

От създаването си през 2007 г., Съветът по правата на човека (СПЧ) в Женева се превърна в главен орган в областта на правата на човека. Съветът най-общо спомага за подобряването на защитата и насърчаването на правата на човека по целия свят и следи за ситуации с нарушаването на правата на човека, като същевременно прави препоръки в това отношение.

Един от основните механизми на СПЧ е Универсалният периодичен преглед (УПП). През м. ноември 2010 г. България успешно защити своя първи национален доклад по Универсалния периодичен преглед. В началото на 2015 г. България следва да представи своя Втори национален доклад по Универсалния периодичен преглед в Съвета по правата на човека на ООН в Женева.

Целта на поставянето на Втория национален доклад по Универсалния периодичен преглед на електронната страница на МВнР е желанието информацията да достигне до максимален брой лица, институции и организации.

На имейл upr@mfa.bg ще очакваме коментари и предложения за допълнение или изменение на проекта на доклада (на български или английски език).

Проектът на Втория национален доклад по Универсалния периодичен преглед ще бъде наличен на страницата на Министерството на външните работи до 16:00 ч. на 16 януари 2015 г.

Вторият национален доклад по УПП ще бъде разгледан и одобрен на заседание на Националния координационен механизъм по правата на човека, на 22 януари 2015 г.

I. Introduction

During its First Universal Periodic Review in 2010 Bulgaria has received 113 recommendations and after attentive and respectful consideration has accepted 106 of them. Guided by the view that the ultimate goal of the UPR to improve the human rights situation implies long-term, mid-term and short-term systematic actions at national level, Bulgaria has decided to take the opportunity to present its national Mid-term Implementation Update.

In June 2013 Bulgaria presented the Mid-term Update covering the period of 2011-2012 with information on the follow-up implementation of the recommendations accepted during the First UPR.

In the implementation process of the 106 recommendations all relevant ministries and institutions as well as non-governmental representatives have been involved. This collaboration enables the monitoring of the internal human rights situation from governmental and civil society point of view. Bulgaria's genuine intention in the implementation process continues to be the enhancing of the national capacity for the promotion and protection of human rights to the benefit of all persons residing in the territory of Bulgaria.

The Second Universal Periodic Review is organized in 17 thematic Chapters corresponding to the 17 groups in which the recommendations have been classified on the basis of their subject

matter. The numbers of the Recommendations in the present update equate those in the Report of the Working group on the UPR, BG (A/HRC/16/9) and its Addendum (A/HRC/16/9/Add.1).

II. Bulgaria's Second Universal periodic Review 2010-2015. Implementation of the adopted recommendations of the first round of the UPR

A. Civil society consultations on the implementation process: recommendations - 80.112, 80.110, 80.111

1. Information on the interactive dialogue with Bulgaria as part of the UPR procedure was published on the web-site of the MFA¹ together with the exhaustive list of the received recommendations and the response to them by the Government. Recommendations received during the considerations of the national reports presented to the UN Human rights treaty bodies are also being published on the web-site of the ministry.

2. Bulgaria has introduced the practice of establishing WGs² on the follow-up process of the recommendations. The APs³ prepared by the WGs on the implementation of the recommendations are adopted by the Government. The National HR Institutions are involved in the follow-up process as members of the WGs and when appropriate, they are assigned as responsible institutions or partner institutions for the recommendations' implementation in the APs. The representatives of the NGOs are invited to participate in the meetings of the WGs and to present their views on the implementation of the recommendations. In the process of preparation of the Second UPR report the main NGOs working in the field of human rights took part and it was approved by the NCMHR⁴.

3. By Decision 796/19.12.2013 of the Council of Ministers of the Republic of Bulgaria, a National Coordination Mechanism on Human Rights (NCMHR) was established. The created mechanism is aimed to improve coordination on horizontal level among public authorities involved in the implementation of specific national tasks arising from Bulgaria's commitments to international human rights treaties and other human rights instruments. The NCMHR will consider the desirability of signature and accession of the country to new international agreements on human rights and would recommend amendments in the domestic legislation and administrative practices. The mechanism would contribute significantly to the preparation and successful implementation of Bulgaria's obligations under the universal international treaties in the field of human rights. The first meeting was held on 30 May 2014 and Bulgaria's key national priorities in the field of human rights were approved.

B. International human rights instruments: recommendations- 80.1, 80.3, 80.4, 80.5, 80.6, 80.31

4. In the reported period, Bulgaria signed and ratified:

- The *Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*. Following inter-institutional consultations and consultations with the NGO sector, the Ombudsman was appointed as National preventive mechanism.

- The *Convention on the Rights of Persons with Disabilities* and an AP (2013-2014) to bring in conformity the Bulgarian legislation with the provisions of the Convention was adopted.

- The *Convention relating to the Status of Refugees and the Convention on the Reduction of Statelessness*.

- *Protocol 15 to the European Convention for the Protection of the Human Rights and Fundamental Freedoms* (ECHR), on condition to ratification.

- Bulgaria confirms its commitment to consider ratifying *the OP to the ICESCR*⁵ and *the ICPED*⁶. Inter-departmental discussions are under preparation.

5. The State presented:

- Consolidated third, fourth and fifth periodic report on the implementation of the commitments under the *UN Convention on the Rights of the Child and its Optional Protocols* in accordance with article 44, paragraph 1(b) of the Convention (for the period 2008-2012);

- The Initial report on the implementation of the commitments under the *Convention on the Rights of Persons with Disabilities* (for the period 2012-2013);

- Information about the measures taken by the State in implementing the recommendations referred to strengthening of institutional mechanisms and protection against domestic violence of the UN Committee on the elimination of discrimination against women (**CEDAW**), in connection with the examination of the IV-VII periodic report of the Republic of Bulgaria;

- Information on the implementation of the recommendations of the Ombudsman of the Republic of Bulgaria, as a NPM⁷ under the OPCAT;

- National assessment report and review of the implementation of the Beijing declaration, the Platform for Action and the outcome of the 23rd Special Session of the UN GA (2000) in the context of the upcoming 2015 global review of the "Beijing + 20";

- In November 2013, a joint visit of experts from the Advisory Committee on the *Framework Convention of the Council of Europe for the protection of National Minorities* (FCNM) and the *European Commission against Racism and Intolerance* (ECRI) was held. In 2014 the 5th monitoring cycle carried out by ECRI was finalized, most of the activities

relating of the 3rd monitoring cycle on FCNM were implemented and a final resolution of the CM of the CE⁸ remains to be adopted.

- Answers to the General and Thematic questionnaires within the first monitoring period to the Convention of the Council of Europe for the protection of children against sexual exploitation and sexual abuse.

- In fulfillment of the recommendations of the Treaty Bodies of the UN universal international instruments on human rights, in conjunction with respected individual complains about violation of rights v Republic of Bulgaria, in November 2014 the Government adopted decision for one-time payment of compensations.

Bulgaria would like to recall that it has extended a standing invitation to all Special procedures which could avail themselves of this invitation.

C. National human rights institutions: recommendations - 80.16, 80.11, 80.12, 80.13, 80.14, 80.17.

6. In 2011 the Commission for protection against discrimination /CPD/ and the Ombudsman were accredited by the International Coordinating Committee and its Subcommittee on Accreditation at the UN High Commissioner for Human Rights with the status "B" as National Authority on Human Rights.

Commission on Protection against Discrimination /CPD/

7. The CPD is the independent specialized national body in the sphere of equality exercising competencies and authority as provided in the *Protection against Discrimination Act* (PDA). The main competences of the CPD are: 1) prevention of discrimination 2) protection against discrimination by consideration of specific complaints and signals lodged before the Commission and constituted as proceedings, and 3) ensuring equal opportunities for participation in public and social life for all citizens. At present, the number of the operating RROs⁹ of the CPD is 15. Over the past three years there has been an increase in the number of proceedings brought before the CPD which has demonstrated that the trust in the Commission as an independent specialised body for the protection from discrimination and ensuring equal opportunities has been raised.

Ombudsman

8. The capacity of the Ombudsman has been strengthened in three main directions: it was designed as a NPM; its powers were extended and was accredited under the Paris Principles. The extended powers of the Ombudsman include: presenting opinions to the Council of Ministers and the National Assembly on draft laws concerning human rights protection and on the ratification of IHRTs¹⁰; referrals to the Constitutional Court and protection of the rights of the child; broad powers in relation to places for persons deprived of their liberty, or those where persons are detained.

D. Reform of the judicial system. Fight against corruption, organized crimes and conflict of interests: recommendations - 80.62, 80.63, 80.65, 80.66, 80.64, 80.67, 80.113, 80.108

Reform of the Judiciary

9. The reform of the Bulgarian judicial system has continued. The most important amendments to the *Judicial System Act* (JSA) have strengthened further the institutional capacity of the Supreme Judicial Council (SJC), the Inspectorate of the Council and the National Institute of Justice. The amendments of the JSA address the issues of publicity and transparency in the election of members of the SJC and the establishment of a procedure for assessment of complaints by the SJC Inspectorate against violation of the right to have the

case assessed and decided in a reasonable time. Furthermore, the JSA amendments provide for the establishment of a legal tool within the Inspectorate for compensation of the damages resulting from the delay of the process (compensatory tool). The right to lodge complaints is available to all categories of persons which could potentially be affected by delays of the procedure. The envisaged procedure provides a facilitative way of obtaining compensation that would result in a maximum amount of the compensation aligned with the levels of compensation awarded by the ECHR.

10. *The Responsibility of the State and Municipalities for Damages Act* was amended ensuring the creation of national legislation which allows the affected persons to receive compensation for the damages caused through violation of a right conferred by the ECHR, committed by the State or its authorities or officials. Until now the Inspectorate at the SJC has sent to the Ministry of Justice (MJ) 1002 applications. Since the creation of the mechanism until now the total amount of paid indemnities is BGN 704 294¹¹.

11. Amendments and supplements to the Methodology for attestation of judges, prosecutors, investigators, administrative heads and deputy administrative heads were adopted. The changes refer to the quantitative and qualitative assessment of magistrates, to the determination of the members of the assistant assessment committee. An additional restriction on the participation of magistrates as members of these committee was introduced. By a decision of the SJC, amendments to the Rules for conduct of competitions for junior judges and junior prosecutors, for initial appointment, promotion and movement of judges, prosecutors and investigators were made. The SJC is a beneficiary on the programme “Enhancing the qualification of SJC members and administrative employees”. Until now, 5 trainings of magistrates- participants in the competition committees and auxiliary appraisals commissions were held.

National Legal Assistance Bureau (NLAB)

12. The *Legal Assistance Act* has been amended to widen the scope of socially disadvantaged groups having effective access to justice. To meet the needs of socially disadvantaged people and those from socially vulnerable groups the National Legal Aid Bureau (NLAB) opened in October 2013 a “Legal Aid Hotline” and Regional Legal Aid Centres for advice in the cities of Vidin and Sliven. Legal advice is provided free of charge by telephone or on the spot. The new activities of the Bureau are performed with the financial support of the Norwegian Financial Mechanism (NFM) 2009 – 2014 in partnership with the Open Society Institute and the CE. The approved NLAB budget for 2014 was in the amount of BGN 7 454 660.

13. Changes in the Regulation of the structure and operation of NLAB were adopted, introducing new sustainable activities and efficient models for legal advice and consultation of socially disadvantaged people. A Strategy for LADI¹² for the period 2014 - 2019 was adopted, with a focus on control over legal aid provision, improvement of legal aid to children who are victims of crime and traffic, refugees and other citizens from vulnerable social groups through trainings of lawyers, delivered jointly with non-governmental organisations.

Fight against Corruption

14. Anti-corruption efforts within the public administration are co-ordinated by the Commission for the Prevention and Countering of Corruption (CPCC) established in 2006 within the Council of Ministers. The organisation of the Commission’s work and the administrative and technical services are carried out by the Directorate “General Inspectorate” (GI) responsible to the Prime Minister. At regional level, all 28 regions in Bulgaria have anti-corruption Councils, which have been strengthened in recent years to include representatives

from local government, territorial structures, the judiciary, various ministries, civil society and the business community.

