Annual Activity Report
2012
Annual Activity Report
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Bulgarian Helsinki Committee
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The Bulgarian Helsinki Committee (BHC) is an independent non-governmental organisation for the protection of human rights: political, civil, cultural, and social. In its work the committee places a special priority to the protection of the rights of the most vulnerable groups living in Bulgaria: ethnic minorities, underprivileged groups, persons deprived of their liberty, children and women. The goals of the BHC are to promote respect and protection of human rights, to lobby for legislative changes aimed at bringing Bulgarian legislation in line with international human rights standards, to encourage public debate on human rights problems and to popularize the concept of human rights among the general public.

GENERAL ASSEMBLY OF THE BHC

The activities of the BHC are managed by a General Assembly, composed of all members of the committee:


EXECUTIVE COMMITTEE

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Krassimir Kanev

Deputy chair

Desislava Simeonova

Members

Dr. Georgi Bankov
Iliana Savova
Margarita Ilieva
Marta Metodieva
Slavka Kukova

The BHC is a non-governmental organization established in 1992 and registered at the Central Register of NGOs in the Public Benefit (certificate № 001/12.07.2001).
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INTRODUCTION

In 2012 the Bulgarian Helsinki Committee marked 20 years from its establishment.

The activities of the BHC were carried out in the framework of five permanent programmes established with the 2010 administrative reform:

- Monitoring and Research;
- Legal Defence;
- Communications and Campaigns;
- Legal Defence of Refugees and Migrants;
- Programming and Administration.

The innovative litigation efforts of the BHC Legal Defense Program were recognized in the annual poll of the Strasbourg Observers, where the case lead by the Legal Defence Program Yordanova and Others v. Bulgaria was voted best judgment of the ECtHR for 2012 among 1678 ECtHR decisions from 2012.

The judgment in Stanev v. Bulgaria was historic for opening the way for a radical reform of the system of guardianship and care of people with mental disabilities.

During the reporting period, the BHC renewed activities in the sphere of research and advocacy of childcare institutions and started new activities in the field of children in detention institutions.

During 2012 the committee developed several public campaigns, which were successful in mobilizing large public support. In connection with the unprecedented pressure of the executive on the Bulgarian judges, the BHC renewed its campaign for suspension of the Supreme Judicial Council. The BHC played a key role in the adoption of the “absolute necessity” standard in the Interior Ministry Act on the use of force and firearms by the police.

In 2012, BHC organized the conference “Facing our past” on the fate of the Jewish population from Thrace and Vardar Macedonia during World War II. The event received an overwhelming response.

The BHC developed a successful campaign for equal healthcare rights for people suffering from the rare decease epidermolysis bullosa, as well as a campaign on the right of parents of stillborn babies to bury their children, “Our children are not biological waste”.

The activities in the different programmes in 2012 are outlined below.

1. MONITORING AND RESEARCH PROGRAMME

1.1. Monitoring places of detention

The work of the closed institutions project is supported by the Open Society Institute – Budapest.

In the beginning of 2012 the staff of the programme concluded work on the joint project with the Macedonian Helsinki Committee on strengthening public oversight in prisons in Bulgaria and Macedonia.

The programme wrote the section of the annual report of the BHC on closed institutions in 2011. They visited the prison in Burgas which arose concern in connection with the allegations of grave
abuses of inmates’ rights as well as found other prisons (Vratsa, Pazardjik, Lovech and Stara Zagora), where a total of 138 inmates on issues connected to their pretrial proceedings.

In May 2012, the Committee for the Prevention of Torture (CPT) carried out an *ad hoc* mission in Bulgaria and invited the BHC for a consultative meeting. The consultations with the BHC researchers have always been highly appreciated by the CPT.

In 2012, the need for carrying public oversight in Bulgarian prisons was implemented through continued work in the closed institutions with a focus on prisons/prison dormitories and investigation detention centres. In addition to these, the research team carried out visits to places of detention of individuals under 18 serving their sentences in reformatory institutions (under the jurisdiction of the Ministry of Justice) and in institutions for temporary placement of minors (ITPJs, under the jurisdiction of the Interior Ministry).

In October 2012, the BHC concluded an institutional agreement with the Ministry of Education and Science (MES) granting access to juvenile reformatory institutions. In October 2012 – February 2013 project researchers carried out monitoring visits to all such 7 institutions. A special focus of research was put on the practice of placement of children in these institutions, the reasons for placement, and the period of placement; researchers examined the possible rights violations in the light of international standards for protection of the rights of the child.

In February 2013, the BHC visited a crisis centre in Sofia to see how the reform in the crisis centres after the 2011 changes regulating placement was being implemented. The research revealed a deterioration of the situation. The visits to the crisis centres revealed that the problems in them and the cooperation with the system of social assistance and in particular the child protection departments are a cause of concern and call for more BHC advocacy. A report on the situation in the crisis centres for children is under preparation.

**Advocacy activities**

An indispensable part of the activities of the closed institutions monitors was advocacy on specific cases in which gross human rights violation are established. Thus, during a visit to the prison in Bobovdol the monitors established that an inmate had not been insured under national health insurance coverage and had been refused treatment for an illness that lead to the deterioration of his condition. The BHC had undertaken the legal defense of this inmate before the Kuystendil Administrative Court. As a result of the BHC advocacy on this system failing, at the end of 2012 parliament voted an amendment to the Execution of Sentences Act according that made provision of health services to all inmates compulsory irrespective if they had paid their health fees prior to entering prison.

From the prison in Sofia, the BHC received some complaints alleging some very grave violations. In four of them inmates reported that they had been beaten by prison guards. Program researchers carried out a number of visits to the prison, met with the victims and the administration and after we gathered the necessary facts about the incident, we alerted the prosecution to the illegal acts of the prison guards. In one of the cases were filed a complaint with the Sofia District Court.

During the second half of the year, in connection with frequent incidents with detainees, the minister of justice formed a working group to which the BHC was invited, which had to draw up a list of items that inmates could possess while in pre-trial detention.

The BHC provided assistance to an inmate from the prison in Sofia to register in court an association of inmates. In spite of the initial protests of the prison administration, the BHC managed to gather
the signatures of the inmates who formed the association and steering committee. The BHC mediated in getting the registration application in court and the court issued speedily its decision to register the association. This is a precedent in the Bulgarian system as it provides inmates with the possibility to freely associate, to organize in the protection of their rights and to work toward their own re-socialization in parallel with the activities of the prison administration.

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The other cases which the BHC is litigating are before the European Court of Human Rights and are connected with a collective punishment imposed to a group of inmates – foreign nationals who were not even questioned about the circumstances that lead to the imposition of their punishment and whose punishment cannot be appealed. Another application before the European Court is on behalf of a foreign national punished with three months’ deprivation of food parcels; he had officially complained to the prison director that another detainees’ visitors has had some of their personal belongings stolen by prison staff (on the similar case Kostov v. Bulgaria from 2012 the Court ruled in favour of the applicant).

