



# Economic and Social Council

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## Committee on Economic, Social and Cultural Rights

### Sixth periodic report submitted by Bulgaria under articles 16 and 17 of the Covenant, due in 2017\* \*\*

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\* The present document is being issued without formal editing.

\*\* The annexes to the present report are available from the web page of the Committee.

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## I. Introduction

1. The Committee on Economic, Social and Cultural Rights considered the combined fourth and fifth periodic reports of Bulgaria on the implementation of the International Covenant on Economic, Social and Cultural Rights (E/C.12/BGR/4-5) at its 41st and 42nd meetings, held on 20 November 2012.
2. The Committee on Economic, Social and Cultural Rights, at its fifty-second session (E/2015/22, paragraph 73), decided to offer an optional procedure which consists of the adoption of a list of issues to be transmitted to the State party concerned prior to the submission of its periodic report. Under this procedure, the Government of the Republic of Bulgaria received a list of issues, contained in document E/C.12/BGR/QPR/6.
3. The Government of the Republic of Bulgaria hereby submits its replies to the list of issues, which will constitute its sixth periodic report before the Committee. The information contained in the report covers the period between 2013 and October 2017. The report has been presented for public discussion and has been approved by the National Coordination Mechanism for Human Rights.
4. Looking forward with great interest to the presentation of its sixth periodic report under the Covenant, the Government of the Republic of Bulgaria hopes for a constructive dialogue with the Committee. The Government of the Republic of Bulgaria confirms its determination to continue to strictly fulfil the obligations arising from the Covenant, and to ensure the necessary conditions for the effective prevention and counteraction of any and all violations of its provisions. The responsible bodies continue their efforts to address all emerging issues and take appropriate action in cases where such acts have been allowed to take place. The process of fully adhering to the obligations under the Covenant is ongoing, it requires for the active participation by all state and municipal organisations, and the public at large, and will continue in the future.

## II. Issues of particular relevance

### **Response to issues raised in paragraph 1 of the list of issues (E/C.12/BGR/QPR/6)**

5. The democratic development and the implementation of deep-going changes in society, which started in Bulgaria after 10 November 1989, continued during the period under review. As a result of the measures taken by the Government, the transition to a stable economic development, predominantly based on private property, continued successfully, although several reforms have been more challenging than others. Though many challenges still remain, the Government is committed to continue its efforts.
6. Education is a national priority and is implemented in accordance with a unified state policy to ensure the right to pre-school and school education for children and students between 5 and 16 years of age. Some of the principles for implementing the right to education, laid down in the Pre-school and School Education Act, are: equal access to quality education and inclusion of every child and student; equality and non-discrimination; humanism and tolerance; preservation of cultural diversity and inclusion through the Bulgarian language.
7. The education process aims at early discovery of the talents and abilities of each child and student, encouragement of the development and realization, as well as formation of sustainable attitudes and motivation for lifelong learning. The process involves engagement of the state, municipalities, non-profit legal entities and other stakeholders and the parties exchange views on education. Every citizen exercises their right to education according to their preferences and potential in a kindergarten or in a school of their choice. The state has policies to improve the quality of education and to prevent the early dropping out of school of students.
8. Key competences are acquired in the educational process, including understanding and application of the principles of democracy and the rule of law, of the human rights and freedoms, forming tolerance and respect for the ethnic, national, cultural, linguistic and

religious identity of each citizen; forming tolerance and respect for the rights of children, students and people with disabilities.

9. The policies of the Ministry of Culture (MC) are subject to the principles of equality and respect for all cultures; equal access to cultural heritage and the diversity of cultural expressions, the protection of cultural diversity and intercultural dialogue. Culture is an important part of the National Development Programme: Bulgaria 2020, and is included in the priorities for development of human capital and regional development through the use of local potential.

10. The MC is the leading institution for preservation and promotion of the cultural identity of the ethnic communities in the Republic of Bulgaria. In that regard, the state policy has been aimed at promoting the participation in cultural life and access to cultural works for all and especially for disadvantaged persons and groups, such as the elderly and the disabled, as well as at the creation of conditions for the socio-cultural integration of smaller ethnic communities. The MC supports the activities of different ethnic communities and cooperates with their organizations or with cultural institution working in the field of cultural integration through their programmes for: development of professional and amateur art, preservation of cultural heritage, publishing activities, development of the network of theatres, museums and galleries, libraries and community centres throughout the country.

11. In 2013, the government adopted a national plan to the 70th anniversary of the rescue of the Bulgarian Jews during the Second World War. The programme includes the holding of official, cultural and social events, and scientific conferences, to present the history of the rescue of the Bulgarian Jews in 1943. These events were also planned in the context of the European Year of Citizens as an example of the strength of civil society.

12. The government works to promote the creative development of young people, including children and students from ethnic communities. The MC, the Ministry of Education and Science, the Ministry of Agriculture and Food, the Ministry of Youth and Sports and the municipalities provide yearly funds from the central budget to be used for scholarships and one-time financial support to nearly 1,000 children and students with outstanding talents.

13. Another crucial area is the provision of modern conditions for the implementation of a qualitative educational process and the preparation of highly qualified staff in the field of arts and culture. In this respect, under the "Staff Training in the Field of Arts and Culture" Programme, 23 arts and culture schools have been provided with support and methodological guidance. The schools conduct training on country-strategic professions and specialities, related to the preservation of the national identity, traditions and culture, the staffing for the purposes of the artistic and creative potential, the development of Bulgarian culture and arts, a constituent part of which are the culture and arts of the various ethnic communities in the country.

14. The organization of festivals, fairs, competitions, exhibitions, and other events, which give the opportunity for expression and development of young talents, are supported regularly, institutionally and financially. They are organized by art schools, community centres and other NGOs, often with the help of municipal administrations. For the development of the regions and local communities, the support of the community centres' activities continues, as a natural environment for preserving the traditions and for strengthening the national identity, protecting the cultural diversity and the diversity of forms of cultural expression.

15. Bulgaria supports, through a state subsidy under the Community Centres Act, the possibilities of the community centres to preserve the cultural identity of the ethnic communities. Over the last five years, approximately 1,000 community centres out of a total of 3,650 have declared that representatives of traditional smaller ethnic communities in the country participate in their activities. Art schools, art groups, mother tongue courses, and authentic folklore are being supported, fairs, concerts and festivals are being organized, books are being published, etc. The expansion of the content and social reach of the community centres' activities to attract a wider population, including the representatives of ethnic communities, is a good model for the process of cultural integration locally.

16. In recent years there has been a need for interaction between regional and municipal administrations and cultural institutions and this cooperation provides effective results in the development of policies aimed at developing human capital. The main focus is to strengthen the links between education and culture in order to facilitate and improve the integration of your people from ethnic communities, to expand the opportunities for acquiring knowledge and to develop the creative skills necessary for participation in the public life.

17. The policy of Ministry of Health is oriented towards the creation of conditions for quality and accessible health services for all citizens of Bulgaria, independently of their sex, age, ethnical and social identity with particular attention on the improvement of the healthcare for vulnerable groups of people. This ambition has been facilitated by the adoption of a National Health Strategy 2020 on 17.12.2015.

18. The main policies and measures of the Strategy are oriented towards the improvement of the access to quality healthcare and the overcoming of inequalities through the development of one integral system for emergency, the optimization of the hospital and outside hospital help, the development of electronic healthcare, an effective medicine policy, the improvement of the quality of the medical assistance and the safety of patients.

19. Every health-insured person has the right to medical assistance, which is provided by the budget of the National Health Insurance Fund. This includes primary, specialized and dental procedures, as well as hospital aid.

20. To stimulate the work of doctors who provide primary health aid in distant regions, there is additional funding provided by the National Health Insurance Fund.

#### **Response to issues raised in paragraph 2 of the list of issues**

21. In view of the multifaceted nature of integration policy aimed at implementing a long-term and integrated approach by combining the resources and means of the different areas, it can be concluded that each of them has contributed to achieving the goals of better social protection of citizens and full social inclusion of vulnerable groups in society, including the Roma. With the adoption by the National Assembly of a National Strategy of the Republic of Bulgaria for Roma Integration 2012–2020, the state reaffirmed its long-term commitment to achieve these set goals.

22. The past period has shown that to achieve the objectives of the integration policy, the following is necessary:

- Presence of political will, economic development, economic growth, improvement of labour markets and social systems;
- Integration of complimentary measures and interventions that focus on the community, covering health, education, and employment;
- Coordination of efforts and cooperation of all stakeholders;
- Work with communities to enable individuals within them to integrate more widely in society; and
- Effective use of financial resources.

