

BULGARIAN HELSINKI COMMITTEE

Report of activities January – December 2005

February 2006

Executive summary in English, the full version is available in Bulgarian only.

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Main spheres of activities

The main spheres of activities of the BHC in 2005 were: monitoring of the human rights situation, advocacy, pro bono legal aid, raising awareness of human rights problems, human rights training, specialized researches.

The BHC maintained five programmes:

- Institutional Support Programme,
- Legal Defence Programme,
- Strategic Litigation on Behalf of People with Mental Disabilities Project (joint initiative with MDAC),
- Closed Institutions Programme,
- Refugees' and Migrants Legal Protection Programme,

In addition, the committee worked on several projects and short-term initiatives.

The activities of the BHC were directed to protection of the rights of ethnic minorities, the application of anti-discrimination legislation, refugee and asylum rights, closed institutions, excessive use of force by law enforcement officials, legal defense of people mental disabilities, freedom of speech, access to justice.

Publications

In 2005, the BHC continued the publication of the *Obektiv* magazine as a monthly publication in Bulgarian and English-language digest, in electronic format.

The BHC also published three books (all of them available online on the BHC website) on conditions in closed institutions:

- *About the Investigation Detention Facilities Again,*
- *In the Name of the Institution: Juvenile Reformatory Institutions in Bulgaria,* and
- *Inpatient Psychiatric Care and Human Rights in Bulgaria.*

Overview of activities: Long-term programmes

Institutional Support, Publication of the *Obektiv* Magazine and Maintenance of a Web Site

The programme operates through eight full-time and part-time employees. The Institutional Support Programme coordinates and offers assistance to all BHC activities – programmes, projects, researchers, campaigns, other short-term initiatives. It is involved in fundraising, public events organisation, production of the BHC printed publication, and coordination of the production of the annual human rights report.

The *Obektiv* magazine, issued within the framework of the programme, has been issued for 12 years. It is published as a monthly Bulgarian-language publication and a quarterly digest in English. In 2005 the programme published 8 Bulgarian and 3 English-language issues. Owing to budget constraints, the English digest is published in electronic format only.

The programme staff also carried out investigations of human rights violations. During the year these concerned excessive use of force by law enforcement officials, including resulting in death (e.g. the Angel „Chorata“ Dimitrov case), arbitrary detention, religious intolerance, ethnic clashes.

The BHC gathered a large data base concerning the death in police custody of Angel „Chorata“ Dimitrov and held meetings with the responsible authorities.

BHC researches intervened in the planned demolition of Roma houses in a Sofia neighbourhood.

In 2005 the BHC redesigned its web site and launched a moderated forum for human rights discussions: www.bghelsinki.org.

During the year, BHC staff had numerous media participations, which have always been considered an effective tool for advocacy.

Legal Defense Programme

The Legal Defense Programme offered *pro bono* legal defense and consultations. In 2005 it worked on two projects – the Closed Institutions Project’s Litigation Component, and a one-year project funded by the Open Society Foundation – Sofia on effective legal protection of vulnerable groups. The programme worked with one full-time legal consultant and one part-time project manager, and hired attorneys on a case-by-case basis. Legal consultations were offered to individuals alleging human rights violations who address the BHC with written complaints. The legal consultations were given by the legal consultant and a legal volunteer on the following issues: excessive use of force by law enforcement, officials; human rights violations in the closed institutions; restrictions of freedom of expression; restrictions of the right to profess a religion; restrictions of the right of peaceful assembly; restrictions of the right to a fair trial; unlawful discrimination; and restrictions of the right of a fair trial.

A major component of the torture prevention project was strategic litigation aimed at increasing the effect of monitoring in the closed institutions. The general priorities for *pro bono* legal assistance included: police brutality, particularly torture during detention, use of firearms, illegal use of force by prison guards, legality of police detention (detention during expulsion proceedings is of particular interest), legality of pre-trial detention (excluding excessive length), legality of detention in psychiatric institutions, legality of detention in army disciplinary proceedings. The project filed six applications before the European Court of Human Rights, and several before the domestic courts.

