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**Replies from the Government of Bulgaria to the list of issues  
(CCPR/C/BGR/Q/3) to be taken up in connection with the  
consideration of the second periodic report of Bulgaria  
(CCPR/C/BGR/3)\***

[31 March 2011]

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\* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not formally edited before being sent to the United Nations translation services.

**Reply to the issues raised in paragraph 1 of the list of issues  
(CCPR/C/BGR/Q/3)**

1. The Supreme Judicial Council has no record of cases where provisions of the International Covenant on Civil and Political Rights (ICCPR) have been directly invoked before the courts of Bulgaria.
2. The mechanisms providing for remedies in cases where individuals claim a violation of the rights contained in the Constitution and in the ICCPR, include:
  - The civil justice system, through complaints filed with courts, following the usual civil, labour or administrative procedures,
  - The administrative-penal procedure. When approached, or on their own initiative, the administrative bodies may, having established an infringement of one or several legal provisions, impose the sanctions provided for by the law;
  - The procedure before national human rights institutions, such as the Ombudsman or the Commission for Protection against Discrimination which can receive and act upon complaints of individuals;
  - The penal law procedure, enacting the relevant provisions of the criminal law. The prosecutor's office can also start criminal prosecution on its own initiative, whenever it becomes aware about the crime committed.
  - The procedure of the overall supervision of legality, respectively of the prosecutor's office. In accordance with the Constitution (art. 127) and the Law on the Judiciary (art. 118), the prosecutor's office takes action to repeal unlawful acts, and in urgent and pressing cases to redress violations of rights.
3. As mentioned above, there are various national institutions for the promotion and protection of human rights in Bulgaria, including but not limited to the Ombudsman, the Commission for Protection against Discrimination and the Commission for Consumer Protection.

**Reply to the issues raised in paragraph 2 of the list of issues**

4. The Constitution of the Republic of Bulgaria of 1991, adopted immediately before the admission of this country to membership of the Council of Europe, reproduces the fundamental principles and provisions of the Universal Declaration of Human Rights and the ICCPR. These basic constitutional provisions as well as the principles of the European Convention on Human Rights have been enshrined in the rest of Bulgaria's legislation. Bulgaria recognizes the jurisdiction of the European Court of Human Rights and strictly executes its judgments in respect of Bulgaria.
5. The accession to the European Union (EU) was accompanied by a comprehensive harmonization of the Bulgarian legislation with the *acquis communautaire*, including in the field of human rights. Bulgaria is also bound by the Charter of Fundamental Rights of the EU which came into force together with the Treaty of Lisbon.
6. All these constitutional and legal reforms have contributed to the effective implementation of the provisions of the ICCPR.

### Reply to the issues raised in paragraph 3 of the list of issues

7. The legislative measures adopted by Bulgaria to combat terrorism conform to the international standards in this sphere, meeting the requirement to ensure respect for human rights, on the one hand, and public security, on the other.

8. Bulgaria is a party to the principal international instruments on the prevention and suppression of terrorism, including the International Convention for the Suppression of the Financing of Terrorism, the European Convention on the Suppression of Terrorism, and the 2005 Council of Europe Convention on the Prevention of Terrorism.

9. In accordance with international standards and practice, terrorism and the financing of terrorism are criminalized in the Penal Code of Bulgaria. The relevant articles are 108, 109, 110, 115, 128, 142 (1), 216 (1), 320, 326, 330 (1), 333, 334 (1), 337 (1), 339 (1), 340, 341, 344, 347, 348, 349, 352, 354 (1), 356.

10. Other legislative acts pertaining to the fight against terrorism include:

- The Law on Measures against the Financing of Terrorism (2003) and the List of Natural and Legal Persons, Groups and Organizations Subject to Application of the Measures adopted by the Council of Ministers in 2003. The provisions of the law are consistent with the measures under Security Council resolution 1373 (2001) and with the Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism of 2005;
- The Law on Forfeiture of Criminal Assets (2005). The list of criminal offences which give grounds for forfeiture expressly include terrorism, financing of terrorism, forming, leading or membership of an organized crime group which sets itself the object of committing criminal offences under Article 108a (1) and (2) of the Penal Code (terrorism and financing of terrorism);
- The Law to Amend and Supplement the Law on Administrative Violations and Sanctions (2005) which introduces administrative penal sanctions for legal persons.

Tables 1 - 4 below provide relevant statistics for 2009-2010 on the cases under Article 108a of the Penal Code, the Law on Forfeiture of Criminal Assets, the Law on the Administrative Violations and Sanctions and the Law on Measures against Money Laundering:

<i>Year</i>	<i>Cases received</i>	<i>Cases completed</i>	<i>Cases left pending</i>
2009	0	0	0
2010	1	0	1

*Table 1. Cases under Chapter 1 of the Penal Code "Offences against the Republic", Article 108(a) (terrorism)*

<i>Year</i>	<i>Cases received</i>	<i>Cases completed (total)</i>	<i>Cases completed (motion granted)</i>	<i>Cases completed (motion granted in part)</i>	<i>Cases completed (motion denied)</i>	<i>Cases dismissed</i>	<i>Cases left pending</i>
2009	147	96	73	3	13	7	51
2010	160	77	65	1	4	7	83

*Table 2. Cases under the Law on Forfeiture of Criminal Assets.*

Year	Cases received	Cases completed (total)	Cases completed (motion granted)	Cases completed (motion granted in part)	Cases completed (motion denied)	Cases dismissed	Cases left pending
2009	42 262	33 288	14 108	3 891	11 594	3 695	8 974
2010	44 869	34 414	13 969	4 260	12 430	3 755	10 455

Table 3. Cases under the Law on the Administrative Violations and Sanctions (total).

Year	Cases received	Cases completed (total)	Cases completed (motion granted)	Cases completed (motion granted in part)	Cases completed (motion denied)	Cases dismissed	Cases left pending
2009	355	276	140	29	67	40	79
2010	437	234	108	15	66	45	203

Table 4. Cases under the Law on Measures against Money Laundering.

### Reply to the issues raised in paragraph 4 of the list of issues

11. The legal framework for protection against racial discrimination in Bulgaria is presented in detail in the reports by the Bulgarian authorities to the relevant international treaty bodies, including the Human Rights Committee and the Committee on the Elimination of Racial Discrimination.

12. As already explained under the reply to paragraph 1, the victims of alleged discrimination have the alternative whether to submit a complaint before the Commission for Protection against Discrimination or before the court. The Commission for Protection against Discrimination is an established anti-discrimination body, which cooperates closely with civil society and the media, carries out training, surveys, organizes awareness-raising campaigns, etc.

13. Since its establishment in 2005 until January 2010, the CPD received 2,797 complaints and signals, with a trend in their annual increase as follows: in 2005 there were 27 complaints, in 2006 – 289, in 2007 – 645, in 2008 – 738, in 2009 – 1,039, in January 2010 – 25. Complaints received in 2010 totalled 896. This trend demonstrates increased confidence in this institution for combating and preventing discrimination. Public expectations have been raised regarding its work as a public institution providing the opportunity for rapid, genuine, effective and immediate resolution of disputes.

14. Most of the cases (224) alleged multiple discrimination. They are disaggregated by year as follows: two in 2005, 20 in 2006, 42 in 2007, 59 in 2008, and 95 in 2009.

Table 5 provides relevant statistics on the cases under the Law on Protection against Discrimination for 2009-2010:

<i>Year</i>	<i>Cases received</i>	<i>Cases completed (total)</i>	<i>Cases completed (motion granted)</i>	<i>Cases completed (motion denied)</i>	<i>Cases dismissed</i>
2009	39	37	2	19	16
2010	18	19	3	13	3

*Table 5. Cases under the Law on Protection against Discrimination.*

15. Regarding the Equal Opportunities for Women and Men Bill which was drafted by the Ministry of Labour and Social Policy in February 2001, it did not enjoy the support of the National Assembly in either 2002 or 2003. In 2003 this concept was reconsidered, and the matter of promoting the equal treatment of women and men was incorporated into the omnibus anti-discrimination Law on Protection against Discrimination. In 2006, the Ministry of Labour and Social Policy drafted a new Equal Opportunities for Women and Men Bill, which was approved by the Council of Ministers on 20 July 2006. However, the standing committees in the Parliament returned the draft for reconsideration, due to the numerous overlapping clauses with the Law on Protection against Discrimination.

### **Reply to the issues raised in paragraph 5 of the list of issues**

16. Bulgaria has established an independent body, the Council for Electronic Media (CEM), to monitor the content of the advertising spots and music videos, film works and series broadcast in the programme services of the radio and television broadcasters. CEM can be alerted by the Ministry of Labour and Social Policy, other governmental and non-governmental organizations, as well as by members of the public. It also carries out periodic monitoring and analyzes the trends in the programme services of the various radio and television broadcasters, including in respect of existing or potential risks of discrimination on grounds of sex, taking into account both implicit and explicit media messages.

17. Since 2006, complaints can also be lodged with the two Ethics Commissions (for Print Media and for Electronic Media) at the National Council for Journalistic Ethics Foundation. This is a system for self-regulation of the print and electronic media in Bulgaria through the interpretation and implementation of the Ethical Code of the Bulgarian Media and settlement of disputes between the media and their audience. The procedure for examination of complaints is accessible to all, fast and free of charge.

18. The Commission for Protection against Discrimination also reviews cases of alleged discrimination on grounds of sex, including cases referring to media propagating stereotypes against women.

19. There are a number of inter-governmental organizations in Bulgaria, active on issues of gender equality, which closely monitor the media to prevent the broadcasting of programmes that stereotype women's role in the family and society and impair their dignity; they also carry out campaigns to raise public awareness of these issues.

