

BULGARIA 2021 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Bulgaria is a constitutional republic governed by a freely elected unicameral National Assembly. A caretaker government headed by a prime minister appointed by the president led the country for much of the year. On November 14, the country held early National Assembly elections as well as the first round of the regular presidential election, which was followed by a runoff on November 21. National Assembly elections were also held on April 4 and July 11. The Central Election Commission did not report any major irregularities in any of the elections. International and local observers considered the three National Assembly elections and presidential election to be generally free and fair but noted some deficiencies.

The Ministry of Interior is responsible for law enforcement, migration, and border control. The State Agency for National Security, which reports to the Prime Minister's Office, is responsible for investigating corruption and organized crime, among other responsibilities. The army is responsible for external security but also can assist with border security. The National Protective Service is responsible for the security of dignitaries and answers to the president. Civilian authorities maintained effective control over the security forces. Members of the security forces committed some abuses.

Significant human rights issues included credible reports of: violent treatment by police, including abuse of freedom of assembly; arbitrary arrests; serious problems with judicial independence; serious restrictions on free expression, including violence and threats of violence against journalists, and corporate and political pressure on media; serious acts of corruption; intolerance and discrimination against Roma; violence against children; and crimes involving violence or threats of violence targeting lesbian, gay, bisexual, transgender, queer, and intersex persons.

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

Section 1. Respect for the Integrity of the Person

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

There were no reports that the government or its agents committed arbitrary or unlawful killings.

b. Disappearance

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

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

The constitution and law prohibit such practices, but there were reports of government officials employing violent and degrading treatment. The nongovernmental organization (NGO) Bulgarian Helsinki Committee (BHC) reported that guards in Debelt prison frequently beat inmates. In February the Blagoevgrad administrative court ruled in favor of a female former prisoner who accused Sliven prison authorities of conducting strip searches before and after every meal and sentenced the prison administration to pay remedial compensation of 700 levs (\$405) plus interest. The BHC expressed concern that the court-awarded compensation was much smaller than the 20,000 levs (\$11,600) requested by the claimant and noted that there appeared to be a trend in the past few years of courts routinely awarding much smaller compensation for abuses than requested.

According to the BHC, police physically abused detainees in detention facilities with impunity and the practice was widespread. The BHC cited its own research that showed one-third of detainees in a police precinct in Burgas complained of physical abuse, including by electric shock. The purpose was to extract information. In August the prosecutor general reported to the National Assembly that 12 of the 15 police violence investigations opened after the 2020 antigovernment protests had been terminated due to lack of evidence while the remaining three were ongoing.

Prison and Detention Center Conditions

Conditions in some prisons and detention centers were poor but NGOs noted positive changes in others. There were reports of overcrowding in some detention facilities, prison staff corruption, and inadequate sanitary, living, and medical conditions.

Physical Conditions: In February the national ombudsman's annual report noted "a positive trend of improving physical conditions and decreasing number of inmates" in prisons but identified a continuing problem with cockroach and bedbug infestations as well as poor access to health care due to a lack of medical personnel. The ombudsman reported continuing problems in detention centers at police precincts, including generally poor hygiene, overcrowding, and poor access to ventilation and natural light. The BHC reported very poor conditions in the detention centers in Svilengrad and Haskovo and severe overcrowding in centers in Veliko Tarnovo and Varna. According to the organization, detention centers were largely inaccessible for persons with impaired mobility. According to the ombudsman, state psychiatric hospitals were significantly underfunded, resulting in poor physical conditions and lack of quality medical personnel.

In November the Council of Europe's Committee for the Prevention of Torture (CPT) said in a public statement that its most recent periodic visit in October identified authorities' "persistent failure" to address shortcomings and implement recommendations regarding the treatment, conditions, and legal safeguards offered to patients with psychiatric disorders and residents of social care institutions. The statement noted the CPT's repeated findings regarding cases of "physical ill-treatment of social care residents and patients with psychiatric disorders by staff," illegal use of "seclusion and mechanical restraint," "appalling level of hygiene," "utterly neglectful care," and "grossly insufficient" staffing.

Authorities and external monitors observed poor conditions in refugee reception centers. The law provides for the establishment of closed-type centers or designation of closed-type areas within a refugee reception center for confinement in isolation of disorderly migrants. In August the ombudsman's administration inspected facilities for unaccompanied children seeking asylum in the Voenna Rampa refugee reception center in Sofia and identified insufficient staffing as well

as 100 percent overcrowding, with “extremely poor physical conditions that are highly unacceptable and absolutely inadequate for children.” According to the local office of the UN High Commissioner for Refugees (UNHCR), migrant detention centers lacked proper medical care, hygiene, and sanitary conditions.

Administration: Authorities investigated allegations of mistreatment. According to the CPT, the prison administration suffered from serious corruption as well as a shortage of health-care personnel. The ombudsman also identified a legal provision that allowed prison authorities to access prisoners’ correspondence without judicial approval. Regulations allow night searches of sleeping quarters for unapproved possessions. The ombudsman and NGOs voiced concern that prisoners’ rights to appeal administrative acts, such as punishment or relocation, are pegged to the local administrative courts and cannot go to the Supreme Administrative Court, limiting the Supreme Administrative Court’s ability to address contradictory rulings by local courts.

Independent Monitoring: The government permitted monitoring of prisons by independent nongovernmental observers and international bodies such as the CPT and the UN Subcommittee on Prevention of Torture. In February the BHC complained that the Ministry of Health refused to let BHC representatives visit psychiatric hospitals since 2014. In October a delegation from the CPT examined the treatment, conditions, and legal safeguards offered to psychiatric patients, and visited three Ministry of Health-run psychiatric hospitals.

Improvements: The government repurposed and refurbished buildings for new detention facilities in Blagoevgrad and Dobrich and retrofitted a wing in the prison in Sofia, including repairing its roof and renovating its toilets and lighting installations.

d. Arbitrary Arrest or Detention

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

Arrest Procedures and Treatment of Detainees

The law provides that police normally must obtain a warrant prior to apprehending an individual. Police may hold a detainee for 24 hours without charge, and a prosecutor may authorize an additional 72 hours. A court must approve detention longer than the additional 72 hours. The law prohibits holding detainees in custody without indictment for more than two months if they are charged with misdemeanors. Detainees charged with felonies may be held without indictment for eight months, while persons suspected of crimes punishable by at least 15 years' imprisonment may be held up to 18 months without indictment. Prosecutors may not arrest military personnel without the defense minister's approval. Authorities generally observed these laws.

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

The law provides for the right to counsel from the time of detention. Regulations require detainees to have access to legal counsel no later than two hours after detention and for lawyers to have access to the detainee within 30 minutes of his or her arrival at a police station. The law provides for government-funded legal aid for low-income defendants, who could choose from a list of public defenders provided by the bar associations. A national hotline provides free legal consultations eight hours per day.

In July the Supreme Administrative Court ruled that provisions in the police registration regulations allowing police to obtain a court order for involuntary photographing, fingerprinting, and DNA sampling of a person charged with a felony are unconstitutional. The ruling asserted that courts usually rubber-stamped such requests without review and without the involved person's ability to participate, defend themselves, and appeal the decision. The Supreme Administrative Court requested the Constitutional Court repeal the provisions. As of December, the case was pending.

Arbitrary Arrest: There were reports of arbitrary detention. In September Sofia regional court judge Miroslav Petrov petitioned the Court of Justice of the European Union concerning the law enforcement practice of providing only basic

information in arrest warrants and then relying on the court to allow the admission of additional details during the courtroom proceedings, a procedure he considered violated the right to effective defense.

e. Denial of Fair Public Trial

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

According to the European Commission's *Rule of Law Report* released on July 20, "[t]he level of perceived judicial independence [in the country] remains low," with 31 percent of citizens and 43 percent of businesses considering it to be "fairly or very good." The report noted that the combination of the prosecutor general's powers and position within the Supreme Judicial Council, the judicial self-governance body, "results in a considerable influence within the prosecution service, the Supreme Judicial Council, and within the magistracy." The report expressed concern with the "absence of judicial review against a decision by a prosecutor not to open an investigation."

Trial Procedures

The constitution and law provide for the right to a fair and public trial, and an independent judiciary generally enforced this right. According to human rights organizations, the law has low standards for a fair trial, creating possibilities for the violation of lawyers' and defendants' procedural rights.

