



# Economic and Social Council

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## Committee on Economic, Social and Cultural Rights

### Information received from Bulgaria on follow-up to the concluding observations on its sixth periodic report\*

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



1. The Bulgarian authorities have carefully studied the concluding observations of the Committee on Economic, Social and Cultural Rights (hereinafter “the Committee”) on the sixth periodic report submitted by Bulgaria (E/C.12/BGR/6). In response to the Committee’s recommendations, made in paragraphs 36, 45 and 49(c) of the concluding observations, the Bulgarian authorities would like to provide the requested information.

## **I. Follow-up information relating to paragraph 36 of the concluding observations (E/C.12/BGR/FCO/6) – Right to adequate housing**

**“§ 36. The Committee urges the State party to ensure the provision of sanitation and water services where they are currently lacking:”**

2. The Republic of Bulgaria maintains a very high water supply coverage and drinking water quality, whereas over 99 % of the country’s population is served by central water supply systems. The current Strategy for the Development and Management of Water Supply and Sanitation in the Republic of Bulgaria 2014–2023 aims at achieving full compliance with the European environmental requirements and socially affordable prices of water services for consumers.

**“It also recommends that the State party ensure that the marginalized<sup>1</sup> and disadvantaged individuals and groups are provided with adequate housing conditions, including by facilitating their access to social housing programmes and providing adequate temporary housing to homeless people.”**

3. To improve housing and social infrastructure for vulnerable groups, advance mapping of needs at the national level by state institutions and agencies, responsible for policy development, is envisaged, and these measures will be reflected in the plans for integrated development of municipalities. The renovation of the residential and public buildings is implemented in accordance with the Long-term strategy for reconstruction of the building stock of the Republic of Bulgaria with a horizon until 2050.

4. On 30 December 2020, the Bulgarian government adopted a National Strategy for Reduction of Poverty and Promotion of Social Inclusion covering the period until 2030. The document outlines a strategic framework for developing policies related to overcoming poverty and promoting social inclusion over the next decade. The priority of the strategic document is to create affordable and quality social and integrated services and support, as well as an effective and targeted financial and material support for those in need. Among the most important objective is the improvement of the living conditions of vulnerable groups and the support of the homeless.

5. Several programmes has been elaborated to provide support measures for improving the housing conditions of the most vulnerable groups, namely:

- The Operational Programme “Regions in Growth” 2021–2027 supports measures for social housing for vulnerable groups. Eligible activities for the provision of modern social housing are the construction, reconstruction, renovation and extension of social housing. At present, 24 contracts have been signed for social housing projects for a total grant of 29,7 million euro. The expected results of these projects by the end of 2023 are 1 095 rehabilitated dwellings in urban areas and 1 946 peoples from vulnerable groups, including Roma, with improved housing conditions. To date, there are two completed social housing grant contracts resulting to the rehabilitation of 232 dwellings in urban areas. 139 persons are currently accommodated in them and the placement process is ongoing;
- A joint project with the World Bank – “Assessment of the urban housing situation of the most marginalized and vulnerable communities (with a special focus on Roma) in Northwest Bulgaria” has been launched in 2019. The results of the project are intended

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<sup>1</sup> The Republic of Bulgaria would like to note that no group of people on its territory could be considered “marginalised”.

to be used for the preparation of the programme “Improving the housing conditions of the most vulnerable populations”, which is part of the NHS project. The project will analyse and assess living conditions among vulnerable groups, housing and an overview of institutions and policies related to Roma integration;

- The Programme for the Development of the Regions (PDR) 2021–2027, it is also foreseen to fund activities aimed at municipal housing, including the provision of modern and affordable community housing for vulnerable and disadvantaged groups, including Roma, through the construction, reconstruction, renovation and expansion of affordable housing. The activities cover all 50 urban municipalities on the territory of the country where the population of the administrative centre is over 15 000 inhabitants. The measures need to be developed and implemented in partnership between municipalities and other stakeholders.

**“Moreover, it recommends that the State party prevent forced evictions and, in cases where illegal dwellings have to be demolished, ensure that:**

**(a) The process is carried out within the framework of the law, and with appropriate procedural protection, including adequate and reasonable notice in advance;”**

6. The conditions and procedure for removal of illegal construction are equal for all citizens, irrespective of their ethnicity or the location of the illegal construction. The orders are issued pursuant to the Spatial Planning Act. All orders to remove illegal constructions are strictly monitored for compatibility with relevant legal requirements.

7. Bulgarian law lays down the principle of proportionality in Article 6 and further developed in Article 272, para 1, p.1 of the Administrative Procedure Code. Those rules provide that administrative authorities must exercise their powers in a reasonable manner, in good faith and fairly, and that administrative acts and their implementation may not prejudice rights and legitimate interests beyond what is most necessary for the purpose for which the act is issued.

8. In exercising the powers under Art. 222, para. 1 of SPA, including when taking actions for the execution of entered into force orders for the removal of illegal constructions, National Construction Control Directorate (NCCD) to the Minister of Regional Development and Public Works and its bodies shall observe the rights and freedoms of the citizens, as well as the principle of proportionality, regulated in Art. 6 of the APC.

9. In accordance with the interim measures ordered by the European Court of Human Rights in June 2018, the NCCD authorities refrain from actions related to the demolition of the only dwelling, including the demolition of illegal housing of Roma families.

10. When initiating proceedings relating to the removal of illegal constructions, the competent administrative authorities do not establish the origin and ethnicity of the perpetrators of the illegal constructions, but merely comply with the legal provisions established in the interest of the society and the state.