The program is also assisting a refugee from Chechnya, detained in Bulgaria, for whom the Bulgarian authorities allowed extradition to Russia. The program drafted a request for interim relief measures to the ECtHR, the court granted them. Subsequently, we prepared an application and a counter-memorial to the government statement. The application was fast tracked and is awaiting a decision.

At present, the program is working on two new cases of inmates who are foreign nationals alleging ill-treatment by prison guards. The BHC assisted the victims in obtaining medical certificated and submitting complaints to the prosecutor.

**Strengthening the capacity of the National Preventive Mechanism**

The beginning of the BHC engagement in lobbying for the country’s accession to the OPCAT dates back to 2009. In 2011 the OPCAT was ratified and in June 2012 the national preventative mechanism was set up at the office of the Bulgarian ombudsman. During the current reporting period the BHC continued to inform the Ombudsman and the NPM about complaints it received from places of detention concerning human rights violations.

In connection with the amendments to the *Execution of Sentences Act* from December 2012 which allow meetings between clients and lawyers to take place at any time of the day, the BHC received a complaint from a lawyer that the administration of the Sofia prison illegally did not allow such meetings. The Office of the Ombudsman responded that the amendment was ambiguous. In connection with this, the program staff has started to perform a thorough analysis of the implications of all significant amendments to this law and their relation to international standards. The BHC analysis revealed that the complaint was legitimate and sent a signal to the minister of justice and the Ombudsman and informed them about the violation. With another letter to these two institutions the BHC alerted about a further case in which the administration of the Sofia prison had refused to grant access to the lawyer of another inmate to documents needed for legal action in his case.
When the researchers established serious human rights violations, they sent alerts to the deputy minister of justice, the director of the Execution of Sentences directorate or the prosecution and to the office of the Ombudsman.

In November 2012 a second NPM expert took part in the training seminar on national and international standards for treatment of inmates and monitoring of closed institutions. The remaining staff of the NPM will be trained during the next two seminars.

**Organising trainings for monitoring closed institutions**

The BHC was also involved in developing other possibilities of public oversight in the closed institutions by including other civil society actors in the process. The program held a training seminar, on 23-25 June in Plovdiv, for NGOs and journalists on detention monitoring, on international and national standards on the rights of inmates. During the training seminar, the participants had a study visit to one of the three prisons in the regions that were covered by the seminar. A similar seminar was organized in November in Sofia with a study visit to the Sofia prison. Journalists from mainstream media – *Kapital, Praven Svyat*, Darik radio, bTV, *Dnevnik*, TV7 took part in the training in Sofia, and the members of the Sofia municipal commission took part along the Ombudsman for Sofia municipality.

**Media advocacy**

In 2012, the project researchers were invited for a number of media initiatives. The researchers gave a number of interviews for the production of a 40-minute documentary, ‘A Piece of Sky’, for the TV+ channel. The film is dedicated to the dilapidated conditions in Bulgarian prisons and the human rights abuses in them. The film was broadcast in April 2012.

The researchers also had media appearances on the private nationwide bTV and Darik radio and discussed issues of pardoning of inmates and juvenile justice. As a result of the monitoring and expert activities of the BHC during the reporting period, we were able to formulate the main problems and needs that stand before the criminal justice system in Bulgaria.

**1.2. Monitoring childcare institutions**

In June-August 2012 the BHC carried out a number of meetings with senior level officials at the Ministry of Healthcare (MH) in order to secure access to the institutions for the youngest children aged 0-3 and for children with severe special needs are placed. These institutions are known as ‘institutions for medical and social care of children’ and have traditionally been the most closed to external inspections of all childcare institutions. The last cycle of BHC monitoring in them was carried out in 2002.

The BHC was also successful in negotiating renewed access to institutions for children with mental disabilities and institutions for children deprived of parental care via a memorandum of cooperation with the Ministry of Labor and Social Policy (MLSP).

BHC researchers started monitoring visits in October 2012. We visited institutions in Sofia, Buzovgrad, Pleven and Ruse. The monitoring visit in Pleven raised concerns about the access to information that the BHC and its medical experts were receiving. During the first day of the two-day

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visit to this institution, BHC was barred from receiving the children’s files, medical records, etc. with the explanation that this information was sensitive personal data. During the visit it also became apparent that the Ministry of Healthcare had sent an equivocal response to the Pleven director’s letter of inquiry as to whether the BHC was entitled to receive this data leaving the door open for many interpretations. During the second day of the visit, the BHC received access to the children’s files under the supervision of a representative of the State Childcare Agency.

The visits were carried out together with medical professionals (a psychologist, a psychiatrist, a pediatrician, a physical therapist); during each visit we analyzed the material conditions, the treatment, the socialization activities, physical rehabilitation, deinstitutionalization activities (development of community centres, foster care, adoption process). Some institutions where information gathering was impeded were visited a second time.

The BHC established some worrying practices hindering the process of prevention of abandonment. Researchers received reports that medical personnel continue to advise parents of babies with special needs to abandon their children in institutions.

The BHC also came across a number of cases in which the possibility for adoption of children, especially children with special needs, was barred by bureaucratic carelessness. Researchers established several cases of children with special needs whose listing for adoption had been delayed with periods as long as 8 years! Immense delays were established both in listing children for national adoption and in transferring the children’s files between the national adoption register and the international adoption register. All cases concern children with special needs (cerebral palsy, developmental delays, complete lack of facial bones), boys, over 7 years of age (the age above which special measures for adoption are undertaken). All these were cases where reintegration into the biological families was impossible:

- A boy, now 9, with cerebral palsy whose only living parent, his mother, was killed by her partner when he was 6, had to wait 24 months to be listed for national adoption; at the time when the boy lost his only living parent, the extended family refused to commit to his upbringing.
- A boy, now almost 12, with mild cerebral palsy and some developmental delays, who was born with both parents unknown and institutionalized when he was 26 days old, had to wait for over 8 years before his complete file was sent to the Ministry of Justice for listing on the international adoption register; listing is expected to take place within 2-3 months.
- A boy, also aged 12, born with complete lack of facial bones, institutionalized at 16 days of age, also waited 8 years for the completion of his file with all necessary documents for listing in the international adoption register; in his case the opportunities for reintegration were finally exhausted in 2010.
- A boy, now aged 10, abandoned directly after birth, whose mother died in a car accident when he was 6, and whose legally named father disputed his fatherhood and relinquished all interest in the boy, was only put up for adoption at the age of 9. After three non-committals by Bulgarian prospective adoptive families, the last one of which from September 2011, which makes him eligible for listing on the international adoption register as a special protection measure, at March 2013 - 18 months later - the boy had still not been registered for international adoption.

2 Children’s files are transferred to the international adoption register as a special protection measure when no Bulgarian adoptive families have requested their files within 6 months of their listing for national adoption or when a child’s file has been returned by three potential adoptive families with non-committal for adoption. Within the international adoption register further special measures are provided for children older than 7 and for special needs children.
All cases of stalled adoptions pose great concern inasmuch as finding adoptive families for long-term institutionalized children with no prospects of re-integration into their biological families (on account of special needs, lack of parental interest in the child, orphaned children, etc.) bars any prospects of living in a family for such children and deprives them of any hope of ever finding love and care in a family. All measures for raising children in non-family settings – institutions, family type group homes and foster care – should be considered temporary solutions with the ultimate goal being finding suitable adoptive families for each child living in a care setting.

