Activity Report
January – December 2006
February 2007
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Main spheres of activities

The main spheres of activities which the BHC was active in in 2006 were: monitoring the human rights situation in the country and advocacy in a number of priority spheres, pro bono legal assistance to victims of human rights violations; raising public awareness on human rights problems. In 2006 the BHC organised a number of training seminars targeted at building the capacity and sustainability of Bulgarian human rights NGOs. It also performed a number of specialised human rights researches.

The BHC implemented its activities in the framework of four permanent programmes, three specialised long-term projects and several other smaller projects:

- Institutional Support Programme,
- Legal Defence Programme,
- Strategic Anti-Discrimination Project (joint initiative with the ERRC up to May 2006),
- Strategic Litigation on Behalf of People with Mental Disabilities Project (joint initiative with MDAC),
- Closed Institutions Programme,
- Refugees’ and Migrants Legal Protection Programme,
- Project for Development of Policies for Alternative Care for People with Mental Problems (initiative of the OSI Mental Health Initiative hosted at the BHC).

In addition, the BHC also carried out several short-term projects and initiatives, described below under the respective heading.

In 2006 the BHC continued work on initiatives started in 2005:

- The Roma in SE Europe Project, jointly with the Amalipe Center, concluded in February 2006. The project concluded with the production of a report on the implementation of the project PHARE BG 0104.01 "Roma Integration Project".
- Research of the Transparency in the Relationships Between the PR and the Media, concluded in April 2006 with the publication of the book Reformulating Publicity.
- Research on the Rights of Migrants in Bulgaria from a Human Rights Perspective, the project finished in November 2006 with the publication of a report in Bulgarian and English.
- In 2006 the Swiss Federal Refugee Service engaged the Refugee’s and Migrants Protection Unit to conduct legal analyses and information on cases of Bulgarian asylum seekers in Switzerland.

During the year the BHC launched a number of new projects:

- Project for writing a shadow report on the state report on the implementation of the obligations of Bulgaria under the Convention on the rights of the child;
- Project for enhancing the capacity and sustainability of Bulgarian human rights organisations, which included organising four training seminars for 15 domestic human rights NGOs;
- Follow-up project for carrying out an assessment of the NGO Roma education desegregation projects;
- Project for study of court practices on drug-related cases and monitoring the effect of the Penal Code amendments penalising the 'single drug dose';
- BHC researchers were engaged to carry out two specialised researches for the European Roma Rights Centre on Roma integration policies and access of Roma to healthcare;
- Project for development of policies for alternative care of people with mental disabilities, the activities are implemented together with the OSI Mental Health Initiative (MHI).
Partnerships

In 2006 the BHC implemented its activities and collaborated with dozens of domestic, foreign and international NGOs: the Bulgarian Media Coalition, the Sofia and Budapest Open Society Institute, the Amalipe Centre, the IGA Crime Prevention Fund, the European Roma Rights Centre (ERRC), the Mental Disability Advocacy Centre (MDAC), the International Helsinki Federation for Human Rights and domestic Helsinki committees, the Swiss Federal Refugee Service, the Save the Children Alliance, the United Nations High Commissioner for Refugees, the Bulgarian Red Cross; Caritas Bulgaria, the Bulgarian Refugee Council, B'nei B'rith, the European Network Against Racism.

By virtue of agreements with the Ministry of Labour and Social Policy, the Interior Ministry, the Ministry of Justice, the Ministry of Health and the Ministry of Education and Science in 2006 had continued access to closed institutions, to juvenile reform schools and psychiatric hospitals and dispensaries.

In 2006, the court hearings on the lawsuit brought in by the Citizens Against Hatred Coalition continued. The coalition was initiated and formed by the BHC as an act of protest against the anti-minority public hate speech of the leader of the Ataka party, Volen Siderov. The coalition consists of 66 NGOs active in number of spheres, and individuals of minority background. The BHC staff attorney Margarita Ilieva represents the coalition before the courts. More information about the coalition is available online at: http://coalicia.hit.bg.

The Programme for Refugees and Migrants continued to represent the BHC in the Bulgarian Refugee Council, a partnership together with the Bulgarian Red Cross and the Caritas Bulgaria Federation. The Programme is also national coordinator of the Separated Children in Europe Programme, an initiative of the Save the Children Alliance.