15. The newest element in the anti-corruption framework is the BORKOR project implemented by the Centre for prevention and countering of the corruption and organised crime. The *Civil Servants Act* was amended, such as at the National Insurance Institute, the National Health Insurance Fund, the Fund “Agriculture” and other independent committees were created Inspectorates to control of the activities of the employees of these committees.

16. Since 2010, an Integrated Strategy for Prevention and Countering of Corruption is applied. The Strategy was adopted by the Government. Each year, the Commission for Prevention and Countering of Corruption (CPCC) approves APs containing specific measures carried out by ministers, head of state agencies and district governors and prepares annual reports on their implementation. A Methodology for corruption risk assessment was approved, and it is applied by the Inspectorates to the ministers and heads of State agencies, under the *Administration Act* (AA). The adopted Methodology determines the degree of corruption risk in the administrations of the central executive power. In 2014, the Methodology was supplemented with corruption risk indicators applicable to the whole administration.

17. Twenty Inspectorates are functioning in the system of the central executive power to December 31, 2013. Annually the number of Inspectorates, who have made an analysis and assessment of the corruption risk of structural units of the administration is increasing. In 2013, under the AA the Inspectorates have made 7 084. Most often the submitted signals have been against unlawful actions or omissions of employees of the administration; against corrupt practices and ineffective work and for conflicts of interests.

18. By order of the Prosecutor General a package of measures was approved, aimed to counter organised crime and corruption. Introduced was a single catalogue of corruption offences for reporting purposes. Organisation was created for priority work in the areas for countering organised crime and corruption. Organisation for interaction was created between the SPOC¹³ and the SAPPO¹⁴ upon receipt of data on corruption offences. A new guideline on special supervision was introduced, aimed at enhancing the efficiency of work on criminal proceedings against corruption offences and organised crime. In the reported period, a total of 699 prosecutorial statements have been filed at court and 424 were the sentenced persons.

Fight against Organized Crime

19. The fight against organised crime has been advanced by a number of procedural and institutional reforms. In the context of the process of specialisation in 2011-2012 specialised prosecutor offices and courts to deal with organised crime have been established. A new *Act on Forfeiture on the Exchequer of Unlawfully Acquired Assets* has been adopted. This Act provides for confiscation of illegal assets through a procedure in civil courts which can be launched upon the initiation of judicial investigations for a number of serious crimes and upon certain administrative infringements. A *Commission for Forfeiture of Unlawfully Acquired Assets*- a specialised body which identifies unlawfully acquired assets with the assistance of local units and local authorities has been established. Changes to the *Penal Code* (PC) have been undertaken to allow a more effective penal response to serious and organised crime. In January 2014, a draft of a new PC was submitted to the 42th National Assembly.

20. The resources for police investigations have been increased. The number of the police officers engaged in the investigation has increased from 2000 in 2010 to 8 000 at present. The State Agency National Security cooperates actively with Europol, DEA-USA, Interpol, Eurojust and Frontex. On regional level, significant role plays the cooperation with SELEC. In the practice, the European mechanism for international cooperation is being successfully applied.

21. Trainings for the magistrates have been provided with special focus on organized groups acting in the fields of narcotics dissemination, money laundering, physical injuries, human trafficking and high technology crimes. Some of the trainings were organized in partnership with international (Interpol, Eurojust) and bilateral partners (Spain, Germany, Italy, France, USA).

Conflict of interest

22. A *Law for prevention and ascertainment of conflicts of interest* was adopted and a *Commission for Prevention and Ascertainment of Conflict of Interest* (CPACI) was set up. The CPACI is an independent body with five years term of office that consists of five members, elected by the National Assembly, and appointed by the President and by the Government. The Inspectorates to the administrative units have made the 848 inspections. Some of the signals were forwarded to the CPACI. For evidence of a crime, to the proceedings authorities have been sent 154 files and of 24 employees the labour contracts were terminated.

Juvenile justice system

23. In 2011 the Government has adopted a Concept for State policy in the field of juvenile justice, which envisages specialization of the judicial system for juvenile justice without creating specialized courts. An AP has been developed for the period 2013-2020 in implementation of the Concept. The AP is consistent with the main strategic documents in the field, such as the Vision for Deinstitutionalization of Children in the Republic of Bulgaria and the Strategy for Crime Prevention (2012-2020). The AP includes a clear roadmap of institutions and deadlines for the accomplishment of the measures envisaged in the Concept.

24. Since 2012, a specialized Department "Combating crimes committed by minors and offenses against minors" operates within the Supreme Prosecutor's Office of Cassation. The Department is supported by a National network of prosecutors for countering crimes committed by minors. The Minister of Justice (MJ) signed an agreement with the Swiss Government under the programme "Strengthening the legal and institutional capacity of the judiciary with regard to juvenile justice". The project implies the training of 130 Bulgarian magistrates, as well as policemen, social workers and psychologists.

25. Amendments in the *Legal Aid Act* (LAA) were made to provide for free of charge legal aid to children at risk. The MJ prepared proposals for amendments in the PC for development and establishment of a special chapter, defining legal norms on the criminal liability of minors. Based on the Analysis of the legal and institutional framework of the system of juvenile justice in the country, prepared by NGOs and the Analysis of the gaps in the Bulgarian juvenile justice system (from 3 July 2014) of the International Institute on Children Rights, Switzerland, the MJ prepared final report containing a summary of the research for the gaps in the national legislation, its compliance with the European and international standards, as well as evaluation of the needs of the juvenile justice and goals. The report is presented for considerations.

26. A WG at the MJ was set up and its main goals are: to improve the Bulgarian legislation with regard to warranting the rights of minors participating in a legal procedure as witnesses, victims, suspected, accused, defendants or sentenced persons; to prepare draft of amendments of the Criminal Procedure Code regarding the procedure for interrogation of a minor witness (victim) of a crime, in cases of offence by a person aged under 18 and in view of introducing procedures for sparing justice. A report on the need for a special law to create a new framework of preventing and countering the behaviour of children in conflict and a Concept on a special law in the field of child justice are under preparation.

Implementation of the obligations under the ICCPR

27. As a State Party to the ICCPR, Bulgaria fully implements all provisions of the Covenant. Likewise, as a State Party to the ECHR, Bulgaria abides by its provisions and strictly implements the decisions of the European Court of Human Rights vis-à-vis Bulgaria. Referring to the ECHR, it should be recalled that there is no provision related to “minority rights”.

E. Education in human rights: recommendations - 80.92, 80.28, 80.44, 80.62

Education in HR – general school system

28. Formal civic education in Bulgarian schools is based on *the Universal Declaration of Human Rights, the Convention of the Rights of the Child, the ECHR, the European Reference Framework for Key Competences*, etc. According to the State Education Requirements for civic education the human rights are regarded as a basis for the overall personal development of youth, in view of their social realization. Non-formal education contributes largely to enriching students’ practical experience of the functioning of human rights principles, including the National Programme “The School – Students’ Territory”.

29. The importance of forming positive attitudes towards fellow-citizens belonging to any ethnic group, and of addressing any prejudices in this regard, is well recognized in Bulgarian society. Issues pertaining to prevention of racial discrimination are included in senior high school curricula as part of general educational subjects. A Cooperation Agreement was signed between the Ministry of Education and Science (MES) and the SJC for implementation of a Pilot Programme “The judiciary – informed choice and civil confidence”. The programme is targeted at Xth grade students and among the main subjects are defence of human rights and access to justice.

Education in HR for the Judiciary and Law Enforcement Officers

30. Appropriate education and training in HR continued to be provided by the Academy of the Ministry of Interior /MoI/ and the National Institute of Justice (NIJ). The police officers are acquainted with the decisions of the European Court on Human Rights in the framework of the discipline “Human Rights Protection”. In the reported period, a total of 800 employees of MoI have undergone training on the abovementioned topics in different courses.

31. In the framework of the bilateral exchange with the Netherlands a multiannual training programme Police, ethics and human rights has been conducted. From the beginning of the programme up to this moment a total of 279 training were conducted for 4803 police officers from Public order and security police. A toolkit has been developed which is used in the current on-the-job training.

32. With regard to pilot rulings of the European Court of Human Rights /ECtHR/ against Bulgaria NIJ held training sessions on ECHR in cooperation with the CE and with the participation of judges from the Court. Training has also been provided to prosecutors and investigators. The implementation of the Project “Increasing the capacity of the judiciary and training on the ECHR at the NIJ” has been launched. The project is funded in the framework of the Norwegian financial mechanism. In 2013-2014, NIJ has organized 27 events dedicated to issues, related to human rights. 900 judges, prosecutors, and inspectors of the Inspectorate to the SJC, investigators magistrates, court officials, experts from the MJ, and officials from the MoI, NGOs representatives, other legal experts took part.

Education and training in non-discrimination

33. The education in HR provided by the NIJ includes a training module on Article 14 of the ECHR (prohibition of discrimination) and the relevant Bulgarian legislation and case law. Two seminars on the topic of combating discrimination were organized.

34. The topic of hate crimes prevention is integrated in the curriculum of the MoI Academy. A new discipline "Protection from Discrimination" has been introduced. A manual has been drafted on the topic of hate crimes to be used by the trainers for on-the-job vocational training of officers within the MoI structures. An annual 10-week theoretical and practical training course at national and local level on "Police Work with Ethnic Minorities" is also envisaged. MoI conducts regular short on-the-job trainings for police officers directed towards the work of the police in multiethnic environment. The trainings are included in the AP for implementation of the NSRBRI¹⁵ (2012-2020) and the NPDRI¹⁶ (2005–2015). During the reported period a total of 109 573 officers were trained.

35. In March 2011 a MoU¹⁷ was signed between MoI and the ODIHR of OCCE, which envisages the organization of training in the field of combating hate crimes. The CPD organized training workshops for specialists from the Juvenile Offenders Directorates. A national workshop for the benefit of magistrates, civil servants and NGO sector was held on the topic "Preventing and combating discrimination through the methods of criminal law". In October 2014, the project Training of the law-enforcement for the legal use of force, respect for human rights and further development of the skills for work in a multi-ethnic environment, financed by the NFM¹⁸ (2009-2014) has been started. Under the EU Programme "Prevention of and Fight against Crime", the MoI developed a specific project on "Police training in the European standards of human rights protection". A project - "European Police and Respect for HRs" under the Programme was launched in partnership with Belgium, Germany and Poland, as well as national partners - the CPD and NGOs. The project has been executed in the period 2011-2013 and covered 135 police officers.

F. Non-discrimination: recommendations - 80.8, 80.44, 80.43, 80.100, 80.103, 80.40

36. The Bulgarian authorities have continued its consistent policies aimed at preventing and eliminating any forms of discrimination and creating understanding and tolerance among persons belonging to different ethnic, religious or linguistic groups of the population as well as the LGBT persons. We consider that implementing in practice the principle that the sexual orientation and gender identity are a matter of free personal choice for any individual all Bulgarian citizens are given the opportunity to freely state their sexual orientation and gender identity. The protection of their rights and freedoms is guaranteed by the Bulgarian Constitution, the national legislation and Bulgaria's international legal obligations in the field of human rights, in strict conformity with the principles of equality and non-discrimination.

37. We would like to recall that the *Protection against Discrimination Act* (PaDA), provides for a sound legal basis for the protection against discrimination, including in the field of employment and ensures effective protection for the victims of discrimination. The Act protects *inter alia* against discrimination in the exercise of labour rights, the exercise of the right to education and training and provided for balanced participation of men and women, and of persons belonging to ethnic, religious and linguistic minorities in governance and decision-making processes within the State authorities, public bodies and local self-government. The PaDA expressly prohibits all direct or indirect discrimination on grounds of sex, race, ethnicity, nationality, origin, religion or faith, education, beliefs, political affiliation, personal or public status, disability, age, sexual orientation, family status, property status, or any other grounds provided for by law or international treaties, ratified by the Republic of Bulgaria. It should be added that "harassment", "incitement to discrimination" and victimisation are considered as discrimination under the PaDA.

38. The CDP has established a network of Regional Representatives (RRs) to carry out at the local level activities to raise awareness among vulnerable groups and the region's community as a whole on human rights, the methods of their protection, and dissemination of training materials, including to persons belonging to the LGBT group. In all these areas CPD works close with NGOs partners. The RRs register complaints hold open-day events in constituent municipalities, inform and consult citizens.

