

BULGARIA 2017 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Bulgaria is a constitutional republic governed by a freely elected unitary parliament. The constitution vests legislative authority in the unicameral National Assembly. A coalition government headed by a prime minister led the country. National Assembly elections were held in March, and the Central Election Commission did not report any major election irregularities. International observers considered the elections free and fair but noted some deficiencies.

Civilian authorities maintained effective control over the security forces.

The most significant human rights issues included: harsh conditions in prisons and detention facilities; lack of judicial independence; corruption in all branches of government; trafficking in persons; and societal violence against ethnic minorities.

Authorities took steps to prosecute and punish officials in the security services and elsewhere who committed human rights abuses, but government actions were insufficient, and impunity was a problem.

Section 1. Respect for the Integrity of the Person, Including Freedom from:

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were reports that the government or its agents committed arbitrary or unlawful killings.

The law allows police to use firearms only as a last resort while doing everything possible to preserve the life of the person who is in danger, and it prohibits the use of deadly force against nonviolent offenders who do not pose a threat. Roma activists claimed that on April 12, Asparuh Dobrushev from the village of Bohot died during a police stop, and his son Shibil suffered rib and arm fractures and numerous bruises. According to Pleven police, the two had been caught with stolen chemicals, although according to Shibil, his father and he were harvesting wood, when they were assaulted by police. Asparuh Dobrushev suffered a heart attack during the police stop, and died. Roma activists later reported that the Dobrushevs had decided not to pursue the case because they feared they would not

get fair treatment, especially given that police claimed the Dobrushevs were engaged in an illegal activity.

b. Disappearance

There were no reports of disappearances by or on behalf of government authorities.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The constitution and law prohibit such practices, but there were reports of government officials employing degrading treatment.

In the concluding observations of the Committee against Torture (CAT) of the UN Office of the High Commissioner for Human Rights, in its report issued December 15, the CAT expressed concern about deliberate physical mistreatment of persons upon arrest and in police detention units. The CAT observed that one-third of detained persons were subjected to physical abuse in police stations “which may be of such severity as to amount to torture,” and police officers who abused their authority largely remained unpunished. The CAT noted that this abuse included “beating, handcuffing to immovable objects and the use of truncheons and electrical discharge weapons.” The CAT claimed that “the rate of physical abuse against persons belonging to the Roma community is allegedly double the rate of abuse against ethnic Bulgarians.” The CAT also expressed concern that the law does not criminalize torture as a separate offense.

There were reports that police physically mistreated migrants and asylum seekers attempting to cross the border into the country (see section 2.d., Abuse of Migrants, Refugees, and Stateless Persons).

Police can detain persons for 24 hours without charging them. There were occasional reports that police arrested suspects for minor offenses and physically abused them to force confessions, especially in cases involving Romani suspects.

Prison and Detention Center Conditions

Conditions in most prisons were harsh, with problems including violence against inmates, overcrowding, prison staff corruption, and inadequate sanitary, living, and medical facilities. In its concluding observations, the CAT noted the lack of improvement of material conditions at the Sofia, Burgas, and Varna Prisons.

Physical Conditions: Most prison facilities dated from the early 1900s. In its December concluding observations, the CAT reported receiving allegations of mistreatment of prisoners, including “excessive use of force” and beatings in cells. The CAT noted the “frequent occurrence” of violence between prisoners at the Sofia, Burgas, and Varna Prisons, as well as reports of prisoners being asked to pay custodial staff for services provided for by law. Other persistent problems identified by the CAT included prison overcrowding; poor material conditions in detention and prison facilities; poor hygienic and sanitation conditions; inadequate access to heat, water, and electricity; inadequate cell furnishings, including bedding; inadequate ventilation and access to natural and artificial light; insufficient quantity and quality of food and drinking water; and inadequate custodial staffing levels.

The country’s ombudsman identified a discrepancy between officially reported prison capacity and actual capacity, observing that overcrowding remained a problem in some facilities. The nongovernmental organization (NGO) Bulgarian Helsinki Committee identified several additional problems, including poor access to health care and its poor quality wherever available, insufficient access to work and poor working conditions, and prison corruption.

The State Agency for Refugees complained that asylum seekers damaged reception centers faster than the agency was able to make repairs and improvements. Independent observers and the ombudsman noted inadequate hygiene and sanitation, in addition to some interruptions in the provision of medical and interpretation services at refugee facilities. According to the country representative of the Office of the High Commissioner for Refugees (UNHCR), the centers did not provide accommodation for persons with limited mobility; there were no elevators, wheelchair-friendly ramps, or bathrooms for the mobility impaired. In addition, there was no accommodation for asylum seekers with visual, mental, or psychological disabilities.

In December 2016 amendments to the law provided for the establishment of closed-type centers or designation of closed-type areas within a reception center for confinement in isolation of migrants who disturbed the internal order.

The ombudsman reported cases of police applying excessive force and abusing detainees.

NGOs received complaints about both the quality and quantity of food.

The Bulgarian Helsinki Committee criticized the prison administration for not performing medical examinations on detainees following reports of police abuse, and officials rarely punished offending officers. According to the ombudsman, the prison personnel in Bobov Dol prison and the detention center in Sofia systematically and continuously used handcuffs when taking inmates out of the cell or when prisoners were hospitalized in a general hospital, based on illegal instructions issued by the heads of the penitentiary institutions.

The ombudsman criticized the lack of adequate light in detention centers and expressed concern that the centers were not properly stocked with bed linen and food, sometimes leaving detainees without food for 24 hours. The ombudsman also reported that detention centers for irregular migrants did not provide adequate accommodation for families with children.

Administration: Authorities conducted proper investigations of credible allegations of mistreatment. The NGO Bulgarian Helsinki Committee reported that medical personnel did not report all cases of custodial staff violence against prisoners to the prosecution service.

Independent Monitoring: The government permitted monitoring of prisons by independent nongovernmental observers. The Council of Europe's Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment conducted a visit from September 25 to October 6.

Improvements: The government increased prison capacity by building a new prison facility in Debelt, and entirely renovated two other facilities, Belene and Razdelna. The government also improved the living and sanitary conditions in several prisons and detention centers, including refurbishing the nursery and medical center and improving the heating system at Sliven prison.

During the year the government implemented a comprehensive reform of the penitentiary system, including measures against overcrowding and remedies for prevention and compensation for damages caused by inhuman or degrading treatment. Amendments to the Execution of Punishments and Detention in Custody Act enacted in February initiated flexibility in prison population management and improved the parole system in order to implement a minimum living area of 43 square feet per prisoner. The amendments also expanded the definition of inhuman or degrading treatment to include not only imprisonment in poor conditions, but also long-term isolation, unjustified use of restraint, and other

treatments that “demean human dignity or engender fear, helplessness, or inferiority.” They included a provision permitting prisoners to challenge prison administration decisions in court.

d. Arbitrary Arrest or Detention

Although the constitution and law prohibit arbitrary arrest and detention, there were reports that police at times abused their arrest and detention authority. The law provides for the right of any person to challenge the lawfulness of his/her arrest in court, and the government generally observed this requirement.

Role of the Police and Security Apparatus

The Ministry of Interior is responsible for law enforcement, migration, and border enforcement. The State Agency for National Security, which reports to the Prime Minister’s Office, is responsible for counterintelligence, domestic intelligence analysis, and investigating corruption and organized crime. The State Intelligence Agency under the Council of Ministers is responsible for foreign intelligence, and the Military Information Service under the defense minister is responsible for military intelligence. The National Protective Service is responsible for the security of dignitaries and answers to the president. Civilian authorities maintained effective control over the police and security services. Police and the prosecution service are responsible for investigating security force killings. While the government had mechanisms to investigate and punish abuse and corruption, implementation was inadequate, and impunity was a problem.

