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Bulgaria

Country Reports on Human Rights Practices - [2005](#)

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Bulgaria is a parliamentary democracy of approximately 7.7 million persons, and is ruled by a coalition government headed by Prime Minister Sergei Stanishev. Multiparty parliamentary elections in June were deemed generally free and fair despite some reported irregularities. 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. The following human rights problems were reported:

- police abuses, including beatings and mistreatment, of criminal suspects, prison inmates, and members of minorities
- harsh conditions in prisons and detention facilities
- arbitrary arrest and detention
- impunity
- limitations on freedom of the press
- some restrictions on freedom of religion
- discrimination against certain religious minorities
- widespread corruption in executive and judicial branches
- violence and discrimination against women, children, and minority groups, particularly the Roma
- trafficking in persons
- discrimination against persons with disabilities
- child labor

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

Neither the government nor its agents committed any politically motivated killings; however, there were reports that police killed two persons during the year.

On November 10, Anguel Dimitrov died while being arrested in a nationwide operation against organized crime. The chief secretary of the Interior Ministry confirmed early reports that Dimitrov had died of a heart attack. An autopsy, however, showed that he died of a brain hemorrhage caused by severe blows to the head. On December 14, the military appellate prosecutor's office suspended an investigation into Dimitrov's death, citing a lack of evidence of police abuse. According to prosecutors, police used lawful measures to detain a dangerous criminal who was resisting arrest.

On April 16, Yulian Krastev, a 38-year-old homeless man, was found beaten to death in an apartment block in Varna. The prime suspect in the murder was a police officer who lived in the same building. The officer was dismissed from his job and the Varna regional military prosecutor's office launched an investigation, which was ongoing at year's end.

The internal inquiry by the Ministry of Interior (MOI) into the March 2004 fatal shooting by two police officers of a 25-year-old Rom in Plovdiv uncovered no evidence of police abuse, but the officers were transferred to other units of the police directorate. The Plovdiv military prosecutor's criminal investigation into the incident was ongoing at year's end.

During the year 25 persons, including a senior customs official, were killed in societal violence reportedly linked to organized crime.

b. Disappearance

There were no reports of politically motivated disappearances.

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

The law prohibits such practices; however, police commonly beat criminal suspects, particularly minorities.

Police often mistreated criminal suspects in police custody, most often 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 (see section 1.d.). The Romani nongovernmental organization (NGO) Romani Baht reported receiving complaints of police brutality from Romani victims who were too intimidated to lodge an official complaint with the authorities.

On May 5, two police officers in Pernik reportedly beat Rossen Stoyadinov, a Rom, who was not informed of his rights as a detainee and was forced to confess to thefts (see section 1.d.). Stoyadinov later obtained a medical certificate for the injuries from a local doctor and filed a complaint with the Ministry of Interior.

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

At year's end an investigation by the Sofia military prosecutor's office was still ongoing in the case of 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. An internal inquiry conducted by the MOI found no abuse of authority on the part of the police officers.

The appeal of two police officers was ongoing at year's end following their May sentencing by the Plovdiv military court for their role in the March 2004 beating of 22-year-old detainee Boris Daskalov. The court gave two of the police officers involved 18-month suspended sentences, and fined their direct supervisor. In April 2004 the MOI 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; however, the government undertook some steps to improve the situation.

Conditions in some prisons remained harsh and included overcrowding, inadequate lavatory facilities, and insufficient heating and ventilation.

NGO prison monitors reported that brutality by prison guards against inmates continued to be a problem. There were also reports of brutality among inmates. Prisoners had the right to report substandard conditions or mistreatment to prison authorities; however, NGO observers complained that the process for submitting complaints did not function effectively.

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 11,324 prisoners in the country's twelve prisons, a figure estimated by the Ministry of Justice to exceed 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 that were carried out during the year most prisoners continued to share toilets and had infrequent restroom access. Many detention centers were in basements with little or no access to sunlight.

There were 1,039 detainees in the country's 51 detention centers. The detention facilities system operated below capacity, according to data from the MOJ. The government installed ventilation systems in 31 of the centers to improve airflow.