20. The National Strategy for Promotion of Gender Equality 2009–2015, approved by the Council of Ministers on 10 December 2008, formulated the national policy for achieving full gender equality. Its implementation is monitored closely by the National Council on Gender Equality with the Council of Ministers which involves representatives of various ministries and agencies as well as of non-governmental organizations working in

the field of gender equality. It is their opinion that the National Strategy has contributed significantly to the enhancement of the status of women in society. Among the various activities carried out within the implementation of the National Strategy, training has received a particularly positive assessment. Since 2005, the Ministry of Labour and Social Policy has provided short-term training to over 1,000 experts from the central, regional or local executive bodies, aimed at increasing the administrative capacity for implementation of gender equality policies, adopting an integrated approach for equal treatment of women and men (gender mainstreaming), and elaborating methods for gender analysis in the process of developing, monitoring and assessing policies and legislation.

21. Regarding women's status in the political life of the country, it should be noted that the Chairperson of the current 41st National Assembly is a woman. The ratio of women to men vice-chairpersons (one chairperson from each parliamentary party) is 1 to 5. Women serve as chairpersons of the parliamentary standing committees. Currently women chair 6 of the 17 committees: Budget and Finance Committee, Legal Affairs Committee, Labour and Social Policy Committee, Environment and Water Committee, Agriculture and Forests Committee, and Culture, Civil Society and Media Committee. Since the mid-1990s, women have been occupying senior political and government positions: prime minister (1994-1995); deputy prime minister, ministers, chairwomen of state agencies, etc. Women constitute a majority of state and municipal administration employees, and their proportion in certain bodies exceeds 65 per cent. In the Council of Ministers formed after the July 2009 elections, two of the Ministers are women: the Minister of Justice and the Minister of Environment and Water. One-third of the deputy ministers are women. The entire leadership (minister and deputy ministers) of the Ministry of Environment and Water consists of women. Women prevail at the level of director and head of department within the central government administration, except in the Ministries of Defence, Interior, Foreign Affairs, and Culture. Women in the diplomatic service of the Ministry of Foreign Affairs system account for some 40 per cent of the personnel holding diplomatic rank. The Ministry's spokesperson is a woman.

22. Women are actively represented in the management and administration of the local authorities. Thirty per cent of the municipal councillors in the country's 264 municipalities are women. In the regional and municipal administration, women are up to 70 per cent of employees, and they prevail at the decision-making level. For example, in the capital Sofia, four out of seven deputy mayors are women. The Mayor of Sofia and the Head of the Inspectorate of Sofia are women. Women judges are two-thirds of the magistrates at all levels and in all types of courts in Bulgaria. As many as 43 per cent of the magistrates in the prosecuting magistracy are women, one of the Deputy Prosecutors General is a woman. Female judges in Bulgaria are well represented at the international level: for a third consecutive term of office, the Bulgarian judge at the European Court of Human Rights in Strasbourg is a woman. Bulgarian women are members of the Constitutional Court of Kosovo (one international judge) and of the International Criminal Court.

23. Currently women represent 45 per cent of the officially active population in the country. They are involved in all branches of the economy. According to data contained in the recent report submitted to CEDAW by Bulgaria, in 2009 the economic activity rate in the most economically active age group (15-64 years) of women was 62.8 per cent, compared to the rate for men at 72.8 per cent. Better educated and vocationally trained women are more active, better motivated to work and demonstrate higher activity in the labour market. They also receive high remuneration and occupy high-ranking positions in the private and public sector.

24. This is especially true of women with higher education. With the increase of the education level, the difference in the employment rate between women and men is decreasing and women with higher education often have even a higher employment rate

than men. In the period since 2003, the employment rate peaked for women with higher education (73.6 per cent for the first quarter of 2007, compared to the rate for men at 71.7 per cent, and a country total of 52.4 per cent). For the above period, the difference in the employment rate between persons with higher education of the two genders was less than one percentage point.

25. The principle of equal pay for work of equal value for women and men is legally guaranteed and implemented. Regarding the unemployment rate, statistics show that women with lower education, divorced and single mothers are affected more than men. Considering, however, women and men as integral groups, the differences are insignificant.

26. The education policy and practice of Bulgaria, as well as the relevant legislative framework regulating access to education and qualification, do not allow gender discrimination. No limitations or privileges are permitted on grounds of race, nationality, gender, ethnic or social origin, religion and social status, and no gender quotas are applied to the admission of pupils to schools. According to national statistics, the share of girls in general school enrolment for 2002-2008 was about 50.6 per cent, while in all types of secondary schools it was 48 per cent. Girls prevail in arts schools, where their share reached 64 per cent. At the same time, their share increased notably in the vocational colleges from 47 per cent to 54 per cent.

27. The Employment Strategy of the Republic of Bulgaria (2004–2010) and its updated version (2008-2015) aim at preventing and reducing cases of discrimination on grounds of gender, expanding the social inclusion of groups at risk on the labour market, including women, and ensuring their access to the labour market. The Government's policy of reconciliation of professional and family obligations promotes the development of flexible forms of employment, as well as services for child care or care of dependent family members.

### **Reply to the issues raised in paragraph 6 of the list of issues**

28. Elderly people, who have no immediately family and cannot subsist on their property, as well as persons with physical and mental disabilities, enjoy special protection by the State. A ramified network of activities has been set up for social protection of people who, for health, age, social and other reasons beyond their control, are unable to meet the basic necessities of life (sufficient food, clothing and housing). According to the Social Assistance Act, there are two principal forms of social assistance: provision of social assistance benefits and provision of social services. Social services are activities which assist and expand the opportunities of persons to lead an independent way of life and which are carried out at specialized institutions and in the community. They are provided on the basis of an individual assessment of the needs and complying with the wish and the personal choice of the people who need them. The specialized institutions and the community-based social services facilitate the provision of health care to the beneficiaries so as to ensure favourable conditions for active life of the users of social services. Each person placed in a specialized institution has a general practitioner of his or her choice who assists in the conducting of preventive examinations and tests, and refers persons at a heightened health risk or suffering from specified diseases for outpatient observation.

29. No one can be subjected to compulsory treatment and to sanitary measures except in expressly specified cases. According to the Health Act, the cases of compulsory placement and treatment refer to persons who, due to their illness, may commit a criminal offence exposing to risk their relatives, the people around them or the general public or seriously endangering their own health. Compulsory placement and accommodation is decreed by a judgment of court and is implemented at medical-treatment facilities for in-patient psychiatric care and mental health centres, at psychiatric wards or clinics of the general hospitals, and at medical-treatment facilities for specialized non-hospital psychiatric care.

30. All citizens are entitled to protection from the judiciary where their rights or legitimate interests are infringed or at risk of being infringed. This is valid also for the persons using services at the specialized institutions for elderly people with disabilities (including mentally retarded persons). They may also submit alerts and complaints to the Commission for Protection against Discrimination.

31. Persons placed in specialized institutions and using community-based services are free to use without restraint administrative and legal services, access to justice and free legal aid.

### **Reply to the issues raised in paragraph 7 of the list of issues**

32. Ethnic and cultural diversity in Bulgarian society is regarded as a wealth and an important resource for the development of the Bulgarian civic nation. The integration of persons belonging to minorities into society is based on the principles of non-discrimination and equality (on non-discrimination, see also the information provided in replies to other issues). Persons belonging to minorities play an active role in the political and public life of the country. The Movement for Rights and Freedoms, perceived as representing the interests of persons of Turkish origin, is a well established political entity in the national and regional political spectra, and its representatives have been successfully participating in elections to the National Assembly and local bodies of powers. Roma candidates were also included on party lists during parliamentary elections in 2009 and one of the women candidates won a seat in the National Assembly, becoming the first Roma woman MP in the region. At the local level, persons belonging to minorities have been elected as mayors or municipal councillors in the local elections of 2007. Generally, the mainstream political parties show an increasing interest in issues pertaining to problems of persons belonging to minorities, and include their representatives as candidates on the respective party lists.

33. The Bulgarian authorities recognize the importance of the Commission for Protection against Discrimination (CPD). Indeed, since its creation in 2005, the CPD has firmly established itself as well-recognized anti-discrimination body, which cooperates closely with civil society and the media, carries out trainings, surveys, organizes awareness raising campaigns, etc. To achieve this, during the years the CPD has established partnerships with many public institutions and has developed a wide network of 17 local branches covering the whole territory of Bulgaria.

34. As evident from the 2009 annual report of the CPD, in 2005, when the Commission was established, it employed 42 persons, 9 of them on the elected positions, and 33 as general and specialized administration. In 2007, the number rose to 52 persons. Later, in 2008, the structure of the CPD was changed in order to accommodate the regional offices mentioned above, and the overall staff rose to 77 employees, including those on the elected positions. In those years, the financial support through the state budget for the activities of the CPD also steadily increased – in 2005 it amounted to BGN 1 800 000; in 2006 – BGN 2 112 283; in 2007 – BGN 2 103 119; in 2008 – BGN 2 882 879; and in 2009, it reached the sum of BGN 3 338 460. In those years the CPD was engaged in institution- and capacity-building activities which to a great extent contributed to its current reputation as the main anti-discrimination body in Bulgaria.

35. Due to the constraints on the revenues as a consequence of the global economic crisis and the need to maintain a strict fiscal discipline, in line with the relevant criteria of the EU, the funding from the state budget for all types of administrative bodies at central and local level and all regulatory mechanisms, dropped. The state support for the budget of the CPD in 2010 was BGN 2 160 000. In order to counter the negative consequences of the budgetary constraints on the performance of the public administration, the Government has initiated a large-scale programme for its optimization and strengthening of its efficiency.

