

# **BULGARIAN HELSINKI COMMITTEE**

## **Activity Report**

**January 2001 – December 2001**

### **Spheres of activity**

During 2001 the Bulgarian Helsinki Committee focused its activities on several priority spheres: human rights of ethnic minorities, protection of refugees, asylum seekers and migrants, the situation in the places of detention, rights of children in institutions, mental disability rights, conditions in social homes for adults with mental disabilities and mental retardation, excessive use of force by law-enforcement officials, freedom of assembly, freedom of speech and access to information, fair trial, rights of sexual minorities. The Committee also supported a Legal Programme through which it offered legal representation of victims of serious human rights violations in Bulgaria before the domestic and international courts. BHC organized a number of public events on different occasions. It also engaged in a larger number of publication activities through which it publicized its findings.

The conclusions of the BHC research in the annual report on human rights in Bulgaria were quoted in the annual reports of Amnesty International, Human Rights Watch, International Helsinki Federation for Human Rights, the US State Department reports on human rights and religious freedoms.

### **New Projects**

In 2001 the Bulgarian Helsinki Committee launched several new projects. In May 2001 with the support of the Dutch foundation St. Fonds de Trues and in partnership with the Bulgarian Gay Organization Gemini the committee launched a project analyzing Bulgarian legislation regarding homosexuals. In August BHC broadened its work in children's institutions by launching a project on the homes for children with mental and physical disabilities and lobbying for legislative changes. The project's duration is 11 months and it is supported by the Democracy Commission at the US Embassy in Sofia. In autumn 2001 Open Society Foundation – Sofia started supporting the *Obektiv* Magazine; the second component in this project is writing of an alternative report on the implementation of the Framework Convention for the Protection of National Minorities. In October 2001 we started a follow up of last year's project on ethnic press in Bulgaria this time with a special focus on ethnic publications in the mainstream and local press. The project is supported by the Democracy Network through the Bulgarian Media Coalition. At the end of the year the Legal Programme launched an educational project with a series of seminars for practicing lawyers from Southeastern Europe. This is a two-year project and it is supported by COLPI – Budapest.

Parallel to the new projects, we continued implementing our current activities and projects. Below is a detailed description of the BHC projects throughout the year.

## Partnerships

During the year the Committee established good relations with Mental Disability Rights International (MDRI), Washington. A fact finding mission was held in October 2001 with representatives from MDRI and Amnesty International - London to the homes for children and adults with mental disabilities and mental illnesses. The first step taken after the mission was a campaign for improving social care in Bulgaria. A second mission to other homes was carried out in January 2002. MDRI chose BHC for a local partner also for the organization of its first conference in Bulgaria in January, 2002.

In October 2001 BHC representatives were invited to present a lecture at the annual meeting of Bulgarian Psychiatric Association. Toward the end of the year the Committee was invited by the Directorate of Human Rights of the Ministry of Foreign Affairs to submit its comments and materials concerning the implementation of the Framework Convention for the Protection of National Minorities. BHC was also invited to participate in the sessions of the Parliamentary Committee on Human Rights and Religion.

BHC continued working with its Bulgarian and international partners on initiatives and current projects.

## Public Events

- *Human Rights Litigation Training for Lawyers from South-Eastern Europe*: The four-day training was carried out in November 2001 in Sofia with the support of COLPI - Budapest. It was organized for lawyers working in the sphere of human rights from Albania, Bulgaria, Macedonia, Yugoslavia and Moldova, with the objective to enhance their capacity for bringing in cases before the European Court of Human Rights.
- *Minority Protection in the EU Accession Process*: The BHC organized the public event on behalf of the EU Accession Monitoring Program at Open Society Institute - Budapest. Held on 8 November 2001 in Sofia to present the country report on Bulgaria on minority protection, the event met with large interest from Roma organizations, minority press, state institutions (Ministry of Foreign Affairs, National Council on Ethnic and Demographic Affairs at the Council of Ministers).
- *Desegregation of Romani Schools in Bulgaria - a Condition for an Equal Start for the Roma in Society*: The conference, held in Sofia on 27 April 2001, was co-organised by the Human Rights Project, the Bulgarian Helsinki Committee, the European Roma Rights Centre and the Roma Participation Programme at the Open Society Institute - Budapest. It was organised with a view to develop a model for a nationwide drive towards equal educational opportunities for Roma in Bulgaria.
- *Round table on the crisis in Bulgarian national radio*: The round table was held on 12 May 2001 with the objective to renew the public debate on the unprecedented crisis in the national radio. The participants urged for the necessity for introduction of changes in the law regulating the

media. The BHC book, *The Radio - Between Power and Professionalism* - was launched at the event (copies are available in Bulgarian from the BHC).

