Bulgarian Helsinki Committee

Annual Activity Report

January – December 2011

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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:


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Krassimir Kanev

Deputy chair
Margarita Ilieva

Members
Aneta Genova
Desislava Simeonova
Dimitar Kamburov
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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 2011 the activities of the Bulgarian Helsinki Committee (BHC) were carried out in the framework of five 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 sections in this report follow the activities of these five programmes.

1. MONITORING AND RESEARCH PROGRAMME

In 2011, the Monitoring and Research Programme was engaged in monitoring places of detention. It also carried out research commissioned by the Fundamental Rights Agency of the EU and activities connected with the submission of shadow reports before UN treaty bodies and participation in sessions reviewing the country’s obligations under such treaties.

1.1. Monitoring places of detention

In the beginning of 2011 the researchers from the Monitoring and Research Programme finalized the activities under the project “Strengthening public oversight of prisons in Bulgaria and Macedonia through enhancing the role of the Ombudsman, the municipal monitoring commissions and the specialized inspection bodies”. The BHC monitoring of the public oversight in prisons was an innovative activity, which revealed many deficits in the system arising out of the legislation regulating this activity in prisons and its practical application. The project goal was to give an impetus to the external general and specialized prison oversight with the ultimate goal of improving the conditions and state of human rights in them. From the very onset of the project the BHC started lobbying for the country’s accession to the Optional Protocol to the Convention against Torture and Other Inhuman and Degrading Treatment and Punishment (OPCAT).

In July 2010, the minister of justice set up a working group, in which the BHC was invited to participate, to prepare the signing and ratification of the OPCAT. The other participants in the working group came from the Office of the Ombudsman, the Ministry of Justice, the Ministry of Interior and the Ministry of Foreign Affairs. Bulgaria signed the OPCAT on 22 September 2010. In January 2011 the working group continued working on the preparation of the treaty’s ratification. The BHC contributed considerably to the precise definition of the terminology of the OPCAT in Bulgarian.

The fourth round table under the project was organized with a focus on the implementation of the OPCAT. At the forum the BHC launched the Association for the Prevention of Torture and Interamerican Institute for Human Rights’ OPCAT Implementation Manual in Bulgarian. The BHC translated the publication in Bulgarian. The forum was attended by representatives of a number of state institutions and NGOs, including the Ombudsman of Bulgaria and members of his team, the
deputy minister of justice and experts from the ministry, the chief director of the Central Penitentiary Administration, the chair of the State Child Protection Agency, the director and other senior officials from the Social Assistance Agency, representatives of the prosecution, the Ministry of Interior, the Ministry of Education and MPs. The manual was sent to all Bulgarian institutions engaged in the implementation of the OPCAT. Both the minister of justice and the Ombudsman highly praised the BHC work in the preparation of Bulgaria’s accession to the treaty.

In May 2011, the Ombudsman turned to the BHC for assistance in connection with the specific activities under the national preventive mechanism (NPM), which should become functional by June 2012. The BHC was commissioned to prepare a general information sheet on the types and numbers of places of detention in Bulgaria (a total of 481 places) and to calculate the cost of annual visits in them and draw up a budget for this activity. The BHC prepared a detailed methodology for visits to places of detention.

In July 2011, the Ministry of Justice hosted a meeting of the working group for preparation of the necessary legislative amendments for accession to the OPCAT. The establishment of a NPM was discussed and the BHC put forward the proposal that the office of the Ombudsman is best suited to carry out the functions of the NPM together with NGOs. The working group participants opposed this position and voted a text that the NPM will be carried out by the Ombudsman only, with the possibility of inviting NGOs and experts.

With the ratification of the OPCAT the project’s goal was achieved – to set the foundations for effective oversight of all places of detention from an external independent body. The information gathered throughout the project revealed serious problems, which will be synthesized and developed into recommendations for additional legal and structural changes for the enhancement of prison oversight.

In October 2010, the European Committee for the Prevention of Torture (CPT) carried out a visit to Bulgaria. In March 2011, the CPT commissioned the BHC to check if the recommendations for immediate measures relating to the punitive cells in the Plovdiv Prison and cells in the Varna investigation detention facility had been implemented. The BHC visited both places and sent the CPT a report on the undertaken measures.

In the beginning of 2011, the programme researchers wrote the section of the 2010 BHC annual human rights report that analyses the conditions in places of detention. In January 2011, the BHC researchers visited the prisons in Plovdiv, Pazardjik, Lovech and Stara Zagora to interview inmates about the conditions of their pretrial detention. The survey covered inmates whose pretrial proceedings had started after 1 January 2009. The survey examined the use of force by the police during detention and inside police stations, access to legal aid and other problems.

In the first months of 2011 the BHC carried out checks on complaints from inmates – in the Varna prison concerning unequal treatment of inmates in the preparation of early release proposals; complaints from foreign nationals who were banned from receiving food parcels from Bulgaria; complaints regarding the excessive prices of telephone calls charged by prison pay phones. In connection with this, the BHC sent a request for access to public information to the Ministry of Justice on the contract conditions and prices for telephone calls under the system employed in prisons. The researchers visited the crisis centre in Peshtera to investigate media reports about three
girls who had been allegedly deprived of their liberty in the children’s social care institution in Asenovgrad.

The project researchers also carried out a detailed research of the legislation and practice related to the crisis centres for children in Bulgaria; placement in such places is a new social service for victims of violence and trafficking. The research involved an analysis of the legislation, drafting of a questionnaire for visits to crisis centres, pilot visits to three crisis centres and subsequent visits to all nine crisis centres. During the visits, the BHC researchers interviewed the institution staff, inspected the documentation and the living conditions. They also monitored court hearings for placement into crisis centres and met with social workers from the social assistance departments. As a result of their work on the project, in late May 2011 the researchers produced a special report entitled “The Crisis Centres for Children in Bulgaria – Between the Social Service and the Institution”. The researchers met with the chair of the State Agency for Child Protection (SACP), which has jurisdiction over the Social Assistance Agency, which is in charge of the centres, to discuss the report.

The report was officially launched on 4 July 2011 with a press conference that received wide media coverage. In the following days some of the most influential media aired a live dispute between the report authors and the SACP and featured journalistic materials, which confirmed the BHC findings.

In July-September 2011 the BHC researchers took part in several projects that monitored the functioning of the criminal justice system and the system of execution of punishments in Bulgaria:

- A research of the access to legal defense in pretrial detention through interviews with inmates in the prisons in Burgas, Pleven and Sliven. Access was requested to the case files of those of them who reported not to have had a lawyer during part or the entire pretrial proceedings in order to verify their statements.

- A research on the functioning of the legal possibility for detainees detained for up to 24 hours (police detention) to have a defense counsel under the Legal Aid Act. The BHC requested this information from the National Legal Aid Bureau; the researchers carried out additional meetings with senior staff from the Bureau. They also met with the director of the 5th police station in Sofia and analysed relevant reports from other NGOs (Open Society Institute Sofia). The conclusions from the research are that the practice of ex officio legal defense is in practice not applicable or used in extremely rare cases of police detention and that it is standard practice for the pretrial proceedings to be conducted without the presence of a lawyer; short reports were prepared on the conclusions.

- Carrying out a study on interprisoner violence and the lawsuits filed by inmates for bad material conditions under the State Responsibility for Damages Act (SRDA). BHC researchers met and talked with the prison governors in Lovech, Sliven, Bobov Dol and Burgas. They received statistics on interprisoner violence. The information on the lawsuits filed under the SRDA was not given owing to a lack of clarity on the issue on part of the prison administrations themselves. For this reason, the BHC requested the information from the Central Penitentiary Information; the supplied information covered the issue of interprisoner violence only, as statistics on the lawsuits filed under the SRDA were not kept. The BHC requested the chair of the Sofia City Administrative Court (where the great majority of such
lawsuits are filed) to provide information on the lawsuits that established violations, as well as the amounts of the compensation awarded to the victims.

The BHC received the Concept on the State Policy in the Sphere of Child Protection adopted by the government on 3 August 2011.

