

# **BULGARIA 2015 HUMAN RIGHTS REPORT**

## **EXECUTIVE SUMMARY**

Bulgaria is a constitutional republic governed by a freely elected unitary parliament. The constitution vests legislative authority in the unicameral National Assembly. A coalition government headed by a prime minister led the country. Observers characterized the parliamentary elections in October 2014 as complying “with the fundamental freedoms of expression, association, and assembly” but also noted pervasive allegations of vote buying and the use of racist, xenophobic, and inflammatory rhetoric throughout the election campaign. Civilian authorities maintained effective control over the security forces.

The marginalization of and societal intolerance towards the Romani minority remained the country’s most pressing human rights problem. Continued deterioration of the media environment and increase in media’s corporate and political dependence were also problematic. Corruption continued to be a drag on the government’s capabilities and undermined public and business confidence in the judiciary and other government institutions.

Other reported human rights problems included an unlawful killing; harsh conditions in prisons and detention facilities; police violence; and long delays in the judicial system. There were reports of religious discrimination and harassment; anti-Muslim demonstrations; shortcomings in refugee integration processes and policies; election fraud; gender-based violence and discrimination against women; violence against children; increasing online anti-Semitism; trafficking in persons; discrimination against persons with disabilities, ethnic minorities, and lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons; and social stigma against persons with HIV/AIDS. Child labor and discrimination against members of minorities in employment and occupation were also reported.

The government took steps to prosecute and punish officials in the security services and elsewhere who committed abuses, but their actions were insufficient, and impunity was a problem.

### **Section 1. Respect for the Integrity of the Person, Including Freedom from:**

#### **a. Arbitrary or Unlawful Deprivation of Life**

There was one report that the government or its agents committed arbitrary or unlawful killings.

On October 15, a border police officer shot and killed an Afghani migrant who was part of a group that had crossed 17 miles into Bulgarian territory from Turkey. Initial statements by Interior Ministry officials claimed that the person's death was due to a ricocheting bullet from a warning shot. As of November an investigation into the killing was pending.

The law allows police to use firearms only as a last resort while doing everything possible to preserve the life of the person who is in danger. The law prohibits the use of deadly force against nonviolent offenders who are not posing a threat. NGOs complained that the National Protection Service Act, adopted in July, does not provide the same safeguards.

### **b. Disappearance**

There were no reports of politically motivated disappearances.

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

The constitution and law prohibit such practices, but there were occasional reports of government officials employing degrading treatment. In July the National Assembly passed legislation allowing officers of the National Protection Service to use force against nonviolent offenders and do whatever it takes to preserve lives "if possible."

In January the interior minister reported that, of 1,300 police operations in the previous five years, the police used force without legal basis in 700 operations, and 200 operations involved arrests without warrants. Despite the change in legislation, according to a government report adopted January 23 on the implementation of European Court of Human Rights (ECHR) judgments, the number of cases involving the misuse of force and weapons by police was growing, and authorities did not effectively or comprehensively investigate police violence cases. Public prosecutors no longer keep statistical data on prosecutions and convictions, including cases of police violence, involving members of security services, including the Ministry of Interior and the State Agency for National Security. The Ministry of Interior submitted for prosecution one case of a police

officer accused of excessive use of force during the antigovernment protests in 2013. As of October the case was still pending at the Sofia Regional Court.

Police can detain persons for 24 hours without charging them. There were occasional reports that police arrested suspects for minor offenses and physically abused them to force confessions, especially in cases involving Romani suspects.

On March 26, the Council of Europe's Committee for the Prevention of Torture (CPT) issued an official statement concluding that police brutality was a systemic problem. The statement noted that, during its February visit to the country, the CPT received a significant number of allegations of deliberate physical mistreatment of persons detained by police. The CPT noted that the number of allegations had not decreased since its previous visit in 2014 and was on the rise in Sofia and Burgas. The alleged mistreatment generally consisted of slaps, kicks, and in some cases truncheon blows. The CPT concluded that men and women (including juveniles) continued to run a significant risk of mistreatment, both at time of apprehension and during subsequent questioning.

Human rights groups continued to report that most detention facilities located outside large cities lacked access to adequate medical services. As a result, authorities did not have medical examinations performed on detainees following reports of police abuse, and officials rarely punished offending officers.

### **Prison and Detention Center Conditions**

Conditions in most prisons were harsh, with inadequate toilet and medical facilities.

Physical Conditions: Even though the prison population decreased, overcrowding remained a problem in some prisons. In 2012 the government postponed until 2019 the legal requirement for a minimum living area of 43 square feet per prisoner. According to the CPT, at Burgas Prison, although overcrowding decreased between 2011 and 2015, the vast majority of prisoners had less than 12 square feet of living space in cells with multiple occupants. Many detention centers had cells lacking adequate access to natural light.

After the government made significant improvements in the asylum seeker reception and irregular migrant detention centers in 2014, independent observers and the ombudsman stated that conditions deteriorated due to negligence. They

also noted inadequate hygiene and sanitation, in addition to regular interruptions in the provision of food supplies and medical and interpretation services.

Through September there were 31 deaths reported in prisons and one death in a detention center.

Most of the prison facilities dated from the early 1900s, and the government built the newest facility in 1983. In its March 26 public statement, the CPT identified persistent problems with access to medical care, violence between prisoners, prison overcrowding, poor material conditions in detention and prison facilities, and inadequate prison health care services and low custodial staffing levels. The report also indicated concerns related to discipline, segregation, and contact with the outside world.

In March the Center for the Study of Democracy published its *Prison Condition Monitoring Index*. The index evaluated the country's performance on four of five prison condition indicators as "problematic" and "alarming" on access to employment. The five indicators used in the index were living conditions, social and correctional work, security and safety, employment, and medical services

Nongovernmental organizations (NGOs) received complaints about both the quality and quantity of food. The ombudsman criticized the "extremely bad situation" in Belene, Burgas, Varna, Lovech, and Bobov Dol prisons and the lack of sanitation in the dorms at the women's prison in Sliven. The Bulgarian Helsinki Committee criticized the prison administration for reducing medical personnel, which left Stara Zagora and Varna prisons without medical services.

As of October the ombudsman conducted 27 inspections in police and judicial detention facilities, identifying poor sanitary conditions, inadequate medical services, and insufficient correctional and resocialization programs.

The prison administration and the Commission for Protection against Discrimination received complaints from prisoners about sanctions imposed on them, the poor quality of medical services and living conditions, and mistreatment by prison guards. To reinforce their protests, inmates occasionally went on hunger strikes. NGOs claimed prisoners had inadequate recourse against bad conditions, and even though they were able to sue the state and obtain compensation, conditions did not improve.

The prison administration estimated that 5.6 percent of the prison population was drug dependent. Prison authorities had trouble limiting prisoner access to narcotics and other prohibited items.

The ombudsman reported that prison medical units lacked basic equipment and were not fit to provide adequate medical services. By law prison medical facilities are part of the health system but administered by the Ministry of Justice, which oversees prisons. The Bulgarian Helsinki Committee criticized this arrangement, claiming it created a conflict of interest and a source of corruption, since prison directors appoint the doctors, who are not subject to outside monitoring. The ombudsman also reported the lack of interpreters at detention centers for irregular migrants, which complicated communication between migrants and staff.

Administration: All prisoners have the right to work, and two days of work reduced the prison term by one day, but the prison administration offered work to only a limited number of prisoners. Prisoners alleged the system for determining the type of work regime a prisoner received was corrupt and lacked oversight.

While prisoners in principle have the right to receive visitors, in most cases a lack of space to accommodate visitors limited opportunities for visits. NGOs and the ombudsman noted visits to the country's only prison for women and the only correctional facility for minors caused undue hardship because of the travel time and expense.

Independent Monitoring: The government permitted monitoring of prisons by independent observers, including the CPT.

Improvements: During the year the Justice Ministry relocated detention centers in Pleven and Burgas to improve access to natural light and sanitation. With funding from the Norwegian Financial Mechanism, the government renovated the medical center, childcare center, and detention center in Sliven prison and built a new detention center in Shumen. With its own funding, the Justice Ministry renovated the kitchen and visitation facilities in Plovdiv and made repairs and improvements at the Lovech, Ruse, Blagoevgrad, and Bobov Dol prisons.