The main activities of the second project included seeking and investigating suitable strategic human rights cases, on the one hand, and litigation efforts on these cases, on the other. The project aimed to addressing severe human rights issues related with some particularly vulnerable groups. The general priorities for *pro bono* legal assistance include a focus on the following target groups: mentally disabled persons; children on remand in boarding schools; women victims of sexual harassment, physical abuse and gender-based discrimination in access to work and work

environment; accused persons in criminal proceedings and parties in civil proceedings who were not granted free legal aid in violation of international standards. The project filed over a dozen cases before the ECHR and domestic courts.

Closed Institutions Programme

In 2005 the Closed Institutions Program entered the final third year of the EC-funded multinational project “Preventing Torture in the Closed Institutions of Central and Eastern Europe”. During the year its focus was on investigation detention facilities, juvenile reform institutions and psychiatric hospitals.

The project concluded visits to almost all 50 investigation detention facilities in the beginning of 2005. For the first time, these visits were carried out with prosecutors, and the BHC researchers could interview inmates.

The BHC researchers also carried out visits to juvenile reform institutions. Reports with established serious violations were sent to the regional prosecutors and the Ministry of Education, which carried out a check to establish the problem. A project researcher had a number of media appearances in connection with the established problems.

The project researchers visited all state psychiatric hospitals and several dispensaries. The BHC Legal Defence Programme undertook several cases for litigation.

In July 2005 a decree drafted by the BHC and the Ministry of Justice on fixation and seclusion was enacted.

The BHC also carried out visits to prisons to monitor the effects of overcrowding.

Lastly, the project was involved in monitoring of social care institutions with a focus on guardianship and reintegration. The BHC held a number of meetings with senior officials at the Social Ministry to present its findings about the grave situation in these institutions. The BHC carried out a joint visit to such an institution with a Member of the European Parliament.

The BHC took part in three fact-finding

monitoring missions in closed institutions in Hungary, Serbia and Poland.

The BHC organised visits by several foreign media in an institution for children with special needs, a special schools and a social care institution.

The programme published three books on closed institutions.

Refugees and Migrants Legal Protection Programme

The BHC Refugees' and Migrants' Legal Protection Programme continued to offer assistance to the country's refugee and asylum seeker community with the main support of the United Nations High Commissioner for Refugees (UNHCR). The program's overall goal is to meet the basic protection needs of 5,000 refugees, asylum seekers and other individuals of concern to the UNHCR in the country.

The main countries of origin were: Afghanistan - 27.56%, Armenia-10.24%, Iran - 9.37%, Nigeria – 8.25%, Algeria - 6.12%, Iraq - 3.07% and from other countries – 35.06%.

The project objective was achieved through provision of legal and integration related counselling, representation and advice to the beneficiaries as well as monitoring, lobbying before all relevant institutions and organizations aiming at the overall goal to promote for the consolidation and development of the structure and capacity of the asylum system in Bulgaria.

The project is administered by a project/network coordinator, legal counsellor, legal consultant, legal assistant, paralegal assistant, interviewer and accountant. Two lawyers in Banya and Svilengrad, worked in the legal network.

In 2005, the refugee protection project was successful, after a series of negotiations with the Border Police, to re-establish the unilaterally discontinued in 2003 access of network lawyers to the border detention centers. This access was even expanded to closed detention centers built at border gates. During the first half of 2005 the project operated this type of monitoring mainly at the border check-points at Kapitan

Andreevo, Novo Selo, and Lubimetz. Based on the agreement with the Border Police in June 2005 the BHC refugee protection unit agreed with the Border Police on the monitoring of the transit hall and airport detention center in Sofia on a weekly basis and 24-hour advance notification.

