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2022 Country Report on Human Rights Practices: Bulgaria

EXECUTIVE SUMMARY

Bulgaria is a constitutional republic governed by a freely elected unicameral National Assembly. A coalition government headed by a prime minister led the country for seven months; a caretaker government, appointed by the president, led the country for the rest of the year. National Assembly elections were held on October 2, and the Central Election Commission reported no major irregularities. International and local observers considered the elections to be generally free and fair but noted some deficiencies.

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Annual report on
human rights in 2022

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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 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. There were reports that members of the security forces committed some abuses.

Significant human rights issues included credible reports of: cruel or degrading treatment by authorities, including of detainees, migrants, and displaced and institutionalized children; arbitrary arrest; serious problems with the independence of the judiciary; serious government corruption; crimes involving violence or threats of violence targeting members of the Roma community; and crimes involving violence or threats of violence targeting lesbian, gay, bisexual, transgender, queer, and intersex persons.

Authorities took steps to identify, investigate, 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.

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

The constitution and law prohibit such practices, but there were credible reports of government officials employing violent and degrading treatment against detainees in government custody.

In January the nongovernmental organization (NGO) Bulgarian Helsinki Committee (BHC) released a survey of prison inmates that asserted 27 percent suffered abuse during detention and noted 24 percent complained of being subjected to physical violence while in a police precinct. The survey noted the alleged purpose of the violence was often to extract information, obtain a confession, or punish the detainee for a suspected crime.

In July police in Berkovitsa detained a man, age 42, for drug possession, who allegedly also attacked a police officer. Following his arrest, the man was hospitalized with wounds on his head and lung hemorrhages, which police in the Bulgarian town of Montana claimed in a July 7 report he caused by “falling several times on a table” while in police custody. The Ministry of Interior reported it was conducting an inquiry into the incident as of August. In April Sofia regional prosecutor Ivan Ivanov terminated the investigation against four police officers filmed on a security camera allegedly beating Evgeni Marchev, a student who participated in the 2020 antigovernment protests, arguing that the officers were impossible to identify.

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, allegations of prison staff corruption, and inadequate sanitary, living, and medical conditions.

Abusive Physical Conditions: In March the national ombudsman's annual report noted persistent problems with underfunding and lack of medical personnel in all inspected government operated detention facilities. The ombudsman reported a continuing problem with cockroach and bedbug infestations in all correctional facilities. In Plovdiv prison and its lighter security branches Smolyan and Hebros, dampness, mold, poor access to natural light, lack of ventilation, and unhygienic mattresses were particularly notable problems. In a meeting with the Ministry of Justice in March the BHC reported in its January report very poor conditions in the detention centers in Svilengrad, Haskovo, Kardzhali, and Veliko Tarnovo, as well as in the prisons in Plovdiv and Kremikovtsi, including overcrowding, poor access to fresh air and natural light, and inadequate exercise areas. The NGO criticized the administration of Sofia prison for keeping a renovated and refurbished wing empty for more than a year while holding remanded prisoners, newly arrived and transferred inmates in dilapidated, musty cells. According to the organization, detention centers were largely inaccessible for persons with impaired mobility.

In September the BHC released a report that identified a shortage of qualified medical personnel, bad practices, scarce or damaged equipment, and severe physical conditions in prison medical facilities resulting from "years of administrative, financial, methodological, and information isolation of penitentiary healthcare from the civilian health system." According to the BHC, prisoners were unable to access their right to health insurance, to which they are entitled from the time of their detention, due to the lack of a contract between prison hospitals and the National Health Insurance Fund.

The Council of Europe's Committee for the Prevention of Torture (CPT) identified in its report 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 report expressed 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. The ombudsman noted state psychiatric facilities were significantly underfunded and lacked quality medical personnel, resulting in poor conditions, which threatened the safety and lives of patients deprived of their liberty.

The ombudsman observed generally good conditions in the crisis and temporary reception centers for Ukrainian refugees. According to the BHC, however, refugee reception centers, except for Vrazhdebna and two safety zones designated for unaccompanied children to receive care, did not provide basic conditions for personal and general hygiene. 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.

Administration: Authorities investigated credible allegations of mistreatment. The ombudsman identified a lack of timely and accurate registration of cases of physical mistreatment. According to the BHC, prisoners were not able to ascertain whether their reports of mistreatment were recorded in the violent incident logs, which the NGO claimed was the reason why only inter-prisoner violence was registered. NGOs continued to raise concerns 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.

In October the CPT reported on its 2021 visit, expressing concern about the "lack of safeguards against ill-treatment of persons in police custody,

inter-prisoner violence, infestation of prisons with cockroaches and bedbugs, inadequate regime for remand and life-sentenced prisoners, poor prison health-care services, and prison staff corruption.”

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.

Improvements: During the year, the government built a new detention facility in Blagoevgrad and repurposed a production workshop at Pazardjik prison, converting it to a training center for the social inclusion and support of released prisoners.

d. Arbitrary Arrest or Detention

Although the constitution and law prohibit arbitrary arrest and detention, there were occasional 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 requires a suspect be brought promptly before a judicial officer and charged with a crime, and those rights were respected. 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 February the Constitutional Court rejected the Supreme Administrative Court's request to repeal 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.

Arbitrary Arrest: There were occasional reports of arbitrary detention. On March 1, the ombudsman protested the 24-hour detention in Sofia's first police precinct of a 10th grade student over graffiti drawn on a monument, insisting that the measure was disproportionate to the deed. According to the ombudsman, the student was illegally deprived of access to legal counsel – despite signing a declaration relinquishing his right to a lawyer – since legal counsel for minors is mandatory. On March 3, the leadership of the Ministry of Interior fired the precinct chief and ordered additional training of all uniform police working with underage persons.

