

IHF FOCUS: Freedom of expression and the media; freedom of association; peaceful assembly; independence of the judiciary and fair trial; torture, ill-treatment and misconduct by law enforcement officials; conditions in prisons and detention facilities; liberty and security of person; respect of privacy and family life; religious intolerance; protection of minorities; aggressive nationalism and xenophobia; protection of asylum seekers.

Throughout 2000, Bulgaria was ruled by the Government of the United Democratic Forces (UtDF). The old leadership of the Ministry of the Interior was dismissed and a new one appointed in the beginning of the year. Outwardly, at least, the new leadership showed greater openness for cooperation with NGOs and willingness to discuss human rights violations committed by the Ministry of Interior officials.

The concrete human rights situation during the year did not change, however. In November Bulgaria ratified Protocols 4 and 7 to the ECHR, and in June it signed the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women. Several other changes were made in legislation as well, which had a positive effect on the protection of human rights in practice. However, there were also many negative developments.

Freedom of Expression and Freedom of the Media

Both positive and negative developments were observed in the sphere of freedom of expression in Bulgaria during the year. Positive developments included the adoption of the Access to Public Information Act; the launching of a short Turkish-language newscast on Bulgarian National Television; and the licensing of a number of nation-wide private television and radio operators.

Public Information Act

The June Access to Public Information Act regulated the right of citizens and legal entities to gain access to information from state and local government bodies on information of public interest. In case of refusal, citizens and legal entities were entitled to turn to the courts, which could order the re-

sponsible authorities to make the information accessible, in conformity with the law.

However, the Act contained some ambiguities and contradictions and gave authorities a wide scope in judging what information to make accessible. In addition, the act also obliged the mass media to provide information, something that could be abused for political purposes. However, the attempts of a number of organizations and private citizens to seek information during the year met with the resistance or disregard by many state bodies, including the Directorate of Religious Affairs, the Ministry of Education, the Ministry of Justice and the Chief Prosecutor's Office.

In addition, political control over the national electronic media remained, severe punishments for insult and libel in criminal prosecution continued, as well as other forms of official repression, assaults against journalists and the confiscation of unpopular printed publications.

Radio and Television Act

Amendments to the Radio and Television Act were promulgated on 29 September: Article 10, paragraph 1, item 6 prohibited pornographic broadcasts and those praising or excusing violence or inciting to racial, sexual, religious or national hatred. The Bulgarian Helsinki Committee qualified this as a violation of the freedom of expression, since the Act did not define what exactly "pornography" means.

Controlling Bodies

During the year, the composition of the National Radio and Television Council (NRTC), the state body which enforced the Radio and Television Act, was changed several times. Not one of the changes helped to make it more independent, however.

Also the elections of its members involved irregularities

In addition, the NRTC had limited powers. The body that had final right to grant telecommunication licenses was the State Telecommunications Commission. Several dozen television and radio operators were licensed during the year. In practice, the licences were made effective with the signature of the Prime Minister, a fact that caused some of the applicant radio stations to be chosen over others (e.g. Radio Mila).

Political Control

Political control over the national electronic media during the year was seen in the attempts at interference in the content of broadcasts and in several politically motivated appointments and dismissals. The rules of the operation of the Director of the News and Current Affairs (whose appointment was politically biased) in Bulgarian National Television (BNT) provided for the chance to control the contents of programmes.

◆ BNR general director Alexander Velez continued to take interviewees off the air and to thematically restricted the presenters of the most popular programmes "Horizont Ahead of All" and "Sunday 150".

Several cases of lay-offs and dismissals from BNR and BNT caused publicly voiced doubts of political motives.