23. From the very beginning, Operational Programme Regional Development (OPRD) considered the situation and infrastructure problems faced by the Roma population. Two priority axes, namely – “Sustainable and integrated urban development” and “Local Development and Cooperation”, resolve problems relating to the provision of appropriate and adequate infrastructure needs. The OPRD primarily supports socio-economic inclusion interventions in housing, educational, social and cultural infrastructure. It must be considered that approved projects within OPRD are not exclusively targeted at the Roma community, but to all vulnerable groups in the target areas.

24. Designated pilot municipalities have completed integrated projects for sustainable social housing, including a combination of construction of social housing or repair/renovation of existing social housing, energy efficiency measures, and activities to provide education, employment, health, and social inclusion. Eligible target groups

included representatives of at least two of the specified groups: (1) Homeless people and/or those dwelling in very bad living conditions; (2) Parents of children, including minors, large families, children with poor health and disabilities; (3) People at risk of poverty and social exclusion.

25. The municipalities are the competent authorities for providing access to public housing. Each municipality maintains a data base of registered individuals with housing needs, and provides accommodation in social housing while respecting the principle of equal opportunity for all citizens without discrimination based on sex, race, ethnicity, etc.

26. 4 contracts have been completed with the municipalities of Devnya, Dupnitsa, Vidin and Sofia, amounting to 7,3 m. Euro, for providing modern social housing for disadvantaged groups through renovation and/or construction of buildings owned by public authorities. As a result, 334 individual social housing have been provided, 684 persons have benefited from improved social housing and 35 036.77 sq.m<sup>2</sup> have been.

27. The most important challenge faced by social housing projects is to ensure targeted work with the local community, including awareness campaigns to obtain the necessary public support and social tolerance.

28. On June 2015, the European Commission approved Operational Programme “Regions in growth” 2014–2020 (OPRG). It provides targeted support for social vulnerable groups, incl. in the following areas: “Sustainable and Integrated Urban Development”, “Support for peripheral geographic areas most affected by poverty”, “Regional educational infrastructure”, “Regional health infrastructure”, and “Regional social infrastructure”.

29. Pursuant to approved investment programs, 27 municipalities were included in social housing projects. The planned resources are at a total value of 54 916 985, 88 BGN. According to the approved investment programs, by 2023 there should be 1140 rehabilitated residences in the urban regions. The housing projects should be combined with necessary measures to ensure access to education, employment, health and social services for disadvantaged groups.

30. The planned stage goal for 2018 is for 14 395 children to benefit from improved educational infrastructure. So far 17 contracts have been signed for projects for providing educational infrastructure with total grant value of 130 million BGN. Other specific projects are focussed on culture and sport in schools; support for the professional schools; for universities and colleges; etc.

31. The Ministry of Regional Development and Public Works has commenced the development of a National housing strategy, in order to develop a new, working model of the Bulgarian housing system and to find solutions to the existing problems, including illegal buildings, social housing fund, etc.

### **Response to issues raised in paragraph 3 of the list of issues**

32. The Youth Guarantee is one of the most extensive and important EU-wide initiatives aimed at reducing youth unemployment. By means of the National Youth Guarantee Implementation Plan 2014 – 2020, Bulgaria started pursuing a focused policy for overcoming the negative situation relating to the large number of young people in the NEETs (youth not in education, employment or training) group. It should be noted, that upon realisation of this Plan, the percentage of inactive youth has dropped since 2014.

33. The implemented youth activation measures are as follows:

- *Labour exchanges*: The labour exchanges serve as meeting places for employers and young job seekers without a requirement for prior commitments and obligations. A total of 18,959 young people aged up to 29 (of which 6,561 were aged up to 24) took part in 114 labour exchanges (that took place in the period January 2014 – June 2017) and 12,556 of them found a job as a result of their participation in the labour exchange (3,371 of those who started working are young people aged up to 24);
- *Open door days* during which the non-registered youth are given free access to different labour offices.

34. The national youth policy requires that NEETs are identified and activated – through support for finding a job, inclusion in education or reintegration into the educational system, through the following instruments:

- The *National Programme “Activate Inactive Persons”* – it aims to activate and integrate in the labour market inactive, including discouraged persons and youth aged up to 29, through implementation of tools and measures at individual and group level. A total of 13,416 young people aged up to 29 (registered as unemployed) have been activated under the Programme in the period January 2014 – June 2017, including with the support of the Roma mediators appointed in the labour offices;
- *Youth mediators* are sent in the municipalities with the highest rate of inactive youth since the beginning of 2015. They act as intermediaries between the inactive youth and the institutions that provide the respective social, health, educational and other services;
- *Operational Programme “Human resources development” 2014–2020*. A special investment priority is included in the Programme under which all measures targeting youth aged up to 29, including unemployed and inactive persons from the NEETs group, are outlined.

35. A new initiative – *operation “Ready for work”* with a budget of BGN 10 million – sets out to activate youth aged up to 29 by improving their opportunities to find a job and get realization in the labour market. A specific beneficiary under this operation is the National Employment Agency (NEA) and the expectations are that 10,000 unemployed and inactive youth aged 15 to 29 will be included. The project will start following the completion by the NEA of the evaluation of the project proposal submitted.

36. An important action in the process of reaching and identifying the inactive youth is the popularization of the opportunities for employment and training that the Youth Guarantee presents. This is the main objective of *Project VS/2016/0050 “Improving youth awareness of the Youth Guarantee in Bulgaria”* financed under the EU Programme for Employment and Social Innovation (EaSi) which started in March 2016.

#### **Response to issues raised in paragraph 4 of the list of issues**

37. Poverty and social exclusion affect the earnings and economic situation of the people and their opportunities to be active participants in the social life and are directly related with the economic activity and participation in the labour market. Combating poverty is a key priority of the Ministry of Labour and Social Policy (MLSP) and in the recent years Bulgaria has been applying a complex integrated cross-sectoral policy approach in that respect. Despite the progress made, poverty and social exclusion still pose many challenges.

38. Given the multifaceted nature of poverty and social exclusion, the poverty reduction policy cannot be considered as a standalone policy. The approach integrating different sectoral policies has formed the core of the *National Strategy for Reducing Poverty and Promoting Social Inclusion 2020* that was adopted in the beginning of 2013. The Strategy is based on the National Objective for reducing the number of people living in poverty by 260 thousand persons by 2020. Four specific objectives have been set under this overall objective relating to reducing poverty among children, elderly people, unemployed, and working poor people. Taking into consideration the factors contributing to generational poverty, the Action Plan for the Implementation of the Strategy for the period 2015–2016 puts the focus on creating employment opportunities and increasing the labour incomes through active inclusion in the labour market.

39. The Action Plan for the period 2017–2018 includes activities in the following key areas: employment and active inclusion in the labour market; equal access to good quality pre-school and school education; equal and effective access to good quality health care; deinstitutionalization; sustainable and adequate social benefits; improving institutional capacity and coordination between the institutions; accessible environment and better housing.

40. Other important measures for reducing poverty relate to providing financial and social support for families with children. In order to increase the effectiveness and better target the family allowances to the most needing families with children, amendments were adopted in 2015 to the Family Allowances For Children Act (FACA) which were aimed at promoting responsible parenting and ensuring socially fair distribution of the family allowances. The legislative amendments put the focus on the interrelations between the measures and on the interaction between different systems – social, health and educational system. In accordance with the family assistance reform, the amounts of some of the allowances provided under the FACA such as monthly allowance for a family with one child and with three children, one-off payment for the birth of a third child were increased for 2016. A new type of family support was introduced – one-off payment for adoption of a child. The income criterion was also increased from BGN 350 to BGN 400 as of 1 July 2016. It is important to point out that only some of the family allowances are income-based.

41. Changes were made to FACA as of 01.01.2017 introducing a new type of monthly allowance for raising a child with permanent disability. The amount of the allowance depends on the degree of disability or the degree of reduced performance of the child and on the intended purpose of the allowance. The new allowance is provided to all children with permanent disabilities for meeting basic and specific needs resulting from the disability. The highest amount of the allowance is provided to children with established 90% of higher degree of disability or permanently decreased performance who are raised by their parents (adoptive parents) to ensure care and support in a home and family environment.

#### **Response to issues raised in paragraph 5 of the list of issues**

42. The unprecedented migratory pressure reported at the end of 2013 at the borders of Republic of Bulgaria, confirmed countering illegal migrations as a leading national priority and required a series of measures aimed at responding adequately to the new challenges in the field of migration. As a result, in May 2015, the Council of Ministers adopted an updated Strategy on Migration, Asylum and Integration (2015–2020). The document was developed within the framework of the National Council on Migration and Integration, the body that controls the implementation of the Strategy. The focus of the new strategy is based on more effective management of migration processes and strengthening border controls through improving the regulatory framework.