#### **d. Arbitrary Arrest or Detention**

Although the constitution and law prohibit arbitrary arrest and detention, there were reports that police at times abused their arrest and detention authority.

## **Role of the Police and Security Apparatus**

The Ministry of Interior is responsible for law enforcement, migration, and border enforcement. The State Agency for National Security (DANS), which reports to the Prime Minister's Office, is responsible for counterintelligence, domestic intelligence analysis, and investigating corruption and organized crime. The State Intelligence Agency under the Council of Ministers is responsible for foreign intelligence, and the Military Information Service under the defense minister is responsible for military intelligence. The National Protective Service is responsible for the security of dignitaries and answers to the president. Civilian authorities maintained effective control over the police and security services. The police and the prosecution service are responsible for investigating security force killings. While the government had mechanisms to investigate and punish abuse and corruption, implementation was inadequate, and impunity was a problem.

Muslim religious leaders continued to complain of harassment and intimidation by members of the security services, who periodically questioned them about religious radicalism and fundamentalism. There were reports that security service members would question random Muslims about "why they go to the mosque."

## **Arrest Procedures and Treatment of Detainees**

While not legally required to do so, police normally obtained a warrant from a prosecutor prior to apprehending an individual. Police may hold a detainee for 24 hours without charge, and a prosecutor may authorize an extension of an additional 72 hours. A court must approve detention longer than 72 hours; such detentions can last up to two years. Prosecutors may not arrest military personnel without the defense minister's approval. Authorities generally observed these laws.

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

The law provides for the right to counsel from the time of detention, and authorities are supposed to ensure that detainees have access to legal counsel no later than two hours after detention and that a lawyer had access to the detainee within 30 minutes of his or her arrival at the police station. In its March 26 public statement, however, the CPT identified persistent problems with notification of custody, timely access to legal representation, and provision of information on rights for persons taken into custody. In particular, the CPT noted that access to a lawyer remained an exception during the initial 24 hours of police custody and that ex officio lawyers did not perform their function as a safeguard against police

mistreatment. Persons in police custody were rarely put in a position to notify a person of their choice of their detention and were not systematically informed of their rights from the outset of their custody.

In July the Bulgarian Helsinki Committee issued a report stating police violated detainees' right to a lawyer, used violence during arrest, and used force during interrogation. More than a third of prisoners interviewed by the organization reported problems accessing a lawyer; 16 percent claimed police beat them during arrest; and 22 percent stated police used physical force to obtain a confession. Another 10 percent claimed to have witnessed violence against other detainees.

The law provides government-funded legal aid for low-income defendants, and defendants could choose from a list of public defenders provided by the bar associations. The law prohibits holding detainees in custody without indictment longer than two months for those charged with general crimes, eight months for those charged with felonies, and 18 months for those charged with crimes punishable by at least 15 years' imprisonment.

Arbitrary Arrest: There were reports of arbitrary detention. In July an amateur video showed six police officers from the First Precinct in Sofia stopping two persons for a document check, slapping and manhandling them during their arrest. At the end of October the Interior Ministry dismissed four of the officers and the prosecution opened a criminal investigation against them, which remained pending at the end of the year.

#### **e. Denial of Fair Public Trial**

The constitution and law provide for an independent judiciary, but corruption, inefficiency, and a lack of accountability continued to be pervasive problems. Public trust in the judicial system remained extremely low because of the perception that magistrates were susceptible to political pressure and rendered unequal justice.

The Supreme Judicial Council appoints, promotes, disciplines, and dismisses judges, investigators, and prosecutors. It also investigates complaints of judicial misconduct and recommends disciplinary action. Managing magistrates can also impose minor punishments. Observers criticized the lack of clearly stated motives and justifications in the council's disciplinary decisions.

Judicial and investigative backlogs remained a problem in larger jurisdictions, and long delays for criminal trials were common. The law allowed defendants to request court dismissal of the charges against them if the prosecution has not formally indicted them for more than two years in serious crime cases and one year in petty crime cases.

### **Trial Procedures**

The law presumes defendants are innocent until proven guilty and allows them ample time and facilities to prepare a defense. All court hearings are public except for cases involving national security, endangerment of public morals, and the privacy of juvenile defendants. Defendants have the right to be informed promptly and in detail of the charges against them, with free interpretation if necessary.

Juries are not used. In cases involving serious crimes, two nonprofessional judges join a professional judge. If a crime carries a sentence of more than 15 years' imprisonment, two professional judges and three lay judges hear the case. In such circumstances, a majority vote determines verdicts. The constitution and the law give defendants the right to an attorney, provided at public expense for those who cannot afford to pay for one. A defense attorney is mandatory if the alleged crime carries a possible punishment of 10 or more years in prison; if the defendant is a juvenile, foreigner, or person with mental or physical disabilities; or if the accused is absent. Defendants have the right to be present at their trial and can demand a retrial if they were convicted in absentia, unless they were evading justice at the time of the first trial. Defendants have the right to confront witnesses, examine evidence, and present their own witnesses and evidence. Defendants are not compelled to testify or confess guilt. The law provides for the right of appeal, which was widely used. Trial procedures apply equally to all defendants.

### **Political Prisoners and Detainees**

There were no reports of political prisoners or detainees.

### **Civil Judicial Procedures and Remedies**

While the law provides for an independent and impartial judiciary in civil matters, the same long delays in criminal cases affected civil cases. Individuals may file allegations of human rights abuses with courts and with the Commission for Protection against Discrimination, which can impose fines on violators.

Individuals could appeal decisions involving alleged violations of the European Convention on Human Rights by the state to the European Court of Human Rights.

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

The constitution and law prohibit such actions, and there were no reports the government failed to respect these provisions. In September the National Assembly passed amendments that increased the maximum period during which wiretapping is permitted in national security-related cases from 60 days to 12 months. As of March another set of amendments allow law enforcement agencies to access electronic data traffic only in cases related to serious crime or national security. The National Bureau for Oversight of Specialized Investigative Techniques reported significant improvement in the control of wiretapping and other intrusive techniques during the first six months of the year, noting that court permissions decreased by 41 percent and denials increased by nearly 220 percent. In February the National Assembly's Internal Security and Public Order Committee chairman, Atanas Atanasov, stated in a television interview that the Interior Ministry had been involved in a large-scale, 300-day long wiretapping and surveillance operation against participants in the 2013-14 antigovernment protests.

In January the Sofia City Court acquitted former minister of interior Tsvetan Tsvetanov, who was accused of failing to exercise appropriate control over the ministry's wiretapping activities. In March the Constitutional Court annulled legislative provisions obligating service providers to retain electronic communication data for up to 24 months, which, according to the ombudsman, encroached on privacy.

### **Section 2. Respect for Civil Liberties, Including:**

#### **a. Freedom of Speech and Press**

The law provides for freedom of speech and press, and the government generally respected these rights. Concerns persisted, however, that corporate and political pressure combined with the growing and nontransparent concentration of media ownership and distribution networks gravely damaged media pluralism.

In October a report on freedom of speech by the Association of European Journalists Bulgaria concluded that a "culture of pressure" was steadily restricting media pluralism. A poll of 143 journalists found that 72 percent witnessed their colleagues being subjected to pressure, 54 percent were personally prevented from

freely exercising their profession, and 41 percent were the targets of rumor spreading and slander.

The International Research and Exchanges Board's (IREX) 2014 media sustainability index indicated there had been rapid growth of social and other forms of new media, accompanied by enhanced civic activism and professional sustainability of the mainstream broadcast media. IREX noted, however, the stagnation of the nontransparent advertising market meant that corporate and government funding was the major source of revenue for media, thus eroding their financial independence. IREX highlighted the financing of various media outlets by the Corporate Commercial Bank, the collapse of which resulted in "significant shifts in the media landscape" and brought "the majority of media outlets to the brink of financial collapse." During the year the media market experienced further concentration of ownership. Reports of intimidation and violence against journalists continued.

Freedom of Speech and Expression: Individuals criticized the government without official reprisal. In rural areas offering fewer employment opportunities, however, individuals were more hesitant to criticize local governments. The Bulgarian Helsinki Committee expressed concern over the "serious deterioration of the freedom of expression."