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

d. Arbitrary Arrest or Detention

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

Role of the Police and Security Apparatus

The MOI is responsible for oversight of internal law enforcement including activities of the National Police, the National Service for Combating Organized Crime (NSBOP), the National Security Service (civilian domestic intelligence), the National Gendarmerie Service (paramilitary police), and the Border Police. 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 of the Center for Study of Democracy (CSD) published in March found that a significant percentage of crimes committed in the country are 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.

The MOI reported that 214 complaints of police corruption were submitted in writing or to its hotline from January to November. As a result, 49 officers were fired and 105 administratively censured through November. During the same period 16 officers were referred to the military prosecution service for prosecution. MOI investigations of criminal acts committed by police resulted in six extortion convictions in 2004.

Impunity remained a problem; lack of accountability inhibited government attempts to address police abuses. Human rights groups claimed that the structure of judicial authority represented a serious obstacle to the accountability of law enforcement officers for alleged human rights abuses. All complaints involving MOI 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 MOI 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.

On July 28, a disagreement over wages between a farm owner and a Romani employee led to a brawl in Kozloduy that resulted in the hospitalization of 10 persons. Human rights groups claimed that the four police officers who witnessed the incident did not undertake the necessary actions to terminate the disorder.

Arrest and Detention

Although 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 (see section 1.c.). 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 2004 survey by the Bulgarian Helsinki Committee (BHC) found that 11 percent of detainees did not have counsel at the pretrial stage. Legislation expanding access to legal aid for low income defendants in criminal cases was adopted in September, although questions remained about the proposed program's implementation and funding.

Detainees were generally informed promptly of the charges against them. However, on May 5, two police officers in Pernik arrested 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.).

Although the government generally observed the statutory limit of one year for pretrial detention or two years in the case of the most serious crimes, there were a few violations 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 law provides 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 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.

In October the government adopted a revised criminal procedure law to address problems of judicial coordination, but the law did not take effect before year's end.

Questions remained about the vast authority of the chief prosecutor's office, the immunity of magistrates, and the structure of the Supreme Judicial Council.

Corruption in the judiciary was a problem. Many observers believed that reforms were essential to establish a fair, impartial, and efficient judicial system.

Trial Procedures

The law stipulates that all courts conduct hearings in public unless the proceedings involve state security or national secrets, and authorities generally respected this provision. Defendants have the right to know the charges against them, to have government-provided legal representation in specified cases, and to be given ample time to prepare a defense. The participation of a defense attorney is mandatory if the 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 not present. Many cases requiring a government-provided defense attorney were considerably delayed by the lengthy process of procuring private attorneys willing to be reimbursed at low rates. Defendants in criminal proceedings have the right to confront witnesses and 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 by one judge and two assessors or lay judges, who are ordinary citizens chosen to serve as representatives of the public. If the crime entails a punishment of more than 15 years in prison, the panel consists of two judges and three assessors. The verdict is determined by majority vote of the panel.

Military courts handle cases involving military personnel (including MOI 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

There were no reports of political prisoners.

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

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

In August Sofia municipal officials, with the assistance of police, demolished the homes of several Romani families in the Hristo Botev neighborhood who lacked titles to the land and legal registration for the houses (see section 5).

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The law provides 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, and to 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.

In an open letter to the prime minister in early June 2004, 266 judges criticized the manipulation of the media by MOI officials. The prime minister responded on June 14 by reaffirming the importance of the independence of the judiciary and encouraging direct dialogue, rather than media campaigns, as a solution to the problem. Domestic organizations cited politically motivated intimidation and dismissal of journalists as a major problem.

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 the journalist 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.

On September 1, in the town of Vratsa, unknown persons set on fire the local office of the largest circulating national daily newspaper, *Trud*. The incident followed a threat against *Trud's* local correspondent, who had reported on government contracts given to a local businessman alleged to have links to organized crime.

There were no developments in the investigations into threats against newspaper *Naroden Glas*, news agency De Facto, or national daily newspaper *24 Hours* in 2004.

