

THE SITUATION OF LESBIANS, GAY, BISEXUAL, TRANSGENDER IN BULGARIA

Description of the legal situation

Criminal law

Article 157 of the Penal Code (Chapter II "Crimes against the person", section "Debauchery") provides that:

Changes in the Penal Code of the Republic of Bulgaria

(Published in the STATE GAZETTE on September, 27, 2002)

(Adopted by the Parliament on September 13, 2002)

- (1) (As amended - SG, No. 28/1982) A person who performs sexual intercourse or acts of sexual satisfaction with a person of the same sex, by using for that purpose force or threat, or by taking advantage of a position of dependency or supervision, as well as with a person deprived of the possibility of self-defense, shall be punished by deprivation of liberty for **one to five** years, as well as with *public censure*.

The penalty

"one to five" has been changed to "2 to 8 years".

- (2) The same punishment shall be imposed on a person who performs such homosexual acts with regard to a person who has not completed **16 years** of age.

"16 years" has been changed to "14 years of age".

/The age of consent for homosexual acts (as it is for heterosexual acts) is now 14 years. /

Para 3 remains the same.

- (3) (New - SG, No. 89/1986) The punishment under paragraph (1) shall be imposed also on a person of full age, who performs such homosexual acts with respect to a minor or to a person who could not understand the essence and meaning of the act.

Paragraph 4 is completely repealed.

(4) A person who performs homosexual acts in public or in a scandalous way or in such a manner as to induce others along the road to perversion, shall be punished by deprivation of liberty for up to two years or by corrective labour, as well as by public censure.)

(5) (As amended - SG, No. 28/1982; former paragraph (4) - SG 89/1986; as amended - 10/1993) A person who performs homosexual acts for the purpose of procuring for himself material benefit, or acts for this purpose as procurer or procuress with regard to another for such acts, as well as a person who, by giving or promising benefit abets others to homosexual acts, shall be punished by deprivation of liberty for up to three years and by a fine of up to six Bulgarian leva, where as the court may rule compulsory domicile.

The fine has been changed from "*six Bulgarian leva*" to "*1000 Bulgarian leva*)

"the court may rule compulsory domicile" has been changed to *"the court may rule probation of certain period not to visit a certain place, region or public place"*.

It is still possible for a person who benefits from a homosexual prostitution to be prosecuted by law (Article 157, Para 4 "a person who, by giving or promising benefit abets others to homosexual acts, shall be punished by deprivation of liberty for up to three years and by a fine of up to 1000 Bulgarian leva, where as the court may rule probation of certain period not to visit a certain place, region or public place"). This act is not a crime if in case of heterosexual intercourse. There are still different penalties for

the same crimes, committed by homosexual and heterosexual persons. There are still different penalties for crimes of homosexual and heterosexual nature. For a homosexual act where consent is absent the sanction is imprisonment and a public censure (Article 157, Para 1, A person who performs sexual intercourse or acts of sexual satisfaction with a person of the same sex, by using for that purpose force or threat, or by taking advantage of a position of dependency or supervision, as well as with a person deprived of the possibility of self-defense, shall be punished by deprivation of liberty from two up to eight years, as well as with public censure). Public censure is not applied for perpetrators of heterosexual rape.

Even after the changes and the numerous critics from the European Institutions, Article 157 remains discriminatory by its simple existence, since it regulates crimes which are already regulated under other articles.

Moreover, this article still contains some discriminatory penalties for the same crime, but on the basis of sexual orientation (Article 157, Para 1 & 4). The different approaches to seeking criminal responsibility from heterosexual and homosexual persons for sex crimes should be removed, in accordance with the requirement of the European Union in its Resolution on Equal Rights for Homosexual Men and Lesbians.

The Penal Code should not contain texts that differentiate sex crimes based on whether the perpetrators are homosexual or heterosexual persons. An example of a non-discriminatory attitude may be found in articles 149 and 150, which refer to the crime of debauchery. In this article, the gender of the perpetrator and of the victim of the crime does not matter. They may be of different gender or both of the same sex.

"In September 2002 the Bulgarian Parliament repealed several provisions, including one prohibiting homosexual acts committed "in public or in a scandalous way or in such a manner as to induce others along the road to perversion"¹. Initial reports indicated Bulgaria's September law reforms had resulted in the repeal of all significant discriminatory aspects of the criminal law, a position which the European Commission endorsed in the its Bulgaria report.² "The 2001 Regular Report commented on discrimination on the grounds of sexual orientation in the Bulgarian Penal Code. Amendments to the Penal Code adopted in September 2002 eliminate these discriminatory provisions. They equalize the age of consent, the legal situation for homosexual and heterosexual prostitution, and the penalties for rape and decriminalize provisions on homosexual actions in public. The recent changes to the Penal Code are an important step in removing discrimination on the grounds of sexual orientation."

