

**REPORT**  
**BY MR ALVARO GIL-ROBLES,**  
**COMMISSIONER FOR HUMAN RIGHTS,**  
**ON HIS VISIT TO BULGARIA**  
**17 – 20 DECEMBER 2001**

for the Committee of Ministers and the Parliamentary Assembly

**I. Introduction**

Bulgaria became a member state of the Council of Europe on 7 May 1992, on which date it ratified the European Convention on Human Rights and recognised the right of individual petition and the compulsory jurisdiction of the Court. On 7 May 1999 it ratified Protocol No. 6 to the Convention, abolishing the death penalty.

As a candidate for European Union membership, Bulgaria has in recent years undertaken far-reaching institutional reforms so as to adopt the EU *acquis*. It has also pursued a very active policy of cooperation with Council of Europe bodies and

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directorates, with the aim of strengthening democracy and the rule of law. Bulgaria's Minister for Foreign Affairs invited me to visit the country from 17 to 20 December 2001 to take stock of this process of complex institutional reform and economic transition. I was accompanied on my visit to Sofia by Mr Fernando Mora, a member of my office.

I first wish to thank the Minister for Foreign Affairs, Mr Solomon Passy, for the resources he made available throughout my visit, arranging for me to be accompanied by Mr Valeri Yotov of the foreign ministry's Directorate of Human Rights and by an interpreter, Ms Roumiana Stantcheva. I would also like to thank the Permanent Delegation of Bulgaria to the Council of Europe and the authorities within the country for their availability and cooperation throughout preparations for the visit and the visit itself. Lastly, I have to express my regret that adverse weather conditions prevented me from making a planned visit to Kardjali in the South-East of the country on 18 December.

During my stay I had meetings with members of the government, representatives of civil society and religious leaders. I also visited an institution for the mentally ill, a reception centre for refugees and a Roma/Gypsy neighbourhood of Sofia<sup>1</sup>.

During discussions with my Bulgarian correspondents concerning the specific problems raised by the current situation with regard to protection of human rights (section II of this report), I based my position on work done by Council of Europe bodies and directorates, reports by international non-governmental organisations (NGOs) and the European Union report of November 2001 on Bulgaria's progress towards accession<sup>2</sup>. I also wish to comment here on the Ombudsman institution (III), before pointing out other matters of national interest (IV). Lastly, I will inform you of my recommendations (V).

## **II. Current situation with regard to protection of human rights**

Bulgaria has unquestionably implemented in-depth reforms to guarantee respect for and full enjoyment of human rights. However, on the basis of both the talks I had locally and my own impressions, I have to say that an additional effort is necessary in the specific areas mentioned here. There is a need to continue reform of the justice system (1) and reorganisation of the police (2), so as to combat the abuses the latter are charged with. Minorities must be afforded greater protection, in particular the

Roma/Gypsy community (3). I also wish to raise the issues of freedom of religion (4) and of guarantees concerning the rights of the mentally ill (5). Lastly, I will address the situation of refugees (6).

During my discussions on all these subjects with the Bulgarian authorities, in particular Mr Passy, the Minister for Foreign Affairs, I was greatly impressed by the determination of the government and members of parliament to find solutions and to work in an open manner. Following our conversations, the report requested by the Monitoring Committee of the Parliamentary Assembly was immediately sent to him. The government has also decided to make public the reports by the European

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<sup>1</sup> The programme of the visit to the Republic of Bulgaria from 17 to 20 December 2001 is appended.

<sup>2</sup> Regular report on Bulgaria's progress towards accession, Brussels, 13.11.2001, SEC (2001) 1744

Committee for the Prevention of Torture (CPT) on the situation in Bulgaria and has contacted the CPT to that end<sup>3</sup>.

## **1. Reform of the justice system**

This question, already dealt with by the Parliamentary Assembly when it examined Bulgaria's honouring of its obligations and commitments<sup>4</sup>, remains a subject of controversy and considerable concern. I discussed it with the Minister for Justice on his visit to the Council of Europe in Strasbourg a few weeks before I left for Bulgaria, and raised it again in Sofia with Mr Solomon Passy, Minister for Foreign Affairs, Mr Boyko Kotzev, Deputy Minister of the Interior, Mr Ognyan Guerdjov, the Speaker of the Bulgarian National Assembly, and Mr Hristo Danov, the President of the Constitutional Court, as well as with representatives of civil society.