The law presumes defendants are innocent until proven guilty. Defendants have the right to be informed promptly and in detail of the charges against them. They have the right to a timely trial, but long delays affected the delivery of justice in criminal procedures. All court hearings are public except for cases involving national security, endangering public morals, and affecting the privacy of juvenile defendants. Defendants have the right to be present at their trials and can demand a retrial if convicted in absentia unless they were evading justice at the time of the first trial. In October the Constitutional Court ruled in favor of the ombudsman's petition and declared unconstitutional provisions in the penal procedure code that

entered into force on July 1 and allowed courts to decide on custodial measures with virtual participation of the defendants. The ombudsman challenged the provisions in June, asserting that they violate the rights of accused persons to defend themselves adequately.

The constitution and the law give defendants the right to an attorney, provided at public expense for those who cannot afford one. A defense attorney is mandatory if the alleged crime carries a possible punishment of 10 or more years in prison; if the defendant is a juvenile, foreigner, or person with mental or physical disabilities; or if the accused is absent. Defendants have the right to ample time and facilities to prepare a defense. They have the right to free interpretation as necessary from the moment they are charged through all appeals. Defendants have the right to confront witnesses, examine evidence, and present their own witnesses and evidence. Defendants are not compelled to testify or confess guilt. The law provides for the right of appeal, which was widely used.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

The law allows individuals to seek civil remedies for human rights abuses through domestic courts or through the Commission for Protection against Discrimination. The government investigated complaints of discrimination, issued rulings, and imposed sanctions on violators. After all remedies in domestic courts are exhausted, individuals can appeal decisions involving alleged violations of the European Convention on Human Rights by the state to the European Court of Human Rights (ECHR).

Property Seizure and Restitution

While the government has no laws specific to Holocaust-era property restitution, there are laws and mechanisms to address communist-era real estate claims (not including moveable property), including by foreign citizens. These laws were applied to cover Holocaust-related claims. All cases have long been closed.

The Department of State's *Justice for Uncompensated Survivors Today (JUST) Act Report* to Congress, released publicly in July 2020, can be found on the Department's website at: <https://www.state.gov/reports/just-act-report-to-congress/>.

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

The constitution and law prohibit such actions; however, there were reports that the government failed to respect these prohibitions. In September a special National Assembly committee found that authorities ordered the wiretapping and surveillance of at least 934 persons, including politicians, magistrates, and journalists, during the 2020 antigovernment protests. In July during the committee's inquiries, the prosecution services denied any illegal actions, admitting it had used technical methods in an ongoing coup d'état investigation. In September the National Bureau for Control of Specialized Investigative Techniques stated its inspection identified at least two protest participants had been targets of illegal wiretapping, including a politician.

Section 2. Respect for Civil Liberties

a. Freedom of Expression, Including for Members of the Press and Other Media

The constitution and law provide for freedom of expression, including for members of the press and other media, and the government generally respected this right. Concerns persisted, however, that corporate and political pressure, an ineffective and corrupt judiciary, and nontransparent government regulation of resources meant to support media (including EU funds), gravely damaged media pluralism. In April Amnesty International stated in its *Report on the State of the World's Human Rights* that “[m]edia freedom continued to deteriorate, with journalists who investigated organized crime and corruption facing intense political and prosecutorial pressure in the form of threats and intimidation.” In September Reporters without Borders (known by its French abbreviation, RSF) stated that the media environment was marked by “physical attacks and smear campaigns against journalists; impunity for crimes of violence against reporters and judicial

harassment; public media bias, especially in the run-up to elections; corruption, disinformation, and lack of transparency about media ownership; media pluralism threatened by ownership concentration; and bias and opaqueness in the distribution of state aid to the media, to the detriment of independent media outlets.”

In July the Center for Media Pluralism and Media Freedom issued a report that identified significant risks to media pluralism. The report also listed serious problems with independence and sustainability for the local and regional media and problematic access to media for minorities, women, and persons with disabilities.

According to the BHC, freedom of expression “further deteriorated,” marked by “record low levels of independent funding and trust in media,” which has turned independent media into “easy prey for owners who have either political or economic connections with the government” and who can determine and steer the public discourse.

Freedom of Expression: Individuals generally criticized the government without official reprisal. The law provides for one to four years’ imprisonment for use of and incitement to “hate speech,” defined as instigation of hatred, discrimination, or violence based on race, ethnicity, nationality, religion, sexual orientation, marital status, social status, or disability.

According to RSF, “[t]he few outspoken journalists are constantly subjected not only to smear campaigns and harassment by the state, but also to intimidation and violence.” In its 2020 annual report presented in May, the BHC expressed “alarm” at “attempts by the state to conceal facts through repression as well as its blatant refusal to investigate and punish attacks on journalists.” In June investigative journalist Venelina Popova complained publicly that police had questioned her on how she devised topics for her political commentaries and collected information. Popova had been called to an interview as a witness in a vote-buying investigation, following up on her investigative report on the subject matter published in *Dnevnik* in April. Instead, police expressed interest in her March publication in *Toest* concerning businessman and newly re-elected National Assembly member Delyan Peevski. Popova noted she had written about Peevski before and alleged that the police interview was an attempt to intimidate her because she had dared to “write

about those that are untouchable by justice and possess huge power and financial resources.”

Freedom of Expression for Members of the Press and Other Media, Including

Online Media: The media were active and expressed a wide variety of views. Laws restricting “hate speech” also applied to print media. According to the Center for Media Pluralism and Media Freedom, there were “no regulatory or self-regulatory safeguards against commercial influence over decisions regarding appointments and dismissals of editors-in-chief” and despite “some legal and self-regulatory provisions against ... interference in the production of media content, in practice commercial pressure over many news outlets persists, while journalistic and advertising contents are often intertwined.” Domestic and international organizations criticized both print and electronic media for editorial bias, lack of transparency in their financing and ownership, and susceptibility to political influence and economic incentives. Despite the legal requirement for media ownership disclosure, many outlets did not comply, and media ownership information was not entirely publicly available.

Independent media outlets were subject to open attacks from politicians at all levels and from administrative and judicial pressure. In May the former director of publicly funded Bulgarian National Radio, Andon Baltakov, said in a print interview the law favored political interference in the management of the media through controlled funding and accused the former government of harassment through deliberate budget cuts. RSF stated in its 2021 *World Press Freedom Index* that “politicians and oligarchs maintain relations marked by corruption and conflicts of interest in the progovernment media. Delyan Peevski, the oligarch who was the most notorious embodiment of this aberrant state of affairs, has sold his media outlets but his influence over the media continues to be problematic.”

Violence and Harassment: The BHC reported in May that “inconvenient” journalists suffered offenses, restrictions, and physical attacks by the authorities. According to RSF, “[j]ournalists are often summoned and questioned by police about their work” and “no one is interested in investigating or condemning violence against journalists.”

In February the specialized criminal court began trial proceedings against brothers

Georgi and Nikola Asenov and Biser Mitrev for attacking and severely beating prominent investigative journalist and chief editor of the *168 Chasa* weekly, Slavi Angelov, in March 2020. As of December the trial was ongoing, and the three defendants were out on bail.

In February district prosecutors in Silistra dropped the investigation against local activist and freelance journalist Dimitar Petsov, charged with possession and distribution of illegal drugs, acknowledging that the drugs had been planted in his car. In May 2020 police stopped Petsov, who had then recently investigated donations to the police and made him drive with them to the police precinct where they searched his car and claimed to have found drugs.

In May the private national broadcaster bTV issued a declaration expressing strong concern over the media environment in the country because “officials from every government keep having no problems attacking publicly journalists ... with unfounded allegations.” This was in response to caretaker interior minister Boyko Rashkov’s statement on Bulgarian National Radio on May 17 concerning an interview he gave earlier on bTV, that if he were the owner, he would “remove” journalists Bilyana Gavazova and Zlatimir Yovchev who had interviewed him.

In September the caretaker Ministry of Interior sent a letter to the Association of European Journalists and the Anticorruption Fund which admitted that a repeat internal investigation found that police had applied undue violence, used handcuffs, and illegally arrested journalist Dimitar Kenarov while he was covering an antigovernment protest in September 2020. The letter also noted that the ministry referred the case to the regional prosecution service in Sofia. In January a Sofia city prosecutor refused to open a formal investigation based on a Sofia police internal investigation that had found no evidence of illegal use of force against Kenarov, despite his visible wounds and multiple witness statements.