In the period July-September, BHC researchers visited seven social care institutions for adults with mental disabilities (Razdol, Prekolnitza, Malko Sharkovo, Djurkovo, Petrovo, Fakia and Zabernovo) to observe the development of deinstitutionalization of the institutions for adults, and the changes in the institutions themselves.

In 2011, the programme researchers took part in initiatives of other NGOs and state bodies:

- On 28 June 2011 they participated in the round table “Drug Policy – Time to Re-evaluate” organized by the Initiative for Health Foundation. They presented a research on the Bulgarian punitive policy against drug-related crimes and provided data on the number of verdicts on such crimes and the treatment of drug-addicted inmates in the Bulgarian penal system.
- In late September 2011 they took part in a working group of the Guarding Police Directorate General, which aimed to draft a strategy and methodology for overcoming the discriminatory attitudes in police personnel.

On 20 September 2011 BHC researchers met with the chair of the SACP to receive information on the course of the deinstitutionalization of the institutions for children with disabilities. The BHC informed the officials from the SACP about its plans to conduct a research of all institutions for children with learning disabilities in Bulgaria in order to follow the results of the prosecutorial inspections carried out in 2010 on the initiative of the BHC, as well as to gather information on the course of deinstitutionalization. For the aims of the new research they started a study of the current activities of these institutions and the legislative framework. By the end of September 2011 the BHC researchers prepared a questionnaire for the visits to the childcare institutions and carried out two pilot visits in the Medven and Sladak Kladenets childcare institutions. In the course of these visits the BHC researchers established several gross violations of the rights of the child – e.g. prolonged immobilizations – and sent urgent alerts to the responsible institutions – the ASA, SACP and the Ministry of Labour and Social Policy. An inspection was carried out in response to the alert; the BHC was informed that the children who had been illegally immobilized had been transferred to centres for placement of a family type (CPFT) where the quality of social services is better. The research will also study the activities of the existing CPFTs as a new social service for children, which will be even more widely used after the closure of the existing childcare institutions. By the end of 2011, the researchers had visited a total of 14 institutions for children with mental disabilities, three CPFTs and one sheltered home where deinstitutionalized children were placed.

In the course of a visit to the Burgas prison in August, the researchers established a substantial deterioration of the living conditions caused by overcrowding which was constantly growing. An urgent alert was sent to the minister of justice and a meeting with senior state officials from this ministry was organized to discuss possible solutions. The inspections in the prison and seeking a way out of this situation are underway.
At the end of November programme staff took part in a training module for activists from Denmark and Jordan on prison monitoring. On 21 and 22 November 2011 they carried out visits to the prisons in Vratsa, Pazardjik, Plovdiv and the Kremikovtzi prison hostel; they met with the prison senior staff and with inmates and assisted the activists in filling in prison questionnaires.

On 20 December 2011 at a special press conference the programme for monitoring places of detention made a presentation on the current state of Bulgarian prisons. The press conference was organized in response to an announcement by the Ministry of Justice made the previous month that amendments to the *Execution of Sentences and Detention Under Remand Act* were being prepared. The draft act aims to free the state from the obligation to fund important activities in places of detention, to relax the rules for placement of convicted and remand inmates in isolation and to increase the restrictions during the execution of imprisonment and detention under remand. The proposal to postpone with another five years the enforcement of legislation regulating minimal living space per inmate, which cannot be under 4 sq. m., is a cause for serious concern. The draft act provides for this standard to become effective as of 1 January 2019. The latest amendments are a gross violation of the rights of inmates; the BHC called for a profound re-evaluation of the new proposals through the prism of the international standards for treatment of prisoners.

1.2. Monitoring the rights of the child and cooperation with the Fundamental Rights Agency of the European Union

In 2011 the BHC continued its cooperation with the Fundamental Rights Agency of the European Union. During the year the programme implemented an international project focused on the rights of people with intellectual disabilities and mental problems. It focused on several groups of rights – the right to access to justice, the right to independent living, the right to protection from torture and inhuman and degrading treatment in institutions, the right to an opinion, as they are outlined in the *UN Convention on the Rights of People with Disabilities*. The BHC carried out an analysis of the legislation and policies with respect to the rights of these two target groups in Bulgaria, followed by a field study. It involved conducting 20 individual in-depth interviews with people with intellectual disabilities and mental problems who were living in the community and four focus groups – one each with representatives of the target groups and one with stakeholders. The gathered data was analysed in a report from the field work and discussed in November 2011 at an international conference in Vienna between representatives of the two target groups from nine countries – Bulgaria, France, Germany, Sweden, Hungary, Romania, the United Kingdom, Greece and Croatia and the project researchers. The two reports, on the legislation and policies and practice, in Bulgarian and English, will be published in 2012 and will be used a lobbying tool for harmonization of the Bulgarian legislation with the *UN Convention on the Rights of the People with Disabilities* and for awareness raising regarding the rights of people with intellectual disabilities and mental problems.

In the summer and autumn of 2011, the programme wrote an annual report on the rights of refugees and immigrants, the rights of the child, the right to protection from discrimination, the right to access to justice, the right to compensation of victims of crimes, the right to choice, the right to access to information. The report is used as a tool for comparative analysis of the progress in the sphere of human rights in the European Union.

The Research Programme signed contracts with the FRA for 2012 to work in the following spheres – protection of personal data (sociological study), legal analysis of the protection of victims of crimes
and the rights of the child during their inclusion in field studies. The programme was contracted to carry out a study of the socio-economic impact of the financial crisis on gender equality in Bulgaria and to prepare a data base of stakeholders and experts in the sphere of gender equality for the European Institute of Gender Equality. The latter studies will be carried out in cooperation with the Bulgarian Center for Gender Research.

In January and February 2011, the BHC programme for protection of the rights of the child in institutions organized four round tables with 130 participants to discuss the results of a field study carried out in Roma ghettoes, childcare institutions and child protection departments in the cities of Varna, Plovdiv, Pazardjik, Sofia and Sliven; the field research examined the reasons for abandonment of Roma children in institutions. The recommendations from the round tables were included in the final version of the field research report. The report was presented at a press conference in September 2011 and uploaded on the BHC web site in English and Bulgarian; it was distributed among embassies, ministries, agencies and their regional structures and NGOs engaged in child protection. In 2011 the child protection programme continued to receive information about inhuman and degrading treatment of children placed in institutions. The programme provoked inspections of state bodies together with independent experts; as a result of one of these, the director of one of the institutions was dismissed. The programme actively follows the process of deinstitutionalization in Bulgaria; it took part in visits to institutions for children with intellectual disabilities at the end of 2011.

1.3. International advocacy before UN human rights bodies

In accordance with the Activity Plan adopted during the 2011 General Assembly, in 2011 the BHC had two highly successful interventions before UN human rights treaty bodies. In July, the UN Human Rights Council examined Bulgaria’s report on the implementation of the country’s obligations under the ICCPR. The BHC prepared a shadow report before the Committee focused on all provisions of the ICCPR and took part in the preparation of a second submission in collaboration with our partners from the Mental Disability Advocacy Centre, Budapest, focused on the rights of people with mental disabilities. The BHC chair took part in the session on Bulgaria and had meetings with representatives of the Committee. The Committee’s concluding observations, made public on 19 August, included a number of recommendations put forward by the BHC.

In November, the Committee against Torture (CAT) examined Bulgaria’s report on the implementation of the obligations under the UN Convention against Torture. The BHC prepared a shadow report for this session. The BHC chair took part in the session and met with Committee members. The Committee’s concluding observations, published on 14 December, reflect to a great degree the findings expressed in the BHC shadow report.

The Monitoring and Research Programme assisted the Danish organization SILBA in its election observation mission during the presidential and local elections in Bulgaria in October. The BHC recruited 20 volunteers for participation in the mission, coordinated their activities, organized a seminar and training, liaised with other organizations in Bulgaria, made the itinerary for the election

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2 The two reports are available online on the site of the UN High Commissioner for Human Rights, http://www2.ohchr.org/english/bodies/hrc/hrcs102.htm.
3 Available at http://www2.ohchr.org/english/bodies/cat/cats47.htm.
mission team, sent press releases, gave interviews for the nationwide Bulgarian National Radio and Darik Radio.

