choice, and workers exercised this right in practice.

Approximately 18 percent of the workforce was unionized; according to individual trade unions and the Democratic Trade Unions Association, the percentage of the workforce that was unionized continued to decrease.

The law prohibits antiunion discrimination and includes a provision for a six-month salary payment as compensation for illegal dismissal. Employees could use mediation and the judicial system to resolve complaints, although the burden of proof in such cases rested entirely on the employee.

There were reports of discrimination and harassment against trade union activists and members, who were relocated, downgraded, or fired. In the private sector, a few employers had a policy of illegally prohibiting trade union membership within their enterprises. Although less frequent than in previous years, there were credible reports that some private employers also forced newly employed workers to sign declarations that they would not establish or join trade unions. There were reports of employers deducting dues from workers' salaries and not passing them on to the unions.

b. The Right to Organize and Bargain Collectively

The law allows unions to conduct their activities without interference, and the government generally protected this right in practice. The law provides an adequate legal structure for collective bargaining, which was practiced nationally, regionally, and on the local level; however, labor unions alleged that many employers failed to bargain in good faith or to adhere to agreements that were concluded. NGOs reported that collective bargaining was not always effective in practice. Private employers reportedly often refused to negotiate collective agreements, delayed negotiations unnecessarily, or refused to sign agreements; in other cases, private employers signed agreements but did not apply them. A 2003 study published by the European Industrial Relations Observatory estimated that 40 percent of employees worked under collective bargaining agreements.

The law provides for the right to strike, and workers exercised this right in practice; however, key public sector employees (primarily military and law enforcement personnel) were subject to a blanket prohibition against striking. These employees were able to take the government to court as a means of ensuring due process in protecting their rights.

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

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children; however, there were reports that such practices occurred (see section 5). Children were sometimes forced to work due to economic conditions or because of pressure from family members or criminal organizations.

d. Prohibition of Child Labor and Minimum Age for Employment

There are laws and policies to protect children from exploitation in the workplace, including a prohibition on forced or compulsory labor and policies regarding acceptable working conditions. The government was somewhat effective at implementing these laws and policies in practice. The law sets the minimum age for employment at 16 years and the minimum age for dangerous work at 18 years; employers and the MLSP are responsible for enforcing these provisions. Child labor laws generally were enforced well in the formal sector, but NGOs reported that children were exploited in certain industries (particularly small family-owned shops, textile factories, restaurants, family farms, construction, and periodical sales) and by organized crime (notably for sexual exploitation and the distribution of narcotics). During the year the Ministry of Labor and Social Policy's general labor inspectorate found 219 violations of child labor regulations, all of which were forwarded for prosecution. By October the prosecution service declined to prosecute 34 cases and continued to review the rest.

Few official statistics on child labor were available. The latest statistics, published by the International Labor Organization (ILO) in 2000, showed that 14 percent of children ages five to 17 years were working. Children were engaged in paid work outside of the home in the commercial and service sectors, agriculture, forestry, transportation, communications, industry, and construction. According to the ILO,

children's workdays often exceeded the seven-hour legal maximum, and sometimes children did not receive overtime pay for hours worked. Local NGOs reported that children worked on nonfamily-owned farms for meager monetary or in-kind wages, such as food, and that institutionalized children often sought modestly paid agricultural labor during periods when they were allowed out of residential facilities.

The worst forms of child labor occurred infrequently, but included heavy physical labor and health hazards on family tobacco farms, particularly among the ethnic Turkish minority. The government continued programs to eliminate the worst forms of child labor, using educational campaigns about the effects of child labor and implementing interventions aimed to protect, withdraw, rehabilitate, and reintegrate children engaged in the worst forms of child labor. Trafficking of children was a problem (see section 5).

In accordance with a memorandum of understanding with the ILO, the Ministry of Labor and Social Policy established a child labor unit to coordinate child labor issues and to develop a national database on child labor in the country.

e. Acceptable Conditions of Work

During the year the government approved and implemented an increase in the national minimum wage to approximately \$94 (150 leva) per month. While this wage does not provide a decent standard of living for a worker and family, many workers were paid more under the table for tax purposes.

The law provides for a standard workweek of 40 hours with at least one 24-hour rest period per week. The Ministry of Labor and Social Policy is responsible for enforcing both the minimum wage and the standard workweek. Premium pay for hours worked over 40 per week was supposed to be negotiated between employers and employees. The law stipulates that premium pay for overtime could not be less than 150 percent during workdays, 175 percent during weekends, and 200 percent during official holidays. The law prohibits overtime for children under age 18, pregnant women, and women with children up to age six. Enforcement generally was effective in the state sector but was weaker in the private sector.

There was a national labor safety program, with standards established by the law, which states that employees are entitled to healthy and nonhazardous working conditions. The Ministry of Labor and Social Policy is responsible for enforcing these provisions. However, conditions in many cases continued to worsen. In one case, the general labor inspectorate inspected a Dupnitsa shoe factory after two seamstresses died on the job. Both suffered from high-blood pressure, which was worsened by the harsh working conditions at the factory. The inspectors found numerous violations, including substandard ventilation, excessive overtime, lack of proper protective gear, and failure to observe statutory medical requirements. The law requires joint employer and labor health and safety committees to monitor workplace conditions; however, implementation was slow and these committees remained in the developmental stages at year's end.

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