Censorship or Content Restrictions: Journalists reported editorial prohibitions on covering specific persons and topics and the imposition of political points of view by corporate leaders with the implied support of the government.

The final report of the Organization for Security and Cooperation in Europe (OSCE) mission to observe the April 4 National Assembly elections concluded that

“judicial pressure and intimidation of investigative journalists” and “lack of full investigation of attacks against journalists” contributed to an “atmosphere of fear and impunity” and “widespread self-censorship.” The report also concluded that “public television mostly refrained from covering the contestants in the news and offered significant and extensive coverage of government officials. The limited editorial and news coverage, and the absence of investigative or analytical reporting, combined with paid-for political advertising portrayed as news, detracted from the ability of voters to make an informed choice.”

Libel/Slander Laws: Libel is illegal and punishable by a fine and public censure. According to a survey by the Association of European Journalists in October 2020, 49 percent of journalists viewed slander accusations and lawsuits against their publications as a major source of harassment against their work.

In May the Association of European Journalists stated that investigative journalist Nikolay Stoyanov had been subjected to “judicial harassment” in connection with three lawsuits filed against him for his articles on the former director of the Bulgarian Development Bank, Stoyan Mavrodiev. The association alleged the lawsuits were a “coordinated attack that will cost Stoyanov resources to defend himself and hinder his work.”

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content. There were reports, however, that the government exceeded its legal authority in monitoring private online communications, and that security services routinely questioned individuals about their social media behavior.

Academic Freedom and Cultural Events

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

b. Freedoms of Peaceful Assembly and Association

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

Freedom of Peaceful Assembly

In May the Sofia administrative court revoked the fine imposed in November 2020 on the children's toys and goods retailer Hippoland for unfair competition after its employees had participated in a protest in Sofia against the government and the prosecutor general and its owner publicly complained of police violence.

On July 22, the National Assembly set up a temporary committee to investigate cases of police violence during the antigovernment protests in July and September 2020, as well as allegations of illegal wiretapping of politicians, protesters, and journalists. On August 13, committee members watched security camera footage from the Council of Ministers building showing several uniformed police officers dragging protesters who were handcuffed and not resisting behind a building column and kicking and hitting them with batons. Among the detained protesters was a girl with torn clothes revealing her bare chest, who was approached by a police officer who touched her and took a picture of her with his smartphone. Police threw detained protesters dragged behind the column on top of the others detained earlier.

According to caretaker interior minister Boyko Rashkov, who testified in front of the committee on August 17, not all police involved in the beating had been identified since only four were disciplined in July 2020 – three were censured and one was suspended from promotion for two years. Rashkov said he had no evidence that any of the officers involved were prosecuted. On August 15, the prosecutor general's office released a press statement that four persons had been charged but did not specify who or when.

Freedom of Association

Authorities continued to deny registration of ethnic-Macedonian activist groups such as the United Macedonian Organization-Ilinden, the Society of Oppressed Macedonians-Victims of Communist Terror, the Association for Defense of Individual Civil Rights, and the Macedonian Ethnic Tolerance Club in Bulgaria, despite 14 prior decisions by the ECHR that the denials violated the groups' freedom of association. In one example on May 31, the Sofia appellate court confirmed the Registration Agency's decision of November 2020 denying

registration of the Society of Oppressed Macedonians-Victims of Communist Terror on the grounds that the group would pursue a political agenda threatening the unity and security of the nation and would violate the rights of the rest of the population in the country that does not identify as Macedonian.

c. Freedom of Religion

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

d. Freedom of Movement and the Right to Leave the Country

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

e. Status and Treatment of Internally Displaced Persons

Not applicable.

f. Protection of Refugees

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

Access to Asylum: The law provides for granting asylum or refugee status, and the government has a system for protecting refugees. The president may grant asylum to persons who are persecuted for their belief or activities advocating for internationally recognized rights and freedoms. Asylum seekers who cross the border irregularly are subject to detention. The BHC stated that border authorities had no mechanisms to distinguish between migrants and refugees and expressed concern that 19 percent of the persons who filed applications for international protection at the border were prosecuted and convicted for illegal entry. The BHC accused the State Agency for Refugees of refusing registration to asylum seekers who showed up at refugee reception centers and instead calling police to detain them. The agency disagreed, noting some individuals were sent to a migrant detention center due to lack of space in the refugee reception centers' COVID-19

quarantine section.

Refoulement: Organizations noted several instances when Bulgarian authorities pushed back would-be migrants and asylum seekers (see next section).

Abuse of Migrants and Refugees: UNHCR reported increased cases of “pushback” violence, robbery, and humiliating practices against migrants and asylum seekers along the border with Turkey. As of December 5, the Ministry of Interior reported 50,779 attempts to enter the country irregularly across the border during which border authorities detained 2,349 persons. On September 2, the caretaker interior minister stated at a hearing in the National Assembly that “approximately 200 migrants were pushed back last night at the border and 10 to 15 were detained.” The BHC alleged that the government only detained migrants and asylum seekers when their detention could not be avoided, such as in NGO-monitored areas as well as on trains, but otherwise pushed back everyone else.

Freedom of Movement: The law restricts asylum seekers’ movement to the administrative region in which the reception center accommodating them is located. The restriction is valid until the protection status determination process is completed.

Access to Basic Services: Asylum seekers had access to state-sponsored school education, health care, and language instruction. Banks refused to open accounts for refugees, which impeded their ability to obtain legal jobs and receive benefits. The law authorizes mayors to sign integration agreements with persons who have refugee status, but not subsidiary protection holders (persons seeking asylum who do not qualify as refugees), specifying the services they will receive – housing, education, language training, health services, professional qualification, and job search assistance – as well as the obligations of the responsible institutions. NGOs claimed the government made inconsistent efforts to integrate refugees. A project called Together for Integration, implemented by the Sofia districts of Vitosha and Oborishte, the Bulgarian Red Cross, and the Nadja Center Foundation, worked to support the integration of 12 refugee families. According to the head of the Vitosha District’s Education, Social Activities, Culture, Sports, and Logistics Department, Milena Madjirska, as of January the district had concluded integration agreements with 13 families, none of which subsequently remained in the country

longer than seven to eight months.

A safety zone for unaccompanied children seeking asylum was available at two reception centers in Sofia to provide 24-hour care and specialized services in an environment adapted to their needs.

Durable Solutions: The government accepted refugees for resettlement and relocation, offered naturalization to refugees residing on its territory, and assisted in their voluntary return to their homes. As of the end of the year, authorities had relocated 11 unaccompanied refugee children from Greece as part of the country's commitment to accept 70 unaccompanied children.

Temporary Protection: The Council of Ministers may provide temporary protection in case of mass influx of foreign nationals driven by an armed conflict, civil war, violence, or large-scale human rights violations in their country of origin, as determined by the Council of the European Union. The government also provides humanitarian protection to individuals who may not qualify as refugees, doing so for 1,493 persons as of November.

Section 3. Freedom to Participate in the Political Process

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

Elections and Political Participation

Recent Elections: The country held early National Assembly elections on November 14 and a two-round presidential election on November 14 and 21. A Parliamentary Assembly of the Council of Europe (PACE) observer delegation described the elections as competitive and respecting fundamental freedoms. Transparency International Bulgaria said the elections occurred without major election law violations but noted "unacceptable foreign interference" due to reports of Turkish political parties campaigning on behalf of Bulgarian candidates on election day and facilitating voting by Bulgarian citizens residing in Turkey. The caretaker government took measures to prevent vote-buying, although some political parties asserted they were selectively targeted by the Ministry of Interior's

actions which they claimed interfered with their ability to campaign.

There were no reports of major irregularities during the regularly scheduled National Assembly elections on April 4 or the early National Assembly elections on July 11. Most political commentators, including the election observation missions of the OSCE Office for Democratic Institutions and Human Rights (ODIHR), considered both elections in line with fundamental freedoms, while noting that during the April elections “massive use of state resources gave the ruling party a significant advantage.” In April and July, the Association of European Journalists issued declarations calling on politicians to abandon the use of “hate speech, sexist, and disrespectful rhetoric.”

ODIHR criticized the existence of legislative “gaps, repetitive and ambiguous provisions, and inconsistencies,” including prisoner disenfranchisement and insufficient measures promoting the participation of women and members of minority groups. NGOs reported that address registration laws limited the ability of Roma occupying illegal housing to obtain identity cards, which in turn restricted their ability to register for and vote in elections.