The activities of the Monitoring and Research Programme in 2011 were carried out by Krassimir Kanev, Slavka Kukova, Stanimir Petrov, Elitsa Gerginova, Emil Cohen, Margarita Dimova, Georgi Bankov, Antoaneta Nenkova, Svetla Baeva and Ljubomira Marinova.

2. LEGAL DEFENCE PROGRAMME

In 2011, the BHC Legal Defence Programme (LDP) achieved one of its most outstanding successes during the last years. It carried out activities in the framework of the main programme for legal advocacy and litigation and in the framework of the project for advocacy and legal defence of individuals with mental and intellectual disabilities, the latter one carried out in collaboration with the Mental Disability Advocacy Centre, Budapest. A record number of university students from Bulgarian and foreign universities and legal graduates supplemented the work of the programme as volunteers.

2.1. Joint BHC – Prosecutor’s Office inspections in institutions for children with disabilities

Background: In 2009, the LDP filed a lawsuit for discrimination on account of the failure of the Prosecutor’s Office to act and prosecute crimes against children with disabilities in institutions. During a meeting initiated by the Prosecutor General in February 2010 and which was unprecedented for the non-governmental sector, the deputy chair of the BHC reached an agreement for joint BHC – Prosecutor’s Office inspections in all institutions for children with disabilities. The joint inspections established 238 child deaths spanning over a period of 10 years (2000-2010), as well as a huge number of children suffering from malnourishment, cases of abuse, physical and chemical immobilization and severe infectious diseases.

Eight months after the announcement of the results of the joint inspections in all institutions for children with mental disabilities, on 1 June 2011 the BHC organized a special press conference where the deputy Prosecutor General Galina Toneva announced that as at 1 June 2011 the Prosecutor’s Office had initiated 248 pretrial proceedings, 25 of which had been terminated and not a single indictment order had gone to court. Margarita Ilieva, deputy chair of the BHC, pointed out several cases that were a cause of concern, which involved failure to initiate pretrial proceedings – failure to treat dental abscess and lack of dental care for a child ill-treated with tranquilizers, sexual molestation and other cases of sexual abuse, deaths from hypotrophy/pneumonia, bodily injury – accidents or complications.

As at the day of the press conference experts from the LDP had lodged alerts against over 60% of the prosecutorial decrees. By the end of the year, over 70 alerts had been lodged against prosecutorial decrees, which overturned or terminated investigations of crimes in the institutions.

2.2. Domestic litigation

In 2011, the LDP continued to engage in strategic litigation before the domestic courts.
**Cases of individuals with mental disabilities**

The Supreme Administrative Court (SAC) turned down the lawsuit against the minister of labour for lack of provision of community care to a woman with a mental illness. She was forced to live in a social institution, isolated from society, far away from her normal surroundings in Sofia, which contributed to the “syndrome of institutionalisation”, manifesting itself in helplessness, dependence and apathy. The plaintiff asked the court during the court hearing to be placed in a sheltered home in Sofia. A decision of the same court on a similar lawsuit against the failure of the Sofia mayor to provide the plaintiff with alternative community social services is expected. The case will be taken to the European Court of Human Rights (EChHR) in Strasbourg.

The court hearings on another strategic case of the LDP against the minister of justice also continued; the case concerns the irresponsible and degrading treatment of an inmate with a mental illness by staff at the Burgas prison. The plaintiff wants the Sofia district court to establish that the lack of medical and psycho-social care, as well as the brutal treatment he was subjected to by prison staff, constitute discrimination on the grounds of his mental state and inhuman/degrading treatment.

The representation at a higher-instance court of G.G. also continued. In 2009, the Sofia district court held that he had been discriminated by the Radnevo State Psychiatric Hospital; while undergoing treatment in the said hospital he had been prohibited to vote in the parliamentary elections on account of not being “mentally fit” to do so. The court of first instance held that in this way, on the grounds of an order of the hospital director, the constitutional right of a group of people, including of the plaintiff, had been violated.

The programme continued its litigation efforts in a number of other cases, including of people placed under guardianship, whose access to court had been barred.

**Antidiscrimination cases concerning gender, ethnic belonging, sexual orientation and religion**

In February, the Supreme Court of Cassation delivered its final judgment on a case of gender-based domestic violence committed through sexual assault. Prior to this, a panel of the Sofia City Court had successfully questioned the victim in a stress-free environment without exposing her to direct contact with the defendant.

In May, the LDP undertook to represent before the Commission for Protection from Discrimination (CPD) a man suffering from a rare disease who was excluded from the system of reimbursing expensive drugs by the Commission of Medicines at the Council of Ministers on the basis of his gender, age and specificity of his disease. The CPD decision is pending.

The Programme continued to litigate a number of other strategic antidiscrimination lawsuits, including the cases against the politician Volen Siderov on account of his hate speech against minority groups in Bulgaria; a case against the dismissal on racist grounds of a civil servant from the National Revenue Agency, which was unsuccessful; cases against refused access to services and employment to Roma; a case of human trafficking; a case concerning incitement to discrimination against the Shri Chinmoy Centre – Bulgaria carried out by the St. St. Cyril and Methodius Centre for Religious Research and Consultations, among others.
• **Cases of unlawful causing of death, degrading treatment and unlawful detention**

In February, the SAC upheld as a final instance the judgment of the Sofia City Administrative Court (SCAC), which in 2010 had delivered a judgment that detention by the police and taking of a person without serious mental health problems to a psychiatric institution constitutes a violation of Art. 3, Art. 5 and Art. 8 of the *European Convention on Human Rights* on account of the degrading treatment, to which the detainee had been subjected, her unlawful detention and violation of her right to privacy and family life. The police officer had used excessive physical force against the victim. The Court held that the applicant had been detained unlawfully since the *Ministry of Interior Act* allows only for the detention of an individual with severe mental problems and whose behavior disrupts public order or endangers the life of that individual or third others. The SCAC convicted the Sofia Directorate of the Interior to pay the applicant compensation amounting to 1,500 BGN (750 Eur) for the caused non-pecuniary damages. The LDP represented the same applicant before the Sofia district court in cases against the St. Ivan Rilski State Psychiatric Hospital and the Sofia Regional Mental Dispensary. In 2011, the proceedings before the Sofia district court concluded, and the judgment was delivered in early 2012. In it the court acknowledged that the applicant had been unlawfully detained and treated in the psychiatric institution and awarded her compensation.

2.3. **Cases before the ECtHR**

In 2011, the LDP continued its litigation efforts before the European Court of Human Rights for violations of the *European Convention on Human Rights*.

After the case of *Stanev v. Bulgaria* - which concerns the unlawful detention of the applicant in an institution for people with mental disabilities - was relinquished to the Grand Chamber of the ECtHR, a public hearing on the case was held on 9 February 2011 where all 17 judges participated. The LDP provided procedural representation to the applicant and ensured his participation in the public hearing. On 17 January 2012 the ECtHR Grand Chamber delivered a historic judgment where it found a number of violations of the ECHR, including of the right to personal liberty and security, fair trial and protection from inhuman and degrading treatment. The judgment in *Stanev* paves the way for a profound reform of the system for restriction of the legal ability and care for people with mental disabilities in Bulgaria. It opens the possibility and necessity for systematic work toward legislative reform, in which the BHC intends to play a key role in 2012.

In 2011, the LDP undertook a new case before the ECtHR, which is at present in its final stages. The case concerns the application of intrusive and painful treatment to a patient against her will. She died later; immediately before her death she was in intolerable pain and suffering as a result of the treatment. Her relatives turned to the LDP in 2011 for representation; the programme drafted a response to the position of the Bulgarian government on the merits of the application and just satisfaction claim. The judgment is pending.