39. Under the project "Combating discrimination for a fair society", financed by the EU, the CDP implemented five national training seminars which were designed for lawyers with civil profile, representatives of key institutions in the legislative process and judicial authorities, state servants, journalists and students. Projects for the creation of locally based Prevention Centres in Sofia, Bourgas and Targovishte were developed in collaboration with the MoI of Germany. The main goals are awareness raising and the promotion of tolerance and respect for diversity in society in areas with predominantly Roma population.

40. The Ombudsman has extended in 2011 a recommendation to the Legislative and Executive branches to criminalize offences incited by homophobia. In 2012 the Ombudsman reviewed a complaint alleging ethnic (Roma minority) discrimination. The inspection did not establish any violations.

41. In December 2013, the NCCEII held a working meeting with the participation of members of parliament, the CPD and the MFA for improving the work and coordination among authorities dealing with human rights, anti-discrimination, order of law and integration. On 8 April 2014, the international day of Roma people, the NCCEII held a round table with the broad participation of members of parliament, the CPD, Roma NGOs, representatives of diplomatic missions.

An inter-institutional AP is being implemented in response to the concluding recommendations of the CEDAW.

G. Equal opportunities for women and men: recommendations: 80.7, 80.109, 80.32, 80.33, 80.34, 80.36, 80.37, 80.38

Legal framework

42. Equality before the law is a constitutional principle in Bulgaria. The principle is further developed in the *Labour Code (LC)*, the *Employment Promotion Act (EPA)*, the *Social Assistance Act (SAA)*, the *Higher Education Act (HEA)*, the *Defence and Armed Force of the Republic of Bulgaria Act (DAFRBA)*, the *Family Code (FC)*, the *Social Insurance Code (SIC)* and others. In accordance with the Directive 2010/41/EU on the implementation of the principle of the equal treatment of the self-employed persons amendments were introduced to the SIC. These legal acts are in compliance with the international legal obligations of the State in the field of the equality and non-discrimination, particularly with the objectives and the provisions of the CEDAW. In 2014, a draft Gender Equality Act was developed.

Institutional Mechanism

43. The Ministry of Labor and Social Policy /MLSP/ is the main institution within the Executive in charge of the overall coordination of the national policy in the field of gender equality. A National Council for Equality of Women and Men is functioning at the Council of Ministers. The implementation of the equality legislation is overseen by the CPD. Since 2011, the relevant Sector at the MLSP has been upgraded to Equal Opportunities, Antidiscrimination and Social Assistance Department.

44. These institutional structures are directly responsible for the formulation and the implementation of the uniform national policy on gender equality. They have developed and coordinate the implementation of the NSPGE¹⁹ (2009-2015) and of the annual NAPs for the

PEWM²⁰. The Strategy and the NAPs are adopted by the Government and they correspond to the ESEWM 2010-2015. The NS explicitly states that in the Republic of Bulgaria gender equality is a fundamental human rights principle, a matter of social justice and a fundamental value. The APs for 2014 and 2015 focus on the implementation of measures for promoting gender equality in decision-making.

Fight against stereotypes on traditional division of roles between women and men

45. In the NAPs the Government is actively promoting the elimination of stereotypes on traditional division of roles between women and men in family relations and upbringing of children. The MES has introduced in the school programmes special blocks on the gender equality and the social dimensions of both genders over the globe as part of the programs on gender education and human rights education. The MSLP carries out various awareness raising programmes on issues related to gender equality, including on combating negative stereotypes about women and their social roles. The CPD has conducted a representative survey on "Stereotypes and Prejudices in textbooks, and programs and curricula in primary and preparatory education." As a result, the CPD recommended to the MES textbooks and teaching materials to be refined in accordance with the PDA.

46. The *Council for Electronic Media (CEM)* carries out regular supervision of the programs of media service providers and considers with priority possible sexist advertisements. Where cases of gender inequality and discriminatory treatment are detected, CEM works in close cooperation with the CPD. In line with the recommendations of the CEDAW a focused monitoring was held of the activities of certain media service providers.

47. The Project "Female Leaders in Security and Defence" brings into focus the need to link in a more coherent and structured manner the implementation of the UNSCR 1325 and gender mainstreaming. The aim of this project is to increase understanding that female leaders bring diverse perspectives and experiences to make defence and security organisations more successful, both on the military and the civilian side. A draft of a NP for implementation of the UN Resolution 1325 is under preparation.

Participation of the women in the political, economic and social life

48. The Government has been strongly committed to the promotion of gender balance and is mainstreaming the gender-perspective in all its programs and policies at central and local level. Women themselves have also adopted politically and publicly active attitude. After the last elections for Members of the European Parliament (EP) 50% of the Bulgarian Members in the EP are women, while two Bulgarian women serve consecutively as EU commissioners. The Mayor of the capital city Sofia is a woman as well. The National Assembly is lead by a Chairwoman.

49. Positive changes have occurred in the business sector, such as management of trade companies, agriculture, public transportation and telecommunications. Women currently working in 51 state-managed trade companies account for 43% of the members of their governing bodies. Unemployed women are offered the opportunity to start their own business by receiving a BGN 20 000 Grant under a scheme of European funding.

Equal Level of Economic Independence

50. The principle of equal pay for equal work or work of equal value is enshrined in our labour legislation and its observance is strictly monitored by the competent institutions. The existing differences in remuneration between men and women for 2012 are 12.6% for the private sector and 20.9% for the public sector according to the actual Eurostat data. They are not a result of remuneration discrimination but are rather consequence of other reasons such as the structure of staff. An agreement was signed in 2008 between the MLSP and the CPD

on joint actions to create conditions for reducing and eliminating the differences in remuneration of women and men.

Better opportunities to develop professional, personal and family life

51. The MLSP has implemented a project “Babysitting- Shortcut from Education to Employment” aimed at accelerating the process of professional reintegration of mothers of 1-3 years old children and encouraging fathers to take further responsibilities as regards family care. It offers free of charge babysitting which allows parents to return soon to work and offers a chance to students to receive additional income. 2 499 families benefitted from the project. Under the National programme “Assistants for persons with disabilities”, 2849 women have been employed which amounts to 67 % of the total number of the employed persons under this programme. Amendments were introduced to the EPAct. These legislative measures have ensured employment of 1791 mothers for the period 2011-2012.

H. Rights of the child: recommendations: 80.78, 80.20, 80.71, 80.77, 80.15, 80.58, 80.27, 80.75, 80.72, 80.73, 80.19, 80.98, 80.79, 80.80

Update on the deinstitutionalization process

52. The Government has set forth its clear policy views on the rights of the vulnerable children in the National Strategy “*Vision for Children Deinstitutionalization in the Republic of Bulgaria*” which was adopted in 2010. An AP for the Strategy implementation has been elaborated in collaboration with different NGOs and was approved. The AP was submitted for comments to the Commission of the EU. The main purpose of the document is by 2015 all specialized institutions to be closed and to be replaced with new types of social services.

53. The National Strategy and the AP entail implementation of several projects, financed by the ESFs²¹. The Project “*Childhood for All*” targets around 1800 children with disabilities, aging from over 3 years old to youngsters placed in 24 HMRC²² and 31 MSCHC²³. The “*Direction: Family*” Project, in 8 MSCHC, focuses on setting up prevention services aimed at restraining the placement of children in specialized institutions. This project is a pilot model for the closure of 8 MSCHC for children from 0 to 3 years. The Project “*I have a Family*” runs for the period 2011-2015 and covers actions to decentralize and widen the scope of foster care and develops services in support of foster parents. The activities for closing the MSCHC in Shumen in pursuance of the project “*Family for Every Child*” are ongoing. Work is being performed for closing all HCDPC²⁴ and MSCHC on the territory of Varna and Dobrich.

54. The Project “*Strengthening Social Assistance Agency /SAA/ capacity to improve social work quality and efficiency*” aims at enhancing professional and administrative capacity and motivation. 400 social workers have been hired in the Social Assistance Directorates. The Project “*Development of a social services planning and delivery system at regional level*” aims at improving sustainability of social services planning, management, delivery and quality control processes. The Project “*Support*” offers a clear mechanism for communication and coordination of all stakeholders, additional expertise on process management, and guarantees participation of all stakeholders in the deinstitutionalization process according to stakeholders’ commitment.

55. The data proves a stable tendency to reduction of the number of children in specialized institutions (SI). At the end of September 2014, the total number of children placed in families of relatives was 6 711. As of the same period, 2231 children were placed in foster families and the total number of approved foster families was 2249. A serious progress was made for development of social services (SS) for children in the community. The uniform spending standards for financing of the services were increased. The number of newly

launched supporting SS in the community dominated at the expense of residential ones. The network of Social Support Centres developed further.

56. The active work on deinstitutionalisation of children with disabilities continued. By the end of 2015, the remaining 21 institutions for mentally disabled children are to be closed, together with 1 institution for physically disabled children. A review and analysis under the project “Childhood for All” was conducted to assess the needs of 1797 children and youths with disabilities. A map was developed, including residential and supporting services in 81 municipalities. The target group under the project “Childhood for all” was expanded to include children placed in HCDPC. In the reported period, 36 SI were closed and 103 new SS for children were opened. As August 2014, 391 social services in the community for children operated on the territory of the country in the form of public delegated services, with a total capacity of 9 937 places.

The input of non-governmental organisations is essential, as they actively collaborate with governmental institutions and local authorities.

57. In relation to the 238 reported death cases of children in SI, 22 inspections were conducted. In the course of these inspections, inhumane treatment of children by the personnel of the SI was not established. Some inspections concluded that in some of the death cases, children were buried without conducting an autopsy, the latter being attributed to loopholes in current legal regulations. In 2010, amendments were adopted to the HAct, which introduced the requirement for anatomical pathologist autopsy in cases of a death of a child placed outside the family under the CPA. Consequently, amendments to the Ordinance on criteria and standards for SS for children have been introduced and a new standard for resident services (RS) and services in SI has been adopted. Under the new standard any SI or RS shall develop procedure for registration of death cases and shall follow a notification sequence to the competent authorities, to parents/guardians or trustees, and to respective Social Assistance Directorate.

Staff training

58. In the period July 2013 – June 2014, 64 trainings to 1511 employees of the SAA were organized. As of 30 September 2014, 362 positions for social workers were occupied at the SADs. Within the project “*Development of the system for planning and provision of social services at regional level*” 28 trainings were delivered with the participation of 532 persons across the country. In addition, trainings of registered providers of SS were delivered for improving the management and quality of their services. On 24 September 2014 the first conference for the project information and publicity was held.

Children with disabilities

59. The Bulgarian legislation explicitly regulates the right to equal access to quality education, and the obligation of kindergartens and of schools to enroll children and pupils with special educational needs, including children aged under 16 residing in homes for mentally disabled children. The tendency is to mainstream most of the children with disabilities in the general schools, to reduce the number of special schools and to assign new functions to those special schools which will continue to exist focused on children with severe and multiple disabilities. Under the Art.24 “Education” of the *UN CRPD*, the National Council for Integration of People with Disabilities approved a Concept. The combined form of education was introduced.

60. Amendments were made in the Regulation for the Implementation of the SAA, which will be effective from 01.01.2015. The changes provide for application of a differentiated approach in defining the standards for financing SS through municipal budgets. 99 centers are functioning on the territory of the country with a total capacity of 3 740 places.

61. The work with children with special educational needs was focused mainly on: ensuring equal access to high quality education and training aimed at adequate social inclusion; early prevention and diagnostics; provision of integrated medical and social rehabilitation; abandonment prevention, etc. The State provides annually free textbooks for the different subjects and Braille textbooks for students with special educational needs. As a result of the intensive process of integrated education the number of children and students with special educational needs receiving integrated education in kindergartens, general education and vocational schools increased 18 times. The number of students undergoing integrated education is 1660, supported by 1364 specialists. Annually, supporting environment is provided for conducting the national external evaluation and state matriculation exams to students with special educational needs. Special pedagogues started work on 11 new framework curricula for drafting individual study programmes on cultural and educational subjects for children with multiple disabilities.