All established cases of stalled adoptions came from two regions – Sofia and Stara Zagora. The BHC has requested information on the international and national adoptions from the national authorities after the Stara Zagora Regional Social Assistance Department refused to meet with BHC researchers to discuss this issue. The issue of stalled adoptions is further being researched by the project researchers through site visits to institutions for children aged 3-7 and 7-18, where many non-listed children end up. The BHC alerted the relevant authorities to several individual cases; this lead to inspections ordered by the Agency for Social Assistance Inspectorate and expedited listing of the children for adoption. The outcomes of these inspections are yet to be seen and assessed.

After BHC intervention, the municipal council in Kazanlak amended a by-law that exempted institutionalized children living on the territory of the district from paying fees for attending municipal day care centres; attendance prior to this was hindered owing to lack of budgets in the institution budget for attendance of community kindergartens.

The BHC issued a press statement in connection with the reinstatement by the Pleven Court of the former director of the infamous Pleven institution where it urged the authorities to reconsider the possibility of the former director managing the institution again if the final instance court reinstates her. The story of the Pleven institution went public in April 2012. 18 children had died there over 18 months. The Pleven prosecution terminated all started preliminary investigations in 2012 stating there was malpractice in the children’s deaths. The BHC Legal Defense Program appealed the terminations. Currently, higher-instance prosecutors are investigating the deaths.

During the reporting period, the BHC became a member of the National Alliance for Children and the Consultative Know-How Centre for Alternative Services for Children at the New Bulgarian University.

1.3. International advocacy

During 2012 the BHC prepared a shadow report before the UN Committee on Economic, Social and Cultural Rights in connection with the examination of the fourth and fifth periodic report of the Bulgarian government. We conducted desk research and interviews in connection with discrimination of Roma in access to education, housing, education and health, access to education of children with mental disabilities. In November 2012 in its concluding observations, Committee reiterated the larger part of the BHC findings.

In 2012 the BHC jointed the new organization consolidating the efforts of the international Helsinki movement – the Civil Solidarity Platform. One of the first activities of the platform was connected with the design of an international advocacy campaign for NGO access to places of detention.

1.4. Data collection and studies on fundamental issues for the FRA

In January and February 2012 the BHC, in cooperation with the Buglarian Gender Research Foundation, produced two studies for the European Insitute for Gender Equality.
In February and March a BHC researcher carried out a study of the victim support services and domestic violence for the FRA.

In March and April the BHC, assisted by two external researchers conducted a sociological study on the right to protection of personal data commissioned for the FRA, and produced a thematic report on the findings.

In May 2012 – January 2013 two BHC researchers carried a sociological study on the participation on children in court proceedings (as victims and witnesses) and produced a thematic report on the findings.

In August and September 2012 the BHC wrote the annual report commissioned by the FRA with information on the rights of refugees and migrants; visa and border control; rights of the child; women’s rights; domestic violence; protection from discrimination; access to justice; protection of personal data and voting rights.

In October – December the BHC finished the field work on the project for child participation in court proceedings; reports were prepared on each interview and focus group. A final report with an analysis of the findings was drawn up in late 2012.

1.5. Police trainings

In 2012 the BHC continued its involvement in the project with the National Police Directorate involving training of police officers in antidiscrimination standards. The other project partners were also the Bulgarian equality body, the Bulgarian Interior Ministry Academy, police bodies from Germany, Belgium and Poland. The BHC took part in trainings in 10 cities across the country, which were attended by 250 police officers from all district police directorates.

The role of the BHC was to present the international standards on protection from discrimination in the exercise of police work and the international mechanisms for protection from discrimination.

2. LEGAL DEFENCE PROGRAMME

In 2012 the Legal Defense Program (LDP) attained one of its most significant successes during the last years. It carried out its activities in the framework of the main program for legal advocacy through the system of national and international legal fora, lobbied for legislative and practice changes.

The work of the Legal Defence Programme was supported by the Open Society Institute – Budapest, the Oak Foundation and the Leon Levy Foundation.

2.1. Joint BHC and prosecutor’s office investigations in institutions for children with disabilities

Background: In 2009 the LDP filed a lawsuit alleging discrimination against the Prosecution of Bulgaria on account of its inactions to pursue legal action against crimes committed against children with disabilities in institutions. In an unprecedented for the NGO sector meeting initiated in February 2010 by the Prosecutor General following up on the BHC lawsuit, the LDP director reached an agreement for joint inspections in institutions for children with mental disabilities. These established 238 child deaths over a period of 10 years (2000-2010), and a large number of living children suffering from malnutrition, cases of abuse, physical and chemical immobilization, infectious deceases. As a result criminal proceedings were initiated and investigations launched by the prosecution.
The program continued to monitor the actions of the state prosecution and sent signals to the higher-ranking prosecutions in each case of unlawful termination of proceedings concerning death or disability of a child. The total number of prosecutorial acts that the programme was monitoring at the end of 2012 was 518. Of these, the acts that can objectively be appealed (whose statute of limitations has not run out) are 372. Of these, the acts that have been sent to the BHC the number of prosecutorial acts that can be appealed is 349. Of these, the acts that can objectively be appealed (whose statute of limitations has not run out) are 372. So far, the LDP has attacked 206 of them or over 59%. As a result of the signals against flawed prosecutorial acts, higher-ranking prosecutions have appealed 33 of them, acknowledging the shortcomings of prosecution.

2.2. Domestic litigation

In 2012 the LDP continued filing strategic lawsuits before the Bulgarian and international courts. The focus of the LDP domestic litigation was on fighting discrimination on basic grounds such as gender, ethnus, religion, age, excessive use of force by the law enforcement authorities.

Antidiscrimination cases on the basis of gender, ethnicity or religion

In a decision from June 2012 the Bulgarian equality body, the Commission for Protection from Discrimination established direct discrimination against a man with a rare disease, whose treatment was left outside national health insurance coverage on account of his sex, age and the specifics of the disease (considered to be affecting mainly women of an older age). The programme represented the applicant.

The LDP is representing victims of a hate speech brochure, distributed by the extreme right Ataka party and its leader Volen Siderov. The brochure entitled ‘Gypsy crime – a threat to the state’ was distributed together with leaflets inviting voters to vote for Siderov in the 2011 presidential elections. Its contents spoke about the ‘Gypsyzation of Bulgaria’ and ‘Gypsy crime’, and its appearance created the impression that these are excerpts from newspaper publications about criminal acts allegedly committed by Roma. The brochure claims that the Roma community as a whole is the perpetrator of heinous crimes and as such is a threat to the state. It attempts to lead its readers into believing that the Roma community as a whole is inherently criminal. The LDP sent three signals to the prosecution insisting on the conduction of an investigation. After the prosecution failed to open an investigation, the LDP filed an application before the European Court of Human Rights (ECtHR).