In August the Sofia administrative court confirmed the Sofia regional court's decision that former Prime Minister Boyko Borissov, former

Finance Minister Vladislav Goranov, and public relations advisor Sevdalina Arnaudova had been arrested illegally. In April the Sofia regional court ruled that authorities had failed to collect “a single good piece of evidence of the accused’s complicity in the alleged crime.” On March 17, police arrested the three as part of an extortion investigation but released them after 24 hours without pressing charges.

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 affecting judicial independence and impartiality. 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 13, magistrates’ independence was at risk due to “absence of regular competition for the promotion of magistrates, combined with an extensive use of secondments.” According to the report, the percentage of respondents to a survey of the business community in the country who perceived the level of judicial independence to be “fairly or very good” decreased to 28 percent in the year, from 43 percent in 2021. 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 the magistracy.

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.

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).

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 January the National Bureau for Control of Specialized Investigative Techniques reported that at least seven individuals were targets of illegal wiretapping in 2021. In April the National Assembly rejected the bureau's 2020 annual report, which did not identify any illegal wiretapping, arguing that it legitimized illegal intrusion on citizens' privacy.

On August 31, the Plovdiv district court convicted an online media outlet from Plovdiv for publishing photographs of a rape victim's injuries, which the victim had attached to her report to the police. According to the BHC, which represented the victim in court, the Ministry of Interior refused to open an internal investigation on how photographs sent to the police

ended up in media possession, and the prosecution service repeatedly refused to open a case against the police.

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 March Amnesty International stated in its *Report on the State of the World's Human Rights* that “media freedom continued to deteriorate, and journalists and independent media outlets who investigated crime and corruption faced frequent threats and smear campaigns, including by public officials.” Reporters without Borders (known by its French acronym, RSF) stated in its *2022 World Press Freedom Index* that the editorial independence of public media suffered from the appointment of politically affiliated members of the electronic media regulator, while private media were influenced by their owners’ “interests in regulated sectors.” According to RSF, media were “almost entirely dependent on income from advertising,” while national and EU funds that were provided to support the media were allocated in a nontransparent manner.

In July the Center for Media Pluralism and Media Freedom issued a report that identified significant risks to media pluralism, including a high level of political and economic influence on the media market combined with high levels of media ownership concentration. The report also listed “growing concerns” regarding the state of public media independence, insufficient editorial autonomy in all types of media as well as persistent problems

with independence and sustainability for local and regional media and problematic access to media for members of racial and ethnic minority groups, women, and persons with disabilities.

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. Laws restricting "hate speech" also applied to print media.

Violence and Harassment: In the *2022 World Press Freedom Index*, RSF criticized authorities for their reluctance to investigate threats and physical assaults against journalists, which the organization considered a persistent problem especially for journalists working outside the capital.

At year's end, the trial against Biser Mitrev and brothers Georgi and Nikola Asenov for allegedly attacking and severely beating prominent investigative journalist and chief editor of the *168 Chasa* weekly, Slavi Angelov, in 2020 was ongoing.

According to RSF, "independent media and investigative journalists are regularly victims of abusive procedures or strategic lawsuits against public participation (SLAPPs)." On March 15, ultranationalist Ataka Party leader Volen Siderov and a crew from the party's television channel *Alfa* stormed the offices of *Nova TV*, accusing *Nova* of being "crooks and liars" as well as being biased against Ataka. On March 17, the Council for Electronic Media and the Union of Bulgarian Journalists condemned in a public statement Siderov's actions as political intervention in the editorial policies of an independent media outlet.

Independent media outlets were subject to open attacks from politicians at all levels and to administrative and judicial pressure. In January

journalists Veliana Hristova, Velislava Dareva, and Georgi Georgiev announced on social media that left-leaning *Duma* newspaper, the former official organ of the Bulgarian Socialist Party (BSP), had fired them due to their public protest against alleged BSP pressure on the paper's editorial policy and their criticism of BSP's leader. Following an outpouring of support by other journalists and four of BSP's five members of the European Parliament, the BSP released a January 13 statement denying that the journalists had been fired and asserting they had been employed on fixed-term contracts which had expired. The statement noted that the paper remained free to publish material written by the three journalists.

In a September 16 statement, the Association of European Journalists protested alleged pressure from the government on *bTV* journalist Maria Tsantsarova to reveal sources used in her journalistic work. Earlier in the year, Tsantsarova disclosed publicly that some members of the ultranationalist political party Vazrazhdane were vaccinated against COVID-19 even though their party conducted an antivaccination campaign. According to the association's complaint, police called in Tsantsarova for questioning and demanded she reveal her sources, the prosecution service opened pretrial proceedings against her, and the Personal Data Protection Commission initiated privacy proceedings against her. The association also expressed concerns concerning alleged linkages between Vazrazhdane and the prosecution service following an admission by a high-ranking member of the service that his office was using key parliamentarians to introduce legislative initiatives to the National Assembly on its behalf.

Censorship or Content Restrictions for Members of the Press and Other Media, Including Online Media: 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. According to a survey by the Association of European Journalists released in October, one in 10 journalists was threatened with

a lawsuit because of their work and one in four journalists exercised self-censorship. In October the RSF noted, “intimidation from politicians as well as administrative and judicial pressure against publishers and journalists” were common.

The Center for Media Pluralism and Media Freedom identified “regulatory gaps, lack of sector-specific rules to prevent a high-degree of concentration, lack of sustainable funding opportunities, and lack of safeguards against commercial and owner influence over editorial independence.” Despite the legal requirement for media ownership disclosure, many outlets did not comply, and media ownership information was not entirely publicly available.

Libel/Slander Laws: Defamation, including libel and slander, is a criminal offense punishable by a fine and public censure. The law provides for a higher fine for libel against public officials and public figures than for libel against other individuals. According to a study compiled by Zhana Popova and Snezhana Popova, in a series of interviews with journalists taken to court for libel and publicly released in April, most noted such lawsuits are a form of harassment, pressure, and intimidation against journalistic work and are usually filed by politicians and public officials.