Insult and Slander

The Penal Code provisions on insult and slander were reformed in 2000. The punishment of imprisonment was revoked, leaving only to penal fines.² Also the chance to criminally prosecute "public officials" under "standard procedure" through the Prosecutor's Office was done away with: insult and slander may only be prosecuted on the initiative of the aggrieved party. However, the National Assembly adopted heavy fines – between 5,000 and 30,000 leva (U.S.\$2,340-14,000), which would actually encumber the situation of

some defendants rather than ease it. President Stoyanov vetoed the provisions and the National Assembly reduced the fines to 1,000 - 20,000 leva (U.S.\$468-9,350), which still remained too high. In addition, the size of the fine for insult and slander of a public official remained higher than in the case of insult and slander between private citizens. The revocation of imprisonment also revoked the possibility for cassation claims, leaving local courts as the final instance.

Journalists and private citizens continued to be sentenced for insult and slander by politicians, albeit under private procedure, and intimidated. Several journalists were assailed by private citizens because of their publications.

◆ In February the Supreme Cassation Prosecution Office started questioning journalists in Sofia under the inquiry ordered by the Chief Prosecutor, aiming to establish whether investigative information in the case of the assassination of Andrei Loukanov had been released without permission by the prosecution. Journalists from *24 Chassa* daily, *168 Chassa* weekly and *Monitor* daily were questioned, with the clear aim of attempting to intimidate journalists.

In several cases during the year the authorities confiscated printed publications of unpopular groups and private citizens.

Freedom of Association

On 21 September, Parliament adopted the final version of the new Non-Profit Corporations Act. The act was a sign of progress in that it established clear rules for the registration of associations of citizens and foundations, and enabled them to be granted privileged status, which would entitle them to tax concessions or direct funding by the State. The act also enabled non-profit corporations to carry on business linked with their goals and to facilitate the decision-making procedures of their bodies.

At the same time, the freedom of association and the right to peaceful assem-

by in Bulgaria continued to be violated with regard to a number of ethnic and religious minorities and unpopular political and trade union groups. The most drastic violation in this respect was the decision of the Constitutional Court of 29 February to rule the United Macedonian Organization (UMO) "Ilinden"–PIRIN unconstitutional. The Court held that the party presented threat to Bulgaria's national security with its separatist activities. The bulk of this evidence against (UMO) "Ilinden"–PIRIN consisted of statements of leaders and activists of the party and of publications in the press prior to its establishment. However, then judicial proceedings were not in conformity with the standards of fair trial. Nor did the Constitutional Court take into account the statutes and programme documents of the party which expressly stated that the party shall pursue its goals in a peaceful way and with legal means.

Peaceful Assembly

The right to peaceful assembly of Bulgarian citizens who identified themselves as Macedonians was put to the test on several occasions during celebrations which they considered important.

◆ The mayor of Sandanski prohibited the celebrations by Macedonian activists of the anniversary of the death of Yane Sandanski near the Rozhen Monastery. Despite this, on 22 April activists of the UMO "Ilinden" association were allowed to lay flowers and to stage a rally at his grave. Before that, however, police officers near the town of Melnik had searched their cars and fined them because of alleged technical irregularities with their vehicles and confiscated various materials. Several persons were warned not to make political speeches and not to wave banners at the grave.

The generally more lenient attitude of the authorities to ethnic Macedonians in 2000 was probably due to the pending case of Boris Stankov and UMO "Ilinden" v. Bulgaria before the European Court of

Human Rights in Strasbourg. The decision of the Court is still pending at this writing.

Problems of the restriction of the right to peaceful assembly were also faced by unpopular political, trade union and religious groups.³

◆ In March, the Committee on Freedom of Association with the International Labour Organization (ILO) sent its second report on the case of the Trade Union of Railway Engine Drivers in Bulgaria in connection with their strike, as a result of which many drivers were dismissed and later threatened and forced to leave the trade union. In its report the Committee recommended that the dismissed workers be reinstated without delay and be paid compensations and that an independent commission be established to investigate the threats against the engine drivers. It also expressed concern over the rather vague provisions of the Settlement of Collective Labour Disputes Act which permitted arbitrary actions by the authorities in dealing with strikes. By the end of the year, however, only eight engine drivers had been reinstated, no independent investigation into the cases of intimidation had been initiated and the law was not changed.