Anti-discrimination legislation

Bulgarian law lacks any anti-discrimination provisions regarding sexual orientation and gender identity.

The currently effective Constitution of the Republic of Bulgaria adopted by the Great National Assembly in 1991 proclaims that one of its fundamental principles is the equality of citizens. Article 6 states:

*"(1) All people are born free and equal in dignity and rights.
(2) All citizens are equal before the law. There may be no limitations of rights or privileges based upon race, nationality, ethnic identification, sex, descent, religion, education, beliefs, political affiliation, personal and social situation, or economic condition."*

The Constitutional Court of the Republic of Bulgaria has referred to the principle of citizens' equality tens of times. Since the beginning of its mandate, the Court has had the possibility to examine the nature and expanse of this principle.

Proceedings on the interpretation of Article 6 of the Constitution were initiated following a request by the then-President Zhelju Zhelev for a decision on whether the designated social characteristics on whose basis rights and privileges must not be limited were exhaustive or only suggested examples.

By Decision no. 14 of 10 November 1992, the Constitutional Court of the Republic of Bulgaria pronounced that the list of social characteristics on which basic rights and privileges must not be limited, designated in Article 6, paragraph 2 of the Constitution, was exhaustive.

¹ ILGA Europe newsletter, issue no. 4, "Update LGBT issues in the candidate countries"

² <http://europa.eu.int/comm/enlargement/report2002>

In other words, all the anti-discrimination criteria are explicitly stated in Article 6 of the Constitution but sexual orientation is not within the rights which are protected. "Although the principle of antidiscrimination is enshrined in the Bulgarian constitution, the European Commission's directives on anti-discrimination have not yet been transposed, and other national legislation on this specific issue is non-existent. Article 8 of the Labour Code does not include sexual orientation among the non-discrimination basis. There is no specific competent anti-discrimination enforcement body."³.

The 2002 Employment Promotion Act contains provisions to combat discrimination on the grounds of sexual orientation, but it is the first Bulgarian law that provides protection against discrimination based on sexual orientation. (See page 14)

Bulgarian law lacks any anti-discrimination provisions regarding sexual orientation and gender identity. A new anti-discrimination law has been drafted in Bulgaria. The "Law for the Protection against Discrimination" Bill incorporates the European Framework Directive on Employment and Occupation and has been adopted by the Council of Ministers in 2002 and sent by it to the National Assembly. It has not yet been passed by the Parliament.

The law, if passed as drafted, will provide protection against discrimination on the grounds of sexual orientation in the fields of employment, health care, education, recruitment to the military, housing, accommodation, and a range of services available to the public. The law will provide protection against harassment and victimization. It also explicitly defines the term "sexual orientation" as heterosexual, bisexual, homosexual orientation.

Police force

Bulgarian legislation contains no provisions that refer specifically to perpetrators of crimes motivated by homophobia, despite the fact that the Council of Europe considers homophobia to be equivalent to racism.⁴ In the Penal Code, homosexuals are only singled out when they are the "subjects" of a crime (i.e. when they are the perpetrators), and not when they are "objects" (i.e. victims of a crime) – i.e. Article 157 from the Penal Code.

Judicial and police bodies do not show any concern to collect evidence about the homophobic motives of those committing crimes. Judges are not required to consider such motives as aggravating the crime or impose more severe punishments when homophobic motives are revealed.

Discriminatory attitudes of police officers towards sexual minorities are no different from discrimination against any other minorities. Until now, no official information from the police has been presented on cases of homosexual victims of police violence. Individual cases provide evidence indicating the presence of the following discriminatory practices⁵.

Police officers seek information of a personal nature about homosexual persons who are victims of violence. This information is of no relevance to the prosecution of the crimes against those victims. Police officers refuse to register cases of brutality committed against sexual minorities and do not conduct investigations that would seek criminal responsibility from the perpetrators of crimes motivated by homophobic prejudices. The passive behavior of the police is an expression of the state's desire to ignore the violation of the rights of LGBT.

Police has undertaken in numerous occasions of unprovoked actions towards homosexuals. BGO Gemini dealt with a case of a gay man from a small town, who submitted a complaint against three police officers.

³ ILGA Europe newsletter, issue no. 4, "Update LGBT issues in the candidate countries"

⁴ With Recommendation 1474 (2000), the Parliamentary Assembly of the Council of Europe broadened the powers of the European Commission Against Racism and Intolerance to respond to homophobia, and it added to the European Commissioner's staff a special assistant for questions of discrimination based on sexual orientation.