In 2006 the BHC continued its collaboration with the Bulgarian Media Coalition to offer support to journalists facing defamation charges. It was an active proponent of the initiative to open the archives of the former State Security and supported the initiative Clean Voices, aimed at encouraging journalists to disclose their files kept by the former State Security.

At the end of 2006, the ERRC commissioned the BHC to host a project at its office. The project was focused on the political and legal preparation for reform of the educational system in order to encourage equal educational opportunities for all children in Bulgaria. In 2006 the BHC Legal Defence Programme extended its collaboration with the London-based Interights NGO. The two organisations worked together on three collective complaints on the rights of inmates to be submitted before the European Committee of Social Rights. On 16-19 November 2006 the BHC was host to the IHF General Assembly in Sofia. One of the focuses of the meeting this year was the use of torture by some states for obtaining information from detained individuals and the war on terror as an excuse for violations of this right. The GA discussed human rights in the OSCE region, with a focus on Central Asia, Russia, Chechnya and Belarus.

At an official ceremony the IHF presented its Annual Award on Human Rights to the famous Russian human rights lawyer, Karina Moskalenko.

Publications

In 2006 the BHC continued to issue the monthly magazine Obektiv. It was also issued as a quarterly publication in English. During the year the BHC published nine Bulgarian editions and two English-language digests.

The BHC published two books in 2006, both of which are available online:

* Five Years Later: Non-governmental projects for desegregation of Roma education in Bulgaria, issued in January 2006. This is the second BHC publication commissioned by the OSI Roma Participation Programme, which makes an assessment of the functioning NGO desegregation projects. The report analyses the main achievements and deficits of the official policy of desegregation of Roma education in
Bulgaria in 2002-2005, analyses the results of the national testing of the educational achievements of children in Roma and non-Roma schools, and makes an assessment of the results of the study of inter-ethnic attitudes and attitudes to desegregation. It also makes an overview of acting desegregation projects.

* Reformulating Publicity: research on transparency in the relationships between PR agencies and the media, issued in July 2006. The book publishes the findings of the project of the same name. The project’s goal was to study corruption practices in the relationships between the PR agencies and the media.

Overview of BHC activities in 2006:

Long-term programmes

Institutional Support and Media Advocacy Programme

The programme operates through eight staff members: Krassimir Kanev, chair, Desislava Simeonova, administrative director, Gergana Ermenkova and Asya Grudova, accountants, Vyara Ivanova and Ivelina Masheva, part-time technical assistants. The Obektiv magazine is produced by Yuliana Metodieva, editor-in-chief, Yana Domuschieva, editor, and Emil Cohen, special correspondent.

The Institutional Support Project 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 13 years. It is published as a monthly Bulgarian-language publication and a quarterly digest in English.

A number of investigations of human rights violations were carried out as a result of reports received at the BHC. BHC researchers carried out fact-finding visits to investigate cases of pogroms on mosques and Roma neighbourhoods, restrictions of freedom of association, cases of employment discrimination of ethnic minorities.

The BHC also took part in the drafting of a declaration of the European Parliament for the protection of the people of Bulgarian from neo-totalitarianism. The declaration was introduced in the European Parliament in June and managed to gather 115 signatures from MEPs.


The BHC website forum was stopped at the end of the year. The reason was the highly offensive posts and hate speech during the last months in the forum.

During the year the BHC took part in many media events which are at effective way to popularise the committee activities. There were dozens of participations on national TV channels and cable TV networks. The BHC researchers working on child rights supplied information to The Sunday Times and assisted the Sky News channel in filming a documentary on ten Bulgarian child care homes. In September a BHC researcher started giving consultations to a TV crew for the filming of a documentary on the life of children with mental

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4 [http://www.timesonline.co.uk/newspaper/0,.1762136163.00.html](http://www.timesonline.co.uk/newspaper/0,.1762136163.00.html)
disabilities in institutions, to be broadcast by the BBC in August 2007.

Legal Defense Programme

In 2006 the LDP employed five staff attorneys and two paralegals who worked on three specialised projects. Thanks to a generous grant from the Leon Levy Foundation, the LDP set up a Paid Internship Programme for law graduates.