This reform, however, has no implications whatsoever on the independence and impartiality of the CPD, the procedures of carrying out its activities, including the functioning of its permanent structures or its outreach campaigns. This is evident also from the decision taken by the CPD in December 2010 to submit its candidacy for accreditation as a national human rights institution in accordance with the Statute of the International Coordinating Committee. Furthermore, it should be recalled that since 2007, the CPD has received access to the EU structural funds, and has implemented various projects with direct EU funding.

36. The draft Law on amending and supplementing the Law on Protection against Discrimination was initiated by the Ministry of Labour and Social Policy aiming at resolving the issue of the long expired mandates of the elected members of the CPD. More specifically, the draft Law proposes that the National Assembly elect, and the President nominate the members of the CPD, according to their respective quotas, within one month after the adoption of the Law. It also proposes that the number of elected members of the CPD be reduced from 9 to 7 persons, of whom the National Assembly should elect 4, and the President should nominate 3 persons. It has been extensively discussed by the competent parliamentary Committee on Human Rights, Religious Denominations, Citizens' Complaints and Petitions, and all relevant opinions have been duly taken into consideration. On 28 July 2010, its first reading was passed in the plenary. Its second reading is still pending.

37. Regarding specifically the situation of Roma, the various strategic documents of the Bulgarian Government aimed at the integration of Roma into Bulgarian society are duly presented in the third periodic report of Bulgaria. Since 2010, these documents have been subject to a thorough review and update. A new Framework Programme for Integration of Roma in Bulgarian Society (2010-2020) has been approved, together with an updated National Action Plan for the Decade of Roma Inclusion (2005-2015) and Strategy for Educational Integration of Children and Students belonging to Ethnic Minorities. Currently, ways are being sought to optimize the National Programme on Improving the Housing Conditions for Roma (2005-2015). All these documents outline a series of measures that aim at addressing the root causes of social exclusion and receive support under EU-funded social programmes. Similarly, measures are being implemented in the field of public education in order to ensure effective integration of Roma children into the mainstream educational system. The Health Strategy for Disadvantaged Ethnic Minorities is another key document that guides policy in this area. In this respect, it is worth mentioning the success of the expanding network of health mediators aimed at ensuring better access of Roma to healthcare services, as well as of employment mediators who help unemployed Roma find access to training and jobs.

38. Since 2010, Ministry of Labour and Social Policy has been implementing, in cooperation with the World Bank, the Social Inclusion Project which supports low-income families from minority groups that experience difficulties integrating into the labour market and who do not send their children to schools and kindergartens.

39. To improve housing conditions, activities continue on compiling cadastre maps and registers as a basis for urban development plans. Local government authorities are encouraged to implement urban regulation of the residential areas with predominant Roma population and include new zones for housing development.

40. In cases of evictions, they usually follow the completion of due legal procedures, including court proceedings, which often take years, and allow the interested parties to find an acceptable solution. Most cases concern unlawful settlements in somebody else's property, occupation of dangerous buildings or illegal constructions. The authorities are obliged to interfere – in order to restore the property to its rightful owners, or to prevent health injuries of the residents themselves. All individuals concerned may choose freely

either to return to the place of their permanent residence, where some of them actually have real property, or to apply for municipal housing according to established procedures.

41. In all cases involving supposed violations of the law by police officers, inquiries are conducted and where such violations are proved, their perpetrators and, where necessary, their immediate superiors, are sanctioned. There are numerous cases of police officers having been dismissed from the police after they had been proven guilty of such violations. Moreover, when the facts of the inquiry indicate that a crime has possibly been committed, the full set of collected materials is submitted to the prosecutor's office for further action. This is a mandatory procedure which is followed without exception, regardless of the ethnic background of the victims of the alleged violations. Furthermore, the Ministry of Interior is implementing the strategy "Police near the community" a substantial part of which are activities aimed at raising awareness of citizens, belonging to ethnic minorities, including Roma, of the work of the police and at the same time – the improvement of the skills of police officers.

### **Reply to the issues raised in paragraph 8 of the list of issues**

42. Under the Bulgarian legislation, the victim of domestic violence may be a woman or a man, a Bulgarian citizen or an alien, an adult or a minor. The Law on Protection against Domestic Violence (2005) regulates in detail the rights of victims of domestic violence, the measures for protection and the procedure for their imposition. The basic underlying principles of the law are speed and urgency of the protection; quick separation of the perpetrator from the victims; special protection of the victims; accessibility of the judicial proceedings; diversity of protection measures; cooperation between the public authorities and the non-governmental sector.

43. The amendments to the law of December 2009 amplified the notion of "domestic violence", expressly providing that "any act of domestic violence committed in the presence of a child shall be treated as psychological and emotional abuse of the child himself or herself" (Article 2).

44. One or several of the measures under the law may be imposed to ensure special protection against domestic violence: ordering the perpetrator to desist from committing domestic violence; removing the perpetrator from the jointly occupied home for a period determined by the court; prohibiting the perpetrator from approaching the home, the place of work and the places of social contacts and recreation of the victim under conditions and for a period determined by the court; temporarily placing the child for residence with the parent who is the victim or with the parent who did not commit the violence, under conditions and for a period determined by the court, provided this is not against the best interests of the child; ordering the perpetrator of the violence to attend specialized programmes; referring the victims to rehabilitation programmes. The court imposes a fine ranging from BGN 200 to BGN 1,000 on the perpetrator of domestic violence cumulatively with the imposition of one or several protection measures.

45. When, according to the petition, there is reason to believe that the victim's life and health are in direct, immediate or imminent danger, the regional court, sitting in camera and ex parte, issues an immediate protection order within 24 hours after receipt of the petition. An immediate protection order can not be appealed, and its effect is limited in time until the court issues a protection order or denies the petition. A protection order is subject to immediate enforcement by the police authorities. Upon non-compliance with the order of the court, the police authority who ascertained the violation detains the perpetrator and immediately notifies the prosecuting authorities. The court issues ex officio a writ of execution on the fines imposed and stamp duties and costs awarded. A culpable non-compliance with an order of protection against domestic violence constitutes a publicly

indictable offence under Article 296 (1) of the Penal Code: “Any person, who obstructs or frustrates in any manner whatsoever the enforcement of a judgment of court or who does not comply with an order of protection against domestic violence, shall be punished by deprivation of liberty for a maximum term of three years or a maximum fine of BGN 5,000.”

46. The institutional and public response to domestic violence, since the Law on Protection against Domestic Violence law has been passed, is encouraging. The Bulgarian government adopts annual national programmes for prevention and protection against domestic violence containing specific measures, including in the field of training and public awareness-raising. The respective ministries elaborate their own action plans related to domestic violence, including possible legislative amendments, police and civil servants training. The Ministry of Interior has appointed a National Coordinator on Domestic Violence and has issued guidelines providing information on fast and effective protection in cases of domestic violence. The information leaflet for victims of domestic violence is published on the internet site of the Ministry of Interior. There are samples of Claims to the Head of the Local Police Office and the Regional Courts to start a legal protection procedure. In August 2009, a national 24-hour free hotline 0800 186 76 was opened. The line provides victims of violence the opportunity to obtain advice of a psychologist, information and legal support.

47. Currently there are three shelters and five crisis centres for women victims of domestic violence in the country, managed by non-governmental organizations and supported financially both by the state or municipal budgets, and by non-governmental sources. The efforts of the authorities are focused, inter alia, on supporting and developing specialized services accessible to victims, including enlargement of the available specialized emergency and social rehabilitation centres.

48. Regarding training of magistrates, the National Institute of Justice (NIJ) provides two programmes with particular attention to the Law on Protection against Domestic Violence. In 2009, the NJI developed, jointly with the Ministry of Justice and the Social Activities and Practices Institute, a training programme devoted to the issue of sexual violence and the rights of the child victim in the Bulgarian criminal procedure. The pilot training involved 26 magistrates (including 16 judges and 10 prosecutors). Two more training sessions on this issue were organized in 2010 in Sofia (23 magistrates from across the country participated) and in Stara Zagora (29 prosecutors participated). Domestic violence and child-parent relationships were covered in the NIJ training sessions devoted to the new Family Code. Five workshops on this subject were held in 2010, involving 141 judges.

49. Information on case law for 2009-2010 with regard to acts of domestic violence is presented in Table 6:

<i>Year</i>	<i>Cases received</i>	<i>Cases completed (total)</i>	<i>Cases completed (motion granted)</i>	<i>Cases completed (terminated)</i>	<i>Cases dismissed</i>
2009	2,604	2,357	994	1,194	169
2010	2,750	2,676	1,076	1,389	211

*Table 6. Cases under the Law on Protection against Domestic Violence.*

**Reply to the issues raised in paragraph 9 of the list of issues**

50. Apart from the legislative prohibition of corporal punishment, a number of measures have been taken to raise public awareness, develop guidelines for professionals working with children and families, as well as to lay down mechanisms for interaction between the child protection authorities for the purpose of ensuring a more effective protection of the children victims of violence. In 2009, the State Agency for Child Protection (SACP) developed a thematic plan for qualification of teaching staff in respect of prevention of violence. Work continues on a project entitled "School Free of Violence", a joint initiative of UNICEF, SACP and the Ministry of Education, Youth and Science, implemented at six pilot schools in the City of Sofia, and two schools in the City of Lovech. On its Internet site, SACP popularizes the Council of Europe campaign against corporal punishment of children, "Raise your hand against smacking!" An opportunity was provided for the public to support the campaign through online signatures.

51. SACP maintains a National Help-line for Children 116 111 which makes it possible to report cases of child abuse, as well as to inform and advise parents on matters concerning their relationships with children.