62. In 84 pilot comprehensive schools have been formed teams of specialists (psychologists, resource teachers, logopedists, teachers for children with impaired vision and hearing-speech therapists); 84 resource cabinets were furnished and equipped. Under the National Programme "Creation of Accessible Architectural Environment" 39 schools were reconstructed. A model of comprising training of 1654 students with special educational needs is built. Supportive environment is being built in pilot kindergartens and general education schools near the mixed type accommodation centres and protected homes. Psychologists, speech-therapists and resource teachers are appointed to work with the community in the settlements in order to change their attitudes and prepare the institutions for the children's inclusion. In 2014, 10 pilot general education schools and 1 kindergarten were approved, and 64 children and students were included in education. The specialists participating in this activity numbered 35 in total.

63. A new model of organisation and functioning was experimented at IVth auxiliary school in Sofia, aimed to provide education to children with serious and multiple disabilities so that mastering of new knowledge and skills is geared to the individual capacity of every child. Newly built, renovated and equipped with necessary equipment and materials were 6 specialised school rooms for work with children with serious and multiple disabilities; 32 specialists were appointed; a draft new curriculum related to the new model of operation of the school was developed.

Adoption

64. After the accession of Bulgaria to the *Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption (Hague Adoption Convention)*, an amendment in the FC introduced the compulsory registration of the child to be adopted and the prospective adoptive parents as an additional condition for permission of full adoption in the FC in 2003. The selection of the suitable adoptive parent for a registered child is made by the Adoption Council (AC) with the respective regional social assistance directorate and by the Intercountry AC.

65. Many amendments to the legal framework were made in the area of international adoptions: on the terms and procedure for keeping international adoption registers and granting consent by the Minister of justice and for granting and withdrawal of permits for international adoption mediation and for pursuit and termination of the activity of accredited organisations. The changes focus on the personal contact of the adoptive parent with the child. The abrogation of the secrecy of adoption is under consideration.

66. The prior accommodation with a family for the purposes of future adoption provided for in the Hague Convention, is not envisaged in the Bulgarian legislation, respectively the Republic of Bulgaria issued a declaration of non-acceptance.

I. Social and economic rights: recommendations: 80.89, 80.90, 80.74, 80.25, 80.76, 80.88, 80.91, 80.30, 80.87

Framework Documents

67. The *National Programme for Reforms* contains the general goal of reducing the number of people living in poverty. In 2012 and 2013, two key strategic documents were adopted: the National Development Programme Bulgaria 2020 and the National Strategy for Reducing Poverty and Promoting Social Inclusion 2020. One of the main goals until 2020 is the number of people living in poverty to be reduced by 260 000, and the number of children aged 0-18 and living in poverty to be reduced by 78 000. NAPE²⁵ provides for programmes and specific measures to enhance employment and upgrade qualification among the vulnerable groups. In 2012 the Government has adopted a National Concept for support of active life for aged people developed in 2014 with a National Strategy for Long-term Care. The Strategy is the key underlying document aimed to reform the care for older people and people with disabilities.

Active employment promotion policy

68. The employment policy targets the following groups: unemployed youth up to 29 years, unemployed over 50 years, long-term unemployed, unemployed with disabilities, unemployed Roma, inactive persons etc. In 2011 the programs and the measures under the NAPE covered 50 105 persons, 57 % of which remained permanently employed. In 2012 new youth employment promotion initiatives were launched, such as the National Initiative “Jobs for Young People in Bulgaria” 2012-2013 and “Creating institutional capacity of the labour market, social inclusion and healthcare”. Specific regional needs and resources for development are a guiding element in the employment policy in recent years. In 2013, 196 regional programmes are implemented, compared to 168 in 2012 and 154 in 2011.

69. The Agency for People with Disabilities continued financing programmes for employment of people with disabilities. 32 projects for permanently disabled and damaged people to start up their own economic activity and another 12 projects for providing access, adaptation and equipment of work places for people with disabilities in specialised and ordinary working environment were financed. The target projects of specialised enterprises and cooperatives with granted financing numbered 33, to the amount of BGN 1 469 000. Implementation of the programmes continued in 2014.

Securing adequate and sustained social assistance (SA)

70. In 2011 in various forms of family assistance BGN 498 542 000 was provided, which offered support to more than 897 000 children, for 2012 more than 884 000 children received BGN 500 418 000. The funds for energy allowances from the State budget amount to BGN 60 589 000 for 2011 and to BGN 87 414 000 for 2012.

71. In 2012 the scope of persons entitled to SA was extended by the inclusion of foreigners possessing a long-term residence permit. For 2012 and 2013, 115 495 persons and families received one-off, targeted and monthly social benefits amount paid in such benefits was BGN 112 334 188. In 2013, 251 876 persons received targeted aid for heating and the amount paid was BGN 74 733 424. Providing financial support under the *Family Children Benefits Act* (FCBA) is an essential part of the support provided to families with children. Children were supported on different types of family child benefits. In 2014, the funds for payment of all kinds of family child benefits under the FCBA were increased and they reached the total amount of BGN 556 397 462.

72. In 2014, differentiated amounts of monthly benefits for children until completion of high school were introduced. All students placed in SI for children and in SS of residential type – transit home, crisis centre and family type accommodation centre – receive monthly out-of pocket expenses whose amount is increased. As regards improvement of the status of children placed in foster care, with the increased minimum wage since the beginning of 2014, the amount of the monthly pay to professional foster families rose.

Provision of accessible, good quality and effective services

73. A sustained trend has been registered of increasing number of community-based social services (CBSS). At the end of 2011, the number of social services (SS) was 893, of which 632 were CBSS. As of March 2013, the number of CBSS increased and reached 738, and the number of SI was 247 with capacity for 15 283 persons. In 2012, the capacity of 16 SI for elderly and for people with disabilities was reduced and 18 new community-based residential-type social services (CBRTSS) were launched. 591 social services operated in the country's territory as a publicly delegated activity with a total capacity of 19 961 places. The number of children using SS in the community, including of residential type rose to 10 344.

74. In 2012 the scheme "Home Assistance" was implemented under OPHRD for the purpose of enlarging the scope of the existing social home patronage. The overall envisaged size of the scheme is BGN 30 000 000. Until 31.12.2013, 4 511 unemployed persons in the country were employed in the activity "Personal Assistant".

The funds paid from the national budget in targeted benefits for heating amounted to BGN 74 733 424 in 2013 and BGN 76 702 845 for the first nine months of 2014.

Early childhood development and equal access to education for all

75. In 2011 a project for early social inclusion of children started in 60 municipalities, which is financed with a World Bank loan in the amount of EUR 40 million. In 2012 funding agreements were signed with another 10 municipalities. As a result of the successful execution of measures for equal access to education for all children in the school year 2013/2014, 87,3% of the children who are 5 years old and 97,6% of those who are 6 years old were covered by the pre-school training and around 72% of all students at grades I and II were included in the full-day training scheme. In 2012 a *Strategy on preventing early drop outs from school (2012- 2020.)* has been elaborated, which together with the Acts of Law on Youth and pre-school education create the framework of competitive education towards employment and social inclusion.

76. Within the Social Inclusion Project, agreements were signed with 66 municipalities in total, whose projects are being financed and through which the municipalities started providing new types of services for children and families: for early child development, for prevention of risks in early childhood and for better coverage and enabling of children's inclusion in the educational system, for improvement of family environment. As a result of the financed construction works in 29 municipalities 1 868 new places in crèches and kindergartens were opened (184 places in crèches and 1 684 in kindergarten groups). At the end of August 2014, 19 municipalities had already put into operation crèche and kindergarten groups launched under the project – 1 257 new places in total in crèches and kindergartens (74 places in crèches and 1 183 in kindergarten groups).

Equal opportunities for people with disabilities and social assistance

77. The *Strategy for provision of equal opportunities to persons with disabilities 2008 – 2015* envisages measures in education and vocational training, employment, accessible living and architectural environment, social services, medical and social rehabilitation of persons with disabilities. In 2011 a *Long-term strategy for employment of persons with*

disabilities 2011 – 2020 was elaborated. Implementing both strategies two-years APs were drawn up and fulfilled for the period 2012-2013.

78. Under National Programme “Assistants to People with Disabilities” funding of 11 125 personal assistants was secured. Average monthly benefits for people with disabilities were provided to 509 170 persons with disabilities, including 20 147 children with disabilities. A total of BGN 138 860 190 were paid as monthly supplements for social integration in the reporting period.

Support to representatives of vulnerable ethnic groups with a focus on the Roma

79. Specific measures were implemented to create conditions for increased employment of unemployed Roma and promoting entrepreneurship, such as the traditional specialized jobs fairs, inclusion in trainings for professional qualification, how to start and manage own business and employment programmes. With the Employment agency work 12 employees of Roma origin in order to facilitate the provision of services for unemployed Roma. A contribution to the reduction of the high-level unemployment among the Roma population was made by the “*Activating the non-active persons*” where mediators of Roma origin persuade non-active persons to get registered in the labour bureaus. In 2012 jobs were provided to 11 478 unemployed persons of Roma origin.

80. In order to improve the access to healthcare of vulnerable groups specific services were developed: the health mediator’s profession has been institutionalized and currently there are 130 health mediators in 80 municipalities; 23 mobile cabinets for medical check-ups and consultations are operating in Roma neighbourhoods with focus on sexual and reproductive health, child immunization and health education. In 2013, the Secretariat of NCCEII initiated and took part in bilateral meetings (in Germany and France) in relation to the liberalisation of the labour market in some EU Member States from 1 January 2014 and poverty-driven migration. The framework for cooperation between the countries concerned was outlined, incl. social workers, health mediators, police officers.

Awareness raising and prevention of HIV and Sexually Transmitted Infections (STIs)

81. The Ministry of Health (MH) and its 28 regional structures in close cooperation with more than 50 NGOs implements a NPPC of HIV and STIs (2008–2015 r.) and a Program “Prevention and Control of HIV/AIDS”, financed by the Global Fund to Fight AIDS, Tuberculosis and Malaria. With the MH funding modern diagnostic kits are supplied for HIV, virus hepatitis B and C, syphilis and other sexually transmitted infections testing. Youth-tailored services are provided, free of charge and anonymous, for HIV and STI testing and consultation. A network of 19 easily accessible Voluntary Counseling and Testing /VCT/ Centers is established for providing medical consultations for HIV and STI are available in the 15 cities with the largest population, where there is a concentration of young people at risk, unemployed, people of low socio-economic status. The geographical scope of provision of such services was expended with additional 17 mobile medical cabinets. A network of 18 youth non-governmental organizations and more than 1000 trainers has been built on the principle “peer-to-peer training” for provision of free services through outreach activities among the young people in the largest municipalities in the country.

J. Rights of persons belonging to minorities groups: recommendations: 80.18, 80.102, 80.22, 80.26, 80.29, 80.104, 80.101, 80.105, 80.70, 80.93, 80.94, 80.95, 80.96, 80.97, 80.106, 80.82

National Council for Cooperation on Ethnic and Integration Issues (NCCEII)

82. Since April 2011, in accordance with Decree № 92/2011 of the Council of Ministers the ethnic issues have been transferred from the MLSP to the administration of the Government where *the NCCEII to the Council of Ministers* has replaced the former National Council on Ethnic and Demographic Issues. The policy related to demographic development has been transferred to the portfolio of the MLSP.

83. NCCEII is a coordinating and consultative body, assisting the Government in formulating the policy on the integration of minority groups. In the Council the organizations of Bulgarian citizens belonging to ethnic minorities²⁶, State institutions, local authorities and representatives of the Academia are represented. The NCCEII coordinates and controls the implementation and carries out constant monitoring over the implementation of the NAP for the "Decade of Roma Inclusion 2005 – 2015". The Chairman of the NCCEII is assigned as National Coordinator for the international initiative "Decade of Roma Inclusion 2005-2015". In 2013, an ad-hoc body was set up at the NCCEII– a Commission for the Implementation of the NRISRB (2012-2020). An IWG²⁷ for resource support of the Roma integration with EU funds is functioning to it, comprising representatives of the managing authorities of the operational programmes, representatives of institutions and non-governmental organisations. 45 NGOs, as members of the NCCEII, including 37 ones dealing with Roma integration issues have been participated in 2014.