NGOs accused authorities of negligence and failure to exercise flexibility and provide alternatives for approximately 14,000 persons quarantined in the last few days before the April elections, who faced a penalty if they went to the polling station. In March the ombudsman expressed concern that 2,000 technical personnel responsible for voting machines would be unable to vote because election authorities refused to allow them to vote anywhere other than in their originally assigned polling stations, as required by law.

In May and June, the caretaker government replaced many local police chiefs and all regional governors, claiming it was a measure to prevent vote-buying and voter intimidation. The Ministry of Interior conducted a campaign against vote-buying across the country ahead of the July and November early National Assembly elections, resulting in more than 1,000 case files, nearly 100 pretrial proceedings, and the freezing of 800,000 levs (\$462,000) in cash and assets suspected as earmarked for vote-buying. Some political parties complained this campaign only targeted select parties and was used to intimidate their voters. Roma activists alleged the campaign was predominantly focused on Roma neighborhoods and

aimed to intimidate and disenfranchise Romani voters. On November 9, the NGO Amalipe publicly protested police operations against vote-buying in Romani neighborhoods in Ruse, Burgas, Varna, Plovdiv, Montana, and other regions using an “unnecessary demonstration of force by breaking into suspects’ homes after breaking down doors and in front of children and very old people.” Amalipe and other NGOs and activists defended Lalo Kamenov, a Romani candidate for the National Assembly, whose parents’ apartment became a target of police action, alleging it was done to intimidate him. The NGO insisted the police operations “further solidify the false stereotype that vote-buying only takes place in Roma neighborhoods” and will have an adverse effect on Roma voting activity.

Political Parties and Political Participation: The law requires a political party to have at least 2,500 members to register officially. The constitution prohibits the establishment of political parties along religious, ethnic, or racial lines, but the prohibition did not appear to weaken the role of some ethnic minorities in the political process, as several parties represented various ethnic minority groups. NGOs may not engage in political activity.

Participation of Women and Members of Minority Groups: No laws limit participation of women or members of minority groups in the political process, and they did participate. Women held mayoral offices in 38 out of 265 municipalities and 23 percent of elected seats in the 47th National Assembly. There were no Romani members in the National Assembly, and Roma were underrepresented in appointed leadership positions compared to the size of their population. Ethnic Turks, Roma, and Pomaks (descendants of Slavic Bulgarians who converted to Islam under Ottoman rule) held elected positions at the local level.

Section 4. Corruption and Lack of Transparency in Government

While the law provides criminal penalties for corruption by officials, the government did not implement the law effectively, and officials in all branches of government reportedly engaged in corrupt practices with impunity. There were numerous reports of government corruption during the year.

In March the government adopted a new national strategy and roadmap on

preventing and combating corruption for the period 2021-27, with a focus on combating high-level corruption. The government simultaneously adopted a report on the implementation of the preceding five-year anticorruption strategy, stating it had achieved its main goal to build stronger anticorruption capacity in the country. In September the caretaker government updated the roadmap for implementing the new strategy, acknowledging corruption at all levels and adding a focus on reducing corruption at the local level. NGOs alleged authorities applied the anticorruption law arbitrarily and selectively and assessed corruption prosecutions as ineffective and leading to few convictions.

Corruption: The prosecution service reported working on 274 pretrial investigations in 2020, which resulted in 17 indictments involving 56 persons and five convictions. In July the NGO Anticorruption Fund reported that in the previous five years it had monitored investigations against 63 high-profile former ministers, deputy ministers, National Assembly members, magistrates, mayors, and regional governors. The Anticorruption Fund also noted a further decline in anticorruption prosecutions, with zero convictions.

In June caretaker government ministers reported that 8.6 billion levs (\$4.97 billion) of contracts (more than 40 percent) awarded by state-owned companies under the previous government since 2019 used in-house procedures and did not go through public procurement processes. The regional development minister cited an example in which the government awarded more than 1.5 billion levs (\$867 million) to the state-owned Motorways company, which subcontracted a large part of the money to private companies in advance payments for projects that had not been launched yet.

In May the appellate specialized criminal court found seven customs officials guilty of extorting bribes from drivers crossing the Lesovo border checkpoint and sentenced them to pay a 5,000 lev (\$2,890) fine each. As of December the trial against the former head of the State Agency for Bulgarians Abroad, Petar Haralampiev, and three other employees of the agency was ongoing at the specialized criminal court. The four were charged with receiving bribes and trading in influence to aid foreign citizens in obtaining the Bulgarian passports.

Section 5. Governmental Posture Towards International and

Nongovernmental Investigation of Alleged Abuses of Human Rights

A variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Human rights observers reported uneven levels of cooperation from national and local government officials.

The Civil Society Development Council remained suspended, after failing to start working in June 2020 due to objections by the Commission for Combating Corruption and Forfeiture of Illicit Assets and conflicting views within the government coalition regarding the election of council members.

Nationalist parties and NGOs routinely targeted human rights organizations and activists with accusations of treason and criminal offenses. In May vandals defaced the facade of the building where the office of the BHC was located with offensive graffiti.

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

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

A National Assembly permanent committee covers human rights, religious groups, and citizen petitions.

Section 6. Discrimination and Societal Abuses

Women

Rape and Domestic Violence: The law criminalizes rape, and authorities generally enforced its provisions when violations came to their attention. Sentences for rape convictions range up to 20 years in prison. There is no specific criminal law against spousal rape; authorities could prosecute spousal rape under the general rape statute, but rarely did so.

The law provides penalties of up to 10 years' imprisonment for crimes committed in the context of domestic violence. The law defines domestic violence as systematic physical, sexual, or psychological violence; subjection to economic dependence; or coercive restriction of the personal life, personal liberty, and personal rights of a parent or child, a spouse or former spouse, a person with whom one shares a child, a cohabiting partner or former cohabiting partner, or a member or former member of the same household. The law restricts the persons who can report domestic violence to the victim or the victim's direct relatives and excludes friends and other unrelated persons. The law empowers courts to impose fines, issue restraining or eviction orders, and order special counseling. Noncompliance with a restraining order may result in imprisonment for up to three years, or a fine. In September the Sofia regional prosecution service reported a 24 percent increase in the number of domestic violence cases in the first six months of the year compared to the same period in 2020. Over 10 percent of the cases involved a death threat.

According to the NGO Center for Creative Justice, the law does not provide sufficient protection to victims of domestic violence. The ombudsman criticized the legal provisions that exonerate an offender from prosecution for inflicting a medium injury (e.g., a broken tooth) or a more serious injury, such as deliberately infecting a person with a sexually transmitted disease.

In one example, in May the Dobrich regional court issued a restraining order against a 29-year-old man who entered a guilty plea and gave him a one-year suspended sentence for pouring gasoline on his former girlfriend and threatening to set her on fire. According to media reports, the two had lived together for a few

years during which time the woman suffered numerous instances of physical and psychological violence but was afraid to complain to the authorities. After the woman broke up with him in January, the batterer stalked, intimidated, and harassed the woman.

NGOs criticized authorities for not tracking domestic violence cases and not keeping statistics, which NGOs claimed were needed for authorities to assess the risk of abuse turning deadly.

The Animus Association Foundation and other NGOs provided short-term protection and counseling to domestic violence survivors in 14 crisis centers and shelters throughout the country. The government funded an NGO-operated 24-hour free helpline that survivors could call for counseling, information, and support, as well as to report abuse. Police and social workers referred domestic violence survivors to NGO-run shelters. According to the Bulgarian Fund for Women, which provided free legal and psychological consultations, domestic violence was still a taboo outside big cities where there was less access to counseling and protection services.

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

Reproductive Rights: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

Women in poor rural and Romani communities had less access to contraception due to poverty and lack of information and education. The cost of contraception was not covered by health insurance. Individuals younger than 16 could not schedule an appointment with a gynecologist or have an HIV test performed without parental consent.

Romani NGOs stated that many municipalities set discriminatory requirements for access to health services to restrict Romani women's access to them (see Systematic Racial and Ethnic Violence and Discrimination, below).

Lack of health insurance sometimes limited skilled attendance at childbirth. In April the NGO LARGO Association issued a report which estimated that 60 to 70 percent of all uninsured women, or between 8 and 9 percent of all women in the country, did not receive prenatal care and had no access to relevant medical tests. According to the report, 57 percent of uninsured women were Roma. Home births were illegal, and medical personnel could be prosecuted if they assisted them.