In 2011, the procedural activities on the emblematic case *Yordanova and Others v. Bulgaria* concluded. In April, the LDP sent a response to the government’s position on the application and on its commentaries regarding the just com

penation claim. The application was filed by many applicants in response to the threat of their forceful eviction from their homes in the Roma neighbourhood in Batalova Vodenitsa in Sofia
without the provision of adequate alternative housing by the city mayor. The larger part of the buildings in the settlement were built in the beginning of the 20th century. They are the only homes, which their inhabitants possess and at which they have been officially registered as living. The judgment in this case is expected to set the standard for treatment of Roma settlements in Bulgaria.

Two other cases litigated by the LDP at the ECtHR are in their final stages. One concerns the ineffective investigation by the Prosecutor’s Office of a racially-motivated attack on a Sudanese national by skinheads, while the other concerns the torture of a man in police detention aimed to force him to confess complicity in the murder of the former prime minister of Bulgaria Andrei Lukанov. In 2011, the LDP drafted responses to the government positions on the two applications and submitted just satisfaction claims.

The LDP continued the representation before the ECtHR on other applications, among which an application of the son of a woman who died in a social care institution and on behalf of individuals unlawfully placed in a psychiatric institution.

In February 2011, the BHC in collaboration with the Association for European Integration and Human Rights and the Bulgarian Lawyers for Human Rights organized a round table, “Police Brutality in Bulgaria – Stop it Now!” At the round table a summary report on all judgments of the European Court of Human Rights against Bulgaria relevant to police brutality was presented. The goal of the round table was to set the foundations of a discussion, which would ultimately lead to legislative changes that would allow the police to use force and firearms only in cases of absolute necessity. The analysis was prepared by the BHC deputy chair Margarita Ilieva.

In May 2011, a working group was formed at the Interior Ministry, which had to draft proposals for specific legislative changes, which had to be tabled in parliament by June 2011. Margarita Ilieva drew up concrete proposals, which were accepted by the working group. By the end of 2011 the proposals were not tabled in parliament. They were finalized by February 2012 and their discussion in parliament is pending. The proposed legislative changes are supposed to harmonize the use of force and firearms by law enforcement officials with the provisions of the European Convention on Human Rights.

During the year the LDP continued to assist and provide legal aid to victims of police brutality; the competent authorities were informed in each case.

During the year experts from the LDP actively opposed the unacceptable pressure of the executive on the Bulgarian magistrates. The BHC led an active campaign against the unclear and devoid of legitimacy staffing policy of the Supreme Judicial Council (SJC) and insisted on the body’s resignation. The LDP actively follows the activities of the SJC’s Inspectorate; this body launched a biased inspection against the judges from the criminal collegiate of the Sofia City Court.

In February 2011, the BHC informed the wider public of the flaws of the acting legislation on the use of special surveillance means. Margarita Ilieva was invited in a working group, which had to propose changes to the existing situation. Margarita Ilieva took part in a number of meetings with the minister of justice, the deputy prosecutor general, representatives of NGOs and other institutions.

In 2011, too, the LDP continued its advocacy activities for the ratification of the UN Convention of the Rights of People with Mental Disabilities (CRPD). In November 2011, Aneta Genova, together with a
delegation of the Ministry of Labour and Social Policy lead by the deputy minister Valentina Simeonova, took part in a study trip to Germany. The aim of the event was for the representatives of the different institutions to learn more about the principles of supported decision taking of people with mental disabilities put forward by the CRPD and in effect in Germany. During the visit, attorney Genova, as an expert in the field, acquainted the participants with the applicability of the German experience in Bulgaria. The CRPD was ratified by parliament in January 2012.

Since October 2011, Aneta Genova has consulted participants in the working group at the Ministry of Education on a draft act for school education. The BHC is actively advocating through the new law not to allow discrimination, to respect all rights of children with disabilities, connected with their access to education and integration in society, and to ensure guarantees for the closure of the juvenile correction institutions.

The LDP submitted positions and consultations on written complaints received at the BHC, which fall within the priority spheres of activity of the BHC. The number of received complaints marks an increase; in 2011 they were over 560, which is 18% more in comparison to 2010.

The programme continued to maintain the site http://ravni.bghelsinki.org/, which contains information for protection from discrimination.

Throughout the year the experts from the Legal Defence Programme had media appearances on various human rights topics.

2.4. Seminars, working meeting and trainings

In 2011, the LDP actively participated in trainings, working meetings and seminars in Bulgaria and abroad. This helped the programme to build the capacity of its staff, to network among the international human rights community and to assist human rights organisations abroad.

In February and November 2011, on the invitation of the European Legal Academy (ERA) in Trier, Germany, the director of the Legal Programme Margarita Ilieva took part as a lecturer on the topic of “Racial Discrimination of Roma” at a seminar dedicated to anti-discrimination law in the EU. In the beginning of February, she took part in a meeting between leading European NGOs and representatives of the ECtHR. The occasion was the reform of the Court procedure. In December, the programme director delivered two lectures in Stockholm on “Testing” during a training of staff of the Office of the Ombudsman and NGOs. In October, Margarita Ilieva carried out a training of attorneys and university professors working in the Sudan.

In June 2011, Margarita Ilieva and Daniela Furtunova took part in the expert group of the CPD for antidiscrimination training of magistrates and investigating bodies. The CPD stated that it intended to use the three books written by Margarita Ilieva on equality standards and practice for the drafting of a training manual.

In the beginning of April, Aneta Genova travelled to Talinn, Estonia to deliver a lecture on “Placement of Children Outside their Families”. In July, Aneta Genova and Georgi Voynov carried out a training of employees from the Sofia Electrical Transport Company on “Sexual Harassment at the Work Place”. The reason was a shocking case of sexual harassment on female employees by their superior. In November 2011, the two BHC lecturers also carried out a training of social workers and users of
social services in the framework of a project for postgraduate qualification at Sofia University. The training module focused on guardianship, discrimination and social services.

In May 2011, Georgi Voynov carried out a training in Brussels on protection from discrimination of LGBT people for the International Association of Gays and Lesbians. In July, he gave a lecture on protection from hate crimes at a national seminar organized by the CPD on the topic “Prevention and Combating of Discrimination though Criminal Law”. In September, Georgi Voynov carried out a training of Albanian activists on the problems of antidiscrimination for Open Society Institute - Albania.

At the end of November, the LDP organized an awareness raising training on “The role of NGOs in combating discrimination” on the initiative and with the support of Migration Policy Group and Human European Consultancy. NGO representatives from across the country took part in it.

The activities of the Legal Defence Programme during the year were implemented by: Margarita Ilieva, attorney-at-law, deputy chair of the BHC and legal programme director, senior attorneys-at-law Aneta Genova and Daniela Furtunova – organizer at LDP, the lawyers Georgi Voynov, Elena Krasteva and Mirela Zarichinova, Kaloyan Stanev – assistant, the interns Blagovesta Lambreva and Gabriela Galabova, Ljuba Popova – legal intern, and the volunteers Alexandra Valassopoulou, Vyara Savova, Galya Taneva, Georgi Georgiev, Gergana Micheva, Dafina Nedelcheva, Dina Aravanova, Iliana Lilova, Yoanna Traykova, Karina Ivanova, Milena Ivanova, Nikoleta Popstoeva, Stanislava Ivanova and Stefan Angelov.

3. CAMPAIGNS AND COMMUNICATIONS PROGRAMME

3.1. Activities connected with the BHC Communications Strategy

In 2011, too, the Campaigns and Communications Programme continued to develop its activities in accordance with the Strategy for development of the BHC campaigns and communications. The Strategy provides for a better visibility of the committee activities; dissemination of more information; correct targeting of the messages to different audiences; more and more diverse events; development of more visible campaigns; a new site with a new look and functions; profiles in social networks.

In the course of the year over 50 press releases and 40 declarations, positions, and open letters were sent out by the BHC. These are nearly 100 direct communications to the media and the public. For the same period over ten press conferences, round tables and events were organized. Most of them enjoyed an outstanding for this type of event attendance.

The presentation of the 2010 BHC Annual Human Rights Report took place on 31 March 2011 at the Bulgarian Telegraph Agency. The event had a record-high attendance and was reported in all key national media and in many regional and online media.
Other BHC press conferences during the year were organized in connection with the special defamation legislation on defamation, the need for amendments to the Interior Ministry Act, investigations in the institutions for children with disabilities, the crisis centres for children, the institutionalization of Roma children, the state of reform in the places of detention.