52. The Law on Child Protection requires mandatory hearing of the child in administrative or judicial proceedings affecting his/her rights or interests, if the child has attained the age of 10 years. The child may be given a hearing even if he/she has not attained the age of 10 years, depending on the level of his/her development. In each case, the court or the administrative authority notifies the Social Assistance Directorate, which must send a representative who expresses an opinion or, should this not be feasible, the representative presents a social report. The child has the right to advice by counsel and to appeal in all proceedings affecting his/her rights or interests.

**Reply to the issues raised in paragraph 10 of the list of issues**

53. The Ministry of the Interior has taken practical measures for the eradication of the root causes of alleged violations of the law by police officers and for the prevention of such violations in future. A special system for registration of complaints alleging ill-treatment by police officers has been introduced, and is closely monitored. Inquiries are conducted in all cases involving alleged violations of the law by police officers, and where such violations are proved, their perpetrators and, where necessary, their immediate superiors, are sanctioned. There are numerous cases of police officers having been dismissed from the police after they had been proven guilty of such violations. Moreover, when the facts of the inquiry indicate that a crime has possibly been committed, the full set of collected materials is submitted to the prosecutor's office for further action. This is a mandatory procedure which is followed without exception.

54. Instruction No. Iz-1711 of 15 September 2009 of the Ministry of the Interior explicitly forbids the use by the police officers of physical force, auxiliary tools or armaments against detainees, except for the rare cases provided by the Law on the Ministry of Interior. No actions by the police authorities should include perpetration, instigation or toleration of any act of torture, inhuman or degrading treatment or punishment, or act of discrimination against detained persons. Immediately upon arrest, detained persons are to be informed about the detention grounds and the respective responsibility provided by the law as well as about their rights to adequate medical assistance, to legal council - either as a free choice or under the Law on Legal Aid, to appeal before the Court their arrest, to request the notification of another party of the arrest; the right to visitors or receipt of parcels and food; request for notification of the relevant consular authorities, if the person is

an alien; request for provision of a translator or interpreter, etc. The same procedure applies to officers of the military.

55. Police officers are periodically familiarized with the ethical norms of behaviour and the relevant procedure of observing human rights. The permanent Commission on Human Rights and Police Ethics (PCHRPE) within the Ministry of Interior, with its regional branches, constitutes a mechanism for monitoring and control over activities of police officers.

56. In addition, a guarantee for conducting an independent investigation is the provision of article 194, para.1, point 2 of the Penal Procedure Code, according to which the investigation of cases involving alleged crimes by policemen shall be conducted by examining magistrates and not by investigating policemen. Within its competences, the Prosecutor's Office has taken measures to combat impunity, such as shortening the time limits for examination of cases in the pre-trial phase; strengthening the administrative capacity of the Prosecutor's Office to counter cases constituting police brutality; regular reporting by the administrative heads of the cases of detained persons; outlining measures for their prompt completion; training magistrates in the European Convention on Human Rights etc.

57. According to the data in the Prosecutor's Office, in 2009, there were 42 investigations on cases of alleged police violence. For the first half of 2010, the number of the investigations launched was 30. In the period January 2009 to June 2010, 55 police officers were charged by the court for alleged violence; 16 of them were convicted, and 10 were acquitted. 57 cases were dismissed by the court (among them also proceedings launched before 2009). There were also 97 investigations against police officers on charges of corruption, and 30 of them proved groundless. 51 persons were brought before the court; 27 were convicted as charged, and 3 were acquitted. (For comparison, in 2005, out of 192 convicted police officers, 35 were found guilty of using violence. In 2007, there was a total of 227 convicted police officers; 21 of them were guilty of charges of violence).

58. At the Academy of the Ministry of Interior, training in connection with the use of force and firearms by police officers is covered in the subjects, "Protection of Human Rights", "Police Law", "Marksmanship Training", "Self-defence and Fitness Training" and "Operational and Tactical Training". Use of force and firearms is also covered in induction training courses and professional qualification courses for police officers. The programme covers the international standards in this sphere, including the ICCPR.

59. Marksmanship training is compulsory for all civil servants at the Ministry of Interior who are issued with a service weapon. This training maintains and refines knowledge and skills for application of the legally established standards for use of firearms by police officers as a last resort and is an integral part of vocational education and training. A Marksmanship Training Manual for Ministry of Interior Employees has been compiled and is applied to this end. Emphasis is laid on the regulatory framework of primary and secondary legislation specifying the circumstances under which the law enforcement authorities may use force and firearms in the light of the applicable international standards and relevant provisions of the United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.

60. Regarding the specific case, the information by the Ministry of Interior and the Supreme Cassation Prosecution Office refers to the conclusion of the investigating commission which checked all details pertaining to the death of Marian Dimitrov in Plevna on 23 July 2010. Namely, the commission concluded that the officers of the Plevna Regional Directorate of the Ministry of Interior, carrying out a specialized police operation for the detention of the person, had acted in conformity with the requirements of the Ministry of Interior Act. A pre-trial proceeding vis-à-vis the police officer had been

instituted in connection with the death of the person. The pre-trial proceeding was terminated by a warrant of the competent prosecutor on the grounds that the act performed by the police officer did not constitute a criminal offence. The warrant on termination of the pre-trial proceeding was confirmed by the competent Pleven District Court.

### **Reply to the issues raised in paragraph 11 of the list of issues**

61. The use of torture or any form of degrading treatment is constitutionally prohibited. This constitutional principle is further elaborated in the entire domestic legislation, in particular in the Law on Implementation of Penal Sanctions and Detention in Custody and the Law on the Ministry of Interior. Procedural guarantees of the prohibition of torture or ill-treatment by law enforcement and custodial officials in Bulgaria are contained in Bulgarian criminal legislation in general, and in the Penal Procedure Code provisions in particular. These legislative measures are aimed at preventing discrimination and safeguarding respect for the human rights of detainees. Ministry of Interior regulations stipulate that “actions by police authorities exclude perpetrating, provoking or tolerating any act of torture, inhuman or degrading treatment or punishment and discrimination against detainees.”

62. As to the alleged incidents of abuse in police custody, it should be reiterated that in all cases involving supposed violations of the law by police officers, inquiries are conducted, and where such violations are proved, their perpetrators and, where necessary, their immediate superiors, are penalized. When the facts of the inquiry indicate that a crime has possibly been committed, the full set of case records is submitted to the prosecution office for further action.

63. The suggestion to incorporate a comprehensive text in the Penal Code in accordance with the ICCPR is being carefully analyzed by experts. The debate involves also non-governmental representatives. The Bulgarian doctrine of criminal jurisprudence, and the prevailing opinion among parliamentarians so far, point out that the respective offences are already incriminated in the Penal Code. Such provisions are those of Article 287, dealing with bodily harm, as well as the broader content of Article 143 (coercion). In addition, the General Provisions of the Penal Code contain terms such as complicity, cumulative offence, attempted criminal wrongdoing or conspiracy to commit a crime, which all have their practical relevance to the texts of the Special Provisions. Moreover, as stated previously, by virtue of Article 5 para.4 of the Constitution, the provisions of the ICCPR constitute an integral part of the domestic legal order in Bulgaria.

### **Reply to the issues raised in paragraph 12 of the list of issues**

64. Combating trafficking in human beings is a priority for the Bulgarian Government. As presented in its third periodic report, Bulgaria has made significant progress in all the key areas of the fight against human trafficking: prevention, prosecution and protection. Aware of the transnational nature of the phenomenon, Bulgaria has joined its efforts to those of other countries and institutions working against the trafficking in human beings at the bilateral, regional and international level.

65. The Government of Bulgaria fully complies with the international standards for the elimination of human trafficking. The Penal Code prohibits all forms of trafficking; its amendment of 2009 increased the minimum penal sanction for trafficking offences. The national legislation specifically defines and criminalizes the sale of children. The penal sanction for this offence has also been increased.

66. The Bulgarian Government continues its efforts to investigate and punish trafficking offenders. Convincing victims to cooperate with law enforcement remains one of the main challenges. Those who choose to cooperate with law enforcement are provided with residence and employment rights for the time of duration of the criminal proceedings. Bulgaria participates together with other European countries in joint human trafficking investigations. Statistics presented in Table 7 show a sustained upward trend in the number of convicted trafficking offenders. Information by the National Anti-Trafficking Commission on victims registered for the period January–October 2010 is included in Table 8.

<i>Year</i>	<i>Investigations</i>	<i>Indicted persons</i>	<i>Convictions</i>
2003		13	0
2004	130	44	3
2005	159	63	33
2006	219	129	71
2007	209	97	73
2008	219	88	34
2009	215	74	108
2010	261	157	77

*Table 7. Cases on trafficking in human beings. The data for 2010 covers the period January – October 2010.*

<i>Total number of victims</i>	
	561
Women	523
Men	38
Minors	79
Pregnant women	0

*Table 8. Registered victims of trafficking. The data for 2010 covers the period January – October 2010.*

67. There has been a steady increase in the number of trafficking victims identified and referred for protection in recent years. All victims are eligible for free medical and psychological care, provided through the public health system and NGOs. A total of 289 victims (44 children) were identified in 2009, and all of them were referred for assistance (250 in 2008). One hundred victims have been assisted by NGOs on funds allocated by the Government. There is an adult trafficking shelter operating in Varna, which assisted six victims in 2009. Twelve child crisis centres function for rehabilitation and provision of psychological and medical assistance to victims of trafficking. In 2009, 44 children were provided with government-funded assistance, compared to 25 in 2008.

68. The National Anti-Trafficking Commission established in 2003 under the Law on Combating Trafficking in Human Beings coordinates the interaction between separate institutions and organizations implementing the national legislation in this field.

