

INTRODUCTION

The project '*Civil Society in Support of Bulgaria's Stable Policy for Human Rights Guarantees*' started in May 2003. It was a three-year project, carried out with the financial support of the Dutch Ministry of Foreign Affairs within the framework of its MATRA programme, and in cooperation between Bulgarian Lawyers of Human Rights (BLHR), the Bulgarian National Institute of Justice and the Netherlands Institute of Human Rights (SIM).

The project focused on sustainable legal, procedural and institutional guarantees for respect of human rights on the road of Bulgaria to the European Union, and in particular: (1) the strengthening the judiciary as an independent institutional guarantee for the protection of human rights and freedoms in a democratic society by the development of local capacity for systematic training of magistrates and the establishment of stable mechanisms for distribution of information about the international human rights standards and their domestic application; and (2) raising the awareness of the public about identified insufficient guarantees for the protection of human rights on the national level and remedies offered by the domestic law.

The overall project goal was thus to improve the ability of the Bulgarian judiciary, the executive and legislative powers to secure legal and institutional guarantees for the exercise of human rights; to raise public awareness about further necessary steps to be taken on the national level for the protection of human rights; and to establish mechanisms for cooperation between local civil society and authorities in the field of human rights protection.

In this respect ten priority topics to be analysed in relation to the compatibility of Bulgarian legislation and practice with the requirements of the European Convention on Human Rights (ECHR) were selected. The topics concerned:

- The right to life and the prohibition of torture and inhuman or degrading treatment or punishment (*Article 2 and 3 ECHR*);
- The right to liberty of person (*Article 5 ECHR*);
- The right to a fair trial in criminal and civil cases (*Article 6 ECHR*);
- The right to respect for privacy and family life (*Article 8 ECHR*);
- The right to freedom of thought, conscience and religion (*Article 9 ECHR*);
- The right to freedom of expression (*Article 10 ECHR*);
- The right to freedom of association and assembly (*Article 11 ECHR*);
- The prohibition of discrimination (*Article 14 ECHR*);
- The right to freedom of movement (*Protocols No. 4 & 7 ECHR*); and
- The right to property (*Article 1 of Protocol No. 1 ECHR*).

A team of BLHR lawyers, specializing in the specific topics above, prepared ten briefs, which contained summaries of cases, brief description of the contents of relevant national legislation as well as opinions on the existing domestic guarantees for human rights protection as compared to the requirements of the European Convention. The briefs were subject to discussion and open to questions by SIM experts. In this way the SIM experts were enabled to prepare preliminary reports containing critical evaluation of existing Bulgarian law and practice from the

viewpoint of the European Convention. The experts further received information from opinions expressed by Bulgarian practicing magistrates – judges, prosecutors and investigators - in the framework of discussions, which took place during seminars organized by the National Institute of Justice on the ten topics above.

Based on the information thus gathered, and using their own expertise in ECHR standards, the SIM experts prepared intermediate opinions on the adequacy of the existing legal and procedural guarantees for the protection of human rights in Bulgaria and on the effectiveness of domestic remedies for violations. In this way it was possible to make an in-depth analysis of the conformity of Bulgarian law and practice with the international standards in the field of human rights with respect to the ten particular topics detailed above.

These intermediate opinions were then subject to discussions within working groups, involving representatives of the executive and legislative power. The relevant authorities expressed commitment to include experts from decision-making bodies. The representatives of the Parliamentary Committees for Human Rights and for European Integration as well as from the Council of Legislation with the Ministry of Justice were involved in these working groups. The Ministry of Justice also committed itself to encourage representatives of other relevant executive bodies to participate in the assessment of draft and existing legislation in order to help the process of legislative changes in Bulgaria and avoid the adoption of new laws further contradicting the European standards for the protection of human rights. The comments and opinions of participants in the working groups were taken into consideration in the process of preparation of the final SIM reports, presented hereunder.