Policies and programmes

84. The Bulgarian authorities are firmly committed to the improvement of the situation of the Roma with the understanding that achievement of satisfactory results could only be a product of shared efforts and proportional responsibilities between the Government, the Roma communities and their leaders, and with the assistance of NGOs involved in Roma integration. The Bulgarian authorities recognize fully the European dimension of the issue of Roma inclusion and consider its efforts as part of the common European efforts in this regard.

85. In 2011, the *NRISRB*²⁸ (2012-2020) has been developed. The Strategy corresponds to the *NRPRB*²⁹ (2011-2015), *the NAP to the "Decade of Roma Inclusion 2005-2015 Initiative"* and on the basis of the *FPIRBS*³⁰ (2012-2020) adopted in 2010. The Strategy incorporates the objectives and principles of the *SEICSEM*³¹; *the HSDPEM*³² (2005-2015) and the *NPIHCRRB*³³ for the period 2005-2015. The Strategy covers six priority areas of the integration policy: education, health, housing, employment, rule of law and non-discrimination, culture and Media. The Strategy's AP is structured to be implemented in two phases: 2012 - 2014 and 2014 - 2020. The first period is fully covered by the NAP for the initiative "Decade of Roma Inclusion 2005-2015". The NRISRB (2012-2020) and the AP were adopted by the Government and approved by the National Assembly. Bulgaria is the only EU Member State in which the strategic document for Roma integration has been adopted by the Legislative not only by the Executive. In 2012, regional and local strategies for the integration of Roma and APs to them were also elaborated. Currently, there are 28 regional strategies and 220 municipal APs in place, developed on the basis of analysis of the needs and specifics of local communities. Every regional administration has a special unit for monitoring and assessment of the plan's implementation with clear, specific tasks and responsibilities.

86. An agreement "Social Inclusion of Roma and other vulnerable groups" was signed under the Bulgarian-Swiss co-operation programme with main purpose to support Bulgaria in the promotion of social inclusion of ROMA for implementation of the NRISRB (2012-2020). An agreement for implementation of the Programme "Public Health Initiatives", financed by the FMEEA³⁴ and the NFM, with a focus on 5 areas (reproductive health; child health care; mental health; improved governance in health care; specific health challenges for the Roma). Six Bulgarian municipalities were included in a joint programme of the EC and of the CE

ROMED2/ROMACT, which aims to support the strengthening of the capacity of both local institutions and the Roma community. In these municipalities, pilot action plans until 2020 were developed in implementation of the Strategy.

In 2014, the Council of Ministers approved a monitoring report on the progress of the priorities of the Strategy for 2013 and the development of the next NP and LPs for integration until 2020 began.

87. Bulgarian authorities support, through a state subsidy under the *National Community Centres Act*, the capacity of community centres (so-called “chitalishta”) to preserve the cultural identity of ethnicities in the country. About 1000 community centres of a total of 3 575 reported to have attracted representatives of minorities within their structure or events. The State additionally finances theatres operating in specific regions in the country which produce plays addressed to the respective ethnicity, such as the drama theatres in Kardzhali and Razgrad. To present the cultural heritage of different ethnicities, the museums across the country provide exhibit space and organise mobile exhibitions of cultural values. The network of public libraries is essential for preserving the cultural identity of ethnic communities.

Health

88. The HSDPBEM (2005-2015) as part of the National Health Strategy is a key document that guides policy in this area. Its main objectives are: overcoming negative trends in the health status of disadvantaged ethnic minority groups; ensuring equal access to health care services; increasing the number of the population from ethnic communities included in compulsory health insurance system; reducing infant and maternal mortality.

89. Health and social centers have been established with the support of the Global Fund to Fight AIDS, Tuberculosis and Malaria since 2004. They have been managed by local Roma organizations working with the Roma communities and have been developed in the Roma residential areas in eight cities. Health and social services are offered by specially trained Roma teams- health mediators and mobile medical cabinets. The important role of the health mediators for increasing the health culture and awareness within vulnerable groups has to be particularly underlined. The profession of the health mediators is institutionalized and is included in the National Register of Professions.

90. The work of the health mediators (HMs) is concentrated in fields as maternity and child health care, drug prevention, inclusion of parents in the process of adaptation of children to the requirements of the educational system, services for career guidance. In 2014, the number of HMs increased to 150 in 79 target municipalities in 25 regions in the country. Funds are allocated for extending the network of health mediators in 2015 and their number is set to rise to 170 persons. In regard to improving access of Roma to medical services, preventive medical checks are carried out on the spot in settlements and quarters where Bulgarian citizens of Roma origin and without health insurance live by means of the 23 mobile medical units on three consecutive projects under PHARE Programme. Children aged 0-18 with incomplete immunisation status were immunised, in accordance with the National Immunisation Calendar and persons with established diseases during the checks and tests were referred to relevant specialists for treatment.

Education

91. The *Constitution* and the *Public Education Act (PEA)* guarantee the right of every child to education. Education is secular, tuition is free of charge at the State and municipal schools, and school attendance is compulsory until the age of 16. Enrolment in kindergartens is at the discretion of parents or guardians. In grades I to IV, transport, textbooks and meals are provided free of charge. Infants have access to pre-school education. The free choice of a

school is explicitly provided for by the PEA. In this framework the educational authorities undertake consistent efforts to prevent the formation of classes on “ethnic” grounds, and not to allow enrolment in “special schools” for Roma pupils with no special needs. The MES is the leading institution responsible for the implementation of the objectives within the "Education" priority of *the NRISRB (2012-2020)* and all measures in this direction are discussed in close cooperation with the NGOs. A Center for EICPEM³⁵ was established in 2005, supporting the implementation of the Educational Integration Strategy. The Center develops finances³⁶ and supports projects, focusing on equal access to quality education for children and pupils from ethnic minority groups. Since 2011 under the programme “EICPEM” 118 projects have been adopted.

92. In recent years, more than 4,000 Roma children of compulsory school age have been moved from schools in separate all-Roma neighborhoods within some regional and municipal centres and have been successfully integrated into mainstream schools and classes outside such areas. The process of integration of Roma pupils into mainstream schools and classes is supported by special assistant teachers. Over 4500 teachers have passed short training courses and acquired the skills to work in a culturally diverse educational environment. The PaDa stipulates that the prevention of all forms of discrimination is an obligation for each teacher. During 2012/2013 school year the “Amalipe” Center for inter-ethnic dialogue and tolerance together with more than 240 schools offered to over 5 400 pupils the opportunity to study Roma folklore. For children who are not fluent in Bulgarian, an additional teaching to advance in the language is provided in addition to the mandatory training. Curriculum includes a mandatory module for the preparatory group for training children whose family language is other than Bulgarian. Individual plans to study their mother tongue are also envisaged.

93. In 2013, the Center for EICPEM announced a project within the three-year programme (2013-2015), with the following objectives: ensuring the right to equal access to quality education, including through Roma children and students studying at ethnic mixed kindergartens and schools; conservation and development of the cultural identity of children and students from ethnic minorities; inclusion and involvement of Roma parents in the educational process and enhancing their participation in school life. Within the Center’s projects, 300 pedagogical specialists have been trained to work with multicultural environment and 1000 children and students from ethnic minority groups have been integrated into the educational system (kinder gardens and schools). For the school year 2013/2014, 101 groups with a total number of 1 542 students were formed, as part of the various forms of free elected preparation “Ethnic folklore-Roma folklore”.

94. As regards Roma, a “Scholarship programme for Roma students accepted in medical or other health related programmes” will be implemented. The provision of financial support aims to improve the qualification and education of Roma youths in the field of health care.

Measures to prevent drop-outs from school

95. In the NRPI of the „Europe 2020“ Strategy, among the National Objectives is the objective for the “relative share of early leavers of the educational system to drop to 11% by 2020 and the relative share of persons in the age group 30-34 with higher level of education to rise to 36% by 2020” . Due to the measures taken to prevent children from dropping out and leaving early the education system the number of drop-outs from school decreased from 6 680 in the 2009/2010 school year to 5 615 in 2010/2011.

96. The MES took a series of measures for preventing school dropout and reducing the share of early school leavers from the educational system. Within the projects “EICPEM” and

“RSDES³⁷” 172 contracts are concluded and implemented, a total amount of BGN 25 162 494.29.

97. The trend of the highest dropout occurring in the low secondary stage of primary education (V-VIII grades) sustained and a Strategy for RSSDEL³⁸ (2013-2020) was adopted. Among the policies and key measure is the requirement to ensure equal access to education and enhance the quality of education for children and students from vulnerable ethnic minorities. A Plan for Implementation of the Strategy until 2015 has been developed and adopted. An efficient measure for prevention of school dropouts is the linkage of payment of monthly child benefits until completion of secondary education.

98. Regarding access to kindergartens for all Roma children and the guarantees that “the curriculum in such kindergartens corresponds to the diverse needs and multi-lingual composition of the groups”, it should be pointed out that children of Roma origin usually do not enroll *en masse* in kindergartens, and this problem affects negatively their learning abilities in the first and following school grades. For the last year the school coverage of 5-year-olds has been increased to 20% (66% of municipalities were covered by the measure). For the 6-year olds the coverage is already over 97%. The number of Roma children covered by the mandatory two-year school-preparation training has also increased. The percentage of children enrolled in kindergartens in the school year 2011/2012 is 81.5%.

Housing

99. The Government has adopted a *NPIHCRRB (2005 – 2015)* complemented by APs. In the period 2009 – 2012, the activities within the National Programme were focused on the compilation of cadastre maps and registers as a basis for urban development plans. Opportunities for legalizing – where possible – of illegally built houses are also being seriously considered. Funds from the State budget are used for improving the existing and developing new technical infrastructure in Roma residential areas. In 2011, 16 759 Roma benefitted from the implemented projects amounting to BGN 740 million and enjoy currently better educational, social, cultural and physical infrastructure. For 2012, 30 930 Roma benefitted from projects with BGN 89 288 871 funding.

100. The project “SMSHVMSDGDGP³⁹” aims at addressing social inclusion of disadvantaged and vulnerable groups in the municipalities. The project is implemented with the financial assistance of the EU. According to the contracts concluded with the municipalities of Vidin, Dupnisa and Devnia, representatives of disadvantage groups, including Roma are intended to accommodate. Within the project integral measures, such as people living in social housing under the OPRD’s procedure are provided with so-called “Social package” – complementary services in four main areas – access to employment, access to education, social inclusion and measures for permanent desegregation are also applied.

Armenian minority

101. Community cultural clubs maintained by the Armenian, Roma, Turkish and Hebrew communities received State subsidies. Promoting the identity of the minority groups, including the Armenian community, by addressing their educational, religious and cultural needs is a standing commitment of the Bulgarian authorities. The authorities provide financial assistance for various events organized by representatives of ethnic minority groups such as cultural events, educational projects, extra-curricular education programmes.

102. *The Armenian School Association (ASA) "Stepanos Hovagimyan"*, is the organizer of many events dedicated to the preservation of the mother tongue, culture and traditions of the Armenian community. In 2011 the association chaired the Coordination Council of Armenian Organisations in Sofia. The temples of the Armenian Apostolic Church

in Plovdiv, Varna, Ruse and Silistra have the status of cultural heritage and are financially supported by the local authorities.

103. Armenian is studied as mother tongue in Bulgarian schools in Sofia, Plovdiv, Burgas. There are two municipal schools in Sofia where about 750 pupils of Armenian origin study Armenian four hours per week. In Plovdiv, there are about 350 pupils of Armenian origin studying Armenian. Armenian is also taught in other cities to groups of pupils attending Saturday and Sunday schools. Armenian language training courses are taught in the format of "Saturday School" for 16 years now. In 2011 the project of a "Saturday kindergarten" was also started. The Association works closely with school No.76 in Sofia conducting open lessons for school children studying the Armenian language.