The LDP continued its litigation efforts against leader of Ataka Volen Siderov’s hate speech against minority groups in Bulgaria. The last two of the eight cases against the politician concluded in August and November 2012 with decisions by the Supreme Court of Cassation that they are inadmissible. In February 2013 the LDP sent its first application concerning the politician’s hate speech against the Roma to the ECtHR. The application concerning the hate speech against the Jewish minority is under preparation and will be sent in May 2013.

Litigation on behalf of people with mental health/intellectual problems

The LDP continued representation of an inmate with mental problems. The case is being litigated against the minister of justice on account of degrading treatment to the inmate by the administration of the Burgas prison. A decision of the Sofia City Court is expected.

Until May 2012 the programme continued representation on a number of other cases, including of people under guardianship whose access to court is hindered.
**Cases of unlawful causing of death, degrading treatment and unlawful detention**

In the beginning of 2012 the Sofia District Court established unlawful treatment of a woman in a state psychiatric hospital for a period of 1 week in 2006. She was taken to the hospital by the police. The court established unlawful detention and ordered the hospital and the police to pay her damages.

**Other cases**

During the year the LDP represented a woman who had been wrongfully listed as belonging to the structures of the former State Security. The domestic law provided her with no means to prove that she has not cooperated with the state security structures.

2.3. **Cases before the ECtHR**

In 2012 the LDP continued its strategic cases before the European Court of Human Rights for violations of the European Convention on Human Rights.

In *Stanev v. Bulgaria*, concerning the illegal detention of a man in an institution for people with mental disabilities, the Court’s Grand Chamber delivered a historic judgment. The Court found a number of violations of the ECHR, including to the right to personal liberty and security, due process and protection from torture and inhuman and degrading treatment. The judgment paves the way for a radical reform of the system of guardianship and care for people with mental disabilities.

In April 2012, the ECtHR delivered a landmark judgment in *Yordanova v. Bulgaria*, which has been litigated by the BHC since 2008. The application was filed on behalf of many applicants on account of the threat of forceful eviction from their only homes in Sofia’s Batalova Vodenitsa neighbourhood. The Court held that the state cannot evict people from the settlement as that eviction would constitute a violation of Article 8 of the European Convention. The case concerns two attempts of the Sofia municipal authorities in 2005-06 and 2008 to demolish the Roma neighborhood of Batalova Vodenitsa by removing its residents because they were living unlawfully on municipal land without providing alternative housing. In July 2008 the Court imposed interim measures ordering that the eviction of the residents is stopped. The Court obliged Bulgaria to amend its domestic law and practice so as to ensure that orders to recover public land or buildings where they may affect right protected by the Convention, even in cases of unlawful occupation, identify clearly the aims pursued, the individuals affected and the measures to secure proportionality. The specific order to evict the residents of Batalova Vodenitsa should, according to the Court, be repealed or suspended pending amendment of the law. The judgment is a precedent for the rights of the Roma across Europe as it obliges states to cease arbitrary evictions of Roma who have no other home. The Court, however, failed to establish a violation of Article 14 of the Convention in the treatment of the Roma applicants (discrimination), which is why in July, the BHC sent a referral request to the ECtHR Grand Chamber to pronounce itself on the case. The innovative litigation efforts of the LDP received recognition in 2013 with the voting of the *Yordanova and Others v. Bulgaria* as the best judgment of the ECtHR for 2012 in the Strasbourg Observers poll among 1678 ECtHR decisions in 2012. All the other decisions were Grand Chamber decisions, while *Yordanova* is a Chamber decision. *Yordanova* is a strong judgment that clearly obliges the states to cease arbitrary evictions of Roma who have no other home.

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In December 2012, in another case litigated by the LDP, *Lenev v. Bulgaria*, the ECtHR found for the first time in an application against Bulgaria a violation of the prohibition of torture as the primary violation. In *Lenev v. Bulgaria* the Court found that the injuries sustained by the victim – a suspect in the assassination of a former prime minister of Bulgaria - and inflicted by the police were characteristic of bodily harm inflicted intentionally for the purpose of obtaining a confession, and that the authorities had failed to give a plausible explanation for origin of the injuries. As a result of the torture, the applicant gave self-incriminating testimony, on the basis of which he was sentenced to life imprisonment. His sentence was later quashed on account of the torture used against him, but the court also acquitted the police officers, concluding that their actions had constituted a lawful and appropriate use of force.

A case concerning the ineffective investigation by the prosecution of a racially motivated attack over a Sudanese national by a group of skinheads.

In 2012, the prosecution’s ineffectiveness in bringing anyone to court for the 238 deaths in 2000-2010 of children institutionalised in mental care institutions lead the BHC to pursue the strategy to bring applications at the European Court of Human Rights on behalf of the deceased children. The first three cases concern the death of three children: Aneta, 15, died of perforation of the stomach, she had 4 kg of garbage removed from her stomach shortly before her death - 25 shoe insoles, eight rags, three sponges, six socks, three pieces of paper and three 3-4 cm large stones; Nikolina, 19, died of malnutrition; Boris, 14, with Down syndrome, died of dysentery which was left untreated for over a week. The BHC is going to represent the three child victims as an NGO. The LDP is expecting a breakthrough in the caselaw of the ECtHR which will recognize the standing of NGOs to bring such applications on behalf of dead institutionalised people, who have no next of kin with victim status to seek justice for their deaths.

In 2012 the BHC was invited to submit an intervention in a similar case before the ECtHR, *Campeanu v. Romania*, which is being represented by two human rights NGOs, INTERIGHTS и Center for Legal Resources. The case concerns the grave neglect of an institutionalised Romani mentally disabled man with HIV who was left untreated after transfer to a Romanian adult mental care institution. In early 2013 the application was relinquished to the Court’s Grand Chamber as an indication of the issues of fundamental importance it raises – whether to recognize the standing of NGOs to bring such cases in the public interest. The decision of the Grand Chamber with be an extraordinarily important precedent for European law.

In September, the LDP filed a new application before the ECtHR in connection with a sexist commercial on behalf of three female applicants who claim that the commercial is discriminatory and derogatory.

In October, the LDP filed an application to the European Court on behalf of a pregnant woman who wants to have a supervised and assisted home delivery, which is currently banned by domestic law. Instead the domestic law restricts the right of women to choose where they can give birth in violation of their right to personal life and forces to have birth in institutional settings.

In June 2012 the LDP filed an application against Bulgaria on behalf of two applicants (spouses and parents of a girl) on account of the provision in Bulgarian law banning the naming of a child with the family name of the child’s mother.

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The LDP also filed two applications connected with hate speech against Roma individuals – the first case concerns dissemination of a brochure implicating that the Roma community as a whole is the carrier of criminality threatening the state, and in the second – hostile anti-minority statements of right-wing politician Volen Siderov, who is the leader of the Ataka party.