⁵ Boyko Boev, Bulgarian Helsinki Committee

They had arrested him with no reason being given and took him to police custody. He was threatened by them and beaten while being in police custody because he had been known as gay. A few days later he was released from police arrest and apparently his file disappeared from the police.

Moreover, the police forces are not very willing to have LGBT people as their colleagues, it was voiced by some police representatives during the seminar to implement the law against discrimination, because: a) 'they wouldn't know how to treat them: either as men or as women', which would make impossible for the superiors to assign them a certain task; b) they fear that the gay police officers would not be integrated by their fellow colleagues and discriminated against.

Violence against Gays and Lesbians

Over the past few years, Bulgarian Gay Organisation Gemini, the only Bulgarian LGBT rights organisation, has been reported several cases of people losing their jobs or being attacked physically or verbally, with no other reason but their sexual orientation. However, none of these cases has been investigated because victims feared media coverage and other damages besides sexual orientation publicly revealed. For this reason, it is our opinion that the cases we are familiar with represent only the "tip of the iceberg" of such 'incidents', in reality, the occurrence of such cases being much higher.

There are also cases of gay bashing. BGO Gemini has been made aware of about attacks on LGBT people by other individuals, but mostly by groups of people, mainly in the evenings. Due to a lack of co-operation from the police, no such cases have ever been legally investigated and no measure taken in order to find and punish the criminals.

Even though, the police attitude has changed in the past few years, towards becoming a more tolerant one, police officers still do not agree to act as witnesses in cases of anti-gay violence. There have also been cases of police violence against gays but none of the victims was willing to testify, because of fear of public censure.

In June 2002, a lesbian couple contacted BGO Gemini with special case not only because it's about discrimination on grounds of sexual orientation, but also gay-bashing, kidnapping, etc.

One of the girls is married to a man and they have a child, aged of 4 years. At a certain point, she decided to move in with her female partner, leave her husband and take the child as well. Her parents, decided to take her child away from her. They first kidnapped the child from his mother, tried to declare her "mentally ill / irresponsible, with an indecent behaviour and unable to raise a child", and, since she didn't want to give up her child, she was beaten by her mother and her husband. They have filled a complaint on these grounds (kidnapping, physical / verbal violence, gay-bashing, deprivation of parenthood rights) and they have been waiting for the court's decision.

BGO Gemini also received a complaint from another gay man. He was accused of inducing his lover's suicide. He was arrested by the police and maltreated in the police custody both physically and verbally. During the trial it turned out that he barely knew the deceased. All charges were withdrawn after all.

Public opinion/stereotypes

Homophobia is still a widely spread social attitude in Bulgaria, encouraged and cultivated by society at large and official representatives and institutions. Even after the recent democratic changes, nowadays, Bulgaria remains a deeply homophobic society. Gender norms are strictly defined along traditional and religious lines. This inflexibility in thinking contributes greatly to the social lack of acceptance of LGBT.

An immediate result of homophobia is that most of the lesbians and gay men do not want to come out, because of the hostile environment around them. Consequently, they cannot be easily organized to defend their rights.

However, we are witnessing an increasing acceptance of LGBT people in society, especially among the young people in the past few years. If in 1987 39% of young people thought that homosexual

relationships should be prosecuted by law, a National survey of the Ministry of Health under the UNFPA held in May 2000 reveals that only 4% of all respondents are repressive on this issue⁶.

Figure 1

	Should be prosecuted	This is not moral	This is a private matter	No answer
All	4%	31%	53%	12%
Women	5%	29%	55%	11%
Men	4%	32%	52%	12%
Age				
12 -17 years	4%	23%	52%	21%
18 - 44 years	8%	33%	52%	8%
Women				
12 - 24 years	7%	26%	54%	13%
25 – 44years	3%	32%	56%	9%
Men				
12 – 24 years	5%	31%	50%	14%
25 – 44 years	3%	33%	53%	11

The same survey shows that same-sex relationships are accepted by 5%; not accepted by 81%; 14% of the respondents did not give any opinion.

Figure 2

<i>“What is your opinion on sexual act with a partner of the same sex?”</i>			
	Accept	Don't accept	No opinion
All	5%	81%	14%
Women	5%	80%	15%
Men	4%	82%	14%
Age			
12-17 years	2%	74%	24%
18-24 years	6%	79%	16%
25-45 years	5%	83%	12%
Women			
12-24 years	4%	77%	19%
25 – 44 years	6%	82%	12%
Men			
12-24 years	5%	77%	19%
25-44 years	4%	85%	11%

⁶ “Sexual culture and reproductive health of young people in Bulgaria”, National survey of the Ministry of Health under UNFPA in May 2000 within 1115 people over 18 years of age (479 people between 18 and 45 years of age). The survey is done by direct home interviews with the respondents.