- *Anti-Discrimination Cases, Legislation and Practice of International and National Courts*: The workshop was organised on 20-21 April 2001 in Bankya by the Bulgarian Helsinki Committee and the European Roma Rights Centre; practising lawyers, representatives of minority organisations and foreign experts participated in it.
- *Round table Social Educational Boarding Schools and Correctional Boarding Schools* – The round table was organized in February 2001 and was attended by directors of Social Educational Boarding Schools and Correctional Boarding Schools (juvenile correctional institutions), representatives of state agencies and NGOs engaged in the field. The participants discussed the conditions in those institutions, the placement procedure, the main problems noticed by BHC and by the directors themselves. The first version of BHC's book about Social Educational Boarding Schools and Correctional Boarding Schools was also discussed.

In 2001 several press-conferences were also organized on specific occasions: BHC presented its annual report on human rights in Bulgaria, its conclusions on the situation in the places of detention and on the situation in Bulgarian National Radio.

## **Publications**

In 2001 the BHC publishing programme was very active. Apart from periodicals – *Obektiv* and *Refugees: Today and Tomorrow* (see below for details) the Committee published 6 books with its findings on the different projects. The books are listed on the Committee's website.

- *Radio – between Power and Professionalism*

The book presents a documentary history of the protest of the journalists from Bulgarian National Radio against the change of its managing body. It was presented at a special event in Sofia Press Agency in April 2001.

- *Children in Institutions, vol.1: Social Educational Boarding Schools and Correctional Boarding Schools*

The book gives an overview of Social Educational Boarding Schools and Correctional Boarding Schools, as well as an analysis of the placement procedure, the right to freedom and fair trial; there is also an appendix of relevant legislation.

- *Pre-Trial Detention Centres in Bulgaria*

The book is a summary of the two-year observation BHC did visiting all pre-trial detention places. It includes descriptions of the material conditions of detention as well as an analysis of the discrepancy between the rights granted by the legislation and those really given.

- *Children in Institutions, vol.2: Homes for Medical and Social Care*

The book gives an overview of the situation in the 30 homes for Medical and Social Care for 0-3 year-old children, the conditions in them, as well as the living standard of the children.

- *Children in Institutions, vol.3: Homes for Children of Pre-School Age*

The third volume of the series analyses the situation in the 33 Homes for Children of Pre-School Age (3-7 year old).

- *Impatient Psychiatric Care in Bulgaria and Human Rights*

The last book for 2001 presents the problems in state psychiatric clinics, observed by the BHC researchers in the course of their research (available in English and Bulgarian).

## **Interns**

In 2001 the BHC hosted interns in its different programmes. The BHC programme for the protection of refugees and migrants hosted interns throughout the year. The central office had 3 interns during the summer: one from the Columbia University Law School in New York, one from Brin Mawr College, United States, and the third from the University of Bologna, all of whom worked in the BHC Legal Programme and did research on minority issues.

## **Funding**

In 2001 the Committee's activities were financed through grants supported by the following donors:

- United Nations High Commissioner for Refugees
- Democracy Commission, US Embassy, Sofia
- Democratic Network -Institute for Sustainable Communities
- European Roma Rights Centre – Budapest
- Open Society Institute - Budapest
- Constitutional and Legislative Policy Institute - Budapest
- MATRA Program of the Dutch Ministry of Foreign Affairs
- PHARE Democracy Programme of the European Union
- Open Society Institute Europe Foundation
- Open Society Foundation - Sofia
- St. Fonds de Trues Foundation

No project funding constitutes more than one third of BHC's overall budget.