Television and radio provided a variety of news and public interest programming. Although state-owned media presented opposition views, media observers believed that the inadequacy of existing legislation left state-owned 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.

The Council for Electronic Media (CEM) was unable to promulgate new licensing procedures because the National Assembly did not approve the strategy for developing radio and television activities until September, despite the 2002 passage of legislation requiring CEM to issue radio and television programming licenses only in accordance with the strategy. The CEM was forced to deny at least 20 applications in 2004. It was not clear when the government would resume licensing electronic media. Although the CEM could not initiate new tenders for television and radio programming licenses, it was still able to regulate programming and to transfer, amend, revoke, and terminate such licenses.

On February 18, the Supreme Administrative Court reversed its own 2004 decision and confirmed the CEM's March 2004 firing of BNT Chairman Kiril Gotsev for his 2002 decision not to allow a televised rebuttal to comments made in a political talk show. The court held that Gotsev's decision not to air the rebuttal gravely violated the affected party's freedom of expression and limited its right to defend its reputation.

In 2004 the CEM noted 71 infringements of the radio and television act: 55 by television operators and 16 by radio operators. The CEM fined 34 of these operators for violations that were considered serious, including violating the right to free expression of opinion, violating source confidentiality agreements, and airing programs that promote discrimination on the basis of race, ethnicity, and national origin.

On April 7, the Ruse district court repealed the December 2004 sentence imposed on Romanian TV journalist George Buhnici for having used a microphone and a camera hidden in his glasses to film illegal cigarette trade at the Bulgarian-Romanian border. The court cited procedural violations and returned the case to the district prosecutor.

There were no government restrictions on the Internet or academic freedom.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The law provides for freedom of assembly, and the government generally respected this right in practice.

In October, however, the European Court of Human Rights (ECHR) held that the country had violated the right of its citizens to peaceful assembly by dispersing demonstrations and denying registration as a political party to the Macedonian activist group Ilinden. This group was prevented from holding peaceful meetings from 1998 to 2003, and Bulgarian courts refused it legal registration three times on the grounds that it was a separatist group whose statute and program were directed against the unity of the nation. The government had not taken action on the ECHR ruling by year's end.

Freedom of Association

The law provides for freedom of association, and the government generally respected this right in practice. The law prohibits groups that endanger national unity or promote 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 parliamentary election campaign this year.

In April a new law took effect that obliged all existing parties to reregister by year's end and introduced a five-thousand-person membership requirement, which was expected to result in a substantial decrease of the number of registered political parties (see section 3).

c. Freedom of Religion

Although the law provides for freedom of religion, the government restricted this right in practice for some religious groups. The law designates the Bulgarian Orthodox Church (BOC) 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, such as the Muslim, Roman Catholic, and Jewish faiths. The law prohibits the public practice of religion by groups not registered through the court system.

In June the ECHR granted an accelerated hearing to the Alternative Synod, which had 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, as were several smaller cases in Bulgarian courts involving property disputes between the Orthodox Church and the Alternative Synod.

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 worship in public. The religious confessions law, passed in 2002 and in effect since 2003, shifted responsibility for registration from the Religious Confessions Directorate of the Council of Ministers to the courts in an effort to remove political influence from the process. Groups that had previously registered with the government did not have their registrations transferred; they were required to reregister in the court. The requirements of registration and re-registration include submitting a statement of the denomination's beliefs. The BHC has expressed concern that the requirement for groups to submit a statement of beliefs when applying for registration or re-registration constitutes an infringement on their freedom of religion. The law specifically exempts the Bulgarian Orthodox Church from registration.

The 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, had the directorate issued an advisory opinion that resulted in the rejection of registration for a denomination.

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 number of religious groups registered with the court increased from 36 in 2003 to 61 in February.

Jehovah's Witnesses reported that police in several towns issued warrants to members of the denomination who were attempting to proselytize. On June 12, the deputy mayor of Plovdiv fined Hans Amon, a Jehovah's Witness member, for violating the local decree on public order by distributing brochures with religious content. The group also reported that its places of worship in Burgas were vandalized several times during the year by large rocks thrown through the windows.