Independence of the Judiciary and Fair Trial

In contrast to previous years, in 2000 there were no gross interventions in the work of the judiciary by the executive and legislative. However, the old problems of the judicial system, including protraction of cases, poor coordination between the institutions and corruption, remained. The transfer of cases from the investigation to the police after the reform of the Criminal Procedure Code in July 1999⁴ increased the speed of criminal proceedings, but no information was available as to whether this was accompanied by a satisfactory quality of evidence.

During the December 2000–January 2001 survey by the Bulgarian Helsinki

Committee among detainees and prisoners, the Committee also examined the issue of the access to a lawyer after the entry into force of the amendments to the Criminal Procedure Code. The Code provided for the possibility to appoint an official lawyer for indigent criminal defendants "when the interests of justice so require." The results showed that the provision had helped little, if anything. Again, the ethnic minorities were discriminated against in their access to justice.⁵

The legal framework for the accommodation of children in correctional boarding schools and social educational boarding schools was not improved in 2000 either. Besides discrepancies with international legal standards on fair trial⁶, the Bulgarian Helsinki Committee visits also established gross violations of internal procedure. In many cases the municipal local commissions for combating juvenile delinquency had either not held any meetings or had functioned without observing the legally established procedure. Some children had been committed to boarding schools only on the basis of referrals from children's pedagogical rooms without their cases being considered by local commissions or even without any document at all.

Torture, Ill-Treatment and Misconduct by Law Enforcement Officials

Torture, ill-treatment and the excessive use of force and firearms by law enforcement officials continued to be a serious problem in Bulgaria in 2000. No changes were introduced to legislation and policy to make punishment and prevention more effective. The legal framework was not improved to guarantee legal defence from the moment of detention, access to independent medical opinion and the possibility to inform one's family about the place and conditions of detention.

Investigations into police abuse were rare, and only a negligible share of the total number of cases of police violence were

prosecuted. Some police officers were sentenced for illegal use of force and firearms, but the sentences were lenient and inadequate. Moreover, six officials, sentenced for causing death through negligence, continued working in the bodies of the Ministry of Interior. On several occasions the Ministry leadership stated that it was aware of the problem of misconduct and wanted to combat it. It even organised five training seminars with high-ranking police officers, to which Bulgarian Helsinki Committee representatives were invited as lecturers. However, there were no noticeable changes in the police practice.

Cases of Death

The excessive use of physical force and lethal weapons by law enforcement officials and the reluctance to investigate fatal cases remained a serious concern.

On 18 May the European Court of Human Rights in Strasbourg delivered a judgement on the case of *Velikova v. Bulgaria*. Slavcho Tsonchev, a Rom, died in a police station in Pleven in 1994 and the Bulgarian courts refused to investigate the case for years. The European Court ruled a violation of Article 2 of the ECHR (right to life) and established a number of faults in the investigation of the case (inadequate medical certification and the conscious omission of the Prosecutor's Office to collect evidence). It also established a violation of Article 13 (failure to provide an effective judicial remedy) in the absence of an adequate investigation into the case. The judgement of the Court in Strasbourg did not serve as a reason to reopen the criminal case in Bulgaria. The persons who killed Tsonchev, as well as the officials who covered up for them, were still working in the criminal justice system.

No legislative changes were made to amend Article 80 of the Ministry of the Interior Act which permitted the use of firearms in the apprehension of an individual, committing or having committed a crime, or for preventing the escape of an

individual, detained for a committed crime. These provisions contravened Principle 9 of the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, insofar as they permitted use of lethal weapons to apprehend suspects even of minor crimes or to prevent their escape after arrest.

On 10 July the Supreme Cassation Prosecution Office sent a letter to the Bulgarian Helsinki Committee, with copies to the Military District Prosecutor's Offices, stating that Prosecutors were not entitled to give an opinion on cases⁷ and refused to provide information to inquiries from the Helsinki Committee in specific cases of excessive use of force and firearms. The applications submitted by the Committee in November under the Access to Public Information Act, containing questions about specific cases, were ignored.