69. Prevention of trafficking in human beings within the country is the responsibility of the National Anti-Trafficking Commission and the ministries and agencies represented in it, which cooperate with relevant nongovernmental organizations. There are no specific measures for prevention of trafficking in human beings nationally, compared to those in general. For example, the National Anti-Trafficking Commission carries out preventive campaigns in schools to prevent pupils from becoming victims of both national and international trafficking, carries out information and awareness raising campaigns for the general public, for specific vulnerable groups like the Roma; prevention campaigns for trafficking for sexual or labour exploitation, etc. There are mixed border-guard teams with Romania that have produced excellent results in the work along the state border and the Black Sea coast.

70. The prosecution, punishment and prevention of trafficking of new born infants are at the centre of attention of cooperation between the law enforcement authorities of Bulgaria and Greece. The police services of Bulgaria and Greece periodically carry out joint police operations to interdict trafficking in human beings.

### **Reply to the issues raised in paragraph 13 of the list of issues**

71. The Bulgarian Government is committed to promoting efficiency of the justice system in accordance with the established standards. The actions undertaken so far are based on the Judicial Reform Strategy, which constitutes a roadmap for strengthening the rule of law, building confidence in the judicial system, achieving transparency and high quality of services of the judiciary, improving magistrates' qualification, and guaranteeing access to justice for all. A special council has been established to coordinate the implementation of the Strategy.

72. The Bulgarian Constitution has so far been amended on four occasions in the course of five years. The last amendment of 2007 established a permanent Supreme Judicial Council and limited judicial immunity. A new Law on the Judicial System followed and is regularly reviewed for improvements, the latest of which focuses on strengthening the management capacity of the judiciary and improving the overall discipline and effectiveness of the entire system. In order to strengthen the accountability of the system, the meetings of the Supreme Judicial Council are now held in public and there is a functioning system through which decisions are published online and are accessible to the public. Generally, the interaction between the judicial authorities, the Ministry of Justice and civil society has been strengthened through the introduction of public consultative councils.

73. Regarding the fight against corruption, in 2010 the Government adopted an Integrated Strategy on Combating Crime and Corruption, in accordance with the explicitly formulated recommendations of the European Commission in this field. The Strategy is implemented through two instruments: an Action Plan and an Integrated Model for Prevention and Combating Corruption and Organized Crime. On 29 July 2010, the Government decided to establish a Centre for Prevention and Combating Corruption and Organized Crime, with the main task to introduce efficient methods and proven contemporary solutions for the implementation of the state policy in this field.

74. The Law on the Liability of the State and the Municipality for Damage (last amended in 2009) is intended to establish a procedure for enforcement of the liability of the State and the municipalities, the obtaining of compensation by Bulgarian citizens and legal persons for damage sustained thereby as a result of legally non-conforming acts, steps or omissions by State bodies and municipal authorities and officials in the course of performance of administrative activity. The actions on these grounds are examined in accordance with the Administrative Procedure Code by the administrative courts exercising

jurisdiction over the place of the damage or over the residence of the person aggrieved. Furthermore, according to Article 2 (1) of the law, the State is liable also for any damage inflicted on citizens by the investigating, judicial and prosecuting authorities. Actions are examined in accordance with the Civil Procedure Code by the respective regional courts. Information from the regional and district courts regarding the application of the law in 2008 - 2010 is provided in Table 9:

<i>Courts</i>	<i>2008</i>	<i>2009</i>	<i>2010</i>	<i>Cases left pending</i>
Regional courts	308	432	180	241
Administrative courts	133	196	170	142

*Table 9. Cases under the Law on the Liability of the State and the Municipality for Damage*

### **Reply to the issues raised in paragraph 14 of the list of issues**

75. The permissible/legitimate grounds for restriction of the right to liberty of person are:

- a sentence passed by a court, whereby a penal sanction of deprivation of liberty for a specified term is imposed;
- imposition of an administrative sanction of detention at a territorial structure of the Ministry of Interior for a term of 25 days according to the procedure established by the *Law on the Administrative Violations and Sanctions* for the so-called “sports-related hooliganism”, where the anti-social behaviour does not constitute a criminal offence under the Penal Code (Articles 21 and 22 of the Law on Protection of Public Order upon Conduct of Sports Events);
- detention in custody imposed as a precautionary measure to secure a person’s appearance (Articles 63-65 of the Penal Procedure Code). There are two cumulative prerequisites for detention in custody - the first prerequisite is a reasonable presumption, based on sufficient evidence, that the accused has committed a criminal offence, and the second one - a credible risk, supported by evidence, of the accused absconding or reoffending. The court judges establish whether both prerequisites exist in the pre-trial phase.

76. Judicial review of detention in custody in pre-trial proceedings is initiated by the accused and his or her defence lawyer by means of a motion for an examination as to whether the grounds for the detention continue to apply. The review boils down to a check of all evidence relevant to the measure which has been taken in the pre-trial phase. Only the prosecutor is competent to approach the relevant court of first instance with a motion for detention in custody. The appearance of the accused before the court is secured solely by the prosecutor. Detention may be ordered only by a prosecutor, moreover on the sole grounds of bringing the accused before the court. The maximum duration of such detention is 72 hours, and it is not subject to judicial review. Such detention is appealable before a prosecutor of a superior prosecution office. The court examines the motion for detention of custody on the very same day and may not release the detainee before ruling on that motion.

77. Police detention under the Law on the Ministry of Interior follows the procedure established by Article 63, according to which police authorities may detain a person: (1) who is suspected of having committed a criminal offence; (2) who, having been duly warned, intentionally obstructs the discharge of the official duty of a police authority; (3)

who exhibits grave mental deviations and whose conduct disturbs public order or poses a clear danger to his or her own life or to the life of others; (4) who is a juvenile offender and has left his or her home, tutor, curator or specialized institution where he or she has been placed; (5) whose identity cannot be established; (6) who has evaded service of a custodial sentence or has escaped from the places where the person has been detained as an accused in fulfilment of an order of a police authority or of a judicial authority; (7) for whom an international Red Notice alert has been issued in connection with his or her extradition or in implementation of a European Arrest Warrant; (8) in other cases specified by a law. The person has the right to appeal the lawfulness of the detention before the court. The court is obliged to rule on the appeal immediately. Persons are entitled to defence by legal counsel as from the moment of detention. No rights whatsoever other than the right to freedom of movement may be restricted. The maximum duration of such detention is 24 hours. The police authorities must immediately release the person if the grounds for the detention have lapsed. The detention order essentially constitutes an individual administrative act and, as such, is subject to administrative and judicial appellate review.

78. Detention is furthermore possible under the Law on the State Agency for National Security. Officers of the Agency may detain a person solely if he/she has breached the security and pass control within the perimeter of a guarded facility of the Agency. In such case, the officers notify the competent police authorities and deliver the detainee to them.

79. Under the Law on the Defence and Armed Forces of the Republic of Bulgaria, the authorities competent to make an arrest are the officers of the Military Police Service, which is within the system of the Ministry of Defence. The maximum duration of such detention is 24 hours. Detainability is limited to service persons or civilian employees of the Ministry of Defence, suspected of having committed a criminal offence, as well as to persons present within the perimeter of Ministry of Defence installations and facilities or structures under the direct orders of the Minister of Defence and whose identity cannot be established.

80. As explained above, according to the Law on the Liability of the State and the Municipalities for Damage, the persons who have sustained damage inflicted thereon by the investigating authorities, the prosecuting magistracy and the court as a result of an unlawful detention in custody, including as a precautionary measure to secure the said persons' appearance, when the detention has been vacated as legally groundless, may seek compensation according to the established procedure. In such cases, the State owes compensation for all non-personal and personal injury resulting directly and immediately from the damage, regardless of whether inflicted culpably by the official concerned.

81. The analyses contained in prosecutors' reports lead to the conclusion that in actions for unlawful arrest and detention ordered by the prosecuting magistracy, the courts found against the State predominantly on the basis of an enforceable sentence of acquittal for the act for which the claimant had been charged with the commission of a publicly indictable offence under the Penal Code, whereas detention taken as a precautionary measure to secure the claimant's appearance was ruled unlawful on very rare occasions. Statistics for case-law under the Law on the Liability of the State and the Municipalities for Damage for the period 2007-2009 are provided in Table 10.

<i>Period</i>	<i>First-instance civil cases (total)</i>	<i>First-instance civil cases (won by claimant)</i>
2007	1,189	327
2008	740	190
2009	533	201

*Table 10. First instance civil cases under the Law on the Liability of the State and the Municipality for Damage (2007 - 2009).*

82. Regarding the allegations of arbitrary arrests during the campaign to fight organized crime, it should be pointed out that no case has been ascertained so far at the Ministry of Interior of a detention of the person in the absence of the conditions specified in Article 63 of the Law on the Ministry of the Interior. Orders have been issued for all detentions implemented, and in just a single case an appeal has been lodged with a motion for revocation of a detention order. Checks have been conducted at the Ministry of Interior in connection with a query by the Chairperson of the Human Rights, Religion, Citizens' Complaints and Petitions Committee at the 41<sup>st</sup> National Assembly and prompted by appeals lodged according to the procedure established by the Administrative Procedure Code by persons detained in pre-trial proceedings alleging violation of their rights through news items broadcast or published in the media. As a result, it was ascertained that the competent Ministry of Interior employees had not engaged in any treatment which qualifies as inhuman or degrading according to the ICCPR and the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR). The Ministry of Interior is doing its best so that the press releases, provided to the electronic media for broadcasting through the Press Centre and Public Relations Directorate, conform to the provisions of the ICCPR and the ECHR.