In January the Financial Supervision Commission (FSC) imposed a 150,000 (\$80,000) lev fine on *Capital Daily* and *Dnevnik Online*, and a 100,000 lev (\$54,000) fine on *zovnews.com*, claiming the publications aimed to destabilize the banking sector. More than 200 journalists and civil activists demonstrated in front of the National Assembly, accusing the FSC of arbitrariness and censorship. The Free Speech Network stated that the FSC's act was proof of "continuous repressions against free speech." NGOs commented that the FSC fined *Capital* and *Dnevnik* after the outlets implicated FSC chair Stoyan Mavrodiev in a money laundering case. In August, Mavrodiev took *Capital* journalist Rossen Bossev to court after Bossev quoted the *Capital* and *Dnevnik* stories.

The penal code provides for one to four years' imprisonment for incitement to "hate speech." The law defines hate speech as speech that instigates hatred, discrimination, or violence based on race, ethnicity, nationality, religion, sexual orientation, marital or social status, or disability. According to NGOs, hate speech escalated over the previous several years, especially around the time of elections, turning into a common form of expression, not just for xenophobic politicians but also for media and social network commentators. Paid "trolls" populated forums

and social media of all media outlets, targeting political opponents with racist and xenophobic comments.

As of October prosecutors had opened 19 hate crime investigations and had pursued two indictments against four persons.

Press and Media Freedoms: The media were active and expressed a wide variety of views. Laws restricting “hate speech” also applied to material appearing in the print media. Following a June European Court of Human Rights ruling that publishers are obliged to control the content of their forums, many online media outlets imposed stricter policies on postings. The Commission for Protection against Discrimination reported receiving an increased number of hate speech complaints after the ruling. Media consolidation continued, with larger groups acquiring more online outlets. Domestic and international organizations criticized both print and electronic media for lack of ownership and financial transparency, editorial bias, and susceptibility to economic and political influence.

Violence and Harassment: In October, Traycho Vasilev, the Movement for Rights and Freedoms’ (MRF) candidate for municipal councilor in Samokov, participated in the beating of Nova TV crew members who had traveled to the Romani neighborhood in Samokov to interview Vasilev. The prosecutor’s office opened an investigation into the perpetrators, and the MRF requested that Vasilev withdraw as the party’s candidate for the Samokov position.

Censorship or Content Restrictions: Journalists continued to privately report self-censorship, editorial prohibitions on covering specific persons and subjects, and the imposition of a political point of view by corporate leaders. According to the Center for the Study of Democracy, a lack of adequate media regulation resulted in either self-censorship or censorship by media owners, who themselves were subject to pressure by oligarchs and advertisers.

Libel/Slander Laws: Libel is illegal and punishable by a 3,000-15,000 lev (\$1,600-\$8,000) fine and public censure. Usually the courts interpreted the law in a manner favoring journalistic expression. Journalists’ reporting on corruption or mismanagement prompted many defamation cases brought by politicians, government officials, and other persons in public positions.

In March the owner of Investbank filed a complaint in civil court for slander against Ivan Bakalov, owner and editor of online outlet *e-vestnik*, over his 2011

publications on the banking system. As of October the case was ongoing in civil court and a criminal case was under investigation.

### **Internet Freedom**

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports the government monitored private online communications without appropriate legal authority. According to the International Telecommunication Union, approximately 55.5 percent of the population used the internet in 2014.

The security services could access electronic data with judicial permission when investigating cyber and serious crimes. Addressing NGO criticism that gaps in the law allowed prosecutors to receive such data without proper authorization, the National Assembly in March amended the law to allow law enforcement agencies to access electronic data traffic only in cases related to serious crime or national security (also see section 1.f.).

### **Academic Freedom and Cultural Events**

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

## **b. Freedom of Peaceful Assembly and Association**

### **Freedom of Assembly**

The constitution and law provide for freedom of assembly, and the government generally respected this right.

The law requires groups requesting a permit for gatherings to give 48 hours' notice. The law prohibits public gatherings within a security zone (16 to 66 feet) around the National Assembly, the Council of Ministers, and presidency buildings. Mayors can prohibit, suggest an alternative site for, or dismiss (if in progress) a gathering they believe poses a threat to public order, security, or traffic.

### **Freedom of Association**

The constitution and law provide for freedom of association. While the government generally respected these rights, the law prohibits some groups, including political parties that endanger national unity, promote racial, national, 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 establish political parties or other political organizations. According to the constitution, NGOs may not pursue political goals or engage in political activity. There was no legal limitation on NGOs participating in demonstrations, discussions, or developing and debating legislative amendments as long as those activities are not part of an election campaign. The law allows NGOs to engage in other activities, such as providing services or advocacy.

### **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at [www.state.gov/religiousfreedomreport/](http://www.state.gov/religiousfreedomreport/).

### **d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons**

The constitution and law provide for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights.

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, asylum seekers, stateless persons, and other persons of concern.

### **Protection of Refugees**

During the year many countries in the EU and Southeast Europe experienced an unprecedented wave of migration from the Middle East, Africa, and Asia, consisting of a mix of asylum seekers/potential refugees, economic migrants, and trafficking victims, among others. For simplicity, this report will refer to these populations as 'migrants and asylum seekers' if more specific information is not available.

Access to Asylum: The law provides for granting asylum or refugee status, and the government has established a system for protecting refugees. As of October the number of asylum seekers increased 450 percent compared with 2014. Independent observers had access to refugee reception centers, whose capacity was 5,130. Despite the greatest number of migrants and asylum seekers passing

through the country in the last several decades, timely application processing and continual departures of migrants and asylum seekers for Western Europe prevented overcrowding in reception centers. At various times throughout the year, the State Agency for Refugees experienced financial difficulties, resulting in disruptions in medical and interpretation services. Humanitarian organizations and volunteers stepped in to help with food, educational, and other support. As of April the government discontinued paying the monthly allowance of 65 leva (\$35) to migrants and asylum seekers, citing economic constraints; NGOs saw the move as a government attempt to provide an incentive for migrants and asylum seekers to leave the country.

In July the government began building an 82-mile extension to the 19-mile fence along the country's border with Turkey. As of December, 14 of the 82 miles were complete. In August the government announced it would deploy military personnel in the vicinity of borders to assist border police in managing the entry of migrants and asylum seekers. Human rights NGOs expressed concern that the government viewed migrants and asylum seekers more as a national security matter than as vulnerable persons in need of humanitarian assistance.

Refoulement: The government provided some protection against the expulsion or return of migrants and asylum seekers to countries where their lives or freedom would be threatened due to their race, religion, nationality, membership in a particular social group, or political opinion. As of December authorities reported there had been more than 90,000 attempts by foreign nationals to cross the border and border police had detained nearly 30,000 persons.

Refugee Abuse: Human rights organizations continued to report violence against migrants and asylum seekers, including beating and humiliation, at the country's borders. In July the Syrian Arab-language website *Aksalser.com* ran video footage showing approximately 10 to 15 asylum seekers lying face down while being inspected by four officers wearing uniforms similar to those of the border police. Authorities investigated allegations that abuse had occurred, but reported they did not find conclusive evidence of it.

Human rights organizations claimed the data indicated the government employed violence and forceful pushbacks to prevent access to the border. In March, UNHCR released a statement calling for investigation into media reports of two Iraqi Yezidis who died of hypothermia after Bulgarian border guards allegedly beat and pushed a group of 17 migrants and asylum seekers back into Turkey.

Extreme nationalist parties used anti-refugee rhetoric in their political campaigns. Negative coverage of refugees appeared in some media, claiming they were mostly criminals and terrorists and repeating negative stereotypes that encouraged societal intolerance. In September the Holy Synod of the Bulgarian Orthodox Church issued a declaration expressing solidarity with the refugees in the country, but also calling on the government to stop accepting further asylum seekers because “the Orthodox Bulgarian people were being erased as a nation.”

Access to Basic Services: Asylum seekers had access to basic services but the government did not have a program for integrating approved refugees. In September 2014 protests in the village of Kalishte blocked 10 Afghani and Somali refugee children from enrolling in the local school.

Durable Solutions: The country has agreed to accept 1,302 refugees relocated from other EU countries.