43. In pursuance of the objectives set out in the Strategy, as well as our commitments as an EU Member State, Bulgaria has prepared and approved:

- Ordinance on the Conditions and Procedure for Concluding, Implementing and Terminating the Agreement for the Integration of Foreigners Granted Asylum or International Protection;
- Framework of the National Mechanism for the Fulfilment of Resettlement Commitments;
- Framework of the National Mechanism for Implementing the Commitments under Decision (EU) 2015/1523;
- Amendments to the Foreigners Act, introducing a procedure for the recognition of the status of “stateless person” into the national legislation.

44. In the context of effective counteraction to criminal networks for trafficking of illegal migrants, an inter-institutional approach is implemented, by creating active mechanisms for active interaction between the Ministry of Interior (MoI), the State Agency for National Security, the Specialized Prosecutor’s Office, the State Agency for Refugees (SAR) and others. There is an active exchange of information with Europol, and Interpol.

45. Bulgaria is among the first countries involved in the development and implementation of global and European anti-trafficking standards. One of the modern models to combat this criminal activity is the creation of Joint Investigation Teams JITs with partner offices from EU Member States. At present, Bulgaria is involved in 5 joint teams. In 2017, a JIT was launched, in connection with the illegal transfer of foreign nationals or groups of them through the state border.



46. Measures have been taken to foster synergies with other EU Member States and the Frontex agency in return operations. The Migration Directorate is an active participant in joint EU return flights co-ordinated and co-funded by the Frontex Agency and has participated in 34 such flights since the beginning of 2013.

47. Bulgaria successfully co-sponsors the missions of the IOM on assisted voluntary return programs. The number of third-country nationals voluntarily returned by Bulgaria is as follows: in 2013 – 149 foreigners; in 2014 – 330; in 2015 – 89; 2016 – 507; and until August 2017 – 601 foreigners.

48. Cooperation with the non-governmental sector is carried out in the framework of open calls for project proposals under the national program of the Asylum, Migration and Integration Fund. The IOM is a concrete beneficiary of three projects funded directly by the EU from emergency assistance under the Asylum, Migration and Integration Fund – “Protection of vulnerable migrants and assisted voluntary return and support for reintegration” with a budget of EUR 3,995,139; “Improvement of the conditions in the reception centres for third-country nationals in Bulgaria “with a budget of EUR 1,939,170; and “Further improvement of the reception capacity of the Bulgarian migration and asylum management systems” with a budget of EUR 2,614,558.

49. The total amount of funds earmarked for the implementation of the National Programs and Emergency Policy Measures of the National Strategy on Migration, Asylum and Integration (2015–2020), under the two European Union funds together with the financing, amounts to EUR 238,901,226.80.

50. By an injunction of the Minister of Interior on 08.11.2013, a joint specialized police operation has been launched at the state border with the Republic of Turkey, with the participation of forces and funds from the General Directorate of the Ministry of Interior, the Ministry of Interior in the country, the General Directorate for Combating Organized Crime and the Ministry of Interior. The aim of the operation is to reduce the number of foreign nationals illegally entering the country, to permanently establish an enhanced (visible) police presence (uniformed officers and patrol cars) along the state border with the Republic of Turkey and in the depth of the border zone, acquiring of preliminary information for organizing and preparing illegal crossing of the state border by individuals and groups of illegal migrants, establishing the presence in the border zone and the detention of persons (Bulgarian citizens and foreigners), who are involved in conducting canal activity.

51. In 2014, a series of specialized police operations on the Bulgarian-Turkish border were launched. Additional staff from Frontex Agency was deployed and completed the construction of the first part of the hindering engineering facility along the Bulgarian-Turkish border, falling within the administrative districts of Haskovo, Yambol and Burgas. In February 2015, in execution of Decision No. 17/14.01.2015 of the Council of Ministers, a joint activity was initiated between representatives of the General Directorate Border Police and the Land Forces with the Ministry of Defense for provide logistical support.

52. Employees of the General Directorate Border Police participated in organizing and conducting in the area of the Kulata border checkpoint of a joint tactical teaching “Border 2016”.

### **III. Ongoing implementation of the Covenant**

#### **Response to issues raised in paragraph 6 of the list of issues**

53. Bulgarian magistrates undergo regular trainings on applying and invoking the international human rights instruments, to which Bulgaria is party, including the CESCR. Nevertheless, it is impossible to say how many cases invoke the Covenant, as no such statistics are being collected. Data on legal acts and sentenced persons for crimes related to violations of citizens’ rights under the Covenant is available in Annex 1.

**Response to issues raised in paragraph 7 of the list of issues**

54. Data on of public spending as a percentage of gross domestic product, in the various sectors related to economic, social and cultural rights is available in Annex 2.

**Response to issues raised in paragraph 8 of the list of issues**

55. In implementation of the National Strategy for Prevention and Combating Corruption the government agencies developed sectoral anti-corruption plans. The Action Plan to Prevent and Fight Corruption for 2017 was approved by the Minister of Interior. The Bulgarian National Audit Office has developed the asset declaration system and the mechanism for checking the asset declarations. In addition, several measures were taken to reduce the corruption risk by the National Revenue Agency.

56. In July 2017, a meeting of the National Council on Anti-Corruption Policies was held and the Roadmap was discussed and adopted. The document is based on an analysis of completed cases and incorporates measures, including drafting legislative amendments for the interaction between all relevant institutions for addressing the weaknesses in investigation and prosecution in the event of high-level corruption.

57. Bulgaria is one of the 17 founding members of the “Group of States against Corruption – GRECO”. We are amongst the States that adopt timely and adequate measures as a follow up to the recommendations made by GRECO. The analysis of the recommendations contained in the GRECO report leads to the conclusion that they are directly connected to the previewed legislative and institutional measures in the relevant strategic documents – the National Strategy for Prevention and Countering of Corruption 2015–2020 and the Updates Strategy for the Continuation of the Reform in the Judiciary. GRECO’s recommendations were also taken into account in the constitutional amendments and in the amendments to the Judiciary Act.

58. According to the findings of the General Prosecutor’s Office, the main challenges when considering cases of corruption are as follows:

- Legal and factual complexity of the investigations against magistrates or high-level officials, since these persons are aware of the criminal proceedings, legal possibilities, and methods for collection of evidence;
- Limitations of the use of special intelligence means under the current legal framework;
- Difficulties in securing qualified experts;
- Insufficient engagement of other institutions in the area of the fight against corruption; etc.

59. Data on the number of prosecutions against high-level officials found guilty for corruption is available in Annex 3.

**Response to issues raised in paragraph 9 of the list of issues**

60. The teams of the Ombudsman and the Commission for Protection against Discrimination (CPD) are taking very seriously the recommendations of the Accreditation Committee in view of compliance with the Paris Principles. Amendments in both institutions have taken place since their initial accreditation in 2011.

61. Measures are already undertaken to comply and some of them require legislative amendments, including in the Ombudsman Act, so that the mandate to the ombudsman can involve both protection and promotion of human rights. Further steps are undertaken in view of strengthening the engagement with the Human Rights system and civil society organizations, as well as increasing transparency of appointment and selection process. These amendments will be proposed to the National Parliament in due course and as soon as they are adopted an application for the reaccreditation for statute A shall be submitted.

62. The National Ombudsman considers citizens’ complaints against actions and omissions by government bodies and the private sector on all human rights – including economic, social and cultural rights. As an example, in the last months of 2017, the

Ombudsman actively lobbied for amendments in the Labour Code that put an end to the practice of employers to not pay salaries, insurances, and overtime, and to override the social commitments to their employees. Further information on all activities of the Ombudsman is available on the website and in the annual reports.

63. The CPD plays a major role in the development and implementation of the national and international policies in the field of combating anti-discrimination and prevention of discrimination. The CPD is a body specializing only and exclusively in ensuring equality and non-discrimination. The assignment of a separate sphere of competence to a separate state body determines the importance of equality and non-discrimination in our society. The Protection against Discrimination Act (PaDA) provides each person with the right to equality before the law; equality of treatment and opportunities for participation in the public life; and effective protection against discrimination.

64. The CPD is competent on all cases of discrimination in the provision, ensuring and exercising of all rights and freedoms, laid down by International Treaties, the Constitution and the laws of the Republic of Bulgaria – civic, political, social, economic, and cultural rights; both in the public and private sector. The PaDA has specific provisions for Protection of the right to work, the right to education and training, and of other rights under Chapter 2, Section three, which fall under the Covenant.

#### **Response to issues raised in paragraph 10 of the list of issues**

65. The MLSP develops, coordinates and implements the government policy in the area of equal opportunities and non-discrimination; it analyses, monitors and supports the equal treatment of men and women; coordinates and implements, monitors and analyses the implementation of the National Strategy for Equal Opportunities and the biannual plans for its implementation.

66. The CPD is tasked with establishing equal treatment violations; preventing and ceasing the violation; imposing sanctions and applying coercive administrative measures; issuing mandatory guidelines towards compliance with the gender equality laws; initiating legal action and acting as interested party in equal treatment litigations; maintaining a public registry of its resolutions and mandatory guidelines.