### **Reply to the issues raised in paragraph 15 of the list of issues**

83. On 8 September 2010, the Council of Ministers adopted a Programme for Improvement of Conditions at Places of Deprivation of Liberty which reflects the intentions of the executive to conduct a coherent and comprehensive policy in the penal sanctions implementation area. Attention and efforts will be concentrated on improving the material conditions and welfare at the Bulgarian penitentiary institutions and their compliance with international minimum standards. Thus, the programme has two priorities: improvement of the material conditions of detention and reduction of overcrowding.

84. The action plan for the implementation of the programme in the period 2011-2013 specifies the time limits, the responsible institutions and the expected results. The first priority is to elaborate a concept for the construction of new prisons for areas comprehending the administrative regions of Rousse, Razgrad, Silistra, Shoumen and Veliko Turnovo as well as the administrative regions of Haskovo, Smolyan and Kurdjali. Negotiations with Sofia Municipality on the provision of a land tract for the construction of a new prison in the area of Sofia have been finalized and the terms of reference for its construction will be prepared. Specific measures for remodelling, redevelopment and modernization are also envisaged for the existing prisons. In respect of overcrowding, the Programme provides for the development of a project to implement the standard for minimum living floor space per prisoner and the standard for the material conditions and specifications of cleanliness and hygiene, increasing the share of prisoners serving sentences at open facilities compared to the total number of sentenced persons etc.

85. Despite the serious budget constraints, measures are taken to improve the material conditions of detention at the prisons. The larger projects that have been commissioned include a new investigation detention facility in Plovdiv, a thoroughly renovated building of the prison in Vratsa, a remodelling of the heating system of the prison in Lovech, an overhaul and remodelling of the Razdelna Prison Hostel with the prison in Varna, containment of a landslide in the area of the prison in Bobov Dol through erosion-control works, repair of the Smolyan Prison Hostel with the prison in Plovdiv and of the Cherna Gora Prison Hostel with the prison in Stara Zagora, and the design and start of construction of a Promet Prison Hostel with the prison in Bourgas. The new Zhitarovo Open Prison Hostel with the prison in Bourgas meets all international requirements and standards. The newly established Gulubovo Open Prison Hostel with the prison in Stara Zagora also provides very good material conditions of detention. The most substantial achievement in this respect is the investigation detention facility in Plovdiv, which was relocated and built acting on a recommendation of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT). This is the most modern place of detention in the country, which conforms to international standards and the European Prison Rules.

86. Regarding the conditions at the prisons in Pleven, Varna and Bourgas, it should be noted that the number of persons deprived of their liberty placed there currently exceeds the capacity of these prisons. In the prison in Pleven, lavatories have been built in the premises occupied by the persons deprived of their liberty, and despite the overcrowding, sanitary and hygiene conditions are at a good level. Lavatories in the building of the prison in Bourgas have been built partly in the close security zone, and the rest of the living quarters are not furnished in this respect. The hygiene conditions in the prison are at a good level, and overcrowding again is the principal problem. The size of the prison population is the principal problem of the prison in Varna as well. Lavatories in each premise are not constructed in the building of that prison. Shared lavatories are used, located in each separate corridor of cells for persons deprived of their liberty. There are plans to build a new prison in the territory of the City of Varna.

### **Reply to the issues raised in paragraph 16 of the list of issues**

87. Bulgaria attaches primary importance to the protection of the rights of children, including the well-being of children in public care. In line with this, in 2008 the National Assembly adopted the core policy document which defines the priority areas and actions for improvement of the well-being of children in Bulgaria over the next ten years - the National Strategy for Children (2008-2018) which seeks to facilitate the development of integrated policies aimed at strengthening the guarantees for the rights of the child in conformity with the established international standards.

88. As to the situation of children placed in public care at institutions of various types, which are held over from the past, the Government's categorical position is that all child-care institutions must be closed within 15 years and replaced by a network of community-based services similar to a family environment. The closure of institutions for children with disabilities and of medical and social care homes for children aged from 0 to 3 years is prioritized. In the meantime, the conditions in state and municipal child-care institutions are being improved.

89. It is in this spirit that on 24 February 2010, the Council of Ministers adopted a national strategy entitled "Vision for Children's De-institutionalization in the Republic of Bulgaria", which outlined the political commitment to and will for a reform in the child-and-family care system. The document was developed in accordance with the Guidelines for the Alternative Care of Children, adopted by the UN Committee on the Rights of the

Child and approved by the UN General Assembly. Twenty three non-governmental organizations and UNICEF were involved in its drafting. An action plan has been elaborated for the attainment of the objectives of the Vision. The financial resources for their implementation are provided by the EU operational programmes and the national budget

90. The reform process includes the replacement of the system of conventional residential-type care institutions by a network of community-based services that are individually oriented to the needs of each child and its family and provide better-quality care.

91. The first project for implementation of the action plan, entitled “Childhood for All”, was launched on 2 June 2010. Its main objective is to plan and implement tangible and effective measures for actual de-institutionalization of children with disabilities placed in specialized child care institutions. Multidisciplinary teams are currently reviewing and evaluating the individual care plans of children and adolescents with disabilities at the specialized institutions. The activities that are planned next target encouraging the process of regional planning of social community-based services, training and upgrading the occupational skills of personnel, preparing children to leave the institutions, supporting families adopting children with disabilities, and expanding the scope of foster care and raising public awareness.

92. The Pastra Home near Kyustendil is for mentally ill men, not for mentally retarded children.

### **Reply to the issues raised in paragraph 17 of the list of issues**

93. Bulgaria’s policy with regard to people with disabilities aims at improving the quality of life of people with disabilities and at ensuring equal opportunities and non-discrimination on the grounds of “disability”, as well as full and active participation in community life.

94. The policy for integration of people with disabilities is in compliance with the Law on the Integration of Persons with Disabilities and the Strategy for Equal Opportunities for People with Disabilities (2008 – 2015). The law contains a mechanism for implementation and control over the distribution of medical equipment to disabled persons, provides for specialized help and assistance to them (under the Social Assistance Act), a monthly financial allowance for retarded children as part of the family allowance, more active involvement of civil society in helping and assisting retarded and disabled persons. The strategy outlines all necessary areas for the removal of obstacles (psychological, educational, social, cultural, professional, financial and architectural) to the social inclusion of people with disabilities. The strategy was adopted in implementation of the relevant Council of Europe recommendations and the good practices of EU Member States. One of the priorities for integration of people with disabilities is employment promotion by creating a mainstream and specialized working environment. In April 2010, a two-year plan for equal opportunities for disabled people was adopted by the Government, envisaging additional measures aimed at ensuring an environment accessible to disabled persons.

95. In implementing the policy to reintegrate children from auxiliary schools, Comprehensive Pedagogical Assessment Teams (CPAT) have been established in general education and vocational schools to assess the educational needs of disabled children and to transfer them to mainstream schooling. Only children with severe and multiple disabilities are enrolled in special schools, including auxiliary schools. As a result of the development of integrated education of children with special educational needs, 43 specialized (auxiliary) schools have been closed over the last three years.

96. The Ministry of Labour and Social Policy implements a National Programme for Employment and Vocational Training of People with Permanent Disabilities. It includes measures encouraging unemployed persons to start up their own business on a business plan approved by the labour offices, as well as measures offering employers incentives to hire permanently disabled unemployed, long-term unemployed, single parents or mothers of children up to 3 years of age and other such persons, for whom minimum wages are paid by the labour offices from budget resources for periods ranging from six to twelve months.

97. The Law on Civil Servants has been amended to include the establishment of a quota for recruitment of people with disabilities as civil servants in the administration. Recruitment of people with disabilities as civil servants is implemented through a centralized contest for people with disabilities at least once a year or through contests organized at least once every four months when vacant positions are available. The appointing authorities were assigned responsibilities to ensure an adapted working environment for people with disabilities.

98. Bulgaria has signed the Convention on the Rights of Persons with Disabilities and its Optional Protocol and is willing to accede to them when all the necessary requirements are fulfilled.

99. An inter-agency working group, consisting of representatives of the Ministry of Labour and Social Policy, the Social Assistance Agency, the Ministry of Health and non-governmental organizations, has already prepared a draft national strategy entitled "Vision for De-institutionalization of Adults with Mental Disorders, Mental Retardation and Dementia" which is currently posted on the Internet site of the Ministry of Labour and Social Policy for public discussion and comment. The document is based on a policy in the best interest of people with mental disorders, mental retardation and dementia and targets a transformation of the institutional model into stationary and mobile community-based services. The situation so far shows that existing community-based social services are the main pillar of de-institutionalization. They can assume more serious commitments and react flexibly to the rapidly changing challenges and benefit all people and not just the vulnerable groups.

100. At the end of 2009, the Social Assistance Agency assigned the Social Assistance Directorates to conduct checks, acting jointly with the municipal administrations, so as to establish the current status of the specialized institutions and community-based social services for adults with disabilities. The findings in the reports provided a basis for preparation of a Reform Plan for the Specialized Institutions and Community-Based Social Services for Adults with Disabilities (2010-2011). This plan lays down specific measures and activities, designates institutions responsible for their implementation, and sets time limits for this implementation. It envisages the phased closure of 14 specialized institutions which do not meet the standards and criteria for location and physical assets, as well as for service staffing. Of these, four are specialized institutions for people with mental disorders, four for people with physical disabilities, and six for people with mental retardation.

101. A total of 28 specialized institutions for persons with mental retardation function within the territory of Bulgaria, with an aggregate capacity of 2,349 places, and 71 resident-type social services for the same target group with a capacity of 621 places. Community-based social services for persons with mental retardation total 126, with a capacity to service 4,552 places. Improvement of living conditions in these specialized institutions for elderly people is also one of the priorities of the social service provision policy.