On May 11, the Sofia City Court attempted to settle a two-year dispute over leadership of the country's Muslim community by formally registering Mustafa Alish Hadji as chief mufti. Rival Islamic leader Nedim Gendzhev filed an appeal, and in December the Sofia appellate court ordered Gendzhev's registration as leader of the Muslim community. The decision had not been enforced by year's end. Many observers criticized the court procedure as opaque and politically influenced. A number of religious groups reported that foreign missionaries and religious leaders experienced difficulties in obtaining and renewing residence visas in the country because the law does not provide for a separate visa category for travel related to religious purposes. Some missionaries have resorted to entering the country on tourist visas, which limit the length of their visits to no more than 30 days every 6 months.

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. A central problem facing restitution claimants was the need to demonstrate that the organization seeking restitution was 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 years.

In July the Supreme Cassation Court ruled against the Jewish community in its long legal battle to reclaim a high-value property in central Sofia built on the site of a former Jewish school. Previous court decisions had held that the organization representing the Jewish community was unable to establish its organizational lineage back to the original owners of the property. In contrast, the July ruling acknowledged the community's lineage but held that the expropriation procedure was properly executed by the Communist government at the time of the property's nationalization in the 1960s, and that the community was not legally entitled to any further compensation. Both foreign and domestic observers expressed concern about possible manipulation of the judicial process, and the Jewish organization Shalom filed a new request for special judicial review, which was pending before the Supreme Cassation Court at year's end.

Societal Abuses and Discrimination

Relations among the major religious communities generally were amicable; however, 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 became a target of the extremist political party Ataka, which employed anti-Semitic rhetoric during the parliamentary election campaign. Both the newspaper launched by Ataka in October and the group's website contained anti-Semitic material.

Police arrested three teenagers who had admitted desecrating over 100 Turkish graves in Haskovo on April 8. The three youths, who have acknowledged an interest in the skinhead movement, were reportedly intoxicated when they decided to vandalize the cemetery. The investigation was ongoing at year's end.

For a more detailed discussion, see the [2005 International Religious Freedom Report](#).

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

The law provides 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)

Flooding during the summer months caused the displacement of approximately five thousand persons when their homes were destroyed or rendered uninhabitable. The poor were disproportionately affected due to their socioeconomic vulnerability. The government worked with NGOs and other governments to provide assistance to those who were displaced, but many persons remained displaced at year's end.

Protection of Refugees

The law provides 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 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 78 persons during the year.

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

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 June 25, general parliamentary elections were held, with the Bulgarian Socialist Party (BSP) winning a plurality of the votes. Despite scattered reports of irregularities, the elections were widely deemed free and fair.

The extreme nationalist party Ataka surprised observers by winning nearly 9 percent of the vote, higher than experts had predicted. The newly formed party capitalized on negative stereotypes of Roma and other minorities to attract a base of support from diverse segments of the electorate. Ataka's campaign, which included anti-minority statements, publications, and television broadcasts, was paralleled by a series of small but sometimes violent clashes involving Roma and ethnic Bulgarians.

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 parliamentary election campaign this year (see section 2.b.).

In April a new law took effect obliging all existing parties to reregister by year's end and introducing a five-thousand-person membership requirement, which observers expected to result in a substantial decrease in the number of registered political parties (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 other ministers. Women also 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, 1 was Romani, and 2 were ethnic Armenian. There were three ethnic Turkish ministers in the cabinet and 2 Romani deputy ministers. While the ethnic Turkish minority was well-represented, Roma were underrepresented, particularly in appointed leadership positions. Pomaks 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. Over 300 political parties were registered, including a number of predominantly Romani and ethnic Macedonian parties.

Government Corruption and Transparency

Widespread public concern over government corruption deepened throughout the year, according to NGOs.

The interministerial anticorruption commission was responsible for coordinating government efforts to fight public corruption and engaging in public awareness campaigns, although business representatives criticized the commission as ineffectual. The commission received approximately 200 complaints of corruption during the year, and referred about 10 percent of them to the prosecution office for further action.