The refugee unit also monitored the main detention centre for illegal immigrants - the Druzhba Detention Center in Sofia. The monitoring was based on an agreement with National Service Police of the Interior Ministry (administering the detention premises) and the Migration Directorate of the Interior Ministry.

The other services provided by the refugee protection unit included counseling to all asylum seekers, representation during interviews in the above mentioned cases as well as all types of legal intervention related to protection of their rights pending determination, (e.g. documentation, accommodation, social and financial support, emergency medical aid, etc.). Counseling was provided on a daily basis in the sub-project's office, in the legal advice center, operating in the Reception and Accommodation Center (RAC) at the premises of the Refugee Agency in Sofia and weekly in the RAC in Banya. Mandatory representation of separated children was officially agreed with the asylum authority in 2003 and since then the sub-project represented every asylum-seeking child during the RSD following a request made by the Refugee Agency. This arrangement was the first step towards an initiation of a state-sponsored legal aid in the national asylum system.

Apart from the activities under the UNHCR project, the Refugee Protection Program worked on several initiatives in the framework of the Bulgarian Refugee Council, the Swiss Federal Refugee Office, the EUREQUALITY Project, and the Separated Children in Europe Programme.

Mental Health Advocacy Project **Jointly with MDAC, Budapest**

This is one of the newest projects of the BHC. It is implemented by virtue of a memorandum of understanding between the BHC and the Mental Disability Advocacy Center – Budapest. The activities are carried out by a Legal Monitor.

The project is active in the sphere of *pro bono* litigation and advocacy on behalf of people with mental disabilities.

The project monitor involved in meetings with potential clients, fact-finding visits to four psychiatric hospitals and three visits to social care homes for persons with mental disabilities (two of these to the Pastra Social Care Home, which is one of the worst institutions year-round for people with mental disabilities) and wrote a report on re-integration in the social care home in Pastra. The monitor collected information on the right to education for persons with mental disabilities.

In connection with investigation into the merits of potential cases, the Legal Monitor was also involved in tracing clients or clients' relatives, checks into documentation for several cases at prosecutor's offices and courts. Other activities included filing complaints to different state institutions: Prosecutors Office – Radnevo; Central Electoral Commission and the District Electoral Commission – Stara Zagora; complaints against court decisions; complaints on refusals to initiate guardianship proceedings; complaints on death cases; a complaint on a resolution upholding a refusal to initiate guardianship proceedings; and a request to allow evidence.

The Legal Monitor filed a number of applications before the European Court of Human Rights in the spheres of right to life (mainly death cases in psychiatric institutions and social care institutions in suspicious circumstances), unlawful detention, involuntary treatment in a psychiatric institution, lifting of guardianship, voting rights, right to education.

Overview of activities: Projects and short-term activities

Assessment of the NGO projects for desegregation of Roma education

The project was a follow-up to a 2002 BHC site assessment project of the desegregation projects in Bulgaria. It was implemented with the support of the OSI Roma Participation Program.

The 2005 project included, apart from an overview of all functioning desegregation projects, two new elements – a nationwide testing of the academic achievements of children from desegregation projects v. segregated schools, and a study of the public attitudes to desegregation through an empirical sociological research of the attitudes, opinions and evaluations of the Bulgarians on interethnic issues and desegregation in particular.

The testing had the goal of comparing the academic achievements of the children attending integrated schools in the framework of the desegregation projects with those of the children studying in segregated schools. According to the testing, the academic achievements of the Roma children studying in integrated schools in each one of the examined cities is higher than that of the Roma school children studying in from segregated schools (with an average of 0.70 points on a six-point marking system).