It must be said forthwith that Bulgaria has made considerable efforts in the legislative sphere, notably by deciding to implement a strategy to reform the judicial system and adopt the EU *acquis* in connection with the accession process. It has also taken measures to change the system of appointment of members of the judiciary, introducing competitions, whereby applicants will be selected on the basis of their skills and experience, which should prevent some unorthodox practices. This reform is all the more necessary in that, as can be seen from certain reports and my discussions with civil society representatives, the judicial system is apparently prey to problems of corruption. The Bulgarian government has therefore adopted a nationwide Anti-Corruption Strategy, also with the aim of avoiding suspicions and possible groundless accusations of misconduct against members of the judiciary. A coordinating committee responsible for implementing this strategy has been established within the Ministry of Justice. The objective is to reach all parts of the administration.

According to my correspondents in Sofia, it is also important to amend certain laws. Firstly, the decision to place someone in an institution for the mentally ill, even for a period not exceeding three months, should not be taken by a prosecutor alone, without seeking expert advice. Secondly, to end police violence, it is essential that court-appointed counsel be present during police custody and throughout criminal proceedings. This would moreover make it possible to know the places of detention of people who have been arrested or imprisoned. Although the Code of Criminal Procedure stipulates that counsel shall be present at the various stages in proceedings, it is important to note that, according to human rights organisations, they are currently absent in many cases.

## **2. Reorganisation of the police**

The police, who are severely criticised by the NGOs, are charged with exceeding their powers. They are accused of making disproportionate use of force - misuse of official weapons, use of torture<sup>5</sup> (during police custody) - and of victimising vulnerable groups such as the Roma/Gypsy community and homosexuals, to mention but those

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<sup>3</sup> With the green light from the authorities, on 28 January 2002 the CPT published its report on Bulgaria, following the visit it had made to that country from 25 April to 7 May 1999.

<sup>4</sup> Doc. 8616 of 17 January 2000 and Recommendation 1442 (2000)

<sup>5</sup> See the CPT's report published on 28 January 2002

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two. All these problems are said to be due to disrespect for human rights within a police force that still adheres to a military model. It is further argued that Article 80 of the Criminal Code on use of official weapons allows the police excess freedom of action and encourages abuse. Article 162, which punishes discrimination on grounds of nationality or race, is considered ineffective in combating ethnic violence, since it is not sufficiently clear and leaves too much room for interpretation.

The Deputy Minister of the Interior, Mr Boyko Kotzev, with whom I primarily discussed these issues, assured me of the government's determination to end these abuses. He stressed that far-reaching reforms were in progress, mainly through the government's framework programme to guarantee protection of human rights<sup>6</sup>. A Human Rights Committee had been set up within the police force and was responsible for making recommendations, dealing with complaints against the police, devising training schemes in human rights matters (in particular in connection with arrest and custody procedures) and sanctioning abuses. It had also been decided that the entire police force would be reorganised and police responsibilities and powers, ranks and careers would no longer be modelled on the armed forces. The deputy minister also pointed out the importance of having law enforcement officers from different ethnic backgrounds, citing the example of the Roma/Gypsy community. 92 members of this community already numbered among the police. It goes without saying that this figure should be increased.

### **3. Protection of minorities and the specific case of the Roma/Gypsy community**

#### **3.1 Protection of minorities**

The Republic of Bulgaria has often been cited for the exemplary cohabitation of its ethnic communities, above all in comparison with recent events in the Balkans. However, my own observations in the field and my discussions with civil society representatives and members of parliament show that much remains to be done regarding protection of minorities. From a purely legal standpoint, Bulgaria has signed and ratified a significant number of international instruments on protection of minority rights, but, when it comes to applying these at national level, a genuine government strategy is lacking. Some non-governmental organisations talk of "aggressive nationalism and xenophobia". All consider that the treatment of the Roma/Gypsy community is again becoming a prime concern.

I discussed these matters with the Speaker of the National Assembly and subsequently with eight members of the parliamentary Committee on Human Rights of different political persuasions. One committee member pointed out that parliament had not yet been able to focus on certain themes of national importance and had put to one side the examination and passing of important pieces of legislation, such as the laws on equal opportunities, on combating discrimination and on the Ombudsman institution. Another committee member said that certain problems must be debated and solved at national level, while acknowledging that the Roma/Gypsy minority issue was still not dealt with in an appropriate manner, since the police did not treat this minority as it should.