In November the Ministry of Interior launched an investigation into alleged corruption at the Customs Agency, resulting in the resignation of a senior customs official.

While the government implemented several measures to fight corruption, the European Union (EU) reported that corruption remained a problem and noted that renewed efforts were needed to combat it, particularly for high-level corruption. In its October report on the country's progress on accession to the EU, the European Commission highlighted limited progress in the area of organized crime and corruption. The

report noted the failure of authorities to obtain a single significant conviction for high-level corruption in recent years, despite widespread awareness of the scale of the problem.

NGO and media observers alleged that links between criminal groups and corrupt law enforcement officials had compromised effective law enforcement.

The law provides for public access to government information; however, in practice the government often restricted such access. In 2004 the NGO Access to Information Program reported approximately 140 cases in which government institutions denied access to information. The Supreme Administrative Court reviewed more than 20 appeals of denials in the first half of the year.

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.

After a one-year delay and two failed attempts, the National Assembly appointed the country's first national ombudsman in April. 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. At year's end, however, the institution was not yet functional and did not have an office. NGOs criticized the lack of guarantees for the efficiency and impartiality of the ombudsman's office and called for strengthening the legal framework of the office, through constitutional amendments if necessary.

The law provides for the establishment of a nine-member antidiscrimination commission with powers to receive and investigate complaints, issue rulings, and impose sanctions. In April the National Assembly appointed members of the national antidiscrimination commission; at year's end, however, the commission was not functioning.

The ECHR passed 20 sentences against the country during the year, compared to 25 in 2004. The court has awarded citizens over \$240 thousand (200 thousand euro) in compensation for damages suffered as a result of the government denial of fair trial, unreasonably slow judicial process, inadequate prison conditions, maltreatment of detainees or prisoners, and other restrictions of liberty. Between taking office in August and the end of the year, the government paid over \$132 thousand (110 thousand euro).

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination on the grounds of race, gender, disability, social status, and sexual orientation; however, the law does not prohibit discrimination on the basis of language. Societal discrimination continued 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.

In March the parliament adopted the protection against domestic violence act, almost two years after the bill was introduced for review. 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. Before passage of this act, domestic violence could only be prosecuted under the criminal law prohibiting bodily harm. The new civil law empowers the court to impose fines, place restraining orders, order eviction, and mandate special counseling. Approximately 100 such injunctions were issued under the new law during the year.

The government did not provide shelter or counseling for women. By year's end, the Bulgarian Gender Research Foundation reported having trained over 300 police officers and judges on the provisions of the new domestic violence law.

Police and social workers actively referred victims of domestic violence to shelters. In Sofia the NGO Nadya Center provided shelter to battered women, and the NGO Animus Association Foundation (AAF) operated a crisis center that provided short-term emergency shelter for female victims of violence. There were also 15 crisis centers around the country operated by local NGOs that provided assistance to female victims of violence. The AAF reported that it periodically received client referrals from the police.

The AAF operated a 24-hour hot line for women in crisis, including victims of trafficking, with trained volunteers as well as professional therapists to counsel victims. The hot line also provided volunteers to assist victims in obtaining other necessary services including medical exams and treatment, reissued identity documents, and information on housing and employment opportunities.

The law criminalizes rape, which was underreported because of the stigma that society attached to the victim. Spousal rape, though not specifically addressed in the law, can be prosecuted under the general rape statute; however, it was rarely prosecuted in practice. Sentences for rape range between 2 and 8 years in prison, and between 3 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 2003 antidiscrimination law, which also outlines the process for redress. Sexual harassment was a widespread problem, and the government did not effectively enforce provisions of the country's antidiscrimination law forbidding it. A survey conducted by the Agency for Social Research (ASR) in 2002 found that approximately 40 percent of women had suffered sexual harassment in the workplace. During the year 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. The criminal case was under review by the court 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 November 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 an International Labor Organization (ILO) survey published in 2004, women's salaries in the private sector were 24 percent lower than men's.

The Ministry of Labor and Social Policy (MLSP) operated a number of programs to address economic discrimination and integrate women into the mainstream of society and the economy.