Figure 3

Partnership/Family law

There are no provisions in the Bulgarian legislation regarding registered partnership both for heterosexual and for homosexual couples. Cohabitation is not a legal basis for any benefits that might gain from their cohabitation, since unregistered partners are not included in the legal circle of heirs.

Therefore, cohabitating partners may inherit from one another only when there is a last will statement, and not on the basis of their relationship. Cohabitating partners inheriting through a will have no right to a preserve part of the estate. Cohabitating partners have no parental rights over the children of the other partner either. It is possible, however, for one partner to legally adopt the other's biological children. It is not possible for unregistered couples to adopt children, since the law requires the adoptive couples to be legally registered as married.

There are no political trends toward adopting any changes in partnership/family law towards legal recognition of same-sex partnerships. Same-sex partners are not allowed to legalize their relationships, have no patrimonial rights, the right to adopt children or hospital visitation of their partner.

Although the Supreme Court has long accepted that, de facto, spousal cohabitation is a basis for seeking non-material damages in cases of one partner's death, there is still no case on complaints filed by same-sex partners.

But, since the Bulgarian law is not a case-law, it is very difficult to change any legal provisions as regards same-sex partnership. Those should be passed by the parliament and approved by the president of the Republic. This legislative process makes this entire process very difficult.

As regards artificial insemination, this is available in some clinics in Bulgaria. However, it is usually accessible only to married heterosexual women. Ministry of Health Regulation 12 of 1987 sets out that women can be inseminated with seed from their husbands or from a third person only if the husband's seed is not fertile.

Lesbian mothers, according to the interpretation of this law, are not allowed to be inseminated simply because they are married to a man – the law being here very clear, not leaving any room for any other interpretation.

Sexual Orientation reflected in media

The topic of homosexuality is often to be found in mainstream publications, as well as in the electronic media. However, the focus is that this is something 'not of this world', so that the media prefer to describe gay people as totally "different", eccentric, as criminals or associating male homosexuality to pedophilia, due to a complete lack of information. There is no serious discussion or debate taking place on the problems LGBT people face in Bulgaria or worldwide. The media serves only to foster negative attitudes towards gay men and lesbians so far, and encourage stereotypes and prejudices.

Media predominantly highlights those gay people whose behaviour reinforces the old clichés about gays and lesbians, such as commercial sex workers, pedophiles, criminals etc.

Bulgarian Gay Organisation "GEMINI" has drawn a press monitoring, studying articles which appeared in 11 Bulgarian publications, expounding topics and problems related to LGBT community in the period October, 2001 – 2002.

This was aimed at studying the media coverage on gay and lesbian issues, as well as the general picture on how these problems are presented. These publications reflect the evolution in the Bulgarian political and social life with regard to sexual minorities in 2002. During this period, the public debate on homosexuality, as reflected in the media, had its peak as compared to the previous years.

We have analyzed 157 articles containing insulting qualifications towards sexual minorities and organisations defending the rights of the LGBT community. We distinguish insulting attributes like: [the terms are impossible to be translated into English, but they are variations of 'faggot', 'queer', etc], and all their derivations (except for the cases when these are in quotations).

We also consider inadmissible social constructs in media built on false assumption (i.e. with no real basis, but reflecting only one part's story), as well as the thesis according to which homosexuality is a disease that must be healed and the thesis of "sorrow for LGBT", in order to seek or provoke scandals around one's sexuality. We have to admit though that most of the stories and statements are not based on any actual proof, these being made according to the social prejudices and stereotypes, most of the times looking for the sensation and scandal. The newspapers with the biggest number of articles with negative messages are: 'Noshten Trud' (the Night Shift) and 'Monitor' (the Monitor).

We have interpreted as articles with positive message those presenting an objective point of view, i.e. presented under the form of interview with a representative of LGBT community or as reportage on some events in which LGBT community was involved in one way or another. Amongst the most objective newspapers we reckon 'Dnevnik' and '168 chasa' which have practically never put a label on sexual minorities.

Employment promotion act

Come into force on 1.12.2002

This law regulates the relations established between employers and employees; encourages the vocational training courses; professional counseling and information on the labour market provided to unemployed persons.

Article 2: To respect the rights and obligations under this law, direct or indirect discrimination, privileges or restrictions on the grounds of nationality, origin, gender, sexual orientation, race, colour, age, political or religious beliefs, membership in trade unions, social organisations and movements, marital status, social status or welfare, presence of mental or physical disability shall not be allowed.