**“(b) Evictions are not conducted in winter, at night or during the school year:”**

11. The established practice of the NCCD in all cases, in which there is an issued order for the removal of an illegal construction - housing, is that before proceeding with the enforcement of the order, to request information by the mayor of the municipality and the director of the respective Social Assistance Directorate on whether the illegal construction is the only dwelling for its occupants. In cases where the dwelling is the only home or the municipality is not able to accommodate the person in an alternative dwelling, the NCCD does not proceed with enforcement.

12. The Social Assistance Directorate’s opinion is also considered for the timing of the eviction. Evictions are never carried out during the night.

**“(c) Evicted persons who have no housing alternative are provided with alternative adequate accommodation, and effective remedies are available to those evicted.”**

13. Under the laws and regulations in force, the provision of alternative housing in cases of inevitable removal of illegal constructions is under the authority of the municipalities concerned. The local authorities provide an adequate social service by providing temporary accommodation to the occupants of the illegal constructions in close cooperation with the competent central government authorities (Ministry of Labour and Social Policy, State Agency for Child Protection, etc.). In all cases where an order is issued to remove an illegal building – a dwelling – before carrying out the enforcement of the order, it is examined whether the illegal construction constitutes a sole dwelling for its occupants. As already mentioned above, if so or when the municipality is unable to accommodate the person in an alternative dwelling, no enforcement shall take place.

14. The municipalities can offer alternative housing only to citizens with proper address registration. There are no legal grounds to demand accommodation in municipal housing for persons who own real estate in other places of residence.

## **II. Follow-up information relating to paragraph 45 of the concluding observations (E/C.12/BGR/FCO/6) – Legal status of persons with disabilities**

**“§ 45. The Committee recommends that the State party recognize that persons with disabilities enjoy legal capacity on an equal basis with others in all aspects of life and that it promptly adopt the draft Natural Persons and Support Measures Act. It also recommends that the State party raise awareness about the law upon its adoption and train the judiciary and health-care and social protection professionals on its provisions.”**

15. Section V Access to justice and legal protection, respectively Art. 65 of the current Persons with Disabilities Act regulates the right to assisted decision-making of every person with disability, facing difficulties in independently exercising his or her rights in performing specific legal operations in accordance with the procedure provided for by the Act, through the implementation of support measures. It should be noted that assisted decision-making is only applied when there is no other, more effective way to protect the interests of the person with disabilities, and after careful case-by-case consideration by the relevant authorities.

16. A draft legislation on Natural Persons and Support Measures was prepared in 2016 by the Ministry of Justice. It aims to provide autonomy to persons with disabilities who have difficulty in exercising their rights according to their own wishes and preferences. During the comprehensive preliminary impact assessment, including public consultations, questions arose regarding the constitutionality of the act concerned, in particular the envisaged abolition of the institution of placement under injunction and the electoral rights of the persons under injunction. A wide consultation process with academia is planned to settle these questions. After a decision has been reached, the draft bill will be returned to the Parliament.

### III. Follow-up information relating to paragraph 49 (c) of the concluding observations (E/C.12/BGR/FCO/6) – *de facto* segregation in education / Integration of the Roma through education

**“§ 49(c) The Committee recommends that the State implements the school segregation ban, given the promotion of Roma children’s integration into society, in particular to respond to the de facto segregation in schools by promoting the enrolment of Roma children in mixed schools and raising awareness of parents belonging to different ethnic groups for the benefits of ethnic diversity.”**

17. The inclusion into the education system of children of compulsory pre-school and school age, as well as the ensuring of equal access to education for all citizens of the Republic of Bulgaria, including Roma children, is a major priority in the work of every Bulgarian government. The inclusive education is a priority policy, which in the context of the Pre-school and School Education Act, guarantees the implementation of a differentiated and individualised approach towards each child according to his/her needs, abilities and interests, regardless of his/her ethnicity. This facilitates the implementation of inclusion policies in which the education system is flexible and adapts to the needs of the children, including those from vulnerable groups, including Roma, instead of requiring the children to adapt to the system.

18. In 2019, the implementation of the National Program “Support to Municipalities for the Implementation of Activities for Educational Desegregation” of the Centre for Educational Integration of Children and Students from ethnic minority groups has started. The programme includes activities in host educational institutions to provide an educational environment that encourages communication between children, students, parents and teachers. Free transport to host educational institutions located outside Roma neighbourhoods is provided.

19. The Republic of Bulgaria has developed several programme tools relating to the inclusive educational policies. In addition to the National Strategy of the Republic of Bulgaria for Roma Inclusion and Participation 2021–2030, an important document is the Strategic Framework for the Development of Education, Training and Learning in the Republic of Bulgaria (2021–2030),<sup>2</sup> adopted by the Council of Ministers on 24 February 2021.

20. Decision no. 172 of 29 March 2019 of the Council of Ministers gave approval to the National Programme “Support of Municipalities for the Implementation of Activities for Educational Desegregation”. The aim is to provide the municipalities with funds for equal access to quality education for children in compulsory pre-school education and students attending the relevant educational institutions, through the implementation of an inclusive education process.

21. As part of the programme, free transportation is also provided for children in the compulsory pre-school education and for students attending educational institutions, for the purpose of training, educating and socialisation; materials and aids are also provided, and since the beginning of the pandemic – tablets for students as well. The municipalities participating at the begin of the programme in 2019 were 6, in 2020 – 7. In 2021, 9 municipalities have applied.

22. Finally, mediators and professionals are working with the parents to encourage inclusion in the educational system. Students, parents and teachers/educators participate in joint activities to promote non-discrimination.

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<sup>2</sup> More information on the Strategic Framework can be found at: <https://www.mon.bg/bg/143>.