The second phase of the project included a sociological survey that the BHC conducted with the assistance of BBSS Gallup on the eve of the parliamentary elections.¹ A total of 1,112 people were questioned about their opinions on and attitudes on a wide range of issues with a focus on the status of interethnic attitudes, stereotypes and social distances, as well as their attitudes towards religion, religious rights and religious pluralism. A brief analysis of the sociological survey was published in *Obektiv*, issue 122 (issue 123 in English), and reprinted in the mainstream Bulgarian daily *Sega*.²

The project findings were published in January 2006 in the report, *Five Years Later: An Evaluation of the NGO Desegregation Projects*, in Bulgarian. The English version of the report was published by the Open Society Institute Roma Participation Program.

¹ "Interethnic Attitudes, Social Distances, and Value Orientations. Nationwide Representative Survey of Bulgarians Aged 18-70", conducted by BBSS Gallup by request of the BHC.

² "Our Society is Ill from Racism", Emil Cohen, *Obektiv*, June 2005.

Research of transparency in the relationships between PR and the media

The project was launched in September 2005 with the support of the Democracy Commission at the US Embassy in Sofia. The project activities involved carrying out a research into the corruption practices in the relationships between the PR agencies and the media. The BHC launched the project to study the corruption practices in the media connected with payment in cash or other benefits for writing and publishing materials, and for publishing materials not because of their news-value, but because of payment in cash – a practice, which disrupts the balance of public trust in the media as an objective source of information by substituting public interests with private. The corruption in the media seriously undermines the fundamental right of the citizens to access to objective information on the basis of which they can form an informed opinion and take part in the decision-making affecting their lives.

The BHC formed a team of media experts from the Bulgarian Media Coalition and the School of Journalism at Sofia University. It organized several focus groups to map the problem. One of the focus groups was organized with representatives of the major PR agencies in the country, and the other – with journalists – specialists from the “Media and Advertising” departments of their respective media, anchors and commentators.

In September–December 2005, the BHC started the field work activities. A team of six researchers made in-depth interviews with the management of PR agencies, newspapers, televisions and radios. The planned strategy included making interviews with senior executives in PR agencies, newspapers, television channels.

In January 2006, the BHC organized a third focus group structured in two sub-groups – PR agencies and media. The main tendencies of the enormous body of empirical data (over 800 pages interviews with 126 journalists and 12 PR agencies) were discussed. The data gathered so far reveals wide-spread corruption practices in

the relationships of PR agencies and the media.

At present, a team of media experts analysts are analyzing the materials and writing the book on the project, *Reformulating Publicity*. The book is due to be published in April 2006. In July it will be officially launched at the Annual Meeting of the Bulgarian Media Coalition.

Research of the rights of migrants from a human rights perspective

The project for research of the rights of migrants from a human rights perspective in Bulgaria was launched in the beginning of 2005 with the support of the Open Society Institute Internship Initiative. The BHC hosts an intern researcher of the OSI in its offices.

The project has two components – a legal and a sociological. Under the legal component, the intern is carrying out a overview of the international migrant law in order to set the main parameters of protection of the rights of migrants, as well as a parallel analysis of Bulgarian legislation and its degree of harmonization with international human rights standards. The second component is connected with the carrying out a sociological survey on the practical functioning of this legislation and the institutional practices on it through the eyes of the main stakeholders in the migration process – migrants, state and consular officials, and NGOs.

In the first months of project operation, the project researcher and the project supervisor prepared the research methodology; identified the relevant national and international legislation and drew up the matrix of the questionnaire for the sociological survey of the migrants, following the structure of the UN Convention for the Protection of the Rights of Working Migrants and Members of Their Families. Parallel to this, the project researcher carried out monitoring of refugee and migrant cases before the domestic courts.

In January 2006, the first part of the target group was interviewed – a group of inmates foreign nationals at the Sofia Central Prison. Work is underway to carry out the interviews with the other respondents. The actual research activity on the legal side of

the project will begin in April 2006 and will be carried out parallel to the sociological survey. The project will finish at the end of September with the writing of a report on migrant rights in Bulgaria.