Victims of sexual violence, who NGOs stated were mainly uninsured, often did not have access to sexual and reproductive health services. Emergency contraception was available as part of clinical management of rape. Trafficking victims had access to health care through NGOs approved by authorities.

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

In June the government adopted a two-year national gender equality plan that focuses on labor market equality, economic independence, decreasing the gender income gap, equal participation in decision making in politics, business, and society, combating gender-based violence, and overcoming gender stereotypes.

According to the National Statistical Institute, in 2020 women received on average 14 percent lower wages and pensions that were 32 percent lower than those for men. Women faced discrimination in employment, in the workplace, and in access to pension benefits and retirement (see section 7.d.).

Systemic Racial or Ethnic Violence and Discrimination

The law protects all citizens against discrimination based on race, ethnic background, or nationality. The law provides severe punishments for racial or ethnic-based crimes, with homicide carrying up to a life sentence, injury carrying up to 15 years imprisonment, mob attack carrying up to six years, and violence and enticement to discrimination carrying up to four years. Racial or ethnic

discrimination in employment, education, and other social areas carries a fine of up to 2,500 leva (\$1,450).

Societal intolerance against minority groups persisted and manifested in frequent discrimination against Roma and ethnic Turks. Political and government actors sometimes condoned or prompted it. Human rights organizations reported that racial discrimination against Roma increased during the ongoing coronavirus state of emergency. Media outlets often described Roma and other minority groups using discriminatory, denigrating, and abusive language, highlighting instances in which Romani persons had committed a crime. Nationalist parties such as Ataka, Internal Macedonian Revolutionary Organization, Vazrazhdane, and the National Front for Salvation of Bulgaria routinely resorted to strong anti-Romani, anti-Turkish, and anti-Semitic slogans and rhetoric. In June a study commissioned by the German Friedrich Ebert Foundation identified increasing ethnocentrism and “indications of potential racism,” with only 22 percent of respondents expressing willingness to co-reside with Turks and 15 percent with Roma, while 15 percent were willing to have family relations with Turks and 5 percent with Roma.

According to the Standing Roma Conference, local authorities disproportionately targeted illegal Romani dwellings for demolition and evicted Roma families without providing adequate alternative accommodation.

NGOs alleged that local authorities and politicians “punished” Roma communities for political gain. For example in May local activists of Democratic Bulgaria (a political alliance) initiated checks for residents’ address registrations in the Romani neighborhood in Razlog and petitioned the regional building and construction authority to demolish houses in that neighborhood after a group of Roma attacked and beat a 25-year-old person in a restaurant. In July the mayor of Gurkovo cut the water supply to the local Roma neighborhood after its residents became more insistent in demanding he deliver on his campaign promises made to them during the 2019 local elections.

According to the NGO Trust for Social Achievement, life expectancy was 10 years lower and infant mortality was twice as high in the Romani community compared with the general population. In addition, one-third of Romani men and two-fifths of Romani women between the ages of 45 and 60 had a disability. Health

mediators helped Roma and other marginalized communities improve their access to health care; the National Health Mediators Network employed 290 mediators in 144 municipalities.

According to the umbrella coalition of NGOs and activists Standing Roma Conference, national census officials in September refused to register residents of the Nadezhda neighborhood in Silven who wished to identify their ethnic identity as “Roma.” Similarly, the United Macedonian Organization-Ilinden cited cases in Blagoevgrad in which national census counters told individuals they visited that “Macedonian” was not an available option for ethnic identification.

Romani NGOs stated that municipalities set discriminatory requirements to restrict Romani women’s access to reproductive health services. For example the assisted reproduction program in Veliko Turnovo, Vratsa, and Kyustendil and the one-time allowance for giving birth in Svilengrad all require the mother to have completed secondary school. According to the BHC and Doctors Without Borders, Romani women were routinely segregated within maternity hospital wards. The UN Committee on the Elimination of Discrimination against Women expressed concern about the “persistence of child and/or forced marriages, in particular among Roma girls.” NGOs criticized authorities for treating early marriages as an ethnic Romani rather than a gender problem but acknowledged that child marriage was pervasive in Romani communities.

NGOs identified an overall rise in the occurrence of hate speech and hate crimes. The Commission for Protection against Discrimination reported an increased number of hate speech complaints, mainly originating in media statements, social networks, and other online publications. In June the Supreme Administrative Court overturned two lower-level decisions and ruled that former defense minister Krasimir Karakachanov’s statement in 2019 in the village of Voyvodinovo calling for “solving the Gypsy question [because] ... the people don’t have to tolerate a part of the population which only has rights and refuses to understand it also has responsibilities and needs to abide by the law” was discriminatory. The court returned the case to the Commission for Protection against Discrimination for reconsideration, asserting that the minister’s statement affects the whole Romani population and, added to his high public stature and the broad media coverage, created “persistent negative, potentially hostile, and conflict-generating attitudes,

and instills distrust and intolerance toward every member of the Roma ethnic group.”

There were reports of Roma being denied access to public sites such as banks, swimming pools, and discos. For example in September the DSK Bank’s branch in Lukovit refused services such as money transfers and social security payments to members of the local Romani community on the basis they were not clients of the bank.

Children

Birth Registration: Citizenship derives from one’s parents or by birth within the country’s territory unless one receives foreign citizenship by heritage. The law requires birth registration within seven days.

Education: The law establishes Bulgarian as the official language of instruction in the country’s public education system but allows instruction in foreign languages, if instruction in Bulgarian language and literature is conducted in Bulgarian. The law also permits study of the mother tongue. There were officially approved curricula for the teaching of Armenian, Hebrew, Romani, and Turkish. According to the National Statistical Institute, there were no Romani students studying their mother tongue in public schools and the average number of students who learned Turkish, Hebrew, and Armenian declined by more than 16 percent, continuing the downward trend from the previous two years. The government operates foreign language schools in English, Spanish, German, Hebrew, French, and Italian.

According to the Ministry of Education, online learning during the COVID-19 pandemic deepened education inequalities and risked increasing the number of school dropouts. The ministry reported that students lacked access to the internet in 56.5 percent of urban schools and 87.5 percent of schools in the rest of the country.

The law prohibits ethnic segregation in multiethnic schools and kindergartens but allows ethnic segregation of entire schools. Of Romani children, 30 percent (up from 16 percent five years earlier) were enrolled in segregated schools outside mainstream education, according to the European Roma Rights Center. According

to the NGO Amalipe, there were segregated schools in 26 out of the 28 regions in the country and approximately 10 percent of general education schools in the country were ethnically segregated. Romani children often attended de facto segregated schools where they received inferior education. There were instances of ethnic Bulgarian students withdrawing from desegregated schools, thereby effectively resegregating them. Romani NGOs reported that many schools throughout the country refused to enroll Romani students.

The Education Ministry provided financial support to nine municipalities that pursued policies for educational desegregation and prevention of resegregation.

Child Abuse: The law protects children against any type of abuse, including physical, psychological, and sexual violence and exploitation. The law punishes violators with fines unless the abuses constitute a criminal or more severe administrative offense. Violence against children continued to be a problem.

In April UNICEF reported results from a survey which showed that 47 percent of children in the country had experienced some form of violence. The violence faced by the children included psychological (45.9 percent of cases), physical (31.2 percent), sexual (15.6 percent), and neglect (10.5 percent). In May the national child support helpline reported a 25 percent increase in the number of cases of domestic violence against children from the previous year.

In May the NGO National Network for Children released its tenth monitoring “report card,” which identified “not only a lack of progress but a backslide and deterioration of the situation for thousands of children and families due to a lack of government will to build the necessary capacity and develop consistent child policies as a top priority.”

In August the ombudsman requested that the minister of education initiate an urgent inspection at the Center for Special Education Support in Burgas following a video distributed on social media showing teachers harassing a student. As of September the local education inspectorate and child protection services were investigating the case.

Child, Early, and Forced Marriage: The minimum age for marriage is 18. In exceptional cases a person may enter marriage at 16 with permission from the

regional court. In March the NGO Amalipe stated that reduced school attendance during the COVID-19 state of emergency had “brought back the problem of early marriage in the Roma communities.” The NGO cited an example from a vocational school in Pazardjik in which more than 25 students had married since the start of the school year in September 2020, noting a similar trend in Sliven. As of September 28, the country’s courts had sentenced 13 adults for cohabiting with girls younger than 16, 19 adults for cohabiting with girls younger than 14, and four parents for aiding and abetting such cohabitation.

