

European Union Agency for Fundamental Rights, selection of relevant and recent passages from published reports related to Bulgaria

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1 September 2014, Vienna

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Data Explorers and tools

Violence against women survey data explorer

<http://fra.europa.eu/DVS/DVT/vaw.php> (data included on all EU Member States)

Roma survey data explorer

<http://fra.europa.eu/DVS/DVT/roma.php> (Bulgaria included)

Jewish people's experiences and perceptions of hate crime, discrimination and anti-Semitism

<http://fra.europa.eu/DVS/DVT/as2013.php> (Bulgaria NOT included)

EU LGBT survey data explorer

<http://fra.europa.eu/DVS/DVT/lgbt.php> (data included on all EU Member States)

Indicators on the right to political participation of people with disabilities

<http://fra.europa.eu/en/publications-and-resources/data-and-maps/comparative-data/political-participation>

Mapping victims' rights and support in the EU

<http://fra.europa.eu/en/publications-and-resources/data-and-maps/comparative-data/victims-support-services>

Fundamental rights: challenges and achievements in 2013 - Annual report 2013 (June 2014)

http://fra.europa.eu/sites/default/files/fra-2014-annual-report-2013_en.pdf

In 2013, two EU Member States, **Bulgaria** and **Poland**, established a legal basis for return monitoring. In **Bulgaria**, the Ombudsman as well as representatives of national or international NGOs may be invited to observe.¹⁹ In practice, local NGO monitoring, funded by the European Return Fund, remained limited in 2013 to observing the transport from the detention centre to the airport departure hall. (p. 12)

Irregular land crossings shifted from **Greece** to **Bulgaria**. [...] Bulgaria followed Greece's example by deploying an additional 1,500 police officers on the border and debated the construction of a 30-

kilometre-long border fence,¹³ covering some 12 % of its land border with Turkey. As a result of the actions taken, in December 2013 the number of irregular arrivals fell dramatically. Given that a significant number of persons crossing the Turkish–Bulgarian land border were Syrians, the question arises whether people who could be in need of international protection are at risk of being denied entry. [...] Border surveillance policies must be implemented with full respect for fundamental rights, including the principle of non-*refoulement* and the prohibition of collective expulsion set forth in Articles 18 and 19 of the Charter of Fundamental Rights. [...].The construction of fences, as undertaken or planned at sections of land borders in Bulgaria, Greece and Spain, limits the ability of persons in need of international protection to seek safety. Many undocumented asylum seekers who would try to use official border-crossing points would be intercepted by third-country authorities before reaching the external EU border. (pp. 64-65)

“The year 2013 was marked by steady support for political parties with largely xenophobic anti-foreigner, anti-migrant and anti-Muslim agendas in a number of EU Member States including Austria, **Bulgaria**, the Czech Republic, France, Greece, Hungary and the Netherlands. [...] One example is the application, in November, by the newly formed Nationalist Party of **Bulgaria** to be officially recognised as a party, which would allow it to benefit from public funding. Stated aims of this party are to “smash the Gypsy terror with an iron hand” and to “demolish social policies that stimulate the birth rate of minorities and parasitism.” (p. 152)

Table 10.4: NHRIs, by accreditation status and EU Member State

	Number of NHRIs (number of EU Member States with NHRI)		Number of Equality Bodies	AT	BE	BG	BG	CY	CZ	DE	DK	EE
A-status	13	(11)	2							✓**	✓*	
B-status	8	(7)	4	✓	✓*	✓*	✓					
C-status	1	(1)	0									
No accreditation/ institution	9	(9)	n/a					✓*	✓			✓

Notes: * Relevant NHRIs also serve as a national equality body under EU law.

** Indicates they have undergone a re-accreditation process but the results have been postponed until 2014.

Bulgaria has two NHRIs, both with B-status: the Ombudsman of the Republic of Bulgaria and the Commission for Protection against Discrimination of the Republic of Bulgaria.