Temporary Protection: The government provided humanitarian protection to individuals who may not qualify as refugees. As of October the government provided protection to 654 persons.

### **Section 3. Freedom to Participate in the Political Process**

The constitution and law provide citizens the ability to choose their government in free and fair periodic elections based on universal and equal suffrage, and citizens exercised that ability.

#### **Elections and Political Participation**

Recent Elections: In parliamentary elections in October 2014, eight parties passed the 4 percent threshold for representation in the National Assembly. The final report of the election observation mission of the Office for Democratic Institutions and Human Rights (ODIHR) of the OSCE on the elections, released on January 7, stated that “fundamental freedoms of expression, association and assembly were respected” and that a new method of appointing the election commission, greater involvement of civil society, and public support by the interim government contributed to inclusiveness and public engagement. It also remarked that a new election law provided a good foundation for democratic elections, although several previous ODIHR recommendations remained unaddressed. The report also observed that “widespread and pervasive accusations of vote-buying, controlled

voting and other election irregularities, from all sides, marred the campaign and negatively affected the public confidence in the integrity of the process.”

In October the country held municipal elections. Transparency International Bulgaria reported a number of violations during the elections, including controlled and corporate voting, vote buying, busing of voters, and overcrowding voting precinct entrances that blocked others from voting. The organization also noted there was a 25 percent increase in the number of organizational violations compared to previous elections, including a very high rate of invalid ballots and the fact that some electoral committees did not count preferential votes.

The law prohibits campaigning in languages other than Bulgarian. ODIHR noted this requirement as well as the absence of official voter information in minority languages limited the ability of ethnic minority groups to understand election rules and to participate effectively in the election process. In October the Central Electoral Committee (CEC) granted a petition sent by 41 National Assembly members and imposed a 2,000 lev (\$1,090) fine on the Movement for Rights and Freedoms party leader, Lyutvi Mestan, for speaking in Turkish during the local election campaigns. On June 15, the Momchilgrad Regional Court reversed the CEC decision. The court asserted that the CEC had violated Mestan’s right of defense by not quoting the words that had violated the law and by not calling for him to appear to explain himself.

NGOs reported that address registration laws limited the ability of Roma occupying illegal housing to obtain identity cards, which in turn restricted their ability to register for and vote in elections.

The ODIHR report noted there were no high-level prosecutions for vote buying, which contributed to a sense of impunity and a lack of accountability. In the first nine months of the year, prosecutors filed 738 cases and pursued 15 prosecutions, and the courts convicted 12 persons of election-related violations. During the local election campaign in September, the prosecution service stated it had identified numerous cases of violations aimed at committing election fraud, such as falsely signed address registration documents, registration of persons at addresses where there was no building or the building was uninhabitable, and the registration of large numbers of persons at the same address.

Political Parties and Political Participation: The law requires a political party to have at least 2,500 members to register officially. Even though the constitution does not allow for the establishment of political parties along ethnic lines, the

prohibition did not weaken the role of some ethnic minorities in the political process, and a number of parties represented various ethnic minority groups. During the year some National Assembly members abandoned their party affiliation without losing their seats.

Participation of Women and Minorities: There were no laws or customary practices that prevented women from participating in political life on the same basis as men.

There were 33 members of minority groups in the National Assembly: 28 ethnic Turks, three Pomaks (descendants of Slavic Bulgarians who converted to Islam under Ottoman rule), and two Roma. There was one ethnic Turkish minister in the cabinet. While the ethnic Turkish minority enjoyed fair representation, Roma were underrepresented, particularly in appointed leadership positions. Ethnic Turks, Roma, and Pomaks held elected positions at the local level.

In October residents of the village of Semchinovo, Pazardjik Region, submitted a petition to the prosecution service criticizing their newly elected mayor, who was of Roma origin, accusing him of election fraud and expressing suspicion that he would work for his own interests and not those of the community.

The mayor of Kyustendil, Petar Paunov, prohibited residents of the Romani Iztok neighborhood from participating in a referendum he organized in June, asserting that the vote-buying reputation of Roma would discredit the results. As of October the Commission for Protection against Discrimination was reviewing a discrimination case against the mayor.

#### **Section 4. Corruption and Lack of Transparency in Government**

While the law provides criminal penalties for official corruption, the government did not implement the law effectively, and officials in all branches of government reportedly engaged in corrupt practices with impunity. Corrupt practices included bribery, conflict of interest, elaborate embezzlement schemes, procurement violations, and influence trading.

DANS investigates corrupt activities of high-level government and other officials. The Anticorruption Task Force, established in March, is an interagency unit comprised of prosecutors, DANS agents, and police officers that investigates high-level government corruption. The National Anticorruption Policy Council, established in May, is an interagency body that develops and implements

anticorruption policies. The Center for Prevention and Combating Corruption and Organized Crime is responsible for analyzing, planning, and developing anticorruption solutions and policies. NGOs stated the government lacked sustainable anticorruption mechanisms, and the European Commission concluded the prosecution service lacked capacity for effective investigation of high-level government corruption. According to NGOs, government agencies did not apply a systematic approach for collaborating with civil society.

Corruption: According to the Center for the Study of Democracy, corruption levels were extremely high. The center estimated that 18 percent of citizens had offered a bribe and 28 percent had been offered a bribe. Underreporting as well as legal and procedural limitations on the use of methods such as sting operations, plea bargaining, and cooperating with witnesses made it difficult to pursue corruption cases. On December 16, the National Assembly adopted amendments to the constitution to increase the transparency and independence in the management of the courts and prosecutors' offices.

As of October prosecutors had initiated checks into more than 100 reports of official corruption, indicting eight magistrates. In August the Sofia Appellate Court convicted Veliko Turnovo judge Slavcho Petkov and sentenced him to five years in prison for taking a 25,000 lev (\$13,600) bribe from a defendant. In July the Supreme Administrative Court confirmed that former National Assembly member Emil Dimitrov had voted on two legislative amendments that would benefit his family business.

Financial Disclosure: The law mandates that government officials publicly declare any circumstances in which they could face accusations of using their position for personal profit. The National Audit Office verified and monitored disclosures. High-level public officials who fail to submit a financial disclosure declaration can incur fines of up to 1,500 levs (\$800).

Public Access to Information: The law provides the right of public access to government information with a sufficiently narrow list of exceptions outlining the grounds for nondisclosure and a reasonable timeline for response and processing fees. There are administrative sanctions for noncompliance and an appeal mechanism for review of disclosure denials. NGOs complained the government did not implement the law effectively and equally. The courts allowed greater access to government information, but the government selectively complied with court decisions. NGOs continued to insist on the need for a central independent

body to oversee enforcement of the law, the application of unified practices, and sanctions for noncompliance.

### **Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights**

Numerous 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. There was increasing public rhetoric opposing human rights and the work of NGOs. Some political parties, civic movements, and media outlets advocated closing certain NGOs because they obtained funding from foreign donors. In May prosecutors terminated their probe into the finances of four core members of the Protest Network, an informal organization promoting democratic values and reforms and opposing oligarchic influence in politics. The nearly year-long investigation of the four activists, who were accused of financial fraud and tax and insurance evasion, involved interrogating all donor organizations that funded the projects in which the four had participated. The activists believed the government had taken action against them as harassment for their role in antigovernment protests.

Government Human Rights Bodies: The ombudsman reviews individuals' complaints against the government for violations of rights or freedoms. The ombudsman can request information from authorities, act as an intermediary in resolving disputes, make proposals to end existing practices, refer information to the prosecution service, and request the Constitutional Court to abolish legal provisions as unconstitutional. As of October the ombudsman received 4,069 complaints. The majority concerned the quality of public utility and telecommunication services, social assistance programs, and property problems, including forced evictions. Authorities sometimes acted in response to recommendations from the ombudsman by adjusting their practices and regulations.

The Commission for Protection against Discrimination is an independent specialized agency for preventing discrimination, protecting against discrimination, and ensuring equal opportunity.

One permanent committee of the National Assembly oversees religious denominations and human rights.

## Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination on the grounds of race, sex, religion, political opinion, national origin or citizenship, social status, disability, sexual orientation or gender identity, age, and ethnic origin, but not language, HIV-positive status, or having other communicable diseases. The government investigated complaints of discrimination, issued rulings, and imposed sanctions on violators. The law allows individuals to pursue a discrimination case through the court system or through the Commission for Protection against Discrimination. As of October the commission received 645 complaints, most of them concerning allegations of workplace discrimination and discrimination based on disability and age.

### Women

Rape and Domestic Violence: The law criminalizes rape, and authorities generally enforced its provisions when violations came to their attention. Under NGO pressure, in September the National Assembly repealed a provision that decriminalizes rape, including statutory rape, if it is followed by marriage. Sentences for rape range from two to eight years in prison, or from three to 10 years if the victim is under 18 years of age or a lineal descendant. When rape results in serious injury or attempted suicide, sentences range between three and 15 years' imprisonment and, when the victim is a minor, between 10 and 20 years.

While authorities could prosecute spousal rape under the general rape statute, they rarely did so. According to a 2014 EU Agency for Fundamental Rights report, almost one-fourth of women in the country had suffered physical and/or sexual violence from their partners. According to the Alliance for Protection against Gender-based Violence, the law does not criminalize all forms of violence against women and the government does not implement consistent policies with adequate funding for prevention and protection of women against violence. According to the State Agency for Child Protection (SACP), investigation and prosecution of statutory rape had increased since 2010. On March 8, the deputy speaker of the National Assembly, Ivan Ivanov, disseminated a recorded message in support of the third annual "Walk a Mile in Her Shoes" event in Sofia to raise awareness about domestic violence, sexual assault, and sexism.

The law defines domestic violence as any act, or attempted act, of sexual violence or physical, psychological, emotional, or economic pressure against members of one's family or between cohabiting persons. It empowers courts to impose fines, issue restraining or eviction orders, or require special counseling. Noncompliance

with a restraining order may result in imprisonment for up to three years or a fine of 5,000 leva (\$2,700). In July the Center for the Study of Democracy stated that 20 to 30 percent of women filed reports of domestic violence, but claimed the number of incidents was much higher due to underreporting. The annual government plan for preventing and protecting against domestic violence supported survivors of domestic violence, including children and their parents, by funding crisis centers, social support centers, family-type residential homes, foster care, street children centers, and mothers with babies units.

The Animus Association Foundation operated a free hotline for women in crisis, funded through a two-year government grant. As of October the hotline had worked with 1,357 clients, including 718 survivors of domestic violence and 18 survivors of sexual violence. The hotline operator expressed a concern that funding was only sufficient to operate 12 hours per day rather than around-the-clock. Other NGOs provided short-term protection and counseling to victims in 20 crisis centers and shelters throughout the country. Police and social workers referred victims of domestic violence to NGO-run shelters, but NGOs complained that local authorities rarely provided financial assistance for operational costs. The government provided standard annual funding for crisis centers at a level of 8,251 leva (\$4,480) per client and for social support centers at 2,865 leva (\$1,560) per client. Women's rights organizations continued to insist the government lacked strong gender equality and domestic violence policies, despite its annual action plans encouraging gender equality.

Sexual Harassment: The law identifies sexual harassment as a specific form of discrimination rather than as a criminal offense, although prosecutors may identify cases in which harassment involves coercion. If prosecuted as coercion, sexual harassment is punishable by up to six years in prison. Harassment remained an underreported problem. The 2014 Agency for Fundamental Rights report estimated the number of women who have suffered sexual harassment at 11 percent. As of October the Commission for Protection against Discrimination received one complaint of sexual harassment.

Reproductive Rights: The government generally respected the right of couples and individuals to decide the number, spacing, and timing of their children, manage their reproductive health, and have access to the information and means to do so, free from discrimination, coercion, and violence. Women in poor rural areas and marginalized communities had less access to contraception due to poverty and lack of education. Skilled attendance at childbirth was sometimes less available due to lack of health insurance.

Discrimination: While the law provides women with the same rights as men, including equal pay for equal work, women faced some discrimination in economic participation and political empowerment (see section 7.d.). Women were underrepresented in government; approximately 9 percent of municipal mayors were women. Some Romani communities followed patriarchal traditions that restricted women's participation in public, economic, and social life. The National Council on Equality between Women and Men, headed by the minister of labor and social policy, was responsible for safeguarding the rights of women. Each agency represented on the council had a gender equality coordinator. Primarily a consultative body, the council has responsibility for promoting cooperation and coordination among NGOs and government agencies.

## **Children**

Birth Registration: Citizenship derives from one's parents. The law requires the registration of all births within seven days without discriminating between boys and girls. Authorities did not register children born to asylum seekers, however, until the mother received either refugee or humanitarian status.

Education: Public education is universal and compulsory until the age of 16 and free through the 12th grade, but authorities did not effectively enforce attendance requirements. According to the State Agency for Child Protection (SACP), school dropout rates, at 26 percent, were disproportionately high among the Romani population.

Child Abuse: Violence against children continued to be a problem. According to the SACP, in the first nine months of the year, there was a slight decrease in the number of reported child abuse cases compared with the previous few years. The SACP stated that 53 percent of its inspections resulted from reports of violence, mostly in schools. In March the Education Ministry reported that 80 percent of schools registered at least one case of aggression or violence. According to the Animus Association Foundation, discussion of sexual violence against children remained a social taboo.

In January the Justice Ministry inspected the juvenile correctional facility in Boychinovtsi, where inmates alleged that the guards customarily resorted to violence. Prosecutors opened an investigation into the ministry's report, but terminated it after two months, stating they did not find any proof of violence.

NGOs continued to advocate for closing all juvenile detention centers and reforming the juvenile justice system, which dated back to 1958.

The government funded an NGO-operated 24-hour free helpline that children could call for counseling, information, and support as well as to report abuse. Due to the rising number of calls, the government increased the number of helpline consultants from three to four, which made it possible to answer every second call instead of every third. During the first nine months of the year, helpline counselors received 85,666 calls and carried out 9,477 consultations. Less than 6 percent of the calls concerned cases of violence, which in almost all cases was accompanied by emotional abuse. Between 20 and 25 percent of the callers were adults reaching out on behalf of children. Helpline consultants referred 521 cases of children at risk to the child protection administration. NGOs expressed concern that, in many cases, social workers, guided by conflicting legislation, preferred to send a child out of an abusive home into an institution rather than to remove the abusive parent.

Early and Forced Marriage: The minimum age for marriage is 18. In exceptional cases, a person can enter into marriage at 16 with permission from the regional court. According to the National Statistical Institute, in 2014 there were 393 marriages of girls under 18, or 1.6 percent of the total number, which continued an increasing trend since 2009, when the figure was 0.6 percent. As of July courts sentenced 84 persons for cohabitating with a person less than 14 years of age, which is punishable by law with two to five years in prison. NGOs reported that child marriage was a pervasive problem in Romani communities and resulted in school dropouts, early childbirths, poor parenting, and spreading poverty. Arguing that underage mothers pose a risk of careless parenting, in July the government passed amendments to the Law on Family Allowances for Children, which discontinued allowance payments for minors who become parents. If a minor parent continues to attend school, however, his or her family is entitled to the full amount of the allowance as a lump sum. The National Network for Children criticized authorities for viewing early marriages and resulting early parenthood as an ethnic Romani rather than a gender problem.

Sexual Exploitation of Children: The penal code differentiates between forcing children into prostitution, for which it provides for two to eight years' imprisonment and a fine of 5,000 to 15,000 leva (\$2,700 to \$8,000), and child sex trafficking, for which it provides for three to 10 years' imprisonment and a fine of 10,000 to 20,000 leva (\$5,400 to \$10,900). The legal minimum age for consensual sex is 14. The law prohibits child pornography and provides for up to six years in prison and a fine of up to 8,000 leva (\$4,300) for violations.

Displaced Children: As of November a total of 1,404 unaccompanied minors had sought asylum in the country during the year. There were approximately 150-200 unaccompanied minors at any given time in refugee reception centers. The State Agency for Refugees granted refugee status to 668, while the remaining 700 or more minors left the centers before the authorities could make a determination on their cases, and in some cases even before authorities could register them.