67. A coordination mechanism for promoting the equal opportunities of men and women in the labour market, education, health care, and political life is established for the better fulfilment of the actions at all levels of government. Furthermore, specially trained public officials for the gender equality activities are designated in the central and local government institutions.

68. The National Council for Gender Equality within the Council of Ministers is a consultative body ensuring the interaction and coordination between the government institutions and the nongovernmental organizations in the process of developing and implementing the national gender equality policy.

69. The *National Strategy for Promoting Equality between Men and Women 2016–2020* was updated in 2016. The strategic planning of the national policy in the new period will focus on the following priority areas:

- Improving the participation of women in the labour market and ensuring an equal degree of economic independence;
- Reducing the gender-based differences in payment and income;
- Promoting equality between men and women in the decision-making process;
- Combating gender-based violence, and protection and support for the victims;
- Changing the social gender stereotypes in different spheres of public life.

70. In meeting its commitments under the Beijing Declaration and Platform for Action, Bulgaria took significant steps towards achieving equality between men and women. Recently, the Gender Equality Act (GEA) was promulgated, as a powerful and sustainable government instrument for a gender mainstreaming in all sectoral policies and for the application of special measures (temporary, promotion), if necessary.

## 71. Content of the GEA:

- It lays down the principles of the government policy for gender equality;
- It establishes the relevant bodies, their powers and the cooperation between them. The Council of Ministers is tasked with establishing the government policy and approving the main documents in the area. The National Council for Gender Equality continues to function as a coordinating and consultative body;
- The institutional role of “gender equality coordinator” is introduced to be performed by an official of the executive assigned with functions to implement the policy in the respective sector;
- GEA sets forth the main documents of the government policy for gender equality – the National Strategy for Gender Equality and its Action Plans;
- The Act provides for mechanisms and instruments for the effective implementation of the policy for gender equality, namely: a system for monitoring the gender equality by means of which the government authorities collect, record and process gender data; and regular reports on gender equality;
- GEA also introduces a special sign of excellence in gender equality to be awarded by the Minister of Labour and Social Policy.

**Response to issues raised in paragraph 11 of the list of issues**

72. The labour market was stabilized after 2013 when the demand for labour grew steadily. This together with the implementation of an active labour market policy contributed for the rapid decrease of unemployment in Bulgaria.

73. The number of unemployed registered in the labour offices has been dropping steadily in the period 2013–2016. The Employment Agency administrative data shows that in 2016 the monthly average of unemployed registered with the labour offices<sup>1</sup> stood at 284,707 persons, which represents a decrease by 86,673 persons as compared to the monthly average in 2013. In the first half of 2017 the downward trend for registered unemployment was maintained both on annual and monthly basis. In 2013 and 2014, more than a half of the unemployed were women. As of 2015 the share of women in the total number of unemployed registered with the labour offices has been decreasing and in 2016 they amounted to 42.1%, and in the first half of 2017 the percentage dropped to 36.9%.

74. The breakdown by age group for the period 2013–2016 shows that the relative share of all unemployed was lowest for persons aged up to 19 (less than 2%) and between 20–24 (less than 10%); while the highest was for those aged 50–54 (more than 10%) and above 55 (more than 20%).

75. The unemployed with reduced work capacity,<sup>2</sup> registered with the labour offices have been decreasing since 2015. In 2016 the monthly average number was 15,760 persons or 91 more compared to 2013 and 1,162 persons less as compared to 2015. The number of unemployed with reduced work capacity decreased at annual basis for the first half of 2017. Their relative share of all unemployed registered with the labour offices grew from 4.2% in 2013 to 5.5% in 2016, and to 5.6% in the first half of 2017.

76. In the period 2013–2015 there was constant increase of the long-term unemployed (more than 1 year) registered in the labour offices. The upward trend was curbed in 2016 when their number decreased by 27,732 persons compared to 2015 and by 4,460 persons compared to 2013. In 2017 the decrease was maintained both on annual and monthly basis. The monthly average in the first half of 2017 reached 95,938 persons or 38.2% of all unemployed. The predominant part of the long-term unemployed are women. In the period

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<sup>1</sup> According to the Constitution of Bulgaria no data about ethnic origin can be collected. Data for persons who identify themselves as Roma has been collected since 2014 for the participants in programmes and measures for unemployed persons.

<sup>2</sup> The Employment Agency has available data about the number of unemployed with reduced work capacity, but not about the number of long-term unemployed with reduced work capacity.

2013–2016 and the first half of 2017, the share of women in the total number of long-term unemployed was more than 55%.

77. The data from the most recent assessment of the net impact of the active labour market policies show that the participation of the unemployed in employment training measures and programmes increases their chances to find a job. The assessment was carried out in 2014 as part of the project “Impact assessment of the active labour market policies financed by the state budget”. The assessment results revealed that given a total gross effect of employment, following the completion of the assessed programmes and measures, the end net impact is 13.2%. The net impact broken down by key social and demographic groups is as follows:

- The net impact of programmes and measures is higher for women – 14.8%, while for men the net impact is 6.5%;
- The net impact based on the educational degree is highest for person without or with very low education level (pre-primary) – 14.6%, followed by those with primary education 12%, secondary education – 10% and higher education – 12.1%;
- The age breakdown shows that the highest net impact is registered with youth aged up to 29 (16.3%), followed by the persons aged above 50 (13.6%), while the lowest net impact was for persons aged 30–50 (6.1%);
- The net impact for persons with reduced work capacity is much higher as compared to the persons with normal work capacity, respectively 34.3% and 13.1%.

78. The ethnic breakdown of unemployed persons shows that the highest net impact is registered for people of Turkish and Roma origin, respectively 12.9% and 13.7%, whereas for the Bulgarians it is 8.7%.

#### **Response to issues raised in paragraph 12 of the list of issues**

79. The conditions for regular and reduced work hours are laid down in the Bulgarian legislation. According to the law, the regular working hours are for normal working conditions, entailing normal workforce strain involving usual physical and mental burden for the participants in the labour process without any hazards for their health or work capacity. The regular duration of the working time is up to 40 hours per week for a five-day working week and up to 8 hours per day. The duration of the normal working day and normal working week is established in its maximum. It should be noted that under the collective bargaining procedure arrangements can be made for shorter working hours.

80. Reduced working hours are provided for certain categories of workers and employees working in specific conditions where the risks for their life and health cannot be eliminated irrespective of the measures taken. The reduced working time limits the risks for their health. The types of jobs with reduced working hours are determined by an act of the Council of Ministers. The reduced working time during the day is up to 6 or 7 hours depending on the type of job, and respectively the working time per week is up to 30 or 35 hours. Reduced maximum working time is also established for workers and employees under the age of 18 – up to 7 hours during the day.

81. As a rule, extending the working time is not allowed. As an exception and in compliance with the rules and procedures laid down in the Labour Code, the maximum working time may be extended for operational reasons by the employer to up to 10 hours per day but not more than 48 hours per week, and in the case of reduced working hours – to up to 1 hour in addition to the reduced working time but not more than 40 hours per week. Another condition is that working time extension is only allowed for up to 60 working days per one calendar year but not more than 20 consecutive working days. Before extending the working hours for operational reasons, the employer is obliged to consult with the trade union representatives and the representatives of workers and employees. The employer is also obliged to compensate the extended working time by respectively reducing the working hours per each extended working day within 4 months.

82. When the organization of the work process does not allow for keeping daily records of the work hours, the employer may apply aggregate working time records in compliance

with the average normal or reduced working hours for a given period as provided for by the law. In such cases the maximum duration of a work shift may be up to 12 hours and the duration of the working week cannot exceed 56 hours, and for workers and employees with reduced working hours – up to 1 hour in addition to the reduced working time.

83. It should also be noted that when an employment contract is concluded, the employer and worker/employee may agree on part-time work and determine the duration and allotment of the working hours. In addition, if the initial employment contract is concluded for full-time work, the parties thereto may agree to change the full-time to part-time.

84. Given the above it can be concluded that the Bulgarian legislation on working hours and breaks provides guarantees for the protection of the rights of workers and employees. The overall control on the compliance with the law is carried out by the Executive Agency “Chief Labour Inspectorate”, aimed at preventing and addressing violations and avoiding the risk of breaches and abuse. The relevant provisions of the Labour Code have not been amended or supplemented since 2013.

#### **Response to issues raised in paragraph 13 of the list of issues**

85. A transparent income and living standards policy, based on objective principles and involving mechanisms designed to protect the incomes and living standards of the low-pay workers and working poor, is being implemented. In the period 2013–2017, the minimum wage increased nominally by 48,4% from BGN310 to BGN460.