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<sup>6</sup> The programme is entitled "Guarantees for the Protection of Human Rights by Law Enforcement Authorities in the Republic of Bulgaria".

Another committee member considered that progress had been made on the minorities question in recent years. He thought the current situation differed considerably from that of five years ago. He also mentioned the fact that, although they were better integrated into society, Bulgarians of Turkish origin were under-represented in the civil service. He would like to see events highlighting cultural diversity held more often. Another member said that the country's difficulties were delaying certain reforms, but these were nonetheless in the pipeline and, with a modern legal framework, implementation would be easier.

Lastly, all the members concurred that it was important to do everything possible to improve living conditions and legislation to combat racial discrimination.

### **3.2 The specific case of the Roma/Gypsy community**

In any study of the situation of minorities in Bulgaria, respect for the rights of the Roma/Gypsy minority is unquestionably a prime consideration<sup>7</sup>. I had a meeting with representatives of this community at the primary and secondary (vocational and technical) school "Todor Kablechkov", which is located in the "Faculteta" neighbourhood, part of the "Krasna polian" district of Sofia.

#### **a. The material situation of the Roma/Gypsy community**

I thank the Roma/Gypsy community for the time they spent showing me round this neighbourhood, which is apparently one of the least badly off in Bulgaria, and introducing me to its inhabitants. I also thank them for organising a meeting with municipal and NGO representatives and the head of the school. What did I see on my visit of Faculteta? This neighbourhood, which has a population of about 12,700, is utterly deprived. It has no drinking-water nor electricity supply, no sewer system and no health services. Living conditions are very harsh. Most of the dwellings are built of sheets of cardboard, pieces of wood and plastic sheeting, whereas on the day of my visit the temperature was -3 centigrade. Unemployment stands at 80%, a rate which the Bulgarian authorities ascribe to the fact that members of the Roma/Gypsy community lack qualifications, a situation which has lasted for generations. There is hence a need for schemes to assist this community to gain access to the labour market and to combat all possible forms of discrimination in employment matters.

The school, which has 1,200 pupils, stands in the centre of the neighbourhood and provides an education from primary to technical/vocational secondary level. The school is naturally no exception and also encounters serious economic and structural difficulties. It is not self-administering from a financial standpoint. For example, it cannot manage its own budget for lack of a bank account. The municipality currently takes charge of financial management, which poses problems since the community's needs and municipal policy do not always coincide. On the day of my visit, the school had received 700 snacks (for 1,200 pupils) from a foundation which has since ceased to exist due to shortage of funds. It must not be forgotten that, in the vast

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<sup>7</sup> See, in particular, the Open Society Institute, "Monitoring the EU accession process: minority protection 2001", EU Accession Monitoring Programme, p. 76 onwards, and "On the Margins, Roma and Public Services in Romania, Bulgaria and Macedonia".

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majority of cases, this is the child's only meal of the day. With regard to material conditions, the headmaster informed me of the difficulties he had encountered in having work done on eight classrooms, which were in a very poor state of repair, and on the 25 other classrooms to prevent their condition from deteriorating.

On the issue of access to education, it has been noted that the schooling available for Roma/Gypsy children is of poorer quality, primarily because the government apparently spends less on the schools concerned. This means that young Roma/Gypsies have problems in finding places in higher education on leaving technical school. For this reason it is necessary to combat the tendency to set up segregated schools for children from minority, immigrant or refugee backgrounds, since that leads to exclusion, as in the case of the young Roma. This situation facilitates the emergence of *de facto* educational ghettos, resulting in unacceptable discrimination. It is therefore absolutely essential to pursue an integrationist educational policy, where all children receive the same education and are entitled to attend the same schools, whether they are Bulgarian, of Bulgarian origin or of foreign origin. This should be the case even where it proves necessary to provide extra remedial teachers for children with special schooling needs, so as to ensure equality of opportunity. The government has drawn attention to the initiatives taken by the Ministry of Education with certain NGOs to end segregation in Bulgaria's schools.

I met a number of Roma/Gypsy representatives who were very energetic and committed to reform despite the unfavourable circumstances. They do everything they can to keep children in school, which is no easy task as the level of parental unemployment means that many children, some of whom are very intelligent, have to leave school in order to earn their daily bread. Attempts are also made to motivate parents to assume their responsibilities and to encourage teachers originating from the community to remain there, despite the poor quality of life, and use their skills for the general good.