Institutionalized Children: As of October the government operated 73 institutions for children. During the year the government closed 25 institutions, including 10 for parentless children, 13 for children with disabilities, and two for those needing medical and social care, as part of a plan to close all institutions by 2025 and replace them with alternative, community-based care. The majority of the children from those institutions were relocated to family-type centers, and a smaller number were either accommodated in protected housing, reunited with their families, or placed in foster care. More than 1,600 children resided in the newly established centers. As of July the number of institutionalized children declined from more than 12,000 in 2001 to 1,632. According to the State Agency for Child Protection, an estimated 50 percent of institutionalized children were Roma. The Bulgarian Helsinki Committee was concerned that, despite its deinstitutionalization policy, the government continued to place children in institutions.

Most children in government institutions were not orphans; courts institutionalized children when they determined their families were unable to provide them adequate care. The government continued to inspect both institutions and the new centers, uncovering malpractice and mistreatment of the children placed there. For example, in March an inspection of two family-type centers in Narechenski Bani revealed that four staff members had used unacceptable disciplinary methods and engaged in psychological abuse. In February the agency fired the director of the social and medical care institution in Vidin after media reports revealed that a 14-month-old child died there due to neglect.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information see the Department of State's report on compliance at [travel.state.gov/content/childabduction/en/legal/compliance.html](http://travel.state.gov/content/childabduction/en/legal/compliance.html) and country-specific information at [travel.state.gov/content/childabduction/english/country/bulgaria.html](http://travel.state.gov/content/childabduction/english/country/bulgaria.html).

## **Anti-Semitism**

The 2011 census indicated there were 1,130 Jews living in the country. Local Jewish organizations estimated the actual number at 5,000.

Anti-Semitic rhetoric continued to appear regularly on social networking sites and as comments under online media articles. Jewish organizations remained concerned over government inaction and political leaders' passivity in addressing hate crimes, particularly hate speech. They complained that website administrators no longer deleted anti-Semitic comments.

In February the mayor of Sofia declined to approve a rally in honor of a World War II general, Hristo Lukov, known for his anti-Semitic views and pro-Nazi activities. Despite the decision, the Interior Ministry did not prohibit the rally and more than 500 persons gathered and marched briefly in downtown Sofia under tight security provided by police.

In February, Dyanko Markov filed a defamation suit against the editorial staff and oversight council members of the online human rights platform *Marginalia*, which criticized a Bulgarian member of the European Parliament for inviting Markov to a conference and showcasing him as "an unbreakable spirit" that opposed communism. According to the journalists, Markov was a member of the anti-Semitic organization Union of Bulgarian National Legions that supported the deportation of Jews during World War II. The Sofia Regional Court dismissed the lawsuit; as of November Markov was appealing the dismissal in the Sofia City Court.

A Sofia City prosecutor refused to prosecute a case from June 2014, when anti-Semitic graffiti appeared on the information plaque posted on the fence around the Central Synagogue in Sofia. The prosecutor asserted that the perpetrators had exercised their right of opinion with artistic means.

In August soccer fans attacked Israeli players and coaches, injuring some of them, during an exhibition match in Sofia. Some Bulgarian fans reportedly shouted anti-Semitic slogans at Israeli players during the game. Sofia police reportedly believed that the attacks were premeditated.

### **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

## Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, transportation, health care, and provision of other government services. The government did not effectively enforce these provisions. The government focused most of its efforts on providing various small cash benefits and social services in an institutional setting, but lacked sufficient funds to modify infrastructure and implement active policies to improve public awareness. NGOs criticized the government for lack of access for persons with disabilities to information and communications, noting only one newscast was available with sign-language interpretation and that authorities made no information available in Braille. According to the ombudsman, the government did not make enough effort to integrate persons with disabilities into society to allow them to lead independent lives. Societal discrimination against persons with disabilities persisted. The Commission for Protection against Discrimination reported receiving an increased number of complaints of accessibility and employment discrimination.

While the law requires improved access to buildings for persons with disabilities, enforcement lagged in some new public works projects as well as in existing, unrenovated buildings. NGOs asserted that the public transport infrastructure was not adequately accessible, particularly several Sofia metro stations and one renovated Sofia tramline, noting that underground passages that provide access to the platforms did not have elevators and that ramps were too steep.

The law promotes the employment of persons with disabilities, providing employers with subsidies covering 30 to 50 percent of the cost of insurance and the full cost of adjusting and equipping workplaces to accommodate persons with disabilities. There were reports of discrimination in labor and employment against persons with disabilities (see section 7.d.).

The country's infrastructure did not provide persons with disabilities adequate access to education, health care, and community-level social services. Individuals with mental and physical disabilities often were housed in institutions located in remote areas, which separated them from the rest of society, made the hiring of qualified staff difficult, and limited access to medical assistance. The majority of students with special education needs were enrolled in 68 "special schools"; only 3.5 percent attended mainstream schools. Those studying in the special schools received diplomas that higher-level learning establishments did not recognize as

qualifying them for further education. According to Eurostat data, 45 percent of children with disabilities with specific education needs dropped out of school; NGOs blamed the high dropout rate on the school system not providing for their specific education needs. In August the government amended the regulation on education of students with specific needs, introducing “mixed” education combining specifically designed courses and mainstream courses, based on the needs of individual students. The State Agency for Child Protection stated that the prevailing practice of considering child disability a medical issue, the lack of an inclusive social environment, and insufficient support infrastructure encouraged institutionalization.

Despite some incremental improvements, conditions in the country’s 79 institutions for persons with mental, physical, and sensory disabilities remained poor. NGOs criticized the government for not moving toward an inclusive, community-oriented model of education, socialization, and health care for persons with disabilities. They also criticized the deinstitutionalization process, which moved large numbers of children and adults with disabilities from large residential institutions to small group homes but preserved the institutional approach to care.

The law provides specific measures for persons with disabilities to have access to the polls, including mobile ballot boxes. NGOs observing the October municipal elections stated that the lack of accessibility to the buildings used as polling stations--mainly schools and kindergartens--made those specific measures pointless.

The Interagency Council for Integration of Persons with Disabilities was responsible for developing policies to support persons with disabilities. The Ministry of Labor and Social Policy, through its executive agency for persons with disabilities, was responsible for protecting the rights of such persons and worked with government-supported national representative organizations to that end. Some NGOs criticized the model, suggesting that, instead of meeting formalistic criteria such as territorial representation and membership size, the government should tie subsidies to these organizations’ achievement of policy objectives. They remained concerned that incentives prioritize obtaining national representation over effective advocacy and that the lack of transparency regarding financial and other support to the national representative organizations affected those organizations’ independence.

The government continued implementing its two-year (2014-15) action plan designed to introduce measures for improving the quality of life of persons with

disabilities, including improving access to education, employment, social and health services, preventing discrimination, and encouraging their active participation in society.

### **National/Racial/Ethnic Minorities**

According to the 2011 census, there were 325,345 Roma in the country, or less than 5 percent of the population, and 588,318 ethnic Turks, or approximately 9 percent of the population. Observers asserted these figures were inaccurate, since more than 600,000 persons did not answer the census question about their ethnic origin, and officials did not conduct a proper count in most Romani communities but rather made assumptions or failed to include figures for Roma altogether.

Societal discrimination and popular prejudice against Roma and other minority groups remained a problem. The media described Roma and other minority groups using discriminatory, denigrating, and abusive language. Nationalist parties such as Ataka and the Patriotic Front based their political campaigns on strong anti-Roma, anti-Turkish, and anti-Semitic slogans and rhetoric. In December 2014 Patriotic Front coleader Valeri Simeonov made derogatory statements concerning Roma in the National Assembly, calling them “brash, overconfident, and ferocious apes” who “want sickness benefits without being ill, child care for children who wallow with the pigs on the streets, and maternity benefits for women who have the instincts of street bitches.” In a July address before the National Assembly, Krasimir Karakachanov, leader of the Internal Macedonian Revolutionary Organization and coleader of the Patriotic Front, called for measures to reduce birth rates among marginalized communities in the country. As of October law enforcement authorities were still collecting information on hate speech complaints against Varna municipal council member Kostadin Kostadinov and Radio Darik Varna journalist Kalin Rumenov, who blamed Romani inhabitants of the Asparuhovo neighborhood for flooding in June 2014. According to a Gallup International survey conducted in June, pervasive negative attitudes existed towards Roma, especially among those who did not have personal ties with anyone of Romani origin.