102. Persons with mental retardation are also able to use community-based social services which are provided under other programmes and projects, such as the national programme "Assistance to People with Disabilities" and the projects, "Social Service for Quality

Living: Phase 2” and “Support for Life with Dignity” of operational programme Human Resources Development.

103. Permanently disabled people are entitled to a monthly social integration supplement according to their individual needs, depending on the extent of reduced working capacity or the type and extent of disability. The supplement is differentiated and is provided in the form of financial resources which supplement the recipients’ own income and are intended to cover the additional costs of transport services, information and telecommunication services, training, hydrotherapy and rehabilitative services, accessible information, municipal housing rent, as well as dietary nutrition and medicinal products.

### **Reply to the issues raised in paragraph 18 of the list of issues**

104. According to the Constitution (Article 26 (2)) and the Law on Aliens (Article 3 (1)), foreigners resident in the Republic of Bulgaria have the same rights and duties as Bulgarian citizens with the exception of the rights and duties for which the Constitution and the laws require Bulgarian citizenship. The effective Bulgarian legislation admits dual nationality, and persons holding dual nationality, including Bulgarian citizenship, who reside in the country, are treated as Bulgarian citizens.

105. In April 2010, a new Paragraph (3) was added to Article 55 of the Penal Procedure Code, expressly granting a new right to the accused: “Where the accused does not have command of the Bulgarian language, the accused shall be provided with a written translation into a language which he or she understands of the warrant constituting him or her as an accused party, of the rulings of the court on imposition of a precautionary measure to secure his or her appearance, of the indictment, of the sentence passed and of the judgment of the court of intermediate appellate review instance.”

106. According to Article 3 of the Administrative Procedure Code, the Code applies to any aliens resident in the Republic of Bulgaria or participating in an administrative proceeding before a Bulgarian authority outside the country insofar as the Constitution and the laws do not require Bulgarian citizenship. A relevant example of the case law is Supreme Administrative Court Judgment No. 2071 of 6 April 2000 in Administrative Case No. 6925/99: “According to Article 26 (2) of the Constitution in conjunction with Article 3 of Law on Aliens, aliens resident in the Republic of Bulgaria have all rights and duties under the Constitution with the exception of such for which Bulgarian citizenship is required. Neither the provision of Article 120 (2) of the Constitution, nor the provision of Article 8 of the Law on the Supreme Administrative Court, makes the right of appeal against an administrative act contingent on Bulgarian citizenship.”

### **Reply to the issues raised in paragraph 19 of the list of issues**

107. According to information from the Supreme Judicial Council, a total of 632,978 cases were up for examination before Bulgarian courts in 2009, of which 526,932 were completed and 416,613 (79 per cent) were completed within three months. In the first half of 2010, 408,546 cases were up for examination, 306,466 were completed, of which 257,087 (84 per cent) were completed within three months.

### **Reply to the issues raised in paragraph 20 of the list of issues**

108. The use of special surveillance means temporarily restricts certain fundamental rights of citizens guaranteed by the Constitution of Bulgaria and the ICCPR (inviolability of the person and the home and secrecy of correspondence and of other forms of

communication). The terms, procedure and control over the use of special surveillance means and the results obtained by them are legally regulated in the Penal Procedure Code and in the Special Surveillance Means Act with provisions made for a number of safeguards against abuse of information obtained through application of special surveillance means. Special surveillance means are resorted to on very rare occasions. According to the law, the use of special surveillance means requires authorization by the relevant competent court. Characteristically, the authorizing authorities are high-ranking in the judicial system of the Republic of Bulgaria: authorization may not be granted by a regional judge but by the president of the competent district or appellate court, as the case may be.

109. The amendment in 2008 inserted into the law a new Chapter Four A “Control and Monitoring of Special Surveillance Means”, which reckons with the judgments of the European Court of Human Rights on more effective and reliable control in respect of the application of special surveillance means, the storage and destruction of the information gathered through such means which is not needed for operational detection or for the criminal procedure. In this way, the law regulates the activity of a permanent subcommittee with the National Assembly Legal Affairs Committee which implements parliamentary control and monitoring of the procedures for authorization, application and use of special surveillance means, the storage and destruction of information obtained through such means, as well as protection of citizens’ rights and freedoms against legally non-conforming use of special surveillance means (“the Subcommittee”).

110. Annually, not later than 30 April, the subcommittee must submit to the National Assembly an activity report containing summarized information on the authorization, application and use of special surveillance means, the storage and destruction of the information obtained by such means, as well as protection of citizens’ rights and freedoms against legally non-conforming use of special surveillance means. The report must also be submitted to the National Assembly, not later than 31 May. If there is reason to believe that special surveillance means have been wrongfully used and applied or, respectively, that information obtained through such means has been wrongfully stored or destroyed, the Subcommittee apprises the prosecuting authorities and the heads of the authorities and structures competent to request use of special surveillance means and to use information gathered and real evidence prepared as means of proof through such means. The Subcommittee ex officio informs the individuals in respect of whom special surveillance means have been wrongfully applied. The presidents of the district or of the appellate courts, as the case may be, who have granted authorizations for use of special surveillance means, must include in their annual reports data on the number of authorizations granted and the real evidence prepared as means of proof.

### **Reply to the issues raised in paragraph 21 of the list of issues**

111. The Law on Religious Denominations (2002) regulates the right of religion as an absolute, personal and inalienable human right. Its exercise is not limited to freedom of association: setting up a religious community, participating in a religious community or organizing institutions of the community. Legal personality is acquired in a registration proceeding before a judicial body, such as the Sofia City Court, just on the basis of documents, and is simplified as much as possible. The Court strictly observes the procedure for registration of religious denominations and effects the entries in due time. Seventy-five new religious denominations were registered between 2003 and 2009. The Council of Europe Parliamentary Assembly resolution 1390 (2004) expressly emphasized that the law “represents an important step forward” in guaranteeing religious rights and freedoms.

112. The State promotes and encourages tolerance and respect among adherents to different faiths, as well as between believers and non-believers.

113. The Bulgarian Orthodox Church does not enjoy privileges compared to the rest of the religious denominations but merely acquires its status as a legal person according to a special procedure.

114. The Law on Religious Denominations does not compel religious communities to merge. It just bars breakaway groups from using the property of duly registered religious institutions.

### **Reply to the issues raised in paragraph 22 of the list of issues**

115. The competent Bulgarian authorities closely monitor all alleged manifestations of intolerance against any person under their jurisdiction, including on grounds of religion and belief and, if necessary, take resolute steps to punish such acts. Offences against freedom of religion and belief are penalized under the Penal Code in Chapter Three “Offences against Citizens’ Rights”, Section II “Offences against Religious Denominations”.

116. Regarding the case in question, the Directorate of Religious Affairs with the Council of Ministers immediately sent a letter to the competent district prosecution office, requesting the institution of criminal proceedings.

### **Reply to the issues raised in paragraph 23 of the list of issues**

117. No State is immune to cases of intolerance. In the few regrettable incidents in which houses of worship had been vandalized, the Directorate of Religious Affairs with the Council of Ministers reacted without delay and alerted the law enforcement authorities. Furthermore, in 2009, when the mosques in Nikopol and Blagoevgrad were set on fire, financial resources were immediately allocated for their restoration.

118. In the case concerned, the Nikopol Regional Prosecution Office was notified immediately after the ascertainment of the fire and instituted a pretrial proceeding against an unknown perpetrator under Article 330 (1) of the Penal Code. Various theories about the cause of the fire were checked in the course of the investigation. On the basis of the evidence collected in the investigation, the prosecutor supervising the case ruled out the possibility of the fire having been prompted by religious hatred or a desire to desecrate, destroy or damage the Muslim house of worship. Due to the circumstance that the investigating police authorities failed to identify the perpetrator of the act within the procedural time limits, the pretrial proceeding against an unknown perpetrator was suspended and referred to the Crime Counter-action Group with the Nikopol Precinct Police Department for further operational detection steps.

119. Regarding the attack (arson) of a mosque in Blagoevgrad in October 2009, a pretrial proceeding against an unknown arsonist was instituted under Article 330 (1) of the Penal Code. The criminal proceeding was terminated by a warrant of the Blagoevgrad Regional Prosecution Office of 4 January 2010.

120. As to the allegation that there is a worrying trend towards racially motivated offences, it should be stated that the analyses and surveys conducted by the competent authorities, including the Prosecutor’s Office, have not identified such a trend. The Bulgarian authorities note that the sources of such information are not specified, and it remains unclear on what basis this conclusion has been drawn.

**Reply to the issues raised in paragraph 24 of the list of issues**

121. Freedom of speech and expression is guaranteed in the Constitution and in the rest of the legislation. Bulgaria has public and private-owned radio stations and television networks. The Law on Protection of Competition ensures protection and conditions for promotion of competition and free economic initiative, including in media market. The Commission on Protection of Competition is empowered to enforce the law, and its activities cover all requests on ascertaining infringements of free market competition, direct enforcement of the provisions of Articles 81 and 82 of the EC Treaty, cooperation with the European Commission and the other national competition authorities of the EU member states in conformity to EC Regulation No.1/2003 and EC Regulation No. 139/2004, conducting sector analyses and competition advocacy.

122. The National Assembly of the Republic of Bulgaria recently (21 October 2010) passed amendments to the Law on the Mandatory Deposit of Copies of Printed and Other Works, introducing a requirement for the publishers of periodical printed works to submit a declaration, completed in a standard form, to the Ministry of Culture, thereby identifying the actual owner of the publication. This supplement to the law is intended to set in place a mechanism guaranteeing transparency of the ownership of the print media, with a view to ensuring effective protection of fundamental rights of citizens.