In July the Sofia appellate court confirmed a lower court’s decision that former member of parliament Valeri Simeonov had slandered television anchors Venelin Petkov and Anton Hekimyan when he suggested they were corrupt in a 2020 television interview and ordered him to pay 8,000 leva (\$4,367) each.

On November 29, the Sofia appellate court convicted online news site *Mediapool.bg* and its staff writer Boris Mitov to pay former Sofia city court chair Svetlin Mihaylov 4,000 leva (\$2,184) for defamation. The appellate court revoked the lower Sofia city court’s 2021 decision granting Mihaylov a 60,000 lev (\$21,755) claim against the journalist and the media over four

articles alleging corruption and unexplained wealth by Mihaylov, who was running for a second term as court chair in 2018, and ordered Mihaylov to cover the media's defense and court fee expenses amounting to 4,720 leva (\$2,577). In January the Association of European Journalists commented on the Sofia city court decision as an example of a SLAPP, noting the court's ruling and the large fine approved by the court severely affected the ability of the journalist and the media outlet to work. As of the end of the year, the case was on appeal at the Supreme Cassation Court.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports that the government monitored private online communications without appropriate legal authority.

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

The law provides for freedom of peaceful assembly and the government generally respected the right.

The BHC criticized police for failing to intervene when activists of the ultranationalist Vazrazhdane Party allegedly attacked participants in a May 4 pro-Ukraine demonstration in Sofia by throwing bottles and other objects at the participants, and eventually provoking physical violence between the two groups. According to the BHC, police allegedly pushed aside the pro-Ukraine participants in the demonstration, which had been officially coordinated with the local government, but did not remove activists from the Vazrazhdane Party. The BHC called for disciplinary

action against the involved police officials and prosecution of the alleged perpetrators of violence. The Ministry of Interior responded in August, saying police had acted accordingly despite the lack of coordination and poor communication on behalf of the event organizers.

Freedom of Association

The law provides for the right to freedom of association and the government generally respected it. Authorities continued to deny registration of ethnic-Macedonian activist groups such as the United Macedonian Organization-Ilinden, United Macedonian Organization-Ilinden Blagoevgrad, and the Society of Oppressed Macedonians-Victims of Communist Terror, despite numerous prior decisions by the ECHR that the denials violated the groups' freedom of association. In June the Blagoevgrad district court confirmed the Registration Agency's decision denying registration of the United Macedonian Organization-Ilinden Blagoevgrad on the grounds that the group's goals, including official recognition of a Macedonian minority, would threaten the national security of the country, and stated that while "the right of association is a fundamental human right, it ceases to be such when it undermines public order." The groups complained that instead of providing instructions on how to correct the faults in their applications, authorities treated them as irreparable, interpreting the law through an ideological lens that made it impossible to register an organization that focused its activity on ethnic Macedonians.

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. Protection of Refugees

The government cooperated with the Office of the UN High Commissioner for Refugees (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 established a system for providing protection to 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's annual report on international protection proceedings released in June criticized authorities for refusing registration to asylum seekers who showed up at refugee reception centers or applied for international protection outside the State Agency for Refugees' working hours, instead calling police to detain them.

Refoulement: Organizations noted several instances when authorities pushed back would-be migrants and asylum seekers (see Abuse of Migrants and Refugees).

Abuse of Migrants and Refugees: An international media consortium, including *Lighthouse Reports*, *Radio Free Europe*, *Sky News*, *ARD Monitor*, *Domani*, *Schweizer Radio und Fernsehen*, *Le Monde*, and *Der Spiegel*, published investigative reports on December 6 and 8, alleging border police shot and seriously wounded a Syrian migrant before he crossed the border from Turkey and that border police kept migrants detained at the border with Turkey in unofficial holding cells in degrading conditions before deporting them in military trucks.

UNHCR reported increased cases of “pushback” violence, robbery, and humiliating practices against migrants and asylum seekers along the border with Turkey. As of December 12, the Ministry of Interior reported 162,340 attempts to enter the country irregularly across the border during which border authorities detained 4,585 persons. In May Human Rights Watch accused authorities of “beating, robbing, stripping, and using police dogs to attack Afghan and other asylum seekers and migrants, then pushing them back to Turkey without any formal interview or asylum procedure.” In June the NGO Mission Wings reported receiving at least 150 reports of pushbacks during meetings with migrants in Turkey in May. The BHC noted 1,681 cases involving 23,742 persons whose rights were allegedly violated in the border area in the first half of the year.

According to reports by Caritas Sofia and the BHC, authorities forced an underage Afghan citizen with humanitarian status out of the country three times on April 27-28, after police allegedly confiscated and destroyed his identity card, abused him physically, and stripped him of his clothes, money, and mobile phone. The Afghan citizen had reportedly been accepted into the country under the relocation program from Greece and had signed an integration agreement with the Ovcha Kupel District in Sofia. He was reportedly trying to help his asylum-seeking younger brother, who had crossed the border from Turkey, reach a refugee reception center.

In a separate case, the Voice in Bulgaria Legal Aid Center noted that on multiple occasions in January and February border police allegedly beat and robbed an Afghan lawyer of his money, food, and clothes, ignoring his claim for asylum and pushing him back to Turkey where he was reportedly forced to wander barefoot in the snow for four hours to the nearest settlement. The Legal Aid Center reported the case to the Ministry of Interior and the prosecution service but received a response crediting border police reports asserting that all foreign nationals typically go back

across the border themselves after seeing border patrol and noting that the NGO's report indicated that the foreign national had committed a crime by crossing the border illegally.