Arrest Procedures and Treatment of Detainees

Police normally obtained a warrant prior to apprehending an individual. Police may hold a detainee for 24 hours without charge, and a prosecutor may authorize an extension of an additional 72 hours. A court must approve detention longer than 72 hours; such detentions can last up to two years. Prosecutors may not arrest military personnel without the defense minister’s approval. Authorities generally observed these laws.

The law provides for recognizance, bail, and house arrest, and these measures were widely used.

The law provides for the right to counsel from the time of detention, and internal regulations instruct that detainees have access to legal counsel no later than two

hours after detention and that a lawyer have access to the detainee within 30 minutes of his or her arrival at the police station. According to the ombudsman, police did not provide detainees with written information about their rights and precincts did not properly log legal counsel, family, doctor, or consular official visits, taking detainees out of the cell for interrogation, or other detainee-related incidents. According to a Bulgarian Helsinki Committee report issued in January, the government did not collect or track information on police brutality. The NGO's analysis, based on information from one-third of the courts, indicated that slightly more than 40 percent of complaints involved physical injuries and illegal arrests, while 16 percent were for forced interrogations. According to the report, the Interior Ministry imposed penalties in 11 percent of the cases involving complaints, while the courts found police officers guilty in 61 percent of the cases, suggesting that the Interior Ministry lacked an efficient mechanism for investigating and punishing its officials.

The law provides for government-funded legal aid for low-income defendants, and defendants could choose from a list of public defenders provided by the bar associations. A national hotline provided 15-minute free legal consultations eight hours per day. The law prohibits holding detainees charged with misdemeanors in custody without indictment for more than two months; detainees charged with felonies may be held without indictment for eight months, while persons suspected of crimes punishable by at least 15 years' imprisonment may be held up to 18 months without indictment.

On August 8, the mayor of Kamenar reported that masked police in patrol cars and on motorbikes raided the Romani neighborhood in the village, beating persons in the street, including pregnant women and children. The attackers left in a few minutes, leaving 18 persons with mostly minor injuries. There were other reports of similar "punitive raids" in the nearby Maksuda neighborhood in Varna. The Varna police directorate denied the allegations of police involvement but stated that police had been searching for a reportedly ethnic Roma rapist.

Arbitrary Arrest: There were reports of arbitrary detention. Six police officers from the first precinct in Sofia were suspended from work. They were accused of manhandling two persons after stopping them for a document check and then arresting them in 2015. The prosecution terminated the criminal investigation of the officers.

e. Denial of Fair Public Trial

The constitution and law provide for an independent judiciary, but corruption, inefficiency, and a lack of accountability continued to be pervasive problems. Public trust in the judicial system remained extremely low because of the perception that magistrates were susceptible to political pressure and rendered unequal justice.

The Supreme Judicial Council appoints, promotes, disciplines, and dismisses judges, investigators, and prosecutors. It also investigates complaints of judicial misconduct and recommends disciplinary action. Managing magistrates can also impose minor punishments. Observers criticized the lack of clearly stated reasoning and justifications in the council's disciplinary decisions.

Judicial and investigative backlogs remained a problem in larger jurisdictions, and long delays for criminal trials were common. The law allows defendants to request court dismissal of the charges against them if the prosecution has not formally indicted them for more than two years in serious crime cases and one year in petty crime cases.

Human rights organizations expressed concern that amendments to the criminal procedure code, which were adopted in June and came into force on November 4, significantly lowered fair trial standards, creating possibilities for violation of procedural rights of lawyers and defendants. In addition, the amendments transferred jurisdiction for prosecution of corruption by senior- and high-level government officials to the Specialized Criminal Court, interpreted by human rights organizations as establishment of an extraordinary court, which is explicitly prohibited in the constitution.

Trial Procedures

The constitution and law provide for the right to a fair and public trial, and an independent judiciary generally enforced this right. The law presumes defendants are innocent until proven guilty and allows them ample time and facilities to prepare a defense. All court hearings are public except for cases involving national security, endangerment of public morals, and the privacy of juvenile defendants. Defendants have the right to be informed promptly and in detail of the charges against them, with free interpretation as necessary from the moment they are charged through all their appeals.

In cases involving serious crimes, two nonprofessional judges join a professional judge. If a crime carries a sentence of more than 15 years' imprisonment, two

professional judges and three lay judges hear the case. In such circumstances a majority vote determines verdicts. The constitution and the law give defendants the right to an attorney, provided at public expense for those who cannot afford to pay for one. A defense attorney is mandatory if the alleged crime carries a possible punishment of 10 or more years in prison; if the defendant is a juvenile, foreigner, or person with mental or physical disabilities; or if the accused is absent. Defendants have the right to be present at their trials and can demand a retrial if they were convicted in absentia, unless they were evading justice at the time of the first trial. Defendants have the right to confront witnesses, examine evidence, and present their own witnesses and evidence. Defendants are not compelled to testify or confess guilt. The law provides for the right of appeal, which was widely used.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

While the law provides for an independent and impartial judiciary in civil matters, the same long delays in criminal cases affected civil cases. Individuals may file allegations of human rights abuses with courts and with the Commission for Protection against Discrimination, which can impose fines on violators. After all remedies in domestic courts have been exhausted, individuals can appeal decisions involving alleged violations of the European Convention on Human Rights by the state to the European Court of Human Rights.

Property Restitution

While the government has no legislation specific to Holocaust-era property restitution, it does have laws and mechanisms in place to address communist-era real property claims (not including moveable property), including by foreign citizens, which have been applied to cover Holocaust-era claims. NGOs and advocacy groups, including local Jewish organizations, reported significant progress on resolution of such claims. After World War II, the communist government first restituted and then nationalized the personal and community property lost during the Holocaust. After the fall of communism, Jewish organizations and individuals were able to reclaim ownership of or receive compensation for community property nationalized by the communist regime. The Ministry of Defense refused to restore to the Jewish community a property located on the Naval Academy's campus in Varna, claiming that it was used for strategic

communications; according to a local Jewish organization, the Varna property was the only outstanding Holocaust-era communal property that had not yet been returned.

f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence

The constitution and law prohibit such actions, and there were no reports that the government failed to respect these prohibitions. Law enforcement agencies can access electronic data traffic only in cases related to serious crime or national security. In August the head of the National Bureau for Oversight of Specialized Investigative Techniques, an independent government body appointed by the National Assembly, stated that he was aware of cases of illegal wiretapping of politicians, magistrates, and journalists done for the purpose of intimidation, pressure, or extortion.

In April the Supreme Cassation Court confirmed the rulings of two lower courts and issued a suspended sentence to the former president of the Sofia City Court, Vladimira Yaneva, for illegally permitting the use of specialized investigative techniques.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Expression, Including for the Press

The law provides for freedom of expression, including for the press, and the government generally respected these rights. Concerns persisted, however, that corporate and political pressure combined with the growing and nontransparent concentration of media ownership and distribution networks, as well as government regulation of resources and support for the media, gravely damaged media pluralism.

The International Research and Exchanges Board's (IREX) *2017 Media Sustainability Index* identified the growth of political pressure and the use of media by oligarchs to "exert influence, ruin the reputations of political and business opponents, and manipulate public opinion" as major threats to the public's trust in the media. IREX noted that the government actively hindered free media development. Reports of intimidation and violence against journalists continued.