86. Minimum wage for the period 2013–2017:

<i>Year</i>	<i>2013</i>	<i>2014</i>	<i>2015</i>	<i>2016</i>	<i>2017</i>
MW (BGN)	310	340	370	420	460
MW (EUR)	158.5	173.8	189.2	214.7	235.2

87. In absolute terms, the minimum wage has increased by BGN150 (EUR76.7) in the period 2013–2017. Nominally, the minimum wage grew by 35,5%, and in real terms by 38,7%.

88. The government’s ambition when determining the minimum wage is for it to be sufficient for meeting the basic needs, as defined in the Methodology for Determining the Poverty Line. The poverty line for the next calendar year guarantees that the basic needs of the poorest citizens will be met. The net amount of the minimum wage (after payment of taxes and social security contributions) is set to ensure that the minimum basic needs of the workers are met as it should not be lower than the poverty line.

89. Further efforts will be made in the following years to achieve nominal increase of the earnings of the low-income groups in the labour market and to establish a transparent mechanism for determining the minimum wage.

#### **Response to issues raised in paragraph 14 of the list of issues**

90. Under Article 16 of the Settlement of Collective Labour Disputes Act (SCLDA) strikes are not allowed in the following occasions:

- When the demands of the workers contradict the Constitution;
- When the provisions of Article 3, 11(2) and (3) and Article 14 have not been complied with and in case of disputes for which a settlement was agreed or for which there is an arbitration ruling in force;
- In case of natural disasters and urgent rescue and reconstruction activities related thereto;
- For the settlement of individual labour disputes;

- Within the units of the Ministry of Defence, Ministry of Interior, court, prosecution and investigation bodies, State Intelligence Agency and the National Security Service;
- When political demands are made.

91. In 2016, amendments were passed to the Civil Servants Act relating to the right to strike for public officials. Prior to the amendments there were restrictions to the right to strike for the civil servants according to which the civil servants had the right to strike only symbolically by wearing appropriate signs and symbols, posters, ribbons, etc, but without stopping work. With the amendments, the civil servants except acquired the right to an effective strike. Only senior civil servants such as secretary general, secretary of a municipality, director general of a general directorate and head of an inspectorate are excluded from the category of civil servants having the right to strike.

92. Article 47(a) of the Civil Servants Act sets forth the consequences for the civil servants in case they take part in strikes. The article provides that: the civil servants shall not receive remuneration for the time when they took part in a strike and did not perform their professional duties; they shall be entitled to receive compensation from their social security accounts for the time they took part in a strike; the duration of the strike shall be included in the pensionable service; civil servants who have not taken part in the strike but were unable to perform their duties because of the strike shall be paid remuneration; all civil servants shall not bear disciplinary and pecuniary responsibility for taking part in lawful strikes.

93. For workers in the rail transport, in case action of a strike, the workers and their employers – carriers shall provide satisfactory transport services to the population and not less than 50% of the transport volume. The restriction to the right to strike in the rail transport is aimed at ensuring protection of the public interest. It should be noted that the right to strike, as any other fundamental right or freedom, is limited inasmuch as it cannot jeopardize the rights and freedoms of other people as enshrined in the Constitution of the Republic of Bulgaria.

94. Foreign workers with employment contracts under the Bulgarian legislation are entitled to the same rights as all other workers. The workers and employees have the right to establish without prior authorization trade union organizations, to freely join and leave them complying only with the Articles of Association of those organizations. The trade union organizations represent and protect the interests of the workers and employees before the government authorities and the employers, in relation to labour, social security issues, and living standards, through collective bargaining, participation in the tripartite cooperation, organization of strikes and any other lawful action.

95. Article 8(3) of the Labour Code expressly provides that no direct or indirect discrimination based on nationality, origin, gender, sexual orientation, race, skin colour, age, political and religious beliefs, membership in trade union or other organizations and movements, family status and economic situation, physical or mental impairment, as well as differences in the contract term or working hours, is allowed when the labour rights and obligations are being exercised. Hence, the labour rights, including trade union rights, of the foreign workers are guaranteed by law and they can exercise their rights without fear of discrimination or adverse consequences. In this respect, it should be noted that any worker or employee who believe that their employers violate the labour legislation and/or are discriminating against them may file a complaint with the Labour Inspectorate and/or the CPD.

#### **Response to issues raised in paragraph 15 of the list of issues**

96. The Republic of Bulgaria is committed to ensure the protection of human rights of all migrants and refugees on the territory of Bulgaria, in cooperation with our partners from the Office of the United Nations High Commissioner for Refugees, UNICEF, the IOM, as well as the relevant NGOs.

97. Since the migration pressure towards our country started to increase in 2013, Bulgarian authorities undertook number of measures to deal with the new, unprecedented

situation. According to a number of international agencies and organizations (*UNHCR, EASO, and the European Commission*) the asylum granting capacity of our country has significantly improved since the migration pressure towards our country started to increase in 2013.

98. In order to provide information to foreigners on legal possibilities in the country, the Border Police receives leaflets in different languages from the representation of UNHCR, SAR, the Bulgarian Red Cross, the Bulgarian Helsinki Committee, etc. The leaflets are put at sight at the border crossing points and at the detention premises of the border police stations. In the way the persons receive easily access to information at the border. They are provided with the contact information of the representation of UNHCR and NGOs in Bulgaria.

99. Each person accommodated in a Specialised Home for Temporary Accommodation of Foreigners has access to the competent legal representations and legal assistance. The Migration Directorate is working together with the Bulgarian Helsinki Committee which is providing weekly legal assistance to the persons in need of such. The Ombudsman of the Republic of Bulgaria is also monitoring the implementation of the compulsory administrative measures and representatives of the Ombudsman are meeting the foreigners accommodated in all reception centres.

100. In case the foreigners wish, there is a possibility of daily visits by lawyers. In visible and accessible places, there are information materials in all languages. The judicial authorities supervise the lawfulness of each of the administrative acts imposed on the foreigners.

101. All refugees and migrants receive 24-hour medical care in reception centres and homes for temporary accommodation, under a specialised ordinance. Social experts from the Social Affairs and Adaptation Directorate provide health care for the children – selecting a general practitioner and assisting in office visits; monitoring the emotional state of the child; and, where necessary, directing it towards psychological support.

102. With the assistance of the Caritas Bulgaria NGO, language trainings are held twice a week in English and Bulgarian languages for all accommodated foreigners.

103. In view of the initial adaptation of foreign minor asylum seekers, the SAR is working in partnership with a wide range of NGOs to provide Bulgarian language courses at its registration and reception centres. The objectives of the Bulgarian language education are aimed at literacy, building of learning habits, learning spoken Bulgarian language, mastering the written Bulgarian language and development of skills for understanding and communication. Providing full access to the education system to all minors and underage children who have been granted international protection is carried out under the same conditions as for the Bulgarian citizens.

#### **Response to issues raised in paragraph 16 of the list of issues**

104. The unemployment benefits are laid down in Articles 54(a)–54(h) of the Social Insurance Code. Entitled to unemployment benefits are: persons who have paid or owe social security contributions into the Unemployment Fund for at least 9 months in the 15 months prior to insurance termination and who are registered as unemployed; who have not accumulated pensionable service and reached retirement age in the Republic of Bulgaria or another country or who do not receive a reduced pension for length of service or old age, or professional pension; and who are not in employment.

105. Amendments have been in force as of 1 January 2017 with regards to the period of receiving unemployment benefits according to which the period is determined based on the length of contributory service. The unemployment benefits are paid on a monthly basis in the month following the month they are due for and for a period of time dependent on the length of contributory service, as follows: for contributory service after 31 December 2001 of up to three years of payment of social security contributions the period of payment of unemployment benefits is 4 months; of 3 to 6 years – 6 months; of 6 to 9 years – 8 months; of 9 to 12 years – 10 months; and more than 12 years – 12 months.



106. The time during which the persons receive unemployment benefits is considered as contributory service without the obligation to pay social security contributions. The daily amount of the unemployment benefit is 60% of the average daily remuneration or the average daily insurable earnings on which social security contributions were paid. The unemployment benefits are paid monthly in the month following the month they are due for and for a period dependent on the length of contributory service. The monthly amount of the unemployment benefit is determined by multiplying the daily amount by the number of working days for the respective month. The daily minimum amount of the unemployment benefit is guaranteed by the law and for 2017 amounts to BGN7.20.

107. Every Bulgarian citizen is entitled to social protection when for health, age-related, social or other reasons not in their control they cannot satisfy their basic needs. Social assistance is provided in the form of financial support and services. The foreigners with a permanent residence permit in Bulgaria and the foreigners granted asylum, refugee status or humanitarian status or provided with temporary protection and those entitled under an international treaty also have that right. The social assistance payments are financed by the state budget and are not part of social security or other contributory schemes.