This law is aimed at preventing discrimination on several grounds, among which sexual orientation, at the workplace or in any other service provided by any state authority.

Our organisation has dealt with cases of discrimination at the workplace, especially job dismissals, where sexual orientation was the single reason for firing employees.

Such a case happened in Jan. 2002, when BGO Gemini received a complaint from 2 young men. The case was a job dismissal, as follows. A month before the event, there had been a job vacancy and they both applied for a position, without having met each other before. After an interview they both passed successfully, they were selected for the positions they had applied for and they started one month training. At this time, they started to a friendship and after a while they became a couple. At a certain moment, their boss found out they are gay and they were having a relationship and as a result of having “an indecent behavior”, they were fired.

One of the most important aspects of this law – the Employment Promotion Act – is that it only regulates the grounds on which discrimination is not allowed. This is also the place to mention that the legislator does not refer to grounds “forbidden” by this law, but ‘not allowed’, phrase which leaves room to further interpretation and/or actions.

Another aspect is that law does not provide any penalties or legal measures to be undertaken by competent bodies and/or institutions in case discrimination on one or several of the above mentioned grounds occurs. This is due to the fact that the legislator ‘forgot’ to name an executor (an official body or institution) to put it into practice and to monitor this particular act.

Relations with the EU, Council of Europe and International Human Rights Organizations with Regards to the Status of LGBT

In order to achieve its mission to create a better society for LGBT in Bulgaria, BGO Gemini has initiated a lobby campaign targeting the EU institutions: European Commission, Delegation of the European Commission, European Parliament and other constituents, such as the Party of the European Socialists⁷.

One of the first contacts we have established was with PES through its representative, Mr. Nicholas Crook, upon his arrival in Bulgaria.

The main issue raised in our meeting was the legal and social situation faced by lesbian women and gay men in Bulgaria, the provisions in the Bulgarian Criminal Code and other provisions sending directly to homosexual people and the process to improve it:

- Article 157 – discriminatory by nature since this article makes a direct and special reference to homosexual people stating special punishments for this social category, punishments that do not exist in the case of heterosexual people;
- Art. 162 – with regard the age of consent which is different in the case of homosexual people.

A special attention was paid to the non-discrimination criteria (also known as the Copenhagen political criteria) and Bulgaria’s infringement upon the European and international Treaties, especially in the area of employment, medical treatment and military service (with special reference to the treatment gay men have to endure during their military service from military doctors or their superior officers).

We have also taken into discussion the situation of lesbians and gays in Bulgaria which is quite critical since there is no reference to sexual orientation and gender identity in the non-discrimination criteria stated in the Bulgarian Constitution and therefore LGBT people are subject of discrimination (loss of their jobs, unfair/bad medical treatment, interdiction for LGBT people to donate blood, etc) without having any legal basis to defend themselves or to undertake any future actions.

⁷ PES

Another issue discussed in the meeting was the treatment from the police – especially in cases of gay bashing or while in police arrest.

In this respect Mr. Crook expressed his deepest concern of the current situation and reiterated his party's support in all our future actions to lobby the Bulgarian officials (the government, the Parliament, the presidency) and also the European officials – especially in the European Union through several actions having as final target to abolish Article 157, to change any other discriminatory provision and to introduce sexual orientation and gender identity among the non-discrimination criteria.

A next further step to strengthen our relationship between our organisation and the European Parliament was the meeting with Mr. Michael Cashman in October 2002, followed by a fruitful meeting with the representatives Delegation of the European Commission in Bulgaria, Mr. Christof Stock, Second Secretary – Political affairs and Ms. Elisabet Roos Ljunberg, Pre-accession Reporting.

The discussions focused on the recent changes the National Assembly of the Republic of Bulgaria made in Article 157. BGO Gemini brought to Mr. Cashman's attention the fact that, even after the changes the Parliament made in Article 157, this law is still discriminatory with regard to sexual minorities by its simple presence as such (this article regulating now crimes committed by persons with homosexual orientation, crimes that are already regulated in other articles of the Penal Code and have a general character). Moreover, this article still maintains some discriminatory penalties for the same crime, but on the basis of sexual orientation (par. 1 & 5, Article 157).

Another topic of discussion was around the antidiscrimination law that is to be debated and voted in the Parliament.

BGO Gemini expressed its concern about the way this bill is formulated because it would leave enough room for interpretations (it is stated in the bill that certain institutions 'reserve' the right to discriminate against some minorities, not explicitly defining what institutions can discriminate, against whom, in what cases and to what extent).