On October 11, Harmanli Municipal Councilor Nikolay Georgiev announced that a vigilante patrol would watch for public violations by refugees from the local reception center, alleging an increased crime rate in the city and asserting that migrants harassed local women. NGOs alleged that vigilantes photographed refugees as evidence of unfounded wrongdoing and made attempts to forcefully send asylum seekers back across the border to Turkey.

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: Banks often 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. In March and June, the government introduced, and the National Assembly approved, legal packages facilitating access to health services and the labor market for Ukrainian refugees.

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 September, authorities had approved the relocation of two unaccompanied refugee

children from Greece as part of the country's commitment to accept 70 unaccompanied children. Since 2020, the country has accepted 28 such 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. As of mid-December, 148,211 Ukrainians had received temporary protection, according to UNHCR. The government also provides humanitarian protection to individuals who may not qualify as refugees, doing so for 3,810 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 National Assembly elections on October 2. A Parliamentary Assembly of the Council of Europe (PACE) observer delegation and the Organization for Security and Cooperation in Europe (OSCE) Office for Democratic Institutions and Human Rights (ODIHR) described the elections as competitive and respecting fundamental freedoms but noted that "allegations of vote buying and pressure on voters negatively affected parts of the process." The caretaker government took measures to prevent vote buying.

ODIHR criticized the existence of legislative gaps allowing campaigning by high-level officials that raised "concerns over the misuse of public

resources and ensuring a level playing field.”

Participation of Women and Members of Minority Groups: Women and members of minority groups participated in the political process. NGOs reported that address registration laws limited the ability of Roma occupying irregular housing to obtain identity cards, which in turn restricted their ability to register for and vote in elections.

The Ministry of Interior conducted a campaign against vote buying across the country ahead of the October 2 early National Assembly elections. The prosecution service reported opening 72 cases and more than 750 inquiries as well as pressing charges against 14 persons as of October 3. Roma Coalition Intellect and other Roma activists alleged the campaign was predominantly focused on Roma neighborhoods and aimed to stigmatize, intimidate, and disenfranchise Romani voters.

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 its July report the European Commission noted the persistent lack of “a solid track record of final convictions in high level cases of corruption.” In January Transparency International Bulgaria commented that while the law is generally compliant with international standards, authorities had failed in the introduction of administrative and corporate governance standards based on transparency, accountability, and integrity. According to the NGO Anticorruption Fund, the criminal justice proceedings conducted by the authorities were inadequate to address the actual

corruption level in the public sector, which concealed the real scale of high-level government corruption. In May the World Wildlife Fund's Environment Assessment Tool stated that "political interference, systemic corruption, and poor enforcement threatened the whole forestry sector, creating a feeling of impunity in violators but also in the general public," adding that the size of financial sanctions was too small to serve as a deterrent.

Corruption: The prosecution service reported opening 956 pretrial investigations for corruption and related crimes in 2021, drawing 342 indictments involving 425 persons, and obtaining 288 convictions. In July the Anticorruption Fund reported that out of the 49 investigations against high-profile former ministers, deputy ministers, National Assembly members, magistrates, mayors, and regional governors it had monitored in the previous six years, three had resulted in convictions and 14 in not guilty verdicts.

In June Deputy Minister of Agriculture Ivan Hristanov said in a television interview that "a former political leader" had approached him with an offer to pay him 500,000 leva (\$272,960) a month if he made sure Eurolab 2011 could resume operations of its private phytosanitary control lab at the border with Turkey. In May the government removed Eurolab 2011 from the border controls, citing suspicions of falsified control procedures and alleged corruption which had defrauded the public funds by up to one billion leva (\$545.92 million). In July Hristanov announced he previously reported Eurolab 2011's violations to the police. Also in July, the Supreme Administrative Court restored the company's border operation, arguing that the government had not provided solid arguments for canceling its contract.

On November 9, the Supreme Cassation Court reduced the lower court's sentences by two years each and convicted the former Mayor of Sofia's Mladost district, Desislava Ivancheva, her deputy, Bilyana Petrova, and

another former Mladost District Mayor, Petko Dyulgerov, for soliciting a €250,000 (\$266,930) bribe from an investor in construction projects. Ivancheva received six years in prison, a 12,000 lev (\$6,551) fine, and a ban on holding high-level public office for eight years; Petrova received five years in prison, a 10,000 lev (\$5,459) fine, and a ban on holding high-level public office for six years; and Dyulgerov received four years in prison, an 8,000 lev (\$4,367) fine, and a ban on holding high-level public office for six years.

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 was constituted in February for the first time after its establishment in 2020. Its NGO members commended the increased level of communication with the government but noted that communication was focused on limited issues and failed to implement a cooperation mechanism for nonmember civil society organizations.

Retribution against Human Rights Defenders (HRDs): Nationalist parties routinely targeted human rights organizations and activists, as well as NGOs receiving foreign funding, with accusations of treason and criminal offenses. On August 5, the Vazrazhdane Party petitioned the prosecutor general to investigate the NGO America for Bulgaria Foundation for allegedly acting as a “foreign agent” and claimed it interfered in the country’s media, judiciary, elections, and education. Vazrazhdane released publicly its accusatory report which contained personal data of over 800

individuals allegedly involved in projects funded by the foundation. On August 11, the Association of European Journalists filed a complaint with the Personal Data Protection Commission which made no decision as of year's end.

In a video interview for local news outlet *Zagoraneews.bg* on December 15, NGO Mission Wings Foundation President Diana Dimova said her organization and two others were under investigation for suspected migrant smuggling based on accusations by the State Agency for Refugees, and alleged authorities were retaliating against the NGOs for their protests and public campaigns against pushbacks at the border.

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.

The Ministry of Foreign Affairs oversees a National Human Rights Coordination Mechanism focused on the country's responsibilities and dialogue under international treaties and has some responsibilities for monitoring the domestic human rights situation.