The lack of prosecutions of hate crimes remained a problem. In July, five members of the neo-Nazi group Blood and Honor severely beat a 67-year-old man who was walking with his two grandsons in Borissova Gradina, Sofia’s largest park. The man approached the group after they started harassing his 11-year-old grandson, whom they assumed to be a Romani child faking an injury and wearing a false bandage in order to beg. As of October police had accused one suspect of

perpetrating the assault and a court approved his detention until authorities completed their investigation. Human rights NGOs criticized authorities for being unwilling to prosecute the assault as a racially motivated attack, which carries a heavier penalty.

Many Roma continued to live in appalling conditions. According to a 2013 government-commissioned survey, the average Romani home was only 28 square meters (330 square feet), yet 55 percent had more than five occupants and only 4 percent had legally documented ownership. The survey further found that 28 percent had no electricity, 34 percent had no water supply, and 62 percent had no sewer connection.

Several municipalities, including Varna, continued to initiate proceedings to demolish illegally built houses, most occupied by Roma, but in many cases authorities did not provide adequate alternative shelter. For example, following a violent squabble between ethnic Bulgarians and Roma in May in Garmen, ethnic Bulgarian residents held daily protests accusing the Romani residents of pillaging crops and burglarizing homes and demanding the municipality demolish all illegal houses in the marginalized community of Kremikovtsi and expel the residents. As of October local authorities demolished 22 houses and threatened to raze all 124 dwellings there. Many families affected by the demolitions remained without adequate shelter, and Romani leaders alleged the municipality had pressured them to sign documents in which they effectively refused offers of alternative housing. Most of them claimed their families had lived in the neighborhood for generations and possessed official permits issued by the municipality that allowed them to live in their homes and pay property taxes even though they did not conform to municipal building codes. Many human rights organizations condemned the demolitions, accusing authorities of only focusing on Romani dwellings despite the great number of other illegal buildings throughout the country.

Romani children often attended de facto segregated schools where they received inferior education. There were cases of ethnic Bulgarian students departing desegregated schools, thereby resegregating them. In September the National Assembly passed the Preschool and School Education Act, which allows segregated schools, but prohibits segregated classes in multiethnic schools. The act requires that schools develop integration programs targeting students from vulnerable groups to prevent early dropouts and introduces standards for intercultural education.

NGO projects aimed at lowering the dropout rate among Romani students resulted in rates that in most places were less than 1 percent for elementary school students (first to fourth grade). Retaining Romani students beyond the age of 12 remained a challenge for the government, which also lacked effective programs for reintegrating students who had dropped out. According to the Union of Bulgarian Teachers, 49.5 percent of Romani children did not go to school, a figure that includes 28 percent who had never attended school as well as others who had dropped out.

Roma were subject to discrimination in employment and occupation (see section 7.d.).

Access to health services continued to be a problem for Roma. A 2013 government survey estimated 30 percent of Roma had not signed up with a general practitioner (i.e., lacked health insurance), and 79 percent had no access to a dentist. In addition, the quality of medical care given to Roma was very low. The survey further found that two-thirds of Roma did not qualify for social security, which would affect their future retirement and access to health and social services. The National Network of Health Mediators continued to operate as a successful model of partnership with the national and local governments for addressing lack of Romani access to health services. As of October local authorities employed more than 130 health mediators appointed to full-time positions in 72 municipalities to work with high-risk and vulnerable groups.

### **Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity**

The law prohibits discrimination based on sexual orientation and gender identity, but the government did not effectively enforce this prohibition.

While reports of violence against LGBTI persons were rare, societal discrimination, particularly in employment, remained a problem. Most LGBTI persons did not reveal their sexual preferences to their families for fear of losing relationships with their loved ones. NGOs stated it was common for persons suspected of being gay to be fired, and such individuals were reluctant to seek redress in court due to fear of being identified as belonging to the LGBTI community.

In June the Sofia Administrative Court repealed for the second time a Commission for Protection against Discrimination decision that a television program statement

by film director Andrey Slabakov that “homosexuals are more dangerous than smoking” did not constitute discrimination. In April the National Assembly passed an amendment shifting the burden to the alleged discriminating party to prove that he or she did not violate the equal treatment principle.

On June 27, the eighth annual LGBTI pride parade took place in downtown Sofia. As in previous years, the Bulgarian Orthodox Church issued a statement demanding cancellation of the event. The parade attracted approximately 700 participants and occurred largely without incident. While media coverage of the event was largely positive, 90 percent of online readers disapproved of the event. Police provided sufficient security, effectively deterring aggressive behavior by skinheads and others who caused problems in past years. Protestors held an anti-LGBTI event on the same day, which drew approximately 100 demonstrators.

### **HIV and AIDS Societal Stigma**

Persons with HIV/AIDS faced societal stigma and discrimination. There were reports that patients faced inadequate conditions in medical facilities and discrimination from doctors, who refused to provide treatment out of fear of contracting the disease. Patients typically did not contest these incidents in court because of the social stigma attached to having HIV/AIDS. Nearly one-fifth of HIV-positive patients reported hiding their condition in order to receive emergency medical care or avoid transfer to a specialized unit where they might receive inadequate help.

### **Other Societal Violence or Discrimination**

In February and April, residents of Karlovo and Kyustendil, led by their mayors, continued their protests in front of the courthouse in Sofia against Muslim property restitution cases in their cities. In February 2014 a similar but larger group, including soccer fans and extreme nationalist party members, attacked the central mosque in Plovdiv and threw stones and pyrotechnic devices.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The law provides for the right of workers to form and join independent trade unions, bargain collectively, and conduct legal strikes. The law prohibits antiunion discrimination, provides that workers may receive up to six months' salary as

compensation for illegal dismissal, and provides for the right of the employee to demand reinstatement for such dismissal. Workers alleging discrimination based on union affiliation can file complaints with the Commission for Protection against Discrimination, which had received six such complaints as of October.

There are some limitations on these rights. The law prohibits employees of the Ministries of Defense and Interior, the courts, and prosecutorial and investigative authorities (collectively regarded as “judiciary” under the law) from striking. These employees are able to take the government to court to ensure due process in protecting their rights. The law provides for the right of other public service employees to strike, but they can do so only by wearing or displaying protest symbols or signs, without stopping work. The law also affected transport workers’ right to strike by limiting their ability to organize their administrative activities and formulate their programs. Although the law effectively prohibits police from striking, in November police, prison guards, and other security personnel blocked traffic in several cities in protest against planned benefit cuts. Trade unions stated the legal limitations on the right to strike and the lack of criminal liability for employers who delay salary payments are contrary to the constitution. When employers and trade unions reach a collective agreement at the sector level, they must obtain the agreement of the minister of labor to extend it to cover all enterprises in the sector. The law prohibits public servants from engaging in collective bargaining.

Resources, inspections, and remediation efforts were generally adequate. Union leaders, however, stated the government did not effectively enforce the labor law. Penalties for violations of the labor law range from 50 to 200 levs (\$27 to \$109), which unions said was insufficient to deter violations. Union leaders complained that court proceedings for reinstatement of unfairly dismissed workers often took years and that fines of 250 to 2,000 levs (\$135 to \$1,100) in discrimination cases and compensation of up to six months gross remuneration for cases of unlawful dismissal were not strong deterrents to antiunion discrimination, especially for large or highly profitable enterprises. They also claimed the law does not effectively protect against interference by employers in trade union activities.

Authorities generally respected freedom of association and the right to bargain collectively. Trade unions continued to report cases of employer obstruction, harassment, and pressure on employees, including relocation, firing, and demotion of union leaders and members. Labor unions also alleged that some employers failed to bargain in good faith or to adhere to agreements. Union leaders noted those employers who tried to force new employees to sign a declaration

renouncing any union activity discontinued the practice after union leaders published their names. Judicial and administrative procedures were adequate in settling claims. The Confederation of Independent Trade Unions of Bulgaria reported that employers refused to engage in bargaining over wages and delayed concluding collective agreements, leaving workers without agreements for years.