All the officials reiterated their support towards BGO Gemini's lobby activities to change all the discriminatory provisions and to introduce sexual orientation among the non-discriminatory criteria and the EU Delegation will bring up these topics in the future meetings with the Bulgarian representatives. Moreover, the advisor for pre-accession reporting affirmed that, if the Bulgarian authorities do not comply with the EU requirements till next year, this will be reflected in the next report of the Commission.

Education

Human rights in Bulgaria is a new concept and our goal is to build and expand the organization with the help of already existing models and to apply them and adjust them to the unique dynamic of our society. The discrimination and the hatred that exist in our country not only towards minorities with different sexual orientation but towards all kind of minorities needs to be changed through education.

Bulgarian educational system currently does not support or include any kind of sex education. For many people, same-sex relationships are still a mental abnormality (i.e. a mental disorder very difficult to be healed), and they are depicted as such even in official manuals and texts.

A more distressing thing is that specialists in social sciences, especially psychology, social work and sociology, as well as medical professional

Our goal is to develop a program involving the LGBT community and to promote acceptance and anti-discrimination through new projects.

Health Care

People Living with AIDS⁸

The status of PLWA can be reviewed against a number of backgrounds. On the one hand, difficulties are rooted in the very clinical picture of the disease with the ensuing handicap status of the HIV positive. This leads to a loss of career realization possibilities, and subsequently to considerable financial difficulties.

On the other hand, the complication of the PLWA problem originates in interpersonal relations – within the family, the circle of friends, the circle of colleagues, the circle of HIV positive, and the place of living. In many cases family couples where one of the spouses is HIV positive experience higher tension and, finally, come to divorce or fictitious marriage.

Difficulties in the case with PLWA come from the lack of adequate legislation and regulations, protecting and obliging HIV-positive Bulgarians. This lack is the reason for the deficit of trust in the relationships of the HIV positive with the people surrounding them – health workers, social workers, employers, colleagues, etc.

Some are in the opinion that in the last few years was achieved considerable progress in overcoming certain obstacles to the coordination of activities of the HIV problem related governmental and non-governmental organizations. The stress is on the establishment of a separate department for HIV positive within Sofia Infectious Diseases Hospital, the procurement and putting into operation of modern diagnostics equipment and the following of the effect of therapy on HIV-positive people, the implementation of a number of projects aiming at improving the living standards of HIV positive people in Bulgaria.

Other people are in the opinion that there is no adequate psychological and psychiatric assistance to PLWA at present. They emphasize this as the basis of the existing problems in HIV positives' relationships with both health workers engaged in their therapy and among themselves.

Many are in the opinion that the present centralization of HIV positives' therapy is an additional obstacle to the situation of PLWA. They state that traveling to Sofia from various distant towns makes employed PLWA take frequent leaves from office. This puts them into a possible conflict with employers and family, and to the additional risks to their health. Last, but not least, another factor posing difficulties, is the poor financial status of PLWA.

Health care for people with HIV/AIDS/STD

In 1998 there were persons on dispensation record at the Central AIDS Laboratory, which was not authorized for dispensation. Since the beginning of 1998 people are directed at the moment their HIV positive test is confirmed by NHCL or the local DVDC to the Sofia Infectious Diseases Hospital. There they undergo thorough clinical examination and the respective clinical and laboratory tests. Peripheral blood is sent to NHCL and the Central Immunologic Laboratory to be tested for initial virologic and immunologic status. After obtaining full data on the tests the patient is examined thoroughly by the Therapeutic Commission of the AIDS and STD Experts' Council to make a judgment to put them on combination antiretroviral therapy. In case the patient accepts the therapy, it starts immediately. If the HIV-positive is a pregnant woman, she is offered and on her consent starts HIV prophylactics of the foetus according to set rules.

Letter No. 104-13-3 of June 7, 1988 of the Council of Ministers allows 'HIV positive and people with AIDS to travel for free when moving from their place of living to the respective health facility to appear at a controlling dispensary examination.

HIV positive and people living with AIDS state they were refunded their travel expenses on demand.

People from the region of Burgas experienced problems with travel expenses refunding last year.

People with venereal diseases receive treatment and are dispensed at the DVDCs.

In Bulgaria we also have a great lack of educated specialists, dealing with the problems of people, living with HIV/AIDS and the specific problems of people with different kinds of risk behavior.