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 was free through the twelfth 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 2004 was approximately 90 percent. Most students completed some secondary school. During the year a Ministry of Finance study found that 40,000 students dropped out of school during the 2004-2005 academic year, compared to 31,552 in the previous year. The study reported that children primarily left school because of 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 the year 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 October a Sofia court found the city guilty of discrimination based on its failure 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. By the end of July, 9,525 children were housed in institutions, down from 10,284 in December 2004. 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.

On October 19, 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 Dobromirci. A police investigation into staff negligence was ongoing at year's end, and the Ministry of Labor and Social Policy was preparing to carry out its stated intention to close the facility.

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 teaching 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 (NSI) reported 849 cases of child abuse in 2004, a decrease of 15 percent since 2003. The government removed children from abusive homes and prosecuted abusive parents. During the year an awareness campaign funded by UNICEF drew public attention to the problem of child abuse.

Although no official statistics were available, the State Agency for Child Protection (SACP) reported that child marriage was relatively uncommon nationwide but prevalent in the Romani community. The SACP also voiced its concern that arranged marriages, a traditional aspect of Romani culture, were resulting in trafficking in persons. Between 2003 and 2004 the government discovered four cases of parents selling their daughters into arranged marriages in other countries. There were media reports of "markets" for underage Romani brides in some areas of the country.

The MOI identified 398 children as "at risk" of being forced into prostitution during the first nine months of the year, compared to 510 in 2004. 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 Europe. Police launched 17 investigations in the Burgas and Peshtera areas in connection with the reports, all of which were ongoing at year's end.

In December 2004 the SACP reported that 625 children were known to be either living or working on the streets and were primarily involved in begging, prostitution, or car window washing; approximately 400 of these children were believed to be exploited for labor by adults, although experts believed that actual figures were higher. There were reports that approximately 225 children lived and worked on the streets without the involvement of a trafficker, pimp, or other third party. Many of these children had been abandoned by their parents or sent by their families to urban areas to seek work. The NSI reported a 68 percent increase from 2003 to 2004 in the number of children registered by police for vagrancy and begging: 1,785 children in 2004, compared to 1,059 in 2003. As part of the national strategy for street children, SACP continued implementing the programs it initiated in 2003 to address the situation of street children. One of these programs included putting street children in protective custody. In the first nine months of the year, the MOI placed 274 children involved in begging and vagrancy in five special shelters for street children; in 2004 496 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 law prohibits 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 punishment for trafficking in persons includes prison terms of 1 to 8 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.

The International Organization for Migration (IOM) reported that it had identified and assisted 621 victims of trafficking between January 2000 and December 2004. The actual number of cases may be much higher. Police reported dismantling at least 6 trafficking rings and arresting 13 alleged traffickers during the first 9 months of the year. There were 11 trafficking convictions during the first half of the year. In 2004 the government conducted 3,347 investigations into trafficking-related crimes, resulting in 2,273 prosecutions, 1,347 convictions, and 900 sentences entered. Of these only 24 persons were prosecuted under the trafficking provisions, resulting in 4 convictions.

Two police units, one within the National Border Police and the other within the NSBOP, specifically addressed the problem of trafficking. The government participated in multinational antitrafficking activities, particularly within the Southeast Europe Cooperation Initiative (SECI). In January the parliament adopted an amendment permitting the extradition of citizens for crimes committed abroad, including trafficking.

The NSBOP and 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 the countries of Western Europe. Victims overwhelmingly were women and girls trafficked for the purposes of sexual exploitation. Young women between the ages of 18 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 women working in the sex industry were also 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 were also cases of trafficking in male children.

Girls and young women were often approached by persons who gained their trust, frequently other young women and acquaintances, who described glamorous work opportunities abroad. Some were sold into bondage to traffickers by relatives. Unaccompanied young women trying to cross the border into Macedonia, Romania, or Turkey reportedly were at risk of being abducted into trafficking. In larger cities, organized crime groups were often responsible for trafficking, although they used various front companies to pose as employment agencies, escort and intimate services businesses, or tour operators. Small crime groups and freelance operators monopolized trafficking in smaller cities and towns.