Freedom of Expression: Individuals generally criticized the government without official reprisal, although a few incidents of reprisals were reported. In August police called Vasil Kotsev for interrogation regarding his April social media post addressing the prime minister: "...your actions will not only throw you out of power, but we will cut your head off! Are you trying to make Bulgarians pick up arms and knives?...The day is coming!" Police forced Kotsev to sign a declaration that he would not threaten the prime minister again. The prime minister subsequently apologized for the excessive police reaction.

As of September publisher Economedia was still appealing a 50,000 lev (\$30,000) fine imposed by the Financial Supervision Commission (FSC) after Economedia outlets implicated FSC chair Stoyan Mavrodiev in a money laundering case and accused him of having connections with an organized crime figure.

The law provides for one to four years' imprisonment for incitement to "hate speech." The law defines hate speech as speech that instigates hatred, discrimination, or violence based on race, ethnicity, nationality, religion, sexual orientation, marital or social status, or disability. A 2016 survey by the NGO Open Society Institute found "a disturbing trend of increasing public instances and acceptance of hate speech." NGOs noted that the presence of nationalist parties in the government "empowered" their supporters to resort to hate speech as a norm, rather than an exception. Paid "trolls" populated forums and social media of all media outlets, targeting political opponents with racist and xenophobic comments.

As of October prosecutors had opened 14 hate crime investigations and had pursued four indictments against 12 persons; the courts issued four convictions, including two prison sentences.

Press and Media Freedom: The media were active and expressed a wide variety of views. Laws restricting "hate speech" also applied to material appearing in the print media. According to the Reporters without Borders' *2017 World Press Freedom Index*, the press environment was "dominated by corruption and collusion between media, politicians, and oligarchs." The report noted that there was lack of transparency in the government's allocation of funding to certain media outlets, which had the effect of bribing editors to be lenient in their political reporting or refrain from covering problematic cases. Despite a 2016 European Court of Human Rights ruling that publishers are responsible for the content of their forums, few online media outlets imposed stricter policies on posts. Domestic and international organizations criticized both print and electronic media for lack of

ownership and financial transparency, editorial bias, and susceptibility to economic and political influence.

On March 21, the publishers of *Pras Pres*, a satirical periodical criticizing the government, filed a complaint with the Commission for Protection of Competition claiming that the National Distribution company had abused its dominant position in the press distribution market and stopped the first *Pras Pres* edition from sale in its outlets. This edition had been distributed in 10,000 copies on March 1. In June the commission decided that National Distribution had not violated competition regulations, citing the company's explanation that it runs between 5,000 and 10,000 outlets and it was possible some of them did not get any *Pras Pres* copies.

Violence and Harassment: In July three unidentified men assaulted public Bulgarian National Television morning show anchor Ivo Nikodimov in broad daylight on his way home from work. Nikodimov suffered facial injuries. As of September the attackers and their motives remained unknown.

On October 6, National Assembly member Anton Todorov told Nova Television morning talk show host Viktor Nikolaev that he “would have fired him” for a question referring to Todorov's past strong criticism of the party he represented in the National Assembly. Nikolaev's next guest, Deputy Prime Minister Valeri Simeonov, accused the journalist of “shaking the government,” and when Nikolaev responded that “the government is shaking itself,” Simeonov suggested that Nikolaev could easily lose his job. In response, the Association of European Journalists Bulgaria called for boycotting politicians who threaten journalists. Both politicians subsequently asserted that their words had been taken out of context and misinterpreted as threats. On October 9, Todorov tendered his resignation from the National Assembly, citing his desire to save the reputation of his party, while Simeonov called for an apology from the four electronic media outlets that he believed misinterpreted him and threatened to sue them.

In December the prosecution service indicted Martin Dushev and Veselin K. for the January 2016 assault on *Pomorie* journalist Stoyan Tonchev, who suffered numerous fractures and was temporarily in a coma. According to Tonchev, the attack was prompted by his criticism and investigation exposing corrupt deals by the local government.

Censorship or Content Restrictions: Journalists continued to report self-censorship, editorial prohibitions on covering specific persons and topics, and the imposition of political points of view by corporate leaders. In March businessman

and publisher Sasho Donchev stated at a business forum that he had been invited to a private meeting with the prosecutor general “to tell me that he finds my behavior increasingly unacceptable and insufferable.” Donchev alleged that the prosecutor general accused him of support for a specific political party, pressured him over articles in his newspaper, threatened his business, and warned him that his communications were being monitored. The prosecutor general denied the allegations, insisting that Donchev had initiated the meeting and had requested that the prosecutor general exert influence on prosecutors working on a case related to Donchev’s business.

Libel/Slander Laws: Libel is illegal and punishable by a 3,000-15,000 lev (\$1,800-\$9,000) fine and public censure. Journalists’ reporting on corruption or mismanagement prompted many defamation cases brought by politicians, government officials, and other persons in public positions. According to the Association of European Journalists, journalists generally lost such cases because they could rarely produce hard evidence in court.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports that the government monitored private online communications without appropriate legal authority. According to the International Telecommunication Union, 63.5 percent of households had access to the internet in 2016.

The security services could access electronic data with judicial permission when investigating cyber and other serious crimes, and electronic data traffic in cases related to serious crime or national security (also see section 1.f.).

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events.

b. Freedoms of Peaceful Assembly and Association

The constitution and law provide for freedoms of peaceful assembly and association, and the government generally respected these rights.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at www.state.gov/religiousfreedomreport/.

d. Freedom of Movement

The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights.

The government cooperated with UNHCR and other humanitarian organizations in providing protection and assistance to refugees, asylum seekers, stateless persons, or other persons of concern.

Abuse of Migrants, Refugees, and Stateless Persons: Human rights organizations continued to report police and societal violence against migrants and asylum seekers, including assaults, beatings, and humiliation at the country's borders. In August the Sofia City Court sentenced Yordan Partalin and Robert Ganev to 10 years in prison each for the 2015 attempted murder of a Cameroonian asylum seeker returning to a refugee center after a trip to the grocery store. The initial indictment treated the attempted murder as a racial and xenophobic act, but those charges were dropped during the trial.

In October Medecins Sans Frontieres reported that there was “[asylum seeker] abuse around borders, but also mistreatment in police stations, detention centers, and camps” and that “children and young refugees often endure beatings and other forms of abuse.” In August three Afghans and five Syrians reported that they were pushed back to Turkey after being beaten and robbed by Bulgarian police while attempting to cross the border. An August BBC report, based on interviews with migrants and NGO experts, implicated some border authorities in receiving bribes from migrants to facilitate their entry. According to the Bulgarian Helsinki Committee, interviews with migrants indicated that some border guards took bribes and provided migrants with in-country transportation.

With the overall decrease in the number of migrants and asylum seekers in the country, there were no reports of vigilante groups conducting citizen arrests of migrants along the border with Turkey. In August the Burgas District Court stated there was not enough evidence that Petar Nizamov had illegally detained three Afghan migrants, and the court acquitted him. Nizamov had been prosecuted based on an April 2016 video showing him with three migrants forced to lie on the ground with their hands zip-tied behind their backs. As of October the town of Sredets' investigation of the self-proclaimed “migrant hunter” Dinko Valev, which

started in November 2016, continued. Valev, who had filmed himself detaining 16 migrants and subjecting them to death threats and verbal abuse, was accused of ethnic/nationality-based discrimination, violence, and hatred.