Religious Freedoms

104. Freedom of religion is enshrined in the *Constitution*. There shall be no privileges or restriction of rights on the grounds of religion. The State shall ensure the necessary conditions for free and unhindered exercise of the right to freedom of religion, including through press and speech, establishment of religious communities and associations and participation in public activities. The *PC* criminalizes acts against freedom of religion and beliefs. Regarding hate speech, the amendments introduced to the *PC* have criminalized public incitement to violence or hate on religious grounds.

105. According to the *Religious Denominations Act* (RDA) the competence for registering religious communities is conferred on the Sofia City Court. The RDA is in conformity with UN core instruments on Human Rights. There is no discriminatory treatment in connection with the construction of places of worship of religious denominations in the country. Places of worship are constructed according to the standard procedure, provided for in the *Spatial Development Act*, and are not subject to any special requirements. According to the *Law on Local Government and Local Administration*, prayer houses of all faiths are exempt from property tax and garbage tax.

K. Fight against racism, xenophobia, hate speech and hate crimes: recommendations: 80.93, 80.42, 80.9, 80.84

106. The importance of forming positive attitudes towards citizens belonging to any ethnic group, and of addressing any prejudices in this regard, is well recognized in Bulgarian society. In this context, important measures have been taken to encourage the promotion of tolerance and cultural pluralism. The Bulgarian authorities consistently combat stereotypes and prejudices, if and when such are manifested against persons belonging to any ethnic, religious, linguistic or sexual minority group. The Bulgarian authorities closely monitor all alleged manifestations of racism and intolerance against any person on the territory of the State, and, where necessary, resolutely take steps to punish such acts.

107. Offences against national and racial equality are expressly criminalised under the *PC*. The principal characteristic of these offences is the racist or nationalistic motivation of the perpetrators. The penal sanctions provided for offences against national and racial equality demonstrate that the legislator treats these offences as presenting a high degree of social danger. They are all punished by different terms of deprivation of liberty and public reproach. Only in one case the law envisages probation as an alternative to the deprivation of liberty. In 2011, amendments have been introduced to the *PC* by adding new grounds of discrimination and specifically criminalizing public incitement to violence or hate on ethnic grounds. In

determining the penal sanction, the court takes into consideration, *inter alia*, the motives for the commitment of the act and if they include possible sexual orientation/gender identity motives it is considered as an aggravating circumstance.

108. The analysis of the statistical data clearly proves that there is a decrease in the number of the cases of hate speech in 2012 compared to the two previous years and increase in the number of the sentenced persons. In 2013, 13 pre-trial investigations were initiated, 3 indictments against four persons have been brought to court and 3 persons were sentenced.

Training

109. Implementing the MoU between the MoI and the OSCE/OHIHR, in March 2012 the first stage of the TAHCLE Programme – training of trainers on hate crimes for the law-enforcement was realized in the Academy of the MoI. A total of 50 MoI employees were trained. In the next stage of the Programme (2012 – 2014) the police officers underwent on-the-job training as part of the annual professional training programme. Bulgaria is the first state where the TAHCLE Programme has been fully implemented. The results are included in the training programmes of the Academy of MoI. A manual has been prepared which is used by the trainers in the conduct of professional on-the-job training for MoI employees.

Hate speech in media

110. The *Radio and Television Act* (RTA) of 2002 stipulates the “inadmissibility of broadcasts which incite to hatred on grounds of race, sex, religion or nationality”. The CEM in its capacity as an independent regulator has been given the task of supervising the activities of radio and television broadcasters for compliance with this Act and has the power to impose fines against the broadcasters in breach of the law and to revoke the broadcasting licenses. In the reported period CEM has examined several cases of RTA violations and in 4 of them has issued acts with punitive measures to the providers of media services. In 2014, the CEM monitored two TV programmes which admitted the factor “negativity” in their programme content, directed at specific ethnic groups, journalists and producers, other nationalities, political opponents, against people with different sexual orientation. The monitoring report was published on the website of the CEM.

111. The NRISRB (2012-2020) includes a special section «Media» which provides for the creation of conditions for equitable representation of the Roma community, changing the negative image of Roma and counter "hate speech" in the print and electronic media. The CPD also monitors and renders decisions on complaints and warnings of citizens, legal entities or organizations representing persons belonging to minority groups against media articles and reports containing ethnic intolerance and creating negative perceptions of minority groups.

L. Fight against all forms of violence: recommendations: 80.28, 80.60, 80.45, 80.46, 80.49, 80.35, 80.68, 80.21, 80.48, 80.50, 80.51, 80.52

Appropriate use of force by the police

Bulgaria accepted the recommendation on the premise that is not a serious and widespread problem.

112. In 2012 amendments to the *MIA* introduced the standard “absolute necessity” in the use of weapons, physical force and auxiliary devices by the police authorities. All training programs at the Academy of MoI have been updated accordingly. A new course “Police practices and human rights” has been introduced with an emphasis on the criteria of “absolute necessity” in the use of firearms, auxiliary means and physical force. In 2013-2014 a total of 134 police officers underwent this course. Six courses on Community Policing for 190 people were

also conducted. The professional on-the-job training also includes the issue of Rules regarding the use of firearms and auxiliary means.

113. In October 2014 a new project financed by the NFM has been started - Training of the law-enforcement on legal use of force, respecting the human rights and further enhancement of the skills for work in a multi-ethnic environment. A New Code of Ethics for the Behaviour of the Civil Servants of MoI was approved. The administrative mechanism for control includes the Inspectorate and the Human Resources Directorates.

114. During 2010-2014 period, a total of 152 new file cases and pre-trial proceeding have been reported for police violence, 36 prosecutorial statements have been filed at court. In 2013, 15 persons were brought to court and 5 persons were convicted for police violence. The investigations have been conducted in compliance with the procedural deadlines and time limits can be qualified as fast, efficient and independent. A mechanism allows the citizens to seek compensation if they have suffered damages from the irregular activities of the State authorities.

Gender-based violence

115. The Government has taken numerous measures for the elaboration of an adequate and effective policy aiming at combating this negative phenomenon, including legislative amendments. The Bulgarian authorities together with the national human rights institutions, relevant NGOs, many of them members of the Alliance for Protection against Domestic Violence, and media, carry out regular public campaigns and initiatives aimed at raising the general awareness of the phenomenon of domestic violence as a crime and increase the knowledge about the existing protection procedures. Such activities are regularly included in the annual *National Programme for PPDV*⁴⁰ funded by the State budget. The criminal sexual intercourse against the will of the victim is criminalized under the PC. The Draft of the new PC is also considering introducing the *ex officio* prosecution for all forms of domestic violence. In the period 2011-2013, for criminal sexual offences, a total of 2 558 new file cases and pre-trial proceeding have been reported, 1037 prosecutorial statements have been filed at court against 798 persons of whom 426 were sentenced.

On supporting victims of domestic violence (DV)

116. The website of MoI offers publicly accessible information intended for victims of domestic violence which is regularly updated. An Instruction for cooperation between MoI and MLSP for protection against domestic violence was approved and Methodological guidelines for the actions of the police authorities under the *LPDV* were approved.

117. There is a national 24-hour hotline for victims of DV. It is used by persons on issues directly linked to cases of domestic violence, trafficking of human beings, sexual violence, and other types of trauma. Support to the victims of DV has been also provided through the service called "Crisis Centre" (CC). This service can be also used by children - victims of violence, of trafficking in human beings, and run away children. A total of 15 CCs for children and adults operate around the country. In case of imminent danger, the SS provider cooperates with the local department of the MoI.

118. Support services are also provided in 66 Social Rehabilitation and Integration Centres /SRICs/ through activities of rehabilitation, social and legal consulting, development and implementation of individual programmes for social inclusion etc. SRICs work in cooperation with CCs. A regular dialog among governmental institutions and NGOs is established, participating actively in conferences, seminars, round table and TV programmes dealing with domestic violence.

119. In 2012 the NIJ has organized a distance-education course for magistrates on "The proceedings of imposing measures for protection against domestic violence". In the period January 2011 – August 2014 MoI have conducted a number of specific activities

directed towards the fight against DV. At regional level, together with NGOs, approximately 60 projects and preventive events have been organized and over 800 police officers underwent training. In the framework of the Programme DV and violence based on gender as part of the MoU between Norway and Bulgaria, a project for Improvement of the national legal framework in line with the standards of the CE and strengthening of the capacity of the competent institutions involved in cases of violence and violence based on gender has started. Budgets are designated annually for financing of projects for the realization of the activities for prevention and protection against DV. For the first time such financial means were provided in 2011 to 16 NGOs. In 2012 a total of 18 NGOs received financing of BGN 499 010.

120. In the reported period, a total of 5941 signals have been filed, 5711 proceedings and 917 pre-trial proceeding have been initiated jointly with the regional prosecutor's offices. Every Regional Directorate of the MoI has designated regional coordinators and at central level – there is a national coordinator on the problems of domestic violence. Every month the regional coordinators provide the national coordinator with information on the protection orders under LPDV issued by regional courts. The statistics show that in the period 2010 – 2013 approximately 1500 orders were issued every year. A total of 5335 victims of domestic violence have gone through the prevention centers, the centers for public support and the consultative centers and they have received appropriate support.

Violence against children

121. In March 2010, an inter-institutional Agreement for cooperation and coordination of the work of the territorial structures of the institutions of child protection in the cases of children being victims of violence and being at risk of violence and in crisis intervention was signed (National Coordination Mechanism against violence). As of 2013, teams for application of the Coordination Mechanism were set up and started operation. There are 15 CCs for children operating across the country and 4 CCs for children and adults. Successfully operates a national helpline for children 116 111. In September 2012 a uniform pan-European number 116 000 for missing children was introduced. Annually, the number of children or parents using the National helpline is increased.

122. In 2012, a *NP for the Prevention of Violence against Children for the period to 2014 was approved*. The NP includes three objectives - improving the effectiveness of measures for the protection of children from violence; extending the access and the types of services to work with children in cases of abuse and rehabilitation of children and families; improving the professional capacity of specialists working with children. In June 2014 was finalized the project for the creation of a National system for early alerts for abducted/missing in Bulgaria financed under the DAPHNE III Programme of the EC. The created system is open and other companies and organization can join in, providing support to the police activities in the distribution of information about the abducted/missing child.

123. In the framework of the Bulgarian-Swiss Programme for Cooperation and Development with a budget of BGN 1 192 000 and a time frame of 36 months, the Chief Directorate of the Criminal Police (CDCP) started a project Improvement of child protection and prevention of juvenile crime. So far a number of expert meetings have been conducted, the national police programme for police work in schools has been updated. A national database is being created for registration of the cases of juvenile crimes. The CDCP is implementing a project Improvement of the administrative capacity of the police officers for prevention of the sexual crimes against children. For the period of one year, 5 courses were conducted in the Academy of MoI on the topic of Specialized hearing of children who are victims or at risk of violence. A total of 115 police officers were trained. The course

programme was developed within the project Hear the Child together with experts from the Institute for Social Activities and Practices.

M. Rights of the persons deprived of their liberty: recommendations: 80.69, 80.47

124. With the amendments to the *Execution of Penalties and Detention Act* (EPDA) it is regulated that the minimum living area of a prisoner should be 4 square meters and should be achieved three years after the adoption of the Programme. Due to the economic and financial crisis the Programme for improving the living conditions in prisons has not been financially secured and therefore the implementation has been scheduled to commence in January 2019. The EPDA provides for full protection to persons serving jail sentences from torture, inhuman or degrading treatment. With the amendments to the Act criterion for such a treatment has been introduced. Legislative amendments that were enacted in December 2012 now guarantee that all detainees are health insured.

Budgetary issues

125. The capital expenditure allocated to the General Directorate Execution of Penalties (GDEP) in the State Budget Laws did not allow the undertaking of comprehensive actions for improvement of the living conditions in the prisons. Despite of the reduced budgetary funds in 2011 substantial refurbishments were made in the prisons in Sofia, Plovdiv, Vratsa, Stara Zagora and at the places of detention in Sofia and Bourgas. The prison in Vratsa and the detention place in Plovdiv for instance correspond to all European requirements. In 2012 the living conditions were improved and urgent refurbishment was made in the prisons in Lovech, Pazardzhik, Varna, Sliven, Stara Zagora, Smolyan and in the places of detentions in these towns. Despite the measures taken and reported positive trends, the physical conditions in Bulgarian prisons are still unsatisfactory in terms of established international standards, which impedes an effective corrective impact of punishment, provision of meaningful engagement, educational activities and corrective programmes.