## **Future Projects**

In 2002 BHC intends to continue its involvement in the sphere of minority rights protection, monitoring the situation in the places of detention, protecting the rights of refugees, asylum seekers and migrants, the rights of the children. The Committee will also continue its strategic litigation before national and international fora. These activities will be implemented through our main programmes – the Legal Programme, the Places of Detention Programme, the Refugees and Migrants Protection Programme, Children in Institutions Programme, and Institutional Support Project.

The work on the protection of the rights of people with mental disabilities and homosexuals, which BHC recently started, will be further developed. The Committee will conduct a research on the situation with the rights of people with mental disabilities with an accent on the situation in social Homes for Children and Adults with Mental Disabilities and Illnesses. Concerning rights of homosexuals, BHC will continue working with Bulgarian Gay Organization Gemini on an educational project whose aim is to educate gay and lesbian community in the country in monitoring the violations of their rights and the ways to react against them.

Finally, as stated above, any new problems and violations appearing in the dynamic field of human rights and requiring action will be a subject of attention of the institutional support project in its part for human rights research. This kind of action will be a temporary solution until the launching, if needed, of special projects to monitor the specific problem.

### **Activities on projects in 2001**

During the reporting period the following project activities were implemented:

#### **Institutional Support of the BHC, Lobbying through the Media, through Publication of the *Obektiv* Monthly Magazine and Development of a Website**

In 2001 the institutional support of the BHC was funded through a two-year grant with the Open Society Institute - Budapest. The project duration is from March 2000 to March 2002. At the end of November 2001 a project proposal was submitted to the same donor for new two-year funding. An decision is expected at the beginning of March 2002.

BHC has always aimed at good media participation and support of its events as that is one of the most successful ways of publicizing human rights problems. The Committee has established close relations with the media concerning its expertise in international law, refugee issues, police brutality, situation in detention places, freedom of speech, protection from discrimination. As a result, BHC's representatives are often invited to participate in the programmes of Bulgarian National Television, BTV as well as smaller broadcasters. Invitations also come for programmes of Bulgarian National Radio, Radio Free Europe, Darik radio, Deutsche Welle. BHC also receives media coverage by major newspapers.

In addition to its media participation, in 2001 BHC also issued its own monthly magazine *Obektiv*. It is distributed among state institutions, NGO sector, foreign embassies, individuals, printed and electronic media. The magazine was issued with the support of the MATRA Programme of Dutch Ministry of Foreign Affairs till September 2001. Till March 2002 the publication was funded through a project with Open Society Foundation Sofia. For future funding, the magazine is included in the institutional support project with Open Society Institute Budapest which will be reviewed at the beginning of March, 2002.

For the period January-December 2001 ten Bulgarian and four English issues of the magazine were published. They are available on BHC's website. For

Bulgarian issues BHC continued working with a broader spectrum of authors, including leading journalists from printed and electronic media. The English issues publicized BHC annual report on human rights in Bulgaria in 2000 as well as digests of the material in Bulgarian issues.

### **Legal Defence Programme**

In 2001 the legal programme continued working on the three-year project which began in 1998 and was supported by PHARE Programme Democracy in partnership with London based organization INTERIGHTS for strengthening of legal protection of human rights. The project finished in June 2001. After that the programme continued working on several different projects supported by ERRC -Budapest, the Westminster Foundation for Democracy and COLPI-Budapest.

The basic component of the legal programme is litigation before national and international courts. As at June 2001 the project was doing legal representation in 41 cases before internal courts and 40 cases before European Court of Human Rights. The cases before national courts concern lawfulness of detention, police brutality, freedom of expression. The cases before ECHR concern freedom and security of individual, right to life, freedom of expression, right to family and personal life, right to fair trial in a reasonable period, freedom of assembly, right to property, right to access to court. Legal aid to individuals is done according to the Rules of Providing Legal Aid.

In November 2001 the Programme organized a seminar for taking cases to the European Court of Human Rights. This is a new tendency in the Programme's activity, which will continue in 2002. The main goal of the seminar was to educate practicing lawyers involved in human rights work from Albania, Bulgaria, Macedonia, Moldova and FR Yugoslavia. The seminar focused on presenting the caselaw of the ECHR on individual cases and the implementation of the procedure before ECHR. The second aim of the event was to create a network of human rights lawyers in the region and encourage taking of human rights cases through international human rights instruments.