Lastly, following my visit the headmaster sent me copies of letters he had written to the authorities, requesting assistance in carrying out urgent repair work in the school. I was also informed of the government's reply, in which it stated that it was ready to come to the school's assistance depending on its possibilities. It might be advisable to apply for a loan from the Council of Europe Development Bank for this purpose, as a way of solving the problem of building and maintaining schools throughout Bulgaria.

#### **b. Framework programme for integrating Roma/Gypsies into Bulgarian society**

I mention this framework programme<sup>8</sup> because in the course of my many discussions on the situation of the Roma/Gypsy community in Bulgaria I realised that everyone agreed that what was lacking was a "legal framework", "a real project", "a true strategy", "genuine will", "consultation", and so on, and yet I had been informed that

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<sup>8</sup> See "The Bulgarian framework programme for equal integration of Roma: participation in the policy-making process", Rumyan Russinov, in "Roma rights", nos. 2 and 3, 2001, p. 50 onwards, European Roma Rights Center, Budapest, Hungary

on 7 April 1999 the representatives of the Roma/Gypsy community and the Bulgarian government had signed the "Bulgarian Framework Programme for Equal Integration of Roma: participation in the policy-making process", an agreement which had been approved by over seventy Roma/Gypsy organisations throughout Bulgaria, the then Chair of the Governmental National Council for Ethnic and Demographic Issues and the Deputy Prime Minister. The Council of Ministers (cabinet) adopted this framework programme on 22 April 2001. It constitutes one of the greatest achievements of the Bulgarian Roma/Gypsy community and could serve as an example for other countries in Europe.

The truth of the matter is that, although the framework programme is the result of a formal agreement with the government and answers the expectations of both the Roma/Gypsy community and the authorities, it has so far come to nothing. The authorities, including the Deputy Prime Minister, Ms Lydia Shouleva, have pleaded a lack of resources and of support from donor countries and international organisations. I nonetheless think that what is really lacking is the political will, and this was confirmed by the members of the Committee on Human Rights of the National Assembly. Parliament should begin by passing laws on combating racial discrimination, on equal opportunities and on the Ombudsman institution, so as to create a situation conducive to the implementation of this framework programme.

#### **4. Religious freedom**

The Bulgarian Constitution guarantees freedom of religion, but describes "Eastern Orthodox Christianity" as the country's "traditional religion". The government consequently gives financial support to the Eastern Orthodox Church and also to a number of other religious communities regarded as having a historically important place in society - the Muslim community, the Roman Catholic community and the Jewish community. The Chief Mufti of Bulgaria, Mr Selim Mumum Mehmed, informed me that there were 1,200,000 Muslims in the country, who practised their religion in a normal way.

Representatives of civil society and of minority religions have stated that the government in practice restricts the exercise of religious freedom by refusing to register certain religious groups and banning non-registered groups from holding public religious services<sup>9</sup>. The question of the restitution of church property has also been raised<sup>10</sup>. It must not be forgotten that during the Communist era the state confiscated a large part of such property and only about 20% has been returned so far. In July 2001 some forty religious leaders called on the government to find a solution to this problem as quickly as possible.

All these problems were confirmed at the meeting which the Directorate of Religious Denominations organised for me with about twenty religious leaders in Sofia. At the same time, it was apparent that relations between the state and the different religious communities have been improving for some time now. For instance, during the debate on the new Denominations Act, some majority religious groups, which had

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<sup>9</sup> Report by the United States Department of State, October 2001

<sup>10</sup> "Religious freedom and Church-State relations", report by the Bulgarian Helsinki Committee, October 1999

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initially been refused the right to participate, were in the end allowed to give their opinion on the draft text before the bill was passed. The government therefore revised its position and broadened the debate, and the religious communities see this as a sign of significant progress in their relationship with the state. In general, the various communities concerned have noted an improvement but are waiting for answers to tangible problems, such as allowing Islamic education in schools for those pupils who so wish, the restitution of church property and licensing of religious broadcasts on radio and television. My correspondents unanimously agreed that the Directorate of Religious Denominations had in recent months succeeded in establishing a basis for discussion and that the Denominations Act would further improve matters.