The military

The Bulgarian army is undergoing changes at the moment to meet NATO's accession requirements. Bulgarian military doctors still hold to the outdated belief that homosexuality is a kind of personality disorder, and gay men are considered unsuitable for military service. This provision is more than welcome by young gay men who would like to avoid compulsory military service. They are mostly afraid of the physical and psychological harassment that they might be subject to in the army by homophobic military personnel. Gemini does not consider gay men as a "special" category, deserving "special" treatment. There are no legal provisions that will protect them against such harassment. Gemini has information about gay soldiers who have committed suicide, being unable to withstand the humiliation and harassment in the army.

According to the medical opinion on homosexuality, gay men have been able to avoid the military service, being declared unable to serve.

Yet, according to the new Bill for the prevention against discrimination, it is forbidden for any gay man to avoid the army – the law actually not allowing military dismissal on grounds of sexual orientation, but protecting in the same time from, harassment.

Church and religion

The majority religion in Bulgaria is Orthodox Christianity (about 83% of the population). Religious minorities in Bulgaria include Muslim (13%), Catholic, Protestant and Jewish communities. The Official Church does not have a strong standing because of many internal conflicts and power struggles. The Orthodox Church has not yet presented any official statement on homosexuality, besides the general teachings promoted in schools.

Bulgarian Gay Organisation GEMINI

The mission of BGO Gemini is to create a better society for LGBT in Bulgaria.

The vision is a society where diversity is welcome.

The main goal of BGO Gemini is to work for the social inclusion of LGBT in Bulgaria.

BGO Gemini has implemented other small projects with funds from UNAIDS and OSI Bulgaria. Currently, BGO Gemini is working on a joint Balkan Triangle project together with COC-Netherlands and ACCEPT, Romania.

Regional support groups outside Sofia

Recently, BGO GEMINI has developed regional LGBT groups in order to better respond the demands of our members and beneficiaries outside Sofia. These groups are non-formal and not official branches of the organisation. This initiative of BGO Gemini was aimed at meeting with LGBT people from smaller towns in the country, since the social isolation LGBT people there face is of a higher extent as compared with the LGBT people from the capital

BGO Gemini has support groups in Plovdiv (the second biggest city in Bulgaria), Varna (the third biggest city in Bulgaria), Gabrovo, Dobrich and Blagoevgrad

There is no powerful political lobby in the country which could initiate and facilitate a change in the law towards the legal recognition of same-sex partnerships.

Contribution with political parties and movements

BGO Gemini has recently had meetings with representatives of two left political movements - Bulgarian Socialist Youth - a social democratic organisation, dealing with the problems of the young people in Bulgaria and 'New Left' – a coalition of the four biggest socialist parties in Bulgaria. Both meetings gave the chance to the organisations to get acquainted with each other and to start working together. BGO Gemini presented the main problems faced by LGBT people in Bulgaria and LGBT youth, in particular. One of the main topics discussed were the legal provisions in the Bulgarian legislation: the existence of discriminatory provisions in the Penal Code and the lack of anti-discrimination legislation with regard to sexual orientation. Special attention was paid to the "Law for the Protection against Discrimination" Bill that is to be voted by the Bulgarian Parliament later this year. BGO Gemini, BSY AND 'New Left' representatives discussed the future actions that can be taken together in order to improve the current situation of LGBT people. The organisations discussed specific actions for future cooperation.

BGO Gemini's newsletter

The aim of the BGO Gemini's newsletter is to educate the Bulgarian society about sexual orientation and to spread correct information on LGBT among LGBT community and the society at large. It also aims at improving the communication between BGO Gemini and the members/beneficiaries and among the members/beneficiaries themselves. The newsletter has 20 pages and is issued every 2 months in 500 copies.

It is distributed for free and contains permanent pages as:

"Our organisation" with all activities in "BGO Gemini",

"Our library" – review of books in the library of BGO "Gemini"

"World wide"- presenting news, concerning LGBT in the world,

"Our partners"- interesting news from our partner "ACCEPT" Romania,

"Profiles" – presenting famous LGBT people all over the world,

"Legislation" – changes in the Bulgarian legislation regarding LGBT rights, good practices in the legislation of other countries

"The places..." – presents gay and gay-friendly bars and discos in Bulgaria

"Your creation" meets the needs of our beneficiaries to see their stories, poems and other authors materials published (which would never happen in ordinary newspaper or magazine) and to share their thoughts and experiences. (Materials with any kind of porno elements are not allowed for receiving and publishing.)

2. INTERNET

The free web space is the most preferred place for gay people to establish contacts between each other or to find information on homosexuality. There are many big web sites which contain information on LGBT, free forums and chats.