Not a single case of use of force and firearms by law enforcement officials in 1999,⁸ as a result of which people lost their lives, was adequately dealt with by the justice system.

In 2000, the Bulgarian Helsinki Committee received information about at least seven cases in which people lost their lives as a result of torture, excessive use of force and firearms by the police, border guards and military servicemen. In a number of cases, the Prosecutor's Office made use of the new possibility for the termination of criminal proceedings with a plea bargain agreement, some of which threw a shadow on the wish the authorities to seriously tackle the problem.

◆ On 4 March 23-year-old Boyan Yovchev died after having been shot in the heart by an Interior Ministry sergeant in Varna. In October the Prosecutor's Office indicted the sergeant for causing death through negligence. The case was terminated with a plea bargain agreement by virtue of which the Interior Ministry officer received only a two years' suspended sentence.

Torture and Ill-Treatment

Police violence was carried out in different contexts: injuries resulting from the use of firearms in the pursuit of people, suspected of having committed a crime, or in attempted escapes of detainees; physical violence by police officers during the 24-hour police detention of crime suspects for the purpose of impromptu punishment or for extorting evidence or for purely discriminatory reasons (especially against Roma); and physical violence under conditions of detention or imprisonment for the purpose of extorting evidence or for punishment. As in previous years, Roma continued to constitute a disproportionate number of the victims..

In December 2000–January 2001 the Bulgarian Helsinki Committee conducted a survey in the places of detention among detainees and prisoners who became accused and defendants after 1 January 2000, the date of the entry into force of the amendments to the Criminal Procedure Code which increased the powers of the police to investigate crimes. The survey showed that the situation of the use of physical force during arrest in Bulgaria had not changed during the last two years, regardless of the new legal framework. Forty-nine percent of the prisoners reported that physical force had been used against them during arrest, compared to 51 per cent in 1999. A slight improvement was recorded with regard to the use of physical force inside police stations; 44 percent the respondents said they had suffered physical violence, compared to 53 percent in 1999. The likely reason for the decreasing cases of illegal violence under conditions of detention was the changed attitude of the Interior Ministry leadership, as well as the possible restraining effect of the case of *Velikova v. Bulgaria*. Together with this however, the data showed that the problem of illegal use of force by the police during and in the first hours following arrest was extremely serious in Bulgaria. Physical force during arrest was used virtually against

every other detainee, who subsequently landed in prison. Among Roma respondents the share of those reporting illegal violence was larger than among Bulgarian respondents. The Roma were the only group in which the use of physical force during arrest increased compared to 1999.

Ill-Treatment of Children

The Bulgarian Helsinki Committee continued to monitor children's institutions in Bulgaria during the year. In many of them it established malnutrition, poor hygiene, lack of medical care and physical violence both by the staff and among the children themselves, undeterred by the staff. The situation was particularly serious in some of the homes for mentally and physically handicapped children under the Ministry of Labour and Social Policy: some children died in 2000 in the children's homes in Mogilino and Medven.⁹

Illegal physical violence also presented a problem in some of the correctional boarding schools and social educational boarding schools where juvenile delinquents were forcibly placed.

The Ministry of Education did not provide regular funding for either schools. The monthly subsidy in many boarding schools only covered staff wages. The children received mainly canned food and donated products. Pupils were not allowed to leave the premises without permission. Other violations included illegal punishments such as shaving the children's heads, forced labour, forcing them to do repeated crouches and front supports, and different forms of ill-treatment.

Domestic Violence

The legal framework for criminal prosecution in domestic violence was not changed – it continued to be initiated by a private complaint of the woman, without the participation of a prosecutor, which placed a heavy financial and moral burden on the victim. Child abuse continued to be a widely accepted and widespread phenomenon.