According to AAF, the process of transforming victims into prostitutes generally took place before they left the country. Victims typically were taken to a large town, where they were often kept for weeks, isolated, beaten, and subjected to severe physical and psychological torture to make them more submissive before they were transported to their destination points. Once the victims left the country, their identity documents were routinely confiscated, and they found themselves forced to work as prostitutes in cities across Europe. The victims could be required to pay back heavy financial debts to the agency that helped them depart the country, leaving them in indentured servitude. Traffickers punished victims severely for acts of disobedience and threatened the victims' families and family reputations to ensure compliance.

Some law enforcement officers or other government authorities, including local authorities and customs officials, allegedly facilitated human 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.

In January the national antitrafficking commission, the primary coordination and policy-making body for trafficking issues, held its second meeting, formally adopting a national antitrafficking strategy. As of year's end, however, the commission had not met regularly, appointed a functioning secretariat, or established the regional antitrafficking commissions foreseen by the national strategy. The witness protection legislation adopted in November 2004 had not been implemented fully by year's end because of insufficient funding.

In association with NGOs, the government conducted trafficking awareness programs for law enforcement personnel and consular officers posted to Bulgarian embassies, addressing both the legal provisions relating to trafficking in persons and medical and psychological treatment for 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 government made available to the IOM several local shelters and safe houses where the IOM provided free housing, protection, and reintegration assistance to victims, including those willing to testify in the prosecution of traffickers. The government also supported the information campaigns organized by local and international NGOs. During the year the IOM reported sheltering approximately 100 women and girls, and the AAF sheltered 53 women.

The AAF operated a 24-hour hot line for women in crisis that received 142 calls regarding trafficking of women and children during the year.

Persons with Disabilities

Although the law prohibits 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 had taken this into account; however, enforcement of this law lagged in existing, unrenovated buildings. A 2002 survey by the Center for Independent Living (CIL) found that approximately 82 percent of public buildings were inaccessible to persons with disabilities.

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

On June 30, 24-year-old Ivailo Vakarelski was found beaten and strangled to death in the state psychiatric hospital in Karlukovo. At year's end the hospital authorities had reportedly neither conducted an internal investigation nor performed a postmortem exam, which is generally mandatory in such cases.

The investigation into the 2003 case of a patient reportedly strangled to death by another patient at the Podgumer social institution for adults with disabilities was terminated three months after the incident because police were reportedly unable to collect sufficient evidence.

Laws existed 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, were often separated from the rest of society; the segregation of children with disabilities into special schools lowered the quality of their education. According to the MLSP, over 2,500 children with disabilities did not attend school; however, according to the CIL, the number may have been twice as high. The MLSP operated 28 institutions for children and youths with disabilities throughout the country. MLSP reported 1,362 children in these institutions. NGOs complained about poor conditions in these institutions despite slight improvements during the year (see section 5, Children).

National/Racial/Ethnic Minorities

Societal discrimination against the Roma and other minority groups increased during the year, occasionally resulting in incidents of violence between the members of the ethnic Bulgarian majority and ethnic Romani minority.

According to a 2001 census, non-Muslim ethnic Bulgarians made up 86 percent and ethnic Turks 9 percent of the population. Although the Roma were officially estimated to comprise 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 that counted 600 thousand to 800 thousand Roma in the country. 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.

Although there were no reports of lethal police assaults on Roma, police harassed, physically abused, and arbitrarily arrested some Roma, and reports of police harassment and torture were documented (see section 1.d.). The government made little progress was made in resolving cases of police violence against Roma. Human rights groups complained that magistrates sometimes failed to pursue crimes committed against minorities.

On August 1, inflammatory anti-Roma leaflets were distributed following a violent altercation between ethnic Bulgarians and Roma in Pleven on July 30. Ethnic Bulgarian residents of the Storgozia area in Pleven unsuccessfully asked city officials to evict Romani residents from the buildings in which the fight took place.