- www.bgogemini.org - The official web site of Bulgarian Gay Organization GEMINI which contains information on all our activities and initiatives and the newsletter as well.
- www.bg-lesbian.com - The most popular lesbian portal in Bulgarian language, useful and with lot of information on women sexuality also contains a forum and possibility to make a profile.
- www.dir.bg - The most visited Bulgarian portal with different forums, it contains two special forums - one for gay men and one for lesbians ("Adam and Adam" and "Eva and Eva"). There one can establish new contacts and discuss LGBT topics.

- www.gay.bg - The most popular Bulgarian gay portal, made in English and Bulgarian language, contains also forum, chat and profiles.
- www.gaynews.hit.bg - Web site in Bulgarian for LGBT news from Bulgaria and abroad, contains a forum and a place for personal stories.
- www.s-news.co.uk - A web site contains information both in English and Bulgarian on current situation for LGBT in Bulgaria, News and other useful information about the country.

Bulgarian Gay Scene (Pubs, clubs, discos)

Most of the gay scene is concentrated, as expected, in the capital city – Sofia – with a population of over 1.5 million inhabitants. but there are also gay bars and clubs to be found in some other big cities Varna and Plovdiv. This has marked the basis of a social “space” in which LGBT can gather together.

There is a well developed infrastructure of private gay places only in Sofia. Most of them have a special policy when it comes to entering them (a face control or a door-bell).

“Flamingo” club has existed about 10 years and it is the oldest private gay place with a sex shop and dark rooms. It is popular mainly among gay men over 35-40 years. “Spartacus”, a spacious, fashionable disco, opened 6 years ago. It is popular not only among the LGBT but also among the heterosexual people as one of the best discos in Sofia. “George” exists for more than 5 years and is the oldest mix club. It is very popular among the young gays and lesbians, as well as among gay friendly people. “Kayo’s” is a small, quiet place, well known by LGBT people in Sofia. This bar is preferred mainly by over 30 years of age LGBT people. “Why not” is a mix night club with pop-folk music. “Luna” is a mix night disco club that opened 1 year ago. It is the most visible club with the rainbow flag above the doors. “Luna” is mostly preferred by gay men. “Paradox” is a mix disco club, friendly for LGBT and heterosexual people, with no special requirement for the entering. It is very popular among the transvestites.

“B 52” is the one and only women-only place in Sofia. It opened in December 2002. The club is a place not only for lesbians but also for heterosexual women. There are also some women-only nights at the gay bars and discos.

There is a night mix club in the second biggest city in Bulgaria – Plovdiv.

“Caligula” club with its night transvestite show is very popular place among the LGBT in the city as well as among gay-friendly people.

There is a one night mix disco-club in Varna, “Perfume”, popular both among the LGBT and the heterosexual people.

There are few night disco clubs in the Black Sea resorts (as “Spartacus” in Albena), which could be called “gay” or “gay-friendly” but they work in summer only.

There are gay-friendly places in some of the big (for Bulgaria) towns like Dobrich, Blagoevgrad and Gabrovo, but no LGBT places.

More than 75% of Bulgarians, and, thus, assumingly, also the majority of LGBT Bulgarians, do not live in one of these cities and do not have regular access to this community and to LGBT culture.

Recommendations at National Level

1. Legal Provisions

- 1.1. to completely eliminate article 157 from the Penal Code and all the other discriminatory provisions;
 - *We remind that article 157 regulates, in general points, crimes which are already regulated under other articles and paragraphs*

- 1.2. to amend the constitutional provisions granting protection against discrimination so it contains sexual orientation and gender identity;
- 1.3. to work on registered partnership for heterosexual and same-sex couples;
- 1.4. to broaden the criteria for child adoption by same-sex couples;
- 1.5. to broaden the criteria for artificial insemination to single mothers, including lesbian mothers;
- 1.6. to enhance the juridical procedures and practices to protect LGBT from discrimination;

2. Education

- 2.1. to enhance and foster LGBT visibility through educational programmes, especially at formal and non-formal education (leaving out homosexuality defined as a mental disorder of the handbooks and providing correct information according to the international standards)
- 2.2. to promote LGBT issues as a form of cultural and social diversity in order to reduce prejudices and increase acceptance of sexual minorities in society at large, and at their school, workplace and home in particular.
- 2.3. The Ministry of Education and Ministry of Health to formulate stronger policies aimed at protecting and spreading correct information on LGBT

3. Social status

- 3.1. to measure the degree of discrimination against LGBT through well targeted surveys: on geographical, social, economical, age and gender level
- 3.2. to have a constant dialogue with the state representatives and bodies in order to build good

4. participation in public life

- 4.1. To insure equal participation of LGBT in all actions and events undertaken by the State;
- 4.2. To promote tolerance at a large scale by including homophobia among the criteria of the integration programme;
- 4.3. To include sexual minorities in the civil society programmes of the state.