123. In its licensing activity under the Law on Radio and Television, CEM monitors compliance with the requirements laid down in Articles 105 and 111 of the Radio and Television Act, regarding the transparency of the capital and property of the natural and legal persons applying for a radio and television broadcasting licence.

124. A licence for pursuit of radio and television broadcasting activities is granted after a contest held according to a public procedure, setting non-discriminatory requirements to the applicants. The guiding principle in selecting the persons who or which are granted radio and television broadcasting licences is the variety of the media landscape safeguarding the interest of the public in having access to programme services of different formats. This principle is upheld upon announcing a contest for a specific radio frequency in a given nucleated settlement. The principle is set in the Council for Electronic Media Strategy for the Award of Radio Frequencies.

125. In order to prohibit “hate speech”, the Law on Radio and Television (Article 8) requires that media services do not incite to hatred based on race, sex, religion or nationality.

**Reply to the issues raised in paragraph 25 of the list of issues**

126. The Bulgarian authorities seek to implement a consistent policy intended to eradicate and prevent any stereotypes and prejudices against members of ethnic, religious or linguistic minorities. As mentioned on many occasions, manifestations of anti-Semitism are practically non-existent in Bulgaria. Whenever isolated incidents occur, the competent institutions immediately take adequate measures. At the same time, priority is given to preventing and combating anti-Semitism.

127. The Bulgarian authorities closely monitor all alleged manifestations of racism and intolerance against any person under their jurisdiction, and, if necessary, take resolute steps to punish such acts. Relevant statistics on “hate crimes” are gathered and analyzed by the Ministry of Interior, the prosecuting magistracy and the Commission for Protection against Discrimination.

128. Regarding the Penal Code, the amendments of 2009 supplemented the provision on propagation or incitement to ethnic hostility or hatred or racial discrimination through speech, press or other media, through electronic information systems or in another manner. The penal sanction was also increased, to deprivation of liberty for a maximum term of four years (from a maximum term of three years before), and the maximum fine was increased to BGN 10,000. The introduction of the EU requirements (Council Framework Decision 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law) is also in progress. This will be implemented by expanding the scope of application of Article 162 (1) and (2) of the Penal Code.

129. The penal sanctions provided for offences against national and racial equality show that the legislator treats these offences as presenting a high degree of social danger. Even though the Penal Code does not contain a provision which qualifies racist motivation as an aggravating circumstance upon the commission of all types of offences, the provisions of the General Part of the Penal Code expressly state that in determining the penal sanction, the court takes into consideration, inter alia, the motives for the commission of the act (Article 54 (1)), including possible racist motives. If it is established that the motivation for the commission of a particular offence is racist, this in all cases is considered an aggravating circumstance.

130. Furthermore, in the process of investigation the prosecuting magistracy is also required by law to take into consideration cumulatively the social danger of the perpetrators and of the act itself, including motives, causes and modus operandi.

131. The Bulgarian authorities are committed to preventing and combating the use of hate speech and the spread of racial hatred. This is part of the efforts of the Bulgarian authorities to maintain a climate of tolerance as a typical attribute of the successful interethnic model in Bulgaria.

132. The Law on Radio and Television prohibits the use of hate speech. The practice of CEM, which is the independent regulator and supervisor, includes penalty decrees against specific broadcasters for providing a platform for voicing ethnic intolerance, as well as sanctions against individual programmes. Furthermore, in 2004 media professionals adopted an Ethical Code of the Bulgarian Media, which provides, inter alia, that a person's race, colour, religion and ethnic background must not be referred to unless it is of importance to the meaning of the story. Complaints about radio and television programmes are received by the National Council for Journalistic Ethics, set up by journalists' associations.

133. The court statistics on cases of alleged offences against national and racial equality (Articles 162 to 166 of the Penal Code) for the period January 2007 – June 2010 are presented in the Table 11:

<i>Chapter Three of the Penal Code Offences against Citizens' Rights</i>	<i>New cases</i>	<i>Pre-trial proceedings submitted to court</i>	<i>Persons committed to trial</i>	<i>Persons convicted by enforceable judgments</i>	<i>Persons acquitted by enforceable judgments</i>
1	2	3	4	5	6
Section I Offences against national and racial equality					
Article 162 – offences against national and racial equality	3	1	3	1	0

<i>Chapter Three of the Penal Code Offences against Citizens' Rights</i>	<i>New cases</i>	<i>Pre-trial proceedings submitted to court</i>	<i>Persons committed to trial</i>	<i>Persons convicted by enforceable judgments</i>	<i>Persons acquitted by enforceable judgments</i>
Article 163 – offences against national and racial equality through participation in a group	0	0	0	0	0
Article 164 – religious hatred	1	1	1	1	0
<b>Section II Offences against religious denominations</b>					
Article 165 – offences against religious freedoms	0	0	0	0	0
Article 166 – religious activities against the State	0	0	0	0	0
Total for 2007	4	2	4	2	0
<b>Section I Offences against national and racial equality</b>					
Article 162	7	1	1	1	0
Article 163	0	0	0	0	0
Article 164	0	1	1	2	0
<b>Section II Offences against religious denominations</b>					
Article 165	0	0	0	0	0
Article 166	0	0	0	0	0
Total for 2008	7	2	2	3	0
<b>Section I Offences against national and racial equality</b>					
Article 162	10	3	3	1	0
Article 163	0	0	0	0	0
Article 164	2	0	0	1	0
*Item 4 of Article 164 (1) (through electronic media)	0	0	0	0	0

<i>Chapter Three of the Penal Code Offences against Citizens' Rights</i>	<i>New cases</i>	<i>Pre-trial proceedings submitted to court</i>	<i>Persons committed to trial</i>	<i>Persons convicted by enforceable judgments</i>	<i>Persons acquitted by enforceable judgments</i>
<b>Section II</b>					
<b>Offences against religious denominations</b>					
Article 165	0	0	0	0	0
Article 166	2	0	0	0	0
Total for 2009	14	3	3	2	0
<b>Section I</b>					
<b>Offences against national and racial equality</b>					
Article 162	1	1	1	0	0
Article 163	0	0	0	0	0
Article 164	8	1	3	1	0
*Item 4 of Article 164 (1)	0	0	0	0	0
<b>Section II</b>					
<b>Offences against religious denominations</b>					
Article 165	0	0	0	0	0
Article 166	1	0	0	0	0
Total for the first half of 2010	10	2	4	1	0

*Table 11. Court statistics on cases of alleged offences against national and racial equality (Articles 162 to 166 of the Penal Code) for the period January 2007 – June 2010.*

### **Reply to the issues raised in paragraph 26 of the list of issues**

134. The right to freedom of association is guaranteed in Bulgaria. The registration of political parties is regulated by the Law on Political Parties. There are no impediments whatsoever to the registration of any party, as long as the requirements of the law are complied with.

135. Bulgaria has entirely executed the Judgment of the European Court of Human Rights of 20 October 2005 in the Case of the United Macedonian Organization Ilinden – PIRIN and Others v. Bulgaria (Application no. 59489/00). This Judgment does not entail a commitment for Bulgaria to register automatically UMO Ilinden-PIRIN as a political party. The Judgment gives rise to an obligation to afford the applicants a legal opportunity for a new registration, provided all requirements of the law are complied with. The applicants have a possibility to apply for registration to the competent court at any time in pursuance of the effective Law on Political Parties, and this possibility is guaranteed by the law. Besides this, effective 1 January 2009, an amendment to the law reduced the minimum number of members required for registration of a political party in the Republic of Bulgaria from 5,000 to 2,500. This addressed one of the points made by the applicants, who argued that they were unable to register because the Bulgarian legislator had deliberately increased the minimum number of members required for registration of a political party.

136. On 1 December 2009, at a human rights meeting of deputy ministers, the Committee of Ministers of the Council of Europe adopted a final resolution on the execution of the judgment of the European Court of Human Rights, *United Macedonian Organization Ilinden – PIRIN and others v. Bulgaria*, ending the Committee of Ministers' supervision of the case. The adoption of a final resolution implies that all aspects of the execution by Bulgaria of the 2005 judgment of the European Court of Human Rights, which are subject to supervision by the Committee of Ministers of the Council of Europe, have been reliably clarified.

137. Bulgaria adheres to the principle that the belonging of a person to a specific group is determined by the freely expressed will of the person himself or herself.

138. Accordingly, the existence of Bulgarian citizens, who identify themselves as "Macedonians", has been duly reflected in the official results of the population census. In the 2001 census (held in conformity with the highest international standards), 5,071 Bulgarian citizens identified themselves as Macedonians, and 3,518 listed "Macedonian" as their native language. This objective fact does not require an express additional act of "recognition" on the part of the State. The Constitution and the legislation of the Republic of Bulgaria guarantee equal rights and duties to all Bulgarian citizens, regardless of the racial, ethnic, religious or other group to which they belong.

139. The 2011 population census was held in February. At the time of preparation of this information, official results have not yet been published.

#### **Reply to the issues raised in paragraph 27 of the list of issues**

140. The combined third and fourth periodic report on the implementation of the ICCPR has been drawn up on the basis of information provided by the competent central-government departments and the national human rights institutions with whom the Ministry of Foreign Affairs cooperates on a regular basis.

141. The Ministry of Foreign Affairs has coordinated the consolidation process.

142. A hyperlink has been provided on the Internet site of the Ministry of Foreign Affairs to all periodic reports of Bulgaria, including the report on the implementation of the ICCPR published on the Internet site of the Office of the High Commissioner for Human Rights (<http://www2.ohchr.org/english/bodies/hrc/docs/AdvanceDocs/CCPR-C-BGR3.doc>).

143. All persons residing in Bulgaria, as well as all non-governmental organizations have free access to this site.