108. Social assistance is offered when all other options for self-sustainment or help from persons obliged by law to provide such help are exhausted. The right to social assistance is granted on a case-by-case basis. It depends on the income and assets of the person, their family status, health status, employment, age and other circumstances. The focus of the social policy is to ensure protection for the persons with lowest incomes – elderly people living alone, people with disabilities, single parents, and children at risk. Special attention is paid to the activation of unemployed at working age to seek and accept jobs instead of living on social security benefits. The purpose is to limit as much as possible the dependence on social assistance and minimize the risk of social exclusion.

109. The following changes have been made for the reporting period:

- The determination of the income of the people based on the income criterion used for inclusion in the programmes for monthly and targeted heating support was refined. The change aims to promote the inclusion of persons from the agricultural sectors experiencing workforce deficits, while at the same time maintaining the same level of social protection;
- As of 1 January 2017, social assistance is provided at the present address of the person. This is an important factor contributing to the labour mobility of persons at working age;
- In relation to the new Pre-School and School Education Act, a new target group was introduced; namely, children aged 16 to 18 who are not in education, not registered with the labour offices within one month from turning 16. In this way, the risk of their long-term exclusion from education and the labour market is limited. They have an opportunity to receive qualification which in turn significantly increases their chances to be integrated in the labour market;
- The remuneration for students included in the dual system of education is not considered as income for the purposes of the social assistance;
- The community service requirement for persons enrolled in training, qualification and re-qualification courses through the labour offices was abolished – for the duration of the course. In this way, the people are motivated to receive training and obtain a qualification which facilitates the access to the labour market and limits the risk of social exclusion;
- Given the annual adjustment of the pensions, a mechanism was established to ensure that the pensioners who received energy allowances in the preceding heating season will not be excluded from the programme due to the adjusted amount of their pensions. The amount of the allowance is updated for each heating season in accordance with the changed prices of energy to fully compensate for the increase.

**Response to issues raised in paragraph 17 of the list of issues**

110. After the change of political will in 2009, a new national strategy was adopted under the name of *Vision for children's deinstitutionalization in the Republic of Bulgaria*, and it was followed by a respective *Action Plan*. Both led to gradual closure of homes for children and to transfer of children to new family-like centres with higher quality care and greater social adaptation possibilities. This process was largely facilitated by various European aid programs. The centres have new one to two storey buildings and are located in places with sufficient infrastructure. Respective architecture, furniture and equipment enable them to be as close to family environment as possible: both physically and socially. The Plan has since been updated for the sake of provision of even better care.

111. In October 2016, the Council of Ministers approved an Updated Plan for the Implementation of the National Strategy for deinstitutionalization. The document outlines the framework and the measures planned towards continuing the child-care deinstitutionalization process until 2025. The main objective is to provide appropriate and effective social infrastructure contributing to the provision of new residential and complementary services in the community, including health and social services, which to replace the institutionalized child-care model, for an investment of approximately BGN 58 million.

112. As deinstitutionalization goes on, more attention is paid to homes for children deprived of parental care and children's homes for medical-social care. Capacity growth and innovation are among the biggest priorities.

113. One of the major functions of the State Agency for Child Protection (SACP) is to issue licenses to NGOs, who are providers of social services for children. By the end of 2016, as many as 38 such services of residential type operate in Bulgaria, including homes and halfway houses. Apart from the residential services, 254 daytime operations also provide help for children and families, including representation, violence prevention, reunions, national phone line, training, etc.

114. The key principle that the family remains the best environment for raising a child continues to be the main driver of the reform in supporting the families and children and of the child-care deinstitutionalization process taking place since 2010. The assessment of the reform as of June 2016 shows:

- A reduction of the number of children in specialized institutions by 82% – from 7,587 children in 2010 to 1,232 in June 2016;
- About 50% higher share of children in formal care raised in family environment – 8,705 as compared to children in formal care residential homes – 4,573 (for comparison about 80% of the children in formal care in 2010 have used residential services);
- A reduction of the number of specialized child-care institutions by 65.7% – from 137 in 2010 to 46 in June 2016, with 91 specialized child-care institutions being closed;
- A total of 339 new community-based social services for children established, including services of residential type, with sustainable financing allocated for all services from the state budget;
- More than 4,200 adopted children for 6 years.

115. In the past years a new model of service provision in the area of early child development has been developed in Bulgaria. A network of new types of services for children and families was established in 66 municipalities, including integrated early child development services, prevention of early age risks, services for improved integration of the children into the educational system and for improving the family environment. They combine social, health and educational element in one service.

### **Response to issues raised in paragraph 18 of the list of issues**

116. Bulgarian law provides that children aged 16–18, and especially those under 16 may be employed only after thorough medical check-ups confirming their health, physical and emotional maturity. Labour Inspection issues the employment permission separately for each particular case. The Labour Code also pays special attention to working hours: the working day of a minor is 7 hours. Night work (20:00–06:00) is absolutely prohibited, and so are the extra hours. Minors also enjoy longer holidays.

117. Two particular exceptions are allowed: 15 to 16 year olds may perform easier jobs which do not require particular effort and strain and do not obstruct the growth, development and learning process of the child; children under 15 possessing exceptional talents may be employed for artistic jobs, but only under comprehensive contracts. Working contract with a person between 14 and 15 requires the explicit accord of a parent or guardian, while contracts of children under 14 are concluded by their parents or guardians.

118. Penalties for employers in violation of the above regulations are applied. Employing a minor without a contract is a criminal offence, leading to prison time and fines. All Bulgarian regulations for youth labour are in accord with the conventions of the International Labour Organization and the EU Directive 93/34. Bulgaria is also a party to the UN Rights of the Child Convention, which provides protection for every child from economic exploitation or work that threatens the child's physical, mental and emotional development.

119. When trafficking or sexual exploitation of children are involved, the SACP coordinates the efforts of different agencies, and in every case involving children the State Prosecution takes immediate action. The 2017–2020 National Program for the Prevention of Violence and Child Abuse has recently been adopted, as a national framework for the prevention of all forms of violence. Its implementation results in higher awareness, and better cooperation among agencies, prevention, and efficient work with victims. Thanks to the improved interagency and international cooperation there is a positive tendency revealing a decreasing number of child exploitation victims in the EU who are Bulgarian nationals.

### **Response to issues raised in paragraph 19 of the list of issues**

120. Operational Programme “Regions for Growth” 2014–2020 (OPRD 2014–2020) continues to invest in social infrastructure projects, including social housing for accommodating of vulnerable groups and other disadvantaged groups. The procedure envisages implementation of integrated plans for urban regeneration and development. The total value of resources that should be allocated for social infrastructure is EUR 20, 4 million.

121. The main objectives are as follows:

- Support for the provision of modern social housing for the accommodation of vulnerable persons and other disadvantaged groups, through construction, reconstruction, repair and extension of social housing;
- Major overhaul/reconstruction/building of appropriate municipal infrastructure for provision of social services in the community, incl. temporary accommodation centres, crisis centres, shelters and work centres for children on the street;
- Supply and installation of equipment and furnishing for the buildings/premises, as part of their overall renovation.

122. All projects must ensure an integrated approach and must necessarily be combined with others types of interventions, including in the field of education, health, social inclusion and employment. In addition, the location of the houses should ensure spatial integration of the representatives of all communities and not contribute to their isolation.

123. The target value to be achieved in 2018 under this procedure is for 25,570 persons to benefit from new social infrastructure.

124. To improve housing conditions, activities continue on compiling cadastre maps and registers as a basis for urban development plans. Local authorities are encouraged to implement urban regulation of the residential areas with predominant Roma population and include new zones for housing development. Opportunities for legalizing – where possible – of illegally built houses are also considered. Funds from the state budget are used for improving the existing and developing new technical infrastructure in Roma residential areas. Community housing is provided in many cases.

125. Amendments of the Civil Registration Act stipulate that in order to arrange their address registration, Bulgarian citizens, including Roma, may submit not only documents of ownership of tenant agreements, but other documents to prove the use of the housing units, such as contracts for electricity or central heating supplies, contract for water delivery and sanitation, etc.

126. The creation of unstable constructions or the unlawful settlement in somebody else's property is usually linked to the process of internal migration. In such situations, the authorities are obliged to interfere, in order to restore the property to its rightful owners, or to prevent health injuries of the settlers themselves. All individuals concerned may choose freely to return to the place of their permanent residence or to apply for municipal housing according to established procedures. A large part of the buildings occupied by Roma are under a regime of tolerability, as long as they meet certain technical requirements.

127. The local authorities are searching for opportunities for a sustainable solution, e.g. through providing accommodation in municipal social housing, granting construction permits for municipal plots, renting municipal land for minimal payment, etc. In not so rare cases, citizens accommodated temporarily or permanently in state or municipal property cause destruction of the respective buildings that necessitates expensive repair works or even demolition. Consequently, the responsibility for the condition of the housing and the environment cannot be borne solely by the authorities, especially in cases when there is lack of care on behalf of the tenants of municipal or state property.