Conditions in Places of Detention

In 2000, the Bulgarian Helsinki Committee continued and broadened its monitoring in places of detention and prisons in Bulgaria, including places of detention according to criminal procedure,¹⁰ and places of detention according to administrative and judicial procedure.¹¹

As of 1 January 2001 there were a total of 8,971 prisoners, including 347 accused persons and 1,100 indicted persons in the country's 13 prisons and 23 labour correction hostels, plus another 1,000 persons in pre-trial detention centres. This number was smaller than in previous years. Despite this, overcrowding (up to 260 per cent in Bourgas) remained a problem. In some prisons up to 30-35 persons were still housed in the same room (Pleven, Varna, Lovech, Troyan, Kremikovtsi) with beds arranged on two or three levels.

Overcrowding made it impossible to separate prisoners according to the conditions under which their sentence was served, impeded individual and group socialisation and created a number of problems of personal hygiene. Only a few prisons had lavatory facilities in their cells and inadequate heating in common rooms was another problem: even on the coldest days the heating was only turned on for a few hours a day in some prisons. Many were in dire need of repairs.

The large number of incarcerated persons in prisons and pre-trial detention centres for prolonged periods of time presented a serious problem. Lately, there has been a trend towards shortening the preliminary proceedings to reasonable terms: only in isolated cases have defendants been detained for more than six months.

Only few prisoners had access to work which lead to a reduced sentence – one fourth on the average. The issue of the selection of prisoners for work remained controversial. Some promised to work without payment in poor conditions and even seven days a week only to have their sentences reduced if they met the set quota.

However, for example in Stara Zagora, an average of 30 percent of working prisoners met their quotas.

The re-socialisation did not have the desired effect. There were 70-100 prisoners for every social activity inspector, due to which individual programmes were not carried out. In most prisons amateur cultural events were organised only on holidays, except none for habitual offenders. In some places there were no educational facilities, and in places where they existed they were in bad condition and poorly equipped.

The correspondence of prisoners was subject to checks (including to lawyers), except for those addressed to certain state institutions and international organizations. In December 2000 the Supreme Administrative Court repealed the right to checks correspondence as unlawful.

The Bulgarian Helsinki Committee recorded several cases of unjustified detention in excess of the imposed punishment in every prison, varying from a few days to over one year. The reasons were primarily excessive red tape in the administration of justice.

The Ministry of Justice received 72 complaints of violence from prisoners by November 2000. Of these, the Ministry judged only four to be justified. Disciplinary measures against 36 officials were taken in the Penitentiary Administration system as a whole.

The standard of medical services remained generally inadequate. There was lack of medicines and possibilities for specialised treatment, and the system was unable to cope with many problems, including the increasing dependence on drugs, the treatment of chronic diseases and dental care. Prison doctors occasionally refused to issue medical certificates to victims of excessive use of physical force and auxiliary means of restraint by wardens. Medical care in pre-trial detention centres was particularly poor. Some progress was sustained in the battle against tuberculosis.

Of great concern was the practice to issue medical statements by administration

officials on the basis of conditions of sentence and economic considerations.

Other than Orthodox prisoners still faced difficulties in getting allowance to worship in prisons together with their clergy.

Violations of rights were also registered in connection with detention in places which were not mentioned in Bulgarian legislation. Any detention outside the units of the Interior Ministry, pre-trial detention centres, prisons or psychiatric clinics should be considered illegal.

Liberty and Security of Person

On 5 October the European Court of Human Rights in Strasbourg delivered a judgement in the case of *Varbanov v. Bulgaria*. The Court established a violation of the right to liberty and security of the Bulgarian national, Mr. Varbanov, who was confined in a psychiatric clinic for psychiatric examination with an order of the Prosecutor's Office. The Court ruled the detention arbitrary and established a number of deficiencies in Bulgarian legislation, including the possibility for prosecutors to detain a person for psychiatric examination without obtaining the opinion of a medical expert for up to 30 days (and by exception, even for up to three months) without seeking of a medical opinion as a precondition to ordering detention or the possibility for appealing the prosecutor's order before court. Most of the legislative problems established by *Varbanov v. Bulgaria* continued to exist in 2000.