(p. 248)

The right to political participation for persons with disabilities: human rights indicators (May 2014)

http://fra.europa.eu/sites/default/files/fra-2014-right-political-participation-persons-disabilities_en.pdf

“A further 15 EU Member States prohibit people with disabilities who have been deprived of their legal capacity from voting. The Member States are Belgium, **Bulgaria**, Cyprus, Denmark, Estonia, Germany,

Greece, Ireland, Lithuania, Luxembourg, Malta, Poland, Portugal, Romania and Slovakia. This exclusion is either set out in the country's constitution or in electoral legislation." (p. 41)

"Data from **Bulgaria, Croatia, Cyprus, Greece, Italy, Lithuania, Luxembourg, Poland** and **Slovenia** indicate that no political parties produced their manifestos in accessible formats [for persons with disabilities] for the last elections." (p. 80)

The full set of human rights indicators, covering Bulgaria, is available here:

<http://fra.europa.eu/en/publications-and-resources/data-and-maps/comparative-data/political-participation>.

Violence against women: an EU-wide survey. Main results report (March 2014)

http://fra.europa.eu/sites/default/files/fra-2014-vaw-survey-main-results-apr14_en.pdf

"In France, the Netherlands and the United Kingdom, 20% of women indicate that they experienced some form of sexual violence at least once before the age of 15. This contrasts with the situation in **Bulgaria**, the Czech Republic, Hungary, Portugal and Romania, where less than 4% of all women say that they faced sexual violence in childhood." (p. 126)

"Women in Finland (56%), France (52%) and Lithuania (49%) are most likely to be aware of women victims of intimate partner violence in their circle of friends or family. In contrast, only 16% of women in the Czech Republic, 25% of women in both **Bulgaria** and Hungary, and 27% of women in Austria say that they know of victims of domestic violence in their circle of friends and family." (p. 155-156)

"A majority of women in Croatia (70 %), Lithuania (66 %), Slovenia (62 %), Sweden and France (both 61 %), but a minority of women in Estonia (27 %), **Bulgaria** (28 %) and Italy (34 %) are aware of specific laws and political initiatives that focus on prevention." (p. 160)

Legal capacity of persons with intellectual disabilities and persons with mental health problems (July 2013)

<http://fra.europa.eu/sites/default/files/legal-capacity-intellectual-disabilities-mental-health-problems.pdf>

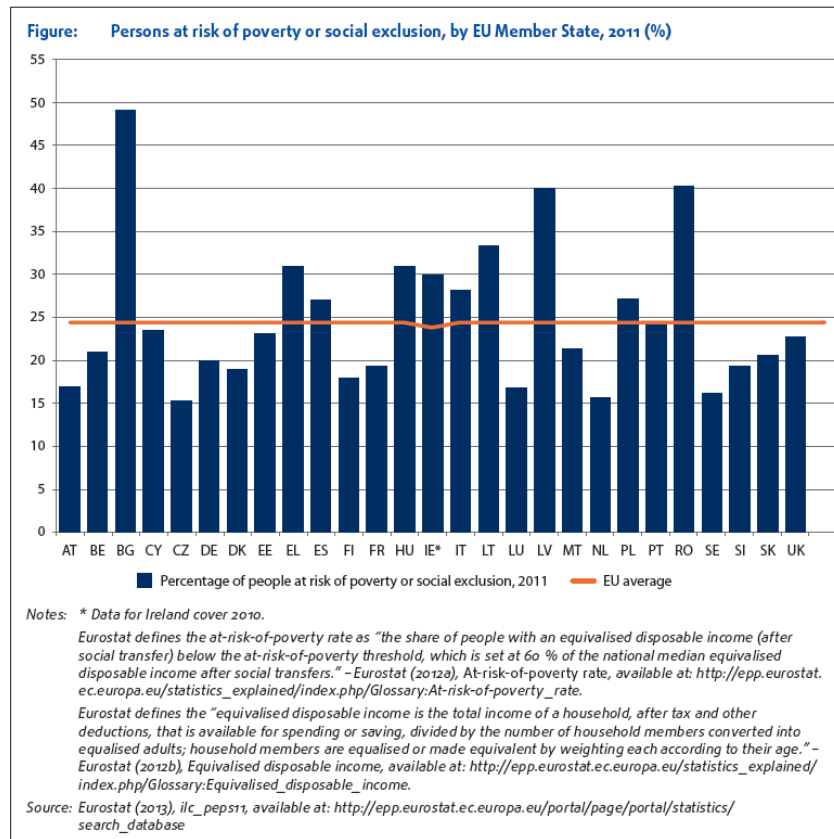
"[Scope and extent of guardian's authority] Another group of EU Member States instead use an all-encompassing rather than a 'tailor-made' approach to the guardianship. These countries do not limit representation to areas where the person concerned needs assistance. In these countries the guardian must 'take care' of the person, manage his or her property and represent him or her in all matters. This is the case, for example, in **Bulgaria**, where the guardian is authorised to make all personal decisions." (p. 36)