In collaboration with the National Centre for Protection of the Rights in Healthcare, the BHC organized a press conference on the dropping of the “Mental Health” priority by the state. Together with the Estestveno Association and the Rodilnitsa Group two press conferences were carried out during the year on the rights of women in labour.

The programme took part in the popularization of the 2011 Sofia Pride. Together with several other NGOs, the BHC sent an open letter to the Mayor of Sofia on the planned organization of a nationalist protest on the same date as the Sofia Pride. As a result of talks with representatives of the Sofia Pride Foundation and the BHC, the national Ombudsman recommended the criminalization of acts carried out on homophobic grounds.

The biggest BHC campaigns during the year were against police brutality, the resignation of the Supreme Judicial Council, the ratification of the UN Convention on the Rights of People with Disabilities, against the illegal detention of refugees, as well as the Human of the Year awards. All achieved considerable success.

In the beginning of 2011 the BHC launched its campaign “Police Brutality in Bulgaria: Stop it Now!”. In February a round table was organized on the topic in Sofia where the BHC presented its legal analysis. A special site was developed (http://policebrutality.bghelsinki.org), which was visited over 4,500 times. Over 8,000 FAME cards were published for direct sending to the prime minister, which were distributed across several larger cities. The cards requested an immediate change to the legislation that allows the police to use force and firearms without absolute necessity. As a consequence of the BHC campaign, the Interior Ministry announced the creation of a working group (with the participation of the LDP director) to propose amendments to the Interior Ministry Act. They were ready in early 2012.

The programme supported the Legal Defence Programme in the campaign asking for the resignation of the Supreme Judicial Council. A protest electronic letter was published on the BHC web site, which could be sent to the SJJ in a matter seconds. Over 1,120 people sent letters asking for the Council’s resignation.

The programme supported the campaign of the Bulgarian Centre for Non-Profit Law for ratification of the UN CRPM. In June 2011, the BHC consulted and distributed across larger cities 12,000 cards for direct sending to the Council of Ministers requiring the treaty’s immediate ratification. A protest letter with the same text was published on the BHC site (supported by nearly 900 people). As a result of the campaign, in July the social ministry announced that in connection with the many requests for ratification it had received, the ministry was preparing the treaty’s ratification by December. At the end of the year the government moved the ratification to parliament; the treaty was finally ratified in early 2012.
At the end of 2011 the BHC launched a campaign against the illegal detention of refugees. In just over a month, the campaign was supported by nearly 500 people. The programme produced a video for the campaign that was distributed in the social networks. The campaign is ongoing.

The campaign for the Human of the Year annual awards was the most successful so far. We had a record number of shortlisted nominations (32). The votes for the audience award were over 9,100 (5,500 last year). We had some 150,000 visits to the humanoftheyear.org site and the respective Facebook page – in comparison to 47,000 last year and 15,000 the year before – i.e. the increase of the interest since 2009 is tenfold.

The Human of the Year interactions in Facebook were as follows: 12,048 shares, 4,355,968 impressions. The associated pages to the Human of the Year page in Facebook have nearly 10,000 members.

In June 2011, the BHC launched its new site. The site had been redesigned, in collaboration with Magic Solutions, for over six months. Its new vision is clearer and more modern, it has new functionalities – possibility for upload of multimedia, direct sending of petitions, content tagging, easier search in topics. The site is bi-lingual.

The BHC entered the new site in the Bulgarian web awards and won the runner up award in the Society and Politics section, coming second after the Capital daily.

In the period January – December 2011 the BHC web site registered 169,203 unique visits and 2,643,659 visited pages. The site marks a 36,6% rise in visits in comparison to 2010. Over 1,500 news articles (press releases, human rights materials, ECtHR judgments, and others) were published with the aim being not to publish a large quantity, but carefully selected content, and 185 videos.

Together with the launch of the new site, the BHC published its own page in Facebook, which currently has 800 members. Nearly 67,000 of the visitors at bghelsinki.org in 2011 came from the social networks. The programme produces special materials for the social networks – e.g. the cards published to mark December 1 – the International AIDS Day, and December 3 – the International Day of People with Disabilities, the video for the campaign against illegal detention of refugees, and others. In 2012, the BHC will develop a profile in Twitter.

In 2011, a professional redesign was made of the pdf version of the Obektiv magazine, which will be available for online reading as of February 2012. The design and concept of a new BHC monthly bulletin was developed, which will focus on our campaigns, key press releases, Bulgarian and international news, videos, key articles from Obektiv. The newsletter will be released in February 2012.

During the past year the visibility of the BHC grew. The publications on BHC activities in domestic and international media numbered thousands. Committee representatives answered hundreds of media questions during the year. In 2011, the cooperation with the new social programme of the Bulgarian National Television, which the programme director consults, continued.

Apart from the new site on police brutality, the existing BHC special sites continued functioning – the annual human rights report (humanrightsbulgaria.wordpress.com), the Human of the Year campaign
(www.humanoftheyear.org), the campaign for punishing the crimes in the childcare institutions (forsakenchildren.bghelsinki.org).

The Real Way Down project filmed a promotional film about the activities of the BHC, which will be given as a donation to the organization to be used in our populirisation work and fundraising. The film will be ready in 2012.

3.2. Obektiv magazine

In 2011, the BHC continued publishing the Obektiv magazine. At the same time, the magazine’s editor-in-chief coordinated a number of civil initiatives.

The magazine continued to increase the number of its authors (over 30); the regular features became 15. The publication maintains author columns (Slavka Kukova, Tatjana Vaksberg), which have been described in professional circles as the only of their kind in thematic and journalistic aspects. The Expert Opinion column attracted some of the most distinguished names in the sphere of human rights expertise from the NGO and state sector. During the last months the Obektiv discussion club experimented with a new format which proved exceedingly successful. On account of the technological flexibility and professionalism of the magazine team, the discussions on current issues (religious discrimination, draft act on children’s rights), which are carried out on the territory of the BHC, take place almost online. The readers increased manifold. Many texts from the magazine were cited and re-printed in other media. The participants came from senior ranks – MPs, deputy ministers, chairs and directors of state agencies, leaders of religious organisations. Professional journalistic topics prevailed, while the participants in the Obektiv discussion club are leading names in the printed and electronic media. Some of the discussed topics in the Obektiv discussion club that have contributed to the media sphere are: religious freedom (e.g. State Agency for National Security persecution of imams and muftis), trade with influence in the media, police brutality.

Yuliana Metodieva took part in many radio and television programmes focused on threats against free journalism, as well as the Katunitsa case. She continued her advocacy on behalf of the BHC on the defamation case against the Bulgarian National Radio correspondent Venelina Popova filed by a local businessman.

In 2011, a special focus in the BHC civil initiatives was connected with de-communisation and the right to know our past. Yuliana Metodieva took part in an unprecedented debate organized by the Red House on the topic of ambassadors and agents of the State Security together with literary critics and professors from the Sofia University and the New Bulgarian University. This topic was actively discussed on the pages of Obektiv and in other BHC public events.

In April, the BHC was addressed by the prominent sculptor Alexander Dyakov who asked the committee to initiate a debate on the memory and fate of one of the most problematic cultural emblems of totalitarian art – the Monument of the Soviet Army. In May, Yuliana Metodieva organized a discussion on the memory, the totalitarian heritage and the city, the fate of the monument in the focus of civil discourse. H.E. Judith Lang, ambassador of Hungary to Bulgaria, took part in the discussion.
As a direct continuation of the topic of communism in the context of the overt attempts to restore the age of the former dictator Todor Zhivkov, in September the BHC became a co-organiser in the preparation of the round table “Bulgarian Communism – Life after Death”. The co-organisers were the five most distinguished NGOs in the country: the Open Society Institute, the Centre for Liberal Strategies, the Centre for Academic Research, the International Centre for Minority Studies and Intercultural Relations and the Institute for Studies of the Recent Past. Over 40 distinguished historians, philosophers, sociologists took part in the discussion. A book with articles from the participants and minutes from the round table is about to be published; the book will be translated in English.