### **Programme for Monitoring Places of Detention**

The Programme for Monitoring Places of Detention (police and pre-trial detention places, prisons and labour correctional hostels, psychiatric institutions, correctional boarding schools and social educational boarding schools) worked in 2001 with the support of MATRA Programme of Dutch Ministry of Foreign Affairs. The project will end up in July 2002 and further financing will be from other donors.

The BHC researchers have full access to all detention places. At the beginning of 2001 full access was granted to police departments; the visits to pre-trial detention places, prisons and labour correctional hostels are done with passes from the Chief Directorate of Detention Places; the visits to correctional boarding schools are officially sanctioned by Ministry of Education and the psychiatric hospitals are visited with a permission of Ministry of Health. Ministry of Labour and Social Policy has given permission for visiting of social homes for people with mental disabilities.

During the visits contacts were established with detainees as well as with prison employees. The analysis of the researchers was published in BHC's annual report.

The monitoring of the pre-trial detention places was finalised with a special publication. In addition to the visits during the first half-year, several control visits were organized for checking of information connected with the existence of platforms for staying outside and places for visitation. In the publication BHC tried to include all aspects of the pre-trial detention and to analyze the correspondence between the international and Bulgarian standards for treatment of detainees with the real situation. The publication was sent to the Ministry of Justice, to the Chief Directorate of Detention Places, to all regional detention places, to the media, as well as to representatives of the executive power and to organizations and institutions, which are concerned with human rights during pre-trial detention.

A new focus during the past year were the rights of individuals placed in psychiatric clinics and social homes for people with mental disabilities, who are legally incapacitated. The main aim during the period was the analyzing and summarizing of the data for a publication on the rights of the mentally disabled individuals, placed for hospital treatment. Together with psychiatrists from the Bulgarian Psychiatric Association, extra visits were done at public psychiatric hospitals and psycho-dispensaries. Practicing psychiatrists were invited for discussing medical aspects of the problems and they helped the researchers with information about the procedure of placement and treatment of people with mental disabilities. In addition to this, the researchers read tens of cases in the local courts concerning placement for compulsory treatment. Researchers of the committee personally attended several cases, in order to see the procedure of the court and to research the existence and effectiveness of legal defence, the need of imposing involuntary measures and the observance of the deadlines for placement.

During the last months, the Bulgarian Helsinki Committee achieved an agreement with the Ministry of Labor and Social Policy to visit homes for adults, who are legally incapacitated. The object of monitoring were 26 homes for adults with mental retardation, 12 homes for adults with mental illnesses and 13 homes for adults with dementia. After a visit of the home in the village of Sanadinovo near Pleven in October 2001, the Bulgarian Helsinki Committee approached the prosecutor's office about the inhumane and degrading conditions, in which the people there were accommodated. Concern about the conditions in these homes was also shown by other organizations like Amnesty International and Mental Disability Rights International, which together with researchers of the Bulgarian Helsinki Committee visited several homes. As a result, the three organizations organized a campaign for improvement the living conditions in the social homes. During the period we visited the larger part of the homes, in order to analyze the living, procedure, therapeutical and the medical aspects of life in these homes.

The work of the Bulgarian Helsinki Committee in this sphere attracted a lot of media attention, including foreign media. In connection to this, the December issue of the German magazine *Allegra* published information about the home in Sanadinovo. During the year, the researchers on the project regularly published articles in *Obektiv* magazine. The coordinator of the project wrote

the chapter about the situation in the places for detention for the annual report of the Bulgarian Helsinki Committee for 2000.

### **Refugees and Migrants Protection Programme**

The programme of the Bulgarian Helsinki Committee for protection of refugees, asylum seekers and migrants has been active since 1994 and is funded by UNHCR and by several other donors.

During last year, the main aim of the programme remained providing of legal aid – consulting, representation and advice to nearly 3 000 refugees, asylum seekers and other individuals, who needed protection, as well as playing an active role in monitoring and stimulating improvement in asylum providing system in Bulgaria.