Section 6. Discrimination and Societal Abuses

Women

Rape and Domestic Violence: The law criminalizes rape of women, but does not specifically mention rape of men, and authorities generally enforced the law 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 survivor or the survivor'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. The government enforced the law effectively.

According to NGOs and the ombudsman, the law does not provide sufficient protection to survivors of domestic violence as it does not provide for prosecution of offenders 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.

On June 2, the Stara Zagora regional court gave an 18-month sentence to a man who entered a guilty plea for violating a restraining order and punching his girlfriend in the head and attacking her with a knife. According to a press release by the prosecution service, on May 3 the woman was taken unconscious to a hospital and underwent lifesaving surgery after the man had stabbed her multiple times.

NGOs criticized authorities for not sufficiently tracking domestic violence cases, which NGOs claimed was 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. In August Sofia municipality opened a legal clinic and shelter for domestic violence survivors which provided social, psychological, and legal support, including legal representation in court. According to NGOs, domestic violence was still a taboo in rural areas 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. The government enforced the law effectively.

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

Women and girls in poor rural and Romani communities had less access to contraception due to limited economic resources, information, and education. The cost of contraception was frequently 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 section 6, Systematic Racial and Ethnic Violence and Discrimination).

Lack of health insurance sometimes limited skilled attendance at childbirth. NGOs 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. Uninsured survivors of sexual violence often did not have access to sexual and reproductive health services. In August the government approved a regulation allowing uninsured women the right to choose a medical practice and receive prenatal care, increasing the number of free annual medical checks from one to four and access to lab testing from one to three, in addition to emergency hospitalization up to two times.

Home births were illegal, and medical personnel could be prosecuted if they assisted them. Emergency contraception was available as part of clinical management of rape. Survivors of trafficking had access to health care through NGOs approved by authorities.

Discrimination: The law provides women the same legal status and rights as men, including under family, religious, personal status, and nationality laws as well as laws related to labor, property, inheritance, employment, access to credit, and owning or managing businesses or property. The law

provides for equal opportunity 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. The government enforced the law effectively.

Women faced some discrimination in economic participation and political empowerment.

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' imprisonment. Racial or ethnic discrimination in employment, education, and other social areas can be punished with a modest fine. The government did not enforce the law effectively.

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 COVID-19 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 crimes. 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 antisemitic slogans and rhetoric.

NGOs identified an overall rise in the occurrence of hate speech and hate crimes, particularly against Romani community. In August a Creating

Effective Grassroots Alternatives Foundation study identified multiple examples of negative representation, hostile coverage, and anti-Roma disinformation in the media, including through circulation of false news reports, stigmatization, assertion of negative stereotypes, oversimplification, and sarcasm. According to the NGO Inforoma Center in May, at least 80 percent of the content related to ethnic groups in school textbooks was negative. In a subsequent letter to Inforoma the Ministry of Education refuted that allegation, asserting that Inforoma's examples were either not from ministry-approved books, or were from classic literary works in the curriculum that should not be perceived as provoking ethnic-based conflict.

NGOs alleged that local authorities and politicians routinely "punished" Roma communities for political gain. According to the Standing Roma Conference, local authorities disproportionately targeted irregular Romani dwellings for demolition and allegedly routinely evicted Roma families without providing adequate alternative accommodation. In May the local government in Straldzha demolished informal houses in a Romani neighborhood in what it described as "a punitive measure in response to the increase in burglaries," which, according to the deputy mayor, had been committed by "a group of recidivists who had been to prison for theft multiple times."

In August the Commission for Protection against Discrimination issued a decision against the mayor of Voyvodinovo, Dimitar Tosev, fining him the minimum 250 leva (\$136) over the 2019 expulsion of the Roma population from the village. The commission also recommended the mayor take priority measures preventing discrimination against the Roma population. The BHC, which litigated the case, stated that the punishment was incommensurate with the mayor's actions, and that because Roma no longer lived in the village, any measures the mayor might take would have no consequences.

The NGOs IGA Crime Prevention Fund, Equal Opportunities Initiative, and Hayaci presented a study in June estimating that more than 200,000 Roma had no identity documents, which made them practically “non-existent” to government authorities and deprived them of access to most services. There were credible reports of Roma being denied access to public sites such as banks, swimming pools, and discos. On December 8, the Sofia City Administrative Court ruled the refusal by police to issue identity documents to two Roma women illegal. The addresses of the women had been deregistered by the Sofia municipality because they were assigned to irregular housing. The court instructed the police to issue the identification documents, ruling that by leaving the women without identity papers authorities had put them in a vulnerable situation, depriving them not only of basic rights and access to public services, but also of the opportunity to exercise their public obligations.

According to the National Statistical Institute, 58.8 percent of Roma lived in poverty, compared with 23.6 percent of Turks and 17 percent of ethnic Bulgarians. The NGO Trust for Social Achievement reported 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 275 mediators in 140 municipalities.

Romani NGOs stated that municipalities allegedly set discriminatory requirements to restrict Romani women’s access to reproductive health services. Assisted reproduction programs in Veliko Turnovo, Vratsa, Kyustendil, and Svilengrad all required recipient mothers to have completed secondary school. According to the BHC and Doctors Without

Borders, Romani women were routinely segregated within maternity hospital wards.

In May the Yambol administrative court revoked a decision by the Commission for Protection against Discrimination which imposed a 450 lev (\$245) fine on Yambol municipality for discrimination against the inhabitants of the city's Romani neighborhood, which the local government had placed in lockdown and sprayed with disinfectants from a helicopter during the COVID-19 pandemic in 2020. As of the end of the year, the commission was appealing the decision at the Supreme Administrative Court.

On August 27, unknown perpetrators set fire to the plastic cover of a poster frame at the NGO Ancient Macedonians' club in Gotse Delchev. According to ethnic-Macedonian groups, authorities treated them as separatists and enemies of the state, which incited hatred against them.