In 2011, Yuliana Metodieva continued the collaboration with the Association of the Sociology Students. Four screenings of the film cycle “The Ineffaceable Remnants of Borders” were organized. The start of the new season was announced with the screening of the German film “Death While the Others were on Vacation”. The other three films – the Bulgarian “Border” (directed by Ilian Simeonov and K. Dvelekekov), the documentary films “Goryani” (Atanas Kiryakov), “Gioch” (screenplay by Daniela Gorcheva, directed by Irina Nedeva, Andrey Getov) were screened at Sofia University. Directors, historians and sociologists took part in the discussion.

In December, the BHC started the preparation of a discussion on the Macedonian film “Third Half-Time” in response to the letter of the three Bulgarian MEPs Andrey Kovachev, Stanimir Ilchev and Evgeni Kirilov. In the letter the three insist in a unprecedented manner to stop the film project inasmuch as it allegedly manipulated and falsified the facts connected to the deportation of the Macedonian Jews during World War II. The discussion in scheduled for mid-2012 and will attract as participants historians from Sofia and Skopje; the Union of Film Makers has also been invited. The project is carried out in collaboration with B’nei B’rit.

4. PROGRAMME FOR LEGAL DEFENCE OF REFUGEES AND MIGRANTS

In 2011, the other legal programme of the BHC working for the protection of the rights of foreigners in Bulgaria - and more specifically refugees and migrants as a vulnerable category – continued its work. The BHC has been engaged in this activity since 1994 as an official partner of the UNHCR who is the programme’s core donor. In 2011, the programme received funding from the European Refugee Fund and the state budget for granting legal aid to asylum seekers through legal representation and consultations in the asylum proceedings in the administrative phase; the project runs through to June 2012.

The programme is systematically engaged in monitoring and advocacy concerning the right to asylum and international protection of individuals fleeing persecution on account of their race, religion, nationality, belonging to a particular social group or political beliefs. The programme also provides
The programme implements its activities on the basis of several permanent institutional agreements with the UNHCR effective since 1994, with the State Refugee Agency since 1998, with the Border Police Directorate General at the Interior Ministry since 2005 and with the Migration Directorate at the Interior Ministry since 2007.

The programme implements its activities through a permanent reception office in Sofia and through reception offices in the registration centres of the State Refugee Agency in Sofia and Banya. Regular monitoring was carried out in the places for police detention at the Busmantsi Centre for Temporary Detention of Foreigners, Sofia, and the one in Ljubimets, which are places for administrative detention of illegal immigrants. The programme appealed administrative acts and ensured access to court of asylum seekers and illegal immigrants in order to ensure their right to an effective means of protection; it also provided *pro bono* representation through the administrative courts and before the Supreme Administrative Court in cases of serious violations of material and procedural rights.

The most important aspect of the programme’s activities in 2011 was again monitoring of the access to the territory and procedure of asylum seekers – at the borders and in the special centres for temporary detention of foreigners in Busmantsi and Ljubimets. During the year, a total of 890 asylum seekers were registered in Bulgaria; 301 of them – at the border; 235 of the asylum seekers registered at the border, or 78%, were detained at Busmantsi and Ljubimets. Only 66 asylum seekers received direct access to procedure and placement in the registration centres of the State Refugee Agency, the remaining 235 were detained. Another 63 individuals applied for asylum from the Ljubimets Centre and 287 asylum seekers – from the Busmantsi Centre. A total of 585 asylum seekers were detained in 2011, 483 of which were released. Thus, 549 individuals, or 61% of all individuals who had applied for asylum in 2011, were given protection against *refoulement*, registered as asylum seekers, freed from places of police detention on the borders or from centres for detention within the country, and thus received access to the territory and procedure with the representation and assistance of the Bulgarian Helsinki Committee.

In addition, we provided a total of 3,842 legal consultations to 1,810 beneficiaries, of whom 804 asylum seekers, 33 recognised refugees, 45 persons with a humanitarian status, 637 asylum seekers with rejected applications and 177 with final rejections, 14 separated children and 100 cases of voluntary return. We filed a total of 239 lawsuits, 83 of which in accelerated procedure before the administrative courts and 156 – in general procedure before the Supreme Administrative Court; of these, 90 were at the court of appeal and 66 – before the court of cassation. We provided representation at 96 cases, of which 24 before the Sofia City Administrative Court and 72 before the Supreme Administrative Court. Fifty-seven lawsuits were won – 21 in accelerated procedure, 26 in general procedure and 10 in cassation appeal before the Supreme Administrative Court. In addition, in 2011 we filed 343 appeals against involuntary placement measures for asylum seekers in Busmantsi and Ljubimets; in the first six months of the year we won 31 of them, which contributed to the repeal of a legislative provision allowing this detention in November 2011.

In 2011 the programme worked on several related projects and initiatives:
• *Fleeing Homophobia, Seeking Safety in Europe Project* – Analysis and evaluation of the applicable criteria for granting international protection to individuals who are fleeing persecution on the basis of their sexual orientation under a project of SOS - the Netherlands financed by the European Commission.

• *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.

The refugee protection programme prepared and reported its projects autonomously from the Programming and Administration Programme. During the year, all due narrative and financial reports were submitted on time.

The programme operates thorough seven people personnel, five 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. On the basis of funding received from the European Refugee Fund 2010, the programme runs a National Asylum Lawyers’ Network. For the first time since 2004, when the representation of asylum seekers at the administrative phase was discontinued for budgetary reasons, the programme was successful in providing this activity in the two registration centres in Sofia and Banya in the status granting procedure carried out by the State Refugee Agency of the Council of Ministers. Specialized legal aid was granted to categories of individuals in need of special protection, e.g. unaccompanied minors, victims of torture and persons with disabilities.

*The programme activities during the year were implemented by:* Antoaneta Dedikova – legal consultant, Elitsa Sekulova – accountant, and the attorneys Valentina Nielsen, Georgi Toshev, Mariana Andreeva, Plamen Zhelev, and Iliana Savova – programme director. Outside Sofia, the programme provided legal aid to asylum seekers and migrants through the attorneys Mariana Nikolova (Nova Zagora) and Dimitar Slavov (Svilengrad).

*The remaining members of the National Refugee Lawyers’ Network who worked in 2011 were:* Alexandrina Taneva, Atanas Dolapchiev, Borislav Delibashev, Emilia Toncheva, Ivelina Trifonova, Maria Valjovska, Martin Hristov and Peter Nedelchev.

5. **PROGRAMMING AND ADMINISTRATION PROGRAMME**

The Programming and Administration Programme is supported by the Open Society Institute – Budapest and the Oak Foundation. As in previous years, the Programme provided support to the activities of the committee relating to administration, human resources, general coordination, technical and logistic support. The programme coordinates the fundraising activities of the BHC, reporting, internal organisation rules, labour safety and ensuring comfortable working conditions for all employees. The staff of this programme meets all individuals who have come to file complaints and coordinate the work with them, they take active part in the organisation and coordination of public events, seminars, conferences, they assist the communication with journalists in connection with press releases and other publications and statements of the committee.
After the programme director went on maternity leave, part of the activities connected with the preparation of new projects and reporting on current ones were overtaken by the BHC chair. The remaining activities were coordinated by Sibila Borissova, administrative manager. During the year, the Programming and Administration Programme coordinated the reporting of projects before the following donors:

- The Open Society Institute, Budapest – on the institutional project and the project for monitoring places of detention;
- The Oak Foundation on the institutional grant;
- The Leon Levy Foundation on the programme for core support of the BHC Legal Defence Programme;
- The Trust for Civil Society in Central and Eastern Europe for the project for financing the activities of the programme for monitoring places of detention;
- The Fundamental Rights Agency of the EU for the partnership project for research in the sphere of the priorities on the Agency’s Multiannual Framework;
- The Mental Disability Advocacy Centre, Budapest, for the joint project for protection of the rights of people with mental disabilities.