Arrests in the army continued to be another problem related to the right to liberty and security of person. They were imposed by military commanders for breach of discipline and were not subject to judicial control.

Respect for Private and Family Life

Several scandals related to the violation of the right to respect for private and family life ensued in 2000. They were all linked with widespread police wiretapping of private citizens, organizations, journalists,

national television, politicians and even prosecutors. In January 2001, following an inquiry, the Prosecutor's Office announced that the courts had issued more than 10,000 authorisations for wiretaps at the request of the Ministry of Interior in 2000. A negligible part (2-3 percent) of these wiretaps were later used in criminal proceedings.

In November a prosecutor with the Chief Prosecutor's Office stated that several politicians, as well as the director of the National Investigation Service had been wiretapped by the police. In several subsequent interviews, he said that Interior Ministry officials were engaging in illegal private wiretapping. Later, according to him, his office was broken into and materials stolen from it which he was to have presented in the course of the initiated inquiry.

Reports were also received during the year that the Security Services were placing people under surveillance due to their religious convictions.

Religious Intolerance

On 26 October, the European Court of Human Rights delivered a judgement in the case of *Hasan and Chaush v. Bulgaria*. The case concerns the refusal of the Socialist Government in February 1995 to register the leadership of the Muslim believers with Fikri Hasan as chief mufti.¹² The Court held that the State had violated Article 9 of the ECHR through the failure to remain neutral in the exercise of its powers in respect of the registration of the Muslim religion; and Article 13 of the ECHR (right to an effective remedy) in that the Supreme Court had refused to examine the substance of Hasan's appeal against the decision of the State.

The most serious event in the sphere of freedom of thought, conscience and religion was the – eventually unsuccessful – attempts for the adoption of a seriously restrictive Denominations Act. Other serious violations of the religious rights included expulsions of foreign citizens due to "illegal

religious activity"; adoption by the local authorities of illegal ordinances which greatly restricted the rights of the local branches of religious communities; break-ups of peaceful meetings of religious communities by the authorities or by private citizens, undeterred by the authorities; and discriminatory treatment of religious communities by administrative bodies.

On 2 February the National Assembly adopted the three draft bills on religious denominations tabled by the UtDF, BSP and IMRO, and rejected the draft tabled by a group of MPs of the Alliance for National Salvation. The three drafts were sharply criticised for their repressive nature, unclear and ambiguous character and the attempt of the State to subject religious organizations to administrative control.¹³ Moreover, they were prepared without any dialogue with religious organizations.

On 12 October the parliamentary Committee on Human Rights and Religious Denominations submitted a consolidated Draft Denominations Act for the second and final reading to the National Assembly. Representatives of religious and human rights organizations stated that the final version was a little better than the three drafts on which it was based, but that it still reproduced its main shortcoming including excessive administrative supervision of the internal affairs of religious organizations.¹⁴ The draft also created a large number of preconditions for arbitrariness on the local level, allowing, for example, mayors to refuse the registration of the local branches if their services and rites "do not comply with the statutes of the registered denomination." In addition, according to the draft, religious organizations may use a private flat as a house of worship only if all other owners agree; can use a rented public building only through a separate entrance; and restricts the right of believers to unite for the attainment of their religious goals. Religious organizations would be banned as separate legal entities if the state authority judges their names to be the same or if their "religious basis and rites"

are the same (Article 19.2) Finally, all denominations, regardless of whether state-subsidised or not, would be subject to state financial control (Article 39).

As a result of criticism, the draft law it was sent for expert assessment to the Council of Europe and its adoption was postponed.

Throughout the year, ordinances on public order or on the activities of religious communities, containing many discriminatory and restrictive provisions, were adopted in several Bulgarian cities (Bourgas, Plovdiv, Pleven, Gorna Oryahovitsa and Stara Zagora) under pressure by IMRO municipal councillors and in violation of a number of laws.