## **5. The rights of the mentally ill**

This issue<sup>11</sup>, which the CPT already addressed when it visited Bulgaria in 1999, was raised anew during my discussions with civil society representatives. I therefore decided forthwith to visit an institution for mentally ill male adults (aged 18 or over) in Podgumer near Sofia, where 129 people are confined<sup>12</sup>.

I thank Dr Lulchev, the Director of this institution, and his team for the time they spent explaining the general situation to me, arranging for me to meet patients and showing me round the facilities. Although my visit had been announced only the day before, I noted that the premises were very clean and meals for the day were ready in the kitchen. However, despite all the efforts by staff and patients to show the institution in its best light, there is no denying that living conditions there are dreadful. The state of the installations is more than run-down, the rooms are overcrowded, and there is a glaring shortage of sanitary facilities, medication, staff, treatment possibilities, leisure activities and, increasingly, food. In brief, they lack for everything. After such a short visit, I am unable to say whether these people are suffering "inhuman treatment" within the meaning of Article 3 of the Convention. Nor can I assert that they are not. However, it is clear that their living conditions and sufferings are unimaginable. It should not be forgotten that these people have nowhere elsewhere to go, that they have no other alternative than this institution.

At a short distance from these dilapidated facilities stands another building, which, according to the Director, was constructed two years ago by the government in order to transfer all the patients there. I also visited this building. However, the transfer has not been possible so far because of a lack of equipment and supplies for the patients' rooms, the kitchens, the sanitary facilities, and so on. A further investment of about € 300,000 is needed to make this new building operational. I had an opportunity to discuss this situation, among others, with Mr Gueorgui Parvanov, President of the Republic. I hope that the necessary funding has been found in the meantime. If not, I appeal to the authorities and foreign donors to seek a solution, as part of the scheduled investments in improving Bulgaria's health and welfare system, so that these people can be transferred as soon as possible. I am thinking, in particular, of the Council of Europe Development Bank, from which the government might seek a loan in order to

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<sup>11</sup> See report CPT/Inf (2002) 1 and the report by the Bulgarian Helsinki Committee ([www.bghelsinki.org](http://www.bghelsinki.org)).

<sup>12</sup> I thank the Bulgarian Helsinki Committee for the reports it sent me concerning the situation in Podgumer following the visits it made in November 2001 and on 25 January 2002 (report of 31 January).

find a global solution for all the institutions where people with mental problems are living under similar conditions.

I also know that Bulgaria recently launched a drive to improve the living conditions of the mentally ill and enforce respect for their rights<sup>13</sup>. From what I saw in Podgumer alone the situation is calamitous and, in my opinion, requires urgent action. I am aware of the great economic difficulties confronting the entire country, but I hope that the spirit of solidarity - national and international - will nonetheless prevail, so that the mentally ill in Bulgaria can be given decent living conditions.

## **6. The situation of refugees**

I discussed this subject with members of the government and NGO representatives, and I visited a hostel for refugees in the vicinity of Sofia. This gave me a better idea of the current situation and of the work being done by the National Agency for Refugees and the office of the United Nations High Commissioner for Refugees (HCR)<sup>14</sup>.

The main problems raised concerned the procedures at refugees' disposal, in particular the alleged bias of the judicial authorities, who are said to give files only cursory examination; accommodation<sup>15</sup>; and access to registration points. There also appears to be a lack of coordination between the National Agency for Refugees and the national headquarters of the border police. On the other hand, cooperation between the agency, the HCR and NGOs has brought results which all my correspondents hailed. Moreover, thanks to this cooperation, refugees' living conditions are constantly improving.

I thank Mr Boyko Antonov, the head of the National Agency for Refugees, and his team for all the information provided, which enabled me to understand the current situation in Bulgaria in this field. I noted, first and foremost, that the agency has a real idea of what it wants to achieve and of how to attain its objectives. The staff are also highly competent and dynamic. It merely remains for me to voice the hope that solutions will be found in the near future so that: the expedited procedure introduced can be brought more into line with generally recognised standards and with respect for refugees' rights; hostels are built where they are needed (primarily in border areas); the right to a fair hearing (with the assistance of an interpreter for those who do not speak Bulgarian) is guaranteed throughout the procedure, and it is ensured that asylum seekers understand what is happening; the state does not make do with legislating but focuses on tangible, effective application of the legislation passed. Above all - and this is very important - I trust that, in adopting the EU *acquis*, Bulgaria will not take up the practice of expulsion "at the arrival gate" (adopted by a growing number of states in the Schengen area). On this subject, I wish to refer to my recommendation of 19 September 2001, in which I called on member states to respect the fundamental rights of all persons arriving at their borders. Lastly, the National Agency for Refugees should have representatives in the airports and be involved in the procedure