#### **Response to issues raised in paragraph 20 of the list of issues**

128. Maternal mortality ratio was 3.1% in 2016, lower than the EU average which was 4.72%. It should be noted that a qualified healthy staff attended 94.5% of the births.

129. In recent years, there has been a lasting tendency of reduction of child mortality as the level reached in 2016 was the lowest in the whole history of Bulgaria's demographic statistics. Child mortality ratio dropped from 13.3% in 2000 down to 6.5% in 2016. Favourable tendencies are observed regarding the age indicators of child mortality (perinatal, neonatal and postnatal) which also go down:

- Perinatal mortality drops at a slow rate from 12.2% in 2000 to 9.8% in 2016;
- Neonatal mortality shows a clear downward tendency: from 7.5% in 2000 to 3.9% in 2016;
- Postnatal mortality dropped from 5.9% in 2000 to 2.6%;
- Stillborn rate dropped slightly – from 7.5% in 2000 to 7.1% in 2016.

130. Regarding the cause of death of children up to the age of 1 year, mortality due to certain conditions having occurred in the perinatal period, inborn anomalies, deformities and chromosome aberrations, diseases of the bodies of blood circulation and the respiratory system are most common. In this context, statutory changes have been prepared so that in case of couples with monogenic genetic diseases or confirmed balance chromosome mutation of at least one of the partners, these could benefit from the financing of fertilization procedures involving assisted reproduction methods, so that the gametes would not be bearers of the certified genetic or chromosome defect.

131. According to data of the National Statistical Institute of 2017, the probability of death occurring in the 1–4 years age group is 0.001208.

### **Response to issues raised in paragraph 21 of the list of issues**

132. Protection of citizens' health as a condition of full physical, mental, and social well-being is set forth as a national priority under the Health Act. It is guaranteed by the state through the principle of equality upon the use of health services, the provision of accessible and high-quality healthcare, promotion of health and integrated prophylaxis of diseases, prevention and reduction of the risk for the citizens' health, as a result of the adverse effect of the factors of the living environment. By the provisions of the law the state also ensures specific health protection for children, pregnant women, mothers of children up to the age of one year and persons with physical and mental disorders.

133. The healthcare for mother and child is a main priority in the healthcare area. This is reflected in numerous strategic and programmatic documents, including the *Concept "Health Purposes 2020"*, the *National Health Strategy 2020*, the *National Program for Development: Bulgaria 2020*, the *National Strategy "Vision for deinstitutionalization"*, the *National Program for Child Protection*, the *National Program for mother and child health development 2014–2020*, etc.

134. The Ministry of Health launched a *National Programme on Improving Maternity and Child Health 2014–2020*, through which health services with a considerable health effect, including early diagnosis and complex treatment of certain diseases, are provided. These services are not financed from other sources. The medical activities financed by the state outside the scope of the health insurance are oriented towards prevention, prophylaxis, early diagnostics and treatment of pregnant, young mothers with pathological pregnancy, children with disabilities and chronic diseases and prematurely born children.

135. The program finances over 100 medical establishments. There are 31 Health and Counselling Centres for Maternal and Child Health in all district towns and in some university hospitals, where doctors, psychologists and social workers provide comprehensive services for pregnant women, and children.

136. For all children, there is a statutory order for conducting periodic prophylactic examinations and medical tests, depending on the specific age of the child. The activities are conducted under the "Children's Health" Program of the National Health Insurance Fund. The Healthcare Maternity Program of the National Health Insurance Fund guarantees the access of health-insured women to prophylactic examinations and medical tests during pregnancy. The Ministry of Health continues to provide funding for activities related to the pregnancy and birth of health-uninsured women outside the scope of compulsory health insurance. The statutory documents guarantee that all women, regardless of their health insurance status, have access to medical care during pregnancy and childbirth.

137. Another priority of the Ministry of Health the Fund for the Treatment of Children which assists financially and organizationally to children in need of specific diagnostic and treatment procedures abroad.

138. Projects in the field of reproductive health and child healthcare are implemented by the Centre for Assisted Reproduction which ensures treatment of sterility through in-vitro fertilization. In the recent years, financial support is also provided by the Financial Mechanism of the European Economic Area and the Norwegian Financial Mechanism.

### **Response to issues raised in paragraph 22 of the list of issues**

139. A Natural Persons and Support Measures Act has been drafted in 2016. The objective of the bill is to empower and provide autonomy to people with disabilities who have difficulty in exercising their rights according to their own wishes and preferences, and to strengthen the commitment of the society, the institutions, and other third parties to ensure the effective and actual exercise of the rights of persons with disabilities.

140. The bill was approved by the Council of Ministers in August 2016 and submitted to the 43rd National Assembly for adoption. The Committee on Legal Affairs made a proposal to the National Assembly to adopt the bill at first reading but on 27 January 2017 the 43rd National Assembly was dissolved. A preparation of the bill for its submission to the new 44th National Assembly is forthcoming.

141. The MLSP is engaged in the provision of social services to incapacitated persons. In this respect, in January 2016 amendments were adopted to the Social Assistance Act relating to the use of social services by persons with incapacity mandates. According to the changes, service use is dependent on the person's willingness and the opinion of his/her guardian/custodian and, in case of discrepancies between the two, the willingness of the person in need of a social service shall have precedence.

142. For adults declared to be lacking full legal capacity, placement in community-based residential social services and in specialized institutions is done by means of a court order. The court supervision serves as a guarantee that the rights of these individuals will not be violated and abused. Another guarantee is the legal requirement for the placement to be ordered only if during the court proceedings it is established that there is no option for the person to be cared for in a family environment or in a community-based residential social service. The law provides that the court should take into account the will of the incapacitated person. In addition, the law provides for a time restriction with regards to the placement in social institutions of not more than 3 years not only for incapacitated persons, but for children and permanently disabled people. The cases in which this period can be extended are expressly and clearly set forth in the law.

#### **Response to issues raised in paragraph 23 of the list of issues**

143. One of the three main priorities of the National Health Strategy 2020 is "Creating Conditions for Health for All Through Life". It presents policies targeting different age groups, as well as specific groups of people – people with disabilities, with mental health problems, and vulnerable groups.

144. Policy 1.4. *Health for the elderly* (over age 65) is based on the belief that in order to reduce the negative impact of aging, older people need to stay healthy longer for their families and communities. A specific health problem in this age group is the various forms of dementia in the elderly, where cognitive and behavioural disorders lead to progressive loss of independence of the patients.

145. In view of this, it is necessary to develop a system of early diagnosis of dementia when it is possible to assess the risk of development of a dementia process and to elaborate a care plan that would slow the progression of the disease. It should be supported by a network of specialized services in the community, namely day care centres, temporary and permanent accommodation centres for demented patients, and providing social protection and psychological support to their families. Building a network of accessible and quality integrated community health and social services has a preventive role in the institutionalization of these individuals.

146. In compliance with this policy planning, an amendment to the Health Act has been adopted, which regulates the integrated health and social services. These services include health care and medical supervision by medical professionals and social services specialists, who can also carry out social work, including in the home environment, to support children, pregnant women, people with disabilities and chronic diseases and the elderly, who need help in carrying out their day-to-day activities. The conditions and the order for the provision of these services, the criteria and the standards for their quality, and the order for exercising control over their observance is to be laid down in an Ordinance of the Council of Ministers.

147. The Ministry of Health also implements activities on various projects with external funding in some priority areas related to improving health management; improving access to and quality of health services; improving mental health services and addressing specific health challenges for dementia and Alzheimer's patients.

#### **Response to issues raised in paragraph 24 of the list of issues**

148. Two important changes have been made in recent years regarding the education of persons seeking or receiving international protection. The first one concerns the creation of a new provision, according to which the access to education of minors seeking or receiving international protection cannot be postponed for more than three months from the date of filing an application for international protection. The second important change is the

creation of a new regulation that is in line with the principles of inclusive education. It regulates the admission and education of persons seeking or receiving international protection, who do not have a document for completed class or stage. Additional training in Bulgarian as a foreign language and in other school subjects is also provided.

149. A key educational priority is to cover and keep at school children and students in compulsory pre-school and school age. Since the beginning of the 2017/2018 school year, a Mechanism for joint work of institutions for enrolment and retention in the education system of children and students in compulsory pre-school and school age, including Roma children and students, has been in place.

150. On the occasion of the need for effective educational inclusion of children and students from vulnerable groups, amendments were proposed to the Standard of inclusive education, which will regulate the compulsory character of modules for Bulgarian language teaching in pre-school groups for 5- and 6-year olds whose mother tongue is not Bulgarian. Additional training on the subject *Bulgarian language and literature* and on other subjects for students with under-achievements or difficulties in learning, as well as for students for whom such support is recommended, will also be provided.