The programme was engaged in representation before the domestic courts and the European Court of Human Rights (ECHR). As at 31 January 2007 the LDP was offering representation in 27 cases before the ECHR in spheres like illegal detention, fair trial, police brutality, freedom of association, religious discrimination, prison conditions, deportations and others.


Under the project for torture prevention in the closed institutions of Central and Eastern Europe, the LDP offered legal defense in four cases:

- Gencho Genchev v. Bulgaria, concerning unlawful detention in a mental health dispensary.

Under the project for offering legal assistance to victims of racially motivated violence, hate speech and discrimination, financed by the Open Society Institute - Sofia, the LDP engaged in pro bono legal assistance before the national authorities in seven cases. They concern skinhead attacks over coloured foreigners, mass police assaults over Roma neighbourhood, attacks induced by racial hatred, refusal of alternative to military service to conscientious objectors, hate speech by public officials.

With the assistance of the Leon Levy Foundation grant, the LDP brought in a number of other lawsuits addressing various other human rights concerns: failure to provide medical care to cancer patients, discrimination on account of a cancer disease, police brutality, death in police custody in suspicious circumstances.

The LDP staff also engaged in legal consultations to individuals alleging human rights violations.

The LDP maintained an anti-discrimination project. In January 2005 the programme filed a law suit for harassment and incitement to discrimination against the politician Volen Siderov on behalf of the Citizens Against Hatred Coalition. The court split the cases in eight different lawsuits. By the end of the year the court had ruled on two of the eight cases. One of the court decisions convicted Siderov for his anti-minority rhetoric. The second one ruled in his favour. The other cases are pending before the district court.

During the year the anti-discrimination project submitted a number of position on various laws presenting human rights concerns and processes within different institution, including before the ECHR, the European Parliament, the ODIHR. The project also took part in a working group which drafted an action plan for combating discrimination.

The project was also involved in litigation. In August it filed an application before the ECHR on behalf of 23 people on account of forced eviction from their homes. It also provided legal assistance in 19 cases before the domestic courts. The more important of these that were won were against the Bulgarian Academy of Sciences and the Prosecutor’s Office.

The work of the LDP in 2006 was carried out by Yonko Grozev, Svilen Ovcharov, Margarita Ilieva, Polina Russanova, Yordanka Bekirska, Daniela Fartunova, and the volunteers Kristina Vasilkovska, Varka Kalaidjieva and Georgi Voinov.
**Closed Institutions Programme**

In 2006 the Closed Institutions Programme worked on two consecutive projects. Under the first one, Preventing Torture in the Closed Institutions of Central and Eastern Europe, funded by the European Commission, the programme was engaged in monitoring prisons, pre-trial detention centres, social care homes. The project was carried out until April 2006.

In January-April 2006 the project team carried out visits to prisons and prison hostels for monitoring prison conditions, interviews with inmates. A study was carried out of use of police force during detention. A special focus of monitoring was on the effects of overcrowding on prison life.

The project team also visited eight investigation detention centres across the country. Some of the centres were located underground and have no facilities for outdoor stay. Researchers also carried out a number of visits to social care homes for individuals with mental disabilities in order to update the information on these institutions for a forthcoming meeting with a CPT delegation.

The project findings were published in English, Human Rights in Bulgaria’s Closed Institutions (available online at [http://www.bghelsinki.org/index.php?module=resources&lg=en&id=418](http://www.bghelsinki.org/index.php?module=resources&lg=en&id=418)).

The project concluded with the organisation of the final conference on the project.

In May-October the project researchers took part in a research on child rights and visited different social care institutions for children and juvenile reformatory institutions.

The second project implemented by the project staff started in August 2006 and was included a study of court practices on cases related to drugs and a monitoring of the effects of the Penal Code amendments criminalising the single drug dose. The project was funded by the Judicial Strengthening Initiative. The project's main goal was to analyse the effectiveness of the activities of the law enforcement bodies in fighting drug crimes.

The staff of the programme in 2006 included Slavka Kukova, Stanimir Petrov, Daniela Fartunova and Dr. Georgi Bankov.