Extreme nationalist parties used antimigrant rhetoric in their political campaigns. Most other political parties' election platforms called for curbs on migration flows and for increased border security. Negative coverage of migrants appeared in some media, claiming they were mostly fanatics and terrorists or that most of them were economic migrants and not legitimate asylum seekers--repeating negative stereotypes that encouraged societal intolerance. On several occasions mayors refused to register refugees with recognized status, and local residents protested against refugee attempts to settle in their respective locations. In March Belene municipal councilor Krasimir Todorov started a campaign and attracted local citizens to protest against a Syrian family taken in by the Catholic priest Paolo Cortese. The family was forced to leave Belene, and the priest, who received death threats, was recalled by the Vatican, which discontinued its aid to the region.

Protection of Refugees

Refoulement: The government provided some protection against the expulsion or return of migrants and asylum seekers to countries where their lives or freedom would be threatened due to their race, religion, nationality, membership in a particular social group, or political opinion.

In December the UNHCR criticized the government for violating the principle of nonrefoulement with the "expulsion of more than 2,500 [third-country nationals] and the August 2016 extradition of Turkish citizen Abdullah Buyuk, despite two court rulings against his extradition."

NGOs continued to criticize the government for indiscriminately deporting Turkish political asylum seekers. As of September, 12 Turkish citizens applied for protection, nine received denials, and three disappeared before the refugee status decision. The government responded that Turkey is officially a safe country and all refugee status denials had received judicial confirmation.

Access to Asylum: The law provides for granting asylum or refugee status, and the government has established a system for protecting refugees. The president may grant asylum to persons who are persecuted for their belief or activities advocating for internationally recognized rights and freedoms. The council of ministers may provide temporary protection in case of mass influx of foreign nationals driven by

an armed conflict, civil war, violence or large-scale human rights violations in their country of origin, as determined by the Council of the European Union.

The overall number of asylum seekers entering the country decreased by nearly 94 percent compared with 2016. Independent observers had access to refugee reception centers, whose capacity was 5,190 and were 19 percent occupied at the end of the year. Humanitarian organizations and volunteers helped with food, educational, and other support. NGOs expressed concern that the government has no administrative mechanism for the early identification, referral, and provision of adequate services to vulnerable asylum seekers, such as minors, persons with disabilities, the elderly, pregnant women, and survivors of rape, torture, or other forms of severe physical or sexual violence.

Freedom of Movement: In September the government decided to restrict asylum seekers' movement to the administrative region in which the reception center where they have been accommodated is located. The restriction is valid until the asylum procedure is completed.

Access to Basic Services: On July 12, the government adopted a new refugee integration ordinance that allows municipal mayors to sign integration agreements with persons who have refugee status, spelling out the basic services--housing, education, language training, health services, professional qualification, and job search assistance--to which they will receive access, and the obligations of the responsible institutions. As of September no refugee had signed an integration agreement. According to the State Agency for Refugees, local governments were reluctant to settle and integrate refugees. In addition, refugees who hoped to settle in another Western European country were reluctant to sign such agreements.

Durable Solutions: The government accepted refugees for resettlement, offered naturalization to refugees residing on its territory, and assisted in their voluntary return to their homes. As of September the country had accepted 50 refugees relocated from Greece, out of an agreed quota of 1,302.

Temporary Protection: The government provided humanitarian protection to individuals who may not qualify as refugees. As of September the government provided protection to 782 persons.

Stateless Persons

In September the government granted the first-ever status of a stateless person. As of December, according to the Ministry of Interior, 43 persons had received such status, 30 statelessness applications were in process, and two were rejected. In December 2016 amendments to the law provided a procedure through which stateless persons could acquire status.

Section 3. Freedom to Participate in the Political Process

The constitution and law provide citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

Elections and Political Participation

Recent Elections: On March 24, the country held snap elections for seats in the National Assembly. The Central Election Commission did not report any major election irregularities, and most political commentators considered the election free and fair. Transparency International Bulgaria reported an increased incidence of voter intimidation and other forms of improper influence, but less vote buying than in previous elections.

Five parties or coalitions passed the 4 percent threshold needed for representation in the National Assembly. The final report of the election observation mission of the Office for Democratic Institutions and Human Rights (ODIHR) of the Organization for Security and Cooperation in Europe on the elections, issued on June 30, stated “electoral contestants reached out to the voters freely” and “fundamental rights and freedoms were respected.” The report also observed “some parties used inflammatory and xenophobic rhetoric, mainly against Roma and Turkish communities.”

The law prohibits campaigning in languages other than Bulgarian. ODIHR repeatedly noted that this requirement as well as the absence of official voter information in minority languages limited the ability of ethnic minority groups to understand election rules and to participate effectively in the election process. On March 11, the Central Electoral Commission banned a campaign video of the Democrats for Responsibility, Solidarity, and Tolerance party because it contained subtitles in Turkish.

NGOs reported that address registration laws limited the ability of Romani persons occupying illegal housing to obtain identity cards, which in turn restricted their ability to register for and vote in elections.

The ODIHR report noted that, despite the legal provisions facilitating voters with disabilities, “these measures are insufficient to ensure participation on an equal basis, especially for persons with visual impairments who cannot vote independently.”

While the number of cases of alleged vote fraud filed in the first six months remained relatively small--102 compared with 125 for the same period in 2016--there was a drop of more than 60 percent in the number of prosecutions and convictions. During the March elections, the prosecution service stated it had received more than 860 reports of violations aimed at committing election fraud and found 91 of them credible enough to open pretrial proceedings. In July anticorruption prosecutors charged a National Assembly member from the Socialist Party, Manol Genov, with involvement in vote buying in the town of Asenovgrad during the most recent elections. Genov was accused of arranging 25-lev (\$15) payments to nearly 70 persons.

Political Parties and Political Participation: The law requires a political party to have at least 2,500 members to register officially. Even though the constitution does not allow for the establishment of political parties along ethnic lines, the prohibition did not weaken the role of some ethnic minorities in the political process, and a number of parties represented various ethnic minority groups.

Participation of Women and Minorities: No laws limit participation of women and members of minorities in the political process, and they did participate. The ethnic Turkish minority held 8 percent of the seats and women held 25 percent of the seats in the National Assembly. There were no Romani members, however. The ethnic Turkish minority enjoyed fair representation in appointed leadership positions, but Roma were underrepresented. Ethnic Turks, Roma, and Pomaks (descendants of Slavic Bulgarians who converted to Islam under Ottoman rule) held elected positions at the local level.

As of November the Commission for Protection against Discrimination was reviewing a discrimination case against the mayor of Kyustendil, Petar Paunov, who prohibited residents of the Romani Iztok neighborhood from participating in a local referendum in 2015, asserting that the vote-buying reputation of Roma would discredit the results.

Section 4. Corruption and Lack of Transparency in Government

While the law provides criminal penalties for corruption by officials, the government did not implement the law effectively, and officials in all branches of government reportedly engaged in corrupt practices with impunity. Corrupt practices included bribery, conflict of interest, elaborate embezzlement schemes, procurement violations, and influence trading.

NGOs stated that the government lacked sustainable anticorruption mechanisms. In November the European Commission's cooperation and verification mechanism report concluded that "progress in tackling high-level corruption ... has continued to be a challenge" and the country had "a very limited track record of concrete cases leading to final convictions in court." According to NGOs, government agencies did not apply a systematic approach for collaborating with civil society.

Corruption: According to think-tank organizations Center for the Study of Democracy and Institute for Market Economics, corruption was the most pressing political, economic, and social problem in the country. The institute criticized the lack of reforms in the anticorruption administration and concluded that the country's poor anticorruption record was due to weaknesses in the institutional framework and the inadequate performance of the prosecution service. In January Transparency International Bulgaria stated there had been backsliding in the country's anticorruption administrative modernization efforts.