Sexual Exploitation of Children: The law differentiates between forcing children into commercial sex, which is punishable by up to eight years’ imprisonment and a fine, and child sex trafficking, which is punishable by up to 10 years’ imprisonment and a fine. The law prohibits child pornography and provides for up to six years in prison and a fine for violations. Authorities enforced the law. The legal minimum age for consensual sex is 14. In August the Center for Safe Internet expressed concern about a 20 percent increase in online sexual exploitation and harassment of children in the previous 18 months and criticized the government for lacking an integrated strategy.

Displaced Children: As of November a total of 2,268 unaccompanied minors sought asylum in the country, a 650 percent increase compared with the same period in 2020. According to the UNHCR, the practice of placing unaccompanied children in migrant detention centers without a clear standard persisted.

Institutionalized Children: The government continued to close residential care institutions for children. As of January a total of 277 children remained to be relocated from four legacy facilities and placed in community-based care. According to the government, the focus of the reform was on preventing child abandonment and encouraging reintegration in a family environment. NGOs, however, believed that the new family-type placement centers did not ensure improved quality of life for children and the quality of family support services remained unchanged.

In September the Validity Foundation published a report that criticized the government for continuing to invest substantial funds in new group homes which “leads to further segregation and isolation ... and reinforces the model of

institutionalization.” Validity Foundation noted “behavior is controlled by staff through psychological (and sometimes physical) force, punishment, and medication”; individuals “remain locked in the buildings”; and “there is no meaningful training for independent living.” The report also stated that, even though authorities considered the process of deinstitutionalization of children with disabilities complete, placing them in smaller homes does not change the type and quality of care they receive, and there are no policies indicating a vision for their future as equal community members.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State’s *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html>.

Anti-Semitism

The 2011 census indicated that 1,130 Jews lived in the country, but local Jewish organizations estimated the actual number was between 5,000 and 6,000.

Anti-Semitic rhetoric continued to appear regularly on social networking sites and as comments under online media articles. The Organization of Bulgarian Jews, or “Shalom,” reported a trend of increasing online anti-Semitic speech and conspiracy theories in the context of the coronavirus pandemic as well as periodic vandalism of Jewish cemeteries and monuments. Souvenirs with Nazi insignia were available in tourist areas around the country.

On January 29, a memorial plaque for a Plovdiv Jew killed in 1943 was defaced with a swastika. The Plovdiv municipality promptly cleaned the plaque, but as of December police had not identified the perpetrator. On August 22, racist and anti-Semitic symbols appeared on the fence of the synagogue in Sofia. As of December police had not identified a suspect.

On February 13, after the city was unable to legally ban the event, Sofia mayor Yordanka Fandakova canceled the so-called Lukov March after it had begun, as the municipality had not agreed to the route proposed by the organizers. Approximately 50 participants turned out for the annual demonstration of right-

wing extremists to honor General Hristo Lukov, the 1940s anti-Semitic, pro-Nazi leader of the Union of Bulgarian National Legions. Police divided the rally into smaller groups and escorted them to Lukov's house, where the group held a commemoration ceremony. The Ministry of Foreign Affairs, the ruling Citizens for European Development of Bulgaria (GERB) party, the Democratic Bulgaria alliance, the Bulgarian Socialist Party, NGOs, international organizations, and diplomatic missions denounced the rally. In February the Sofia city court rejected a prosecutor's claim for deregistration of the rally organizer, the Bulgarian National Union-Edelweiss, asserting that the claim failed to provide evidence of incitement of ethnic, racial, and religious hostility and other unconstitutional activity on behalf of the party. As of December an appeal was ongoing in the Sofia appellate court.

In February the leader of the informal ultranationalist organization National Resistance, Blagovest Asenov, accused Jews and Jewish NGOs through social media of being "anti-Bulgarian" as well as of causing a "refugee crises in Europe" and forcing the COVID-19 pandemic on authorities. Police issued a warning to Asenov, but a prosecutor dismissed the case citing lack of evidence of a criminal offense.

In February Jewish organizations protested "scandalous and slanderous content" promoted in a quiz show on public broadcaster BNT that made anti-Semitic statements and minimized the Holocaust. The BNT director and the show's host made public apologies and fired some of the show's crew.

In February nine universities and the Bulgarian News Agency adopted the International Holocaust Remembrance Alliance's working definition of anti-Semitism at official ceremonies.

In June Shalom reported spotting stickers with Nazi symbols inside public transportation vehicles in Sofia and inside ski lifts in Bansko. Shalom also reported increased incidents of anti-Semitic hate speech online, in the context of the COVID-19 pandemic and ongoing election campaigns. In October vice presidential candidate Elena Guncheva of the Vazrazhdane party referred on social media to local politicians of Jewish and Turkish origin, saying they should consider themselves "guests" in this country. After Shalom complained of

“xenophobia and hate speech” to the Central Electoral Commission, which condemned her words but stated it could not interfere in the political campaign, Guncheva addressed Shalom specifically on social media, reiterating that “Bulgaria is the land of Bulgarians.” Jewish community leaders also expressed concern regarding periodic vandalism of Jewish cemeteries and monuments and what they said was an increasing trend of anti-Semitic and xenophobic propaganda and graffiti. In June Shalom approached the local government in Provadia after discovering that the old local Jewish cemetery had become an illegal landfill with bones scattered around the site. Shalom asked the municipality to clean the cemetery and to allow a rabbi to collect the bones. As of December the municipality had not responded to Shalom.

Trafficking in Persons

See the Department of State’s *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Persons with Disabilities

Persons with disabilities were not able to access education, health services, public buildings, and transportation on an equal basis with others. The law protects the rights of persons with physical, mental, intellectual, and sensory disabilities, including their access to health services, education, employment, housing, public infrastructure, transportation, sports and cultural events, public and political events, the judicial system, and other services but the government did not effectively enforce these provisions. In January the National Assembly passed a law codifying sign language that provides for including it in the school curriculum and the right to interpretation in public administrations, hospitals, and within the judicial system.

According to NGOs the ongoing deinstitutionalization, which was designed to be a carbon copy of a similar reform of childcare institutions, failed to reintegrate persons with disabilities in the community. Instead, the government allocated domestic and EU resources for institutional care. The CPT noted in its public statement in November, its “long-standing concern” regarding physical mistreatment, use of mechanical restraint, and undignified treatment of persons

with cognitive and mental disabilities in psychiatric hospitals and social care homes.

In September police arrested three chairs of medical expert evaluation boards for issuing fake disability evaluations and four intermediaries also involved. As of December the investigation was ongoing.

While the law requires improved access to public and transportation infrastructure for persons with disabilities, enforcement lagged in some new public works projects and existing buildings. The Commission for Protection against Discrimination continued its nationwide campaign of inspecting public buildings, utility providers, telecommunications operators, banks, and insurance companies. Those not in compliance with the law for persons with disabilities were fined. The commission noted an increased number of instances in which uncompliant entities concluded agreements committing to ensuring accessibility within a concrete timeline to avoid sanction. As of November the commission approved 25 such agreements and confirmed compliance in 11 of 16 inspections.

The law promotes the employment of persons with disabilities and covers 30 to 50 percent of an employer's related insurance costs in addition to the full cost of modifying and equipping workplaces to accommodate them. The government provided a 24-month program of subsidies for employers who hire unemployed persons with a permanent disability. The law requires that companies with 50 to 99 employees hire at least one person with a permanent disability; in larger companies, persons with permanent disabilities must make up at least 2 percent of the workforce. The law provides for protected employment centers for persons with multiple permanent disabilities, mental disorders, or intellectual disabilities. According to a representative survey conducted by Alpha Research agency between January and March, the labor market remained inaccessible for 62 percent of working-age persons with disabilities.

Individuals with mental and physical disabilities were widely stigmatized and often housed in institutions in remote areas under harsh conditions. According to NGOs, the government did not provide adequate medical care for all persons with mental disabilities. The Validity Foundation's September report concluded that the deinstitutionalization model focused on the size of the facility rather than the

quality of services and care that would encourage independence and integration, thus giving persons with disabilities a choice where to live and with whom.

Fewer than 3 percent of students with specific education needs attended the five segregated schools for students with sensory and hearing disabilities. Most of the remaining students with disabilities attended mainstream schools. Those studying in segregated schools received diplomas that higher-level learning establishments did not recognize as qualifying the student for further education.