151. The Centre for Educational Integration of Children and Students from Ethnic Minorities conducts an active education policy for children and students on a project basis on key priorities such as: ensuring equal access to quality education; developing diverse forms of intercultural education; and effective work with parents of children and students from ethnic minorities to prevent students from dropping out of school.

152. According to data from the National Statistical Institute, for the academic 2015/2016, 21,170 students have left the education system which means that every 7th student between 15 and 18 years of age is not in school.

153. For the academic 2017/2018, 1,103 groups were formed with a total of 11,632 representatives of different institutions – teachers, directors, social workers, police officers, mediators, community representatives. As a result, from their work at 15 September 2017 over 3000 children, who had never been to school before, started school. The work of enrolling children in school is a continuous process.

154. In order to improve the access to quality education a number of measures were implemented, leading to positive results, including:

- *Mandatory two-year training* for children before enrolling in the first grade – this measure is especially needed for children whose mother tongue is different from Bulgarian and facilitates early socialization and development of skills required for enrolling in first grade. In the last years, the number of children attending kindergarten has increased from 201,145 to 240,622, and the net coefficient of enrolment to kindergarten has increased from 78.0% to 85.5%;
- *All-day education* in Bulgarian schools – it has a beneficial effect on the quality of education and care of all students, but the benefit for students from vulnerable ethnic groups is inarguable. There is a clear trend of increasing the number of young people from the most numerous ethnic groups – Bulgarians, Turks and Roma, who successfully complete their secondary and higher education;
- *Measures to encompass and prevent leaving the educational system and measures to support the personal development in line with the individual educational requirements of each child and student, without regard to their ethnicity* – including: teamwork between teachers and other education specialists; additional studies on subjects; additional modules in kindergartens for children who don't know Bulgarian language; consultations on subjects, outside the regular academic hours; career orientation for students; extracurricular activities; activities for prevention of violence and overcoming problematic behaviour; early assessments of requirements and prevention of learning difficulties, etc.;
- *Providing textbooks and learning books for free* – an important measure, which facilitates the overcoming of social burden for children and students from socially disadvantaged families and works as incentive to attend school.

**Response to issues raised in paragraph 25 of the list of issues**

155. Since the entry into force of the Pre-school and School Education Act in 2016, inclusive education has been a priority education policy. It is an integral part of the right to education and is implemented in accordance with the principle of ensuring access to support for personal development for every child or student according to their individual needs in the view of the possibility of difficulties in the process of education and inclusion and the need for appropriate support.

156. Additional support for personal development is provided for children and students with special educational needs. It includes: working with a child and student on a specific case; psycho-social rehabilitation; rehabilitation of hearing and speech; visual rehabilitation; rehabilitation of communicative disorders and physical disabilities; provision of accessible architectural environment, general and specialized supporting environment, technical facilities, specialized equipment, didactic materials, methodologies, and specialists; provision of training on specialized subjects for students with sensory disabilities; etc.

## IV. Good practices

**Response to issues raised in paragraph 26 of the list of issues**

157. The Republic of Bulgaria would like to inform the Committee on the following good practices.

158. In the field of *employment*:

159. A Programme for Training and Employment of Refugees was launched in 2015. The main goal of the Programme is to support the labour market integration of foreigners granted refugee status or humanitarian status by improving their employability through Bulgarian language courses, professional qualification trainings and subsidized employment (for a period of 12 months with full-time work).

160. The National Programme “Assistants to persons with disabilities” was implemented in the reporting period. The Programme aims to provide employment to unemployed persons in areas relating to improving the quality of life for permanently disabled people or people with severe health problems living alone – personal assistants and social assistants. In 2017 a new activity “Assistant Educator” was added with a view of supporting the physical, social, emotional and intellectual development of children with disabilities.

161. A new measure aimed at promoting the integration in the primary labour market of permanently disabled unemployed persons and other disadvantaged groups in the labour market through “outsourcing of services for supported employment” was introduced with an amendment to EPA in 2015. The law provides for the allocation of targeted budget funds for this measure to assist the unemployed in this target group in finding non-subsidized jobs.

162. Since 2013 the labour offices offer support services to the unemployed persons, provided by case managers and psychologists. The case managers function as intermediaries between the persons from the disadvantaged groups in the labour market and the institutions providing the respective social, health, educational and other services.

163. In the field of *integration*:

164. In Bulgaria there is a well-developed system of mediation in the areas of health and the labour market. Over the years, the profession of health mediator (HM) has evolved from a pilot non-governmental activity to a government policy. The health mediator profession has also been included in the National Classification of Occupations in the Republic of Bulgaria. HMs have an official job description adopted by the state.

165. The “National Network of Health Mediators” was established by mediators, specialist doctors, general practitioners and nurses that serve disadvantaged groups, experts on integration policies, experts and specialists in the field of public health and others. Each year the network organizes a national meeting of all of the involved mediators. Additionally, meetings and training of mediators are performed regularly throughout the year at the local and regional level, mainly through projects. Simultaneously, meetings of the network create



a support network for HM to enhance their sense of community and to help them cope with the demands of the profession.

166. HMs need to meet several requirements to reach this position, including: completing secondary education at a minimum and possessing Roma language skills, computer skills and support of the local Roma community. Thanks to strong cooperation with local communities, their work is built on mutual trust and understanding.

167. The selected individuals for the position “health mediator” complete a training program of 240 academic hours. This program is approved by the Ministry of Health and implemented in authorized medical colleges. This training includes topics such as health and social legislation, basic health information; system of health care, patient’s rights etc.

168. The HM network is growing with each year. The funds have been allocated annually by the state budget. In 2013 there were 130 HM in 71 municipalities; in 2014 – 150 HM in 79 municipalities; in 2015 – 170 HM; in 2016 – 195, in 110 municipalities; and in 2017 – 215 health mediators in 115 municipalities.

169. A recognized good practice is the activity of the Roma labour mediators. The main objective of the program is activation and inclusion in the labour market of inactive and discouraged persons, many of whom are representatives of the Roma community. For the purpose of implementing the program, 125 Roma mediators were initially recruited in labour offices across the country, by the end of 2014, 57 mediators worked in 52 offices. To enhance their professional skills in their field work, to improve communication, and to learn techniques for motivating and activating, mediators are involved in specific trainings, with the financial support of the Council of Europe, the Open Society Institute and others.

170. At the end of 2015, 87 Roma mediators work in 69 on the Employment offices in the country; and since 2016 there are 92 mediators under the Activation of Inactive Persons Programme.

171. In the field of *culture*:

172. The “Living Human Treasures – Bulgaria” National System aims to preserve and promote the intangible cultural heritage, also related to preserving the cultural identity of all ethnic communities in Bulgaria. In order to present the cultural heritage of different ethnicities, museums throughout the country provide an exhibition area; organize mobile exhibitions of cultural property stored in their funds; and provide expert assistance for the creation of museum collection, maintained by the ethnic communities themselves.

173. Since 2013 the National Museum of History and the NGO “Azbukari Association” have jointly implemented the “Accessible Knowledge” social programme. It enables children and young people from different minority groups (as well as children with special educational needs) not only to visit the museum freely but also to participate in a variety of events. In the children’s educational centres they have the opportunity to get acquainted with different aspects of the traditions and lifestyle of the multicultural communities that have inhabited the Bulgarian lands from antiquity to the present day.

174. One of our country’s priorities for protection, long-term preservation and broad access to the cultural heritage is the digitization of the valuable book collections and their presentation in the open information space. The St. St. Cyril and Methodius National Library has one of the richest and most valuable collections of books, manuscripts, periodicals, graphic and other editions presenting the Bulgarian cultural heritage. To date, the National Library has digitized and presented around 3,850 documents on the Europeana website. The documents are mainly Slavic, Oriental and other foreign-language manuscripts; incunabular, rare and valuable publications; archival documents, including photographs and portraits; Oriental documents; graphic documents; cartographic documents; and periodicals. The Pencho Slaveykov Regional Library in the city of Varna is the largest data provider with more than 53,880 entries in the Europeana database and acts as an aggregator for other regional libraries to actively digitize their valuable collections. The Lyuben Karavelov Regional Library in the city of Ruse, the Dora Gabe Regional Library in Dobrich, the Hristo Smirneski Regional Library in Haskovo, the Rodina Library in Stara Zagora, as well as museums from the cities of Vama and Stara Zagora, are also active participants.

175. Under the National Strategy for People with Disabilities 2016–2020, the government pursues a consistent policy of integrating people with disabilities into the public cultural life, as creators of cultural values or consumers of cultural products. An accessible architectural and intellectual environment in the field of culture is provided; conditions for integrated education of children with special educational needs in art and culture schools are created; creative projects of organizations of people with disabilities are being supported, etc. New amendments provide for the possibility of persons accompanying persons with disabilities also to benefit from reduced prices or free entrance tickets to museums and art galleries.

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