The advocacy, which the programme offered during the past year, consisted of legal representation for access to registration, interviews and procedural consulting, monitoring of places of detention of foreigners and the transit zone of Sofia airport, appealing of administrative denials, representation of rejected cases in front of courts, representation in front of government institutions, police, local authorities, consultation of asylum seekers, refugees and migrants about their stay, citizenship, families, etc.

One of the main aims of the project during the past year was to participate in the development of the legal basis of protection of refugees. From the beginning of 2001, the programme has participated in the creation of proposals about changes in the Refugee Act.

During the year, the newsletter *The Refugees Today and Tomorrow* was published. Its publishing is supported by the NGO Resource Center. The bulletin continued to inform the refugees and to stimulate them to find solutions for some of their problems. The bulletin continued the discussion and the dialogue between the institutions involved in the development of the refugee laws. Some of the more important themes in the magazine during the year were the newly introduced fast procedure and the quality of the evaluation of the asylum application.

### **Children in Institutions Programme**

The two-year Children in Institutions Project started at the end of 1999 with the support of the MATRA Programme of the Dutch Ministry of Foreign Affairs. It was completed at the end of September 2001 and the monitoring of children's institutions continued with a one-year project for monitoring the homes for children with mental and physical disabilities, supported by the US Embassy in Sofia. Another project proposal for in 128 assistance schools for children with light mental retardation has been submitted to another donor; a decision is expected in March 2002. In case of a positive answer, the work of the Bulgarian Helsinki Committee will cover the whole spectrum of children's institutions in Bulgaria.

During the implementation of the above projects more than 250 homes were visited. The work on the project was carried out by a researcher, who was

responsible for the visits, preparing of reports, meeting with responsible institutions in case of need for assistance. The information in the homes was gathered using a comprehensive questionnaire with different sections about the conditions for living, the relationship between children and teachers, the quality of education, cases of ill-treatment, medical service, documentation, etc.

During the year, as a result of the monitoring, two books were published from the series Children in Institutions - Volume 1 "Homes for Medical and Social Care" and Volume 2 "Homes for Pre-school Age Children". The summary from the visits in the rest of the homes for children will also be published.

The lobbying among the responsible institutions for a change in the practice is a major component in the project. The co-operation of the Committee with the government and local authorities led to several positive changes in the institutions: for example, signals from the Bulgarian Helsinki Committee about the cases of dysentery led to inspections of Sanitary Directorate in a home, where the situation was very poor.

The project had great success in generating media attention towards the situation of the children in these homes. The media took this theme and is already paying bigger attention to it. The problems of the children in these homes are discussed periodically on Radio Free Europe, Deutsche Welle, Bulgarian National Radio, as well as in the press (*24 Chasa*, *Dnevnik*). During the whole year, the researchers on the project were writing materials for *Obektiv* magazine for the rights of the children section.

### **Promoting Access to Justice Project**

The Access to Justice Project was launched in 2000 with the support of the Constitutional and Legal Policy Institute – Budapest and after that with the support of the European Commission. It is implemented together with the Helsinki Foundation for Human Rights (Poland), Public Interest Law Initiative (USA), and INTERIGHTS (Great Britain).

The project is aimed towards indigent individuals or groups – people with low social standing, ethnic and national minorities. Its long-term aim is to minimize the dependence of the outcome of criminal cases on the social standing and material well being of the defendants and stimulate the practical application of the rights enshrined in legislation. At present, the access to a fair trial depends on the detailed knowledge of the legislative framework, and thus, the presence of a defence lawyer is decisive for the application of the procedural safeguards for right of defence. The Bulgarian legal system, however, greatly limits the scope of appointment of a counsel for the defence and thus is not in correspondence with the standards accepted by European Court of Human Rights.

The activities on the project during the year included making of a representative survey of more than 1800 criminal cases, in order to identify the scope of legal defence and the profile of people, excluded from it by means of survey of criminal files and interviews with prison population. There were also two gatherings of the Steering Committee of the project. There was also a participation in a National Access to Justice Forum in Warsaw, Poland.