In July the government amended its regulations to consider NGO recommendations, including one by Life with Down Syndrome Foundation to remove the discriminatory age limit for determination of the level of disability.

NGOs believed police and prosecutors lacked training and skills in dealing with persons with mental disabilities and often traumatized them further with their actions.

The law provides specific measures for persons with disabilities to have access to the polls, including through use of mobile ballot boxes, voting in a polling station of their choice, and assisted voting. According to OSCE/ODIHR, the design and setup of polling stations, including those designated by district election commissions for wheelchair users as well as most campaign materials, were “often not suitable for use by persons with disabilities.”

HIV and AIDS Societal Stigma

The government’s national program for HIV and sexually transmitted disease prevention and control continued to acknowledge little progress in terms of overcoming the stigma and discrimination associated with HIV. Negative societal attitudes significantly affected the social reintegration of persons with HIV or AIDS and posed a serious obstacle to their access to medical treatment, care, and support. In November a national representative survey by Trend Research Center showed that 15 percent of respondents were likely to keep an HIV-positive person as a friend, while 30 percent would agree to work with an HIV-positive person. According to NGO Health Without Borders, the government has not supported HIV prevention services since mid-2017. NGOs expressed concern that access to HIV testing was limited due to health centers adopting COVID-19 related

restrictions. NGOs reported that the general stigma around sexual orientation and gender identity frequently resulted in denial of health services to persons living with HIV or AIDS. According to the Ministry of Health, 99 percent of monitored cases received antiretroviral therapy.

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

The law prohibits discrimination based on sexual orientation and gender identity, but the government did not effectively enforce this prohibition. No laws protect against hate crimes based on sexual orientation or gender identity. Societal intolerance to lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) persons persisted.

There were reports of violence against LGBTQI+ persons. On May 15, more than 300 persons protested the participation of 30 persons in the first LGBTQI+ pride event in Burgas, throwing rocks, smoke bombs, cucumbers, eggs, and plastic bottles at them, and burned a rainbow flag. More than 300 police secured the event and prevented further violence. A few hours earlier, the local Christian Orthodox clergy in Burgas held a prayer service “in defense of and support for the traditional Bulgarian family as well as to uphold the original Orthodox values and virtues.” In May members of nationalist Bulgarian National Union disrupted several LGBTQI+ events, such as a book presentation and film screening in Sofia, behaving aggressively and breaking the windows of the venue. In September a 15-year-old student was attacked and beaten by an older student in front of many other students in a schoolyard in Plovdiv “because he had a gay voice.” The victim was admitted to an intensive care ward with a concussion and head wounds.

On October 30, LGBTQI+ organizations reported a group of approximately 10 persons led by presidential candidate and Bulgarian National Union-National Democracy leader Boyan Stankov, also known as Rasate, stormed the Rainbow Hub LGBTQI+ community center during an event and punched an employee in the face, spray painted doors and walls, and broke equipment. On November 3, authorities arrested Rasate, who denied any involvement in the attack, after the Central Electoral Commission lifted the immunity conferred upon him as a candidate. He was charged with hooliganism and infliction of an injury committed

with “extreme audacity and disrespect for the democratic foundations of the state.” As of December an investigation was underway.

In March the Internal Macedonian Revolutionary Organization political party, part of the governing coalition at the time, issued a position declaring the country “a zone free of LGBTQI propaganda.”

According to LGBTQI+ organizations, courts rejected the right of same-sex partners to protection from domestic violence because the law treats “spousal” only as applying to married persons who cannot legally be the same sex. The Commission for Protection against Discrimination reported receiving very few cases – three as of September – regarding sexual orientation.

According to the GLAS Foundation, tolerance toward LGBTQI+ persons was increasing. In March a polling agency presented research commissioned by GLAS showing that 6.4 percent of respondents would vote unconditionally in the forthcoming elections for a political party that supports LGBTQI+ rights while another 34.8 percent would not mind voting for such a party if they also liked its views on other topics.

A May 2020 report by the EU Agency for Fundamental Rights indicated that nearly 30 percent of LGBTQI+ persons had experienced workplace discrimination and nearly 40 percent of them did not report it to the police due to fear of discrimination. A study from March 2020 by the NGOs Single Step and Bilitis reported that 83 percent of LGBTQI+ students had experienced homophobic insults, 70 percent had suffered harassment, 34 percent had been physically abused, and 19 percent had been assaulted, while 50 percent never reported incidents to the authorities.

Many health professionals considered LGBTQI+ status a disease. The general stigma around sexual orientation and gender identity frequently resulted in refusal of health services, particularly to transgender persons. NGOs complained that most political parties in the National Assembly, government ministers, and municipal authorities were reluctant to engage in a dialogue on the problems facing LGBTQI+ individuals and related policy matters.

NGOs urged the government to discontinue normalization therapies on intersex

children, which were funded by the National Health Insurance Fund with consent from their parents.

In March the civil division of the Supreme Cassation Court, which had been asked to interpret the law and rule whether transgender persons were entitled to a legal change of their biological sex, petitioned the Constitutional Court to explain whether the definition of “sex” according to the constitution also includes separate psychological or social aspects, different from the biological aspect. In October the Constitutional Court ruled that the constitution views the term “sex” in the biological sense based on gender binary and that sexual self-determination is a legitimate reason for changing one’s gender legally only in cases involving intersex persons. The ruling identified a legal gap regarding the legal change of biological sex and gave no specific guidance to the Supreme Cassation Court on how to proceed with its decision.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides for the right of workers to form and join independent labor unions, bargain collectively, and conduct legal strikes. The law prohibits antiunion discrimination, provides for workers to receive up to six months’ salary as compensation for illegal dismissal, and provides for the right of the employee to demand reinstatement for such dismissal. Workers alleging discrimination based on union affiliation can file complaints with the Commission for Protection against Discrimination. According to the Confederation of Independent Trade Unions, despite the constitutional recognition of the right of association, the law did not protect it, which prevented parties to a dispute from seeking redress in administrative court. In November medical workers protested in front of St. Sofia hospital against the firing of the hospital’s chief nursing officer, Veselina Gancheva, alleging she had been dismissed for “union activity and defending the rights of hospital workers.” According to press reports, Gancheva was the fifth member of the Labor Union of Bulgarian Medical Specialists fired since the union’s establishment in 2019.

There are some limitations on these rights. The law prohibits Interior Ministry and

judicial system officials from membership in national union federations. When employers and labor unions reach a collective agreement at the sector level, they must obtain the agreement of the minister of labor to extend it to cover all enterprises in the sector. The law prohibits most public servants from engaging in collective bargaining. The law also prohibits employees of the Ministry of Defense, the Ministry of Interior, the State Agency for Intelligence, the National Protection Service, the courts, and prosecutorial and investigative authorities from striking. Those employees may take the government to court to provide due process in protecting their rights.

The law gives the right to strike to other public service employees, except for senior public servants, if at least 50 percent of the workers support the strike. The law also limits the ability of transport workers to organize their administrative activities and formulate their programs. Labor unions stated that the legal limitations on the right to strike and the lack of criminal liability for employers who abuse their workers' right of association are contrary to the constitution.

Authorities did not always respect freedom of association and the right to bargain collectively. Labor unions continued to report cases of employer obstruction, harassment, and intimidation of employees, including relocation, firing, and demotion of union leaders and members. Labor unions also alleged that some employers negotiated similar terms to those contained in the respective collective bargaining agreement with individual workers to erode unionism and discourage membership in a labor union. The Confederation of Independent Trade Unions of Bulgaria accused employers of "dumping" labor unions by negotiating better terms with workers who are not union members. In January the Autonomous Worker Confederation alleged that the management of the public transportation company in Varna had been hiding the collective agreement from company employees and labor union members. The government did not effectively enforce the labor law, and penalties for violations were not commensurate with those under other laws related to denials of civil rights. Penalties for discrimination carry lower fines than the fines for labor law violations. The law does not effectively protect against interference by employers in labor union activities. Judicial and administrative procedures were adequate in settling claims.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor, but the government did not enforce the law effectively. Penalties for violations were commensurate with those for other serious crimes, but the government lacked resources to cope with the growing number of cases of international labor trafficking. In addition, labor inspectors lacked the legal authority and sufficient training to identify and pursue cases of forced labor. NGOs criticized the country's institutions for failing to identify and prosecute cases of severe labor exploitation, alleging that the government focused instead on labor law violations that carry administrative sanctions. The government, through its central and local antitrafficking commissions, held forced labor prevention campaigns and training sessions for magistrates, law enforcement officers, and volunteers. Law enforcement officials did not have adequate capacity to investigate forced labor cases, and investigations took a long time.