"In **Bulgaria**, neither adults under partial nor those under full guardianship may apply to have their guardianship lifted as they are deprived of legal capacity. The guardianship authority, or the 'mayor' in the case of Bulgaria, and the guardians alone have this right.²⁵⁶ In the *Stanev v. Bulgaria* case, the

ECtHR concluded that this incapacity violates Article 6 (1) of the ECHR on the right to a fair hearing, since the complainant was denied access to a court to seek restoration of his legal capacity.” (p. 39)

Fundamental rights: challenges and achievements in 2012 (June 2013)

http://fra.europa.eu/sites/default/files/annual-report-2012_en.pdf



(p. 16)

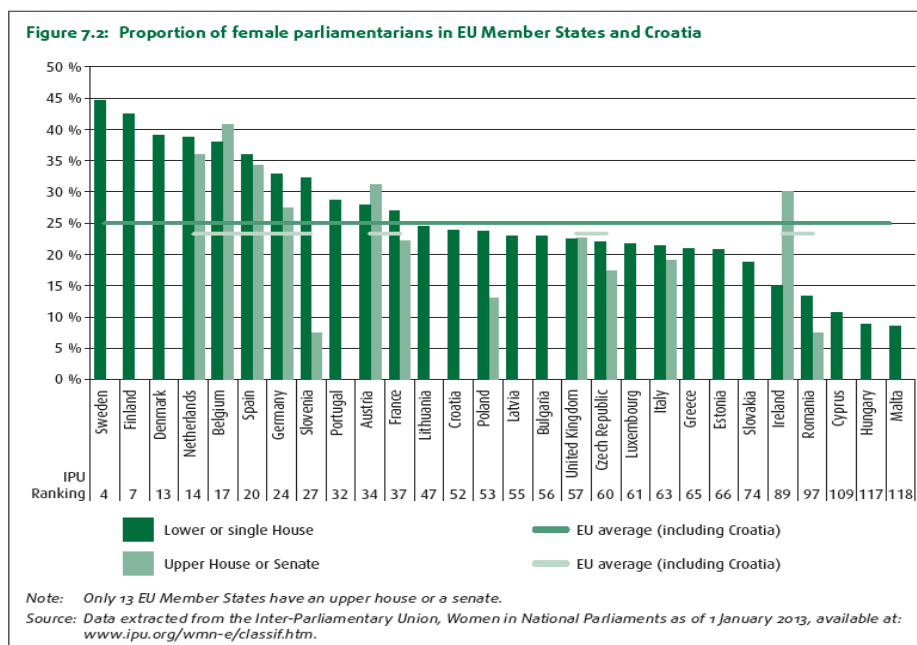
“[Crisis situations] Concerns such as these were aired more openly – sometimes violently – in the public sphere, especially by individuals and groups with anti-immigrant, anti-Islam or anti-foreigner feelings. To name but a few examples, in the last few years, the EU witnessed anti-Roma demonstrations in **Bulgaria**, the Czech Republic, Hungary and Slovakia; violent attacks against Roma in Greece, Hungary, Italy and Slovakia; violent attacks against migrants in Germany, Greece and Italy; murders motivated by racism and xenophobia in Germany, Greece and Italy; anti-Muslim attacks in several EU Member States; and continued manifestations of anti-Semitism.” (p. 20)

“[2.1.2. Persons held in airport transit zones – access to food, water and a place to rest] At airports in **Bulgaria**, for example, detained persons receive food based on general daily nutrition needs determined for a 24-hour arrest regime, however NGOs consider this insufficient. Beyond the initial 24 hours, food and water are not provided and border guards refer passengers to NGOs such as the Red Cross or Caritas.” (p. 83)

“Some EU Member States are already implementing aspects that would be required for adopting such a horizontal directive. The anti-discrimination legislation in place, for example, in Belgium, **Bulgaria**, the Czech Republic, Ireland, Malta, the Netherlands, Spain and the United Kingdom as well as Croatia, extends the duty to provide reasonable accommodation for persons with disabilities beyond the field of employment, such as to the provision of goods and services” (p. 141)

“Roma populations continue to face forced evictions, the dismantling of settlements and repatriation, as was the case in **Bulgaria**, the Czech Republic, France, Italy, Romania and Slovakia.” (p. 198)