Apart from reporting, the programme is engaged in fundraising for new projects. In 2011, the programme wrote project proposals for the following donors:

- The Leon Levy Foundation – for continued support for the institutional grant – the project was financed;
- The Open Society Institute – for a project for monitoring places of detention and for training of representatives of civil society to conduct monitoring – the project was financed;
- A project proposal for renewing the cooperation with the Agency for Fundamental Rights of the EU for the next four years – the project is financed;
- A project before the European Commission in collaboration with the Guarding Police Directorate General on the topic “European Police and Human Rights” – the project is financed;
- A project before the European Commission in cooperation with three other NGOs dedicated to imprisonment of minors – the project’s evaluation is pending by the European Commission.

The total amounts fundraised under these projects is over 144,000 Euro.

In addition, in 2011 the Programming and Administration Programme prepared the documents for the BHC Annual Assembly and processed the minutes from the meeting. The programme does not take part in the preparation of the projects and the reporting of the projects carried out in the framework of the Refugees’ and Migrants’ Legal Protection Programme.

The programme also prepares annually the due information for the Central Register for Public Benefit NGOs at the Ministry of Justice.

A significant part of the Programming and Administration Programme involved running the organisation’s accounting. It was carried out by an external accounting firm on a high professional level. All due financial reports, before donors and state institutions, were prepared and submitted on
time. The accounting department also prepared the annual financial report of the BHC for auditing by a licensed auditing company. The audit was made in the beginning of February 2012.

The grants received in 2011 were less than in 2010 (as a result of underspending in 2010). Among the biggest donors of the BHC in 2011, as in the previous year, were the Open Society Institute - Budapest, the Oak Foundation, the UNHCR and the European Refugee Fund. Other donors include the Leon Levy Foundation, the Trust for Civil Society in Central and Eastern Europe, the European Commission, the Open Society Institute – Sofia, the Fundamental Rights Agency, the Netherlands Embassy in Sofia, as well as some smaller donors.

The activities of the Programming and Administration Programme in 2011 were carried out by: Desislava Simeonova – director, Krassimir Kanev – BHC chair, Sibila Borissova – administrative manager, Severina Petkova – accountant clerk, Denitsa Blagova, Assya Koleva and Krassimir Gegov – technical assistants. The accounting is carried out by the Zhelkova, Staneva and Georgiev Accounting Firm.

6. INDEPENDENT AUDITOR’S REPORT, ANNUAL FINANCIAL REPORT

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, 2011 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 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, 2011, 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 2011 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 consolidated financial information presented in the Annual Management Report for year 2011 corresponds in all material aspects to the financial information presented in the annual consolidated financial statements for the same reporting period.

**SPECIALISED AUDIT ENTERPRISE RSM BX OOD**

Manager:  
IZABELA DZHALAZOVA

Certified Auditor in Charge:  
IZABELA DZHALAZOVA

3 February 2012
Sofia, Bulgaria
# PROFIT AND LOSS ACCOUNT

**Non-Profit Activity**

**Of Association Bulgarian Helsinki Committee**

**For 2011**

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<td>Previous Year</td>
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<tr>
<td>OPERATING EXPENSES</td>
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<tr>
<td>A. Expenses on regulated activity</td>
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<td>Total A:</td>
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<td>B. Administrative expenses</td>
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<td>TOTAL (V+VI)</td>
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<td>Previous Year</td>
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<td>OPERATING REVENUE</td>
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<td>B. Revenue from regulated activity</td>
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<td>Other revenues</td>
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<td>16</td>
<td>55</td>
<td></td>
</tr>
<tr>
<td>TOTAL (V+VI)</td>
<td>942</td>
<td>842</td>
<td></td>
</tr>
</tbody>
</table>

Date of preparation:

Sofia, 01 February 2012

Stamp of Specialised Audit Enterprise

RSM BX OOD, Sofia, Reg. No. 130

Prepared by:

Aleksander Georgiev – sign. ill.

Stamp of Accounting Office OOD

For Zhelkova, Staneva & Georgiev – Accounting Office OOD

Chairman:

Krassimir Kanev – sign. ill.

Stamp of

Bulgarian Helsinki Committee

Certified as per Auditor’s Report, 03.02.2012, RSM BX OOD, Manager: sign. ill, Certified auditor: sign. ill. RSM BX Ltd.
# PROFIT AND LOSS ACCOUNT

**Profit-Making Activity**

**Of Association Bulgarian Helsinki Committee**

**For 2011**

<table>
<thead>
<tr>
<th>Expenses</th>
<th>Amount (thousand BGN)</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Current Year</td>
<td>Previous Year</td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>2</td>
<td>3</td>
<td></td>
</tr>
<tr>
<td><strong>A. EXPENSES</strong></td>
<td></td>
<td></td>
<td><strong>B. INCOME</strong></td>
</tr>
<tr>
<td>Depreciation and Impairment, incl.:</td>
<td>5</td>
<td>5</td>
<td>Net sales revenue, incl.:</td>
</tr>
<tr>
<td>a) Depreciation and impairment of non-current tangible and intangible assets, incl.:</td>
<td>5</td>
<td>5</td>
<td>goods</td>
</tr>
<tr>
<td>- depreciation</td>
<td>5</td>
<td>5</td>
<td>services</td>
</tr>
<tr>
<td><strong>Other expenses, incl.:</strong></td>
<td>1</td>
<td>4</td>
<td><strong>Other income, incl.:</strong></td>
</tr>
<tr>
<td>a) carrying amount of assets sold</td>
<td>1</td>
<td>4</td>
<td><strong>Total operating income</strong></td>
</tr>
<tr>
<td><strong>Total operating expenses</strong></td>
<td>6</td>
<td>9</td>
<td><strong>Total finance income</strong></td>
</tr>
<tr>
<td><strong>Interest expenses and other finance costs, incl.:</strong></td>
<td></td>
<td></td>
<td><strong>Total income from main activity</strong></td>
</tr>
<tr>
<td><strong>Total finance costs</strong></td>
<td></td>
<td></td>
<td><strong>Operating loss</strong></td>
</tr>
<tr>
<td><strong>Total operating costs</strong></td>
<td>6</td>
<td>9</td>
<td><strong>Total income</strong></td>
</tr>
<tr>
<td><strong>Total expenses</strong></td>
<td>6</td>
<td>9</td>
<td>10. Accounting loss (total income – total expenses)</td>
</tr>
<tr>
<td><strong>Profit tax expenses</strong></td>
<td></td>
<td></td>
<td><strong>11. Loss (line 10 + line 11 and line 12 from A)</strong></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>6</td>
<td>9</td>
<td><strong>Total (Total income + 11)</strong></td>
</tr>
</tbody>
</table>

---

Date of preparation: Sofia, 01 February 2012
Stamp of Specialised Audit Enterprise RSM BX OOD, Sofia, Reg. No. 130

Prepared by: Aleksander Georgiev – sign. ill.
Stamp of Accounting Office OOD
For Zhelkova, Staneva & Georgiev – Accounting Office OOD

Chairman: Krassimir Kanev – sign. ill.
Stamp of Bulgarian Helsinki Committee

Certified as per Auditor’s Report: 03.02.2012, RSM BX OOD, Manager: sign. ill., Certified auditor: sign. ill. RSM BX Ltd.
### BALANCE SHEET