In its 2016 annual report, the prosecution service concluded that more effective prosecution of corruption crimes hinged on substantive changes in both the penal code and the criminal procedure code. Investigators were unable to work on high-level corruption, as senior officials often hid behind government or business entities to evade personal responsibility. As of October prosecutors had pursued 352 prosecutions against 435 persons and the courts convicted 259 persons, including 192 sentenced to prison.

In July the prosecution service charged National Assembly member Zhivko Martinov from Dobrich with extortion. Martinov was accused of extorting four tons of sausage from a local businessman, threatening police officials and forcing them to cover up a traffic accident involving a former deputy minister, and coercing the CEO of a state-owned enterprise in order to influence the hiring and firing of employees. As of November an indictment was pending.

In April the Sofia City Court opened a second trial of former national intelligence director Kircho Kirov for embezzling 5.1 million leva (\$3 million). In May 2016 Kirov received a 10-year prison sentence for embezzling 4.7 million leva (\$2.8 million), but the Supreme Cassation Court subsequently returned the case due to procedural errors.

Corruption cases also involved the judiciary and law enforcement. In June the prosecution brought charges against eight customs officers from Kulata for accepting bribes. As of September the investigation against five border police officers from Svilengrad charged with accepting bribes from migrant smugglers was pending.

According to the Access to Information Program watchdog organization, in 2016 only 36 percent of the public institutions complied with the legal requirement to publish the conflict of interest declarations of their employees.

Financial Disclosure: The law mandates that government officials publicly declare any circumstances in which they could face accusations of using their position for personal profit. The National Audit Office verified and monitored disclosures for all officials except for magistrates, whose declarations were monitored by the Supreme Judicial Council's inspectorate. High-level public officials who fail to submit a financial disclosure declaration can incur fines of up to 1,500 leva (\$900), and up to 5,000 leva (\$3,000) for a repeat violation; for magistrates the fines were up to 3,000 and 6,000 leva (\$1,800 and 3,600), respectively.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses of Human Rights

Numerous domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Human rights observers reported uneven levels of cooperation from various national and local government officials. There was increasing public rhetoric opposing human rights and the work of NGOs. Some political parties, civic movements, and media outlets advocated closing certain NGOs because they obtained funding from foreign donors. In April local NGO Human and Social Studies Foundation published a report stating that in the previous three years the amount of propaganda aimed at discrediting civil movements, civil protests, human rights organizations, and NGOs in general had increased by tens to hundreds of times.

Government Human Rights Bodies: The ombudsman is an independent constitutional body elected by the National Assembly with a five-year mandate. The ombudsman reviews individuals' complaints against the government for violations of rights or freedoms. The ombudsman can request information from authorities, act as an intermediary in resolving disputes, make proposals to end existing practices, refer information to the prosecution service, and request the Constitutional Court to abolish legal provisions as unconstitutional.

As of October the ombudsman had received over 15 percent more complaints than during the same period in 2016. The majority concerned consumer rights, social assistance programs, and property problems, including forced evictions. Authorities sometimes adjusted their practices and regulations in response to recommendations from the ombudsman.

The Commission for Protection against Discrimination is an independent specialized agency for preventing and protecting against discrimination and ensuring equal opportunity.

A permanent committee of the National Assembly oversees religious denominations and human rights.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

Women

Rape and Domestic Violence: The law criminalizes rape, and authorities generally enforced its provisions when violations came to their attention. Sentences for rape convictions range up to 20 years in prison. While authorities could prosecute spousal rape under the general rape statute, they rarely did so.

According to the local NGO Alliance for Protection against Gender-based Violence, the law does not criminalize all forms of violence against women, and the government does not implement consistent policies with adequate funding for prevention and protection of women from violence. The CAT also expressed concern about an insufficient number of state-run shelters for victims of domestic violence. The law defines domestic violence as any act, or attempted act, of sexual violence or physical, psychological, emotional, or economic pressure against members of one's family or between cohabiting persons. It empowers courts to impose fines, issue restraining or eviction orders, or require special counseling.

Noncompliance with a restraining order may result in imprisonment for up to three years or a fine of 5,000 leva (\$3,000).

NGOs continued to express concern that the country does not maintain official statistics on cases of domestic violence and other forms of violence against women. They noted that institutions were not considering femicide--the killing of women or girls because of their gender--when documenting and analyzing homicides of women. The Animus Association Foundation and other NGOs provided short-term protection and counseling to victims in 22 crisis centers and shelters throughout the country. Police and social workers referred victims of domestic violence to NGO-run shelters. Women's rights organizations continued to insist that the government lacked strong gender equality and domestic violence policies.

Sexual Harassment: The law identifies sexual harassment as a specific form of discrimination rather than a criminal offense, although prosecutors may identify cases in which harassment involves coercion combined with sexual exploitation. If prosecuted as coercion, sexual harassment is punishable by up to six years in prison.

Coercion in Population Control: There were no reports of coerced abortion, involuntary sterilization, or other coercive population control methods. Estimates on maternal mortality and contraceptive prevalence are available at: www.who.int/reproductivehealth/publications/monitoring/maternal-mortality-2015/en/.

Discrimination: While the law provides women the same legal status and rights as men, including equal pay for equal work, women faced some discrimination in economic participation and political empowerment. A 2016 gender equality law establishes equal opportunities in all spheres of public, economic, and political life; equal access to public resources; equal treatment; exclusion of gender-based discrimination and violence; balanced representation of men and women in decision-making authorities; and overcoming of gender-based stereotypes.

Children

Birth Registration: Citizenship derives from one's parents. The law requires the registration of births within seven days without discriminating between boys and girls.

Education: While public education is universal and compulsory until the age of 16 and free through the 12th grade, authorities did not effectively enforce attendance requirements. In August the government identified more than 206,000 children between the ages of five and 18 who had either dropped out or never attended school. In September teams composed of police officers, social workers, education experts, and school officials visited thousands of homes throughout the country to encourage parents to send their children to school.

Child Abuse: Violence against children continued to be a problem. In June the ombudsman reported that the number of reported cases of violence against children in schools had doubled in two years. The ombudsman initiated a national coalition against violence and physical punishment of children. In February the government adopted a four-year National Program for Prevention of Violence and Abuse against Children.

There were five correctional boarding schools, accommodating approximately 165 children between the ages of eight and 18. In September the education ministry closed the social-pedagogical boarding school in Dragodanovo following reports of violations in 2016.

In March the Social Assistance Agency reported that in 2016 authorities banned 235 foster families from providing foster care and relocated the children with other foster parents due to inadequate care and mistreatment of the child.

The government funded an NGO-operated 24-hour free helpline that children could call for counseling, information, and support as well as to report abuse.

Early and Forced Marriage: The minimum age for marriage is 18. In exceptional cases, a person can enter into marriage at 16 with permission from the regional court. NGOs criticized authorities for treating early marriages as an ethnic Romani rather than a gender problem but acknowledged that child marriage was pervasive in Romani communities.

Sexual Exploitation of Children: The law differentiates between forcing children into prostitution, for which it provides for up to eight years' imprisonment and a fine of up to 15,000 leva (\$9,000), and child sex trafficking, for which it provides up to 10 years' imprisonment and a fine of up to 20,000 leva (\$12,000). The legal minimum age for consensual sex is 14. The law prohibits child pornography and provides for up to six years in prison and a fine of up to 8,000 leva (\$4,800) for violations.

Displaced Children: The number of unaccompanied minors seeking asylum dropped more than 80 percent from 2016. The ombudsman called on authorities to stop placing migrant children in detention centers for irregular migrants and reported that medical services at those centers continued to be inadequate due to lack of interpretation and health services for the large number of children accommodated there.