“**Bulgaria**, Greece and Romania apply all the restrictions of Article 5 (3) of Directive 94/80/EC: non-national EU citizens cannot be members of executive committees. The European Commission is of the opinion that a less restrictive approach would better support the integration of non-national EU citizens and their direct involvement in the EU Member State of residence.” (p. 215)

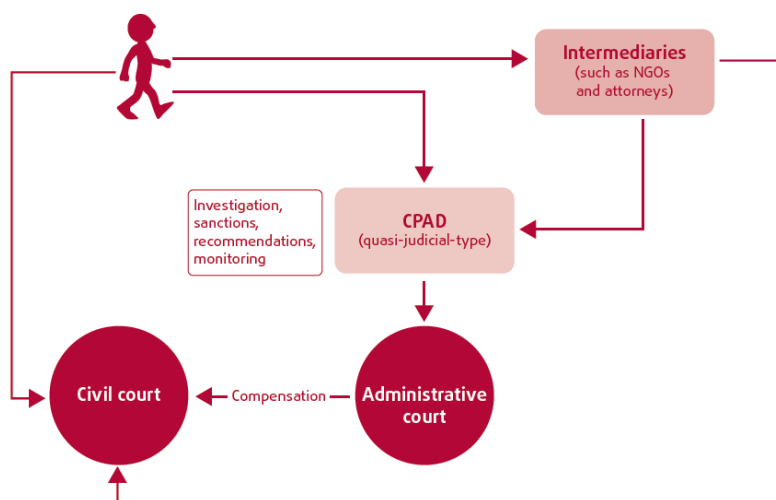


(p. 219)

Access to justice in cases of discrimination in the EU – Steps to further equality (December 2012)

<http://fra.europa.eu/sites/default/files/fra-2012-access-to-justice-social.pdf>

Figure 2: Paths to access justice – Bulgaria



Source: FRA, 2012

(p. 23)

Table 3: Overview of possible redress in eight EU Member States

EU Member State	Compensation for material damages	Compensation for non-material damages	Sanctions	Non-financial forms of reparation
AT	Courts	Courts	Very limited (by district authorities, for discriminatory advertisement)	Yes (by the Equality Treatment Commission)
BE	Courts	Courts	Yes (criminal if by public servants and in cases of racial discrimination in employment)	Yes (as part of a settlement)
BG	Courts	Courts	Yes (by the Commission for Protection against Discrimination, CPAD)	Yes (by the CPAD as remedy or as part of a settlement)
CZ	Courts	Courts	Yes (by labour inspectorates)	Yes (as part of a settlement)
FI	Courts	Courts	Yes (National Discrimination Tribunal or the Equality Board)	Yes (both equality bodies can issue advice on how to stop discrimination)
FR	Courts	Courts	Courts (criminal)	Yes (by the Defender of Rights, as part of a settlement)
IT	Courts	Courts	Yes (only in criminal cases related to race/ ethnic origin and religion)	Yes (by equality counsellors and courts)
UK	Courts and tribunals	Courts and tribunals	No (introduction of such under discussion)	Yes (by specialised tribunals)

Source: FRA, 2012

(p. 34)

“When observing the eight systems, a number of features appear relevant and worthy of emulation. Among these are the following, with one EU Member State example provided for each, clustered under structures, procedures, and support. Structures: [...] Legislate broader grounds of discrimination, including explicit references to multiple discrimination, as well as areas where discrimination is prohibited beyond those required by the EU equality directives (Bulgaria). [...] Procedures: Endow quasi-judicial-type equality bodies with powers to adopt legally binding decisions (Bulgaria). [...] Empower quasi-judicial-type equality bodies to initiate investigations on their own (Bulgaria). [...] Support [...] Mandate quasi-judicial-type equality bodies to hear complaints also by third parties (Bulgaria).” (p. 35)

“In the eight Member States reviewed, the average duration of procedures ranged from about a year in Austria, Belgium, Bulgaria and Italy to about 18 months in the Czech Republic, Finland and the United