Specialised researches

During the project period, the European Roma Rights Center commissioned the BHC to write two researches:

The Government Policies Toward Roma Employment in Bulgaria

The research project was carried out in the framework of a Central European study. In Bulgaria, the research was done in the period July – August 2005. The study was implemented by a team of interviewers and a project coordinator. The interviewers were specially selected to be of Roma origin and to have a good working knowledge of the Romani language.

During the first stage, the project team gathered data through taking interviews with Roma and with employers using a special questionnaire. The second stage involved data analysis and writing of the final research report. In the research phase a total of 90 interviews were made – 80 interviews with Roma and 10 interviews with employers. According to the agreement with the ERRC the places for carrying out the interviews were selected as follows: the capital Sofia, one large city – Burgas (port on the Black Sea coast, where the biggest factory in Bulgaria – the Lukoil refinery is situated), one small city – Strelcha and one village – Rudnik, situated close to Burgas. In Sofia and in Burgas the interviews were taken in the respective Roma neighborhoods – Fakulteta and Meden Rudnik.

In the cities of Sofia and Burgas the total unemployment rate is less than the average rate for the country in general. On the other hand, the village of Rudnik is a typical example for industrial and agricultural area that have decreasing their production after the democratic changes and the situation in Strelcha is similar. The distribution of the interviews is as follows: 30 were taken in Sofia, 15 in Burgas, 20 in the

village of Rudnik and 15 in Strelcha. The interviews with the employers were taken in Sofia. The municipal cleaning enterprise “Chistota” refused to give the BHC data about their Roma workers because “the information is classified”. Therefore, the team was forced to replace them with other, much smaller employers.

Research “The State Policy Affecting Roma in Bulgaria”

The research involves an analysis of the state policies affecting Roma in Bulgaria (with a focus on discrimination in the system of the criminal justice system, an analysis of the policies and laws that have a negative influence on the Roma – defendants or victims of crimes).

Roma in SE Europe Project Jointly with the Amalipe Centre, Veliko Tarnovo

The joint project between the BHC and the Amalipe Center for Interethnic Dialogue was launched in January 2005. The lead applicant Amalipe implemented the project, with some activities delegated to the BHC.

In April-May 2005, the BHC was engaged with the preparation of a conference entitled “What the political parties represented in parliament are proposing for the solution of the problems of the Roma in the 40th National Assembly” to be held on 21 May 2005. The conference was attended by some 50 representatives of the Roma community from across the country and Sofia, NGOs dealing with Roma issues, representatives of the biggest then-opposition party, the Bulgarian Socialist Party (and Coalition for Bulgaria), and the Movement for Rights and Freedoms, and the New Time Party.

The conference goal was for the parties running in the June parliamentary elections to share their intentions regarding the politics to solving the problems of the Roma through the mandate of the 40th National Assembly. The parties were invited to sign a Code for an Ethic Political Campaign in a Multiethnic Environment, thus undertaking to refrain from using anti-Roma discourse and Roma vote-buying.

Capacity-building civil society dealing with anti-discrimination

The project was implemented in March - June 2005 with the support of the European Commission through the lead organization Human European Consultancy and 13 local partners. Its goal was to improve the informedness of NGOs about the policies in the spheres of fighting discrimination and the role of civil society in this process.

In March 2005, the BHC carried out a mapping of civil society dealing with anti-discrimination in the country and drew up a stakeholder/needs analysis. On the basis of this information the BHC organized a national seminar for 50+ Bulgarian NGO activists dealing with anti-discrimination. The seminar focused on the role of NGOs in combating discrimination based on race/ethnicity, age, disability, religion/belief, and sexual orientation. Its aim was to develop the capacity of Bulgarian civil society to combat discrimination. The seminar's program, which was developed by an international team, encompasses the concepts of discrimination, awareness raising, dialogue with the government, victim support, and litigation in the context of national legislation and policies.