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. Birth registration was provided on a nondiscriminatory basis. Failure to register a birth did not result in the denial of public services.

Education: Education is free, compulsory to the 10th grade, and universal. 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, but there was no available information regarding the number of students attending such classes.

The law prohibits ethnic segregation in multiethnic schools and kindergartens but allows ethnic segregation of entire schools. According to the NGO Amalipe, which cited data from the EU Agency for Fundamental Rights, 60 percent of Romani children were enrolled in segregated schools and classes, and approximately 10 percent of general education and 37 percent of vocational education schools in the country were ethnically segregated. 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. In February Amalipe presented a study asserting Roma parents lacking formal education have a 35 percent lower success rate of enrolling their children in school than ethnic Bulgarian parents. According to UNICEF, nearly 10,000 children with special needs and disabilities did not have access to the education system.

The Education Ministry provided financial support to 11 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 August the ombudsman and NGOs alerted the caretaker government, expressing concern that the National Center for Safe Internet, which conducted training sessions and campaigns and operated a helpline on online harassment and harmful content, would eventually have to stop working due to a lack of government co-financing. The center was still operating as of the end of the year.

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.

NGOs criticized authorities for treating early marriages as an ethnic Romani rather than a gender problem but acknowledged that child marriage was pervasive in Romani communities.

Sexual Exploitation of Children: The law prohibits commercial sexual exploitation, sale, grooming, or using children for commercial exploitation, including child sex trafficking. 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 more than 100 percent increase in online sexual exploitation and harassment of children in the previous 18 months and criticized the government for lacking active policies for online child protection.

Displaced Children: As of November a total of 2,792 unaccompanied minors sought asylum in the country, a 23 percent increase compared with the same period in 2021, which considerably exceeded the capacity of 300 in the two safety zones designated to provide support to unaccompanied minors. According to the Foundation for Access to Rights, the practice of placing unaccompanied children in migrant detention centers without a clear standard persisted. According to the National Network for Children, authorities in Ruse routinely arrested unaccompanied children and held them in jail during pretrial proceedings against them for illegal border crossing. The BHC accused the State

Agency for Refugees of delaying the procedure for appointment of legal representation to unaccompanied children, often leaving them for up to 30 days without adequate defense of their rights and access to services. NGOs criticized the interagency coordination mechanism regarding unaccompanied children and separated families, adopted on April 18, for referring such cases to the State Agency for Refugees instead of the child protection authorities.

Institutionalized Children: The government began a process of deinstitutionalization in 2010. As of year's end, fewer than 300 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, asserted 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. According to the NGO Know-How Center for Alternative Child Care, authorities failed to guarantee children from closed institutions opportunities for development and protection from violence.

Antisemitism

The 2021 census indicated that 1,143 Jews lived in the country, but local Jewish organizations estimated the actual number was between 5,000 and 6,000. The law includes several offenses under which antisemitic crimes could be investigated and punished.

Antisemitic 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 antisemitic speech and conspiracy theories as well as antisemitic political statements, graffiti, and vandalism of Jewish community property.

Souvenirs with Nazi insignia were available in tourist areas around the country.

In February visiting right-wing extremists from France, Germany, North Macedonia, Serbia, and Sweden attended the annual demonstration of right-wing extremists to honor General Hristo Lukov, the 1940s antisemitic, pro-Nazi leader of the Union of Bulgarian National Legions. On February 12, Sofia Mayor Yordanka Fandakova canceled the so-called Lukov March minutes before its start, citing potential risk for public order due to the overlapping of the event with several sports events. In anticipation of a cancellation, members of the group organizing the rally, the Bulgarian National Union-Edelweiss, obtained approval for protests at three locations in the city under an alternate theme. Those protests culminated in a gathering of approximately 450 participants at Lukov's former house for a commemorative ceremony. Both ruling and opposition parties, including We Continue the Change, Bulgarian Socialist Party, Democratic Bulgaria, Citizens for European Development of Bulgaria, and Movement for Rights and Freedoms, as well as NGOs, international organizations, and diplomatic missions, denounced the rally. In April the Sofia appellate court confirmed the lower court's decision rejecting a prosecutor's claim for deregistration of the rally organizer, 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 the end of the year an appeal was underway in the Supreme Cassation Court.

In March a young boy stood in front of a security camera at Sofia Synagogue, giving a Nazi salute and shouting, "Long live Hitler! Death to Jews!" After police identified the boy, his mother explained that one of his friends had persuaded him to do it for five leva (\$2.72).

In March members of Shalom discovered vandalized gravestones in the Jewish cemetery in Sofia. Sofia municipality and the graveyard

administration decided to repair and restore the damaged graves, charging the expenses to the security company responsible for the site. As of year's end, police had not identified the perpetrator.

In April Shalom expressed "strong concern" regarding antisemitic and anti-Israeli slogans used at a demonstration organized by the Vazrazhdane Party that compared the Star of David to a swastika.

On August 20, B'nai B'rith Bulgaria issued a declaration protesting a Sofia municipality initiative dating back to 2011 to erect a monument of former mayor of Sofia, Ivan Ivanov, who served in that post from 1934 to 1944, citing his track record of supporting Nazi Germany and its ideology.

In September Shalom alerted the prosecutor general about a Facebook publication alleging that a Jewish person betrayed the country's medieval capital Veliko Tarnovo when it fell to the Ottomans in the 14th century. The publication was shared thousands of times, accompanied by hundreds of antisemitic comments. As of year's end, authorities were investigating the case.

Trafficking in Persons

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

Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation, Gender Identity or Expression, or Sex Characteristics

Criminalization: The law does not criminalize consensual same-sex conduct between adults. There were no laws against debauchery or so-called cross dressing. Seemingly neutral laws, such as laws on immorality or loitering, were not disproportionately applied to lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) persons.