Norwegian financial mechanism

126. The overall amount of the projects is EUR 10 million for the period 2013-2016. Project beneficiary is GDEP. In the framework of this mechanism three projects will be implemented, among them „Improving the standards in prisons and detention places through refurbishment of the infrastructure in order to guarantee the respect of human rights” with a total budget of EUR 5 620 780. Within the project “Improving the competence of the staff in the psychological selection and counseling” is working on the training of psychologists in the system of GDEP and using the good practices regarding psychodiagnosis, consultation and supervision.

127. For the renovation of the housing and the prison kitchen of the prisons in Lovech, Stara Zagora and Burgas, as well as for the overhaul of the prison hostel closed type in Troyan, have been allocated additional funds amounting to € 1 296 805.

128. The living conditions, a part of the detention premises were overhauled in the past years, while others were renovated with EC funding. The rest of the premises are being renovated step by step using funds from the MoI budget. The sanitary requirements are observed everywhere. In some settlements the premises have been enlarged due to suspension of the use of premises in bad condition. A number of improvements have been introduced to the 24-hour detention. The practice of civil monitoring has been introduced to the MoI structures. Audio and video devices have been mounted at the local police stations, the reception halls and at the detention places in all local police stations. The records, pursuant to

the general legislation, are stored within 30 days. By priority, it has been requested to provide video-surveillance equipment to the interrogation premises.

129. Within the project “Strengthening the implementation of probation measures in accordance with European standards and a system of electronic monitoring” is being created an inter-institutional network for supervision of offenders under electronic surveillance. Currently, 36 persons are placed under electronic monitoring, most of which are conditionally released of prison ahead of schedule. Of another 156 persons will be placed bracelets. A proposal to extend the target group towards inclusion of persons with remand measure “home arrest” is made.

Building a new prison

130. A Concept for management priorities was approved in May 2014. A draft programme for the development of the prisoner system was prepared. The competent authorities work with priority to find a suitable terrain for the construction of at least one close-type prison for about 1000 – 1 500 prisoners. The expert consultations on the location of a new prison and the opportunities for financing its construction are ongoing.

Staff training

131. Under the EPDA, a Council on Serving Jail Sentences has been set with the MJ. It is charged with organizing and conducting research, providing methodological instructions, preparing normative acts in connection with serving jail sentences and organizing courses for improving professional qualifications of officers. During the training the newly appointed officers get acquainted with the relevant international legal acts and the European legislation and with the reports and recommendations of the CAT. The on-the-job vocational training includes the topic of human rights with a focus on vulnerable groups and persons among the convicts, i.e. minors and foreigners. Courses for professional training of different duration have been delivered, depending on the jobs and areas of work. The CPD also carries out seminars, trainings programmes and workshops for Police, judiciary and prison officials.

Legal assistance

132. In relation to the access to a lawyer in the first 24 hours of police detention, the National Legal Assistance Bureau (NLAB), in cooperation with the Open Society Institute has launched a project entitled Mechanism for the Provision of Legal Assistance by Lawyers on Duty in the first 24 hours of police detention. In 2013 the project was completed successfully. The achieved results were regulated by Law on amending the LAA, in force from March 19, 2013. In cooperation with the Open Society Institute, a brochure on Detainee’s Rights was published and is available in the regional police stations. With the support of the MoI, the NLAB drafted guidelines to be followed by the pre-trial authorities.

N. Trafficking in persons: recommendations: 80.23, 80.53, 80.54, 80.109, 80.55, 80.56, 80.57, 80.61

Legal and Institutional Framework

133. *The Law on Countering Trafficking in Human Beings (LCTHB)* is enforced and the National Commission for Combating Human Trafficking (NCCHT)- a collective body with the Council of Ministers is fully operational. In the reported period, the strengthening of the capacity of the NCCHT has continued by the establishment of 3 new local commissions in the cities of Russe, Plovdiv and Blagoevgrad. Shelters for temporary housing of victims of human trafficking (HT) and specialized centres for protection and support of victims of HT have been build and equipped. Following the changes in the Security sector structure in the autumn of 2013 authorities that are competent in the fight against THB are: the Specialised

Directorate for Combatting Organised Crime at the State Agency for National Security (SDCOC-SANS) and the CDBP. The Council of Ministers adopts Annual National Programmes for prevention and counteraction of trafficking in human beings and protection of victims.

134. The NCCHT is the coordinator of the National Mechanism for Referral and Support of Trafficked Persons in Bulgaria (NRM). The Mechanism consists of three parts: Institutional framework, Leading principles of work and Standard Operating Procedures (SOPs). The State Agency for Child Protection (SACP) is the responsible institution and the coordinator of the Coordination mechanism for referral and care in cases of unaccompanied children and children - victims of trafficking returning from abroad. A National Council for assistance and compensation to victims of crime, including human trafficking is established and victims are entitled to free legal aid and compensation can be sought in criminal and civil proceedings. In 2011 a Network of volunteers to help victims of HT (including Roma leader's volunteers) has also been established with the National and Local Commissions and a special Academy for volunteers' trainings is annually organized.

135. On 27.09.2013 the Act amending and supplementing the PC entered into force, transposing into Bulgarian legislation Directive 2011/36/EU of the European Parliament and of the Council of 05.04.2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA. The application scope of the human trafficking offence was also extended in regard to human trafficking related to removal of tissue, body fluid or cell from the victim. Amendments and supplements were made in the LCTHB to extend the scope of persons to whom protection may be granted under the Act. The approach in defining the concept of "trafficking in human beings" was aligned in the PC, the LCTHB and the Child Protection Act.

Prevention activities

136. In partnership with local authorities, academic institutions and NGOs, various information campaigns have been launched to raise public awareness on the problem, to develop mechanisms for its confinement and to create public intolerance to the phenomenon within the risk groups of the population- women, children, ethnic minorities, unemployed and people on social aid. Special trainings for teachers on conducting interactive discussions on HT were carried out within the campaign "Human trafficking – time for action". Seminars for students were also organised. With the involvement of the business sector a Code of Conduct for Prevention of Trafficking and Sexual Exploitation of Children in Tourism has been developed. The project is implemented as a common effort by the SACP, the OSCE and NGOs. The specific vulnerability of the Roma is covered by the *National program for prevention and counteraction to human trafficking and protection of victims*.

137. In terms of prevention campaigns for labor exploitation, it should be highlighted that campaigns targeting seasonal work have been launched (for example, raising awareness about prevention from labor trafficking, as a consequence of the cases of picking blue berries in Sweden in 2013 and 2014). The NCCHT organises multidisciplinary trainings for police officers, prosecutors, judges and other officials working in the field of the fight against THB, including journalists, teachers and educational advisers, priests and etc. On the Fight against THB, the Academy of the MoI organizes courses for employees of the MoI. In fulfilment of the Annual Programme under the EEBF⁴¹, the CDBP organizes trainings for its servants. In the framework of the permanent on the job training THB subjects are included. Joint trainings are held at the NIJ, the Academy of the MoI and the Diplomatic Institute to the MFA.

Rehabilitation and social integration - Centres for victims

138. In the reported period the shelters for temporary accommodation of victims of trafficking and the CCs have continued to deliver appropriate assistance to the victims. There are currently 15 State funded CCs for children and adults located in 13 regions. Children between 6 and 18 years of age, victims of trafficking and/ or other violence are eligible for accommodation for up to 6 months. Women victims of trafficking, mainly for sexual exploitation, are accommodated in the two state shelters.

139. The SACP is implementing the Coordination mechanism for referral, care and protection of repatriated Bulgarian unaccompanied children – victims of trafficking, returning from abroad. Under this mechanism the SACP works on cases related with children who have become victims of HT for sexual/ labour exploitation or of migration processes as a result of the economic crises. In such cases the SACP has a right to present reasoned statement to the Minister of Interior for prohibition children to leave the country.

International cooperation in the field of combating trafficking

140. The bilateral and multilateral cooperation with the countries of destination, mainly from the EU, has been approved and the cooperation within Europol, Eurojust and the Bureau SIRENE has been further strengthened. Bulgaria is participating in JITs on THB with several EU MS (France, Germany, the Netherlands, etc.). Under the established practice in investigating cases of THB also a check is initiated for presence of crime activity relevant to money laundering.

141. The CDBP performs operational real-time exchange of information for possible victims and their traffickers with the police authorities of the EU MS. Common contact centres are established at the four of Bulgarian five borders through which a real-time information exchange is performed inclusive of cases on THB.

142. The NCCHT is the coordinator for a joint biannual project with France “Prevention of HT of persons belonging to ethnic minorities with focus on Roma in Bulgaria”. Guidelines on prevention of HT of persons belonging to Roma community have been published. NCCHT together with the Romanian Agency against Trafficking in Persons were partners in a project “Reducing the Number of Romanian and Bulgarian Victims Trafficked into Spain and Italy” and are currently working on the project “Integrated approach for prevention of labour exploitation in origin and destination countries”. Other partners of the project are NGOs from Greece and Cyprus, the MoI from Hungary and FYROM.

143. NCCHT is a partner of the French MFEA in the project “Development of Common Guidelines and Procedures for the identification of Victims of Trafficking”. Together with the MoI of Portugal, the NCCHT participates in the project “Towards Pan-European Monitoring of Trafficking in Human Beings”. In cooperation with the „Center Nadja” Foundation and the Greek NGO “The Smile of the Child” the project “VICTOR” is implemented. Partners of the project are international organizations and 15 government institutions and NGOs from 7 countries - Slovenia, Romania, Bulgaria, Greece, Serbia, Moldova and Ukraine. Bulgaria is among the leading countries in the implementation of EMPACT project of Europol, rated as one of the most successful to date.

144. Bulgaria hosted the Regional Conference on HT for labour exploitation in which representatives of nine European countries took part. Within the Danube Strategy, a Regional conference was held on combating trafficking in human beings. Eight countries from the Danube Region took part. The beginning of an exchange of ideas was set on the opportunities without duplicating efforts to develop projects with added value especially for the cooperation in the region. Bulgaria jointly with Spain, France, the Netherlands, Greece and Romania participates in the project “Elaborating Common Guidelines and Procedures on Identification of Victims of Trafficking in Human Beings”

145. During the 20th Session of the UN HRC Bulgaria and Greece have organized a joint event on HT. Experience of the two countries on prevention, protection, work on cases of human trafficking and other good practices were shared. The CE, in partnership with the NCCHT organized an International Conference on expert level "Making prevention work: Addressing the root causes of Human Trafficking in Europe". The conference has been recognized as a useful forum to share experience and to encourage the discussion for the different aspects of human trafficking with emphasis on the human rights and the international co-operation. Bulgaria actively participates in multidisciplinary and international forums and events for exchange of experience and good practices.

Investigation, prosecution and conviction of trafficking offenders

146. In the reported period, a total of 413 new file cases and pre-trial proceeding have been reported for HT, 241 prosecutorial statements have been filed at court and 322 were the sentenced persons. The official statistics provided by the Supreme Prosecutor's Office indicates that for 2013, 540 Bulgarian citizens victims of HT were identified, 476 out of which are women and 64 men.

O. Rights of the refugees and migrants: recommendations: 80.10, 80.99, 80.41

Legal framework

147. The status of migrants in Bulgaria is regulated by the *Foreigners in the Republic of Bulgaria Act /FRBA/* which stipulates the requirements for obtaining residence permit. According to the *Constitution* and to the FRBA the legally residing foreigners enjoy all rights, provided by the Constitution, except those that require Bulgarian citizenship. The national legal framework on refugees and migrants is harmonized with the EU legislation and is in line with the 1951 CSR and the OP thereto and guarantees efficient access to procedures for determining refugee status to persons requiring international protection. Amendments in the FRBA extended its scope to cover foreigners in need of international protection.