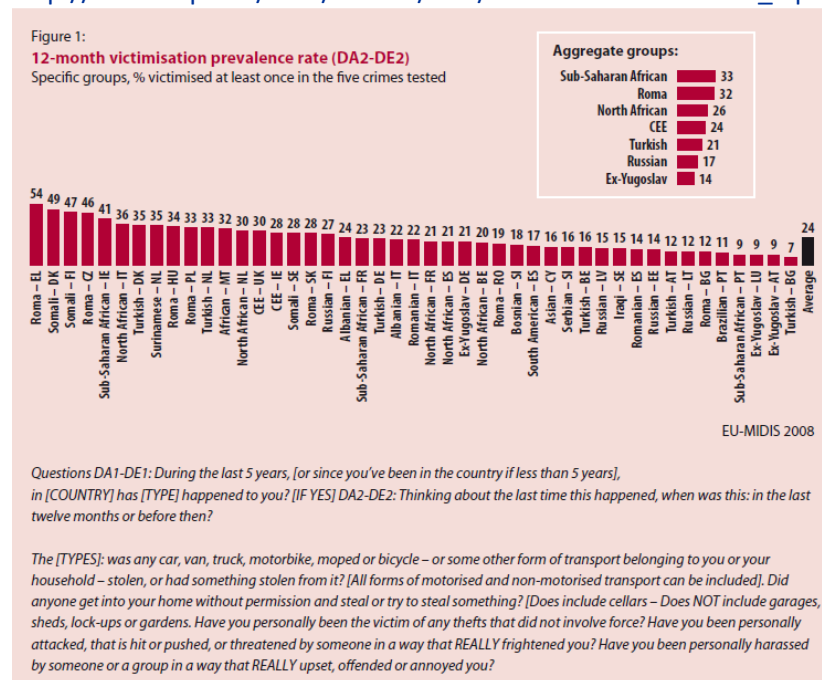
Kingdom. In sharp contrast, complainants in France had to wait almost 36 months for a resolution.” (p. 44)

“The **Bulgaria** equality body is the only quasi-judicial-type equality body in the eight Member States reviewed which provides legal advice. Legal advice is seen as an essential element for success, especially in court procedures and before administrative/ judicial institutions, according not just to the lawyers interviewed but also to NGOs and victim support organisations.” (p. 50)

“Intermediaries favoured well-reasoned communication without pathos or emotions (**Bulgaria** and United Kingdom), the use of non-legal and non-expert language (**Bulgaria** and Italy) and a rights-based approach (Austria) which they said helped foster a fundamental rights culture.[...] Intermediaries in particular mentioned that the media sometimes present information on minorities or on discrimination in a distorted or biased way, especially with regard to the situation of Roma, LGBT people and Muslims (**Bulgaria**, the Czech Republic, Finland and the United Kingdom).” (p. 56)

EU-MIDIS Data in Focus Report 6: Minorities as Victims of Crime (November 2012)

http://fra.europa.eu/sites/default/files/fra-2012-eu-midis-dif6_0.pdf



(p. 8)

Making hate crime visible in the European Union: Acknowledging victims' rights (November 2012)

http://fra.europa.eu/sites/default/files/fra-2012_hate-crime.pdf

Table 1: Classification of official data collection mechanisms pertaining to hate crime, by EU Member State

Limited data	Good data	Comprehensive data
<i>Few incidents and a narrow range of bias motivations are recorded</i>	<i>A range of bias motivations are recorded</i>	<i>A range of bias motivations, types of crimes and characteristics of incidents are recorded</i>
<i>Data are usually not published</i>	<i>Data are generally published</i>	<i>Data are always published</i>
Bulgaria Cyprus Estonia Greece Hungary Ireland Italy Latvia Luxembourg Malta Portugal Slovenia Spain Romania*	Austria Belgium Czech Republic Denmark France Germany Lithuania Poland Slovakia	Finland Netherlands Sweden United Kingdom

Notes: *No evidence on hate crime data collection was found for Romania.
Information as of September 2012.

Source: FRA desk research and FRA analysis of data provided by the FRA's research network

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“Judicial and law enforcement bodies in **Bulgaria** use data collection mechanisms based on the classification of crimes listed in the criminal code. **Bulgaria** included violence or hatred motivated by someone’s race, nationality, ethnicity, religion or political convictions in the criminal code as distinct forms of crimes in May 2011.” (p. 36)

Table 5: Classification of official data collection mechanisms pertaining to hate crime, information current as of September 2012, by EU Member State