### **Practical Access to Democracy in Central and Eastern Europe**

The project started in August 2000 as a joint initiative of Article 19 – International Center Against Censorship, the independent group for protection of freedom of speech from Great Britain, and eight local partner organizations, two of which from Bulgaria – The Bulgarian Helsinki Committee and Access to Information Programme.

Its purpose was to stimulate and strengthen human rights and the democratic participation in several Central and Eastern European countries by increasing the capacity on local level for protection of freedom of speech, and pay special attention to the problem of insult and libel.

The Bulgarian Helsinki Committee was also involved with conducting of a research on court cases for insult and libel against journalists in Bulgaria. Also, because of the World Day for Freedom of Press, the Bulgarian Helsinki Committee and its partner in the project Article 19 created Chart for Insult and Libel. The Chart is concerned with the severe fines imposed for insult and libel, which can potentially be used for limiting freedom of speech. The two organizations appealed to the government to reconsider the legislation on insult and libel, in order to provide the application of the international standards for freedom of speech.

Two lawyers from the Bulgarian Helsinki Committee lectured on the existing laws for insult and libel during seminars for journalists, organized by the Bulgarian Media Coalition.

### **Research on Ethnic Publications in Bulgarian Press Project**

The project for research on ethnic publications in Bulgarian press started in October 2001 and will be finished by April 2002. It is done with the support of Democratic Network of the Institute for Sustainable Communities through Bulgarian Media Coalition.

The project is a continuation of the last year research on minority press in Bulgaria and includes pressclipping of ethnic publications in seven central daily newspapers (*24 Chasa Daily, Democracy Daily, Duma Daily, Monitor Daily, Novinar Daily, Sega Daily, Trud Daily*) and seven local newspapers (among which *Vidin Daily, Maritza Daily, Struma Daily, Shumenska Zarya Daily*). The research is conducted by Market Test sociologic agency.

With the end of the research, the Bulgarian Helsinki Committee will publish a book with a report on the results from the research on the ethnical theme in the above mentioned Bulgarian central and local newspapers.

### **Project Human Rights for Homosexuals, Bisexuals and Transsexuals in Bulgaria**

The project Human Rights for Homosexuals, Bisexuals, and Transsexuals in Bulgaria started in May 2001 and ended in November 2001. It was conducted in co-operation with Bulgarian Gay Organization Gemini. The purpose of the project was the introducing of the gay and lesbian community in Bulgaria with

the national law, which has a specific attitude towards individuals with different sexual orientation.

The project consisted of two parts. The first part funded by the Dutch organization St. Fonds de Trues Foundation did a research of the Bulgarian law and the presentation of positive examples from foreign legislation concerning non-heterosexuals. The second part includes introducing of the research and presentation of human rights in front of members of the Bulgarian Gay Organization Gemini in several big cities in the country. The Legal programme of the Bulgarian Helsinki Committee. is responsible for the first part of the project. The meetings in the country during the second part will be organized by Gemini.

A report *Bulgarian and International Legislation, Connected with Rights of Homosexuals* was written within the framework of the project. The report is available in Bulgarian and English on the webpage of the Bulgarian Helsinki Committee.

### **Project for Writing of a Report on Minorities in Bulgaria**

The project for writing of a report on minorities in Bulgaria was launched in July 2000 with the support of the EU Accession Monitoring Programme. The activities ended in November 2001 with a public presentation of the results of the research.

Using the existing international standards, within the framework of the project, a research was conducted aiming at doing a profound analysis of the legislation, institutions and practice about the protection of the minorities in the ten accession countries. The whole research, conducted simultaneously in ten countries, focused on the condition of the Russian-speaking minority in Estonia and Latvia and on the situation of the Roma in the remaining eight candidate countries.

The work on the project in Bulgaria included a research, writing and presenting of the report about protection of minorities in Bulgaria in the context of EU accession. The report contains information in several sections: demographic characteristics, legal framework of minority rights, racial and ethnic discrimination, racially motivated violence, institutions for protection Roma rights (state, civil, media), practice about minority rights, discrimination (in education, medical service, access to home, services, cultural activities, politics, work, hate speech), policy of the European Union.