◆ The Pleven ordinance, adopted in November, required religious communities in the city to send all their documents to the municipal authorities. It prohibited proselytising of any kind outdoors, as well as the distribution of religious literature outside churches and specialised bookshops. Denominations were also prohibited to attract persons under the age of 18 to their activities in any form whatsoever, except with the written consent of their parents, or to conduct their activities in all kinds of schools and/or children's establishments. On the other hand, they were obliged to declare their incomes and expenses before the municipal authorities. In November, 11 local branches of denominations instituted proceedings against the Pleven ordinance in court.

As in previous years, the authorities and private citizens and groups, undeterred by the authorities, dispersed peaceful meetings of religious communities, often violently, in a number of settlements throughout the country.

On 18 February, the Ministry of Education issued an instruction on the experimental study on Islam in optional religious classes, ordering that instruction in this religion should be conducted in Bulgarian and that it should be financed by the Chief

Mufti's Office. Instruction in the Orthodox religion in Bulgaria is financed by the State.

Protection of Minorities, Aggressive Nationalism and Xenophobia

No discernible progress was made in the protection of the rights of persons belonging to different ethnic, religious and linguistic minorities in Bulgaria in 2000. One of the few positive developments included the September enrolment of 252 children from the Roma school in Vidin were in Bulgarian schools in the town. However, the initiative was neither organised nor funded by the authorities, but by local and international NGOs for the protection of Roma rights and was facilitated by the decreasing number of pupils in the town's Bulgarian schools.

Another positive event was the launch of Turkish-language newscasts on Bulgarian National Television in October - albeit for only 10 minutes outside prime broadcasting time, rather as a symbolic act that nevertheless raised fierce resistance of nationally inclined circles.

By ruling the party UMO "Ilinden" - PIRIN unconstitutional, the authorities confirmed their reluctance to recognise the existence and rights of ethnic Macedonian citizens.¹⁵ The ethno-cultural rights of members of the Turkish minority were violated in several cases, for example, in the organization of celebrations.

In the Lovech region, employers refused to hire members of the minorities even for unskilled jobs which forced them to change their Muslim names with Bulgarian ones: by 30 March, a total of 173 applications for name changes had been lodged with the Lovech court alone.

The Bulgarian Jews were also the target of xenophobic actions.

◆ At the end of May the walls of the former synagogue in Bourgas were painted with swastikas and anti-Semitic slogans, including "The world is a nicer place without Jews."

Nevertheless, as in previous years, the most drastic violations were committed against the rights of the Bulgarian Roma. The Framework Convention for the Equal Integration of Roma in Bulgarian Society¹⁶ remained merely a piece of paper throughout 2000, aside from the appointment of a number of individual Roma as experts in the regional administrations. However, these appointments were mostly made for political purposes only.

No progress was made during the year in allocating land to landless Roma, in the urban planning of Roma neighbourhoods and in assisting enterprises hiring indigent people as required by the Framework Programme. No headway was made in the encouragement of Roma culture or in the study of the Romany language at school either. Roma children continued to constitute a disproportionate number in children's institutions and especially in correctional and social educational boarding schools and auxiliary schools.

Roma were also the target of discrimination and societal violence by private citizens and groups in many instances.

◆ On 2 December, several Roma families in the village of Orehovitsa near Pleven were attacked by local inhabitants. Windows and furnishings in at least three Roma homes were smashed after the attackers broke into them and several persons were beaten with wooden posts and metal rods. The Roma families were resettled in the village in 1991 from the nearby village of Podem after their houses there had been set on fire by specially organised mobs.

The practice not to allow Roma to public catering places and other communal services continued. At the end of the year thousands of Roma staged protests because their due social benefits had not been paid in several of the country's municipalities.

Protection of Asylum Seekers

The problems in the application of the Refugees Act, which went into effect in

August 1999, as well as its shortcomings, were revealed during the year. Some of the shortcomings observed in previous years in proceedings before the relevant administrative body – the Agency for Refugees – were corrected during the year. However, new violations of the law were committed in the attempts to limit access to asylum procedure and the number of refugees with recognised status.