During the summer Ataka and another political party proposed two draft laws to create "self-defense groups" designed to take punitive action against "Romani criminals." Neither piece of legislation passed, and there was no evidence that vigilante groups of this nature existed in practice.

On February 19, a group of youths beat a Romani family on a train near the village of Osetenovo. Human rights monitors reported that the attackers, who disseminated racist leaflets to passengers, were members of a nationalistic group that had a gathering the same day. Transportation police launched an investigation into the incident, and an NGO hired an attorney to represent the victims. No further developments had been publicized by year's end.

Victims of ethnically motivated violence included ethnic Bulgarians as well as Roma. In a highly publicized case that contributed to ethnic tensions in the country, Stanomir Kaloyanov, an ethnic Bulgarian professor, died of head injuries sustained during a May 23 race-related brawl in the ethnically mixed Zaharna Fabrika neighborhood of Sofia. Three ethnic Romani suspects were arrested immediately following the incident and were released without charge. At year's end the investigation into the murder was ongoing.

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.

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

Workplace discrimination against minorities, especially the Roma, continued to be a problem.

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).

Many Roma lived in substandard housing and lacked legal registration for their places of residences. This situation rendered them particularly vulnerable in August, when Sofia city officials ordered the demolition of 22 Romani houses lacking legal deeds in the Hristo Botev district of Sofia. Approximately 150 Roma were left homeless. NGOs responded with fierce criticism, characterizing the demolitions as an election year attempt to exploit anti-Roma sentiment.

The Roma were disproportionately affected by the summer floods that destroyed vital infrastructure and displaced more than five thousand persons (see section 2.d.). Observers attributed the greater vulnerability of the Roma to displacement 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 families previously displaced in 2001 by building new apartment blocks in Sofia and Plovdiv. However, NGOs reported that only 80 families had been resettled in Sofia by October, and many of the new units were put to commercial, rather than residential use.

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.

On July 27, a Blagoevgrad trial court ruled against a restaurant that had denied service to Romani customers. The court found the refusal of

services to be in violation of country's antidiscrimination law and ordered the restaurant to refrain from repeating such conduct. The claim had been brought by the European Roma Rights Center (ERRC), which used the law's provision authorizing public interest lawsuits by NGOs.

During the year the NGO Romani Baht filed 18 discrimination cases under the 2003 protection against discrimination act. The cases, which alleged discrimination in employment, education, access to public buildings, and ethnically motivated harassment, were ongoing at year's end. Five of the six cases that Romani Baht filed in 2004 were successful.

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.

With the support of local NGOs and foreign donors the government implemented a program to teach Romani folklore and history to over five thousand children in an effort to increase interethnic understanding and fight prejudice. Government integration programs also included busing over two thousand 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.

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 (LGBT) community were often refused employment on the grounds of sexual orientation or fired after revealing their sexual identity.

In August a gay pride parade in Varna was cancelled by the organizers when vocal opposition was raised by local residents and Orthodox religious leaders.

Section 6 Worker Rights

a. The Right of Association

The law provides 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 six-month period for redress against dismissal as a form of retribution. Mediation and the judicial system could be used to resolve complaints, and 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. 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 Bulgarian 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 (see section 6.d.).

d. Prohibition of Child Labor and Minimum Age for Employment

There were 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 (especially 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 first 9 months of the year, the MLSP's general labor inspectorate (GLI) found 110 violations of child labor regulations. Of these 110, 68 cases dealt with the employment of children without a permit, all of which were referred for prosecution. The remaining 42 involved administrative rather than criminal violations, and the employers were fined.

Few official statistics on child labor were available. The ILO estimated in 2000 that 14 percent of children ages 5 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 non-family-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 hired 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 March 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. In May the labor minister appointed a chief coordinator, a position funded by the ILO for one year.

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); however, this wage did not provide a decent standard of living for a worker and family.

The law 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. 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 6. The law required a minimum 24-hour rest period, in addition to premium compensation, for overtime hours worked during the weekend. 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 MLSP is responsible for enforcing these provisions. However, conditions in many cases continued to worsen. 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, in practice refusal to work in such situations could result in the loss of employment.

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