There were some reports of families and criminal organizations subjecting children to forced work (see section 7.c.). As of November the national antitrafficking commission reported receiving 11 labor exploitation complaints, similar to 2020, but they involved a larger number of victims who were all exploited outside the country. Labor trafficking victims were often of Roma origin, particularly Romani children, or from rural regions. Traffickers exploited Romani children in forced begging and pickpocketing and others in agriculture, construction, hospitality, and the service sector.

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

c. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits all the worst forms of child labor. The law sets the minimum age for employment at 16 and the minimum age for hazardous work at 18. To employ children younger than 18, employers must obtain a work permit from the government's General Labor Inspectorate. Employers can hire children younger than 16 with special permits for light work that is not hazardous or harmful to the child's development and does not interfere with the child's education or training.

The government did effectively enforce child labor laws. Employment of children without a work permit is a criminal offense but it is not a serious crime and carries a penalty of up to one year imprisonment or a fine. Penalties for the worst forms of child labor, however, are commensurate with those for other serious crimes. The General Labor Inspectorate was generally effective in inspecting working conditions at companies seeking and holding child work permits and applying sanctions regarding child labor in the formal sector. The inspectorate reported a 71 percent increase in legal employment of children. In 2020 the inspectorate uncovered 180 cases of children working without prior permission, a nearly 24 percent decrease from 2019.

The latest national program to eliminate the worst forms of child labor expired at the end of 2020; as of the end of the year, the government had not approved a new one.

NGOs continued to report the exploitation of children in certain industries, particularly small family-owned shops, textile production, restaurants, construction businesses, and periodical sales, and by organized crime – notably for commercial sexual exploitation, pickpocketing, and the distribution of narcotics. Children living in vulnerable situations, particularly Romani children, were exposed to harmful and exploitative work in the informal economy, mainly in agriculture, construction, and the service sector.

d. Discrimination with Respect to Employment and Occupation

The law prohibits discrimination in employment and occupation based on nationality, ethnicity, sex, sexual orientation, race, skin color, age, social origin, language, political and religious beliefs, membership in labor unions and civil society organizations, family, and marital status, and mental or physical disabilities. Although the government usually effectively enforced these laws, discrimination in employment and occupation occurred across all sectors of the economy with respect to gender, sexual orientation, disability, and minority group status. The Commission for Protection against Discrimination reported receiving discrimination complaints during the year concerning union membership and employment of persons with disabilities, citing examples in which employers refused to hire an employee, despite passing initial hiring processes, after

discovering the person had a disability.

The government funded programs to encourage employers to overcome stereotypes and prejudice when hiring members of disadvantaged groups, such as persons with disabilities, as well as to provide for workplace accommodation and training. The government effectively enforced the law and penalties for violations were commensurate to laws related to civil rights.

The law requires the Interior Ministry, the State Agency for National Security, and the State Agency for Technical Operations to allot 1 percent of their public administration positions to persons with disabilities. Enforcement was poor, however, and the agencies were not motivated to hire persons with disabilities, citing inaccessible infrastructure, lack of sufficient funding for modifying workplaces, and poor qualifications by the applicants. The Center for Independent Living and other NGOs criticized the system of evaluating persons with disabilities based on the degree of their disability, which effectively prevented many persons with disabilities who were able to work from being hired. According to the NGO Center for Liberal Strategies, establishing hiring quotas for persons with disabilities did not effectively support their real employment, since employers would focus on checking the box and appointing a person who holds a disability assessment certificate but does not necessarily need workplace accommodation. The NGO criticized the legal framework for providing incentives for employers but neglecting practical support – for example, providing transportation or personal assistance in the workplace – for persons with disabilities who wish to find work.

The law requires equal pay for equal work. According to the National Statistical Institute, men received 13.7 percent more pay than women. As a result of the gender pay gap, according to the National Social Security Institute, women received 23.7 percent lower pensions. Women continued to face discrimination in pension benefits and retirement. The age at which women and men can access both full and partial pension benefits was not equal, nor was the legal retirement age. According to the Financial Supervision Commission, men had accumulated eight percent more money in their mandatory second pension accounts.

Workplace discrimination against minorities continued to be a problem. Locating work was more difficult for Roma due to public mistrust, coupled with low

average level of education of Roma. According to the National Statistical Institute, 66.2 percent of Roma lived in poverty, compared with 29.5 percent of Turks and 17.8 percent of ethnic Bulgarians.

e. Acceptable Conditions of Work

Wages and Hour Laws: The law provides for a national minimum wage for all sectors of the economy that was higher than the government's official poverty line. In August the government changed the methodology for determining the official poverty line, resulting in a 12 percent increase in the estimate for 2022. In May the National Statistical Institute reported that 23.8 percent of the population lived below the poverty line.

The Ministry of Labor and Social Policy is responsible for enforcing both the minimum wage and the standard workweek. Labor inspectors had the authority to make unannounced inspections and initiate sanctions, but the number of inspectors was insufficient to enforce compliance. In 2020 the General Labor Inspectorate reported that the cases of unpaid wages decreased by 38 percent, compared with the previous year. The inspectorate maintained that its authority to initiate bankruptcy proceedings against employers who owed more than two months' wages to at least one-third of their employees for three years contributed to the effective enforcement of correct payment of wages. In 2020 labor inspectors compelled employers to pay 5.5 million levs (\$3.18 million) out of an identified 10.8 million levs (\$6.24 million) of unpaid wages. In May the Confederation of Independent Trade Unions of Bulgaria reported receiving numerous complaints of employers illegally punishing workers for work-related violations by cutting their wages.

The law prohibits excessive compulsory overtime and prohibits any overtime work for children younger than 18 and for pregnant women. Persons with disabilities, women with children younger than six, and persons undertaking continuing education may work overtime at the employer's request if the employee provides written consent. The government effectively enforced minimum wage and overtime laws, and penalties for violations were commensurate with those of similar violations. In 2020 violations related to overtime work constituted 17 percent of the total number of violations. Most violations occurred in the retail,

catering, and building construction sectors. The Confederation of Independent Trade Unions of Bulgaria criticized the legal provision allowing calculation of cumulative working time over a 12-month period, alleging that employers abused it to hide unpaid overtime work.

Occupational Safety and Health: Occupational safety and health (OSH) standards are appropriate for the main industries, and OSH experts actively identified unsafe conditions and responded to workers' OSH complaints. A national labor safety program provides employees the right to healthy and nonhazardous working conditions. Each year the government adopts a program that outlines its goals and priorities for occupational safety and health.

The General Labor Inspectorate, which had 28 regional offices, is responsible for monitoring and enforcing occupational safety and health requirements. Of the violations identified by the inspectorate, 51.9 percent involved safety and health requirements. According to the labor inspectorate, its activity over the previous several years increased the compliance rate to 94 percent of the companies inspected. The government generally enforced occupational safety and health laws, and penalties for violations were commensurate with those of other similar laws. Most violations occurred in the construction sector as well as in retail, catering, crop and animal production, and hunting.

Conditions in sectors such as construction, mining, chemicals, and transportation continued to pose risks for workers. The number of work-related accidents registered in the first six months of the year increased by 5 percent over the same period in 2020. Retail business violations were the most common causes of occupational accidents. The government strictly enforced the law requiring companies to conduct occupational health and safety risk assessments and to adopt measures to eliminate or reduce any identified risks. Approximately 95 percent of companies inspected in 2020 had such risk assessments, and 98 percent of those had programs to eliminate the risks identified.

As of October there were a total 47 work-related deaths during the year across many sectors of the economy, compared to 55 deaths reported from January through September 2020.

Informal Sector: Legal protections and government inspections did not cover informal workers in the gray-market economy which, according to the National Statistical Institute, accounted for 21 percent of the country's GDP in 2019. According to a survey by the Bulgarian Industrial Capital Association presented in February, the share of undeclared work in the country decreased by 41.4 percent over the previous 10 years. During the two-month COVID-19 state of emergency in 2020, the law allowed employers to assign teleworking and work at home and permitted them to force workers to use half of their accrued annual leave. The law also lifted the ban on overtime work for workers and civil servants who assisted the health-care system and police.