Limited data	Good data	Comprehensive data
<i>Few incidents and a narrow range of bias motivations are recorded</i>	<i>A range of bias motivations are recorded</i>	<i>A range of bias motivations, types of crimes and characteristics of incidents are recorded</i>
<i>Data are usually not published</i>	<i>Data are generally published</i>	<i>Data are always published</i>
Bulgaria Cyprus Estonia Greece Hungary Ireland Italy Latvia Luxembourg Malta Portugal Slovenia Spain Romania*	Austria Belgium Czech Republic Denmark France Germany Lithuania Poland Slovakia	Finland Netherlands Sweden United Kingdom

Notes: Limited data refers to data collection which is limited to a few incidents and to a limited range of bias motivations. The data are not usually published.
Good data refers to data collection which records a range of bias motivations are the data are generally published.
Comprehensive data refers to data collection which covers a range of bias motivations, types of crimes and characteristics of incidents are recorded and data are always published.

* No evidence on hate crime data collection was found for Romania.
Source: FRA desk research and FRA analysis of data provided by the FRA's research network

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Handbook on the establishment and accreditation of National Human Rights Institutions in the European Union (October 2012)

http://fra.europa.eu/sites/default/files/fra-2012_nhri-handbook_en.pdf

EU Member State	NHRI	Status	Number of members of the Governing Body	Method of appointment of the Governing Body	Legal provision
BG	Ombudsman of the Republic of Bulgaria	B	1 Ombudsperson and 1 Vice Ombudsperson	The National Assembly elects the Ombudsman, by secret ballot, for a term of five years. He/she may be re-elected one time only. The winner is the candidate who receives a majority of votes from the Members of Parliament who participate in the voting. Based on the Ombudsman's recommendation, the National Assembly elects the Deputy Ombudsman within one month of the Ombudsman's election and for the term under Article 8.	Articles 8, 10 (2) and 11 (1) of the Ombudsman Act
	Commission for protection against Discrimination of the Republic of Bulgaria	B	9 Commissioners including 1 Chairman and 1 Vice-Chairman	According to the founding law, the Commission shall consist of nine members, at least four of whom should be lawyers. The National Assembly elects five of the Commissioners, including the Chairperson and Vice Chairperson, and the President of the Republic of Bulgaria appoints the other four.	Protection against Discrimination Act, Article 41

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Choice and control: the right to independent living (June 2012)

http://fra.europa.eu/sites/default/files/choice_and_control_en_13.pdf

"Bulgaria has also introduced legislation on personal assistance in the form of the Social Assistance Act.⁶⁵ The Regulations for the Implementation of the Social Assistance Act, adopted in June 2010, entitle persons with mental health problems or intellectual disabilities (assessed with at least 71 % reduced labour capacity) to an assistant. Such assistance is limited to 10 hours per year." (p.32)

"According to respondents in Bulgaria and Hungary, many families do not have the financial resources to pay fees for integration services provided privately, for instance in day centres." (p. 38)

"Participants from Bulgaria, France, Germany, Greece, Romania and the United Kingdom recalled being victims of stigmatisation, abuse or bullying. Respondents and stakeholders recognised that there were entrenched misconceptions about people with mental health problems which contributed to stigmatisation and reduced opportunities to participate in society. These misconceptions often resulted in fear of people with mental health problems, leading to their social isolation, particularly in rural areas. According to a Eurobarometer survey in 2010, on average, 22% of EU citizens would find it difficult to talk to a person with a significant mental health problem, and a further 11% are not sure how they would react." (p. 62)

Involuntary placement and involuntary treatment of persons with mental health problems (June 2012)

http://fra.europa.eu/sites/default/files/involuntary-placement-and-involuntary-treatment-of-persons-with-mental-health-problems_en.pdf