Institutionalized Children: The government closed all residential care institutions for children with disabilities as part of a plan to close all such institutions by 2025 and replace them with community-based care. NGOs expressed concern over delays in the implementation of the plan and criticized the system of financing new centers by paying them on a per child/per day basis, as it motivated them to fill centers to capacity without regard to the individual needs of the child. The Bulgarian Helsinki Committee expressed concern that, despite its deinstitutionalization policy, the government continued to place children in institutions.

In its December report the CAT expressed “grave concern” about “the absence of investigations into the deaths of 238 children with mental disabilities who died in the period 2000-2010” and “dismay by the statement that 22 inspections of the institutions in question did not establish inhuman treatment of children by the personnel of the specialized institutions.”

The government inspected the institutions and the new centers, uncovering malpractice and mistreatment of the children placed in them. For example, in October 2016 the ombudsman found that despite the change in leadership at the correctional boarding school in Podem, the staff continued to impose unauthorized punishments and there was violence among students.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State’s *Annual Report on International Parental Child Abduction* at travel.state.gov/content/childabduction/en/legal/compliance.html.

Anti-Semitism

The 2011 census indicated there were 1,130 Jews living in the country, but local Jewish organizations estimated the actual number as 5,000.

Anti-Semitic rhetoric continued to appear regularly on social networking sites and as comments under online media articles. The Organization of Bulgarian Jews Shalom indicated that during the year there were no extreme acts of anti-Semitism but expressed concern over government inaction and political leaders' passivity in addressing minor acts. The organization complained that authorities stopped paying attention to fan groups' displaying Nazi symbols during soccer games or treated them as sports hooliganism instead of hate crimes. Souvenirs with Nazi insignia were widely available in tourist areas around the country.

In February the mayor of Sofia declined to approve a rally in honor of a World War II general, Hristo Lukov, known for his anti-Semitic views and pro-Nazi activities. While the decision did not stop the event, it limited its scope. A few days before the rally, 30 activists and students demonstrated against it, carrying banners rejecting Nazis, fascism, and antirefugee and antimigrant sentiments.

In March the government approved the country's candidacy for full membership in the International Holocaust Remembrance Alliance (IHRA). On June 30, the country's status was promoted from "observer" to "liaison." On October 18, the government adopted the working definition of anti-Semitism agreed in 2016 by IHRA and appointed Deputy Foreign Minister Georg Georgiev to be the national coordinator on combating anti-Semitism.

On May 17, the deputy regional development minister, Pavel Tenev, resigned after a picture of him saluting a wax statue of a Nazi officer in a Paris museum nine years earlier was circulated on social media. Deputy Prime Minister Valeri Simeonov defended Tenev, commenting that, as a student in the 1970s, he himself visited the Buchenwald concentration camp and might have taken "fun-poking pictures" there. Shalom condemned Simeonov's comments, expressing "regret and concern that such people are holding leadership posts in the government." In June a popular television show revealed similar pictures of presidential advisor Plamen Uzunov wearing a Nazi uniform. Uzunov refused to resign, explaining that he had dressed that way for a Christmas party.

In September vandals desecrated graves at the Jewish Cemetery in Sofia, knocking down gravestones and breaking grave slabs. As of October, authorities were investigating the incident. Representatives of the national and local governments helped Shalom repair the damage.

In November, *Sofia Globe* journalist Imanuel Marcus received a racist death threat email.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities but the government did not effectively enforce these provisions. The government focused most of its efforts on providing disability pensions, social services, and institutional care.

In September the Ministry of Labor and Social Policy complained of numerous cases of TELK decisions regarding children, citing whole villages in which nearly all the children have disability status. NGOs criticized the Labor Expert Medical Commission (TELK) model for assessing disabilities. They asserted that the system labeled persons with disabilities as “unfit for work” and ultimately subjected them to poverty. In September the Ministry of Labor and Social Policy alleged corruption in TELK decisions regarding children, citing whole villages in which nearly all the children have disability status.

According to the ombudsman, the government did not make enough efforts to integrate persons with disabilities into society.

While the law requires improved access to buildings for persons with disabilities, enforcement lagged in some new public works projects as well as in existing, unrenovated buildings.

The law promotes the employment of persons with disabilities and provides employers with subsidies covering 30 to 50 percent of the cost of insurance and the full cost of adjusting and equipping workplaces to accommodate them. According to the Bulgarian Helsinki Committee, however, the government did not provide real opportunities, for professional training or free-market employment.

Individuals with mental and physical disabilities often were housed in institutions located in remote areas.

According to the National Statistical Institute, approximately 17 percent of students with special education needs were enrolled in 55 “special schools,” while

the rest attended mainstream schools. Those studying in the special schools received diplomas that higher-level learning establishments did not recognize as qualifying them for further education. According to NGOs and the State Agency for Child Protection, the prevailing practice of considering childhood disability a medical issue, the lack of an inclusive social environment, and insufficient support infrastructure encouraged institutionalization.

The law provides specific measures for persons with disabilities to have access to the polls, including mobile ballot boxes, voting in a polling station of their choice, and assisted voting. According to ODIHR, those measures were “not sufficient to ensure equal participation, especially for persons with visual impairments who cannot vote independently.”

National/Racial/Ethnic Minorities

The Bulgarian Helsinki Committee reported a general rise in acts of racial discrimination against Roma. The media often described Roma and other minority groups using discriminatory, denigrating, and abusive language. Nationalist parties, such as Ataka and the Patriotic Front, based their political campaigns on strong anti-Roma, anti-Turkish, and anti-Semitic slogans and rhetoric. On October 25, the Burgas Regional Court convicted Deputy Prime Minister Valeri Simeonov over statements he made in 2014 while he was a member of the National Assembly. The court ruled that Simeonov’s statements against Roma represented abuse and degrading treatment and sentenced him to cease his breach-of-law behavior and refrain from similar infractions in the future.

In June citizens, journalists, academics, and human rights activists signed a petition to the prime minister protesting Simeonov’s appointment in charge of demographic policy and ethnic integration and demanding his resignation. In June an incident in which ethnic Roma and members of the local youth rowing club clashed in Asenovgrad sparked a series of protests that lasted more than two months.

NGOs accused the government of being unwilling to address anti-Roma attitudes and hate speech. The May CERD report expressed deep concern at the increase in incidents of hate speech and hate crime “targeting Turks, Roma, Muslims, Jews, persons of African descent, and migrants, refugees, and asylum seekers.”

The lack of prosecutions for hate crimes remained a problem, as did short and suspended sentences given to those convicted. An exception was the conviction of

Ivan Nikolov, by the Pazardjik District Court on June 30, for the racially motivated murder of an elderly Romani couple. Nikolov was sentenced to 25 years in prison.

In November the prosecution service indicted a 21-year-old man for the killing of 47-year-old Hristomir Vladimirov. In January skinheads beat Vladimirov, who was walking his dog in a Romani neighborhood of Veliko Turnovo. His family believed he was assaulted because the skinheads thought he was Romani.

In April the European Court of Human Rights ordered the government to freeze the planned razing of Romani homes in Plovdiv's Arman Mahala neighborhood until authorities provided adequate alternative accommodation for pregnant women, children, the elderly, and sick persons.

The law prohibits ethnic segregation in multiethnic schools and kindergartens but allows segregation of whole schools. Romani children often attended de facto segregated schools where they received inferior education. There were instances of ethnic Bulgarian students withdrawing from desegregated schools, thereby effectively resegregating them.

Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity

The law prohibits discrimination based on sexual orientation and gender identity, but the government did not effectively enforce this prohibition. The law does not recognize hate crimes based on sexual orientation and gender identity. NGOs asserted that because homophobia and transphobia were not recognized as crime motives calling for stricter punishment, authorities often refused to investigate and prosecute such crimes.