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<sup>13</sup> Bulgarian Helsinki Committee

<sup>14</sup> Summary brief on UNHCR in Bulgaria, 2001. Also see Luise Druke, UNHCR representative in Bulgaria: [www.unhcr.bg](http://www.unhcr.bg)

<sup>15</sup> See the report "Internal expert meeting on housing for refugees in Bulgaria" (Sofia, 8-9 May 2001), on the seminar organised by the Council of Europe and the Bulgarian Agency for Refugees.

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applicable to persons (with or without papers) claiming refugee status on entering Bulgaria.

### **III. The Ombudsman institution**

The existing mechanisms to protect individuals against malfunctioning of the administration do not always work fast enough or in an effective, appropriate manner to counter abuses of power, instances of corruption and breaches of fundamental rights. It was in 1998 that the Center for the Study of Democracy (CSD) launched an initiative to introduce the Ombudsman institution in Bulgaria. To that end, it appointed a group of experts to investigate and study the functioning of this institution in other countries, in particular the new democracies, with a view to preparing a draft law.

In 1999 and 2000 a significant number of meetings were held with members of the parliamentary Committee on Human Rights, Ombudsmen from Sweden, Spain and Greece and Canadian experts, who issued observations and recommendations concerning the draft law. In November 2000 this draft was brought before parliament by members of the Union of Democratic Forces group. In December 2000 another bill was tabled, this time by two MPs from the Democratic Left alliance. Unfortunately, parliament was unable to pass the legislation before the elections of June 2001. In the meantime the CSD continued its work and amended its initial draft, which it submitted to the new parliament on 20 August 2001. This latest version is more specifically based on the Scandinavian model, and also those of other European countries, while taking account of Bulgarian particularities. The draft text has been presented to Mr Jacob Soederman, the European Mediator. The two bills are again before the new parliament and have been discussed in committee, but neither has been passed. Lastly, the members of the Bulgarian delegation to the Parliamentary Assembly of the Council of Europe sought an opinion from the Venice Commission. The comments made by the Commission's two rapporteurs<sup>16</sup> have been forwarded to the Bulgarian authorities.

The NGOs and the members of the parliamentary Committee on Human Rights are highly critical of the turn taken by the legislative process in the case of the Ombudsman bills. They believe that there is no real political will to pass the legislation (or, moreover, other laws, such as that against discrimination). While preparing this report, I learned that in the course of the parliamentary debate a third bill on the Ombudsman institution had been tabled by members of the Simeon II National Movement<sup>17</sup>, and would be discussed for the first time on 1 and 2 February 2002 by the parliamentary committee dealing with civil society issues.

After nearly four years of discussions and to and for, I think the competent authorities must now finalise the preliminary studies and move on to the stage of actually passing legislation introducing the Ombudsman institution in Bulgaria. I call on parliament to surmount the obstacle of the political origin of the texts and to adopt, at long last, a law consistent with the standards of the Ombudsman institution.

### **IV. Other matters of national interest**

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<sup>16</sup> Ms Serra Lopes and Mr Christopoulos

<sup>17</sup> Dr Maria Yordanova, Head of the Law Program, Center for the Study of Democracy, Sofia, Bulgaria

In the course of the visit civil society representatives, trade unionists or mere members of the public drew my attention to many other very interesting issues. Unfortunately, I did not have sufficient time to broach these matters with the relevant authorities.

Trafficking in human beings is one such subject, and Bulgaria is apparently a country both of origin and of transit. I was told that corruption is still widespread in public affairs and affects a wide variety of fields such as politics, the media, the justice system and business circles. Racial and sex discrimination and discrimination against homosexuals are very much live issues and cause considerable public concern. The difficulties of providing decent retirement pensions and combating unemployment are frequently raised. There would appear to be serious problems of freedom of the press, as regards appointments to state supervisory bodies. Lastly, the situation of Bulgarians of Macedonian origin should be more closely examined.