2.4. Legal advocacy

The whole 2012 was marred by an aggressive policy of the ruling GERB party to gain control over the judiciary. Judges known for their close ties to the ruling GERB party were appointed to key posts in different courts. Outspoken critics of the governmental efforts to subordinate the judiciary, like the emblematic chair of the Bulgarian Union of Judges, were subjected to harassment, disciplinary punishments and disciplinary dismissals, provoking an unprecedented protest reaction from civil society and judges. In November, a highly controversial nomination was made for the post of Constitutional Court judge amid abundant reports of corruption and trading influence. In December, more controversial candidatures, of people close to the ruling party, and, most notably, of a “Prime Minister favourite judge”, were made for the post of Prosecutor General. The BHC took part in a number of alliances with NGOs to organize a civil society response to these attacks on the independence of the judiciary. It issued a number of declarations regarding the dismissal of the chair of the Bulgarian Union of Judges. The director of the LDP sent a negative assessment on the nomination of the candidate for prosecutor general. After he was elected to the post, the BHC announced that it was leaving the Civil Council at the Supreme Judicial Council on account of the choice.

In May 2012 parliament finally adopted the amendments in the Interior Ministry Act regulating the ‘absolute necessity’ standard in the use of force and firearms by the police. The director of the LDP Margarita Ilieva played a key role in the working group at the Interior Ministry drafting the changes.

During the year, the LDP continued providing legal aid to victims of police violence. Every report of police abuse of force that we received, was also sent to the competent authorities.

After a long process of lobbying on the part of the NGO sector, in which the LDP played a decisive role, in January 2012 the UN Convention on the Rights of People with Disabilities was ratified by parliament. The programme continued its efforts in advocacy on behalf of the rights of people with mental disabilities. Representatives of the LDP took part in the working group at the Ministry of Justice on the rights of people with disabilities. A new working group was also formed entrusted with drafting a concept for a Guardianship Act, in which the LDP was also invited to participate.

During the whole year, the LDP assisted parents’ associations and lobbied against abuse of labouring women in hospitals and the restrictive legislation limiting the right of women to choose where to give birth. After the LDP filed an application to the ECtHR in October 2012, the media interest to the issues increased dramatically.

The programme took part in the joint press conference with Amnesty International on the occasion of homophobic and transphobic crimes in Bulgaria, and prepared a position to the media on the prolonged investigation into the homophobic murder of Mihail Stoyanov. In 2012, the programme continued representing the volunteers in the 2011 Sofia Pride who were attacked during the march in Sofia.

Representatives of the LDP took part in meetings in the working group of the draft Child Protection Act, or the Law on Pre-School and School Education, and prepared special positions on the two laws.
The programme submitted positions and consultations on complaints received at the BHC which fall within the priority spheres of activity of the organisation. We received a total of 590 complaints in 2012.

Throughout the year, the experts of the LDP took part in media appearances to comment on current human rights issues.

2.5. Seminars, working meetings and trainings

In February the LDP organised the second module of the seminar “The Role of NGOs in Combating Discrimination” with the support of the Migration Policy Group and Human European Consultancy. NGOs staff from all over the country took part in it.

In the beginning of the year LDP staff took part in a project the police for training of police officers in antidiscrimination standards.

3. REFUGEES’ AND MIGRANTS’ LEGAL PROTECTION PROGRAMME

The BHC Refugee Protection Program continued the work started 19 years ago with the support of the United Nations High Commissioner for Refugees. It is also financed by the European Refugee Fund and the state budget for activities in support of individuals seeking asylum through representation and consultations in the administrative phase in asylum proceedings before the State Agency for Refugees. Another group of activities are connected with monitoring and evaluation of the conduction of these proceedings, as well as monitoring of the borders and the administrative centres for detention of foreigners. The latter activity is directed at setting legal standards for protection of refugees and the treatment of migrants through strategic cases before the national courts, as well as advocacy and lobbying for legal change of practical safeguards for protection of human rights of foreigners of all categories on the territory of Bulgaria.

In its work the program bases its activities in several institutional agreements – with the UNHCR from 1994, with the State Refugee Agency (SAR) from 1998, with the Chief Directorate “Border Police” at the Interior Ministry from 2005, and with the Migration Directorate at the Interior Ministry from 2007. The program continued implementing its activities through the permanent reception at its office and through the registration centres of the SAR in Sofia, Banya and Pastrogor. Regular monitoring was carried out at the places for police detention at the Kapitan Andrei, Novo Selo and Sofia Airport border check points and in the special police institutions for temporary placement of foreigners in Sofia and Lyubimets. The program also appealed administrative acts and ensured access to the courts for asylum seekers and illegal immigrants, and provided pro bono representation before the administrative courts and the Supreme Administrative Court in cases of serious violations of material or procedural rights.

At the end of 2011, after a 4-year litigation campaign, the relevant by-laws were changed to prohibit the border police authorities from detaining asylum seekers in centres for detention of illegal immigrants. The amendment lead to a drastic decrease in asylum applications registered at the borders and until 31 May 2012 the border police had registered only 1 asylum application. Only after the opening of the Pastrogor Transit Centre was registration of asylum applications renewed, but irrespective of the increased immigration flow, the number of registered asylum applications in 2012 was only 105, in comparison to 146 in 2011. At the same time, the asylum applications at the Lyubimets centre where detained the border individuals were transferred were 776. That is why the BHC continued to conduct monitoring of the two special institutions for temporary placement of foreigners and to file appeals against compulsory administrative measures for those foreigners who...
filed asylum applications. As a result of this activity in 2012 the average duration for detention of asylum seekers did not go beyond 33 days, and a total of 824 asylum seekers were freed from the centres for temporary placement and placed in registration centres for asylum seekers at the SAR. On the whole, the activities of the program for border monitoring and monitoring of the centres for administrative detention of foreigners, lead to 0% *refoulement* from the national borders, access to territory of 96% of asylum seekers in 2012, and 61% of them received access to protection proceedings.

### 3.1. Legal representation of asylum seekers

Throughout the whole of 2012 the program monitored 795 individual caseloads of foreigners in protection proceedings before the State Agency for Refugees. The programme represented asylum seekers in 83 cases before the courts, as a result of which the courts overturned 49 rejections, which represents a 59% success rate.

A total of 1,283 detained asylum seekers, 70 unaccompanied minors, 668 asylum seekers appealing rejections received legal aid from the programme in 2012.

### 3.2. Trainings in refugee law. Reports.

The RSD monitoring results were outlined in the *2012 Bi-Annual RSD Monitoring Report*. The recommendations will be communicated to the asylum administration in order to advocate for the improvement of the legal standards and practical safeguards and to lobby for amendments of the law.

The program conducted two trainings in refugee law for ex officio lawyers with the cooperation of the Centre for Training of Lawyers at the Supreme Judicial Council – in October 2012 for 126 lawyers from the Haskovo Bar and in December 2012 for 8 lawyers from the Sofia bar.

### 3.3. Related activities

In 2012 the programme worked on several related projects and initiatives:

- **Legal Aid under the European Refugee Fund** – The programme received two grants for legal consultations and representation of asylum seekers before the State Agency for Refugees totalling 140,000 Euro for the periods 29.09.2011-30.06.2012 and 01.07.2012-31.12.2012. As a result of these two grants the programme provided 2,280 legal consultations 1,187 legal representations before administrative bodies in addition to the ones under the UNHCR project.