Violence against LGBTQI+ Persons: There were reports of violence against LGBTQI+ persons; at times government officials condoned or tolerated such violence. In February a regional prosecutor in Burgas refused to open proceedings against the leaders of an anti-LGBTQI+ protest in Burgas who in May 2021 threw rocks, smoke bombs, cucumbers, eggs, and plastic bottles at Pride participants and burned a rainbow flag. In May the same leaders told a press conference that there would always be opposition to gay parades in Burgas, advising the Pride participants to move the event to “the woods or open sea” to avoid any problems.

On June 24, the Sofia City Court found former presidential candidate and Bulgarian National Union-National Democracy leader Boyan “Rasate” Stankov guilty of hooliganism and ordered him to pay a 3,000 lev (\$1,637) fine. The court found that in October 2021, Rasate “burst into an LGBTQI+ community center, shoved two of its members, knocked down an office rack, and sliced the tires of a scooter with a knife.” The court rejected the indictment’s claim of assault and injury, waiving his criminal liability and replacing it with an administrative punishment. The court also ordered Rasate to pay 4,000 levs (\$2,183) in legal fees. As of year’s end, the prosecution was appealing the verdict.

Discrimination: 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 towards LGBTQI+ persons persisted. According to LGBTQI+ organizations, courts rejected the right of same-sex partners to protection from domestic violence because the law considers “spousal” to apply only to married persons not of the same sex.

In May police officer Petromir Genchev, who identifies as bisexual, announced in a television interview that he founded a police union on equality and integration with the idea to protect police from discrimination within the Ministry of Interior, particularly those belonging to the LGBTQI+ community. He said the leadership of the ministry had been unresponsive to his request for a meeting and discussion on discrimination. Genchev shared in subsequent media reports that after his television interview, relations at his workplace changed and most of his colleagues stopped talking to him.

In June the Sofia municipality refused to issue a birth certificate listing two mothers as parents of a child despite a May 16 decision of the Sofia City Administrative Court to that effect. The country's consular service in Barcelona at the same time refused to issue a passport indicating the child's family relation to both mothers.

On October 12, the Sofia City Court revoked a decision by the Commission for Protection Against Discrimination denying that popular singer Milena Slavova had committed discrimination based on sexual orientation with her statements in 2021 on Facebook and on television that she does not support "pride parades" and is "suffocating by those perverts' arrogance and parading." The court rejected the commission's conclusion that Slavova had expressed a personal opinion, stating that her statements intended to denigrate, offend, and express hostility toward persons with different sexual orientation, and instructed the commission to review the case again.

Research commissioned by the Gays and Lesbians Accepted in Society Foundation in March 2021 showed that tolerance toward LGBTQI+ persons was increasing, with 6.4 percent of respondents indicating they would vote unconditionally in 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.

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.

Availability of Legal Gender Recognition: In an October 2021 ruling, the Constitutional Court identified a legal gap regarding the legal change of biological sex, stating that the constitution views the term “sex” in the biological sense based on binary gender and that sexual self-determination is a legitimate reason for changing one’s gender legally only in cases involving intersex persons. A decision by the civil division of the Supreme Cassation Court on how to apply the law with regard to the entitlement of transsexual persons seeking to legally change their biological sex was pending as of year’s end.

Involuntary or Coercive Medical or Psychological Practices Specifically Targeting LGBTQI+ Individuals: NGOs urged the government to discontinue “normalization” therapies, including invasive and permanent surgical modifications to the bodies of intersex children, which were funded by the National Health Insurance Fund with consent from their parents. NGOs noted a positive trend in which some doctors would inform parents of the possibility to wait until the child grows old enough to self-identify.

Restrictions of Freedom of Expression, Association, or Peaceful Assembly: There were no restrictions on freedom of expression, association, or peaceful assembly for those speaking out about LGBTQI+

issues, or on the ability of LGBTQI+ organizations to legally register or convene events.

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. The law provides for including sign language in the school curriculum and the right to interpretation in public administrations, hospitals, and within the judicial system. On January 5, the *Duma* newspaper reported, citing information from the Social Assistance Agency and the Union of Deaf Persons, that the right to free sign language interpretation was not upheld in practice since there were no candidates to provide such a service due to a government decision in September 2021 which set the ceiling for sign language interpretation fees at 10 leva (\$5.45) per hour.

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. According to NGOs, “institutional culture” persisted in the new family-type group centers established in the process of ongoing deinstitutionalization, which allegedly transferred persons with disabilities to smaller facilities without providing them with community-based support services or a system to exercise their rights. In May the NGOs Validity Foundation, Bulgarian Helsinki Committee, Bulgarian Lawyers for Human Rights, Kersa Foundation, and Network of Independent Experts petitioned the Council

of Europe's Committee of Ministers, calling for increased international pressure on the government to stop what they called the "transinstitutionalization" of persons with disabilities to smaller centers where they continue to lack the freedom to come and go without special permission, access to the labor market, and support for an independent life.

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, including schools. 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 that the law, the government, and all other stakeholders agreed on the need for accessible infrastructure but lacked consensus on the methods for achieving it. In June the ombudsman alerted the minister of labor and social policy regarding complaints from persons with disabilities noting in order to apply for the National Program for Accessible Housing Environment and Personal Mobility applicants needed to first pay for a design project, which cost approximately 1,500 levs (\$818). The ombudsman noted that persons with disabilities were often in difficult social and financial situations and without additional support the program would remain inaccessible to them.

The law promotes the employment of persons with disabilities and helps offset employers' related costs. In May the government started a grant scheme to help persons with disabilities to establish or develop businesses.

Approximately 3 percent of students with specific educational 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 often did not recognize as qualifying the student for further education.