**Refugees and Migrants Legal Protection Programme**

In 2006 the programme offered legal assistance to refugees, asylum seekers and other persons of concern to the UNHCR. It offered legal consultations and representation before the State Agency for Refugees and the courts, carried out monitoring in the places for police detention, border monitoring, lobbied the relevant state authorities and organisations for needed practice changes.

The programme works through nine people permanent staff, 5 of which attorneys, and a national legal network across the country.

The programme engaged in legal assistance through consultations and representation. The goal was to set adequate legal standards for a fair administrative and judicial procedure for granting status. The legal representation was offered in administrative and procedural representation through access to registration at the State Agency for Refugees, interviews and consultations, appeals, gathering of information on the country of origin, legal defense before the Supreme Administrative Court, representation before other state authorities, legal consultations on refugee-related matters.

The programme offered representation in 3546 cases to 2548 beneficiaries, of which asylum seekers - 588, recognized refugees – 156, people with humanitarian status – 72, applicants – 931, turned down asylum seekers – 183, 29 separated children, migrants – 541 and 7 voluntary repatriates. The main countries of origin of the refugees are Afghanistan – 46.3%, Iraq – 11%, Armenia – 11%, Iran – 5%, Russia – 3%, Nigeria – 3%, the Lebanon – 3% and other countries – 18%.

In 2006 the programme filed 620 cases before the domestic courts. Our lawyers represented 78 lawsuits in court, of which 39 in accelerated procedure, 27 lawsuits at first instance, and 12 at second. Eight cases were won, three of which can be considered court precedents.

By virtue of an agreement with the State Agency for Refugees (SAR), the BHC operates Reception Centres for Legal Aid at the SAR and the Banya Reception Centre. Programme lawyers offer pro bono legal aid to the refugees and migrants. Unaccompanied minors are a
special category and they are always appointed lawyers. The total number of consultations given in the reception centre in 2006 was 675.

The programme also engaged in border monitoring by virtue of an agreement with the Border Police Directorate. The programme carries out regular weekly monitoring at the main points of entry in Bulgaria – Kapitan Andreevo, Novo selo, Malko Tarnovo, Lubimets, and Lesovo. As a result of the monitoring and consultations, 101 asylum seekers received access to protection and refugee status determination procedure.

The programme assisted the Bulgarian Red Cross with legal consultations in the sphere of the social rights of refugees and individuals with humanitarian status. Similar cooperation was established with Caritas Bulgaria. The programme also rendered assistance to the organisations of refugees and migrants, e.g. the Council of Women Refugees, the Ethiopian Association, the Afghan Cultural Association, and the ACET Centre for assistance of torture victims.

In the beginning of 2006 the State Agency for Refugees initiated amendments to the Refugee Act. The programme took part in the consultative process and proposed a number of new provisions aiming to transpose in domestic legislation the European Directives relating to asylum Dublin II, Eurodak and the Directives regarding the procedure for granting status, among others. The programme presented a critical position on the proposed restrictive amendments and some of them were later repealed.

The programme also engaged in a number of auxiliary activities with the Bulgarian Refugee Council, the Swiss Federal Refugee Service, the Separated in Europe Programme, and in the EUREQUALITY Project.

The programme is directed by Iliana Savova, the staff members include Atanas Dolapchiev, Antoine Makitou, Antoaneta Sabeva, Valentina Nielsen, Georgi Toshev, Elitsa Sekulova, Maisun Shabaan, Mariana Andreeva and Mariana Stoyanova.

**Mental Health Litigation Project**

The project has been implemented jointly with the Mental Disability Advocacy Centre, Budapest, since June 2005. It was launched to address the problems established by the BHC in the system of mental health care. The project is engaged in pro bono legal advocacy domestically and before the European Court of Human Rights.

The project is implemented by a legal consultant, three part-time legal assistants and a social worker. The consultant identifies and undertakes cases for litigation in the sphere of right to life, inhuman and degrading treatment and punishment, detention, right to personal life, guardianship, quality of healthcare, right to education. A new focus in 2006 was the situation of children in institutions and the right to education.

The project participated in a working group at the Ministry of Education for drafting a decree of education of children with special educational needs.