- **Improving the Quality of Unaccompanied Minors Asylum Seekers Guardianship and Care in Central European Countries Project** – A project of the International Organisation of Migration for enhancing the standards of protection for unaccompanied children asylum seekers in Central Europe.

- **Voluntary Return Project** - The BHC took part as legal advisor in the project of IOM-Sofia for assisting voluntary returns of third country nationals, among whom as a special group were also included asylum seekers pending RSD and finally rejected asylum seekers. The project was funded by the Interior Ministry under the European Return Fund. BHC monitored the selection procedures to ensure that all decisions of asylum seekers to return were well informed as well as that no forcible returns were implemented within the project.
Know Reset Project was a research project that aimed to map and analyze the current policy framework and practices in the area of resettlement in the 27 EU Member States. The project was funded by the European Commission and managed by the European Council on Refugees and Exiles (ECRE). Building on past and current projects across Europe that collect and present resettlement practices, the project analyzed and identified the gaps and challenges in current policies in order to explore potentials to enhance resettlement in Europe. The BHC provided an analysis on the gaps in the national arrangements that need to be addressed in order to ensure adequate reception conditions for the resettled refugees.

The programme operates thorough nine people personnel, seven of which are practicing attorneys and through a network of ten associated attorneys specialized in refugee and immigration law and human rights who offer pro bono legal aid to refugees.

4. CAMPAIGNS AND COMMUNICATIONS PROGRAMME

4.1. Activities connected with the visibility of BHC activities

The program is responsible for the BHC communications, as well as the design, impact and visibility of all BHC campaigns.

The activities are financed under the core support grant by the Open Society Institute – Budapest and the Oak Foundation.

The program produces the BHC monthly magazine and the monthly BHC e-bulletin. Since March 2012 Obektiv has been published in a new pdf format. The magazine underwent a radical re-design aimed at attracting a broader audience to the high quality of the publications.

The program team maintains the main BHC site (in Bulgarian and English) and the special sub-sites, as well as the profiles of the organization in social networks (Facebook and Twitter). In August 2012 a small upgrade of the site was undertaken aimed at improving its structure and navigation.

As at March 2013 the BHC Facebook profile had nearly 3,000 friends, our followers in Twitter are around 400.

The program organized all press conferences and special events of the BHC, in cooperation with the BHC administration, and is in responsible for the work with the media. The program director produces/approves all official positions, declarations, open letters.

Throughout the whole of 2012, the BHC published a total of 115 press releases, declarations, positions and open letters. In 2012 the programme organised six press conferences.

During the year, the BHC organized five special events whose organization was supported by the program: the Sofia Pride, the conference ‘Facing Our Past’, two protests in support of Mihail Stoyanov, murdered by homophobes, the Human of the Year 2012 annual award.

It also produced four special sites - for equal healthcare rights of patients with a rare skin decease epidermolysis bullosa, ‘Save the Butterfly Children’, on the campaign against the burning of stillborn babies as biological waste, on the conference ‘Facing Our Past’, and a special site dedicated to women’s rights.

During 2012, the program organized five petitions in which thousands of people participated. The
total number of signatures as at February 2013 was 15,500.

A special focus during the year were women’s rights, especially the rights of women in labor (press conference in the spring), the right to equal pay (research and infographic).

The campaign which the program launched in June 2012 on the right of parents of still born children to bury them, ‘Our Children are Not Biological Waste’, was successful in pro-actively consolidating the efforts of all three relevant ministries in amending their laws to introduce this possibility. Voting in parliament was pending at the end of February 2013, but will most likely be delayed until after the new parliament is formed after the May 2013 early elections.

The program developed a special campaign for equal healthcare rights for people suffering from the rare skin disease epidermolysis bullosa. In the fall, as part of the campaign, the BHC produced and disseminated 10,000 Fame cards in the three largest cities in Bulgaria raising awareness about the condition; organized a press conference and started a petition, which gathered 11,000 signatures. In the beginning of 2013 the program further developed the campaign with a photo story, ‘The day of Yana, the butterfly child’, which went viral in Facebook, a video and the organization of many media appearances. The campaign was successful. In February 2013 the Ministry of Healthcare announced that the national health insurance fund will cover the purchase of the life-saving bandages and antibacterial creams of people suffering from this condition.

The BHC co-organized the fifth Sofia Pride that was held on 30 June. Over 2,000 people took part in it. The program assisted Amnesty International in the preparation of a briefing on hate crimes on the basis of sexual orientation. The program also coordinated the launch of the briefing. The program, together with the international platform All Out, launched an international campaign against the holding of a counter protest on the day of the event – over 21,000 people from across the world sent personal letters to the mayor of Sofia with appeals that violence is not allowed to take place against the pride. The program produced a special video from the event.

Throughout the year the program was also engaged in conducting a series of studies the main aim of which is to gather data and personal stories to be used in future campaigns (same-sex couples, the treatment of Roma laboring women in hospitals, discrimination of refugees, media freedoms).

In 2012 the BHC renewed its campaign for stopping the illegal detention of asylum seekers, including through the production of a short video about the new transit centre in Pastorgor. The BHC produced another video on the topic which it published at the end of 2012.

In 2012, the program produced a total of 13 videos.

5 ‘Stop the hate at Sofia pride’, http://www.allout.org/bulgaria.

4.2. Obektiv magazine

During the reporting period, the BHC published ten issues of the *Obektiv* magazine. The magazine went through a re-design in March 2012 and started being published in a new, pdf format. In 2012 the magazine published its 200th edition.

Some of the more important topics during 2012 included the state anti-Semitism (September 2012), the deportation of the Jews from the occupied territories during WWII (October 2012), media freedoms and pluralism under threat (November 2012), torture at the hands of the Bulgarian police: *Lenev v. Bulgaria* (December 2012), the judiciary – between the scandal and partial reform (January 2013), mass anti-governmental protests (February 2013).

In 2012 the editor in chief of the magazine took part in media programmes on Bulgariann National Television, in the 12+3 programme on Bulgarian National Radio, on the nationwide Darik Radio, TV+, Bulgaria on Air, bTV, and Nova Television.

4.3. Monitoring judicial proceedings

In May, the BHC monitored the proceedings in the case of Saide Mehmed before the Bulgarian equality body, the Protection against Discrimination Commission. The case concerns a violation of the religious rights of a student from a secondary school in the village of Gorno Kraishte who was suspended from school for violation of the school regulations for wearing Islamic headwear in school. The decision of the equality body is pending.

The BHC monitored the court case against 13 imams heard by the Pazardjik Regional Court indicted under articles of the Penal Code penalizing spread of antidemocratic ideology and for instigation to discrimination, which started in September 2012. The editor-in-chief of Obektiv gave many interviews on the topic in the mainstream *Dnevnik*, Nova Televiziya and bTV.

5. “HUMAN OF THE YEAR 2012” HUMAN RIGHTS AWARD

The annual human rights award “Human of the Year” was organized for the fifth consecutive year. The award is an annual award recognizing outstanding contribution to human right. This year the award went to “The protestors from Eagle’s Bridge”. Traditionally, the award is given out on 10 December – human rights day.