NGOs asserted 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, voting machines during the October 2 elections were not equipped with accessibility functions enabling persons with certain disabilities to vote independently.

Other Societal Violence or Discrimination

The government's national program for HIV and sexually transmitted disease prevention and control made little progress in 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. 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 NGO Sexual Health Center Checkpoint Sofia, 79 percent of HIV patients faced challenges in accessing medical services for their accompanying illnesses and half of those who disclosed their status to a medical worker, particularly dentists, were denied treatment.

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.

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.

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. Penalties were regularly applied against violators. The law does not effectively protect against interference by employers in labor union activities. Judicial and administrative procedures were adequate in settling claims.

Authorities did not always respect freedom of association and the right to bargain collectively. Labor unions continued to report cases of employer obstruction, harassment, intimidation, and unequal treatment of union leaders and members. Labor unions also accused some employers of negotiating similar or better terms to those contained in the respective collective bargaining agreement with individual workers to erode unionism and discourage membership in a labor union. According to the Confederation of Independent Trade Unions of Bulgaria, only 28 percent of enterprises had collective bargaining agreements. The Protection National Trade Union alleged that some employers, such as the municipal transportation company Burgasbus, favored membership in certain labor unions by including in their collective bargaining agreement advantages such as larger retirement compensation for length of union membership.

b. Prohibition of Forced or Compulsory Labor

The law prohibits and criminalizes all forms of forced or compulsory labor, but the government did not enforce the law effectively. The government lacked resources to cope with the growing number of cases of forced labor. 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 to complete.

There were some reports of families and criminal organizations subjecting children to forced work (see section 7.c.). Labor trafficking victims were often of Roma origin, particularly Romani children, or from rural regions.

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 effectively enforced child labor laws. Employment of children without a work permit is a criminal offense but 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. Penalties were regularly applied against violators.

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 nearly 50 percent increase in legal employment of

children during the year. In 2021 the inspectorate uncovered 214 cases of children working without prior permission, a nearly 19 percent increase from 2020.

The latest national program on the prevention of violence and abuse of children expired at the end of 2020 and had not been renewed as of the end of the year.

NGOs continued to report the exploitation of children by organized crime, notably for commercial sexual exploitation (see section 6), 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, hospitality, and the service sector.

d. Discrimination with Respect to Employment and Occupation

The law prohibits discrimination in employment and occupation based on race, religion, national origin, color, sex, ethnicity, disability, age, and sexual orientation. The law does not explicitly protect from discrimination based on pregnancy, gender identity, HIV or AIDS status, or refugee or stateless status but authorities were able to review such cases on the basis of personal status and citizenship. Labor laws do not guarantee protection from “violence” and “harassment” and lack specific mechanisms for protection of women against workplace violence and harassment. 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 (see section 6). The Commission for Protection against Discrimination reported receiving discrimination complaints during the year concerning union membership and employment of persons with disabilities.

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 NGOs, 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. NGOs alleged that most employers preferred to discontinue the employment of a person with disability after the government subsidy expired and 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 21.5 percent more pay than women. As a result of the gender pay gap, according to the National Social Security Institute, women received 20.3 percent lower pensions (also see section 6). 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 15.8 percent more money in their mandatory second pension accounts.

In July the National Assembly passed legislation allowing men up to two months' paid leave for raising a child age eight or younger.

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

e. Acceptable Conditions of Work

Wage 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. 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. In September the government increased the official poverty line by 22 percent. Labor unions claimed the government's methodology for determining the poverty line reflected the income situation with a two-year delay and insisted that the government should raise the official poverty line by 30.9 percent over the previous level. 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.

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 7 percent over the same period in 2021. 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 94 percent of companies inspected in 2021 had such risk assessments, and 98 percent of those had programs to eliminate the risks identified. In January the General Labor Inspectorate, alerted by the BHC concerning substandard working conditions and hygiene in prisoner enterprises, conducted 20 inspections, identifying 115 violations of safety and health regulations. According to the BHC, prisoners rarely filed occupational complaints for fear of losing their jobs.

As of October there were a total 56 work-related deaths during the year across many sectors of the economy, compared to 47 deaths during the same period in 2021.

Wage, Hour, and OSH Enforcement: The government effectively enforced minimum wage, overtime, and OSH laws. Penalties for violations were commensurate with those of similar violations and were regularly applied against violators. The Ministry of Labor and Social Policy is responsible for enforcing wage, hour, and OSH laws.

Labor inspectors had the authority to make unannounced inspections and initiate sanctions. The General Labor Inspectorate, which had 28 regional

offices, is responsible for monitoring and enforcing occupational safety and health requirements. According to the labor inspectorate, the compliance rate was 94 percent of the companies inspected. Of the violations identified by the inspectorate, 51.9 percent involved safety and health requirements, predominantly occurring in the construction, retail, and catering sectors as well as in crop and animal production, and hunting. The number of inspectors was insufficient to cover the broad scope of their responsibilities and enforce compliance. In September the government passed a decision to increase the number of labor inspectors by 48 percent.

According to the General Labor Inspectorate, violations of the wage, hour, and overtime laws were 36 percent of all violations. In 2021 the General Labor Inspectorate reported that the cases of unpaid wages decreased by 35.5 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 2021 labor inspectors compelled employers to pay nearly four million leva (\$2.18 million) out of an identified seven million leva (\$3.82 million) of unpaid wages. In August the Podkrepa Labor Confederation alerted the labor inspectorate that while state-owned company Bulgarian Sport Totalizator increased the wages of its employees, it also asked them to sign annexes to their contracts committing employees to pay penalties for disciplinary sanctions, different from those provided in the law.

Informal Sector: Legal protections and government inspections did not cover part-time and informal workers in the gray-market economy which, according to a survey by the Bulgarian Industrial Capital Association presented in December, accounted for 21.6 percent of GDP in 2021.

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