While reports of violence against lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons were rare, societal prejudice and discrimination, particularly in employment, remained a problem.

NGOs stated that it was common for persons suspected of being gay to be fired, and such individuals were reluctant to seek redress in court due to fear of being identified as belonging to the LGBTI community. NGOs complained that most parties in the National Assembly, government ministers, and municipal authorities were reluctant to engage in a dialogue on the challenges facing the LGBTI community and the related policy issues. On June 10, the 10th annual LGBTI pride parade took place in downtown Sofia, attracting more than 2,000

participants. The municipality allowed an antipride counterevent that drew approximately 70 participants to proceed next to the parade starting point, but heavy police presence prevented any attacks on parade participants.

In July the Sofia Appellate Court lengthened the prison sentences given to Alexander Georgiev and Radoslav Kirchev (to 15 years and six years, respectively) for the homophobic murder of student Mihail Stoyanov, on the basis that the lower court had unduly lowered the original sentences due to the defendants' young age and the protracted trial.

HIV and AIDS Societal Stigma

According to the national program for HIV and sexually transmitted disease prevention and control, “despite the enormous medical progress in HIV treatment, little has been achieved in terms of overcoming the stigma and discrimination [associated with HIV]. Negative societal attitudes have a strong impact on persons with HIV/AIDS.”

There were reports that persons with HIV/AIDS faced inadequate conditions in medical facilities and discrimination from doctors, who refused to provide treatment due to fear of contracting the disease. Patients typically did not contest these incidents in court because of the social stigma attached to having HIV/AIDS.

Other Societal Violence or Discrimination

As of October there was no progress in the investigation into the assault on the president of the Bulgarian Helsinki Committee, Krasimir Kanev, in October 2016. Kanev suffered minor injuries. Many human rights organizations and individuals stated the incident was the consequence of an atmosphere that permitted widespread hate speech and was conducive to violent acts. NGOs also identified an overall rise in the occurrence of hate speech and hate crimes. The Bulgarian Helsinki Committee reported that certain print and online media increasingly targeted human rights activists, lawyers, and journalists and deliberately covered the organization's press releases in a distorted way to portray it as treacherous, biased, and anti-Bulgarian. Bulgarian Helsinki Committee staff also reported receiving frequent threats.

Anti-immigrant protests took place in several locations. In February the residents of Shiroka Luka protested against the accommodation of two Afghan unaccompanied minors placed by the State Agency for Refugees in the local

parentless children's center. The local residents expressed concerns about their own and their children's security and possible negative impact on tourism. The government first moved the Afghan boys from Shiroka Luka to Plovdiv, and then to Haskovo, where they were also rejected by local residents. Eventually, one ended up in Svilengrad, the other in Sofia.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides for the right of workers to form and join independent trade unions, bargain collectively, and conduct legal strikes. The law prohibits antiunion discrimination, provides that workers may receive up to six months' salary as compensation for illegal dismissal, and provides for the right of the employee to demand reinstatement for such dismissal. Workers alleging discrimination based on union affiliation can file complaints with the Commission for Protection against Discrimination, which had received four such complaints as of October.

There are some limitations on these rights. The law prohibits employees of the Ministries of Defense and Interior, the State Agency for Intelligence, the National Protection Service, the courts, and prosecutorial and investigative authorities (collectively regarded as "judiciary" under the law) from striking. These employees are able to take the government to court to ensure due process in protecting their rights.

In July 2016 the National Assembly passed amendments giving other public service employees the right to strike, with the exception of senior public servants, such as directors and chief secretaries. The law also affected transport workers' right to strike by limiting their ability to organize their administrative activities and formulate their programs. Trade unions stated that the legal limitations on the right to strike and the lack of criminal liability for employers who delay salary payments are contrary to the constitution. When employers and trade unions reach a collective agreement at the sector level, they must obtain the agreement of the minister of labor to extend it to cover all enterprises in the sector. The law prohibits public servants from engaging in collective bargaining.

Resources, inspections, and remediation efforts were generally adequate. Union leaders, however, stated that the government did not effectively enforce the labor law. They complained that court proceedings for reinstatement of unfairly dismissed workers often took years and that fines of 250 to 2,000 leva (\$150 to

\$1,200) in discrimination cases and compensation of up to six months' gross remuneration for cases of unlawful dismissal were not strong deterrents to antiunion discrimination, especially for large or highly profitable enterprises. They also claimed the law does not effectively protect against interference by employers in trade union activities.

Authorities generally respected freedom of association and the right to bargain collectively. Trade unions continued to report cases of employer obstruction, harassment, and pressure on employees, including relocation, firing, and demotion of union leaders and members. Labor unions also alleged that some employers failed to bargain in good faith or to adhere to agreements. Union leaders noted those employers who tried to force new employees to sign a declaration renouncing any union activity discontinued the practice after union leaders published their names. Judicial and administrative procedures were adequate in settling claims. The Confederation of Independent Trade Unions of Bulgaria reported that employers broke the law and eroded the value of collective bargaining by letting nonunion members take advantage of the provisions in the collective agreement.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor. The government lacked sufficient resources to cope with the growing number of cases of international labor trafficking, while labor inspectors lacked sufficient training to identify cases of forced labor. According to the EU Agency for Fundamental Rights, the country's institutions focused exclusively on human trafficking cases and failed to identify and prosecute cases of severe labor exploitation unless it fell under trafficking. The government, through its central and local antitrafficking commissions, held forced labor prevention campaigns and training sessions for law enforcement and volunteers. Penalties for violations range from two to 15 years in prison but were not sufficiently stringent to deter violations. Law enforcement officials did not have adequate capacity to investigate forced labor cases, and investigations took a long time.

There were some reports of families or criminal organizations subjecting children to forced work (see section 7.c.). According to the Agency for Fundamental Rights, "children and adults with disabilities are forced into street begging and petty theft." As of October the National Antitrafficking Commission reported four cases of trafficking in persons for the purpose of forced labor, noting a significant

decrease from 2015. NGOs claimed government mechanisms for identifying victims among at-risk groups, such as asylum seekers, were not sufficiently robust.

In September the European Roma Rights Centre reported that 30-year-old Roma Nikolay Ivanov was sold by a coworker to a farm owner for 3,000 leva (\$1,800). Ivanov escaped and sought refuge in Maglen with his informal foster family, who subsequently had a disagreement with Ivanov's "owner," Ilian Mavrov, who sought either to retrieve him or get his money back. Police arrested members of Ivanov's foster family for causing minor injuries to Mavrov but released them shortly thereafter. There were no reports that Mavrov was taken into custody. As of October a police investigation was pending.

See the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

c. Prohibition of Child Labor and Minimum Age for Employment

The law sets the minimum age for employment at 16 and the minimum age for dangerous work at 18. The government considered occupations hazardous for children if they are beyond their physical or psychological abilities; expose them to harmful agents or radiation; have a harmful effect on their health; take place in conditions of extreme temperature, noise, or vibration; or expose children to hazards that they cannot comprehend or avoid due to their incomplete physical or psychological development. To employ children under the age of 18, employers must obtain a work permit from the government's General Labor Inspectorate. Employers can hire children under the age of 16 with special permits for light work that is not risky or harmful to the child's development and does not interfere with the child's education or training. The General Labor Inspectorate was generally effective in inspecting working conditions at companies seeking and holding child work permits and applying sanctions regarding child labor in the formal sector.

Employment of children without a work permit is a criminal offense punishable by up to six months in prison. There were violations.