“The protestors from Eagle’s Bridge are this year’s “Human of the Year”. We recognize their outstanding ability to mobilize against a government that abuses not only its public power through private interests, but also its sovereign – the citizens, by allowing itself to take political and legislative decisions on behalf of their name and not in their interest. In such a way the government distorts the very basis of representative democracy – the approval of laws through parliament by us - the people,” said Margarita Ilieva, director of the BHC Legal Defense Program and chair of the Human of the Year jury, at the ceremony.

“The individual protestor at Eagle’s Bridge showed to this dishonest government, that the Law is not their toy – an instrument for trade with the rich, but our pillar against the creation of a political system for the exploitation of the common goods for a minority of institutionally and financially
empowered players, lacking any kind of moral respect for the legal order – at the expense of us all. The protestor at Eagle’s Bridge reminded the self-forgotten and arrogant, unpunished, temporary inhabitants of our institutions, that the power flows from us,” added Margarita Ilieva.

The jury presented two runner-up for activities upholding freedom of speech, media independence and the right of citizens to receive information (Association of European Journalists – Bulgaria) and the struggle to protect Bulgarian nature (Toma Belev). Three special awards were given for contribution to the protection of human rights by the journalist Rossen Bossev, for journalistic courage (Dnevnik journalist Spas Spassov) and the “Activist of the Year” award went to Radoslav Stoyanov. The audience award went to the nomination with the most votes in the online voting – the independent site for investigative journalism Bivol.bg. The jury also awarded two certificates: for personal human rights courage (Boyana Petkova for her struggle against the then acting legislation providing the burning of still born babies as biological waste and banning their burial by their parents) and to “Protectors of the Most Vulnerable” – Antonia Vladimirova and Susanna Musser – two women who have dedicated themselves to fighting for the well-being of the children with special needs in institutions and are tireless advocates for the right of every special needs child to find a family.

This year’s nominations were 32. The number of online votes was 7,500. The total number of visits to the special site humanoftheyear.org and the related Facebook pages in 2012 was 183,000 (150,000 in 2011 and 15,000 in 2009).

6. CONFERENCES AND DISCUSSIONS

6.1. Facing Our Past Conference

The project was funded by OSI New York. The main aims were two. It addressed the denial of the Bulgarian state of any responsibility for the extermination of 11,343 Jews from Western Thrace and Vardar Macedonia in 1943 - territories which were under Bulgarian occupation during World War II. The dominant historical narrative in Bulgarian society for decades has highlighted the heroic act of 42 MPs, civil society activists and church representatives, who mobilized the public into preventing the deportation of the Jews from the “old lands” to the Nazi gas chambers and hiding the complicity of governments of Bulgaria to the Holocaust of the Jewish populations from Aegean Thrace and Vardar Macedonia.

The BHC established an initiative committee of 11 representatives from the Bulgarian intellectual elite with the goal to popularize the project. Different Jewish organizations and individuals were contacted to take part in the conference, alongside representatives of the Bulgarian Orthodox Church.

The event, held on 5-7 October 2012 included a two-day conference with Bulgarian and international scholars and a one-day documentary film day. The aim of the conference was to highlight to entire policy of the Bulgarian state starting from the adoption of the 1941 Law on the Protection of the Nation, the participation in the deportation of over 11,000 Jews to the Nazi death camps in March 1943, and the activities of the Bulgarian civil society as a result of which nearly 50,000 Jews from the mainland were saved from deportation and death.

During the screenings at the Sofia House of Cinema on 7 October the participants in the conference and members of the public could view archive newsreels from the Bulgarian National Film Archive
and two documentaries – Ed Gaffney’s *Empty Boxcars* (2010), and Yulii Stoyanov’s *Borislav and the Balkans* (1993), which has never been screened on mainstream TV.


The conference was streamed via internet during both days of discussions. The event enjoyed immense media attention. *Deutsche Welle* published a large material entitled, “Bulgaria: Face to Face with history”.7 The popular internet news site, *Vesti.bg*, and the BGNES news agency ran large material on the conference, “Historical Facts Need to be Discussed in Order to Move Forward”,8 republished by many other media. The mainstream *Dnevnik* daily featured a material on the conference, “Scholars Insist that Bulgaria Acknowledges Guilt for Complicity in Killing 11,000 Jews”.9 *News.bg* ran a material “Bulgaria Under Pressure to Apologize to 11,000 Jews”.

6.2. Discussions, film screenings

In February 2013 together with the Hungarian Culture Institute the BHC organized a joint screening of the film “The Echelons of Death” (directed by Borislav Punchev). The screening was followed by a debate with the film creators film critics, representatives of the Jewish minority. A special guest to the event was H.E. Andras Klein, ambassador of Hungary to Bulgaria.

7. PROGRAMMING AND ADMINISTRATION PROGRAMME

The programme provided support to the activities of the committee connected with administration and general coordination, human resources, technical and logistic support.

The programme has the primary responsibility for fundraising for the BHC, timely reporting to donors and to the Bulgarian financial institutions. Project proposals are designed in cooperation with the directors of the relevant programmes.

The staff of this programme ensures the reception of the individuals alleging human rights abuses at the BHC office/telephone. They file all incoming and outgoing correspondence.

The staff of this programme also take active part in the organization of all BHC public events, seminars, conferences; they assist in the timely communication with journalists in connection with press releases and other BHC statements.

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7 *Deutsche Welle*, “Bulgaria: Face to Face with History”, available online at: [http://www.dw.de/%D0%BB%D0%B8%D1%86%D0%B5-%D0%B2-%D0%BB%D0%B8%D1%86%D0%B5-%D1%81-%D0%BB%D1%81%D1%82%D0%BE%D1%80%D0%B8%D1%82%D0%BD/a-16288263]


In spite of the enlarged volume of work of the BHC during the last years, the program works with an optimized number of staff – 6 persons, 4 of which work part-time. The accounting is conducted by an external accounting firm. The BHC financial statements were audited by an independent auditor in February 2013.

Among the largest donors of the BHC in 2012 were the Open Society Institute, the Oak Foundation, the UNHCR, the European Refugee Fund, the European Commission, the Leon Levy Foundation and the Fundamental Rights Agency of the EU.