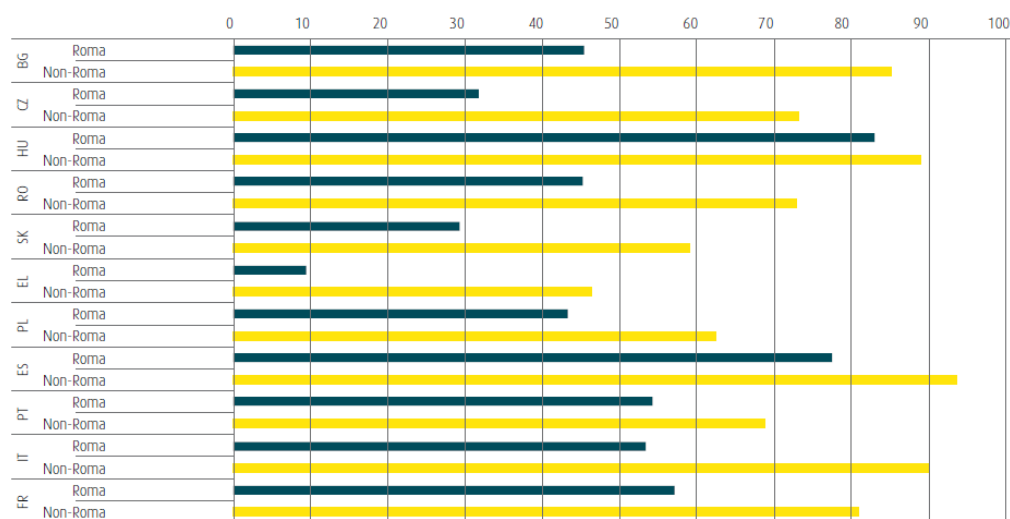
“In the *Stanev v. Bulgaria* case, the court observed that no remedy to challenge the lawfulness of Mr Stanev’s placement was available in domestic law. No courts were involved at any time or in any way in the placement and the domestic legislation did not provide for automatic periodic judicial review of placement in a home for people with mental health problems. Furthermore, the validity of the placement could have been challenged on the grounds of lack of consent only on the guardian’s initiative. The court therefore concluded that there had been a breach of Article 5 (4) ECHR.” (p. 18)

“In **Bulgaria** some respondents claimed that they were not asked to sign informed consent forms for treatment, although sometimes their relatives were asked. On occasion they were admitted involuntarily into hospital and were later asked to sign a consent form to avoid subsequent legal proceedings: “It happened to me several times – when I am in crisis, my relatives bring me to the doctor, the general practitioner decides that I need to be placed in a hospital and I am placed in a hospital. For example, I have mania or depression and do not agree to the placement. While I am in the hospital – injections, then when I am a bit calmer, I have enlightenment, then they made me sign a document to confirm that I am placed in the hospital voluntarily in order to avoid the clumsy court and prosecution proceedings [...]. The doctors themselves told me: ‘You have been placed in the hospital anyway and instead of going to the court, just sign’. Woman, 51, **Bulgaria**”(p. 45)

The situation of Roma in 11 EU Member States - Survey results at a glance (May 2012)

http://fra.europa.eu/sites/default/files/fra_uploads/2099-FRA-2012-Roma-at-a-glance_EN.pdf

Figure 2: Children aged 4 to starting age of compulsory education attending preschool or kindergarten (pooled data) (%)



Notes: * In Bulgaria, Hungary, Romania and Poland, compulsory education starts at the age of 7; in the other EU Member States at the age of 6.

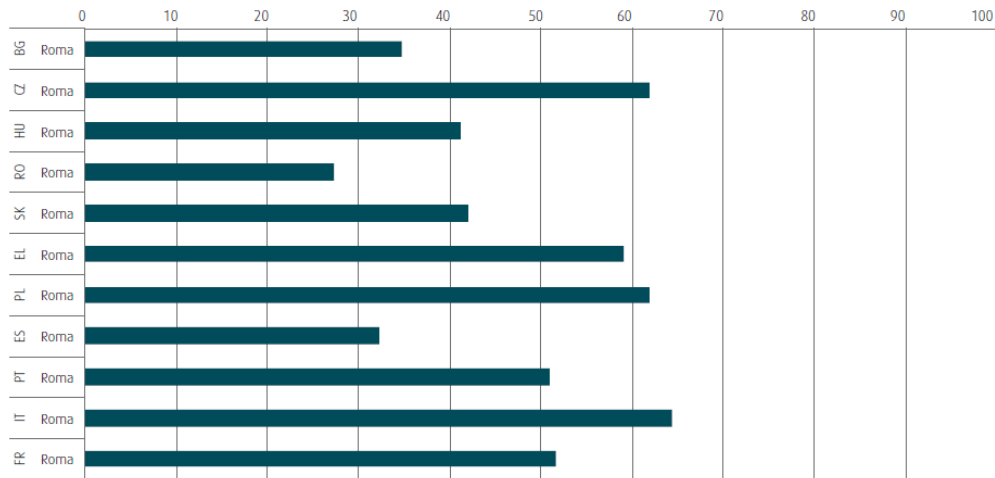
Source: FRA Roma pilot survey 2011, UNDP/World Bank/EC regional Roma survey 2011