The General Labor Inspectorate reported a significant increase in child employment, mainly due to a lack of qualified workers and an increase in job openings in the tourist industry. As of September the inspectorate granted 6,229 requests to employ children who were 16 or 17, and 118 requests to employ children under the age of 16. In 2016 the inspectorate uncovered 99 cases of child employment without prior permission and referred 40 to the prosecution service.

The prosecution service generally did not prosecute such cases, asserting they were insignificant offenses posing a minor public threat.

The government continued programs to eliminate the worst forms of child labor, mounted educational campaigns, and intervened to protect, withdraw, rehabilitate, and reintegrate children engaged in the worst forms of child labor.

NGOs continued to report the exploitation of children in certain industries (particularly small family-owned shops, textile production, restaurants, construction businesses, and periodical sales) and by organized crime (notably for prostitution, pickpocketing, and the distribution of narcotics). In addition to child sex trafficking, the worst forms of child labor present in the country included heavy physical labor and labor on family tobacco farms, a significant health hazard.

d. Discrimination with Respect to Employment and Occupation

The law prohibits discrimination in employment and occupation with regard to nationality, ethnicity, sex, sexual orientation, race, color, age, social origin, language, political and religious beliefs, membership in trade unions and civil society organizations, family and marital status, and mental or physical disabilities. Although the government effectively enforced these laws generally, discrimination in employment and occupation occurred across all sectors of the economy with respect to gender, disability, and minority status. According to the Commission for Protection against Discrimination, the majority of discrimination complaints received during the year were related to employment, predominantly concerning persons with disabilities.

Union leaders stated the government did not effectively enforce the labor law. They complained that court proceedings often took years and fines were not sufficient to deter antiunion discrimination. The government funded programs to encourage employers to overcome stereotypes and prejudice when hiring members of disadvantaged groups such as persons with disabilities.

In October 2016 a lawyer told the media he received complaints that some companies hire women only if they sign declarations that they will not become pregnant for at least two years. According to official data, men received 13.5 percent more pay than women for work in the same position and there were twice as many men as women with well-paid jobs.

Workplace discrimination against minorities continued to be a problem. General public mistrust, coupled with their low average level of education, made locating work more difficult for Roma.

According to a 2013 government-commissioned survey, the average income in Romani communities was 71 percent lower than the national average, mostly due to high unemployment and prevalence of low-skilled workers. The survey found that 34 percent of Roma depended on social security, living on social assistance, disability compensation, and pensions. It also found that 18 percent of Roma could not find a job because of their ethnic background.

The law requires the Interior Ministry, the State Agency for National Security, and the State Agency for Technical Operations to allot 1 percent of their public administration positions for persons with disabilities. Enforcement was poor, however, and employers were not motivated to hire persons with disabilities, citing inaccessible public infrastructure, low levels of education, and lack of sufficient funding for modifying workplaces. NGOs criticized the system of evaluating persons with disabilities based on the degree of their lost ability to work, which effectively prevented many persons with disabilities who are able to work from having a job. The Commission for Protection against Discrimination reported receiving an increased number of complaints of employment discrimination. The Agency for Persons with Disabilities estimated that 10 percent of persons with disabilities earned an income. The law no longer grants preferential public procurement contracts to specialized enterprises and cooperatives employing persons with disabilities. The privilege was rescinded because many employers fictitiously hired persons with disabilities to win a contract. NGOs reported that the provision hurt companies that actually did employ persons with disabilities, and as a result the number of employed persons with disabilities decreased.

e. Acceptable Conditions of Work

The national minimum wage was 460 levs (\$276) per month. In June the Confederation of Independent Trade Unions of Bulgaria reported that 22.9 percent of citizens lived under the poverty line, which it defined as 308 levs (\$184.80) per month. The government set the official poverty line at 314 levs (\$188.40). According to the National Statistical Institute, 15.7 percent of the ethnic Bulgarian population in 2016 lived in poverty, while 36 percent of the Turkish population and 72 percent of the Romani population lived in poverty.

The law provides for a standard workweek of 40 hours with at least one 24-hour rest period per week. The law also provides for paid holidays and annual leave. The law prohibits excessive compulsory overtime. The law prohibits overtime work for children under the age of 18 and for pregnant women. Persons with disabilities and women with children under the age of six may work overtime at the employer's request if they provide written consent. Persons undertaking continuing education may work overtime at the employer's request if they provide written consent. The law stipulates that premium pay for overtime cannot be less than 150 percent of standard pay during workdays, 175 percent during weekends, and 200 percent during 12 official holidays. The law limits the amount of overtime a worker may work to 150 hours per year. The law allows for one-day labor contracts for unskilled jobs in agriculture. The Confederation of Independent Trade Unions of Bulgaria criticized the law's provision for calculating accumulated working time, noting that it gave employers a way to abuse overtime requirements and thus hire fewer workers.

A national labor safety program, with standards established by law, provides employees the right to healthy and nonhazardous working conditions. Workers can remove themselves from situations that endanger health or safety without jeopardizing their employment, and authorities effectively protected employees in this situation.

The Ministry of Labor and Social Policy is responsible for enforcing both the minimum wage and the standard workweek. The law penalizes labor violations with fines ranging from 1,500 to 15,000 leva (\$900 to 9,000) which according to trade unions failed to act as a deterrent. Besides fines, penalties may include administrative provisions, such as suspending operations and terminating the employment of those responsible for the violation. As of September the General Labor Inspectorate conducted more than 31,000 inspections of companies covering nearly 1.4 million employees, identifying more than 137,000 violations and imposing various sanctions, including collecting 7.1 million leva (\$4.25 million) in fines. The inspectorate stated that many employers would replace civil contracts with the required labor contracts, which comply with all of the provisions of the law for full-time employment, as soon as a planned labor inspection campaign was announced in the media.

Each year the government adopts a program that outlines its goals and priorities for occupational safety and health. The General Labor Inspectorate, which had 28 regional offices, is responsible for monitoring and enforcing occupational safety and health requirements. Persons who violate safety and health regulations may be

subject to a fine of 100 to 500 leva (\$60 to \$300), employers to a fine of 1,500 to 15,000 leva (\$900 to \$9,000), and employing officials to a fine of 1,000 to 10,000 leva (\$600 to \$6,000). As of January there were 342 labor inspectors. Of the violations identified by the inspectorate, 47 percent involved safety and health requirements. According to the labor inspectorate, its activity over the past several years had increased compliance, with 98 percent of inspected companies in compliance with occupational safety and health requirements.

Legal protections and government inspections did not cover informal workers in the significant grey-market economy. In June the Bulgarian Industrial Capital Association stated that the grey economy remained a relatively large share of the overall economy but decreased by nearly 3 percent, to 28.1 percent of the gross domestic product. The grey economy predominantly involved the construction, tourism, services, and retail sectors. In September 2016 the Center for the Study of Democracy estimated that 17.2 percent of the labor force worked in the grey economy; many of those employees received undeclared payments above their official wages and only 1 or 2 percent worked without a proper employment contract.

Conditions in some sectors, particularly construction, mining, chemicals, and transportation, continued to pose risks for workers. In the first nine months of the year, there were 2,137 work-related accidents. Equipment and technology safety violations were the most common causes of occupational accidents. The government strictly enforced the law requiring companies to conduct occupational health and safety risk assessments and to adopt measures to eliminate or reduce any identified risks. Some 94 percent of the companies inspected in 2016 had such risk assessments.

As of October there were 60 work-related deaths, mainly in the construction and transportation sectors. In September a coal miner was killed in an accident at the Bobov Dol mine when a mass of dirt fell on him.