## **V. Recommendations**

Despite a very difficult economic situation, the Republic of Bulgaria must make additional efforts to:

1. Continue reform of the justice system and the police so as to, firstly, enhance the rule of law and certainty in legal matters and, secondly, ensure the presence of counsel throughout criminal proceedings and during police custody.
- 2.. Implement the Framework Programme for Equal Integration of Roma and introduce a coordinated policy in respect of all minorities.
3. Pass the law on the Ombudsman institution, the law combating racial discrimination and the law on equal opportunities.
4. Improve living conditions in institutions for the mentally ill, in general, and that in Podgumer, in particular. The same applies to the building and rehabilitation of schools, especially the Roma/Gypsy school in the Faculteta neighbourhood. Should financial resources be inadequate, an approach could be made to the Council of Europe Development Bank to obtain loans with a view to solving these problems. It must not be overlooked that social rights, including the rights to health and to an education, are also human rights.
5. Reform criminal law as soon as possible so that prosecutors cannot decide alone to confine persons suffering from mental problems to an institution, even as a provisional measure lasting only three months. Similarly, trafficking in human beings must be made an offence under the Criminal Code.
6. Award media licences to national and religious minorities fulfilling the relevant conditions.
7. Ensure the presence in airports of representatives of the National Agency for Refugees, as a body competent to assess the legitimacy of requests for asylum lodged by refugees.

**A N N E X E**

**PROGRAMME**

**Sunday, 16 December**

Mr. V. Yotov            Ministry of Foreign Affairs  
 Ms. R. Roumiana      Interpreter

**13h50**            Arrival at Sofia airport, Protocol

**17h30**            Meeting with Non-governmental Organisations (NGOs), International Organisations (IGOs) and other agencies (human rights related issues : women's rights, the protection of children, the fight against trafficking in human beings, the protection of minorities – Turks, Roma/Gypsies -, etc.)

**20h00**            **Private dinner**

**Monday, 17 December**

Mr. V. Yotov            Ministry of Foreign Affairs  
 Ms. R. Roumiana      Interpreter

**09.00**            Minister of Foreign Affairs, Mr. Solomon Passy, with the director of the Human Rights directorate of the Ministry of Foreign Affairs

Press Conference

**12.10**            Deputy Minister of the Interior, Mr. Boyko Kotzev, Ministry of the Interior

Press Conference

**13.00**            President of the Republic, Mr. Petar Stoyanov

**13.30**            Lunch hosted by Mr. Assen Agov, Vice-President of the National Assembly, Kempinski Hotel Zografski, restaurant « Panorama »

**15.00**            President of the Bulgarian National Assembly, Prof. Ognian Gerdjikov, National Assembly

**15.20**            Members of the Parliamentary Commission for Human Rights and Religions, National Assembly

Press Conference

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- 16.20** Members of the Parliamentary Commission for the Media, National Assembly
- 17.10** Vice-President of the Committee of Ministers and Minister of Labour and Social Affairs, Ms. Lydia Chouleva, Ministry of Labour and Social Affairs
- 19.00** Prime Minister of the Republic of Bulgaria, Mr. Siméon de Saxe-Cobourg Gotha, Council of Ministers
- Press Conference
- 21.30** Live television interview

### **Tuesday 18 December**

Mr. V. Yotov            Ministry of Foreign Affairs  
 Ms. R. Roumiana      Interpreter

- 08.30** Live interview on national radio
- 09.00** Departure for Podgumer, institution for the mentally ill.
- 14.00** Private Lunch
- 16.00** President of the Constitutional Court of the Republic of Bulgaria, Mr. Hristo Danov, Council of Ministers
- 17.30** Public conference, Mr. Alvaro Gil-Robles, Atlantic Club, Sofia
- 19.30** Dinner hosted by Mr. Solomon Passy, Minister of Foreign Affairs

### **Wednesday 19 December**

Mr. V. Yotov            Ministry of Foreign Affairs  
 Ms. R. Roumiana      Interpreter

- 9.00** Meeting with religious leaders, Council of Ministers

- 10.15** Roma/Gypsie community visit, Faculteta, Sofia
- 13.30** Meeting with Mr. Gueorgui Parvanov, newly elected President of the Republic of Bulgaria, 1, Batenberg Square
- 15.00** Departure for Sofia airport, Protocol