(p.13)

“However, in Greece and Romania more than one out of 10 Roma children are reported to be working outside the home, while in Italy, France and **Bulgaria** the proportion is about 6 %. When asked which type of work children do outside the home, respondents said either that they are collecting objects for reselling or recycling, or they are begging on the street for money. Other activities of Roma children

working outside the home include working in a shop, on a farm, in a market or selling things in the streets, running errands or guarding cars.” (p. 19)

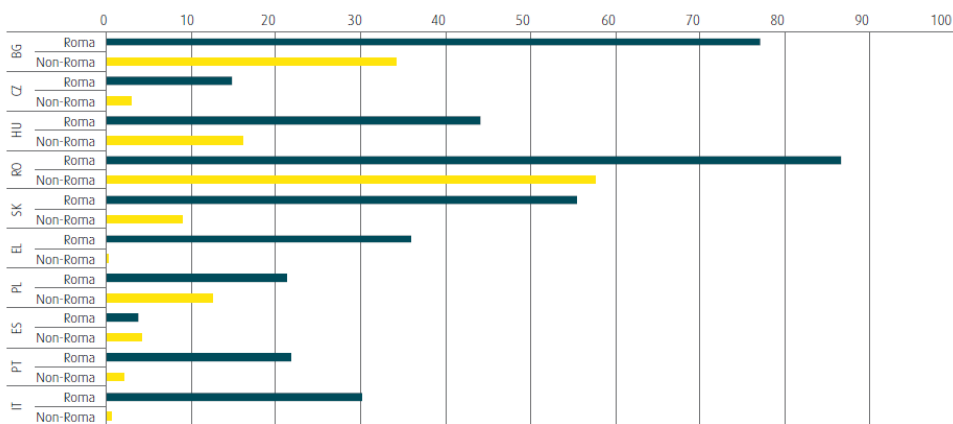
Figure 9: Roma respondents aged 16 and above looking for work in the past 5 years, who said that they experienced discrimination because of their Roma background (pooled data) (%)



Source: FRA Roma pilot survey 2011, UNDP/World Bank/EC regional Roma survey 2011

(p. 19)

Figure 13: Persons living in households without at least one of the following basic amenities: indoor kitchen, indoor toilet, indoor shower/bath, electricity (pooled data) (%)



Notes: Roma households living in mobile or makeshift accommodation were excluded from this calculation. These were the Roma (gens du voyage) surveyed in France all living in caravans on halting sites; about half of the Roma surveyed in Italy and about 10 % of the Roma surveyed in Greece and Portugal.

Source: FRA Roma pilot survey 2011, UNDP/WB/EC Regional Roma survey 2011

(p. 23)

“[...] (I)n Romania, Bulgaria and Slovakia the majority of the Roma surveyed live in households that do not have at least one of these basic amenities, in contrast to the non-Roma households surveyed. It should be noted that in Bulgaria and even more in Romania many of the non-Roma households also lack at least one of these basic amenities.” (p. 23)

“However, in the case of Romania and Bulgaria for example, the average income of the richest 20 % of the Roma surveyed was reported to be respectively 13 and 12 times higher than the income reported by the poorest 20 % of Roma” (p. 32)

The Racial Equality Directive: application and challenges (January 2012)

http://fra.europa.eu/sites/default/files/fra_uploads/1916-FRA-RED-synthesis-report_EN.pdf

“In many Member States NGOs were able to provide legal representation or initiate court proceedings either in the name of the victim or on their own behalf. NGOs were able to bring cases to court without the consent of the victim in certain circumstances (such as for ‘class actions’), for example in Bulgaria, Hungary, Italy and the Slovak Republic” (p. 14)

“In more than half of the Member States victims are entitled to be represented by trade unions in at least some dispute settlement fora: Austria, Belgium, Bulgaria, Cyprus, the Czech Republic, Estonia, Germany, Ireland, Italy, Latvia, Luxembourg, the Netherlands, Poland, Portugal, Slovenia, Spain and the UK. Trade unions in some Member States also provide financial assistance to cover the legal costs of those involved in disputes. They were also able to initiate legal proceedings upon satisfaction of certain criteria in the following Member States: Belgium, Bulgaria, Denmark, France, Italy, Malta, the Netherlands, Poland, Romania, Spain and Sweden.”(p. 14)