The national seminar "The Role of NGOs in Combating Discrimination on the Grounds of Race, Ethnic Origin, Age, Sexual Orientation, Religion and Disability" was held on June 6-7, 2005 in Sofia. The trainers came from the BHC and from NGOs involved with Roma rights, disability and gay and lesbian rights. The participants came from NGOs, and from government bodies and from the newly-established anti-discrimination commission.

The BHC translated a 60-page training manual, and prepared additional materials (copies of domestic court decisions on anti-discrimination cases, international case law and legal texts) for the participants. The BHC provided the necessary personnel for the proper performance of the contract and assumed technical responsibility and supervision of the organisation of the event. It was responsible for selecting the training venue and all practicalities connected with the organization.

Financial report

In 2005 the BHC implemented its projects with the support of foreign donors. The major donors of the BHC are the Open Society Institute, the European Commission, the UNHCR. Among the other BHC donors are: the European Roma Rights Centre, the Open Society Institute – Sofia, the Mental Disability Advocacy Centre, the Swiss Federal Refugee Service.

The share of financing of all donors is given in detail in the financial report for 2005 below:

FINANCIAL REPORT – BHC
The report covers the period 01.01.2005 – 31.12.2005

I. INCOME

A. Received financing in 2005

Donor	Project name	Amount	
Open Society Institute – Budapest	Institutional Support BHC	97 112,00	USD
	Assessment of the NGO Desegregation Projects	24 360,00	USD
	OSI Internship Initiative	16 325,00	USD
European Roma Rights Centre	Strategic Litigation Against Racial Discrimination	11 115,00	USD
	Influence on the State Employment Policies on the Roma	3 000,00	Euro
	Research on the State Policies on Roma	1 800,00	USD
European Commission	Preventing Torture in the Closed Institutions of CEE	279 038,00	Euro
MDAC	Mental Health Advocacy	6 500,00	Euro
Amalipe Centre	The Roma in SE Europe Project	22 068,00	BGN
Democracy Commission	Research of the Relationships Between the PR and the Media	8 095,00	USD
Human European Consultancy	Capacity Building Civil Society Dealing with Anti-Discrimination	12 904,66	Euro
UNHCR	Refugees and Migrants Legal Protection Programme	171 616,00	BGN
Matra KAP Programme	Shadow Report on the UN CRC	14 134,00	BGN
Swiss Embassy	Investigation of cases of Bulgarian asylum seekers in Switzerland	600,00	BGN
Conference on Resettlement of Refugees	Participation in conference	254,36	EUR
UNITED – European Youth Conference	Participation in conference	1 332,98	EUR
Private donation, Svetlana Kostadinova	Donation for social care institutions	407,74	Euro
Miscellaneous		779,45	BGN
Interest		1 272,29	BGN
		88,59	Euro
		69,79	USD
Total income in 2005	in USD	158 876,79	251 406,63
	in Euro	303 526,33	593 645,90
Total approximately in BGN (right-hand column)	in BGN	210 469,74	1 055 522,27

B. Amounts remaining as 31.12.2005	in USD	65 594,11
	in Euro	72 033,94
	in BGN	67 974,80

II. EXPENDITURE

1. Maintenance office, staff salaries, short-term consultancy contracts	
Subtotal:	471 706,84
2. Publications	
Obektiv magazine	13 705,60
Books	6 583,68
Subtotal:	20 289,28
3. Seminars and conferences	
Subtotal:	19 022,98
4. Other expenditures	
ECRE membership fee	306,90
Bulgarian Media Coalition membership fee	480,00
Financing of BHC partners in European Commission project, Preventing Torture in the Closed Institutions of Central and Eastern Europe	390 632,10
International travel	3 952,58
Donations for Todor Penev from Mihaltzi Childcare Institution	2 671,91
BHC office repairs	936,37
Returned interest under UNHCR project	8,99
Bank commissions	
- in USD	295,83
- in Euro	319,98
- in BGN	868,41

TOTAL EXPENDITURE FOR 2005

in BGN	910 876,36
in USD	295,83
in Euro	319,98