The problems concerning access to registration of asylum seekers without identity documents continued. Despite the initiative of the UNHCR for the drafting of a harmonised legal framework to favour the integration of recognised refugees, no such legislation was adopted and in the dire economic situation many recognised refugees were seeking ways to leave Bulgaria.

The new accelerated procedure for considering asylum applications was only introduced on the country's borders at the end of the year. The absence of transit centres at the borders impeded accelerated procedure resulting in unlawful detention for prolonged periods without being served a determination of their appeal. A related problem was the lack of independent judicial review of decisions in the accelerated procedure. The two different authorities in the procedure – the Agency for Refugees and the National Border Police Service – were unable to reach agreement and a common approach, which led to the virtual absence of accelerated procedure, and hence also to the mass practice of turning away asylum seekers at the borders.

One of the shortcomings of the Refugees Act was the absence of provisions providing for additional measures for the protection of *de facto* refugees who did not satisfy the clauses of the 1951 Convention.

◆ At the end of the year, a particularly great stir was caused in the media by the case of several dozen Iraqi Kurds who illegally crossed the border into Bulgaria. Most of them were refused refugee status but were granted the so-called "humanitarian

status" which consists in the simple admission on Bulgarian territory without any Government commitment for assistance. They were all detained for more than two months in inhuman conditions due to the absence of transit centres and were ultimately left at the mercy of fate in the centre of Sofia without any means of support. More than 80 of them were forced to

spend several days in a room without beds, food or lavatory facilities. Some of them reported ill-treatment by the police during their detention¹⁷, and one youth was shot dead while trying to cross the border. Aid for recognised refugees was not paid regularly and the conditions in some of the places in which they were accommodated were inhuman.

Endnotes

¹ Based on the Bulgarian Helsinki Committee, *Human Rights in Bulgaria in 2000*. For the full report, see www.bghelsinki.org. Materials from Human Rights Project and the Tolerance Foundation have also been used.

² For more details, see *Human Rights in Bulgaria in 1999. Annual Report of the Bulgarian Helsinki Committee, Obektiv*, February 2000, available at www.bghelsinki.org

³ See Religious Intolerance.

⁴ See Endnote 2.

⁵ See Krassimir Kanev, "Access to Justice for Indigent Criminal Defendants Did Not Improve", *Obektiv*, January 2001.

⁶ See *Human Rights in Bulgaria in 1997. Annual Report of the Bulgarian Helsinki Committee, Obektiv*, February 1998, available at www.bghelsinki.org

⁷ For more than seven years to date, prosecutors at all levels of the Prosecutor's Office have routinely replied to BHC inquiries on specific cases.

⁸ See Endnote 2.

⁹ See also Antoaneta Nenkova, "The Invisible World of the Mentally Retarded," *Epoha*, 26 May–1 June 2000; Antoaneta Nenkova, "The Horror of Fakia," *Obektiv*, July 2000; Antoaneta Nenkova, "The Horror of Fakia," *24 Chassa*, 2 August 2000.

¹⁰ Including prisons of different types and their labour correction hostels, pre-trial detention centres and police custody.

¹¹ Consisting of several types of places of detention under the Degree of Minor Hooliganism: detoxification centres, homes for the temporary placement of either adults or minors, places of detention with the transport police, educational boarding schools and social educational boarding schools, psychiatric hospitals and other clinics for forced treatment.

¹² See *Human Rights in Bulgaria in 1995. Report of the Bulgarian Helsinki Committee*, January 1996, available at www.bghelsinki.org.

¹³ See Endnote 2.

¹⁴ According to the draft, for example, the state Directorate of Religious Affairs would exercise supervision over the activities of denominations, issue the opinion of the Sofia City Court on the registration of denominations, approve the rules of higher theological schools, and "study of the religious basis and services and rites of the ... denomination" (Article 16.1).

¹⁵ See Freedom of Association.

¹⁶ See endnote 2

¹⁷ See *Sega*, 3 February 2001.