### **b. Prohibition of Forced or Compulsory Labor**

The law prohibits all forms of forced or compulsory labor. The government lacked sufficient resources to cope with the growing number of cases of international labor trafficking, while labor inspectors lacked sufficient training to identify cases of forced labor. In June the EU Agency for Fundamental Rights stated the country's institutions focused exclusively on human trafficking cases and failed to identify and prosecute cases of severe labor exploitation unless it fell under trafficking. The government, through its central and local antitrafficking commissions, held forced labor prevention campaigns and training sessions for law enforcement and volunteers. Penalties for violations range from two to 15 years in prison and were sufficiently stringent to deter violations. Law enforcement officials, however, did not have adequate capacity to investigate forced labor cases, and investigations took a long time. Victims successfully removed from forced labor situations had a high risk of being re trafficked because there were no long-term remediation programs.

There were some reports of families or criminal organizations subjecting children to forced work (see section 7.c.). According to the Agency for Fundamental Rights, "children and adults with disabilities are forced into street begging and petty theft." On July 30, the National Antitrafficking Commission reported 66 cases of trafficking in persons for the purpose of forced labor in the previous year, noting a significant increase in the number of men and boys between the ages of 14 and 18. NGOs claimed government mechanisms for identifying victims among at-risk groups, such as asylum seekers, were not sufficiently robust.

See the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

### **c. Prohibition of Child Labor and Minimum Age for Employment**

The law sets the minimum age for employment at 16 and the minimum age for dangerous work at 18. To employ children under the age of 18, employers must obtain a work permit from the government's General Labor Inspectorate.

Employers can hire children under the age of 16 with special permits for light work that is not risky or harmful to the child's development and does not interfere with the child's education or training. The General Labor Inspectorate was generally effective in inspecting working conditions at all companies seeking and holding child work permits and applying sanctions regarding child labor in the formal sector.

Employment of children without a work permit is a criminal offense punishable by up to six months in prison; however, child labor occurred.

The General Labor Inspectorate reported a 30 percent increase in child employment compared with 2014, mainly due to a slower economy and tightened requirements. As of October the inspectorate granted 2,302 requests to employ children who were 16 or 17 and 86 requests to employ children under 16. In 2014 the inspectorate uncovered 43 cases of illegal child employment and referred them to the prosecution service. The prosecution service refused to prosecute such cases, asserting they were insignificant offenses posing a minor public threat.

The government continued programs to eliminate the worst forms of child labor, mounted educational campaigns, and intervened to protect, withdraw, rehabilitate, and reintegrate children engaged in the worst forms of child labor.

NGOs continued to report the exploitation of children in certain industries (particularly small family-owned shops, textile production, restaurants, construction businesses, and periodical sales) and by organized crime (notably for prostitution, pickpocketing, and the distribution of narcotics). In addition to child sex trafficking, the worst forms of child labor present in the country included heavy physical labor and labor on family tobacco farms, a significant health hazard.

The government continued to report a declining trend in the number of children detained by police for vagrancy and begging. As of October police had identified 1,182 child runaways and vagrants. Many observers believed adults exploited these children. Police placed 210 of the apprehended children in protective custody for up to 24 hours and sent 44 to crisis centers for longer periods. In 2014 police referred to prosecutors four cases of parents suspected of exploiting their children for begging.

#### **d. Discrimination with Respect to Employment and Occupation**

The law prohibits discrimination in employment and occupation with regard to nationality, ethnicity, sex, sexual orientation, race, color, age, social origin, language, political and religious beliefs, membership in trade unions and civil society organizations, family and marital status, and mental or physical disabilities. Although the government effectively enforced these laws in general, discrimination in employment and occupation occurred with respect to gender, disability, and minority status.

The law prohibits overtime work for pregnant women. Persons with disabilities and women with children up to age six may work overtime at the employer's request if they provide written consent. According to Eurostat, the pay gap between women and men declined from 12.6 percent in 2013 to 6.1 percent in 2014.

Workplace discrimination against minorities continued to be a problem. General public mistrust, coupled with their low level of education, made locating work more difficult for Roma.

According to a 2013 government-commissioned survey, the average income in Romani communities was 71 percent lower than the national average, mostly due to high unemployment and prevalence of low-skilled workers. The survey reported that 34 percent of Roma depended on social security, living off social assistance, disability compensation, and pensions. It also found that 18 percent of Roma could not find a job because of their ethnic background. A Romani employee of a First Investment Bank branch complained that the management advised her to hide her ethnic background and refused to offer her a full-time contract.

The law was amended in February to stipulate that the Interior Ministry, DANS, and the State Agency for Technical Operations should allot 1 percent of their public administration positions for persons with disabilities. Enforcement was poor, however, and employers did not feel motivated to hire disabled persons, citing inaccessible public infrastructure, low levels of education, and lack of sufficient funding for modifying workplaces. NGOs criticized the system of evaluating persons with disabilities based on the degree of their lost ability to work, which effectively prohibited many disabled persons who are able to work from having a job. The Commission for Protection against Discrimination reported receiving an increased number of complaints of employment discrimination. According to the Agency for Persons with Disabilities, 10 percent of persons with disabilities earned an income.

### **e. Acceptable Conditions of Work**

The national minimum wage was 380 leva (\$200) per month. In July the Confederation of Independent Trade Unions of Bulgaria issued a report stating more than 34 percent of citizens lived under the poverty line, which it defined as 295 leva (\$160) per month. The government set the official poverty line at 300 leva (\$163).

The law provides for a standard workweek of 40 hours with at least one 24-hour rest period per week. The law prohibits excessive compulsory overtime. The law prohibits overtime work for children under the age of 18. Persons undertaking continuing education may work overtime at the employer's request if they provide written consent. The law stipulates that premium pay for overtime cannot be less than 150 percent of standard pay during workdays, 175 percent during weekends, and 200 percent during 12 official holidays. The law limits the amount of overtime a worker may work to 150 hours per year. In July amendments to the law introduced one-day contracts for unskilled jobs in agriculture. The Confederation of Independent Trade Unions of Bulgaria criticized the law's provision for calculating accumulated working time, noting that it gave employers a way to abuse overtime requirements and thus hire fewer workers.

A national labor safety program, with standards established by law, provides employees the right to healthy and nonhazardous working conditions. Workers can remove themselves from situations that endangered health or safety without jeopardizing their employment, and authorities effectively protected employees in this situation.

The Ministry of Labor and Social Policy is responsible for enforcing both the minimum wage and the standard workweek. The law penalizes labor violations with fines ranging from 1,500 to 15,000 leva (\$800 to \$8,000), which, according to trade unions, failed to act as a deterrent. Besides fines, penalties may include administrative provisions, such as suspending operations and terminating the employment of those responsible for the violation. As of October the General Labor Inspectorate conducted more than 38,000 inspections of companies with a total of 1.4 million employees, identifying close to 170,000 violations and imposing various sanctions, including collecting 6.6 million leva (\$3.6 million) in fines. The inspectorate stated that many employers would replace civil contracts with the required labor contracts, which comply with all of the provisions of the

law for full-time employment, as soon as a planned labor inspection campaign was announced in the media.

The government annually adopts a program for occupational safety and health, which outlines goals and priorities in these areas. The General Labor Inspectorate is responsible for monitoring and enforcing occupational safety and health requirements. In 2014 the government established 28 regional offices of the inspectorate to increase the number of inspectors as well as inspection coverage. As of October there were 349 labor inspectors. Of the inspections conducted by the inspectorate, 46 percent involved violations of safety and health requirements. Enforcement was generally less effective in the state sector than in the private.

Legal protections or government inspections did not cover informal workers in the significant grey-market economy. In September the Confederation of Employers and Industrialists in Bulgaria stated the grey economy comprised more than 30 percent of GDP; in June the Institute for Social Integration estimated it could be as large as 40 percent of GDP.

Conditions in some sectors, particularly destruction and disposal of ammunition, construction, mining, chemicals, and transportation, continued to pose risks for workers. In the first six months of the year, there were 1,425 work-related accidents. The General Labor Inspectorate noted that, due to enhanced inspections, construction-related accidents decreased by 20 percent. Equipment and technology safety violations were the most common causes of occupational accidents.

As of July there were 40 work-related deaths, mainly in the construction sector. For example, in April, four workers without labor contracts died while demolishing a hotel building in Slanchev Den.