148. Since the summer of 2013, Bulgaria has been facing an increased pressure by mixed migration flows following the crisis in Syria. As a result of the sharp increase of the refugee flow at the end of 2013 an Operational plan was signed, providing expert, technical and operational assistance from EASO to Bulgaria. The ERF 2013 Annual program for Bulgaria was revised with emergency measures – 13 788 390 BGN. The financial assistance was primarily designed to increase the capacity of the Reception centers and improve the initial adaptation of the asylum seekers, but also to meet the minimum living conditions standards of the EU and UN in the newfound Regional Refugee Center (RRC). By 04.12.2014 the total number of persons accommodated in the centres of SAR, homes of MD and at external addresses in Bulgaria is 5209 persons. From 01 January 2014 to 04.12.2014 SAR has granted a total of 6455 humanitarian and refugee statuses.

149. The National Strategy for Integration of Beneficiaries of International Protection in the Republic of Bulgaria (2014-2020) was adopted in July 2014. The Strategy outlines the actions of the State institutions, the local authorities and NGOs, to create economic, social, political and cultural preconditions for successful integration of beneficiaries of international protection. The specific measures aimed at improving the access of persons granted protection to services and resources for development – jobs and income, education, health, living environment and infrastructure, adaptation to a new cultural environment. The strategy focuses on the people, granted international protection in the Republic of Bulgaria, including vulnerable persons with special needs, unaccompanied minors asylum seekers or refugees, with emphasis on the newly recognized one.

150. For the consolidation of the administrative capacity, improving the efficiency and quality of management of the work in the SAR, as well as to provide optimal conditions for the implementation of the RSDP the number of the Agency's staff increased by 50 positions and the employees in the RSDP doubled.

151. The CDBP cooperates actively with UNHCR and the Bulgarian Helsinki Committee on the basis of the Tripartite MoU. Representatives of UNHCR and BHC monitor all the borders and accommodation facilities for persons detained for 24 hours at the border. Access to these places is provided without prior notification or permission. Implementing the MoU, the UNHCR Representative in Bulgaria organizes training with the participation of representatives of SAR and of NGOs, as well as of psychologists. Special attention is given to the issues related to the respect of human rights and police ethics.

152. The Bulgarian institutions are undertaking different measures against the xenophobia in the society towards the refugees. In 2011 a media campaign was held, financed by the ERF and targeted at the creation of a favourable environment, supportive of the integration of refugees in the Bulgarian society. In 2013 and 2014, a joint declaration of the President and the Prime Minister were presented aiming at identifying measures against the xenophobia and racial hatred. Similar position against inciting hatred, xenophobia, violence and discrimination was expressed also by the academic community, non-governmental organizations and the media.

153. UNHCR provides information brochures on the procedures for the provision of protection in Bulgaria and on the rights of the persons seeking protection. These materials are issued in different languages and they are available in the Border Crossing Points and the accommodation facilities for the detained persons. Free legal consultations and qualified legal assistance is provided to foreigners seeking protection who are at the facilities for police detention in the structures of the CDBP. A mechanism has been established for accelerated transfer of foreigners from the vulnerable groups to the SAR. Interpreters from rare languages are provided, including, in case of necessity of medical and psychological consultation.

Improving the integration and standards of living of migrants and refugees

154. The measures taken have allowed Bulgaria to successfully contain the emergency situation and to avoid its turning into a real crisis. The living conditions in all existing accommodation places are being constantly improved. The progress is most visible in the reception centres (RC). A full-scale refurbishment was made in the two newly established accommodation centres in Sofia. New centres for more than 3 000 persons were opened. The RC of the SAR increased from 3 to 7. In 2014, the total capacity of the SAR for accommodation of asylum seekers reached 6,000 beds, meeting the minimum standards of the EU, with the possibility of an increase with up to 30%, but for a short period of time (1-2 months). There is a possibility refugees to be accommodated in municipal apartments in accordance with the *Municipal Property Law* and its by-laws. The refugees enjoy financial support to cover the rent and partially the monthly utilities.

155. An electronic registry for immediate registration of persons with special needs, vulnerable and unaccompanied minors seeking and receiving international protection was introduced. The development of integrated card system for information on admission, placement and care of applicants for international protection in the country has been started. With the help of NGOs professional help, tutoring and special intercultural training for unaccompanied minors seeking international protection in the country was organized.

156. During the integration period refugees acquire knowledge in Bulgarian language, in Bulgarian political system, in culture and professional training and enjoy a social protection package. The information on the integration process is available in English, Arabic, Persian

and Dari. Foreigners on the verge of adulthood /17-18 years/ receive a refugee status and can join the integration programme.

Employment

157. Having received a refugee status, asylum-seekers acquire equal rights with those of the Bulgarian citizens in the field of employment. The Law on Crafts provides for the opportunity foreigners, persons with refugee or humanitarian status who had practiced some craft abroad but cannot present documents to be allowed to stand an exam.

158. In 2012 the LBRDs registered 860 foreigners. Of all the registered persons 673 were women. The total number of foreigners who found employment, registered with the labour bureaus was 198 and 142 of them were women. In 2012 the Employment Agency together with the SAR organized a specialized job fair for refugees where 50 unemployed refugees established direct contacts with 6 employers for some 30 vacancies.

Education

159. The *Asylum and Refugees Act* and the *PEA* guarantee an opportunity for the children of refugees and migrant workers to attend Bulgarian schools under the same conditions as the Bulgarian children. A Bulgarian language curriculum has also been developed for teaching of migrant pupils at the primary education stage, taking account of the different degree to which the migrant pupils have command of standard Bulgarian. Teaching in Bulgarian language is financed by the MES.

160. In all territorial units of SAR care programs for preschool and school age children who seek or received international protection were organized. Assistance in legalization of documents, preparation for examination before the regional inspectorates of education, selection and enrollment for children over 6 years old, seeking or received international protection, located in the territorial units of SAR wishing to be involved in Bulgarian public school system is provided. With the help of NGOs professional help, tutoring and special intercultural training for unaccompanied minors seeking international protection in the country was organized. One of the RC was designated for unaccompanied children and women with children. In the center all unaccompanied minors seeking or received international protection are accommodated separately and they are subject of specialized care provided by the staff of the SAR.

Social Support

161. Assistance was provided for filling in and submitting documents to the SADs and receiving assistance, in accordance with the Bulgarian legislation, to families with children from Syria, Iraq, Iran, Somalia and Pakistan. In order to overcome the language barrier intermediary services are provided at the social services by the Integration Centre and by social mediators.

162. The SAR organized: vocational training after successful completion of Bulgarian language courses for receiving profession qualification degree; information meetings to inform mediation services offered by the Agency and specialized job fairs for direct marketing and negotiating jobs between employers and refugees; performing Joint projects with NGOs, volunteers and academic communities aimed at cultural adaptation and social orientation of asylum and those who received protection accommodated in the territorial units of SAR.

Health care

163. Foreigners who have been granted permanent residence in the Republic of Bulgaria receive medical care on an equal footing with Bulgarian citizens. Furthermore, children who have not attained the age of 18 years and older, if attending school as full-time

students, until completion of secondary or higher education are health-insured by the State Budget and entitled to free medical and social care.

P. Freedom of media: recommendation- 80.83

164. The National legislation ensures protection and conditions for promotion of competition and free economic initiative, including in media market. Several bodies monitor the situation on the market. The CPC is empowered to enforce the law, and its activities cover all requests on ascertaining infringements of free market competition.

165. Amendments to *the Law on the Mandatory Deposit of Copies of Printed and Other Works* introduced the requirement for all publishers of periodical printed media to submit a declaration in a standard form to the Ministry of Culture identifying the actual owner of the media. This amendment to the law sets in place a mechanism guaranteeing transparency of the ownership of the printed media, with a view to ensuring effective protection of fundamental rights of citizens.

166. In its licensing activity under the LRT, the CEM monitors compliance with the requirements regarding the transparency of the capital and property of the natural and legal persons applying for a radio and television broadcasting licence. CEM maintains a public register of legal entities controlling the management of media operators. A licence for radio and television broadcasting activities is granted according to a public procedure, setting non-discriminatory requirements to the applicants.

167. The PC does not specify crimes against journalists, however it provides for the possibility the court to consider as aggravating circumstance the graver social risk arising from maleficent violations of freedom of speech. Disaggregated data on crimes committed on the grounds of the exercise of a profession is not maintained. In the period 2011-2013 there is no information on lawsuits brought against perpetrators accused of murder or attempted murder of journalists in Bulgaria.

Q. Freedom of association and freedom of expression; recommendation – 80.85

168. The right of free expression and dissemination of opinion and the right to seek, receive and disseminate information are proclaimed in the Constitution, the ECHR and the ICCPR. The importance of these rights has been persistently emphasized in the practice of the Constitutional Court of the Republic of Bulgaria.

169. The right of peaceful assembly and association is fully guaranteed by the Constitution and the relevant legislation in Bulgaria to every person without discrimination in full conformity with Bulgaria's international legal obligations. There are no obstacles for the registration of political parties, provided that all the formal requirements of the PPA are met. These requirements are clear and applicable to everyone without exception and/or discrimination.

¹ MFA – Ministry of Foreign Affairs

² WGs – Working Groups

³ APs – Action Plans

⁴ NCMHR – National Coordinating Mechanism on Human Rights

⁵ ICESCR – International Covenant for Economic, Social and Cultural Rights

⁶ ICPPED – International Convention on Protection all Persons from Enforced Disappearance

⁷ NPM – National Preventive Mechanism

⁸ CM of the CE – Committee of Ministers of the Council of Europe

⁹ RROs – Regional Representatives Offices

¹⁰ IHRTs – International Human Rights Treaties

¹¹ € 1 = 1.95583 BGN

¹² LADI – Legal Aid Development and Improvement

¹³ SPOC – Supreme Prosecutor's Office of Cassation

¹⁴ SAPPO – Supreme Administrative Public Prosecutor's Office

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- ¹⁵ NSRBRI – National Strategy of the Republic of Bulgaria for Roma Integration
- ¹⁶ NPDRI – National Plan for Decade of Roma Inclusion
- ¹⁷ MoU – Memorandum of Understanding
- ¹⁸ NFM – Norwegian Financial Mechanism
- ¹⁹ NSPGE – National Strategy for Promotion of Gender Equality
- ²⁰ PEWM – Promotion of Equality between Women and Men
- ²¹ ESFs – European Structural Funds
- ²² HMRC – Homes for Mentally Retarded Children
- ²³ MSCHC – Medical and Social Care Homes for Children
- ²⁴ HCDPC – Homes for Children Deprived of Parental Care
- ²⁵ NAPE – National Action Plan on Employment
- ²⁶ In 2010, in the Council are represented 28 NGOs, in 2011 - 26 NGOs and in 2012 - 44 NGOs, including NGOs of citizens, belonging to the Armenian, Aromanian, Vlach, Jewish, Karakachan, Roma, Turkish communities as well as organizations working on minority issues.
- ²⁷ IWG – Intergovernmental Working Group
- ²⁸ NRISRB – National Roma Integration Strategy of the Republic of Bulgaria
- ²⁹ NRPRB – National Reform Programme of the Republic of Bulgaria
- ³⁰ FPIRBS – Framework Programme for Integration of Roma into the Bulgarian Society
- ³¹ SEICSEM – Strategy for Education of Children and Student from Ethnic Minorities
- ³² HSDPEM – Health Strategy for Disadvantaged Persons belonging to Ethnic Minorities
- ³³ NPIHCRRB – National Programme for Improvement of the Housing Conditions of Roma in the Republic of Bulgaria
- ³⁵ FMEEA – Financial Mechanism of the European Economic Area
- ³⁵ EICPEM – Educational Integration of Children and Pupils from Ethnic Minorities
- ³⁶ During the 2012/2013 school year the Center has supported 23 projects for educational integration of pupils from ethnic minority groups
- ³⁷ RSDES – Reintegration of School Dropouts in the Educational System
- ³⁸ RSSDESL – Reducing the Share of School Dropouts and Early School Leavers
- ³⁹ SMSHVMSDGDGP – Support of Modern Social Housing for Vulnerable, Minority and Socially Disadvantaged Groups as well as other Disadvantaged Population Groups
- ⁴⁰ PPDV – Prevention and Protection against Domestic Violence
- ⁴¹ EEBF – European External Borders Fund