From the 14 lawsuits filed in 2005, in 2006 three concluded before the domestic courts and were appealed under the State Responsibility and Damages Act. In connection with four other judgements, which are final, the project filed applications before the European Court of Human Rights.

The main types of cases undertaken by the project are as follows:

- Death cases: the consultant has undertaken litigation in three cases addressing issues connected to right to life (deaths of three in psychiatric hospitals/social care institution);
- Unlawful detention in psychiatric institutions;
- Involuntary treatment in psychiatric institutions;
- Guardianship cases: the project consultant filed a large number of cases for lifting guardianship of clients;
- Voting rights.

The project is implemented by Aneta Mircheva, project consultant, and Asya Tonik, social worker.
Projects and short-term initiatives

Research of the rights of migrants in Bulgaria

The project was launched in late 2005 with the support of the Open Society Institute Internship Initiative. The migrants’ rights research focused on the situation of migrants in Bulgaria. In March-April 2006 the intern researcher expanding the standardized questionnaire developed for a quantitative survey of the group. A number of meetings were held with representatives of BBSS Gallup in order to devise the sample and methodology for the quantitative survey to be conducted in cooperation with Gallup International-Bulgaria among 385 members of various migrant communities in Bulgaria.

In May, the intern researcher monitored several hearings at the Sofia Central Prison of cases filed by foreign prisoners before the Anti-Discrimination Commission. The intern also spent two weeks at the BHC Refugee Office interviewing refugees and persons with humanitarian status, and obtained the contact details of several migrant organizations. These initial interviews helped refine the qualitative survey methodology. The modified, less standardized interview methodology fostered the establishment of a relationship of trust and a more balanced power dynamic between the researcher and her respondents, and made the identification of issues previously absent from the original research agenda considerably easier.

From June through early August, the OSI intern researcher worked in cooperation with a PILI legal intern based at the BHC office, with whose assistance she compiled a database of all migrant cases heard by the European Court of Human Rights in Strasbourg between 1999-2005. By the end of August, the intern researcher had conducted interviews with community leaders and representatives of most major migrant groups in Bulgaria, including the following migrant organizations: Council of Refugee Women, Kurdish Information Centre and the Palestinian Association in Bulgaria. Subsequently, the intern also interviewed representatives of the Afghan Association, Ethiopian Association and the Arab-Bulgarian bilingual magazine Manya, as well as the migrant service project coordinators at the BHC Refugee Office, Bulgarian Red Cross, Association for Integration of Refugees and Migrants and Caritas-Bulgaria.

The migrant rights project was implemented by Milena Panayotova.

Research of transparency in the relationships between the media and PR agencies

The PR and media project was implemented in the period September 2005 – September 2006. The project was supported by the Democracy Commission at the US Embassy in Sofia.

The project involved carrying out a research into the corruption practices in the relationships between the PR agencies and the media through mapping the problem at stake via focus groups, research work and press monitoring in 16 electronic and printed media and eight PR agencies, analysis of the findings by a group of media professionals, publication of a book on media-PR relationships entitled Reformulating Publicity, and dissemination of the findings at various events co-organized with the Faculty of Journalism and the Bulgarian Media Coalition.

In July, the BHC published the book with the project findings, Reformulating Publicity: The Media and PR, available online in Bulgarian on the BHC web page.

On 28-30 July 2006, the BHC participated in the Annual Meeting of the Bulgarian Media Coalition held in Bansko, where the book was officially launched. At the event the BHC participated with four of the authors of the books and one of the researchers. The BHC representatives at the Annual Meeting organized a workshop “PR in the Eye of the Critics”. After the public launch, the Diplomaticheski Pregled magazine featured an article with information from the research. The Bulgarian Media Coalition featured an article about the event on its website. The article is available online at: http://bmc.liube.com/2006/07/30/elements-pr/.
In September, the BHC published an additional circulation of the book.

In November, a public discussion on the project results will take place with university students studying Public Relations at the School of Journalism and Mass Communications.

The project was coordinated by Yuliana Metodieva.


The project on research of the rights of the child in the state childcare institutions was launched in December 2005 and ran through to December 2006. The project was supported by the Matra KAP Program of the Royal Netherlands Embassy in Sofia.