### 7.1. Donor financing on the implemented projects

In 2012 the BHC worked with the support of the following donors:

<table>
<thead>
<tr>
<th>Donor</th>
<th>Project</th>
<th>Project period</th>
<th>Project expenditure in 2012 (in BGN)</th>
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<tr>
<td>Oak Foundation, Switzerland</td>
<td>Core support of the BHC</td>
<td>06/2009 – 10/2012</td>
<td>328 634,02 BGN</td>
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<tr>
<td>Open Society Institute, Budapest</td>
<td>Project for institutional support, strategic litigation and media advocacy</td>
<td>03/2011 – 02/2014</td>
<td>293 466,30 BGN</td>
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<td>European Refugee Fund in cooperation with the State Refugee Agency</td>
<td>Legal representation of asylum seekers in the Public proceedings</td>
<td>09/2011 – 12/2012</td>
<td>238 831,83 BGN</td>
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<td>UNHCR</td>
<td>Border monitoring and legal aid for refugees in Bulgaria and stateless individuals</td>
<td>01/2012 – 12/2012</td>
<td>216 775,80 BGN</td>
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<tr>
<td>Open Society Institute, Budapest</td>
<td>Promoting public oversight over prisons in Bulgaria</td>
<td>03/2012 – 02/2014</td>
<td>101 049,63 BGN</td>
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<tr>
<td>Fundamental Rights Agency</td>
<td>Data collection and production of reports on fundamental rights issues</td>
<td>07/2011 – 12/2015</td>
<td>61 427,63 BGN</td>
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<td>Leon Levy Foundation, United States</td>
<td>Support for the activities of the Legal Defence Programme of the BHC</td>
<td>07/2011- 03/2013</td>
<td>33 928,06 BGN</td>
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<tr>
<td>MDAC</td>
<td>Support for strategic litigation and advocacy on behalf of people with mental health problems</td>
<td>10/2011 – 05/2012</td>
<td>32 645,32 BGN</td>
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<td>Human European Consultancy</td>
<td>Organisation of capacity-building training seminars</td>
<td>12/2010 – 05/2012</td>
<td>25 989,70 BGN</td>
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<td>Open Society Institute – Budapest</td>
<td>Organisation of the Facing our Past conference</td>
<td>09/2012 – 10/2012</td>
<td>25 971,67 BGN</td>
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<td>Human European Consultancy</td>
<td>Accees to justice</td>
<td>09/2011 – 01/2012</td>
<td>25 068,21 BGN</td>
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<td>European Commission</td>
<td>Organisation of 2012 Roma Pride</td>
<td>06/2012 – 07/2012</td>
<td>17 470,40 BGN</td>
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<td>Open Society Institute – Budapest</td>
<td>Campaign for Equal Healthcare rights of the “butterfly children” and monitoring of childcare institutions</td>
<td>10/2012 – 04/2013</td>
<td>12 285,48 BGN</td>
</tr>
</tbody>
</table>
8. FINANCIAL REPORT, AUDITOR’S REPORT

Translation from Bulgarian

Header of RSM BX LTD
excellence in audit, tax and consulting

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www.rsmbx.bg

INDEPENDENT AUDITOR’S REPORT

TO
THE MANAGEMENT OF
ASSOCIATION BULGARIAN HELSINKI COMMITTEE

Report on the Financial Statements
We have audited the accompanying financial statements of ASSOCIATION BULGARIAN HELSINKI COMMITTEE, which comprise the Balance Sheet as at December 31, 2012 and the Profit and Loss Account for non-profit and profit-making activity, Statement of Changes in Equity, Cash Flow Statement for the year then ended, and a summary of significant accounting policies and other explanatory notes.

Management’s Responsibility for the Financial Statements
The Management is responsible for the preparation and fair presentation of these financial statements in accordance with the national Financial Reporting Standards for Small and Medium-Sized Enterprises, as well as for such an internal control system as the management determines necessary for the preparation of the financial statements that are free from material misstatement, whether due to fraud or error.

Auditor’s Responsibility
Our responsibility is to express an opinion on these financial statements based on our audit. We conducted our audit in accordance with the International Standards of Auditing. These standards require that we comply with ethical requirements and plan and perform the audit to obtain reasonable assurance whether the financial statements are free from material misstatement, deviations and discrepancies.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor’s judgement, including the assessment of the risks of material misstatement, deviations and discrepancies of the financial statements, whether due to fraud or error. In making these risk assessments, the auditor considers the internal control relevant to the entity’s preparation and fair presentation of the financial statements in order to design audit procedures that are

[Signature]
appropriate in the circumstances but not for the purpose of expressing an opinion on the
effectiveness of the entity’s internal control system. The audit also includes evaluation of the
relevance of the accounting policies used and the reasonableness of the accounting estimates
made by the management, as well as evaluation of the overall presentation of the financial
statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a
basis for our audit opinion.

Opinion

In our opinion, the financial statements present fairly, in all material aspects, the financial
position of ASSOCIATION BULGARIAN HELSINKI COMMITTEE as of December 31,
2012, and of its financial performance and its cash flows for the year then ended in accordance
with the National Financial Reporting Standards for Small and Medium-Sized Enterprises.

Report on Other Legal and Regulatory Requirements

Pursuant to the provisions of Art. 38, Para. 4 of the Bulgarian Accountancy Act, we express
also an opinion on the Annual Management Report. We took into consideration the contents of
the consolidated Annual Management Report for year 2012 prepared by the Management of
ASSOCIATION BULGARIAN HELSINKI COMMITTEE. The Annual Management Report is
prepared in accordance with the stipulations of Art. 33, Para. 1 and Para 2 of the Bulgarian
Accountancy Act. The Management is responsible for the preparation of this Report.

In our opinion, the unconsolidated financial information presented in the Annual Management
Report for year 2012 corresponds in all material aspects to the financial information presented
in the annual unconsolidated financial statements for the same reporting period.

SPECIALISED AUDIT ENTERPRISE RSM BX OOD

Manager: <signature illegible>

IZABELA DZHALAZOVA <seal of Specialised Audit Enterprise RSM BX OOD>

Certified Auditor in Charge: <signature illegible>

EVGENI ATANASOV

6 March 2013
Sofia, Bulgaria
Association Bulgarian Helsinki Committee

ANNUAL FINANCIAL REPORT
as of December 31, 2012

Representative: 
Krasimir Kanev

Prepared by: 
Aleksandar Georgiev
For “Zhelkova, Staneva & Georgiev – Accounting Office” OOD

Sofia, 01 February 2013
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**For 2012**

**OF Association Physical Health Committee**

**Profit & Loss Account**

**Knession Knex Physical Health**

**Chairman**

**Prepared By:**

**Date of Preparation:** 01 February 2013

**Ceo**

**Hq:** 603/3027 KBN RX ODD, Annex Ramanujan House

**Ceo**

**Hq:** 603/3027 KBN RX ODD, Annex Ramanujan House

**Report of Activities:**

- Total Income
- Total Expenses
- Net Income

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**Total Income:**

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**Total Operating Revenue:**

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**For 2011**

**Profit and Loss Account**

**Non-Profit Agency**

**Revenue:**

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**Expenses:**

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<td>Year</td>
<td>Previous Expenses (Amount)</td>
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CASH FLOW STATEMENT
Of Association Bulgarian Helsinki Committee
For 2012

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<td>I. Cash at the beginning of the period</td>
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<td>II. Cash flows from non-profit activity</td>
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<td>V. Change in cash during the period</td>
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Date of preparation: Sofia, 01 February 2013
Prepared by: Aleksander Georgiev
<signature illegible>
For Zheleva, Staneva & Georgiev – Accounting Office OOD
<Stamp of Zheleva, Staneva & Georgiev Accounting Office OOD>
Chairman: Krassimir Kanev
<signature illegible>

Certified as per Auditor's Report, 06.03.2013, RSM BX OOD, Manager: <signature illegible>
Certified auditor: <signature illegible>
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For 2017
Of Association Pensioners' Committee
EQUITY STATEMENT