**Association Bulgarian Helsinki Committee**

**As of 31.12.2011**

<table>
<thead>
<tr>
<th>ASSETS</th>
<th>SECTIONS, GROUPS, ITEMS</th>
<th>Amount (thousand BGN)</th>
<th>LIABILITIES</th>
<th>Amount (thousand BGN)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Current Year</td>
<td>Previous Year</td>
<td></td>
</tr>
<tr>
<td></td>
<td>a</td>
<td>1</td>
<td>2</td>
<td>a</td>
</tr>
<tr>
<td></td>
<td>A. Registered, not paid-in capital</td>
<td></td>
<td></td>
<td>A. Equity</td>
</tr>
<tr>
<td></td>
<td>B. Non-current (long-term) assets</td>
<td></td>
<td></td>
<td>I. Issued capital</td>
</tr>
<tr>
<td></td>
<td>I. Intangible assets</td>
<td></td>
<td></td>
<td>II. Issue premium</td>
</tr>
<tr>
<td></td>
<td>II. Long-term tangible assets</td>
<td></td>
<td></td>
<td>III. Revaluation reserve</td>
</tr>
<tr>
<td></td>
<td>Equipment and others</td>
<td>10</td>
<td>15</td>
<td>IV. Reserves</td>
</tr>
<tr>
<td></td>
<td><strong>Total Group II:</strong></td>
<td><strong>10</strong></td>
<td><strong>15</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td>III. Long-term financial assets</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>IV. Deferred taxes</td>
<td></td>
<td></td>
<td>V. Accumulated profit (loss) from previous years, incl.:</td>
</tr>
<tr>
<td></td>
<td><strong>TOTAL SECTION B:</strong></td>
<td><strong>10</strong></td>
<td><strong>15</strong></td>
<td><strong>Total Group V</strong></td>
</tr>
<tr>
<td></td>
<td>C. Current (short-term) assets</td>
<td></td>
<td></td>
<td>VI. Current profit (loss)</td>
</tr>
<tr>
<td></td>
<td>I. Inventories</td>
<td></td>
<td></td>
<td><strong>TOTAL SECTION A:</strong></td>
</tr>
<tr>
<td></td>
<td>Work in progress</td>
<td>254</td>
<td>258</td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>Products and goods, incl.</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>- goods</td>
<td>9</td>
<td>10</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Total Group I:</td>
<td><strong>263</strong></td>
<td><strong>268</strong></td>
<td><strong>Payables to suppliers, incl.</strong></td>
</tr>
<tr>
<td></td>
<td>II. Receivables</td>
<td></td>
<td></td>
<td>- within 1 year</td>
</tr>
<tr>
<td></td>
<td>Receivables from clients/suppliers/donors</td>
<td>19</td>
<td>4</td>
<td>Other payables, incl.:</td>
</tr>
<tr>
<td></td>
<td>Receivables from group enterprises, incl.:</td>
<td>7</td>
<td>56</td>
<td>- within 1 year</td>
</tr>
<tr>
<td></td>
<td>Other receivables, incl.:</td>
<td>8</td>
<td>31</td>
<td>- payables to personnel, incl.:</td>
</tr>
<tr>
<td></td>
<td>Total Group II:</td>
<td><strong>34</strong></td>
<td><strong>91</strong></td>
<td>- within 1 year</td>
</tr>
<tr>
<td></td>
<td>III. Investment</td>
<td></td>
<td></td>
<td>- tax payables</td>
</tr>
<tr>
<td></td>
<td>IV. Cash, incl.:</td>
<td></td>
<td></td>
<td>- within 1 year</td>
</tr>
<tr>
<td></td>
<td>- petty cash</td>
<td>5</td>
<td>14</td>
<td>TOTAL SECTION C, incl.:</td>
</tr>
<tr>
<td></td>
<td>- deposits</td>
<td>386</td>
<td>607</td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>Total Group IV:</strong></td>
<td><strong>391</strong></td>
<td><strong>621</strong></td>
<td>D. Financing and future income, incl.:</td>
</tr>
<tr>
<td></td>
<td><strong>TOTAL SECTION C:</strong></td>
<td><strong>688</strong></td>
<td><strong>980</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td>D. Prepayments</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>TOTAL ASSETS</strong></td>
<td><strong>698</strong></td>
<td><strong>995</strong></td>
<td><strong>TOTAL LIABILITIES</strong></td>
</tr>
</tbody>
</table>

**Date of preparation:**
Sofia, 01 February 2012
Stamp of Specialised Audit Enterprise
RSM BX OOD, Sofia, Reg. No. 130

**Prepared by:**
Aleksander Georgiev – sign. ill.
Stamp of Accounting Office OOD
For Zhelkova, Staneva & Georgiev – Accounting Office OOD

**Certified as per Auditor’s Report, 03.02.2012, RSM BX OOD, Manager: sign. ill.**

**Chairman:**
Krassimir Kanev – sign. ill.
Stamp of Bulgarian Helsinki Committee
# CASH FLOW STATEMENT

**Of Association Bulgarian Helsinki Committee**

**For 2011**

<table>
<thead>
<tr>
<th>TYPES OF CASH FLOWS</th>
<th>Current period</th>
<th>Prior period</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>a</strong></td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>Cash at the beginning of the period</td>
<td>621</td>
<td>391</td>
</tr>
<tr>
<td><strong>Cash flows from non-profit activity</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>A. Proceeds from non-profit activity</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Conditional donation revenue</td>
<td>684</td>
<td>1 113</td>
</tr>
<tr>
<td>Membership Fee</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>Proceeds from bank and exchange operations</td>
<td>5</td>
<td>12</td>
</tr>
<tr>
<td>Other proceeds</td>
<td>39</td>
<td>18</td>
</tr>
<tr>
<td><strong>Total proceeds from non-profit activity</strong></td>
<td>730</td>
<td>1 145</td>
</tr>
<tr>
<td>B. Cash paid for non-profit activity</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Donations made</td>
<td>2</td>
<td>88</td>
</tr>
<tr>
<td>Cash paid for salaries</td>
<td>588</td>
<td>511</td>
</tr>
<tr>
<td>Cash paid for social insurance</td>
<td>105</td>
<td>74</td>
</tr>
<tr>
<td>Cash paid for bank and exchange operations</td>
<td>5</td>
<td>7</td>
</tr>
<tr>
<td>Other payments</td>
<td>45</td>
<td>12</td>
</tr>
<tr>
<td>Unutilised donations</td>
<td>10</td>
<td>2</td>
</tr>
<tr>
<td>Payments to suppliers</td>
<td>208</td>
<td>220</td>
</tr>
<tr>
<td><strong>Total cash paid for non-profit activity</strong></td>
<td>963</td>
<td>914</td>
</tr>
<tr>
<td>C. Net cash flow from non-profit activity</td>
<td></td>
<td>233</td>
</tr>
<tr>
<td><strong>Cash flows from profit-making activity</strong></td>
<td></td>
<td>231</td>
</tr>
<tr>
<td>A. Proceeds from profit-making activity</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Proceeds from customers</td>
<td>3</td>
<td>2</td>
</tr>
<tr>
<td><strong>Total proceeds from profit-making activity</strong></td>
<td>3</td>
<td>2</td>
</tr>
<tr>
<td>B. Cash paid for profit-making activity</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other payments</td>
<td></td>
<td>3</td>
</tr>
<tr>
<td><strong>Total cash paid for profit-making activity</strong></td>
<td></td>
<td>3</td>
</tr>
<tr>
<td>C. Net cash flow from profit-making activity</td>
<td>3</td>
<td>(1)</td>
</tr>
<tr>
<td>IV. Cash at the end of the period</td>
<td>391</td>
<td>621</td>
</tr>
<tr>
<td>V. Change in cash during the period</td>
<td>(230)</td>
<td>230</td>
</tr>
</tbody>
</table>

---

**Date of preparation:**
Sofia, 01 February 2012

**Prepared by:**
Aleksander Georgiev – sign. ill.
For Zhelkova, Staneva & Georgiev –
Accounting Office OOD

**Chairman:**
Krassimir Kanever – sign. ill.
Stamp of Bulgarian Helsinki Committee

**Stamp of Specialised Audit Enterprise**
RSM BX OOD, Sofia,
Reg. No. 130

Certified as per Auditor’s Report, 03.02.2012, RSM BX OOD, Manager: sign. ill., Certified auditor: sign. ill., RSM BX Ltd.
<table>
<thead>
<tr>
<th>Date of Preparation</th>
<th>13/1</th>
<th>13/2</th>
<th>13/3</th>
<th>13/4</th>
<th>13/5</th>
</tr>
</thead>
<tbody>
<tr>
<td>Balance at the beginning of the period under review</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other changes in equity and reserves</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Balance after the changes in the accounting policy</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Accounting errors as per accounting standards and norms</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other changes in equity and reserves</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Balance at the end of the period under review</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**For 2011**

**Statement of Association Budgetary Items Committee**

**Equity Statement**

(Thousand BGN)