The project is a follow up of the BHC activities in the sphere of monitoring of the state childcare institutions, for which the BHC ran a special program in 1999-2002. The current project will make a current study of the developments in the sphere of child rights and will produce an alternative report to the 6-year overdue state report on the implementation of the UN Convention on the Rights of the Child.

In the framework of the 2006 monitoring, the BHC researchers visited a total of 89 institutions for children with developmental disabilities, institutions for children for medical and social care, institutions for children deprived of parental care, juvenile reformatory institutions, special schools, the Boichinovtski juvenile prison, in addition to day care centers for children with developmental disabilities, and sheltered homes.

The BHC researchers monitored respect for the human rights of the children placed in specialized childcare institutions. Their research also covered the issues related to procedure and practices for placement in childcare institutions, material conditions, medical care, education, correctional and resocialization activities, human resources, documentation and control.

The BHC project report, which was published at the end of November in Bulgarian and in December in English, present a current picture of the situation in the specialized children's institutions and give the dynamics of development of the institutional system from 2003 until today. It was also presented also at the UN session of the Committee on the Rights of the Child where the Bulgarian state report on the Convention will be discussed.

The project was coordinated by Antoaneta Nenkova; Slavka Kukova, Aneta Mircheva, Dessilava Genova, Milena Panayotova, Stanimir Petrov and Krassimir Kanev took part in the activities.

Enhancing the capacity and sustainability of human rights organizations in Bulgaria, organizing two training modules for human rights NGOs

The project was implemented in the period March – May 2006 with the support of the Open Society Institute – Sofia. The BHC designed and organized 2 training modules (with 2 training seminars each) for 15 human rights NGOs who had won projects in the OSI – Sofia 2005 Effective Protection of Human Rights project round.

Module 1, “Establishing, Investigating and Publicizing Cases of Human Rights Violations”, was held on 9-10 March 2006 (part 1) and 23-24 March 2006 (part 2). Between 26 and 33 participants from 14 organizations took part in it. The participants were given lectures on the principles of research of human rights violations, the concept of monitoring and monitoring techniques, interviewing victims of human rights violations, writing monitoring reports, work with the media, and drafting of a monitoring plan, the methods of social research, research ethics. The practical part of the training involved a lecture on the practical experience in drafting and lobbying for the adoption of the 2004 Anti-Discrimination Act.

The participants were 146-page handbook, prepared by the BHC, on the seminar topics.
Module 2, “Current Developments in the International and Domestic Protection of Human Rights”, was carried out on 15-16 May 2006 (part 1) and 25-26 May 2006 (part 2). Between 18 and 22 participants from 12 organizations took part in both parts of the seminar. The participants were given presentations on the European Social Charter, on national anti-discrimination standards and procedures and international standards and procedures for protection from discrimination, the mechanisms for protection of human rights in the UN system, Council of Europe and the OSCE, the procedures before the European Court of Human Rights, selected standards of the European Convention on Human Rights.

Financial report

In 2006 the BHC implemented projects with the support of foreign donors.

The largest among them were the Open Society Institute – Budapest and the United Nations High Commissioner for Refugees. Other major donors included: the European Commission, the European Roma Rights Centre - Budapest, Mental Disability Advocacy Center - Budapest, the Swiss Federal Refugee Service, the Judicial Strengthening Initiative, the Democracy Commission, the Matra KAP Programme, the Leon Levy Foundation.

The Leon Levy Foundation grant was a great success for the BHC. This is a first-time donor for the BHC. The support was given as a result of the publicity of our advocacy efforts and was used for supporting the Legal Defence Programme.
The Bulgarian Helsinki Committee (BHC) is an independent non-governmental organisation for the protection of human rights - political, civil, cultural, social. It was established on 14 July 1992. The goal of the BHC is to promote respect and protection for the human rights of every individual, to lobby for legislative change to bring Bulgarian legislation in line with international standards, to encourage public debate on human rights issues, and to popularise and make widely human rights instruments. The BHC is engaged in human rights monitoring, strategic litigation, advocacy, research, and human rights education. In its work the BHC places special emphasis on the rights of ethnic and religious minorities, rights of the child, mental disability rights, conditions in places of detention, refugee rights, freedom of expression, access to information, problems of the criminal justice system.

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